

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**GULF ISLAND SHRIMP AND SEAFOOD II,
L.L.C.**

AI # 43182

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

* **Settlement Tracking No.**

* **SA-WE-25-0028**

*

*

* **Enforcement Tracking Nos.**

* **WE-CN-18-00253**

* **WE-CN-23-00397**

* **WE-PP-23-00823**

*

*

*

*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Gulf Island Shrimp and Seafood II, L.L.C. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a limited liability company that owns and/or operates a shrimp processing facility located in Dulac, Terrebonne Parish, Louisiana ("the Facility").

II

On October 5, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-18-00253 (Exhibit 1).

On July 20, 2023, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-23-00397 (Exhibit 2).

On July 3, 2024, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. WE-PP-23-00823 (Exhibit 3).

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of SEVENTEEN THOUSAND FIVE HUNDRED FIFTY AND NO/100 DOLLARS (\$17,550.00), of which Two Thousand Five Hundred Fifty-Two and 34/100 Dollars (\$2,552.34) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. [If no BEPs are included in the settlement, but money is to be paid, add the following statement: The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, Notice of Potential Penalty and this Settlement Agreement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This Settlement Agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and Settlement Agreement, the Department considered the factors for issuing civil penalties set forth in La. R.S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Terrebonne Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

An initial payment of \$4,387.50 is to be made on the 15th of the month following notice of the Secretary's signature, a payment of \$228.50 on the 15th of the following month, and 58 payments of \$223.00 on the 15th of each month thereafter. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement Agreement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

GULF ISLAND SHRIMP AND SEAFOOD
II, L.L.C.

BY:

(Signature)

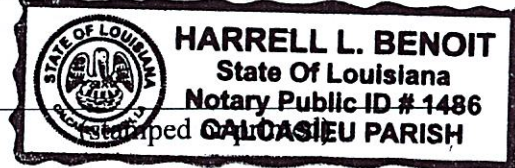
(Printed)

TITLE:

THUS DONE AND SIGNED in duplicate original before me this 2 day of,

July, 20 25, at Lake Charles, Louisiana

Harrell L. Benoit
NOTARY PUBLIC (ID # 1486)

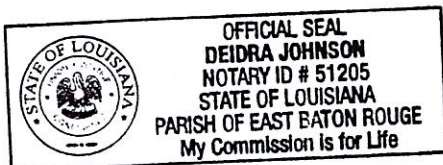


LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY
Courtney J. Burdette, Secretary

BY:

Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 24th day of
October, 20 25, at Baton Rouge, Louisiana.



Deidra Johnson
NOTARY PUBLIC (ID # 51205)

(stamped or printed)

Approved:

Jerrie "Jerry" Lang, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				 DEQ LOUISIANA	
CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY					
Enforcement Tracking No.	WE-CN-18-00253	Certified Mail No.	7017 0530 0000 5978 7285		
Agency Interest (AI) No.	43182	Contact Name	Kevin Foy		
Alternate ID No.	LA0090913	Contact Phone No.	(225) 219-3485		
Respondent:	Gulf Island Shrimp and Seafood II, L.L.C.	Facility Name:	Scottco Plant		
	c/o Bill Collings	Physical Location:	8947 Shrimpers Row		
	Agent for Service of Process				
	3434 Common Street	City, State, Zip:	Dulac, Louisiana 70353		
	Lake Charles, Louisiana 70607	Parish:	Terrebonne Parish		
This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).					
FINDINGS OF FACT					
<i>An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.</i>					
I.	The Respondent owns and/or operates a shrimp processing facility located at 8947 Shrimpers Row, Dulac, Terrebonne Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0090913 on October 11, 2010, with an effective date of November 1, 2010 and an expiration date of October 31, 2015. The Department received a permit renewal application from the Respondent on May 27, 2015 and LPDES permit LA0090913 was administratively continued until it was reissued on January 20, 2017, with an effective date of March 1, 2017. LPDES Permit LA0090913 will expire on February 28, 2022. Under the terms and conditions of LPDES Permit LA0090913, the Respondent is permitted to discharge shrimp process water and treated sanitary wastewater into Bayou Grand Caillou (120502), all waters of the state.				
	Date of Violation	Description of Violation			
II.	Inspection(s) & File Review 1/31/18 7/31/18	The Respondent failed to comply with LPDES permit LA0090913. Specifically, between January 2015 and June 2018, the Respondent reported exceedances of permit effluent limitations for BOD5 and TSS as summarized in Table 1. (LA0090913 (Before March 1, 2017, Effluent Limitations and Monitoring Requirements, Pages 1-4 of 4, After March 1, 2017, Effluent Limitations and Monitoring Requirements, Pages 1 and 3 of 7, and Standard Conditions A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)			
III.	File Review 7/31/18	The Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner as indicated with an asterisk in Table 1. The Respondent is required to submit monthly and quarterly DMRs no later than the 28th day of the month following each quarterly monitoring period. (LA0090913 (Before March 1, 2017, Submittal/Action Requirements, Pages 4 and 5 of 5, After March 1, 2017, Effluent Limitations and Monitoring Requirements 5-1, Pages 1 and 3 of 7, and Standard Conditions, Parts A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)			
IV.	File Review 7/31/18	The Respondent failed to sample the effluent from Outfall 002 on a quarterly basis as required by LPDES Permit LA0090913. Specifically, for quarter 2 of 2015 and quarters 1 and 4 of 2017, no samples were taken as shown in Table 1. (LA0090913 (Before March 1, 2017, Effluent Limitations and Monitoring Requirements, Pages 1-4 of 4, After March 1, 2017, Effluent Limitations and Monitoring Requirements, Pages 1 and 3 of 7, and Standard Conditions A.2, La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)			
V.	File Review 7/31/18	A file review conducted by the Department revealed that the Respondent failed to timely reapply for a permit 180 days before the expiration date of the permit. (La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2501.D)			
ORDER					
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:					
I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.				
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER . This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.				
III.	In the event the Respondent believes that complete correction of the above-cited deficiencies is not physically possible within thirty (30) days, the Respondent shall submit, within thirty (30) days after receipt of this COMPLIANCE ORDER , a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.				
RIGHT TO APPEAL					
I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER .				
II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper left-hand corner of the first page of this document and should be directed to the address specified in this document.				

EXHIBIT

1

.5210082

III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law's (DAL) Procedural Rules. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.				
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.				
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.				
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.				
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.				
NOTICE OF POTENTIAL PENALTY					
I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.				
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kevin Foy at (225) 219-3485 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .				
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.				
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.				
CONTACTS AND SUBMITTAL OF INFORMATION					
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kevin Foy </td> <td style="width: 50%; vertical-align: top;"> Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-18-00253 Agency Interest No. 43182 </td> </tr> <tr> <td style="vertical-align: top;"> Water Permits Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division </td> <td style="vertical-align: top;"> Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802 </td> </tr> </table>		Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kevin Foy	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-18-00253 Agency Interest No. 43182	Water Permits Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kevin Foy	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-18-00253 Agency Interest No. 43182				
Water Permits Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802				
HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY					
• To appeal the CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY. • To request closure of the COMPLIANCE ORDER portion, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form and returning it to the address specified. ○ Before requesting closure of the COMPLIANCE ORDER portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees. • To expedite closure of the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. ○ The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. ○ The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis. ○ The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer. ○ DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.					

- o Before requesting closure of the **NOTICE OF POTENTIAL PENALTY** portion, please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or Kevin.Foy@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: 10-5-18

Attachment(s)

- Request to Close

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE			
Enforcement Tracking No.		WE-CN-18-00253		Contact Name		Kevin Foy	
Agency Interest (AI) No.		43182		Contact Phone No.		(225) 219-3485	
Alternate ID No.		LA0090913					
Respondent:		Gulf Island Shrimp and Seafood II, L.L.C.		Facility Name:		Scottco Plant	
		c/o Bill Collings		Physical Location:		8947 Shrimpers Row	
		Agent for Service of Process		City, State, Zip:		Dulac, Louisiana 70353	
		3434 Common Street		Parish:		Terrebonne Parish	
Lake Charles, Louisiana 70607							
STATEMENT OF COMPLIANCE							
STATEMENT OF COMPLIANCE						Date Completed	
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER .							
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER . Final compliance was achieved as of:							
SETTLEMENT OFFER (OPTIONAL)							
(check the applicable option)							
☐ The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.							
☐ In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-18-00253), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.							
☐ In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-18-00253), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.							
☐ The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-18-00253) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.							
CERTIFICATION STATEMENT							
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i>							
Respondent's Signature		Respondent's Printed Name		Respondent's Title			
Respondent's Physical Address				Respondent's Phone #		Date	
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:							
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kevin Foy							

If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or Kevin.Foy@la.gov.

Table 1: Permit Effluent Excursions

Monitoring Period	Outfall	Parameter	Permit Limit	Measured Value
January 2015 *	001	-	-	-
February 2015 *	001	BOD ₅	750 lbs/day Monthly Avg	1,369.0 lbs/day
March 2015 *	001	BOD ₅	750 lbs/day Monthly Avg	1,125.8 lbs/day
Jan-Mar 2015 *	002	TSS	45 mg/L Daily Max	52 mg/L
			30 mg/L Monthly Avg	52 mg/L
Apr-Jun 2015	002	ns	ns	ns
August 2015	001	BOD ₅	750 lbs/day Monthly Avg	961 lbs/day
Jul-Sep 2015	002	pH	6 min – 9 max	5.65
November 2015	001	BOD ₅	750 lbs/day Monthly Avg	862.4 lbs/day
December 2015	001	BOD ₅	750 lbs/day Monthly Avg	848.2 lbs/day
Oct-Dec 2015	002	BOD ₅	30 mg/L Monthly Avg	39 mg/L
		TSS	45 mg/L Daily Max	52 mg/L
			30 mg/L Monthly Avg	52 mg/L
May 2016	001	BOD ₅	750 lbs/day Monthly Avg	830.5 lbs/day
Apr-Jun 2016	002	BOD ₅	45 mg/L Daily Max	46 mg/L
			30 mg/L Monthly Avg	46 mg/L
		TSS	45 mg/L Daily Max	50 mg/L
			30 mg/L Monthly Avg	50 mg/L
Jul-Sep 2016	002	BOD ₅	45 mg/L Daily Max	66 mg/L
			30 mg/L Monthly Avg	66 mg/L
		TSS	30 mg/L Monthly Avg	36 mg/L
			43 col/100 mL Daily Max	>6,000 col/100 mL
			14 col/100 mL Mo Avg	>6,000 col/100 mL
October 2016 *	001	TSS	300 lbs/day Monthly Avg	346.7 lbs/day
November 2016 *	001	-	-	-
December 2016 *	001	BOD ₅	750 lbs/day Monthly Avg	918.7 lbs/day
Oct-Dec 2016 *	002	TSS	45 mg/L Daily Max	76 mg/L
			30 mg/L Monthly Avg	76 mg/L
January 2017 *	001	-	-	-
February 2017 *	001	-	-	-
March 2017 *	001	-	-	-
Jan-Mar 2017 *	002	ns	ns	ns
Apr-Jun 2017	002	TSS	45 mg/L Daily Max	48 mg/L
			30 mg/L Monthly Avg	48 mg/L
July 2017 *	001	-	-	-
August 2017 *	001	-	-	-
September 2017 *	001	BOD ₅	2205 lbs/day Daily Max	2248.8 lbs/day
			875 lbs/day Monthly Avg	1380.1 lbs/day
Jul-Sep 2017 *	002	-	-	-
October 2017 *	001	-	-	-
November 2017 *	001	BOD ₅	2205 lbs/day Daily Max	2675.9 lbs/day
			875 lbs/day Monthly Avg	1677.6 lbs/day

*: DMR's submitted late.

ns: no sample taken

Table 1: Permit Effluent Excursions Continued

Monitoring Period	Outfall	Parameter	Permit Limit	Measured Value
December 2017 *	001	BOD ₅	875 lbs/day Monthly Avg	1979.1 lbs/day
Oct-Dec 2017 *	002	ns	ns	ns
Apr-Jun 2018	002	TSS	30 mg/L Monthly Avg	32 mg/L

*: DMR's submitted late.

ns: no sample taken

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY			
Enforcement Tracking No.	WE-CN-23-00397	Certified Mail No.	7021 1970 0000 3978 8763		
Agency Interest (AI) No.	43182	Contact Name	Kevin Foy		
Alternate ID No.	LA0090913	Contact Phone No.	(225) 219-3485		
Respondent:	Gulf Island Shrimp and Seafood II, LLC. c/o Thomas Gayle Agent for Service of Process 713 Kirby Street Lake Charles, LA 70602	Facility Name:	Scottco Plant		
		Physical Location:	8947 Shrimpers Row		
		City, State, Zip:	Dulac, LA 70353		
		Parish:	Terrebonne		
This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).					
FINDINGS OF FACT					
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.					
I.	The Respondent owns and/or operates a shrimp processing facility located at 8947 Shrimpers Row, Dulac, Terrebonne Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0090913 on January 20, 2017, with an effective date of March 1, 2017 and an expiration date of February 28, 2022. The Department received a renewal application on or about March 15, 2021, and LPDES Permit LA0090913 was administratively continued until it was reissued on June 20, 2022, with an effective date of August 1, 2022. LPDES Permit LA0090913 will expire on July 31, 2027. Under the terms and conditions of LPDES Permit LA0090913, the Respondent is permitted to discharge shrimp process water and treated sanitary wastewater into Bayou Grand Caillou (120502), waters of the state. Effective January 1, 2013, the Respondent was automatically covered under the Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 The Respondent was issued COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-18-00253 on October 5, 2018. The Department received a written response to COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-18-00253 on or about August 28, 2019. The Respondent did not request an adjudicatory hearing for this enforcement action; therefore, COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-18-00253 is a final action of the Department and is not subject to further review.				
	Date of Violation	Description of Violation			
II.	File Review 7/19/2023	The Respondent failed to comply with LPDES Permit LA0090913. Specifically, a review of Discharge Monitoring Reports (DMRs) for monitoring periods from July 2018 through March 2023 revealed that the Respondent reported exceedances of permit effluent limitations for pH, TSS, BOD5, Fecal Coliform, and Enterococci as shown in Table 1. (LA0090913 (Before August 1, 2022: Effluent Limitations and Monitoring Requirements, pages 1-4 of 7; On or after August 1, 2022: Effluent Limitations and Monitoring Requirements, pages 1-4 of 7; and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D)			
III.	File Review 7/19/2023	The Respondent failed to sample the effluent from Outfalls 001 and 002 on a monthly and quarterly basis as required by LPDES Permit LA0090913. Specifically: a. The Respondent failed to sample for total nitrogen and total phosphorous for Outfall 001 during the quarterly monitoring period of July 2022 through September 2022. b. The Respondent failed to sample for BOD5, pH, TSS, and oil & grease and failed to estimate flow for Outfall 001 during the monthly monitoring period of December 2022. The Respondent was required by LPDES Permit LA0090913 to sample from Outfall 001 for the above parameters twice per month. However, only one sample was taken during the December 2022 monitoring period. c. The Respondent failed to sample for BOD5, TSS, pH, and fecal coliform and failed to estimate flow for Outfall 002 during the quarterly monitoring periods of July 2018 through September 2018, January 2019 through March 2019, January 2021 through March 2021, and April 2022 through June 2022. d. The Respondent failed to sample for BOD5, TSS, pH, fecal coliform, and enterococci and failed to estimate flow for Outfall 002 during the monthly monitoring period of August 2022. In addition, the Respondent failed to sample for enterococci during the monthly monitoring period of September 2022. (LA0090913 (Before August 1, 2022: Effluent Limitations and Monitoring Requirements, pages 1-4 of 7; On or after August 1, 2022: Effluent Limitations and Monitoring Requirements, pages 1-4 of 7; and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)			
IV.	File Review 7/19/2023	The Respondent failed to submit annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms for the years of 2018 through 2022. (LAJ660000 (Part II, Section C and Part III, Section A.1), La. R.S. 2076(A)(3), and LAC 33:IX.7313.A.2)			
ORDER					
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:					
I.	To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.				

EXHIBIT

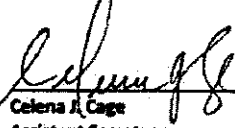
2

tabbles

II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER . This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , annual sewage sludge reports for the years of 2018 through 2022.
RIGHT TO APPEAL	
I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER .
II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper left-hand corner of the first page of this document and should be directed to the address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law's (DAL) Procedural Rules. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.
NOTICE OF POTENTIAL PENALTY	
I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kevin Foy at (225) 219-3485 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached " CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE " form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY portion but no later than ninety (90) days of achieving compliance with the COMPLIANCE ORDER portion. The Respondent must include a justification of the offer. DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
V.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

CONTACTS AND SUBMITTAL OF INFORMATION	
Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kevin Foy	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-23-00397 Agency Interest No. 43182
Water Permits Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY	
- To appeal the CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY. - To request closure of the COMPLIANCE ORDER portion, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form and returning it to the address specified. - Before requesting closure of the COMPLIANCE ORDER portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees. - To expedite closure of the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. - The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis. - The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer. DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. - Before requesting closure of the NOTICE OF POTENTIAL PENALTY portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.	

If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or Kevin.Foy@la.gov.


Celena A. Cage
Assistant Secretary
Office of Environmental Compliance

Date: 07/20/2023

ecc: Public Health Chief Engineer
Office of Public Health
Department of Health

Attachment(s)

- Request to Close
- Table 1
- Settlement Brochure

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE			
Enforcement Tracking No.	WE-CN-23-00397		Contact Name	Kevin Foy			
Agency Interest (AI) No.	43182		Contact Phone No.	(225) 219-3485			
Alternate ID No.	LA0090913						
Respondent:	Gulf Island Shrimp and Seafood II, LLC		Facility Name:	Scottco Plant			
	c/o Thomas Gayle		Physical Location:	8947 Shrimpers Row			
	Agent for Service of Process						
	713 Kirby Street		City, State, Zip:	Dulac, LA 70353			
	Lake Charles, LA 70602		Parish:	Terrebonne			
STATEMENT OF COMPLIANCE							
STATEMENT OF COMPLIANCE				Date Completed	Copy Attached?		
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.							
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.							
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:							
SETTLEMENT OFFER (OPTIONAL)							
(check the applicable option)							
☐ The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.							
☐ In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-23-00397), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.							
☐ In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-23-00397), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.							
☐ The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-23-00397) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.							
CERTIFICATION STATEMENT							
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i>							
Respondent's Signature		Respondent's Printed Name		Respondent's Title			
Respondent's Physical Address				Respondent's Phone #		Date	
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:							
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kevin Foy							

If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or Kevin.Foy@la.gov.

Table 1: Permit Effluent Limit Exceedances

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
08/30/2018	002-Q	Solids, total suspended — MO AVG	30	32	mg/L
08/30/2019	002-Q	pH — INST MIN	6	4.7	SU
09/30/2019	002-Q	BOD, 5-day, 20 deg. C — MO AVG	30	105	mg/L
09/30/2019	002-Q	BOD, 5-day, 20 deg. C — DAILY MX	45	105	mg/L
09/30/2019	002-Q	Solids, total suspended — MO AVG	30	70	mg/L
09/30/2019	002-Q	Solids, total suspended — DAILY MX	45	70	mg/L
11/30/2019	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1330.2	lb/d
12/31/2019	002-Q	Solids, total suspended — MO AVG	30	35	mg/L
03/31/2020	002-Q	BOD, 5-day, 20 deg. C — MO AVG	30	186	mg/L
03/31/2020	002-Q	BOD, 5-day, 20 deg. C — DAILY MX	45	186	mg/L
03/31/2020	002-Q	Coliform, fecal general — MOAV GEO	14	>4839.2	#/100mL
03/31/2020	002-Q	Coliform, fecal general — DAILY MX	43	>4839.2	#/100mL
06/30/2020	002-Q	pH — INST MIN	6	4.13	SU
09/30/2020	002-Q	pH — INST MIN	6	3.2	SU
12/31/2020	002-Q	pH — INST MIN	6	3.49	SU
01/31/2021	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1189	lb/d
03/31/2021	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1210	lb/d
06/30/2021	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1050.8	lb/d
06/30/2021	002-Q	pH — INST MIN	6	5.2	SU
06/30/2021	002-Q	Solids, total suspended — MO AVG	30	142	mg/L
06/30/2021	002-Q	Solids, total suspended — DAILY MX	45	142	mg/L
07/31/2021	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1457.2	lb/d
08/31/2021	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1612.3	lb/d
12/31/2021	002-Q	BOD, 5-day, 20 deg. C — MO AVG	30	35	mg/L
12/31/2021	002-Q	pH — INST MIN	6	4.35	SU
12/31/2021	002-Q	Solids, total suspended — MO AVG	30	50	mg/L
12/31/2021	002-Q	Solids, total suspended — DAILY MX	45	50	mg/L
03/31/2022	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1001.8	lb/d
03/31/2022	002-Q	BOD, 5-day, 20 deg. C — MO AVG	30	32	mg/L
03/31/2022	002-Q	pH — INST MIN	6	5.69	SU
04/30/2022	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1463.2	lb/d
06/30/2022	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1741.4	lb/d
08/31/2022	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	2008.6	lb/d
09/30/2022	002-A	pH — INST MIN	6	4.55	SU
09/30/2022	002-A	Solids, total suspended — MO AVG	30	44	mg/L

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
10/31/2022	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1051.8	lb/d
10/31/2022	001-A	Solids, total suspended — MO AVG	350	372.3	lb/d
10/31/2022	002-A	BOD, 5-day, 20 deg. C — MO AVG	30	158	mg/L
10/31/2022	002-A	BOD, 5-day, 20 deg. C — DAILY MX	45	158	mg/L
11/30/2022	001-A	BOD, 5-day, 20 deg. C — MO AVG	875	1040.8	lb/d
11/30/2022	002-A	pH — INST MIN	6	3.25	SU
11/30/2022	002-A	Solids, total suspended — MO AVG	30	58	mg/L
11/30/2022	002-A	Solids, total suspended — DAILY MX	45	58	mg/L
12/31/2022	002-A	pH — INST MIN	6	3.79	SU
12/31/2022	002-A	Solids, total suspended — MO AVG	30	54	mg/L
12/31/2022	002-A	Solids, total suspended — DAILY MX	45	54	mg/L
01/31/2023	002-A	pH — INST MIN	6	2.8	SU
01/31/2023	002-A	Solids, total suspended — MO AVG	30	44	mg/L
02/28/2023	002-A	pH — INST MIN	6	5.76	SU
02/28/2023	002-A	Solids, total suspended — MO AVG	30	33	mg/L
03/31/2023	002-A	BOD, 5-day, 20 deg. C — MO AVG	30	46	mg/L
03/31/2023	002-A	BOD, 5-day, 20 deg. C — DAILY MX	45	46	mg/L
03/31/2023	002-A	Enterococci — MOAV GEO	35	224.7	CFU/100mL
03/31/2023	002-A	Enterococci — DAILY MX	135	224.7	CFU/100mL

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
DEGREE OF RISK/IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000 \$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000 \$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500 \$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in <u>EDMS</u> using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
Settlement Agreements	<u>Enforcement Division's website</u> specific examples can be provided upon request
Penalty Determination Method	<u>LAC 33:1 Chapter 7</u>
Beneficial Environmental Projects	<u>LAC 33:1 Chapter 25</u> <u>FAQs</u>
Judicial Interest.....	<u>provided by the Louisiana State Bar Association</u>



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	WE-PP-23-00823	Certified Mail No.	7003 2260 0001 2747 7280	
Agency Interest (AI) No.	43182	Contact Name	Kevin Foy	
Alternate ID No.	LA0090913	Contact Phone No.	(225) 219-3485	
Respondent:	Gulf Island Shrimp and Seafood II, LLC	Facility Name:	Scottco Plant	
	c/o Thomas Gayle	Physical Location:	8947 Shrimpers Row	
	Agent for Service of Process	City, State, Zip:	Dulac, LA 70353	
	713 Kirby Street	Parish:	Terrebonne	
	Lake Charles, LA 70602			
This NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and 30:2050.3(B).				
FINDINGS OF FACT				
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.				
I.	The Respondent owns and/or operates a shrimp processing facility located at 8947 Shrimpers Row, Dulac, Terrebonne Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0090913 on January 20, 2017, with an effective date of March 1, 2017 and an expiration date of February 28, 2022. The Department received a renewal application on or about March 15, 2021, and LPDES Permit LA0090913 was administratively continued until it was reissued on June 20, 2022, with an effective date of August 1, 2022. LPDES Permit LA0090913 will expire on July 31, 2027. On or about May 10, 2024, the Department received a Notification of Change Form (NOC-1) requesting the transfer of LPDES Permit LA0090913. As of the file review date, the transfer of LPDES Permit LA0090913 is under Department review. Under the terms and conditions of LPDES Permit LA0090913, the Respondent is permitted to discharge shrimp process water and treated sanitary wastewater into Bayou Grand Caillou (120502), waters of the state. Effective January 1, 2013, the Respondent was automatically covered under the Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000. The Respondent was issued COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-18-00253 on October 5, 2018. The Department received a written response to COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-18-00253 on or about August 28, 2019. The Respondent did not request an adjudicatory hearing for this enforcement action; therefore, COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-18-00253 is a final action of the Department and is not subject to further review. The Respondent was issued COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-23-00397 on July 20, 2023. The Department received a written response to COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-23-00397 on or about September 7, 2023. The Respondent did not request an adjudicatory hearing for this enforcement action; therefore, COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-23-00397 is a final action of the Department and is not subject to further review.			
	Date of Violation	Description of Violation		
II.	Inspection(s) & File Review 5/25/2023 6/26/2024	The Respondent failed to comply with LPDES Permit LA0090913. Specifically, a review of Discharge Monitoring Reports (DMRs) submitted for monitoring periods between April 2023 and December 2023 revealed that the Respondent reported exceedances of permit effluent limitations for pH, TSS, BODs, Fecal Coliform, and Enterococci as shown in Table 1. (LA0090913 (Effluent Limitations and Monitoring Requirements, pages 1-4 of 7; and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D)		
III.	Inspection(s) 5/25/2023	The Respondent failed to utilize appropriate quality assurance procedures. Specifically, a review of chain of custody forms for samples collected from July 1, 2019, through July 28, 2023, revealed that collected samples were not preserved as shown in Table 2. In addition, the Respondent failed to analyze pH within the fifteen (15) minute holding time for all pH samples collected from July 1, 2019, through July 28, 2023. (LA0090913 (Standard Conditions, Sections A.2, B.3.a, and C.5.a), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.J.4, and LAC 33:IX.2701.E)		
IV.	File Review 6/26/2024	The Respondent failed to submit an annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for the year of 2023. (LAJ660000 (Part II, Section C and Part III, Section A.2), La. R.S. 2076(A)(3), and LAC 33:IX.7313.A.2)		
NOTICE OF POTENTIAL PENALTY				
I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.			
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kevin Foy at (225) 219-3485 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.			

EXHIBIT

3

5210000

- III. The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
- IV. For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.
- V. The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
- VI. To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Water Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821
Attn: Kevin Foy

Physical Address (if hand delivered):

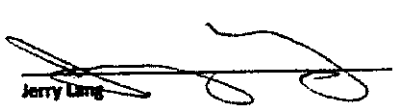
Department of Environmental Quality
602 N Fifth Street
Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY

To expedite closure of the **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.

- The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer.
- **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
- Before requesting closure of this **NOTICE OF POTENTIAL PENALTY**, please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or Kevin.Foy@la.gov.


Jerry Lang

Assistant Secretary

Office of Environmental Compliance

Date: 7/3/24

Attachment(s)

- Request to Settle
- Table 1
- Table 2

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE (OPTIONAL)		
Enforcement Tracking No.	WE-PP-23-00823	Contact Name	Kevin Foy	
Agency Interest (AI) No.	43182	Contact Phone No.	(225) 219-3485	
Alternate ID No.	LA0090913			
Respondent:	Gulf Island Shrimp and Seafood II, L.L.C.	Facility Name:	Scottco Plant	
	c/o Thomas Gayle	Physical Location:	8947 Shrimpers Row	
	Agent for Service of Process	City, State, Zip:	Dulac, LA 70353	
	713 Kirby Street	Parish:	Terrebonne	
Lake Charles, LA 70602				
SETTLEMENT OFFER (OPTIONAL)				
(check the applicable option)				
☐	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.			
☐	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-PP-23-00823), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
☐	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-PP-23-00823), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ • <u>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-</u> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.			
☐	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-PP-23-00823) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
CERTIFICATION STATEMENT				
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i>				
Respondent's Signature		Respondent's Printed Name		Respondent's Title
Respondent's Physical Address		Respondent's Phone #		Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kevin Foy				

If you have questions or need more information, you may contact Kevin Foy at (225) 219-3485 or Kevin.Foy@la.gov

Table 1: Permit Effluent Limit Exceedances

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
04/30/2023	002-A	pH -- INST MIN	6	3.64	SU
04/30/2023	002-A	Solids, total suspended -- MO AVG	30	62	mg/L
04/30/2023	002-A	Solids, total suspended -- DAILY MX	45	62	mg/L
05/31/2023	002-A	BOD, 5-day, 20 deg. C -- MO AVG	30	63	mg/L
05/31/2023	002-A	BOD, 5-day, 20 deg. C -- DAILY MX	45	63	mg/L
05/31/2023	002-A	Solids, total suspended -- MO AVG	30	188	mg/L
05/31/2023	002-A	Solids, total suspended -- DAILY MX	45	188	mg/L
06/30/2023	002-A	BOD, 5-day, 20 deg. C -- MO AVG	30	40	mg/L
06/30/2023	002-A	pH -- INST MIN	6	5.22	SU
06/30/2023	002-A	Solids, total suspended -- MO AVG	30	32	mg/L
07/31/2023	001-A	BOD, 5-day, 20 deg. C -- MO AVG	875	1417.1	lb/d
07/31/2023	002-A	BOD, 5-day, 20 deg. C -- MO AVG	30	138	mg/L
07/31/2023	002-A	BOD, 5-day, 20 deg. C -- DAILY MX	45	138	mg/L
07/31/2023	002-A	Solids, total suspended -- MO AVG	30	35	mg/L
07/31/2023	002-A	Enterococci -- MOAV GEO	35	>2419.6	CFU/100mL
07/31/2023	002-A	Enterococci -- DAILY MX	135	>2419.6	CFU/100mL
07/31/2023	002-A	Coliform, fecal general -- MOAV GEO	14	>2419.6	#/100mL
07/31/2023	002-A	Coliform, fecal general -- DAILY MX	43	>2419.6	#/100mL
08/31/2023	001-A	Solids, total suspended -- MO AVG	350	444.4	lb/d
08/31/2023	002-A	pH -- INST MIN	6	5.05	SU
08/31/2023	002-A	Enterococci -- MOAV GEO	35	<2419.6	CFU/100mL
08/31/2023	002-A	Enterococci -- DAILY MX	135	<2419.6	CFU/100mL
08/30/2023	002-A	BOD, 5-day, 20 deg. C -- MO AVG	30	238	mg/L
08/30/2023	002-A	BOD, 5-day, 20 deg. C -- DAILY MX	45	238	mg/L
08/30/2023	002-A	Enterococci -- MOAV GEO	35	>2419.6	CFU/100mL
08/30/2023	002-A	Enterococci -- DAILY MX	135	>2419.6	CFU/100mL
08/30/2023	002-A	Coliform, fecal general -- MOAV GEO	14	>2419.6	#/100mL
08/30/2023	002-A	Coliform, fecal general -- DAILY MX	43	>2419.6	#/100mL
10/31/2023	001-A	BOD, 5-day, 20 deg. C -- MO AVG	875	1534.2	lb/d
10/31/2023	002-A	BOD, 5-day, 20 deg. C -- MO AVG	30	184	mg/L
10/31/2023	002-A	BOD, 5-day, 20 deg. C -- DAILY MX	45	184	mg/L
11/30/2023	002-A	BOD, 5-day, 20 deg. C -- MO AVG	30	84	mg/L
11/30/2023	002-A	BOD, 5-day, 20 deg. C -- DAILY MX	45	84	mg/L
11/30/2023	002-A	Solids, total suspended -- MO AVG	30	80	mg/L
11/30/2023	002-A	Solids, total suspended -- DAILY MX	45	80	mg/L
12/31/2023	002-A	BOD, 5-day, 20 deg. C -- MO AVG	30	144	mg/L
12/31/2023	002-A	BOD, 5-day, 20 deg. C -- DAILY MX	45	144	mg/L
12/31/2023	002-A	Enterococci -- MOAV GEO	35	913.9	CFU/100mL
12/31/2023	002-A	Enterococci -- DAILY MX	135	913.8	CFU/100mL
12/31/2023	002-A	Coliform, fecal general -- MOAV GEO	14	>2419.6	#/100mL
12/31/2023	002-A	Coliform, fecal general -- DAILY MX	43	>2419.6	#/100mL

Table 2:

Sample Dates Where Samples Were Not Preserved at 6°C	
July 1, 2019	April 26, 2021
July 18, 2019	May 18, 2021
August 13, 2019	May 26, 2021
August 23, 2019	June 2, 2021
September 6, 2019	June 22, 2021
September 25, 2019	June 30, 2021
October 3, 2019	July 6, 2021
October 21, 2019	July 19, 2021
November 7, 2019	August 18, 2021
December 3, 2019	August 23, 2021
December 16, 2019	December 2, 2021
January 6, 2020	December 10, 2021
January 20, 2020	February 23, 2022
February 4, 2020	March 8, 2022
February 19, 2020	March 30, 2022
March 16, 2020	April 5, 2022
March 31, 2020	May 10, 2022
April 15, 2020	May 26, 2022
April 27, 2020	June 2, 2022
May 4, 2020	July 12, 2022
May 14, 2020	July 27, 2022
June 4, 2020	August 22, 2022
June 22, 2020	September 7, 2022
July 2, 2020	September 30, 2022
July 22, 2020	January 18, 2023
August 5, 2020	January 31, 2023 *
August 20, 2020	February 23, 2023
September 2, 2020	February 27, 2023
September 28, 2020	March 27, 2023
September 30, 2020	March 29, 2023
October 7, 2020	April 12, 2023
October 23, 2020	April 28, 2023
November 6, 2020	May 17, 2023
November 24, 2020	May 23, 2023
December 2, 2020	May 30, 2023
December 10, 2020	June 14, 2023
February 22, 2021	June 29, 2023
March 10, 2021	July 13, 2023
March 26, 2021	July 28, 2023

*: January 31, 2023, had a sample pulled for both Outfalls 001 and 002. Only the sample for Outfall 002 was not preserved.