

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SEWERAGE DISTRICT NO. 1 OF THE
PARISH OF TANGIPAHOA

AI # 140049

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

* Settlement Tracking No.
* SA-WE-16-0040
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* Enforcement Tracking No.
* WE-CN-14-00639
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SETTLEMENT

The following Settlement is hereby agreed to between Sewerage District No. 1 of the Parish of Tangipahoa (“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 a facility located in Ponchatoula, Tangipahoa Parish, Louisiana (“the Facility”).

II

On May 11, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00639, which was based upon the following findings of fact:

“The Respondent owns and/or operates a publicly owned treatment works located at 28424 Bedico Creek Lane, Ponchatoula, Tangipahoa Parish, Louisiana. Under the terms and conditions of LPDES Permit LA0122611, the Respondent is permitted to discharge treated sanitary wastewater

into East Bedico Creek, thence into the Tangipahoa River, all waters of the state.”

On or about March 17, 2014 and February 6, 2015, an inspection and file review were conducted by the Department. The inspection and file review revealed the following violation(s):

“The Respondent failed to comply with LPDES permit LA0122611. Specifically, between July 2012, and December 2014, the Respondent reported exceedences of permit effluent limitations for TSS, Dissolved Oxygen, CBOD, Ammonia-Nitrogen, and Fecal Coliform. (LPDES permit LA0122611 (Part I, Final Effluent Limitations and Monitoring Requirements) prior to March 1, 2014, LA0122611 (Effluent Limitations and Monitoring Requirements) after March 1, 2014, La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) (Table 1)

The Respondent failed to comply with LPDES permit LA0122611. Specifically, the Respondent failed to report values for a number of parameters on DMRs. (LA0122611 (Part I, Final Effluent Limitations and Monitoring Requirements) (Table 2)

The Respondent failed to submit Discharge Monitoring Reports (DMRs). The Respondent is required to submit monthly DMRs no later than the 28th day of the month following each quarterly reporting period. Specifically, the Respondent did not submit DMRs for the following monthly monitoring periods: 7/2012; 8/2012; 9/2012; 2/2014. (LPDES permit LA0122611 (Part II, Section 9), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.)”

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

FOUR THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$4,250.00), of which Four Hundred Ninety-Three and 71/100 Dollars (\$493.71) 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).

V

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.

VI

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.

VII

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.

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 Tangipahoa 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.

X

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).

XI

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

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.

**SEWERAGE DISTRICT NO. 1 OF THE
PARISH OF TANGIPAHOA**

BY: Mark W. Mobley
(Signature)

Mark W. Mobley
(Printed)

TITLE: Chairman, Board of Supervisors

THUS DONE AND SIGNED in duplicate original before me this 10th day of
March, 2017, at Hammond, Louisiana.

Douglas T. Curet
NOTARY PUBLIC (ID # 4662)

DOUGLAS T. CURET
NOTARY PUBLIC
STATE OF LOUISIANA
COMMISSION ISSUE FOR LIFE
La. State Bar Roll No. 4662

(stamped or printed)

**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

Chuck Carr Brown, Ph.D., Secretary

BY: Lourdes Iturralde
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 27th day of
June, 2017, at Baton Rouge, Louisiana.

Perry Theriot
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: Lourdes Iturralde
Lourdes Iturralde, Assistant Secretary



Jeff Landry
Attorney General

State of Louisiana

DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
70804-9005

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JUN 09 2017

L.A. DEPT. OF ENV. QUALITY
BATON ROUGE

June 7, 2017

Herman Robinson, General Counsel
La. Department of Environmental Quality
Legal Division
P.O. Box 4302
Baton Rouge, LA 70821-4302

Mark Mobley, President
Sewerage District No. 1 of the Parish of Tangipahoa
15481 Club Deluxe Road
Hammond, LA 70403

Re: AG Review of DEQ Settlement;
Sewerage District No. 1 of the Parish of Tangipahoa
Settlement No.: SA-WE-16-0040

Dear Mr. Robinson and Mr. Mobley:

Louisiana Revised Statute 30:2050.7 authorizes the Louisiana Department of Environmental Quality, with the concurrence of the Attorney General, to settle claims for penalties under the Louisiana Environmental Quality Act or the regulations or permit terms and conditions applicable thereto. Specifically, La. R.S. 30:2050.7(E)(2)(a) provides, “[s]ettlements provided for under this Section shall be submitted to the attorney general for his approval or rejection...[a]pproval or rejection by the attorney general shall be in writing with a detailed written reason for rejection.”

Settlement No. SA-WE-16-0040, and the underlying enforcement action, has been submitted to me for approval or rejection as required by law. Pursuant to the authority granted to me by Art. IV, Sec. 8 of the state constitution and R.S. 30:2050.7, I approve the above referenced settlement.

Sincerely,

JEFF LANDRY
ATTORNEY GENERAL

By: 

Steven B. “Beaux” Jones
Assistant Attorney General

Attachment 1

Table 1 – Exceedances

Date	Outfall	Parameter	Permit Limit	Reported Value
08/2012	001	CBOD (Monthly Average)	5 mg/L	8.3 mg/L
		CBOD (Weekly Average)	7 mg/L	8.3 mg/L
		TSS (Monthly Average)	15 mg/L	40 mg/L
		TSS (Weekly Average)	23 mg/L	40 mg/L
10/2012	001	TSS (Monthly Average)	15 mg/L	29.0 mg/L
		TSS (Weekly Average)	23 mg/L	29.0 mg/L
		TSS (Monthly Average)	15 mg/L	29.3 mg/L
		TSS (Weekly Average)	23 mg/L	40.0 mg/L
		Dissolved Oxygen (Monthly Average)	5 mg/L	4.12 mg/L
11/2012	001	CBOD (Monthly Average)	5 mg/L	12.33 mg/L
		CBOD (Weekly Average)	7 mg/L	14.00 mg/L
		Ammonia-Nitrogen (Weekly Average)	4 mg/L	4.62 mg/L
12/2012	001	CBOD (Monthly Average)	5 mg/L	6.95 mg/L
		CBOD (Weekly Average)	7 mg/L	8.60 mg/L
		TSS (Weekly Average)	23 mg/L	24.0 mg/L
		Ammonia-Nitrogen (Monthly Average)	2 mg/L	2.68 mg/L
		Ammonia-Nitrogen (Weekly Average)	4 mg/L	5.20 mg/L
01/2013	001	Ammonia-Nitrogen (Monthly Average)	2 mg/L	3.50 mg/L
		Ammonia-Nitrogen (Weekly Average)	4 mg/L	6.97 mg/L
02/2013	001	TSS (Monthly Average)	15 mg/L	16.6 mg/L
03/2013	001	CBOD (Monthly Average)	5 mg/L	5.35 mg/L
		CBOD (Weekly Average)	7 mg/L	7.30 mg/L
		TSS (Monthly Average)	15 mg/L	20.0 mg/L
		TSS (Weekly Average)	23 mg/L	28.0 mg/L
		Ammonia-Nitrogen (Monthly Average)	2 mg/L	2.67 mg/L
		Ammonia-Nitrogen (Weekly Average)	4 mg/L	5.31 mg/L
04/2013	001	CBOD (Monthly Average)	5 mg/L	10.50 mg/L
		CBOD (Weekly Average)	7 mg/L	14.00 mg/L
		TSS (Monthly Average)	15 mg/L	21.8 mg/L
		TSS (Weekly Average)	23 mg/L	33.2 mg/L
05/2013	001	CBOD (Monthly Average)	5 mg/L	6.10 mg/L
		CBOD (Weekly Average)	7 mg/L	7.70 mg/L
		TSS (Monthly Average)	15 mg/L	30.0 mg/L
		TSS (Weekly Average)	23 mg/L	32.8 mg/L
		Dissolved Oxygen (Monthly Average)	5 mg/L	3.64 mg/L
		Ammonia-Nitrogen (Monthly Average)	2 mg/L	3.06 mg/L
		Ammonia-Nitrogen (Weekly Average)	4 mg/L	6.50 mg/L
06/2013	001	TSS (Monthly Average)	15 mg/L	25.0 mg/L
		TSS (Weekly Average)	23 mg/L	28.4 mg/L
		Dissolved Oxygen (Monthly Average)	5 mg/L	3.67 mg/L
		Ammonia-Nitrogen (Monthly Average)	4 lbs/day	4.64 lb/day
06/2013	001	Ammonia-Nitrogen (Monthly Average)	2 mg/L	6.63 mg/L
		Ammonia-Nitrogen (Weekly Average)	4 mg/L	13.0 mg/L

Date	Outfall	Parameter	Permit Limit	Reported Value
07/2013	001	TSS (Monthly Average)	15 mg/L	17.2 mg/L
		Dissolved Oxygen (Monthly Average)	5 mg/L	4.15 mg/L
		Ammonia-Nitrogen (Monthly Average)	2 mg/L	3.06 mg/L
		Ammonia-Nitrogen (Weekly Average)	4 mg/L	4.92 mg/L
08/2013	001	Dissolved Oxygen (Monthly Average)	5 mg/L	1.67 mg/L
		Fecal Coliform (Weekly Average)	400 col/100 mL	740 col/100 ml
09/2013	001	TSS (Monthly Average)	15 mg/L	15.2 mg/L
06/2014	001	Dissolved Oxygen (Monthly Average)	5 mg/L	3.06 mg/L
08/2014	001	Dissolved Oxygen (Monthly Average)	5 mg/L	1.79 mg/L
		Fecal Coliform (Monthly Average)	200 col/100 mL	819 col/100 mL
		Fecal Coliform (Weekly Average)	400 col/100 mL	1000 col/100 ml

Table 2 - Failed to Report

Date	Outfall	Parameter	Permit Limit
07/2013	001	CBOD (Monthly Average)	10 lbs/day
		TSS (Monthly Average)	30 lbs/day
		Flow (Monthly Average)	Report
		Flow (Weekly Average)	Report
		Ammonia-Nitrogen (Monthly Average)	4 lbs/day
08/2013	001	CBOD (Monthly Average)	10 lbs/day
		TSS (Monthly Average)	30 lbs/day
		Flow (Monthly Average)	Report
		Flow (Weekly Average)	Report
		Ammonia-Nitrogen (Monthly Average)	4 lbs/day