

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

RIVER BIRCH, LLC

AI # 32219

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

* **Settlement Tracking No.**
* **SA-MM-25-0051**
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* **Enforcement Tracking No.**
* **MM-CN-23-00225**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between River Birch, LLC (“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 type I/II municipal solid waste landfill located in Avondale, Jefferson Parish, Louisiana (“the Facility”).

II

On April 12, 2024, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-23-00225 (Exhibit 1).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures

and/or penalties.

V

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 SEVEN THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$7,400.00), of which Two Thousand Four and 88/100 Dollars (\$2,004.88) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & 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.

VII

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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Jefferson 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.

XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. 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 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with instructions provided to Respondent by the Financial Services Division. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XII

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

XIII

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.

RIVER BIRCH, LLC

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)


**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 _____ day of _____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 
Jerrie "Jerry" Lang, Assistant Secretary

JEFF LANDRY
GOVERNOR



AURELIA S. GIACOMETTO
SECRETARY

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

APR 12 2024

CERTIFIED MAIL (7020 3160 0000 9230 0656)
RETURN RECEIPT REQUESTED



RIVER BIRCH, LLC
c/o Patrick S. McGoey
Schonekas, Evans, McGoey & McEachin, LLC
Agent for Service of Process
909 Poydras St., Ste. 1600
New Orleans, LA 70112

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-23-00225
AGENCY INTEREST NO. 32219**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **RIVER BIRCH, LLC (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Dr. Jacqueline Prudente at (225) 219-3095 or Jacqueline.Prudente@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Marse".

Angela Marse
Administrator
Enforcement Division

AM/JAP/jsc/arc
Alt ID No. LAR000086413, D-051-6741, P-0321-R2-M2, LA0099473
Attachment

c: **CERTIFIED MAIL (7020 3160 0000 9230 0670)**
RETURN RECEIPT REQUESTED

River Birch, LLC
c/o Chris Casteix, Environmental Compliance Manager
2000 South Kenner Road
Avondale, LA 70094

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**RIVER BIRCH, LLC
JEFFERSON PARISH
ALT ID NO. LAR000086413;
D-051-6741; P-0321-R2-M2; LA0099473**

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

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* **ENFORCEMENT TRACKING NO.**
*
* **MM-CN-23-00225**
*
* **AGENCY INTEREST NO.**
*
* **32219**
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**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **RIVER BIRCH, LLC (RESPONDENT)** 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.

The Respondent owns and/or operates a facility known as River Birch Landfill, a type I/II municipal solid waste landfill located at 2000 South Kenner Road in Avondale, Jefferson Parish, Louisiana. The facility is permitted to accept industrial waste, residential waste, commercial waste, non-hazardous incinerator ash, properly packaged asbestos, and properly packaged and certified noninfectious medical waste. The landfill is currently operating under Solid Waste Standard Permit P-0321-R2-M2 issued on May 17, 2019. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0099473 on August 20, 2019, with an effective date of September 1, 2019. LPDES Permit LA0099473 will expire on August 31, 2024. Under the terms and conditions of LPDES Permit LA0099473, the Respondent is permitted to discharge leachate, contact storm water, pore water, gas purity plant condensate, exterior vehicle wash wastewater, and treated off-site nonhazardous industrial

wastewater from Outfalls 001 and 003; treated sanitary wastewater from Outfalls 002 and 007; and noncontact storm water and pore water from Outfalls 004, 005, and 006. All outfalls discharge into Saul's Canal, thence into Waggaman Canal, thence into the Inner Cataouatche Canal (subsegment 020501), all 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.

II.

On or about April 5, 2023, the Department issued Warning Letter MM-L-23-00225 to the Respondent for violations identified during the inspections conducted on or about March 29, 2022 and August 8, 2022. The Department received a response to the Warning Letter on or about June 20, 2023.

III.

On or about March 29, 2022 and August 8, 2022, the Department conducted inspections of the above referenced facility and a subsequent file review on or about April 2, 2024, to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections and subsequent file review:

- A. The Respondent failed to prevent leachate migration by liners or other barriers, in violation of LAC 33:VII.711.B.4.e. Specifically, during the March 29, 2022 inspection, leachate that migrated from the lined area of the landfill was observed pooled in the unlined ditch located to the east of Leachate Collector (LC) 33 outside of the perimeter access road. An email correspondence from a representative of the Respondent dated April 1, 2023 stated that the pool of leachate was pumped out to the pond. Subsequently, the Respondent dug out the contaminated soil and replaced with fresh soil.
- B. The Respondent failed to notify the Office of Environmental Services within seven (7) days if any information submitted in the Notification of Hazardous Waste Activity Form (HW-1) changes, in violation of LAC 33:V.1017.A. Specifically, the most recent HW-1 Form dated February 2, 2019 listed the site contact person and Environmental Compliance Manager as Lorena Monahan, who is no longer employed by the facility. The current Environmental Compliance Manager is Chris Casteix. The Respondent submitted an updated HW-1 form on or about May 30, 2023.

- C. An inspection conducted on or about March 29, 2022, revealed that the Respondent failed to comply with LPDES permit LA0099473 and implement its Storm Water Pollution Prevention Plan (SWPPP). Specifically, the Respondent failed to maintain the leachate collection system so as to prevent comingling of leachate with storm water. The Department's inspector observed leachate pooled in a ditch located to the east of LC-33 (see inspection report, attachment 2, photographs 5-7). This ditch drains to Outfall 004, which is permitted for noncontact storm water and pore water. The failure to comply and implement the SWPPP is in violation of LPDES Permit LA0099473 (Other Conditions, Section H.6.d and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A. In addition, leachate was observed leaking from extraction wells EW 25-14 and EW 25-06 during the inspection conducted on or about March 29, 2022, and leachate was observed leaking from extraction wells EW 1-04, EW 5-04, EW 6-10, EW 23-12, EW 23-14, and EW 31-02 and condensate trap CT 20-1 during the inspection conducted on or about August 8, 2022.
- D. A file review conducted on or about April 2, 2024, revealed that the Respondent failed to comply with LPDES permit LA0099473. Specifically, a review of Discharge Monitoring Reports, revealed that the Respondent reported exceedances of permit effluent limitations for TOC and BOD (summarized below). Each exceedance is in violation of LPDES Permit LA0099473 (Permit Requirements, pages 2-19 of 21 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D.

Date	Outfall	Parameter	Permit Limit	Sample Value
12/31/2019	005Y	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	278 mg/L
12/31/2021	002S	BOD, 5-day, 20 deg. C Monthly Average	30 mg/L	32.4 mg/L
12/31/2021	006Y	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	128 mg/L
06/30/2022	002S	BOD, 5-day, 20 deg. C Monthly Average	30 mg/L	36.6 mg/L

- E. A file review conducted on or about April 2, 2024, revealed that the Respondent failed to collect samples and analyze in accordance with test procedures approved under 40 CFR 136. Specifically, the Respondent reported on the 2019 Outfall 006 annual DMR

- that oil and grease and TOC were analyzed outside of the maximum holding time. The failure to collect samples and analyze in accordance with test procedures approved under 40 CFR 136 is in violation of LPDES Permit LA0099473 (Part III, Sections A.2 & C.5.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.J.4.
- F. A file review conducted on or about April 2, 2024, revealed that the Respondent failed to comply with LPDES permit LA0099473. Specifically, the Respondent failed to submit an accurate 2019 Outfall 006 annual DMR. The Respondent did not complete DMRs in accordance with the instructions on EPA Form 3320-1. Specifically, the Respondent reported in the comments section of the DMR that oil and grease and TOC were analyzed outside of the maximum holding time; however the Respondent reported sample values for oil and grease and TOC. The Respondent should have reported that these tests were invalid, utilizing No Data Indicator (NODI) Code H. The failure to comply is in violation of LPDES Permit LA0099473 (Part III, Sections A.2 & D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.iv.
- G. A file review conducted on or about April 2, 2024, revealed that the Respondent failed to sample the effluent from Outfall 006 on an annual basis as required by LPDES Permit LA0099473. Specifically, the Respondent reported that analysis was not conducted for oil and grease and TOC during the 2022 annual monitoring period. The failure to sample is in violation of LPDES Permit LA0099473 (Permit Requirements, pages 2-19 of 21 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
- H. A file review conducted on or about April 2, 2024, revealed that the Respondent failed to comply with LPDES permit LA0099473. Specifically, the Respondent reported on the 2021 Sewage Sludge and Biosolids Use or Disposal Reporting Form for Receivers of Sewage Sludge From Outside Sources that 1816.59 tons of sewage sludge was received from Rodgers & Rodgers, an unauthorized/unlicensed hauler in 2021. The failure to comply is in violation of LPDES Permit LA0099473 (Other Conditions, Section I.2 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.
- I. A file review conducted on or about April 2, 2024, revealed that the Respondent failed to comply with Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000. Specifically, the Respondent failed to submit annual Sewage Sludge &

Biosolids Use or Disposal Reporting Forms for the years 2019 through 2023. The failure to comply is in violation of Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 (Part II, Section C.1 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.7313.A.2.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste, Water Quality, and Air Quality Regulations; and Solid Waste Standard Permit P-0321-R2-M2.

II.

To ensure, immediately upon receipt of this **COMPLIANCE ORDER**, that migration of leachate is prevented by liners or other barriers, in accordance with LAC 33:VII.711.B.4.e.

III.

To develop and implement, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an adequate and complete SWP3 as outlined in LPDES Permit LA0099473, Other Conditions, Section H and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this **COMPLIANCE ORDER**.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms referenced in Paragraph III.I of the "Findings of Fact" portion of this Order.

V.

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 violations 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:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Dr. Jacqueline Prudente
Re: Enforcement Tracking No. MM-CN-23-00225
Agency Interest No. 32219

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

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 right-hand corner of the first page of this document and should be directed to the following:

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. MM-CN-23-00225
Agency Interest No. 32219

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 (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) for each day of violation for the violation(s) described herein may be assessed. 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 Dr. Jacqueline Prudente at (225) 219-3095 or Jacqueline.Prudente@la.gov 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:I.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.

Baton Rouge, Louisiana, this 12 day of April, 2024.


Jerry Lang
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Dr. Jacqueline Prudente

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.	MM-CN-23-00225	Contact Name	Dr. Jacqueline Prudente		
Agency Interest (AI) No.	32219	Contact Phone No.	(225) 219-3095		
Alternate ID No.	LAR00006413; D-051; P-0321; LA0099473	Contact Email	Jacqueline.Prudente@la.gov		
Respondent:	River Birch, LLC	Facility Name:	River Birch Landfill		
	c/o Patrick S. McGoe	Physical Location:	2000 South Kenner Road		
	Schonekas, Evans, McGoe & McEachin, LLC				
	Agent for Service of Process				
	909 Poydras St., Ste. 1600	City, State, Zip:	Avondale, LA, 70094		
New Orleans, LA 70112	Parish:	Jefferson			
STATEMENT OF COMPLIANCE					
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?		
A written report was submitted in accordance with Paragraph V 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 IV of the "Order" portion of the COMPLIANCE ORDER.					
All necessary documents were submitted to the Department within 45 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)					
<i>(check the applicable option)</i>					
<input type="checkbox"/>	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.Subpart 1.Chapter 7.				
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-23-00225) , the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.				
<input type="checkbox"/>	<p>In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-23-00225), 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. 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.</p> <ul style="list-style-type: none"> • 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. 				
<input type="checkbox"/>	The Respondent has reviewed the violations noted in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-23-00225) 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 P.O. Box 4312 Baton Rouge, LA 70821 Attn: Dr. Jacqueline Prudente		