

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

TAMANY HOLDING COMPANY, LLC

AI # 86653

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

\* Settlement Tracking No.  
\* SA-WE-16-0037  
\*  
\* Enforcement Tracking No.  
\* WE-CN-10-00516  
\*  
\*  
\* Docket No. 2012-11872-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Tammany Holding Company, 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 residential development facility located in St. Tammany Parish, Louisiana (“the Facility”).

II

On June 7, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-10-00516, which was based upon the following findings of fact:

“The Respondent owns and/or operates the facility known as the Lakeshore Villages/Estates I & II located at E. Howze Beach Road in Slidell, St. Tammany, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) Storm Water General Permit for Construction Activities LAR100000 on or about

August 25, 2004, and specifically was assigned Permit Number LAR10C710. The permit was reissued on or about December 22, 2009, with an effective date of December 25, 2009, and an expiration date on September 30, 2014. Under the terms and conditions of LPDES permit LAR10C710, the Respondent is authorized to discharge storm water from construction activities into Lake Pontchartrain, waters of the state.

Inspections conducted by the Department in response to a citizen's complaint on or about December 3, 2009, December 7, 2009, and December 16, 2009, revealed that the Respondent failed to implement adequate storm water controls. Specifically, the following was observed at the time of the inspections:

- A. At the time of the inspection on or about December 3, 2009, the inspector noted that a discharge from the Lakeshore Community Villages Development District Pumping Station was being pumped from the facility's retention canals into the East Diversion Canal. The discharge was turbid and appeared milky/muddy. The inspector also noted that the 1,000 acre site being developed by the Respondent is surrounded by a levee. Inside the levee the only storm water controls noted were retention canals which were turbid and muddy. The five acre area outside of the levee was in the process of being filled and graded. No storm water controls were observed around the perimeter of this area. At the time of inspection, storm water runoff was observed in the roadside ditch along E. Howze Beach Road and 1-10. The water in the ditch was turbid and appeared milk/muddy. This ditch discharges into Lake Pontchartrain. The Inspector noted that the Drainage District #2 Pumping station is located at the end of the ditch. Turbid water was pumped from the ditch into the canal that discharges into Lake Pontchartrain.

- B. During the follow up inspection on or about December 7, 2009, the inspector noted that no storm water controls were observed on the approximately five acre site being filled and graded at E. Howze Beach Road and 1-10. At the time of inspection, storm water runoff was observed from a culvert into the roadside ditch along E. Howze Beach Road and 1-10. The water in the ditch appeared heavily turbid and appeared milk/muddy. This ditch discharges into Lake Pontchartrain.
- C. During another follow up inspection on or about December 16, 2009, the inspector noted that the Lakeshore Community Villages Development District Pumps were pumping and discharging into the East Diversion Canal. A distinct discoloration of the water was observed while the water was pumped into the canal. The discoloration was observed throughout the entire canal for approximately five miles, which discharges into Lake Pontchartrain. Upstream from the discharging pumps, the East Diversion Canal was clear. A heavy discharge of turbid water was observed at the end of the East Diversion Canal entering Lake Pontchartrain. Again, the five acre area outside of the levee was in the process of being filled and graded and no storm water controls were observed around the perimeter of this area. A storm water discharge was observed from a culvert into the roadside ditch along E. Howze Beach Road and 1-10. Again, the water in the ditch which discharges into Lake Pontchartrain appeared heavily turbid. The Drainage District #2 Pumps were operating at the time of inspection and a turbid discharge was observed dumping into Lake Pontchartrain. No storm water controls were observed for the approximate five acres being filled and graded along E. Howze Beach Road. Also, no storm water controls were observed other than the retention canals inside of the levee area being developed.

The failure to implement adequate storm water controls is a violation of LPDES permit LAR10C710 (Part III, Section D.1, and Part VI, Sections A.1 and N.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.2701.A.

An inspection conducted by the Department in response to a citizen's complaint on or about December 16, 2009, revealed that the Respondent failed to maintain a copy of the permit and a copy of the Storm Water Pollution Prevention Plan (SWPPP), as required by LPDES permit LAR10C710. Specifically, the Respondent failed to maintain a copy of the SWPPP for review at the site. LPDES permit LAR10C710 requires that a copy of the SWPPP that is required to be kept on site (or locally available) must be made available to LDEQ (or authorized representative) for review at the time of an onsite inspection. The Respondent's failure to maintain a copy of the SWPPP on site is a violation of LPDES Permit LAR10C710 (Part IV, Sections B.3, E; Part V, Sections A and B; and Part VI, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

Inspections conducted by the Department in response to a citizen's complaint on or about December 3, 2009, revealed that the Respondent failed to maintain a copy of the permit as required by LPDES permit LAR10C710. Specifically, the Respondent failed to maintain a copy of the LPDES permit LAR10C710 for review at the site. LPDES permit LAR10C710 requires that a copy of the permit is required to be kept on site (or locally available) must be made available to LDEQ (or authorized representative) for review at the time of the site inspection. The Respondent's failure to maintain a copy of a permit and on site is a violation of LPDES Permit LAR10C710 (Part V, Section B, and Part VI, Sections A.1 and E), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.”

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 THIRTEEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$13,800.00), of which One Thousand Three Hundred Ninety-Seven and 80/100 Dollars (\$1,397.80) represents the Department's enforcement costs, in settlement of the claims set forth in this 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 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 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.

## VIII

This settlement 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, 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 St. Tammany 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.

XI

Payment is to be made within ten (10) 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).

XII

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

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.

TAMMANY HOLDING COMPANY, LLC

BY: [Signature]  
(Signature)

ROBERT L. TORRES, SR  
(Printed)

TITLE: Member / Manager

THUS DONE AND SIGNED in duplicate original before me this 27th day of June, 20 17, at SEPREL, LA.

[Signature]  
NOTARY PUBLIC (ID # 10747)

WAYNE A. COCCIER  
(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 20th day of Oct, 20 17, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary