

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

L & R UTILITIES, INC.

AI # 42078, 18336

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

* Settlement Tracking No.
* SA-WE-22-0075
*
* Enforcement Tracking Nos.
* WE-CN-13-00582
* WE-CN-15-01168
* WE-CN-17-00030
* WE-PP-18-00355
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SETTLEMENT

The following Settlement is hereby agreed to between L & R Utilities, 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 Ouachita Parish, Louisiana (“the Facilities”).

II

On March 10, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-13-00582 (Exhibit 1).

On February 1, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-15-01168 (Exhibit 2).

On October 16, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-17-00030 (Exhibit 3).

On February 5, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. WE-PP-18-00355 (Exhibit 4).

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 NINETEEN THOUSAND SIX HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS (\$19,675.00), of which Two Thousand Four Hundred Twenty-Three and 29/100 Dollars (\$2,423.29) 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 Orders & Notices of Potential Penalty, 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 Ouachita 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.

L & R UTILITIES, INC.

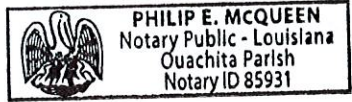
BY: [Signature]
(Signature)

Jeffrey S McNew
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 27th day of July, 20 23, at Monroe, Louisiana

[Signature]
NOTARY PUBLIC (ID # _____)



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Gingles, Secretary

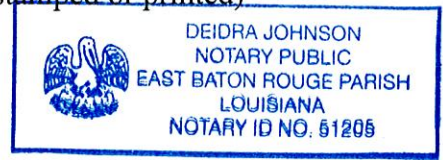
BY: [Signature]
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 7th day of August, 20 23, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 51205)

Deidra Johnson
(stamped or printed)

Approved: [Signature]
Celena J. Cage, Assistant Secretary





BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 10, 2014

CERTIFIED MAIL (7004 2510 0006 3852 6560)
RETURN RECEIPT REQUESTED

L&R UTILITIES, INC.
c/o Mr. Jeff McNew
Agent for Service of Process
125 Medalist Rd.
Monroe, LA 71203

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-13-00582
AGENCY INTEREST NO. 42078**

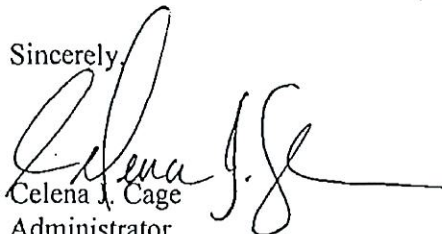
Dear Sir:

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 **L&R UTILITIES (RESPONDENT)** 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 other appropriate legal actions.

Any questions concerning this action should be directed to Andrea M. Huval at (225) 219-3090.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/AMH/amh
Alt ID No. LAG570100
Attachment

e-copy: DHH/Office of Public Health



c: L&R Utilities, Inc.
P.O. Box 7237
Monroe, LA 71211

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**L&R UTILITIES
OUACHITA PARISH
ALT ID NO. LAG570100**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **WE-CN-13-00582**
*
* **AGENCY INTEREST NO.**
*
* **42078**
*

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **L&R UTILITIES (RESPONDENT)** 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 Respondent owns and/or operates a sewage treatment plant (STP), which is located at 239 Dolly Drive in Monroe, Ouachita Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG570000 on December 6, 2004, and was specifically assigned permit number LAG570100. The permit expired on March 14, 2009. The Respondent submitted a Notice of Intent (NOI) for coverage under the reissued LAG570000 on June 22, 2009. LPDES permit LAG570100 was reissued to the Respondent on November 29, 2012, with an expiration date of April 30, 2014. Under the terms and conditions of LPDES permit LAG570100, the Respondent is authorized to discharge treated sanitary wastewater through outfall 001 into an unnamed ditch, thence into Patrick Bayou, waters of the state.

II.

A file review conducted by the Department on or about February 12, 2014, revealed that the Respondent failed to reapply for coverage under LPDES permit LAG570100 in a timely manner, and thus allowed unauthorized discharges. Specifically, the Respondent is required to submit a new NOI prior to the expiration date of the permit, March 14, 2009, as directed in LPDES permit LAG570100; the Respondent submitted the NOI on June 22, 2009. The facility was discharging without a permit during that time. Failure to reapply for a permit in a timely manner is a violation of LPDES permit LAG570100 (Part II, Section C), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Discharging to waters of the state without a permit is a violation of La. R.S. 30:2075.

III.

An inspection conducted by the Department on or about April 17, 2013, and a subsequent file review conducted by the Department on or about February 3, 2014, revealed that the Respondent exceeded permitted effluent limitations. These effluent exceedances, as reported by the Respondent on the monthly Discharge Monitoring Reports (DMRs) are summarized below:

Date	Parameter	Permit Limit	Sample Value
June 2008	Total Suspended Solids Monthly Average	15 mg/L	19 mg/L
July 2008	Total Suspended Solids Monthly Average	15 mg/L	18 mg/L
November 2008	BOD ₅ Monthly Average	10 mg/L	16 mg/L
	BOD ₅ Weekly Average	15 mg/L	16 mg/L
March 2009	Total Suspended Solids Monthly Average	15 mg/L	46 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	46 mg/L
May 2009	Total Suspended Solids Monthly Average	15 mg/L	54 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	54 mg/L
June 2009	Total Suspended Solids Monthly Average	15 mg/L	24 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	24 mg/L
December 2009	Total Suspended Solids Monthly Average	15 mg/L	29 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	29 mg/L
March 2010	Total Suspended Solids Monthly Average	15 mg/L	17 mg/L
June 2010	BOD ₅ Monthly Average	10 mg/L	21 mg/L
	BOD ₅ Weekly Average	15 mg/L	21 mg/L
January 2011	BOD ₅ Monthly Average	10 mg/L	14.4 mg/L
September 2011	Total Suspended Solids Monthly Average	15 mg/L	22 mg/L
January 2012	BOD ₅ Monthly Average	10 mg/L	80.3 mg/L
	BOD ₅ Weekly Average	15 mg/L	80.3 mg/L
February 2012	Total Suspended Solids Monthly Average	15 mg/L	38 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	38 mg/L
March 2012	BOD ₅ Monthly Average	10 mg/L	11.1 mg/L
	Total Suspended Solids Monthly Average	15 mg/L	29 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	29 mg/L

Date	Parameter	Permit Limit	Sample Value
April 2012	Total Suspended Solids Monthly Average	15 mg/L	78 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	78 mg/L
May 2012	Total Suspended Solids Monthly Average	15 mg/L	17 mg/L
July 2012	Total Suspended Solids Monthly Average	15 mg/L	20 mg/L
August 2012	Total Suspended Solids Monthly Average	15 mg/L	20.7 mg/L
September 2012	Total Suspended Solids Monthly Average	15 mg/L	50 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	50 mg/L
October 2012	Total Suspended Solids Monthly Average	15 mg/L	49 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	49 mg/L
November 2012	Total Suspended Solids Monthly Average	15 mg/L	51 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	51 mg/L
December 2012	Total Suspended Solids Monthly Average	15 mg/L	26 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	26 mg/L
January 2013	BOD ₅ Monthly Average	10 mg/L	11.7 mg/L
	Total Suspended Solids Monthly Average	15 mg/L	47 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	47 mg/L
February 2013	Total Suspended Solids Monthly Average	15 mg/L	63 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	63 mg/L
March 2013	Fecal Coliform Monthly Average	200 col/100 mL	17,600 col/100 mL
	Fecal Coliform Weekly Average	400 col/100 mL	17,600 col/100 mL
	Total Suspended Solids Monthly Average	15 mg/L	20 mg/L
April 2013	Total Suspended Solids Monthly Average	15 mg/L	46 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	46 mg/L
June 2013	Total Suspended Solids Monthly Average	15 mg/L	28 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	28 mg/L
July 2013	BOD ₅ Monthly Average	10 mg/L	12 mg/L
	Total Suspended Solids Monthly Average	15 mg/L	47 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	47 mg/L
August 2013	Total Suspended Solids Monthly Average	15 mg/L	50 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	50 mg/L
September 2013	Total Suspended Solids Monthly Average	15 mg/L	52 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	52 mg/L
October 2013	BOD ₅ Monthly Average	10 mg/L	137 mg/L
	BOD ₅ Weekly Average	15 mg/L	137 mg/L
	Total Suspended Solids Monthly Average	15 mg/L	55 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	55 mg/L
November 2013	Total Suspended Solids Monthly Average	15 mg/L	68 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	68 mg/L
December 2013	Total Suspended Solids Monthly Average	15 mg/L	63 mg/L
	Total Suspended Solids Weekly Average	23 mg/L	63 mg/L

Each effluent exceedance is a violation of LPDES permit LAG570100 (Part I, Page 4 of 18; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III.

An inspection conducted by the Department on or about April 17, 2013, revealed that the Respondent had operation and maintenance deficiencies. Specifically, there was substantial structural deterioration and damage to the exterior and interior of the above ground aerated treatment plant and pipes, the clarifier weirs were inundated with sludge, vegetation and algae were observed in the clarifier area, and there were no chlorine tablets in the tablet chlorinator, nor was any other form of disinfection available. Failure to properly operate and maintain all facilities and systems of treatment is a violation of LPDES permit LAG570100 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E.

IV.

An inspection conducted by the Department on or about April 17, 2013, revealed that the Respondent failed to report data on DMRs. Specifically, the Respondent did not report flow values on DMRs for each of the monthly reporting periods of 2011, with the exception of the June 2011 reporting period. Failure to report all parameters on DMRs as directed by the permit is a violation of LPDES Permit LAG570100 (Part I, Schedule A, page 4 of 18, and Part II, Section N.8), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with LPDES permit LAG570100 and the Water Quality Regulations, including, but not limited to, complying with all effluent limitation, and properly operating and maintaining all facilities and systems of treatment and reporting all data on DMRs.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Andrea M. Huval
Re: Enforcement Tracking No. WE-CN-13-00582
Agency Interest No. 42078

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-CN-13-00582
Agency Interest No. 42078

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right

to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would

like to have such a meeting, please contact Andrea M. Huval at (225) 219-3090 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.


Baton Rouge, Louisiana, this 10 day of March, 2014.

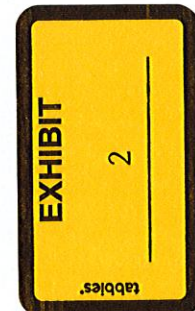


Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Andrea M. Huval

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	WE-CN-15-01168	Certified Mail No.	7004 2510 0006 3854 2447	
Agency Interest (AI) No.	42078	Contact Name	Andréa M. Huva	
Alternate ID No.	LAG570100	Contact Phone No.	(225) 219-3090	
Respondent:	L & R Utilities, Inc.	Facility Name:	Hidden Oaks Subdivision	
	c/o Jeff McNew	Physical Location:	239 Dolly Drive	
	Agent for Service of Process	City, State, Zip:	Monroe, LA 71203	
	125 Medalist Road Monroe, LA 71203	Parish:	Ouachita	
This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued 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				
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.				
I.	The Respondent owns and/or operates a sewage treatment plant located at 239 Dolly Drive, Monroe, Ouachita Parish, Louisiana. The Respondent was reissued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LAG570100 on August 22, 2014, with an effective date of June 11, 2014, and an expiration date of June 10, 2019. Under the terms and conditions of LPDES Permit LAG570100, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed ditch, thence into Patrick Bayou, all waters of the state.			
II.	The Respondent was issued CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-13-00582 on or about March 10, 2014. The Department received multiple responses from the Respondent, the most recent dated June 17, 2016, which contained a schedule of compliance. CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-13-00582 is a final action of the Department and not subject to further review.			
	Date of Violation	Description of Violation		
III.	Inspection(s) 6/29/2015	The Respondent failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, approximately 100 gallons of treated wastewater was released from the clarifier through a rusted-out hole in the wall of the clarifier to the ground due to the chlorinator being clogged with leaves. The release did not reach waters of the state. In addition, numerous rust holes in the walls of the treatment plant were observed to be discharging wastewater to the ground, which also did not reach waters of the state; the walls of the treatment plant were bowed out on the north end; excessive solids were present in the clarifier and chlorination chamber; and vegetation was growing in the clarifier and aeration basin. According to the Respondent, plans are in place to replace the force main and lift stations and reroute the wastewater to a larger regionalized receiving facility, as the current system has deteriorated beyond repair. (WE-CN-13-00582, LAG570100 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)		
IV.	File Review 9/28/2016	The Respondent failed to comply with LPDES permit LAG570100. Specifically, between January 2014 and November 2016, the Respondent reported exceedances of permit effluent limitations for BOD and TSS. (WE-CN-13-00582, LAG570100 (Part I, Section B, Schedule A; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) Table 1		
ORDER				
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:				
I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.			
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER . This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.			
III.	The Respondent shall accomplish the tasks and comply with the schedule of activities, included as Appendix A, or any amendment of that schedule approved in writing by the Department.			
IV.	The Respondent shall submit progress reports to the Enforcement Division following each calendar quarter until the completion of the aforementioned schedule. The Respondent shall submit each progress report within fifteen (15) days following the end of the calendar quarter. The first progress report is due on April 15, 2017. Additionally, if an activity cannot be completed by the due date specified in the schedule, the Respondent shall submit a certification of non-compliance to the Department within fifteen (15) days after the scheduled due date. If the Respondent reports non-compliance with a scheduled event, the certification shall include a discussion of the cause of the delay, an anticipated date of completion, and a discussion of any impairment of a subsequent due date. Upon completion of all scheduled events, the Respondent shall submit a final certification stating that all activities have been achieved.			
RIGHT TO APPEAL				
I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER .			



II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.). The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Andréa M. Huval at (225) 219-3090 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Huval	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-15-01168 Agency Interest No. 42078
Permit Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
 - The **COMPLIANCE ORDER** will not be closed if the Respondent owes outstanding fees or penalties to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite closure of the **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
 - The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
 - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer.

- o **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
- o The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Andréa M. Huval at (225) 219-3090 or andrea.huval@la.gov.




Lourdes Iturraide
Assistant Secretary
Office of Environmental Compliance

Date: _____

2-1-17

Attachment(s)

- Request to Close
- Table 1
- Appendix A

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE		
Enforcement Tracking No.	WE-CN-15-01168	Contact Name	Andréa M. Huval	
Agency Interest (AI) No.	42078	Contact Phone No.	(225) 219-3090	
Alternate ID No.	LAG570100			
Respondent:	L & R Utilities, Inc.	Facility Name:	Hidden Oaks Subdivision	
	c/o Jeff McNew	Physical Location:	239 Dolly Drive	
	Agent for Service of Process	City, State, Zip:	Monroe, LA 71203	
	125 Medalist Road Monroe, LA 71203	Parish:	Ouachita	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE				
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		Date Completed	Copy Attached?	
All necessary quarterly progress reports from April 15, 2017, until the completion of the compliance schedule in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.				
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:				
SETTLEMENT OFFER (OPTIONAL)				
<i>(check the applicable option)</i>				
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01168), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01168), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 			
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-15-01168) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
CERTIFICATION STATEMENT				
I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.				
Respondent's Signature		Respondent's Printed Name		Respondent's Title
Respondent's Physical Address			Respondent's Phone #	Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Huval				

If you have questions or need more information, you may contact Andréa M. Huval at (225) 219-3090 or andrea.huval@la.gov.


Table 1

Date	Outfall	Parameter	Permit Limit	Reported Value
1/2014	001	TSS, Monthly Average	15 mg/L	63 mg/L
		TSS, Weekly Average	23 mg/L	63 mg/L
2/2014	001	TSS, Monthly Average	15 mg/L	52 mg/L
		TSS, Weekly Average	23 mg/L	52 mg/L
4/2014	001	TSS, Monthly Average	15 mg/L	48 mg/L
		TSS, Weekly Average	23 mg/L	48 mg/L
5/2014	001	TSS, Monthly Average	15 mg/L	105 mg/L
		TSS, Weekly Average	23 mg/L	105 mg/L
6/2014	001	TSS, Monthly Average	15 mg/L	99 mg/L
		TSS, Weekly Average	23 mg/L	99 mg/L
7/2014	001	TSS, Monthly Average	15 mg/L	90 mg/L
		TSS, Weekly Average	23 mg/L	90 mg/L
8/2014	001	TSS, Monthly Average	15 mg/L	48 mg/L
		TSS, Weekly Average	23 mg/L	48 mg/L
9/2014	001	BOD, Monthly Average	10 mg/L	18.6 mg/L
		BOD, Weekly Average	15 mg/L	18.6 mg/L
		TSS, Monthly Average	15 mg/L	60 mg/L
		TSS, Weekly Average	23 mg/L	60 mg/L
10/2014	001	TSS, Monthly Average	15 mg/L	67 mg/L
		TSS, Weekly Average	23 mg/L	67 mg/L
11/2014	001	TSS, Monthly Average	15 mg/L	43 mg/L
		TSS, Weekly Average	23 mg/L	43 mg/L
12/2014	001	BOD, Monthly Average	10 mg/L	18.6 mg/L
		BOD, Weekly Average	15 mg/L	18.6 mg/L
		TSS, Monthly Average	15 mg/L	34 mg/L
		TSS, Weekly Average	23 mg/L	34 mg/L
1/2015	001	TSS, Monthly Average	15 mg/L	82 mg/L
		TSS, Weekly Average	23 mg/L	82 mg/L
2/2015	001	TSS, Monthly Average	15 mg/L	41 mg/L
		TSS, Weekly Average	23 mg/L	41 mg/L
3/2015	001	BOD, Monthly Average	10 mg/L	22.9 mg/L
		BOD, Weekly Average	15 mg/L	22.9 mg/L
		TSS, Monthly Average	15 mg/L	68 mg/L
		TSS, Weekly Average	23 mg/L	68 mg/L
4/2015	001	TSS, Monthly Average	15 mg/L	52 mg/L
		TSS, Weekly Average	23 mg/L	52 mg/L
5/2015	001	BOD, Monthly Average	10 mg/L	16.4 mg/L
		BOD, Weekly Average	15 mg/L	16.4 mg/L
		TSS, Monthly Average	15 mg/L	119 mg/L
		TSS, Weekly Average	23 mg/L	119 mg/L
6/2015	001	BOD, Monthly Average	10 mg/L	15.7 mg/L
		BOD, Weekly Average	15 mg/L	15.7 mg/L
		TSS, Monthly Average	15 mg/L	150 mg/L
		TSS, Weekly Average	23 mg/L	150 mg/L
7/2015	001	TSS, Monthly Average	15 mg/L	90 mg/L
		TSS, Weekly Average	23 mg/L	90 mg/L
8/2015	001	BOD, Monthly Average	10 mg/L	60.9 mg/L
		BOD, Weekly Average	15 mg/L	60.9 mg/L
		TSS, Monthly Average	15 mg/L	62 mg/L
		TSS, Weekly Average	23 mg/L	62 mg/L
9/2015	001	BOD, Monthly Average	10 mg/L	79 mg/L
		BOD, Weekly Average	15 mg/L	79 mg/L
		TSS, Monthly Average	15 mg/L	61 mg/L
		TSS, Weekly Average	23 mg/L	61 mg/L
10/2015	001	TSS, Monthly Average	15 mg/L	35 mg/L
		TSS, Weekly Average	23 mg/L	35 mg/L
11/2015	001	TSS, Monthly Average	15 mg/L	34 mg/L
		TSS, Weekly Average	23 mg/L	34 mg/L

Date	Outfall	Parameter	Permit Limit	Reported Value
12/2015	001	BOD, Monthly Average	10 mg/L	60.7 mg/L
		BOD, Weekly Average	15 mg/L	60.7 mg/L
		TSS, Monthly Average	15 mg/L	41 mg/L
		TSS, Weekly Average	23 mg/L	41 mg/L
1/2016	001	BOD, Monthly Average	10 mg/L	45.7 mg/L
		BOD, Weekly Average	15 mg/L	45.7 mg/L
		TSS, Monthly Average	15 mg/L	33 mg/L
		TSS, Weekly Average	23 mg/L	33 mg/L
2/2016	001	TSS, Monthly Average	15 mg/L	47 mg/L
		TSS, Weekly Average	23 mg/L	47 mg/L
3/2016	001	BOD, Monthly Average	10 mg/L	73.2 mg/L
		BOD, Weekly Average	15 mg/L	73.2 mg/L
		TSS, Monthly Average	15 mg/L	53 mg/L
		TSS, Weekly Average	23 mg/L	53 mg/L
4/2016	001	BOD, Monthly Average	10 mg/L	32 mg/L
		BOD, Weekly Average	15 mg/L	32 mg/L
		TSS, Monthly Average	15 mg/L	53 mg/L
		TSS, Weekly Average	23 mg/L	53 mg/L
5/2016	001	BOD, Monthly Average	10 mg/L	67 mg/L
		BOD, Weekly Average	15 mg/L	67 mg/L
		TSS, Monthly Average	15 mg/L	125 mg/L
		TSS, Weekly Average	23 mg/L	125 mg/L
6/2016	001	BOD, Monthly Average	10 mg/L	15.4 mg/L
		BOD, Weekly Average	15 mg/L	15.4 mg/L
		TSS, Monthly Average	15 mg/L	128 mg/L
		TSS, Weekly Average	23 mg/L	128 mg/L
7/2016	001	TSS, Monthly Average	15 mg/L	28 mg/L
		TSS, Weekly Average	23 mg/L	28 mg/L
8/2016	001	BOD, Monthly Average	10 mg/L	67.1 mg/L
		BOD, Weekly Average	15 mg/L	67.1 mg/L
		TSS, Monthly Average	15 mg/L	63 mg/L
		TSS, Weekly Average	23 mg/L	63 mg/L
9/2016	001	BOD, Monthly Average	10 mg/L	28.1 mg/L
		BOD, Weekly Average	15 mg/L	28.1 mg/L
		TSS, Monthly Average	15 mg/L	62 mg/L
		TSS, Weekly Average	23 mg/L	62 mg/L
		Fecal Coliform, Monthly Average	200 col/100 ml	2360 col/100 ml
		Fecal Coliform, Weekly Average	400 col/100 ml	2360 col/100 ml
10/2016	001	BOD, Monthly Average	10 mg/L	23.4 mg/L
		BOD, Weekly Average	15 mg/L	23.4 mg/L
		TSS, Monthly Average	15 mg/L	44 mg/L
		TSS, Weekly Average	23 mg/L	44 mg/L
11/2016	001	TSS, Monthly Average	15 mg/L	103 mg/L
		TSS, Weekly Average	23 mg/L	103 mg/L

Appendix A. Schedule of Compliance

Task	Projected Completion Date
Louisiana Public Service Commission approval of rate relief	Completed June 7, 2016
Bond Commission approval of bonds and closing on bonds	December, 2016
Field work & survey	January 5, 2017
Engineering Design	May 5, 2017
DHH approval and permits	July 5, 2017
Advertise for bids	August 5, 2017
Issue contracts	October 5, 2017
Complete construction	August 5, 2018
Achieve compliance	August 31, 2018

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	WE-CN-17-00030	Certified Mail No.	7004 2510 0006 3853 6972	
Agency Interest (AI) No.	18336	Contact Name	Andréa M. Huval	
Alternate ID No.	LAG560057	Contact Phone No.	(225) 219-3090	
Respondent:	L & R Utilities, Inc.	Facility Name:	Pine Hills Subdivision	
	c/o Jeff McNew	Physical Location:	The end of Pine Hills Drive	
	Agent for Service of Process			
	P. O. Box 7237	City, State, Zip:	West Monroe, LA 71225	
	Monroe, LA 71211	Parish:	Ouachita	
This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued 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

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I.		The Respondent owns and/or operates a wastewater treatment plant located at the end of Pine Hills Drive, West Monroe, Ouachita Parish, Louisiana. The Respondent was reissued authorization under Louisiana Pollutant Discharge Elimination System (LPDES) Permit LAG560057 on February 6, 2015, and an expiration date of November 4, 2019, to discharge treated sanitary waste water into a local drainage ditch, thence into North Cheniere Creek, thence into Cheniere Brake Lake, all waters of the state.
	Date of Violation	Description of Violation
II.	Inspection(s) 11/16/2016	The Respondent failed to comply with LPDES permit LAG560057. Specifically, the Respondent allowed the discharge of sewage sludge into the receiving stream. Sewage sludge was observed in the receiving stream and downstream of the outfall. (LAG560057 (Part I, Section B, Schedule A; Part III, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
III.	Inspection(s) 11/16/2016	The Respondent failed to properly operate and maintain its wastewater treatment plant. Specifically, excessive sludge was observed in the clarifier and aeration chambers; excessive vegetative material and live growth was observed in the aeration chamber and growing around the treatment plant, causing the vegetative material to enter the treatment plant; and excessive deterioration was observed in the plant components, including rusted out portions of the clarifier. (LAG560057 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)
IV.	Inspection(s) & File Review 11/16/2016 7/6/2017	The Respondent caused and/or allowed the unauthorized discharge of wastewater into waters of the state from a location not authorized by LPDES Permit LAG560057 and failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, the facility reported six sanitary sewer overflows since February 8, 2012: June 27, 2014; June 30, 2014; September 1, 2014; September 26, 2014; October 7, 2014 (morning); and October 7, 2014 (night). No additional sanitary sewer overflows have been reported for this facility since October 7, 2014. (Unauthorized Discharge: La. R.S. 30:2076(A)(3) and LAC 33:IX.501.D; Operations & Maintenance Deficiencies: LAG560057 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)
V.	Inspection(s) & File Review 11/16/2016 7/6/2017	The Respondent failed to comply with LPDES permit LAG560057. Specifically, between January 1, 2014, and June 30, 2017, the Respondent reported exceedences of permit effluent limitations for BOD, TSS, Oil & Grease, and Fecal Coliform as listed in Table 1. (LAG560057 (Part I, Section B, Schedule A, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)

ORDER

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER . This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.
III.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

RIGHT TO APPEAL

I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER .
II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the address specified in this document.



III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.). The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Andréa M. Huval at (225) 219-3090 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

CONTACTS AND SUBMITTAL OF INFORMATION

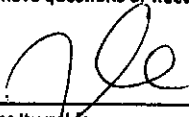
Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Huval	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-17-00030 Agency Interest No. 18336
Permit Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
 - The **COMPLIANCE ORDER** will not be closed if the Respondent owes outstanding fees or penalties to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite closure of the **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
 - The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
 - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer.
 - **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

o The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Andréa M. Huval at (225) 219-3090 or andrea.huval@la.gov.




Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: 10-16-17

Attachment(s)

- Request to Close
- Table 1
- Settlement Brochure

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER & POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE				
Enforcement Tracking No.	WE-CN-17-00030	Contact Name	Andréa M. Huval	
Agency Interest (AI) No.	18336	Contact Phone No.	(225) 219-3090	
Alternate ID No.	LAG560057			
Respondent:	L & R Utilities, Inc.	Facility Name:	Pine Hills Subdivision	
	c/o Jeff McNew	Physical Location:	end of Pine Hills Drive	
	Agent for Service of Process			
	P. O. Box 7237	City, State, Zip:	West Monroe, LA 71225	
	Monroe, LA 71211	Parish:	Ouachita	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER .				
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER .				
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER . Final compliance was achieved as of:				
SETTLEMENT OFFER (OPTIONAL)				
(check the applicable option)				
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00030), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00030), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 			
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00030) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
CERTIFICATION STATEMENT				
I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.				
Respondent's Signature		Respondent's Printed Name	Respondent's Title	
Respondent's Physical Address		Respondent's Phone #	Date	
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Huval				

If you have questions or need more information, you may contact Andréa M. Huval at (225) 219-3090 or andrea.huval@la.gov.

Table 1

Date	Outfall	Parameter	Permit Limit	Reported Value
1/2014	001	TSS, Monthly Average	20 mg/l	76 mg/l
		TSS, Daily Maximum	30 mg/l	76 mg/l
2/2014	001	TSS, Monthly Average	20 mg/l	44 mg/l
		TSS, Daily Maximum	30 mg/l	44 mg/l
3/2014	001	TSS, Monthly Average	20 mg/l	59 mg/l
		TSS, Daily Maximum	30 mg/l	59 mg/l
4/2014	001	TSS, Monthly Average	20 mg/l	48 mg/l
		TSS, Daily Maximum	30 mg/l	48 mg/l
5/2014	001	TSS, Monthly Average	20 mg/l	108 mg/l
		TSS, Daily Maximum	30 mg/l	108 mg/l
6/2014	001	TSS, Monthly Average	20 mg/l	91 mg/l
		TSS, Daily Maximum	30 mg/l	91 mg/l
7/2014	001	TSS, Monthly Average	20 mg/l	76 mg/l
		TSS, Daily Maximum	30 mg/l	76 mg/l
8/2014	001	TSS, Monthly Average	20 mg/l	44 mg/l
		TSS, Daily Maximum	30 mg/l	44 mg/l
9/2014	001	TSS, Monthly Average	20 mg/l	70 mg/l
		TSS, Daily Maximum	30 mg/l	70 mg/l
10/2014	001	TSS, Monthly Average	20 mg/l	43 mg/l
		TSS, Daily Maximum	30 mg/l	43 mg/l
11/2014	001	TSS, Monthly Average	20 mg/l	40 mg/l
		TSS, Daily Maximum	30 mg/l	40 mg/l
12/2014	001	BOD, Monthly Average	20 mg/l	20.9 mg/l
		TSS, Monthly Average	20 mg/l	36 mg/l
		TSS, Daily Maximum	30 mg/l	36 mg/l
2/2015	001	TSS, Monthly Average	20 mg/l	39 mg/l
		TSS, Daily Maximum	30 mg/l	39 mg/l
3/2015	001	BOD, Monthly Average	20 mg/l	22.7 mg/l
		TSS, Monthly Average	20 mg/l	59 mg/l
		TSS, Daily Maximum	30 mg/l	59 mg/l
4/2015	001	Oil & Grease, Daily Maximum	15 mg/l	59.7 mg/l
		TSS, Monthly Average	20 mg/l	48 mg/l
		TSS, Daily Maximum	30 mg/l	48 mg/l
5/2015	001	TSS, Monthly Average	20 mg/l	33 mg/l
		TSS, Daily Maximum	30 mg/l	33 mg/l
6/2015	001	TSS, Monthly Average	20 mg/l	142 mg/l
		TSS, Daily Maximum	30 mg/l	142 mg/l
7/2015	001	BOD, Monthly Average	20 mg/l	58.8 mg/l
		BOD, Daily Maximum	30 mg/l	58.8 mg/l
		TSS, Monthly Average	20 mg/l	80 mg/l
		TSS, Daily Maximum	30 mg/l	80 mg/l
8/2015	001	BOD, Monthly Average	20 mg/l	59.3 mg/l
		BOD, Daily Maximum	30 mg/l	59.3 mg/l
		TSS, Monthly Average	20 mg/l	68 mg/l
		TSS, Daily Maximum	30 mg/l	68 mg/l
9/2015	001	TSS, Monthly Average	20 mg/l	70 mg/l
		TSS, Daily Maximum	30 mg/l	70 mg/l
10/2015	001	TSS, Monthly Average	20 mg/l	37 mg/l
		TSS, Daily Maximum	30 mg/l	37 mg/l
11/2015	001	TSS, Monthly Average	20 mg/l	35 mg/l
		TSS, Daily Maximum	30 mg/l	35 mg/l
12/2015	001	BOD, Monthly Average	20 mg/l	49.2 mg/l
		BOD, Daily Maximum	30 mg/l	49.2 mg/l
		TSS, Monthly Average	20 mg/l	43 mg/l
		TSS, Daily Maximum	30 mg/l	43 mg/l
1/2016	001	BOD, Monthly Average	20 mg/l	40.1 mg/l
		BOD, Daily Maximum	30 mg/l	40.1 mg/l
		TSS, Monthly Average	20 mg/l	35 mg/l
		TSS, Daily Maximum	30 mg/l	35 mg/l

Date	Outfall	Parameter	Permit Limit	Reported Value
2/2016	001	TSS, Monthly Average	20 mg/l	52 mg/l
		TSS, Daily Maximum	30 mg/l	52 mg/l
3/2016	001	BOD, Monthly Average	20 mg/l	68.8 mg/l
		BOD, Daily Maximum	30 mg/l	68.8 mg/l
		TSS, Monthly Average	20 mg/l	47 mg/l
		TSS, Daily Maximum	30 mg/l	47 mg/l
4/2016	001	BOD, Monthly Average	20 mg/l	36.9 mg/l
		BOD, Daily Maximum	30 mg/l	36.9 mg/l
		TSS, Monthly Average	20 mg/l	53 mg/l
		TSS, Daily Maximum	30 mg/l	53 mg/l
		Fecal Coliform, Monthly Average	200 col/ 100 ml	77000 col/ 100 ml
		Fecal Coliform, Daily Maximum	400 col/ 100ml	77000 col/ 100 ml
5/2016	001	BOD, Monthly Average	20 mg/l	61.7 mg/l
		BOD, Daily Maximum	30 mg/l	61.7 mg/l
		TSS, Monthly Average	20 mg/l	92 mg/l
		TSS, Daily Maximum	30 mg/l	92 mg/l
6/2016	001	BOD, Monthly Average	20 mg/l	69.5 mg/l
		BOD, Daily Maximum	30 mg/l	69.5 mg/l
		TSS, Monthly Average	20 mg/l	42 mg/l
		TSS, Daily Maximum	30 mg/l	42 mg/l
		Fecal Coliform, Monthly Average	200 col/ 100 ml	119000 col/ 100 ml
		Fecal Coliform, Daily Maximum	400 col/ 100ml	119000 col/ 100 ml
7/2016	001	TSS, Monthly Average	20 mg/l	70 mg/l
		TSS, Daily Maximum	30 mg/l	70 mg/l
8/2016	001	TSS, Monthly Average	20 mg/l	63 mg/l
		TSS, Daily Maximum	30 mg/l	63 mg/l
9/2016	001	TSS, Monthly Average	20 mg/l	82 mg/l
		TSS, Daily Maximum	30 mg/l	82 mg/l
10/2016	001	TSS, Monthly Average	20 mg/l	55 mg/l
		TSS, Daily Maximum	30 mg/l	55 mg/l
11/2016	001	TSS, Monthly Average	20 mg/l	52 mg/l
		TSS, Daily Maximum	30 mg/l	52 mg/l
12/2016	001	BOD, Monthly Average	20 mg/l	95.7 mg/l
		BOD, Daily Maximum	30 mg/l	95.7 mg/l
		TSS, Monthly Average	20 mg/l	127 mg/l
		TSS, Daily Maximum	30 mg/l	127 mg/l
		Fecal Coliform, Monthly Average	200 col/ 100 ml	108000 col/ 100 ml
		Fecal Coliform, Daily Maximum	400 col/ 100ml	108000 col/ 100 ml
1/2017	001	BOD, Monthly Average	20 mg/l	70.4 mg/l
		BOD, Daily Maximum	30 mg/l	70.4 mg/l
		TSS, Monthly Average	20 mg/l	86 mg/l
		TSS, Daily Maximum	30 mg/l	86 mg/l
		Fecal Coliform, Monthly Average	200 col/ 100 ml	210 col/ 100 ml
2/2017	001	BOD, Monthly Average	20 mg/l	60.1 mg/l
		BOD, Daily Maximum	30 mg/l	60.1 mg/l
		TSS, Monthly Average	20 mg/l	65 mg/l
		TSS, Daily Maximum	30 mg/l	65 mg/l
		Fecal Coliform, Monthly Average	200 col/ 100 ml	215000 col/ 100 ml
		Fecal Coliform, Daily Maximum	400 col/ 100ml	215000 col/ 100 ml
3/2017	001	TSS, Monthly Average	20 mg/l	41 mg/l
		TSS, Daily Maximum	30 mg/l	41 mg/l
4/2017	001	BOD, Monthly Average	20 mg/l	124 mg/l
		BOD, Daily Maximum	30 mg/l	124 mg/l
		TSS, Monthly Average	20 mg/l	47 mg/l
		TSS, Daily Maximum	30 mg/l	47 mg/l
		Fecal Coliform, Monthly Average	200 col/ 100 ml	177000 col/ 100 ml
		Fecal Coliform, Daily Maximum	400 col/ 100ml	177000 col/ 100 ml
5/2017	001	BOD, Monthly Average	20 mg/l	22 mg/l
		TSS, Monthly Average	20 mg/l	117 mg/l
		TSS, Daily Maximum	30 mg/l	117 mg/l

Date	Outfall	Parameter	Permit Limit	Reported Value
6/2017	001	BOD, Monthly Average	20 mg/l	77 mg/l
		BOD, Daily Maximum	30 mg/l	77 mg/l
		TSS, Monthly Average	20 mg/l	110 mg/l
		TSS, Daily Maximum	30 mg/l	110 mg/l
		Fecal Coliform, Monthly Average	200 col/ 100 ml	217000 col/ 100 ml
		Fecal Coliform, Daily Maximum	400 col/ 100ml	217000 col/ 100 ml

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.


WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in <u>EDMS</u> using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
Settlement Agreements	<u>Enforcement Division's website</u> specific examples can be provided upon request
Penalty Determination Method	<u>LAC 33:I Chapter 7</u>
Beneficial Environmental Projects	<u>LAC 33:I Chapter 25</u> <u>FAQs</u>
Judicial Interest.....	<u>provided by the Louisiana State Bar Association</u>



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	WE-PP-18-00355	Certified Mail No.	7017 0530 0000 5978 5090	
Agency Interest (AI) No.	42078	Contact Name	Andréa M. Tabora	
Alternate ID No.	LAG570100	Contact Phone No.	(225) 219-3090	
Respondent:	L & R Utilities, Inc.	Facility Name:	Hidden Oaks Subdivision	
	c/o Jeff McNew	Physical Location:	239 Dolly Drive	
	Agent for Service of Process			
	177 East Shore Drive	City, State, Zip:	Monroe, LA 71203	
	Monroe, LA 71203	Parish:	Ouachita	
This NOTICE OF POTENTIAL PENALTY is issued 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 30:2050.3(B).				
FINDINGS OF FACT				
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.				
I.	The Respondent owned and/or operated a sewage treatment plant located at 239 Dolly Drive, Monroe, Ouachita Parish, Louisiana. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG570100 effective on August 22, 2014. The Respondent submitted a LPDES Request for Termination dated May 3, 2018, indicating the discharge was permanently terminated by connection to a publicly owned treatment works on or about April 23, 2018. Termination was granted by the Department on or about June 18, 2018. Under the terms and conditions of LPDES General Permit LAG570100, the Respondent was permitted to discharge treated sanitary wastewater into an unnamed ditch, thence into Patrick Bayou, all waters of the state.			
	The Respondent was issued CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-13-00582 on or about March 10, 2014. The Department received a response from the Respondent dated April 8, 2014. CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-13-00582 is a final action of the Department and not subject to further review.			
	The Respondent was issued CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-15-01168 on or about February 1, 2017. The Department received a response from the Respondent dated March 28, 2018. CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-15-01168 is a final action of the Department and not subject to further review.			
	Date of Violation	Description of Violation		
II.	Inspection(s) & File Review 3/26/2018 8/8/2018	The Respondent failed to notify the Department of changes to systems of treatment and control. Specifically, to prevent structural failure, the Respondent replaced a failing mechanical treatment plant with a smaller, temporary mechanical treatment plant in April 2017, but failed to notify the Department in writing until March 23, 2018. (LAG570100 (Part III, Sections A.2 and D.1.b), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.1)		
III.	Inspection(s) 3/26/2018	The Respondent failed to properly operate and maintain its wastewater treatment facility. Specifically, the clarifier was inundated with sludge, and there were solids in the clarifier weirs and in the retention chamber. Also, on June 24, 2014 a pump malfunction resulted in the overflow of a wet well lift station that pumps treated effluent to the discharge point, releasing approximately 1500 gallons. (LAG570100 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)		
IV.	Inspection(s) & File Review 3/26/2018 8/8/2018	The Respondent failed to comply with LPDES permit LAG570100. Specifically, between December 2016, and May 2018, the Respondent reported exceedances of permit effluent limitations for BOD, TSS, and Fecal Coliform. (LAG570100 (Part I, Section B, Schedule A, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) See Table 1.		
NOTICE OF POTENTIAL PENALTY				
I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.			
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Andréa M. Tabora at (225) 219-3090 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .			
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.			
IV.	For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.			
V.	To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.			



CONTACTS AND SUBMITTAL OF INFORMATION	
Enforcement Division:	Physical Address (if hand delivered):
Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Tabora	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY	
<p>To expedite closure of the NOTICE OF POTENTIAL PENALTY, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.</p> <ul style="list-style-type: none"> • The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. • The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis. • The settlement offer amount may be entered on the attached "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" form. The Respondent must include a justification of the offer. • DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. • Before requesting closure of this NOTICE OF POTENTIAL PENALTY, please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees. 	


If you have questions or need more information, you may contact Andréa M. Tabora at (225) 219-3090 or andrea.tabora@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: 2-5-29

- Attachment(s)
- Request to Settle
 - Table 1

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE (OPTIONAL)		
Enforcement Tracking No.	WE-PP-18-00355	Contact Name	Andréa M. Tabora	
Agency Interest (AI) No.	42078	Contact Phone No.	(225) 219-3090	
Alternate ID No.	LAG570100			
Respondent:	L & R Utilities, Inc.	Facility Name:	Hidden Oaks Subdivision	
	c/o Jeff McNew	Physical Location:	239 Dolly Drive	
	Agent for Service of Process			
	177 East Shore Drive	City, State, Zip:	Monroe, LA 71203	
	Monroe, LA 71203	Parish:	Ouachita	
SETTLEMENT OFFER (OPTIONAL)				
<i>(check the applicable option)</i>				
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-PP-18-00355), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
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<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-PP-18-00355) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
CERTIFICATION STATEMENT				
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i>				
Respondent's Signature		Respondent's Printed Name		Respondent's Title
Respondent's Physical Address		Respondent's Phone #		Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Tabora				

If you have questions or need more information, you may contact Andréa M. Tabora at (225) 219-3090 or andrea.tabora@la.gov.

Table 1

Date	Outfall	Parameter	Permit Limit	Reported Value
12/2016	001	BOD, Monthly Average	10 mg/l	66.3 mg/l
		BOD, Daily Maximum	15 mg/l	66.3 mg/l
		TSS, Monthly Average	15 mg/l	37 mg/l
		TSS, Daily Maximum	23 mg/l	37 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	189000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	189000 col/100 ml
1/2017	001	BOD, Monthly Average	10 mg/l	23.4 mg/l
		BOD, Daily Maximum	15 mg/l	23.4 mg/l
		TSS, Monthly Average	15 mg/l	80 mg/l
		TSS, Daily Maximum	23 mg/l	80 mg/l
2/2017	001	TSS, Monthly Average	15 mg/l	87 mg/l
		TSS, Daily Maximum	23 mg/l	87 mg/l
3/2017	001	BOD, Monthly Average	10 mg/l	82.1 mg/l
		BOD, Daily Maximum	15 mg/l	82.1 mg/l
		TSS, Monthly Average	15 mg/l	130 mg/l
		TSS, Daily Maximum	23 mg/l	130 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	209000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	209000 col/100 ml
4/2017	001	BOD, Monthly Average	10 mg/l	75.9 mg/l
		BOD, Daily Maximum	15 mg/l	75.9 mg/l
		TSS, Monthly Average	15 mg/l	93 mg/l
		TSS, Daily Maximum	23 mg/l	93 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	128000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	128000 col/100 ml
5/2017	001	BOD, Monthly Average	10 mg/l	233 mg/l
		BOD, Daily Maximum	15 mg/l	233 mg/l
		TSS, Monthly Average	15 mg/l	200 mg/l
		TSS, Daily Maximum	23 mg/l	200 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	431000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	431000 col/100 ml
6/2017	001	BOD, Monthly Average	10 mg/l	42 mg/l
		BOD, Daily Maximum	15 mg/l	42 mg/l
		TSS, Monthly Average	15 mg/l	112 mg/l
		TSS, Daily Maximum	23 mg/l	112 mg/l
7/2017	001	BOD, Monthly Average	10 mg/l	232 mg/l
		BOD, Daily Maximum	15 mg/l	232 mg/l
		TSS, Monthly Average	15 mg/l	115 mg/l
		TSS, Daily Maximum	23 mg/l	115 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	281000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	281000 col/100 ml
8/2017	001	BOD, Monthly Average	10 mg/l	28 mg/l
		BOD, Daily Maximum	15 mg/l	28 mg/l
		TSS, Monthly Average	15 mg/l	207 mg/l
		TSS, Daily Maximum	23 mg/l	207 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	50000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	50000 col/100 ml
9/2017	001	BOD, Monthly Average	10 mg/l	70 mg/l
		BOD, Daily Maximum	15 mg/l	70 mg/l
		TSS, Monthly Average	15 mg/l	102 mg/l
		TSS, Daily Maximum	23 mg/l	102 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	176000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	176000 col/100 ml
10/2017	001	BOD, Monthly Average	10 mg/l	39 mg/l
		BOD, Daily Maximum	15 mg/l	39 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	161000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	161000 col/100 ml
11/2017	001	BOD, Monthly Average	10 mg/l	38 mg/l
		BOD, Daily Maximum	15 mg/l	38 mg/l
		TSS, Monthly Average	15 mg/l	144 mg/l

Date	Outfall	Parameter	Permit Limit	Reported Value
11/2017	001	TSS, Daily Maximum	23 mg/l	144 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	237000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	237000 col/100 ml
12/2017	001	BOD, Monthly Average	10 mg/l	14 mg/l
		TSS, Monthly Average	15 mg/l	41 mg/l
		TSS, Daily Maximum	23 mg/l	41 mg/l
1/2018	001	BOD, Monthly Average	10 mg/l	78 mg/l
		BOD, Daily Maximum	15 mg/l	78 mg/l
		TSS, Monthly Average	15 mg/l	101 mg/l
		TSS, Daily Maximum	23 mg/l	101 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	172000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	172000 col/100 ml
2/2018	001	BOD, Monthly Average	10 mg/l	68 mg/l
		BOD, Daily Maximum	15 mg/l	68 mg/l
		TSS, Monthly Average	15 mg/l	130 mg/l
		TSS, Daily Maximum	23 mg/l	130 mg/l
3/2018	001	BOD, Monthly Average	10 mg/l	220 mg/l
		BOD, Daily Maximum	15 mg/l	220 mg/l
		TSS, Monthly Average	15 mg/l	205 mg/l
		TSS, Daily Maximum	23 mg/l	205 mg/l
		Fecal Coliform, Monthly Average	200 col/100 ml	156000 col/100 ml
		Fecal Coliform, Daily Maximum	400 col/100 ml	156000 col/100 ml