

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	* Settlement Tracking No.
	* SA-WE-17-0057
TCHEFUNCTA CLUB ESTATES INC.	*
	* Enforcement Tracking No.
AI # 19187	* WE-PP-05-0516
	*
PROCEEDINGS UNDER THE LOUISIANA	*
ENVIRONMENTAL QUALITY ACT	*
LA. R.S. 30:2001, <u>ET SEQ.</u>	*

SETTLEMENT

The following Settlement is hereby agreed to between Tchefuncta Club Estates 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 owned and/or operated a facility located in Covington, St. Tammany Parish, Louisiana (“the Facility”).

II

On December 9, 2011, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. WE-PP-05-0516, which was based upon the following findings of fact:

“On or about June 14, 2011, an file review of **TCHEFUNCTA CLUB ESTATES AERATED LAGOON**, owned and/or operated by **TCHEFUNCTA CLUB ESTATES, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Water Quality Regulations. The facility is located at #2 Pinecrest Drive in Covington, St. Tammany Parish, Louisiana.

The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0049379 on December 27, 2001, which became effective January 1, 2002. LPDES permit expired on December 31, 2006, and was not administratively continued. The Department received a permit renewal application on or about February 21, 2007. A revised LPDES permit renewal application was submitted to the Department on or about June 11, 2007. LPDES permit LA0049379 was reissued to the Respondent on December 21, 2007, which became effective on February 1, 2008, and will expire on January 31, 2013. The Respondent is authorized to discharge treated sanitary wastewater to Tchefuncta Club Estates Wetlands, thence into the Tchefuncta River, thence into Lake Pontchartrain, all waters of the state.

The Respondent was issued **COMPLIANCE ORDER WE-C-02-0016** on or about May 22, 2002. The relevant violations of the Compliance Order were exceedances of permit effluent limitations. The relevant requirements of the Compliance Order were to take any and all steps necessary to meet and maintain compliance with LPDES permit LA0049379, and to submit complete written report that include a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance with the Order and corrective or remedial actions taken to mitigate any damages resulting from the violations. The Respondent submitted a response to **COMPLIANCE ORDER WE-C-02-0016** on or about June 24, 2002, describing cited violations and corrective actions taken by the Respondent. **COMPLIANCE ORDER WE-C-02-0016** is a final action of the Department and not subject to further review.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the file review:

- A. A file review conducted by the Department on or about December 8, 2011, revealed that the Respondent did not submit a permit renewal application 180 days prior to the expiration date of LPDES permit LA0049379. LPDES permit LA0049379 expired on December 31, 2006. The Respondent submitted a permit renewal application on June 11, 2007. The Respondent's failure to submit a permit renewal application 180 days prior to the expiration date of the LPDES permit is in violation of LPDES permit LA0049379, (Part III, Sections A.2, and A.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2501.D.2, LAC 33:IX.2701.A, and LAC 33:IX.2701.B.
- B. A file review conducted by the Department on or about December 8, 2011, revealed that the Respondent was operating without an LPDES permit from January 1, 2007, through February 1, 2008. The Respondent continued to submit Discharge Monitoring Reports (DMRs), which revealed discharges have occurred from this facility. Each unauthorized discharge of wastewater from January 1, 2007, through February 1, 2008, is a 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, and LAC 33:IX.2311.A.1.
- C. A file review conducted by the Department on or about December 8, 2011, revealed that the Respondent exceeded effluent limitations. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

Date	Outfall	Parameter	Permit Limit	Sample Value
1/31/02	001A	TSS Monthly Average	21 lbs/day	31 lbs/day
		TSS Monthly Average	15 mg/L	26 mg/L
		TSS Weekly Average	23 mg/L	28 mg/L
		Ammonia Monthly Average	7 lbs/day	11.6 lbs/day
		Ammonia Monthly Average	5 mg/L	9.6 mg/L
		Ammonia Weekly Average	10 mg/L	10.3 mg/L
		CBOD Monthly Average	14 lbs/day	18 lbs/day
		CBOD Monthly Average	10 mg/L	15 mg/L
2/28/02	001A	Ammonia Monthly Average	7 lbs/day	13.2 lbs/day
		Ammonia Monthly Average	5 mg/L	9.4 mg/L
		CBOD Monthly Average	14 lbs/day	15 lbs/day
3/31/02	001A	TSS Monthly Average	21 lbs/day	35 lbs/day
		CBOD Monthly Average	14 lbs/day	24 lbs/day
		CBOD Monthly Average	10 mg/L	12 mg/L
4/30/02	001A	TSS Monthly Average	21 lbs/day	23 lbs/day
		TSS Monthly Average	15 mg/L	22 mg/L
		TSS Weekly Average	23 mg/L	27 mg/L
		CBOD Monthly Average	14 lbs/day	25 lbs/day
		CBOD Monthly Average	10 mg/L	11 mg/L
5/31/02	001A	CBOD Monthly Average	10 mg/L	17 mg/L
		CBOD Weekly Average	15 mg/L	32 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
6/30/02	001A	CBOD Monthly Average	10 mg/L	13 mg/L
10/31/02	001A	CBOD Monthly Average	14 lbs/day	17 lbs/day
		CBOD Monthly Average	10 mg/L	11 mg/L
12/31/02	001A	CBOD Monthly Average	14 lbs/day	16 lbs/day
		CBOD Monthly Average	10 mg/L	14 mg/L
1/31/03	001A	Ammonia Monthly Average	7 lbs/day	8.8 lbs/day
		Ammonia Monthly Average	5 mg/L	7.1 mg/L
2/28/03	001A	Ammonia Monthly Average	7 lbs/day	10.2 lbs/day
		Ammonia Monthly Average	5 mg/L	9.4 mg/L
3/31/03	001A	Ammonia Monthly Average	7 lbs/day	10.6 lbs/day
		Ammonia Monthly Average	5 mg/L	6.2 mg/L
10/31/03	001A	Fecal Coliform Weekly Average	400 col/100ml	500 col/100ml
01/31/04	001A	Ammonia Monthly Average	7 lbs/day	11.6 lbs/day
		Ammonia Monthly Average	5 mg/L	11.3 mg/L
		Ammonia Weekly Average	10 mg/L	15.1 mg/L
02/29/04	001A	TSS Monthly Average	21 lbs/day	38 lbs/day
		Ammonia Monthly Average	7 lbs/day	23 lbs/day
		Ammonia Monthly Average	5 mg/L	7.2 mg/L
		CBOD Monthly Average	14 lbs/day	22 lbs/day
03/31/04	001A	Ammonia Monthly Average	5 mg/L	7.2 mg/L
04/30/04	001A	CBOD Monthly Average	10 mg/L	12 mg/L
		CBOD Weekly Average	15 mg/L	20 mg/L
05/31/04	001A	Ammonia Monthly Average	7 lbs/day	7.8 lbs/day
		Ammonia Monthly Average	5 mg/L	6.8 mg/L
01/31/05	001A	TSS Monthly Average	21 lbs/day	26 lbs/day
		Ammonia Monthly Average	7 lbs/day	15 lbs/day
		Ammonia Monthly Average	5 mg/L	6.6 mg/L
		CBOD Monthly Average	14 lbs/day	21 lbs/day
02/28/05	001A	Ammonia Monthly Average	7 lbs/day	10.4 lbs/day
		Ammonia Monthly Average	5 mg/L	5.6 mg/L
03/31/05	001A	Ammonia Monthly Average	5 mg/L	5.5 mg/L
04/30/05	001A	CBOD Monthly Average	10 mg/L	12 mg/L
06/30/05	001A	CBOD Monthly Average	10 mg/L	11 mg/L
09/30/05	001A	CBOD Monthly Average	14 lbs/day	18 lbs/day
10/31/05	001A	CBOD Monthly Average	10 mg/L	12 mg/L
1/31/06	001A	Ammonia Monthly Average	7 lbs/day	8.6 lbs/day
		Ammonia Monthly Average	5 mg/L	6.4 mg/L
		Ammonia Weekly Average	10 mg/L	11.8 mg/L
2/28/06	001A	Ammonia Monthly Average	5 mg/L	9.4 mg/L
3/31/06	001A	TSS Monthly Average	21 lbs/day	26 lbs/day
		TSS Monthly Average	15 mg/L	23 mg/L
		TSS Weekly Average	23 mg/L	25 mg/L
		Ammonia Monthly Average	7 lbs/day	9.6 lbs/day
		CBOD Monthly Average	14 lbs/day	19 lbs/day
4/30/06	001A	CBOD Monthly Average	10 mg/L	14 mg/L
		TSS Monthly Average	15 mg/L	27 mg/L
		TSS Weekly Average	23 mg/L	30 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
6/30/06	001A	CBOD Monthly Average	10 mg/L	12 mg/L
		CBOD Weekly Average	15 mg/L	17 mg/L
9/30/06	001A	TSS Monthly Average	15 mg/L	20 mg/L
		CBOD Monthly Average	10 mg/L	11 mg/L
10/31/06	001A	CBOD Monthly Average	10 mg/L	11 mg/L
11/30/06	001A	TSS Monthly Average	15 mg/L	16 mg/L
		CBOD Monthly Average	10 mg/L	14 mg/L
		CBOD Weekly Average	15 mg/L	18 mg/L
12/31/06	001A	TSS Monthly Average	15 mg/L	22 mg/L
		TSS Weekly Average	23 mg/L	24 mg/L
6/31/10	001A	BOD ₅ Monthly Average	40 lbs/day	46 lbs/day
		BOD ₅ Monthly Average	30 mg/L	34 mg/L
		BOD ₅ Weekly Average	45 mg/L	52 mg/L
7/31/10	001A	BOD ₅ Monthly Average	40 lbs/day	76 lbs/day
		BOD ₅ Monthly Average	30 mg/L	38 mg/L
		BOD ₅ Weekly Average	45 mg/L	50 mg/L
9/30/10	001A	BOD ₅ Monthly Average	40 lbs/day	42 lbs/day
		BOD ₅ Weekly Average	45 mg/L	55 mg/L
10/31/10	001A	BOD ₅ Monthly Average	40 lbs/day	67 lbs/day
08/31/2011	001A	BOD ₅ Monthly Average	30 mg/L	37 mg/L
		BOD ₅ Weekly Average	45 mg/L	76 mg/L

Each of the above-noted effluent exceedance is a violation of **COMPLIANCE ORDER WE-C-02-0016**, LPDES permit LA0049379 (Part I, page 2 of 2, and Part III, Section A.2) prior to January 1, 2007, and LPDES permit LA0049379 (Part I, page 2 of 3, and Part III, Section A.2) after February 1, 2008, 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.

- D. A file review conducted by the Department on or about December 8, 2011, revealed that the Respondent failed to submit its DMRs in a timely manner. Specifically, the DMRs submitted for all quarters of 2002, 2003, 2004, and 2005 monitoring periods were submitted untimely. The failure to submit DMRs timely is in violation of LPDES permit LA0049379 (Part I; 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.2701.A.
- E. A file review conducted on or about December 8, 2011, revealed that the Respondent failed to submit quarterly and semi-annual Discharge Monitoring Reports (DMRs) as required by the permit. Specifically, the Respondent failed to submit quarterly DMRs for the 1st and 2nd quarter monitoring periods of 2008, and semi-annual DMRs for the 1st and 2nd semi-annual monitoring period of 2008. Each failure to submit DMRs is a violation of LPDES permit LA0049379 (Part II, Section A, and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, 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 ONE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$1,200.00), of which Five Hundred Forty-Six and 71/100 Dollars (\$546.71) 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 permit record(s), the 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 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.

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.

TCHEFUNCTA CLUB ESTATES INC.

BY: David L. Duplantier
(Signature)

DAVID L. DUPLANTIER
(Printed)

TITLE: PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 20th day of June, 20 18, at Covington, Louisiana.

John C. Duplantier
NOTARY PUBLIC (ID # 18191)
Bar #

JOHN C. DUPLANTIER
Notary Public, La. Bar Roll No. 18191
Duly Commissioned in St. Tammany Parish, La.
Qualified for the State of La. at Large
My Commission is Issued For Life

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 19th day of June, 20 19, at Baton Rouge, Louisiana.

O. J. King
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: He
Lourdes Iturralde, Assistant Secretary