



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6, P.O. Box 50625, Dallas, Texas 75250-0625
EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-06-2009-1746, NPDES Facility Numbers: LAU000249/LAR10E1

B.E.T. Construction, Inc., (Respondent) is a "person," within the meaning of Section 502(5) of the Clean Water Act (Act), 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

Attached is an Expedited Settlement Offer Deficiencies Form (Form), which is incorporated by reference. By its signature, the Environmental Protection Agency, Region 6 (EPA) finds that Respondent is responsible for the deficiencies specified in the Form.

Respondent failed to submit a Notice of Intent for permit coverage for its activities at the construction site of Rouse's Grocery Store #23, Hwy 92, Youngsville, LA, and was not covered by a Louisiana Pollutant Discharge Elimination System permit at the relevant times for the relevant activities. This was a violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311.

EPA finds, and Respondent admits, that Respondent is subject to Section 301(a) of the Act, 33 U.S.C. § 1311, and that EPA has jurisdiction over any person who discharges pollutants from a point source to waters of the United States. Respondent neither admits nor denies the deficiencies specified in the Form.

EPA is authorized to enter into this Expedited Settlement Agreement (ESA) under the authority vested in the Administrator of EPA by Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and by 40 C.F.R. § 22.13(b). The parties enter into this Agreement in order to settle the civil violations alleged in the ESA for a penalty of one thousand five hundred dollars (\$1,500.00). Respondent consents to the assessment of this penalty, and waives the right to: (1) contest the findings specified in the Form; (2) a hearing pursuant to Section 309(g)(2) of the Act, 33 U.S.C. § 1319(g)(2); and (3) appeal pursuant to Section 309(g)(8), 33 U.S.C. § 1319(g)(8).

Additionally, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that any deficiencies identified in the Form have been corrected. Respondent shall submit a written report with this ESA detailing the specific actions taken to correct the violations cited herein.

Respondent understands that this ESA is effective upon filing with the Regional Hearing Clerk, pursuant to 40 C.F.R. § 22.31b. Within thirty (30) days after this ESA is filed, Respondent shall submit a bank, cashier's or certified check, with name and docket number noted, for the amount specified above to the Treasurer, United States of America, via certified mail, return receipt requested.

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

This ESA settles EPA's civil penalties against Respondent for the Clean Water Act violations specified in this Agreement. EPA does not waive its right to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other federal statute or regulation. EPA does not waive its right to issue a compliance order for any uncorrected deficiencies or violations described in the Form. EPA has determined this ESA to be appropriate.

This ESA is binding on the parties signing below and effective upon filing.

APPROVED BY EPA:

[Signature] Date: 8/31/09
John Blevins
Director
Compliance Assurance and Enforcement Division

APPROVED BY RESPONDENT:

Name (print): STANLEY A. ARCENEAUX
Title (print): CHIEF FINANCIAL OFFICER
Signature: Stanley A. Arceneaux Date: 3/2/09

Public Notice of and reasonable opportunity to comment on the proposed issuance of this Order was provided pursuant to Section 309(g)(4)(A), and EPA received no comments concerning this matter.

Having determined that this ESA is authorized by law, it is so ordered:

[Signature] Date: 9/8/09
Regional Judicial Officer

FILED
2009 SEP -8 PM 2:48
REGIONAL HEARING CLERK
EPA REGION VI

CERTIFICATE OF SERVICE

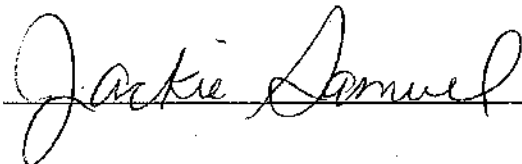
I hereby certify that on the 8<sup>th</sup> day of September, 2008, the original of the foregoing Consent Agreement and Final Order was hand delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States mail, by certified mail, return receipt requested, addressed to the following:

Mr. Byron E. Talvot  
B.E.T. Construction, Inc.  
301 Main Project Road  
Schriever, LA 70395

with a copy, first class postage prepaid, to

Mr. Jeffrey Nolan, Environmental Supervisor  
Louisiana Department of Environmental Quality  
P. O. Box 4312  
Baton Rouge, LA 70821-4312

Mr. Jefferson Jackson  
LDEQ Acadiana Regional Office  
111 New Center Drive  
Lafayette, LA 70508

  
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