

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WTSO LLC

AI # 125253

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

\* Settlement Tracking No.  
\* SA-WE-16-0003  
\*  
\* Enforcement Tracking No.  
\* WE-CN-14-00209  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between WTSO 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 sanitary treatment facility located in Evangeline Parish, Louisiana (“the Facility”).

II

On May 29, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00209, which was based upon the following findings of fact:

“The Respondent owns and/or operates the Kennedy Oxidation Pond, a sanitary treatment facility, purchased from Plaisance Development Corporation on or about November 1, 2011, which is located at Division Road and Campbell Avenue in Ville Platte, Evangeline Parish, Louisiana. To date, the Respondent has not submitted the required forms or obtained the financial assurance required for the Department to authorize the transfer and/or issuance of a

Louisiana Pollutant Discharge Elimination System (LPDES) permit for this facility. However, under the terms and conditions of Compliance Order WE-C-11-01477A, the Respondent currently has interim authorization to discharge treated sanitary wastewater to local drainage, thence to Bayou Joe Marcel, all waters of the state.

The Respondent was issued Compliance Order WE-C-11-01477 on or about December 22, 2011, and Amended Compliance Order WE-C-11-01477A on or about July 9, 2012, for the following violations: unauthorized discharges and failure to submit a Notification of Change (NOC-1) form. The Order required the Respondent to immediately cease all unauthorized discharges, to comply with all requirements outlined in LPDES permit LAG570268, to accomplish the tasks and schedule of activities establish in the Order regarding financial assurance requirements, and to submit a written response. The Respondent’s written response to the original action was received by the Department on or about January 24, 2012. Amended Compliance Order WE-C-11-01477A is a final action of the Department.

A file review conducted by the Department on April 15, 2014, revealed the following permit limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

| <b>Date</b>   | <b>Outfall</b> | <b>Parameter</b> | <b>Interim Limit</b> | <b>Sample Value</b> |
|---------------|----------------|------------------|----------------------|---------------------|
| January 2012  | 001            | BOD monthly avg  | 10 mg/L              | 23 mg/L             |
|               |                | BOD weekly avg   | 15 mg/L              | 23 mg/L             |
|               |                | TSS monthly avg  | 15 mg/L              | 23 mg/L             |
| February 2012 | 001            | BOD monthly avg  | 10 mg/L              | 13 mg/L             |
|               |                | TSS monthly avg  | 15 mg/L              | 44 mg/L             |
|               |                | TSS weekly y avg | 23 mg/L              | 44 mg/L             |
| March 2012    | 001            | TSS monthly avg  | 15 mg/L              | 27 mg/L             |
|               |                | TSS weekly y avg | 23 mg/L              | 27 mg/L             |
| April 2012    | 001            | BOD monthly avg  | 10 mg/L              | 24 mg/L             |

| <b>Date</b>    | <b>Outfall</b> | <b>Parameter</b>           | <b>Interim Limit</b> | <b>Sample Value</b> |
|----------------|----------------|----------------------------|----------------------|---------------------|
|                |                | BOD weekly avg             | 15 mg/L              | 24 mg/L             |
|                |                | TSS monthly avg            | 15 mg/L              | 38 mg/L             |
|                |                | TSS weekly avg             | 23 mg/L              | 38 mg/L             |
|                |                | Fecal coliform monthly avg | 200 CFU/100mL        | 220 CFU/100mL       |
| May 2012       | 001            | TSS monthly avg            | 15 mg/L              | 76 mg/L             |
|                |                | TSS weekly avg             | 23 mg/L              | 76 mg/L             |
| June 2012      | 001            | TSS monthly avg            | 15 mg/L              | 26 mg/L             |
|                |                | TSS weekly avg             | 23 mg/L              | 26 mg/L             |
| April 2013     | 001            | BOD monthly avg            | 10 mg/L              | 34 mg/L             |
|                |                | BOD weekly avg             | 15 mg/L              | 34 mg/L             |
| April 2013     | 001            | TSS monthly avg            | 15 mg/L              | 83 mg/L             |
|                |                | TSS weekly avg             | 23 mg/L              | 83 mg/L             |
|                |                | Fecal coliform monthly avg | 200 CFU/100mL        | 5800 CFU/100mL      |
|                |                | Fecal coliform weekly avg  | 400 CFU/100mL        | 5800 CFU/100mL      |
| May 2013       | 001            | BOD monthly avg            | 10 mg/L              | 20 mg/L             |
| May 2013       | 001            | BOD weekly avg             | 15 mg/L              | 20 mg/L             |
|                |                | TSS monthly avg            | 15 mg/L              | 16 mg/L             |
| June 2013      | 001            | BOD monthly avg            | 10 mg/L              | 82 mg/L             |
|                |                | BOD weekly avg             | 15 mg/L              | 82 mg/L             |
|                |                | TSS monthly avg            | 15 mg/L              | 144 mg/L            |
|                |                | TSS weekly avg             | 23 mg/L              | 144 mg/L            |
| July 2013      | 001            | TSS monthly avg            | 15 mg/L              | 130 mg/L            |
|                |                | TSS weekly avg             | 23 mg/L              | 130 mg/L            |
| August 2013    | 001            | BOD monthly avg            | 10 mg/L              | 18 mg/L             |
|                |                | BOD weekly avg             | 15 mg/L              | 18 mg/L             |
|                |                | TSS monthly avg            | 15 mg/L              | 550 mg/L            |
|                |                | TSS weekly avg             | 23 mg/L              | 550 mg/L            |
| September 2013 | 001            | TSS monthly avg            | 15 mg/L              | 123 mg/L            |
|                |                | TSS weekly avg             | 23 mg/L              | 123 mg/L            |
| October 2013   | 001            | TSS monthly avg            | 15 mg/L              | 22 mg/L             |
| November 2013  | 001            | TSS monthly avg            | 15 mg/L              | 41 mg/L             |
|                |                | TSS weekly avg             | 23 mg/L              | 41 mg/L             |
| December       | 001            | TSS monthly avg            | 15 mg/L              | 107 mg/L            |



| <b>Date</b> | <b>Outfall</b> | <b>Parameter</b> | <b>Interim Limit</b> | <b>Sample Value</b> |
|-------------|----------------|------------------|----------------------|---------------------|
| 2013        |                | TSS weekly avg   | 23 mg/L              | 107 mg/L            |

Each exceedance of the interim effluent limitations is a violation of Amended Compliance Order WE-C-11-01477A, La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

An inspection, pursuant to a citizen's complaint, conducted by the Department on January 17, 2014, revealed that the Respondent caused and/or allowed unauthorized discharges to waters of the state. Specifically, the inspection revealed that the Respondent discharged sewage sludge offsite into a small ditch on the southwest corner of the oxidation pond and in the roadside ditch along the southern edge of the oxidation pond. Green water along with sludge was observed for approximately 50 feet in the roadside ditch. At the time of the inspection, it was noted that the Respondent had hired a contract trackhoe operator from Reue's Hauling to build up the levee for about 75% of the oxidation pond. The contractor stated that the material used to build up the levees was from the bottom of the oxidation pond. The material from the bottom of the oxidation pond was placed on the inside, outside, and on top of the levee. The inspection also noted that sludge had run off of the levees onto adjacent properties and into ditches, and sludge was observed in residents' yards on the north and west side of the oxidation pond. Each unauthorized discharge is a violation of Amended Compliance Order WE-C-11-01477A, La. R.S. 30:2076 (A)(1), and LAC 33:IX.501.D.

An inspection on January 17, 2014, pursuant to a citizen's complaint, and subsequent file review on April 15, 2014, conducted by the Department revealed that the Respondent failed to properly dispose of sewerage sludge. Specifically, the observations made during the inspection described in Paragraph IV above revealed that the Respondent did not properly dispose the sludge removed from the oxidation pond during the levee build-up. The file review also revealed that the Respondent does not have any permit authorization to dispose of sewage sludge by land application. The failure to properly dispose of sewage sludge is a violation of Amended

Compliance Order WE-C-11-01477A (LPDES Permit LAG570268, Part II, Section G), and LAC 33:IX.7303.C.3 and 4.

A file review conducted by the Department on April 15, 2014, revealed that the Respondent failed to implement and provide documentation of the financial assurance mechanism for the Kennedy Oxidation Pond. Specifically, Amended Compliance Order WE-C-11-01477A required that the Respondent implement and provided documentation of the financial assurance mechanism required by LAC 33:IX.6701 for the facility by September 30, 2013. As of the file review date, the Respondent has not complied with this requirement. The failure to implement and provide documentation of the financial assurance mechanism for the Kennedy Oxidation Pond is a violation of Amended Compliance Order WE-C-11-01477A, La. R.S. 30:2076 (A)(3) & (4), and LAC 33:IX.6701.”

### 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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00), of which Seven Hundred Ninety-Nine and 24/100 Dollars (\$799.24) 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), 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.



WTSO LLC

BY: *Bozeman*  
(Signature)

Bozeman P. Bozeman III  
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 5<sup>th</sup> day of May, 20 16, at Walker, Louisiana

*Jawilla Hauko*  
NOTARY PUBLIC (ID # 87468)

*Sabrina Hauko 87468*  
(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Peggy M. Hatch Secretary

BY: *McNeely*  
*Louises Irmalde* D. Chance McNeely, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 21<sup>st</sup> day of Sept, 20 16, at Baton Rouge, Louisiana.

*On K*  
NOTARY PUBLIC (ID # 19181)

*Perry Theriot*  
(stamped or printed)

Approved: *McNeely*  
D. Chance McNeely, Assistant Secretary  
*Louises Irmalde*