

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:
JEFFERSON PARISH GOVERNMENT

AI#s 4668 AND 2918

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

* Settlement Tracking No.
* SA-WE-15-0041
*
* Enforcement Tracking Nos.
* WE-C-09-0173 WE-C-09-0173A
* WE-C-10-01412 WE-C-10-01412A
* WE-C-14-00001 WE-C-15-00402
* WE-C-10-01413 WE-C-14-00651
* WE-CN-13-01371 WE-L-15-00904
* WE-L-16-00321
*
* Docket No.
* 2009-9203-EQ, *et al.*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between Jefferson Parish Government (“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 governmental entity that owns and/or operates sewer treatment facilities located in Jefferson Parish, Louisiana (“the Facilities”).

II

On August 24, 2009, the Department issued to Jefferson Parish Government a Compliance Order, Enforcement No. **WE-C-09-0173** (Exhibit A).

On February 24, 2010, the Department issued to Jefferson Parish Government a Compliance Order, Enforcement No. **WE-C-09-0173A** (Exhibit B).

On November 18, 2010, the Department issued to Jefferson Parish Government a Compliance Order, Enforcement No. **WE-C-10-01412** (Exhibit C).

On November 18, 2010, the Department issued to Jefferson Parish Government a Compliance Order, Enforcement No. **WE-C-10-01413** (Exhibit D).

On November 1, 2012, the Department issued to Jefferson Parish Government an Amended Compliance Order, Enforcement No. **WE-C-10-01412A** (Exhibit E).

On February 28, 2014, the Department issued to Jefferson Parish Government a Compliance Order, Enforcement No. **WE-C-14-00001** (Exhibit F).

On February 28, 2014, the Department issued to Jefferson Parish Government a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-13-01371** (Exhibit G).

On May 8, 2015, the Department issued to Jefferson Parish Government a Compliance Order, Enforcement No. **WE-C-15-00402** (Exhibit H).

On May 14, 2015, the Department issued to Jefferson Parish Government a Compliance Order, Enforcement No. **WE-C-14-00651** (Exhibit I).

On July 28, 2015, the Department issued to Jefferson Parish Government a Warning Letter, Enforcement No. **WE-L-15-00904** (Exhibit J).

On April 20, 2016, the Department issued to Jefferson Parish Government a Warning Letter, Enforcement No. **WE-L-16-00321** (Exhibit K).

III

The following violations for Marrero, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

- A. Areas of concern noted in the inspection conducted on December 14, 2015. The areas of concern include, but are not limited to, the following: unauthorized discharges, sewer

system overflows, effluent limitation exceedances, flow monitoring and measurement, failure to properly operate and maintain systems of treatment and control, and failure to produce monthly inspection and training logs required by the Storm Water Pollution Prevention Plan (SWPPP).

- B. Areas of concern noted in the file review conducted on or about August 31, 2016. Records were reviewed through December 31, 2015, and the areas of concern include, but are not limited to, the following: unauthorized discharges, sewer system overflows, effluent limitation exceedances, and failure to properly operate and maintain systems of treatment and control.

The following violations for Harvey, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

- A. Areas of concern noted in the inspection conducted on April 30, 2015. The areas of concern include, but are not limited to, the following: unauthorized discharges and failure to properly operate and maintain systems of treatment and control.
- B. Areas of concern noted in the file review conducted on or about August 31, 2016. Records were reviewed through December 31, 2015, and the areas of concern include, but are not limited to, the following: unauthorized discharges and failure to properly operate and maintain systems of treatment and control.

IV

In response to the Compliance Orders, Amended Compliance Orders, Consolidated Compliance Orders and Notices of Potential Penalty and the Warning Letters, Respondent made timely requests for hearings and/or responses, including updated compliance schedules for projects at Harvey and Marrero (EDMS AI 4668, doc. # 9870073; AI 2918, doc. nos. 9870075, 10338704). As a part of this settlement, the Department acknowledges that Respondent has

completed all of its scheduled compliance projects herein and that, on April 12, 2017, Respondent submitted its final completion certificates thereon.

V

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

VI

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agree to pay, and the Department agrees to accept, a payment in the amount of NINETY EIGHT THOUSAND NINE HUNDRED AND NO/100 DOLLARS (\$98,900.00) in settlement of the claims set forth in this agreement., of which amount Ten Thousand Three Hundred Seventy-One and 72/100 Dollars (\$10,371.72) represents the Department's enforcement response cost.

VII

Respondent, in addition to the penalty amount specified in Paragraph VI above and as part of this Settlement, agrees to expend the amount of \$100,000.00 to implement and/or perform the following beneficial environmental projects:

- A. The Jefferson Parish Department of Sewerage will sponsor a minimum of two (2) and up to four (4) Household Hazardous Materials (HHM) collection events. The Department of Sewerage, with assistance from the Department of Environmental Affairs, will sponsor HHM Collection Events for residents of Jefferson Parish. At least one event will take place on each side of the Mississippi River during the 2018 and 2019 calendar years. Materials proposed for collection and appropriate reuse and/or disposal would include, at a minimum, paint, pesticides, lawn and garden chemicals, household cleaning chemicals, mercury and mercury-containing devices and electronics.

- B. Respondent shall submit monthly reports regarding its progress on the projects. The first shall be due on the 5th of the month following the date the Department signs this Settlement. Monthly reports shall be submitted on the 5th of every month thereafter until the project is completed. Each such monthly report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Upon completion of all projects required under this Settlement, Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the projects listed above. It shall also contain a certification that the projects were completed as described.
- C. If Respondent does not spend the amount of \$100,000.00, then it shall, in its final report, propose additional projects for the Department's approval in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.
- D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30: 2050.7(E)(1).

VIII

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Compliance Orders, Notices of Potential Penalty and this Settlement 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. Respondent may use any mitigating factors it believes applicable to any such future proceeding.

IX

This 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 agreement in any action by the Department to enforce this agreement.

X

This settlement is being made in the interest of settling the state's claims through December 31, 2015 and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

XI

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.

XII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authorities in Jefferson Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement 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 is executed on behalf of the Department, more than forty-five (45) days

have elapsed since publication of the notice.

XIII

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 Agreement is voidable at the option of the Department. 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 (Exhibit A).

XIV

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement. The parties to the agreement fully release all other parties to this agreement, their officers, agents, and employees from any and all claims made or which could have been made in these or other proceedings.

XV

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.

JEFFERSON PARISH GOVERNMENT

BY: Michael J. Rue
(Signature)

PARISH ATTORNEY
(Printed)
TITLE:

THUS DONE AND SIGNED in duplicate original before me this 10th day of January, 20 18, at Jefferson, LA.

[Signature]
NOTARY PUBLIC (ID # 18440)
W. Reed Smith
Notary Public
LA Bar No. 18440
Parish of Jefferson, State of LA
My Commission is Issued for Life
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 13th day of April, 20 18, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)
Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary



BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

August 24, 2009

CERTIFIED MAIL (7004 2510 0005 5768 6338)
RETURN RECEIPT REQUESTED

JEFFERSON PARISH GOVERNMENT
c/o Honorable Aaron F. Broussard, President
Post Office Box 9
Gretna, LA 70054

RE: COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. WE-C-09-0173
AGENCY INTEREST NO. 4668

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached **COMPLIANCE ORDER** is hereby served on **JEFFERSON PARISH GOVERNMENT (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 **COMPLIANCE ORDER** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Suzanne Gardner at (225) 219-3769.

Sincerely,

Lourdes Iturralde
Administrator
Enforcement Division

LI/SDG/sdg
Alt ID No. LA0042081
Attachment



c: Ms. Carol Peters-Wagnon
U.S. Environmental Protection Agency

Teda Boudreaux
Sanitarian Regional Director
Houma/Thibadeaux Region III

STATE OF LOUISIANA
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
JEFFERSON PARISH GOVERNMENT	*	ENFORCEMENT TRACKING NO.
JEFFERSON PARISH	*	
ALT ID NO. LA0042081, LAR05M266	*	WE-C-09-0173
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	4668
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

COMPLIANCE ORDER

The following **COMPLIANCE ORDER** is issued to **JEFFERSON PARISH GOVERNMENT (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) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Harvey Wastewater Treatment Plant located at 2342 Paillet Street in Harvey, Jefferson Parish, Louisiana. The Respondent was issued Louisiana Water Discharge Pollutant System (LWDPS) permit WP0774 on May 16, 1991, with an expiration date of May 15, 1996. The Respondent was issued National Pollutant Discharge Elimination System (NPDES) permit LA0042081, with an effective date of February 1, 1994, and an expiration date of December 17, 1998. In accordance with the Department's assumption of the NPDES program by the state of Louisiana, NPDES permit LA0042081 became Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0042081 with the same expiration date of December 17, 1998, and was administratively continued. The Department received an

application on or about June 17, 1998, from the Respondent to renew LPDES permit LA0042081. Upon issuance, the LPDES permit LA0042081 replaced the previously issued NPDES permit and LWDPDS permit WP0774. The Respondent was issued LPDES permit LA0042081, with an effective date of May 1, 2002, and an expiration date of April 30, 2007, and was administratively continued. The Respondent was re-issued LPDES permit LA0042081 with an effective date of July 1, 2007, and an expiration date of June 3, 2012. LPDES permit LA0042081 authorizes the Respondent to discharge treated sanitary wastewater into the Mississippi River, waters of the state.

II.

An inspection conducted by the Department on or about March 12, 2009, and a subsequent file review conducted by the Department on or about August 6, 2009, revealed the following effluent limitation exceedances as reported by the Respondent on its Discharge Monitoring Reports (DMRs):

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
07/31/2005	001 A	TSS Monthly Average	3428 lbs/day	3,839 lbs/day
09/30/2005	001 A	BOD Weekly Average	45 mg/L	54 mg/L
		TSS Weekly Average	45 mg/L	60 mg/L
12/2008	001 A	BOD Monthly Average	30 mg/L	56 mg/L
		BOD Weekly Average	45 mg/L	83 mg/L
		BOD Weekly Average	45 mg/L	64 mg/L*
01/2009	001 A	BOD Monthly Average	3428 lbs/day	5,328 lbs/day
		BOD Monthly Average	30 mg/L	86 mg/L
		BOD Weekly Average	45 mg/L	102 mg/L
		BOD Weekly Average	45 mg/L	93 mg/L*
		BOD Weekly Average	45 mg/L	84 mg/L*
		BOD Weekly Average	45 mg/L	75 mg/L*
		BOD Weekly Average	45 mg/L	69 mg/L*
		TSS Weekly Average	45 mg/L	48 mg/L
02/2009	001A	BOD Monthly Average	30 mg/L	67 mg/L
		BOD Weekly Average	45 mg/L	77 mg/L
		BOD Weekly Average	45 mg/L	74 mg/L*
		BOD Weekly Average	45 mg/L	74 mg/L*
04/30/2009	001 A	BOD Monthly Average	30 mg/L	38 mg/L
		BOD Weekly Average	45 mg/L	58 mg/L
06/2009	001A	BOD Monthly Average	30 mg/L	33 mg/L**

* As reported by the Respondent on non-compliance Reports

** Non-Compliance Report not submitted

Each exceedance of the effluent limitations is a violation of LPDES permit LA0042081 (Part I, Page 2 and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A)(1), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A. In addition, a file review conducted by the Department on or about August 6, 2009, revealed that the Respondent failed to submit a non-compliance report (NCR) for the monitoring period specified above by double asterisks (**). The failure to submit a NCR is a violation of LPDES permit LA0042081 (Part III, Sections A.2 and D.7), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

III.

An inspection conducted by the Department on or about April 18, 2007, and a subsequent file review conducted by the Department on or about August 6, 2009, revealed that the Respondent failed to sample its discharge in accordance with its LPDES permit LA0042081. Specifically, the Respondent failed to sample the following:

DATE	OUTFALL	PARAMETER	SAMPLING
02/28/2004	001	Fecal Coliform (weekly avg) 400 col/100 ml	Failed To Sample
		Fecal Coliform (monthly avg) 200 col/100 ml	Failed To Sample
05/2006- 07/2006	001Q	Kjeldahl Nitrogen	Failed To Sample
		Phosphorus	Failed To Sample
		Mercury	Failed To Sample
11/2006 - 01/2007	001Q	Kjeldahl Nitrogen	Failed To Sample
		Phosphorus	Failed To Sample
		Mercury	Failed To Sample
03/30/2008	001Q	Fecal Coliform (weekly avg) 400 col/100 ml	Failed To Sample
		Fecal Coliform (monthly avg) 200 col/100 ml	Failed To Sample
		BOD ₅	Failed To Sample
		TSS	Failed To Sample

Each failure to sample is a violation of LPDES permit LA0042081 (Part I, Page 2 of 3, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

IV.

An inspection conducted by the Department on or about April, 18, 2007, and a subsequent file review conducted by the Department on or about August 6, 2009, revealed that the Respondent had notified the Department that a bypass of approximately six million (6,000,000) gallons of fully treated sanitary wastewater from the treatment plant into the Gardere Canal had occurred from March 2, 2006, until March 3, 2006. The bypass was a result of a crack in the discharge line that leads to the Mississippi River being repaired. The bypass is a violation of LPDES permit LA0042081 (Part III, Sections A.2 and B.4.d), La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, LAC 33:IX.2701.A, and LAC 33:IX.2701.M.4.

V.

A file review conducted by the Department on or about August 6, 2009, revealed that the Respondent had notified the Department that the following unauthorized discharges occurred:

Date	Location	Amount Discharged	Receiving Stream
7/11/01	Cleanout of return sludge line @ Harvey Wastewater Treatment Plant	200,000 gallons	Ratheborne Canal
7/1/03	Damaged force mains @ Meadow Brook Pumping Station	< 100 gallons	Fortado Canal
7/1/03	Damaged force mains @ Industry Canal	< 100 gallons	Industry Canal
7/1/03	Damaged force mains leaving Meadow Brook Pumping Station	No estimate	Harvey Canal
12/22/08	Damaged 4" underground utility effluent line at the effluent station	4,800 gallons	Gardere Canal

Each unauthorized discharge is a violation of LPDES permit LA0042081 (Part III, Sections A.2), La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

VI.

Inspections conducted by the Department on or about April, 17, 2001, and May 29, 2002, revealed that the Respondent's improperly operated and maintained the facility. Specifically, the collection system experienced inflow and infiltration problems, electrical failures, and mechanical failures throughout 2001 and the first half of 2002 causing overflows and/or bypasses into waters of the state. The failure to properly operate and maintain the facility is a violation of LPDES permit LA0042081 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

VII.

Inspections conducted by the Department on or about April 17, 2001, May 29, 2002, May 6, 2003, May 6, 2004, April 1, 2005, and April 18, 2007; and a subsequent file review conducted by the Department on or about August 6, 2009, revealed that the Respondent did cause or allow the unauthorized discharge of raw sewage. Specifically, there were numerous overflows from various locations in the collection system throughout the period of April 2001 through March 2009. There were ninety-six (96) overflows into Bayou Barataria, thirty (30) overflows into the Lake Pontchartrain, and five (5) overflows to various other waters of the state (i.e., Murphy Canal, Fortado Canal, Gardere Canal, and Trapp Canal). Each unauthorized discharge of raw sewage is a violation of LPDES permit LA0042081 (Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A)(1)(b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, and LAC 33:IX.2701.A.

VIII.

An inspection conducted by the Department on or about May 6, 2003, and a subsequent file review conducted by the Department on or about August 6, 2009, revealed that the Respondent failed to continuously record flow and properly calculate loadings as required by LPDES permit LA0042081. Specifically, the Respondent failed to properly calculate loadings on its DMRs as a result of the Respondent's usage of flow measurements in the calculation that were not continuously recorded for the monitoring periods of February 2003, March 2003, and January 2008. Each failure to continuously record flow as specified in the permit is a violation of LPDES permit LA0042081 (Part I, Page 2, and Part III, Section A.1 and C.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. Each failure to properly calculate

loadings is a violation of LPDES permit LA0042081 (Part I, and Part III, Section A.2 and F.17), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.J.4, and LAC 33:IX.2701.L.4.d.

IX.

An inspection conducted by the Department on or about May 20, 2008, revealed that the Respondent did cause or allowed the unauthorized discharge of approximately 910,000 gallons of raw sewage from the Meadowbrook Pumping Station into the Fortado Canal on or about May 15, 2008. The overflow into the Fortado Canal resulted in a fish kill of approximately twenty (20) fish. The water color was noted in the inspection to be dark brown in color with a distinct sewage odor. Each unauthorized discharge of raw sewage is a violation of LPDES permit LA0042081 (Part I, Page 3 and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A)(1)(b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A. The destruction of fish and wildlife is a violation of La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.1113.B.1.d, LAC 33:IX.1113.B.2, and LAC 33:IX.1113.B.5.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility into waters of the state and comply with the Water Quality Regulations.

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the permit limitations and conditions contained in LPDES permit LA004208 including, but not limited to, properly operating and maintaining the facility, preventing bypasses and overflows, continuously recording flow, properly calculating loading values on DMRs, sampling the effluent, submitting NCRs, and preventing the destruction of fish and wildlife.

III.

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
Attention: Suzanne Gardner
Enforcement Tracking No. WE-C-09-0173
Agency Interest No. 4668

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. WE-C-09-0173
Agency Interest No. 4668

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 Department's Rules of Procedure. 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 twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, 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.

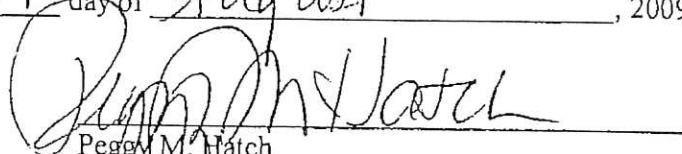
VII.

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.

VIII.

This COMPLIANCE ORDER is effective upon receipt.

Baton Rouge, Louisiana, this 24th day of August, 2009.



Peggy M. Hatch
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: Suzanne Gardner