



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6, P.O. Box 50625, Dallas, Texas 75250-0625

EXPEDITED SETTLEMENT AGREEMENT

Docket Number: CWA-06-2009-1799, LPDES Facility Number: LA1000252

FILED

2010 FEB -4 AM 9:33

REGIONAL HEARING CLERK
EPA REGION 6

DIVI, LLC ("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.

above payable to the Treasurer, United States of America, via certified mail, to:

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.

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

Respondent had an unauthorized discharge of storm water during the month of May 2009, to the Cyprus Bayou (Basin Segment 060802) in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311, and failed to submit a Notice of Intent to obtain permit coverage for its activities at the construction site for the La Quinta Inns & Suites, located at 104 Sweetland Avenue in Broussard, Louisiana.

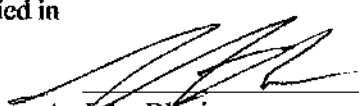
This ESA settles EPA's civil penalty claims against Respondent for the Clean Water Act violation(s) specified in this Agreement. EPA does not waive its right to take any enforcement action against Respondent for any other past, present, or future civil or criminal violation of the Act or of any other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

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.


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

APPROVED BY EPA:

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 ESA in order to settle the civil violation(s) alleged in this Agreement for a penalty of four thousand five hundred dollars (\$4,500). Respondent consents to the assessment of this penalty, and waives the right to: 1) contest the finding(s) 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).


Date: 1/13/10
John Blevins
Director
Compliance Assurance and Enforcement Division

APPROVED BY RESPONDENT:


Name (print): Vincent Patel
Title (print): Member
Signature: 
Date: 9/10/09

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.

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.

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, cashiers or certified check, with case name and docket number noted, for the amount specified

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


Date: February 3, 2010
Regional Judicial Officer
EPA, Region 6

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February, 2010, 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:

Zimalbhai Patel, Managing Partner
DIVI, LLC
1801 N.W. Evangeline Thruway
Lafayette, LA 70507

with a copy, first class postage prepaid, to

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