

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ASCENSION WASTEWATER TREATMENT,
INC.

AI # 43866, et. seq.¹

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

* Settlement Tracking No.
* SA-WE-18-0039
*
* Enforcement Tracking No.
* WE-CN-03-0066
* WE-CN-09-0306B
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SETTLEMENT

The following Settlement is hereby agreed to between Ascension Wastewater Treatment, Inc. (“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 corporation that owns and/or operates facilities located in Ascension, Livingston, and East Baton Rouge Parishes, Louisiana (“the Facilities”).

II

On December 9, 2003, the Department issued to Respondent a Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-03-0066 (Exhibit 1).

On February 19, 2013, the Department issued to Respondent an Amended Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-09-0306B (Exhibit 2). According

¹ See Exhibit 3 for complete listing of AI Numbers.

to documents and progress reports submitted by the Respondent, all projects required by the Order have been completed.

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 THREE HUNDRED FIFTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$357,000.00), of which Seventy Thousand Nine Hundred Fifty-Nine and 52/100 Dollars (\$70,959.52) 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, Compliance Order 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 Ascension, Livingston, and East Baton Rouge Parishes, 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 of the civil penalty amount, as noted in Paragraph IV, is to be made in three (3)

separate installments of \$119,000.00 each. The first payment is due within ten (10) days from notice of the Secretary's signature. The remaining two (2) installments of \$119,000.00 shall be paid annually thereafter, due on the anniversary date of settlement. 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.

ASCENSION WASTEWATER
TREATMENT, INC.

BY: [Signature]

(Signature)

Drew T Perreut

(Printed)

TITLE: C.O.O.

THUS DONE AND SIGNED in duplicate original before me this 19th day of December, 20 18, at Gonzales, Louisiana

[Signature]

NOTARY PUBLIC (ID # 36853)

Robert L. Coco

(stamped or printed)

Bar Roll No. 18841
My Commission Expires At Death

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 25th day of March, 20 19, at Baton Rouge, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 19811)

Perry Theriot

(stamped or printed)

Approved: [Signature]

Lourdes Iturralde, Assistant Secretary



State of Louisiana
Department of Environmental Quality



M. J. "MIKE" FOSTER, JR.
GOVERNOR

December 9, 2003

L. HALL BOHLINGER
SECRETARY

CERTIFIED MAIL (7002 2030 0002 8907 1359)
RETURN RECEIPT REQUESTED

WASTEWATER TREATMENT - UTILITIES, INC.
ASCENSION WASTEWATER TREATMENT, INC.
 c/o Thomas F. Pertuit, Agent of Service
 18330 Robert Denham Rd.
 Prairieville, LA 70069

**RE: CONSOLIDATED COMPLIANCE ORDER
 & NOTICE OF POTENTIAL PENALTY
 ENFORCEMENT TRACKING NO. WE-CN-03-0066
 AGENCY INTEREST NO. 18804**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **WASTEWATER TREATMENT - UTILITIES, INC.** and **ASCENSION WASTEWATER TREATMENT, INC.** (RESPONDENTS) 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 **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or referral to the Department of Justice for appropriate legal actions.

Any questions concerning this action should be directed to Kelli Smith McNulty at (225) 219-3811.

Sincerely,

Peggy M. Hatch
Administrator
Enforcement Division

PMH/KSM/ksm
Attachment



OFFICE OF ENVIRONMENTAL COMPLIANCE • P.O. BOX 4312 • BATON ROUGE, LOUISIANA 70821-4312

AN EQUAL OPPORTUNITY EMPLOYER



c: Wastewater Treatment - Utilities, Inc.
Ascension Wastewater Treatment, Inc.
17188 Airline Hwy, Ste M157
Prairieville, LA 70769

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

WASTEWATER TREATMENT -
UTILITIES, INC.
ASCENSION WASTEWATER
TREATMENT, INC.
MULTIPLE PARISH

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

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*	ENFORCEMENT TRACKING NO.
*	
*	WE-CN-03-0066
*	
*	AGENCY INTEREST NO.
*	
*	18804
*	
*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WASTEWATER TREATMENT - UTILITIES, INC.** and **ASCENSION WASTEWATER TREATMENT, INC. (RESPONDENTS)** 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), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondents own and/or operate approximately 76 wastewater treatment plants serving subdivisions in Ascension, Livingston, and East Baton Rouge Parishes in Louisiana. Of

the 76 facilities, approximately 22 are currently covered under a Louisiana Pollutant Discharge Elimination System (LPDES) permit. The other 54 facilities do not have an LPDES permit or other authority to discharge wastes and/or other substances to the waters of the state.

II.

The Respondent, Wastewater Treatment – Utilities, Inc., owns and/or operates the Bayou Grand Subdivision wastewater treatment plant (AI# 18804) located at 38179 La. Highway 621 in Gonzales, Ascension Parish, Louisiana. In addition to Bayou Grand, the wastewater treatment plant also services the subdivisions of Babin Cove and Chase Court. The Respondent was issued Louisiana Water Discharge Permit System (LWDPS) permit WP2045 on March 19, 1996, with an expiration date of March 18, 2001. The LWDPS permit authorized the Respondent to discharge treated sanitary wastewater from its facility to an unnamed ditch, thence into Bayou Grand Goudine, thence into New River, thence into New River Canal, thence into Blind River, all waters of the state. A permit renewal application was submitted to the Department on or about October 4, 2001. This submittal was within the timeframe specified in Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080, therefore authorizing the Respondent to discharge treated sanitary wastewater to waters of the state.

- A. The Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080, served on September 7, 2001, and Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A on or about February 10, 2002. The relevant requirements of the Compliance Orders were to: cease all unauthorized discharges from the facility and take all steps necessary to meet and maintain compliance with its LWDPS permit; timely submit Discharge Monitoring Reports (DMRs); properly operate and maintain all equipment; submit an updated permit application, within thirty (30) days, depending upon the status of the effluent discharge; provide interim discharge limits until such time as the Respondent is issued an updated permit; and submit a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance, and corrective or remedial actions taken to mitigate any damages resulting from the violations. Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080 and

Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A are final actions of the Department and not subject to further review.

- B. In response to a complaint filed with the Department on or about March 19, 2002, alleging that the banks of the oxidation pond had eroded, and the pond was leaking into Bayou Grand, an inspection was conducted by the Department on or about March 20, 2002. The inspection revealed that a small area of the levee near the northwest corner had washed away, but that dirt had been put in place to stop the overflow. According to the Respondent, the discharge pipe had become clogged and caused the water level to rise and overflow the levee. The Respondent's failure to properly operate and maintain the pond is in violation of **Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A**, La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.
- C. In response to a complaint that was filed with the Department on or about April 8, 2002, alleging an ongoing problem of raw sewage in the ditch next to Bayou Grand South Road, an inspection was conducted by the Department on or about April 12, 2002. The inspection revealed evidence of sanitary wastewater seeping up through the soil and into the ditch in two spots along Bayou Grand South Road. Follow-up inspections on or about April 23, 2002, and May 3, 2002, revealed that the source of the wastewater in the ditches was a leaking sewer line, and was repaired by the Respondent by May 3, 2002. Each unauthorized discharge is in violation of **Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A**, 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.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. The failure to operate and maintain equipment is in violation of **Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A**, La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.
- D. In response to a complaint that was filed with the Department on or about May 20, 2002, alleging the oxidation pond was short circuiting, an inspection was conducted by the Department on or about May 28, 2002. The inspection revealed that the freeboard at the western corner of the oxidation pond near Bayou Grand Goudine was inadequate at less than one foot of space. The Respondent's failure to properly operate and maintain the oxidation pond is in violation of **Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A**, La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.
- E. During the inspection conducted by the Department on or about May 28, 2002, samples were taken by the inspector. Sample results of 51.0 mg/L for BOD₅ and 66.0 mg/L for TSS were above the authorized Monthly Average limits of 30 mg/L for BOD₅ and 30 mg/L for TSS. These effluent exceedences constitute violations of **Amended Consolidated Compliance Order and Notice of Potential Penalty**

WE-CN-00-0080A, 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.2355.A.

- F. A file review conducted on or about May 23, 2003, revealed that the Respondent failed to report a Fecal Coliform Monthly or Weekly Average sample measurement for the month of September 2000, on its DMRs. The failure to submit an accurate DMR is in violation of LWDPs permit WP2045 (Part II, Paragraph 8, and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.
- G. Further file review on or about May 23, 2003, October 22, 2003, and October 28, 2003, revealed that the Respondent failed to monitor its effluent and submit DMRs for January, February, and March, 2001. The Respondent's failure to monitor its effluent and submit DMRs is in violation of LWDPs permit WP2045 (Part II, Paragraph 8, and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A. Additionally, the Respondent failed to monitor its effluent and submit DMRs for October through December 2001, October through December 2002, and January through September 2003, in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080, Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.
- H. The Respondent allowed LWDPs permit WP2045 to expire on or about March 18, 2001, without submission of a permit renewal application 180 days prior to the expiration date of the aforementioned permit. The Respondent did submit a renewal application on or about October 4, 2001, in response to Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080. The Respondent's unauthorized discharge of wastewater to waters of the state from March 18, 2001, to October 4, 2001, is in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080, 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.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.
- I. Further file review by the Department on or about May 23, 2003, revealed the following permit excursions, as reported by the Respondent on DMRs:

Date	Outfall	Parameter	Permit Limit	Sample Value
10/1999	001	TSS Monthly Average	15 mg/L	27 mg/L
10/1999	001	TSS Weekly Average	23 mg/L	23 mg/L
12/1999	001	BOD Monthly Average	10 mg/L	11 mg/L
12/1999	001	Fecal Coliform Monthly Average	200 col/100 ml	310 col/100 ml
02/2000	001	BOD Monthly Average	10 mg/L	16 mg/L
02/2000	001	BOD Weekly Average	15 mg/L	16 mg/L
02/2000	001	Fecal Coliform Monthly Average	200 col/100ml	330 col/100 ml
07/2000	001	BOD Monthly Average	10 mg/L	37.5 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
07/2000	001	BOD Weekly Average	15 mg/L	37.5 mg/L
07/2000	001	TSS Monthly Average	15 mg/L	59.3 mg/L
07/2000	001	TSS Weekly Average	23 mg/L	59.3 mg/L
08/2000	001	BOD Monthly Average	10 mg/L	14.5 mg/L
08/2000	001	TSS Monthly Average	15 mg/L	27.1 mg/L
08/2000	001	TSS Weekly Average	23 mg/L	27.1 mg/L
08/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	Too Numerous To Count (TNTC)
08/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	TNTC
09/2000	001	TSS Monthly Average	15 mg/L	17 mg/L
10/2000	001	BOD Monthly Average	10 mg/L	12.5 mg/L
10/2000	001	TSS Monthly Average	15 mg/L	29 mg/L
10/2000	001	TSS Weekly Average	23 mg/L	29 mg/L
10/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	TNTC
10/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	TNTC
11/2000	001	TSS Monthly Average	15 mg/L	24 mg/L
11/2000	001	TSS Weekly Average	23 mg/L	24 mg/L
11/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	250 col/100 ml
12/2000	001	TSS Monthly Average	15 mg/L	20 mg/L
12/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	10,000 col/100 ml
12/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	10,000 col/100 ml

Each excursion of the permit constitutes a violation of LWDPs permit WP2045 (Part I, Pages 2 and 3, and Part III, Section A.1), 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.2355.A.

- J. Further file review by the Department on or about October 22, 2003, revealed the following interim limit effluent exceedences, as reported by the Respondent on DMRs:

Date	Outfall	Parameter	Permit Limit	Sample Value
01/2002	001	Fecal Coliform Monthly Average	200 col/100 ml	250 col/100 ml
02/2002	001	BOD Monthly Average	30 mg/L	N/A
02/2002	001	BOD Weekly Average	45 mg/L	N/A
02/2002	001	TSS Monthly Average	30 mg/L	40 mg/L
02/2002	001	Fecal Coliform Monthly Average	200 col/100 ml	6000 col/100 ml
02/2002	001	Fecal Coliform Weekly Average	400 col/100 ml	6000 col/100 ml
03/2002	001	Fecal Coliform Monthly Average	200 col/100 ml	6000 col/100 ml
03/2002	001	Fecal Coliform Weekly Average	400 col/100 ml	6000 col/100 ml
04/2002	001	TSS Monthly Average	30 mg/L	42 mg/L
04/2002	001	pH Maximum	9.0 SU	9.387 SU
05/2002	001	BOD Monthly Average	30 mg/L	66 mg/L
05/2002	001	BOD Weekly Average	45 mg/L	66 mg/L
05/2002	001	TSS Monthly Average	30 mg/L	97 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
05/2002	001	TSS Weekly Average	45 mg/L	97 mg/L
06/2002	001	TSS Monthly Average	30 mg/L	76 mg/L
06/2002	001	TSS Weekly Average	45 mg/L	76 mg/L
07/2002	001	BOD Monthly Average	30 mg/L	36 mg/L
07/2002	001	TSS Monthly Average	30 mg/L	33 mg/L
08/2002	001	TSS Monthly Average	30 mg/L	48 mg/L
08/2002	001	TSS Weekly Average	45 mg/L	48 mg/L
09/2002	001	BOD Monthly Average	30 mg/L	47.6 mg/L
09/2002	001	BOD Weekly Average	45 mg/L	47.6 mg/L
09/2002	001	TSS Monthly Average	15 mg/L	77 mg/L
09/2002	001	TSS Weekly Average	23 mg/L	77 mg/L
09/2002	001	Fecal Coliform Monthly Average	200 col/100 ml	5000 col/100 ml
09/2002	001	Fecal Coliform Weekly Average	400 col/100 ml	5000 col/100 ml

Each excursion constitutes a violation of Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A, 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.2355.A.

- K. Further file review by the Department on or about October 22, 2003, revealed that the Respondent failed to increase its monitoring frequency to once a week whenever a sample result was found to be above the interim Weekly Average Limit in Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A for the DMRs submitted for January through September 2002, in violation of Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0080A, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

III.

The Respondent, Ascension Wastewater Treatment, Inc., owns and/or operates the Henderson Bayou Sewage Treatment Plant (AI# 43869) located on Henderson Bayou Road in Gonzales, Ascension Parish, Louisiana. The Henderson Bayou Sewage Treatment Plant services the subdivisions of Henderson Acres, Oakridge, and Timberlake Estates, as well as Galvez Primary School. The Respondent was issued LWDPs permit WP3084 on March 6, 1996, with an expiration date of March 5, 2001. The LWDPs permit authorized the Respondent to discharge treated sanitary wastewater from its facility to Henderson Bayou, thence into Amite River, both waters of the state. A permit renewal application was submitted to the Department

on or about October 11, 2001. On or about March 5, 2001, LWDPS permit WP3084 expired and has not been reissued, therefore the Respondent has no authority to discharge wastes and/or other substances to waters of the state.

- A. An inspection conducted by the Department on or about March 27, 2002, revealed that the Respondent was discharging without a permit. Effluent samples taken during the inspection were analyzed for BOD and the result of 31.2 mg/L was found to be above the previously permitted monthly average limit of 10 mg/L, and weekly average limit of 15 mg/L. The Respondent's unauthorized discharge of wastewater to waters of the state is in violation of 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.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.
- B. A file review conducted by the Department on or about May 21, 2003, disclosed that the Respondent allowed LWDPS permit WP3084 to expire without submission of a permit renewal application 180 days prior to the expiration date of the aforementioned permit. The Respondent's failure to submit a permit renewal application or to submit an application for a LPDES permit is in violation of LWDPS permit WP3084, (Part III, Section A.1 and D.8.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2331.D.2, LAC 33:IX.2355.A and LAC 33:IX.2355.B. In addition, all discharges from the Respondent's facility after March 5, 2001, are unauthorized and in violation of 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.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.
- C. A file review conducted by the Department on or about August 26, 2003, revealed the following monitoring violations:
 1. The Respondent failed to monitor and report flow for April through December 1996, January through March and October through December 1997, January through September 1998, and July through September 1999, in violation of LWDPS permit WP3084 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 2. The Respondent failed to monitor and report pH results for the months of October through December 1996, in violation of LWDPS permit WP3084 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 3. The Respondent failed to report the weekly averages for BOD, TSS, and Fecal Coliform for October through December 1997, January through September 1998, and July through September 1999, in violation of LWDPS permit WP3084 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

4. The Respondent failed to sign and date DMRs submitted for July, August, September, October, November, and December 2000, in violation of LWDPs permit WP3084 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2333.B, LAC 33:IX.2355.A, and LAC 33:IX.2355.K.1.
5. The Respondent failed to submit DMRs for April through September 1997, October through December 1998, January through June and October through December 1999, January through June 2000, and January through March 2001, in violation of LWDPs permit WP3084 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.a.

D. Further file review by the Department on or about August 26, 2003, revealed the following permit excursions, as reported by the Respondent on DMRs:

Date	Outfall	Parameter	Permit Limit	Sample Value
06/1998	001	BOD Monthly Average	10 mg/L	11 mg/L
08/1998	001	BOD Monthly Average	10 mg/L	12 mg/L
09/1998	001	BOD Monthly Average	10 mg/L	14 mg/L
09/1999	001	BOD Monthly Average	10 mg/L	13 mg/L
07/2000	001	BOD Monthly Average	10 mg/L	29.2 mg/L
07/2000	001	BOD Weekly Average	15 mg/L	29.2 mg/L
07/2000	001	TSS Monthly Average	15 mg/L	75.5 mg/L
07/2000	001	TSS Weekly Average	23 mg/L	75.5 mg/L
08/2000	001	BOD Monthly Average	10 mg/L	16.8 mg/L
08/2000	001	BOD Weekly Average	15 mg/L	16.8 mg/L
08/2000	001	TSS Monthly Average	15 mg/L	39.7 mg/L
08/2000	001	TSS Weekly Average	23 mg/L	39.7 mg/L
08/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	TNTC
08/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	TNTC
09/2000	001	BOD Monthly Average	10 mg/L	10.5 mg/L
09/2000	001	TSS Monthly Average	15 mg/L	23 mg/L
09/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	1670 col/100 ml
09/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	1670 col/100 ml
10/2000	001	BOD Monthly Average	10 mg/L	13.7 mg/L
10/2000	001	TSS Monthly Average	15 mg/L	33 mg/L
10/2000	001	TSS Weekly Average	23 mg/L	33 mg/L
10/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	TNTC
10/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	TNTC
11/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	3000 col/100 ml
11/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	3000 col/100 ml
12/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	1000 col/100 ml
12/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	1000 col/100 ml

Each excursion of the permit constitutes a violation of LWDPS permit WP3084 (Part I, Pages 2 and 3, and Part III, Section A.1), 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.2355.A.

- E. Further file review by the Department on or about October 22, 2003, revealed that the Respondent failed to increase its monitoring frequency to once a week whenever a sample result was found to be above the Weekly Average Limit in LWDPS permit WP3084, in violation of LWDPS permit WP3084 (Part I, Pages 2 and 3, and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

IV.

The Respondent, Wastewater Treatment - Utilities, Inc., owns and/or operates the Jefferson Oaks Subdivision wastewater treatment plant (AI# 43877) located on La. Highway 73 in Prairieville, Ascension Parish, Louisiana. The Respondent was issued LPDES permit LA0103276 on October 13, 1997, with an expiration date of October 12, 2002. A permit renewal application has not been received by the Department. The LPDES permit authorized the Respondent to discharge treated sanitary wastewater from its facility to Muddy Creek, thence into Bayou Manchac, both waters of the state. On or about October 12, 2002, LPDES permit LA0103276 expired and has not been reissued, therefore the Respondent has no authority to discharge wastes and/or other substances to waters of the state.

- A. The Respondent was issued Compliance Order WE-C-96-0318 on or about March 16, 1997. The relevant requirements of the Compliance Order were to: cease all unauthorized discharges from the facility; obtain an LPDES permit due to the status of its effluent discharge; repair and maintain the discharge pipe, aerator motor, and sludge return system, within thirty (30) days; provide a compliance schedule if the deficiencies could not be corrected within thirty (30) days; and submit a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance, and corrective or remedial actions taken to mitigate any damages resulting from the violations. Compliance Order WE-C-96-0318 is a final action of the Department and not subject to further review.
- B. The Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116 on or about May 13, 1998. The relevant

requirements of the Compliance Order were to: cease all unauthorized discharges from the facility and take all steps necessary to meet and maintain compliance with its LPDES permit; submit DMRs for April and June 1997, and lab data for July through December 1997, within ten (10) days; provide a compliance schedule if the deficiencies could not be corrected within thirty (30) days; and submit a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance, and corrective or remedial actions taken to mitigate any damages resulting from the violations. Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116 is a final action of the Department and not subject to further review.

- C. In response to a complaint filed with the Department on or about July 16, 2002, alleging that the treatment plant was leaking, an inspection was conducted by the Department on or about July 19, 2002. The inspection revealed that a lift station float switch had malfunctioned resulting in excessive flow into the treatment plant. The excess flow, in addition to debris in the chlorinator, caused the chlorinator to overflow. Also at the time of the inspection there was no chlorine in the chlorinator, and therefore no disinfection was being provided to the effluent. These deficiencies in operations and maintenance are in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276 (Part III, Sections A.2 and B.3), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.
- D. A file review conducted by the Department on or about May 21, 2003, disclosed that the Respondent allowed LPDES permit LA0103276 to expire without submission of a permit renewal application. The Respondent's failure to submit a permit renewal application or to submit an application for a LPDES permit is in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276, (Part III, Section A.1 and D.8.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2331.D.2, LAC 33:IX.2355.A and LAC 33:IX.2355.B. In addition, all discharges from the Respondent's facility after October 12, 2002, are unauthorized and in violation of 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.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.
- E. A file review conducted on or about August 26, 2003, revealed the following monitoring violations:
1. The Respondent failed to monitor and report Total Residual Chlorine on DMRs for October 1997 through September 2000, in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 2. The Respondent failed to submit DMRs for October through December 2000, all of 2001, and January through October 2002, in violation of Consolidated

Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276 (Part II, Section 10 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.a.

3. The Respondent failed to properly report pH minimum and maximum values on DMRs from October 1997 through June 2000, in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 4. The Respondent failed to report the weekly averages for BOD, TSS, and Fecal Coliform on DMRs from October 1997 through June 2000, in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 5. The Respondent failed to monitor and report flow measurements for the monitoring periods: November 1997; October, November, and December 1999; and September 2000. The failure to monitor and report flow is in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 6. The Respondent failed to report either the monthly average or the weekly average flow measurement on DMRs for October and December 1997, April through December 1998, January through September 1999, and January through June 2000, in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 7. The Respondent reported a permit exceedence on a DMR. Specifically, a BOD result of 29 mg/L on the December 1999 DMR was above the permitted weekly average limit of 15 mg/L. Each excursion constitutes a violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-98-0116, LPDES permit LA0103276 (Part I, Page 2, and Part III, Section A.1), 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.2355.A.
- F. Further file review by the Department on or about October 22, 2003, revealed that the Respondent failed to increase its monitoring frequency to once a week whenever a sample result was found to be above the Daily Maximum Limit in Compliance Order WE-C-96-0318, in violation of Compliance Order WE-C-96-0318, LPDES permit LA0103276 (Part I, Page 2, and Part III, Section A.1), La.

R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

V.

The Respondent, Ascension Wastewater Treatment, Inc., owns and/or operates the Villa Galvez Sewerage Treatment Facility (AI# 43875) located on La. Highway 44 in Gonzales, Ascension Parish, Louisiana. The Villa Galvez plant services the Villa Galvez, Chateau Galvez, and Old Hickory Woods subdivisions. The Respondent was issued LWDPs permit WP3809 on February 26, 1996, with an expiration date of February 25, 2001. A permit renewal application was submitted to the Department on or about October 11, 2001. The LWDPs permit authorized the Respondent to discharge treated sanitary wastewater from its facility to an unnamed ditch, thence into Henderson Bayou, thence into the Amite River, all waters of the state. On or about February 25, 2001, LWDPs permit WP3809 expired and has not been reissued, therefore the Respondent has no authority to discharge wastes and/or other substances to waters of the state.

- A. The Respondent was issued Compliance Order WE-C-98-0010 on or about April 3, 1998. The relevant requirements of the Compliance Order were to: cease all unauthorized discharges from the facility and take all steps necessary to meet and maintain compliance with LWDPs permit WP3809; provide a compliance schedule if the deficiencies could not be corrected within thirty (30) days; submit DMRs for July through December 1997, within ten (10) days; and submit a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance, and corrective or remedial actions taken to mitigate any damages resulting from the violations. Compliance Order WE-C-98-0010 is a final action of the Department and not subject to further review.
- B. An inspection conducted by the Department on or about March 27, 2002 revealed that the Respondent was discharging without a permit. Effluent samples taken during the inspection were analyzed for BOD and the result of 27.9 mg/L was found to be above the previously permitted monthly average limit of 10 mg/L, and weekly average limit of 15 mg/L. The Respondent's unauthorized discharge of wastewater to waters of the state is in violation of 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.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

- C. A file review conducted by the Department on or about May 22, 2003, disclosed that the Respondent allowed LWDPDS permit WP3809 to expire without submission of a permit renewal application 180 days prior to the expiration date of the aforementioned permit. The Respondent's failure to submit a permit renewal application or to submit an application for a LPDES permit is in violation of Compliance Order WE-C-98-0010, LWDPDS permit WP3809, (Part III, Section A.1 and D.8.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2331.D.2, LAC 33:IX.2355.A and LAC 33:IX.2355.B. In addition, all discharges from the Respondent's facility after February 25, 2001, are unauthorized and in violation of 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.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.
- D. A file review conducted by the Department on or about August 27, 2003, revealed the following monitoring violations:
1. The Respondent failed to monitor and report flow for July through September, November, and December 1997, January through September 1998, and October through December 1999, in violation of Compliance Order WE-C-98-0010, LWDPDS permit WP3809 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 2. The Respondent failed to report flow measurement weekly averages on DMRs for October 1997, October through December 1998, January through September 1999, and January through June and October through December 2000, in violation of Compliance Order WE-C-98-0010, LWDPDS permit WP3809 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 3. The Respondent failed to properly report pH minimum and maximum values on DMRs for the months of October through December 1997, April through December 1998, all of 1999, and January through June 2000, in violation of Compliance Order WE-C-98-0010, LWDPDS permit WP3809 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 4. The Respondent failed to report the weekly averages for BOD, TSS, and Fecal Coliform for October through December 1997, all of 1998, all of 1999, and January through June 2000, in violation of Compliance Order WE-C-98-0010, LWDPDS permit WP3809 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 5. The Respondent failed to sign and date DMRs submitted for October, November, and December 2000, in violation of Compliance Order WE-C-98-0010, LWDPDS permit WP3809 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2333.B, LAC 33:IX.2355.A, and LAC 33:IX.2355.K.1.

6. The Respondent failed to submit DMRs for January and February 2001 in violation of Compliance Order WE-C-98-0010, LWDPs permit WP3809 (Part I, Page 2 and Part III, Section A.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC33:IX.2355.L.4.a.

E. Further file review by the Department on or about August 26, 2003, revealed the following permit excursions, as reported by the Respondent on DMRs:

Date	Outfall	Parameter	Permit Limit	Sample Value
03/1998	001	BOD Monthly Average	10 mg/L	11 mg/L
04/1998	001	TSS Monthly Average	15 mg/L	25 mg/L
04/1998	001	TSS Weekly Average	23 mg/L	25 mg/L
06/1998	001	BOD Monthly Average	10 mg/L	11 mg/L
09/1998	001	BOD Monthly Average	10 mg/L	14 mg/L
10/1998	001	BOD Monthly Average	10 mg/L	15 mg/L
10/1998	001	TSS Monthly Average	15 mg/L	20 mg/L
11/1998	001	BOD Monthly Average	10 mg/L	13 mg/L
11/1998	001	TSS Monthly Average	15 mg/L	18 mg/L
12/1998	001	BOD Monthly Average	10 mg/L	23 mg/L
12/1998	001	BOD Weekly Average	15 mg/L	23 mg/L
12/1998	001	TSS Monthly Average	15 mg/L	26 mg/L
12/1998	001	TSS Weekly Average	23 mg/L	26 mg/L
04/1999	001	BOD Monthly Average	10 mg/L	14 mg/L
04/1999	001	TSS Monthly Average	15 mg/L	19 mg/L
06/1999	001	TSS Monthly Average	15 mg/L	17 mg/L
03/2000	001	BOD Monthly Average	10 mg/L	35 mg/L
03/2000	001	BOD Weekly Average	15 mg/L	35 mg/L
03/2000	001	TSS Monthly Average	15 mg/L	18 mg/L
04/2000	001	TSS Monthly Average	15 mg/L	17 mg/L
04/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	215 col/100 ml
05/2000	001	BOD Monthly Average	10 mg/L	15 mg/L
05/2000	001	TSS Monthly Average	15 mg/L	16 mg/L
06/2000	001	BOD Monthly Average	10 mg/L	11 mg/L
06/2000	001	TSS Monthly Average	15 mg/L	23 mg/L
07/2000	001	BOD Monthly Average	10 mg/L	22 mg/L
07/2000	001	BOD Weekly Average	15 mg/L	22 mg/L
07/2000	001	TSS Monthly Average	15 mg/L	43 mg/L
07/2000	001	TSS Weekly Average	23 mg/L	43 mg/L
08/2000	001	BOD Monthly Average	10 mg/L	14.3 mg/L
08/2000	001	TSS Monthly Average	15 mg/L	29.2 mg/L
08/2000	001	TSS Weekly Average	23 mg/L	29.2 mg/L
08/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	TNTC
08/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	TNTC
09/2000	001	TSS Monthly Average	15 mg/L	19 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
09/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	TNTC
09/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	TNTC
10/2000	001	BOD Monthly Average	10 mg/L	12 mg/L
10/2000	001	TSS Monthly Average	15 mg/L	32 mg/L
10/2000	001	TSS Weekly Average	23 mg/L	32 mg/L
10/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	TNTC
10/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	TNTC
11/2000	001	Fecal Coliform Monthly Average	200 col/100 ml	TNTC
11/2000	001	Fecal Coliform Weekly Average	400 col/100 ml	TNTC
12/2000	001	TSS Monthly Average	15 mg/L	26 mg/L
12/2000	001	TSS Weekly Average	23 mg/L	26 mg/L

Each excursion of the permit constitutes a violation of **Compliance Order WE-C-98-0010**, LWDPs permit WP3809 (Part I, Pages 2 and 3, and Part III, Section A.1), 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.2355.A.

- F. Further file review by the Department on or about October 22, 2003, revealed that the Respondent failed to increase its monitoring frequency to once a week whenever a sample result was found to be above the Weekly Average Limit in LWDPs permit WP3809, in violation of **Compliance Order WE-C-98-0010**, LWDPs permit WP3809 (Part I, Pages 2 and 3, and Part III, Section A.1), 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.2355.A.

VI.

The Respondent, Wastewater Treatment - Utilities, Inc., owns and/or operates the Builders Center Shopping Center wastewater treatment plant (AI# 25962) located at 1683 O'Neal Lane in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG530000 on June 12, 1998, and specifically was assigned Permit Number LAG530602. The permit expired on November 19, 2002, and has been administratively continued by the Department. LPDES permit LAG530602 authorizes the Respondent to discharge treated sanitary wastewater to Honeycut Bayou, thence into Amite River, both waters of the state.

- A. An inspection conducted by the Department on or about January 14, 2003, revealed that the plant had recently overflowed. Sewage debris was present on the ground

around the plant, as well as hanging off the piping and outside walls of the plant. The inspector noted that the water in the clarifier was turbid, and that there were dried solids in the clarifier trough. No disinfection was being provided. These deficiencies in operations and maintenance are in violation of LPDES permit LAG530602 (Part III, Sections A.2 and B.3), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

- B. File reviews conducted by the Department on or about August 27, 2003, and October 28, 2003, revealed that the Respondent failed to submit DMRs from the issuance date of the permit, June 12, 1998, through September 2003. The Respondent's failure to submit DMRs is in violation of LPDES permit LAG530602 (Part I, Section C.6, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.a.
- C. An inspection conducted by the Department on or about August 18, 2003, revealed that there was no discharge from the plant at the time of the inspection. The inspector noted that there was no smell, no oily sheen and no solids present in the receiving stream.

VII.

The Respondent, Ascension Wastewater Treatment, Inc., owns and/or operates the Academy Heights Subdivision wastewater treatment plant (AI# 43866) located one half mile east of La. Highway 44 on La. Highway 931 in Gonzales, Ascension Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG540000 on February 25, 1998, and specifically was assigned Permit Number LAG540779. The permit expired on August 27, 2002, and has been administratively continued by the Department. LPDES Permit LAG540779 authorizes the Respondent to discharge treated sanitary wastewater to an unnamed ditch, thence into Black Bayou, thence into New River, all waters of the state.

- A. An inspection conducted by the Department on or about February 14, 2002, revealed the following violations:
 - 1. The Respondent failed to meet permit limitations. Analyses of a sample collected from the discharge revealed BOD₅ and TSS values of 136 mg/L and 47 mg/L, respectively. These effluent exceedences constitute violations of LPDES permit LAG540779 (Part I, Section B and Part III, Section A.2), 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.2355.A.

2. The inner portions of the oxidation pond levees had brush and weeds present. Only two of the four tubes in the chlorine contact chamber had chlorine tablets in them. These deficiencies in operations and maintenance are in violation of LPDES permit LAG540779 (Part III, Sections A.2 and B.3), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.
 3. The inspector noted that the Respondent failed to sample the effluent for the first and fourth quarters of 2001. The Respondent's failure to monitor its effluent is in violation of LPDES permit LAG540779 (Part I, Section B, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
- B. File reviews conducted by the Department on or about August 27, 2003, October 2, 2003, and October 28, 2003, revealed the following violations:
1. The Respondent failed to monitor and report flow for January through July 1999, in violation of LPDES permit LAG540779 (Part I, Section B, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 2. The Respondent failed to properly report pH minimum and maximum values on DMRs for the months of October through December 1998, all of 1999, and January through June 2000, in violation of LPDES permit LAG540779 (Part I, Section B, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 3. The Respondent failed to report the weekly averages for BOD, TSS, and Fecal Coliform for April through June 1998, all of 1999, and January through June 2000, in violation of LPDES permit LAG540779 (Part I, Section B, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
 4. The Respondent failed to sign and date DMRs submitted for April, May, and June 2001, in violation of LPDES permit LAG540779 (Part I, Section C, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2333.B, LAC 33:IX.2355.A, and LAC 33:IX.2355.K.1.
 5. The Respondent failed to submit DMRs for July through September 1998, October through December 2000, July through September 2001, October through December 2002, and January through September 2003, in violation of LPDES permit LAG540779 (Part I, Section C.6, and Part III, Section A.2),

La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC33:IX.2355.L.4.a.

- C. Further file reviews by the Department on or about August 27, 2003, and October 2, 2003, revealed the following permit excursions, as reported by the Respondent on DMRs:

Date	Outfall	Parameter	Permit Limit	Sample Value
01-03/2002	001	BOD Monthly Average	30 mg/L	180 mg/L
01-03/2002	001	BOD Weekly Average	45 mg/L	180 mg/L
01-03/2002	001	TSS Monthly Average	30 mg/L	132 mg/L
01-03/2002	001	TSS Weekly Average	45 mg/L	132 mg/L
01-03/2002	001	Fecal Coliform Monthly Average	200 col/100 ml	8300 col/100 ml
10-12/2002	001	BOD Monthly Average	30 mg/L	32 mg/L
04-06/2003	001	TSS Monthly Average	30 mg/L	32 mg/L

Each excursion of the permit constitutes a violation of LPDES permit LAG540779 (Part I, Section B, and Part III, Section A.2), 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.2355.A.

VIII.

The Respondent, Wastewater Treatment – Utilities, Inc., owns and/or operates the Beaver Creek Subdivision wastewater treatment plant (AI# 100619) located on Plains-Port Hudson Road, 2.5 miles east of U.S. Highway 61 in Zachary, East Baton Rouge Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG540000 on August 27, 2002, and specifically was assigned Permit Number LAG541098. The permit expired on August 27, 2002, and has been administratively continued by the Department. LPDES Permit LAG541098 authorizes the Respondent to discharge treated sanitary wastewater to Bayou Baton Rouge, thence into Mississippi River, both waters of the state.

- A. An inspection conducted by the Department on or about November 21, 2002, revealed that there was no discharge from the plant, and there was only a small amount of water in the aeration basin. The blower motors were in the "Off" position, and the plant appeared not to be in operation.