

JEFF LANDRY
GOVERNOR



COURTNEY J. BURDETTE
SECRETARY

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF THE SECRETARY

LEGAL AFFAIRS DIVISION

July 9, 2026

Via U.S. Certified Mail
No. 9589 0710 5270 4328 6373 27

Mr. John B. King
Breazeale, Sachse & Wilson, L.L.P.
P.O. Box 3197
Baton Rouge, LA 70821-3197

RE: International-Matex Tank Terminals LLC
Enforcement Tracking No. AE-PP-24-00641
Agency Interest No. 4885

Dear Mr. King:

Enclosed are duplicate originals of a Settlement Agreement in the above-referenced matter, embodying the terms agreed to by the Louisiana Department of Environmental Quality (DEQ) and International-Matex Tank Terminals LLC (Respondent). Please have both originals signed by an authorized representative and notarized, and then return them both to DEQ, Legal Division, P.O. Box 4302, Baton Rouge, Louisiana, 70821-4302, Attention: Michael J. Daniels.

The Settlement Agreement provides that the Respondent must publish a public notice advertisement in the **official journal** of the parish governing authority for the affected parish, to run for one (1) day, inviting public comment on the proposed agreement, as required by La. R.S. 30:2050.7. The advertisement shall be in the form set out in the attachment to this letter. The list of official journals for each parish is located on the Louisiana Secretary of State's website at the following link: <https://www.sos.la.gov/OurOffice/PublishedDocuments/OfficialParishJournals.pdf>. Please arrange for publication as soon as possible, and send to me a proof of publication affidavit and a public notice from the newspaper of the affected parish.

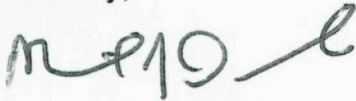
We will also send a copy of the Settlement Agreement to the Attorney General for her concurrence, which is required by law. If the Attorney General decides to reject the Settlement Agreement, she must notify the DEQ within ninety days of receiving the Settlement Agreement; otherwise, the DEQ may execute the Settlement Agreement without the Attorney General's concurrence. Once concurrence is received from the Attorney General, the original Settlement Agreements will be forwarded to the Assistant Secretary of the Office of Environmental Compliance for signature. We will send one original of the signed agreement to you and retain the other for our file.

Mr. John B. King
International-Matex Tank Terminals LLC
Page 2
July 9, 2026

Within thirty (30) days of receiving notice of the execution of the Settlement Agreement by the DEQ, the Respondent must forward a check in the amount of the agreed-upon payment to the DEQ at the address listed in the Settlement Agreement. Please send a copy of the check to me.

If you have any questions or comments, please do not hesitate to contact me at (225) 219-0301.

Sincerely,

A handwritten signature in black ink, appearing to read "mjd" followed by a stylized flourish.

Michael J. Daniels
Regional Attorney

nc

Enclosures: Duplicate original settlement agreements
Public notice form

**NOTICE OF OPPORTUNITY
FOR PUBLIC COMMENT ON PROPOSED
SETTLEMENT AGREEMENT BETWEEN
THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
AND INTERNATIONAL-MATEX TANK TERMINALS LLC**

The Louisiana Department of Environmental Quality and International-Matex Tank Terminals LLC (Respondent), Agency Interest Number 4885, have entered into a proposed settlement agreement, Settlement Tracking No. SA-AE-26-0041, concerning the State's allegations of environmental violations by Respondent at its facility in St. Charles Parish, Louisiana, which allegations are set forth in Notice of Potential Penalty, Enforcement Tracking No. AE-PP-24-00641.

The Department of Environmental Quality will accept comments on the proposed settlement for the next forty-five (45) days. The public is invited and encouraged to submit written comments to the Louisiana Department of Environmental Quality, Office of the Secretary, Legal Division, Post Office Box 4302, Baton Rouge, Louisiana 70821-4302, Attention: Michael J. Daniels, Attorney. All comments will be considered by the Department of Environmental Quality in reaching a decision on whether to make the settlement final.

Terms and conditions of the proposed settlement agreement may be reviewed on the Department of Environmental Quality's website at www.deq.louisiana.gov, by selecting *About LDEQ, Enforcement, and Settlements*. The document may also be viewed at, and copies obtained from, the Louisiana Department of Environmental Quality, Public Records Center, Room 127, Galvez Building, 602 North Fifth Street, Baton Rouge, Louisiana 70802. To request a copy of the proposed settlement, submit a completed Public Record Request Form (DEQ Form ISD-0005-01). The form and instructions for completion may be found on the DEQ Website at the following address: <http://deq.louisiana.gov/assets/docs/General/PublicRecordsRequestForm.pdf>, or by calling the Customer Service Center at 1-866-896-5337.

Pursuant to La. R.S. 30:2050.7(D), the Department of Environmental Quality may hold a public hearing regarding this proposed settlement when either of the following conditions are met: 1) a written request for public hearing has been filed by twenty-five (25) persons, by a governmental subdivision or agency, or by an association having not less than twenty-five (25) members who reside in the parish in which the facility is located; or 2) the secretary finds a significant degree of public interest in this settlement.

For further information, you may call the Legal Division of the Louisiana Department of Environmental Quality at (225) 219-3985.

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**INTERNATIONAL-MATEX TANK
TERMINALS LLC**

AI # 4885

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

* **Settlement Tracking No.**
* **SA-AE-26-0041**
*
*
* **Enforcement Tracking No.**
* **AE-PP-24-00641**
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*
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between International-Matex Tank Terminals 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 bulk liquid handling and storage facility located in St. Rose, St. Charles Parish, Louisiana (“the Facility”).

II

On November 6, 2025, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-24-00641 (Exhibit 1).

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 ELEVEN THOUSAND TWO HUNDRED EIGHTY-THREE AND 76/100 DOLLARS (\$11,283.76), of which Three Thousand Two Hundred Ninety-Three and 76/100 Dollars (\$3,293.76) 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).

V

Respondent further agrees that the Department may consider the inspection report(s), the 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 St. Charles 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 a proof-of-publication affidavit and a 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

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 Accounts Receivable, 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.

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.

**INTERNATIONAL-MATEX TANK
TERMINALS 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

SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment
and submit to:

Department of Environmental Quality
Financial Services Division
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Accounts Receivable

Payment # _____

Respondent: International-Matex Tank Terminals LLC

Settlement No: SA-AE-26-0041

Enforcement Tracking No(s): AE-PP-24-00641

Payment Amount: \$11,283.76

Tax ID No:

AI Number(s): 4885

Alternate ID No(s):

TEMPO Activity Number: ENF20250001

**For Official Use Only.
Do Not write in this Section.**

Check Number:

Check Date:

Check Amount:

Received Date:

PIV Number:

PIV Date:

**Stamp "Paid" in the box to the right
and initial.**

Route Completed form to:

**Angela Marse, Administrator
Enforcement Division**

**And copy Jay L. Glorioso
Legal Division**

JEFF LANDRY
GOVERNOR



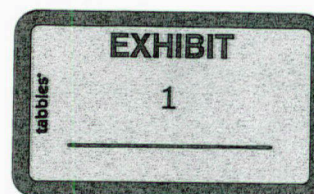
COURTNEY J. BURDETTE
SECRETARY

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

NOV - 6 2025

CERTIFIED MAIL (9589 0710 5270 1896 7532 20)
RETURN RECEIPT REQUESTED



INTERNATIONAL-MATEX TANK TERMINALS LLC

c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

RE: **NOTICE OF POTENTIAL PENALTY**
ENFORCEMENT TRACKING NO. AE-PP-24-00641
AGENCY INTEREST NO. 4885

Dear Sir/Madam:

On or about April 3-5, 2023 and July 17, 2023, the Louisiana Department of Environmental Quality (the Department) conducted an incident investigation of **INTERNATIONAL-MATEX TANK TERMINALS- ST. ROSE FACILITY (FACILITY)**, a bulk liquid handling and storage facility, owned and/or operated by **INTERNATIONAL-MATEX TANK TERMINALS LLC (RESPONDENT)**, to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The Facility is located at 11842 River Road in Saint Rose, Saint Charles Parish, Louisiana. The Respondent operates and/or has operated the Facility under the authority of Title V Air Permit No. 2520-000333-V15, issued October 27, 2020, with an expiration date of May 17, 2021. Title V Air Permit No. 2520-000333-V15 was administratively continued pursuant to LAC 33:III.507.E.3.

On or about April 3, 2023 at approximately 1:45 PM, a fire occurred at the Facility's Tank N22 (EQT 163), when a spark from welding activity ignited vapor from natural gas condensate in the tank (Incident T-213557). At the time of the incident investigation, a representative of the Respondent reported that two (2) welding contractors were working on EQT 163, which contained natural gas condensate. According to the incident inspection report, Shell Fire Department (FD)/Emergency Response Team (ERT), Valero FD/ERT, Norco FD and the Respondent's ERT responded to the fire. The Department's inspectors arrived on-site at 3:47 PM and observed EQT 163 on fire and actively emitting black smoke. The Department's inspectors conducted air monitoring downwind of the fire at 4:13 PM, a 0.1 parts per million (ppm) Sulphur Dioxide (SO₂) reading was detected; however, all other parameters were non-detect with normal oxygen readings. The Department's inspectors conducted additional air monitoring at 4:30 PM, all parameters were non-detect with normal oxygen readings. The Respondent's contractor TES

International-Matex Tank Terminals LLC
AE-PP-24-00641
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began air monitoring at 5:40 PM. All air monitoring performed by TES was non-detect for all parameters with normal oxygen concentrations. The fire was extinguished on April 3, 2023 at 10:40 PM.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the incident investigation:

- A. The Respondent failed to notify the Department of Public Safety (DPS) 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone immediately, but no later than one (1) hour, after learning of an emergency condition. An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water or air environment, or cause severe damage to property. Specifically, the Respondent discovered a fire occurred at Tank N22 (EQT 163) on April 3, 2023 at approximately 1:45 PM. The Respondent notified the DPS Emergency Hazardous Materials Hotline on April 3, 2023 at 4:10 PM. The failure to notify the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline by telephone immediately, but no later than one (1) hour, after learning of an unauthorized discharge that causes an emergency condition is a violation of LAC 33:I.3915.A.1 and La. R.S. 30:2057(A)(2). In electronic correspondence dated November 25, 2024, the Respondent stated personnel have been retrained of all appropriate notification procedures and appropriate contacts.
- B. The Respondent failed to properly use or diligently maintain in proper working order any air pollution control equipment, device or contrivance, operating procedure, or abatement scheme whenever any emissions are being made to aid in controlling the overall levels of air contaminants into the atmosphere. Specifically, the Respondent failed to maintain and remove product vapors from EQT 163, leading to an unauthorized air discharge. In the Unauthorized Discharge Notification Report dated April 29, 2024, the Respondent stated the cause of the fire was determined to be trace material in EQT 163 in sufficient amount to cause vapor ignition. Additionally, the Respondent reported the discharge was preventable due to the failure to follow existing procedures. The failure to properly use or diligently maintain in proper working order any air pollution control equipment, device or contrivance, operating procedure, or abatement scheme whenever any emissions are being made to aid in controlling the overall levels of air contaminants into the atmosphere is a violation of LAC 33:III.905.A, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In correspondence dated April 9, 2024, the Respondent stated a number of measures have been implemented, including strengthening hot work and contractor management policies, adding a dedicated Safety Manager to the Environmental Health and Safety Services (EHSS) team, increased emergency response training, and providing additional permit writer and contractor management training.

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 violations described herein. Written comments may be filed regarding the violations 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.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violations. If you would like

International-Matex Tank Terminals LLC

AE-PP-24-00641

Page 3

to have such a meeting, please contact Jared Manuel at 225-219-2299 or Jared.Manuel2@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order 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 violations 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 this 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.

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.

The Department assesses civil penalties based on LAC 33:1.Subpart 1.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 violations 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.

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.

Sincerely,


Jerry Lang
Assistant Secretary
Office of Environmental Compliance

JL/JLM/jlm

Alt ID No. LA0000002208900033

International-Matex Tank Terminals LLC
AE-PP-24-00641
Page 4

c: International-Matex Tank Terminals LLC
c/o Melanie Landry
P.O. Box 159
St. Rose, LA 70087

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.	AE-CN-24-00641	Contact Name	Jared Manuel
Agency Interest (AI) No.	4885	Contact Phone No.	225-219-2299
Alternate ID No.	LA0000002208900033		
Respondent:	International-Matex Tank Terminals LLC	Facility Name:	International-Matex Tank Terminals-St. Rose Facility
	c/o C T Corporation System	Physical Location:	11842 River Road
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Saint Rose, LA, 70087
	Baton Rouge, LA 70816	Parish:	Saint Charles

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 (AE-PP-24-00641), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
☐	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY (AE-PP-24-00641).
☐	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-24-00641), 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 (AE-PP-24-00641) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

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.

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: Jared Manuel

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 OR 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.



SETTLEMENT OFFERMENTS

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.

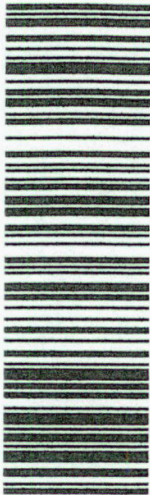
WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

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>



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



9589 0710 5270 4328 6373 27

9589 0710 5270 4328 6373 27

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage

\$

Total \$

\$

Sent \$

Street

City, S

State

Zip

Mr. John B. King
Breazeale, Sachse & Wilson,
L.L.P.
P.O. Box 3197
Baton Rouge, LA 70821-3197

Postmark
Here

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. John B. King
Breazeale, Sachse & Wilson,
L.L.P.
P.O. Box 3197
Baton Rouge, LA 70821-3197

2. Article Number (Transfer from service label)

9589 0710 5270 4328 6373 27

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt