

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**TWIN OAKS SERVICE CORPORATION**

**AI # 43666**

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

\* **Settlement Tracking No.**  
\* **SA-WE-23-0046**  
\*  
\* **Enforcement Tracking Nos.**  
\* **WE-C-11-00089**  
\* **WE-CN-11-01163**  
\* **WE-CN-12-00478**  
\* **WE-CN-22-00050**  
\*  
\*  
\* **Docket Nos. 2012-17478-EQ**  
\* **C/W 2011-8333-EQ**  
\*

**SETTLEMENT AGREEMENT**

The following Settlement Agreement is hereby agreed to between Twin Oaks Service Corporation (“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 a privately owned treatment works located in Raceland, Lafourche Parish, Louisiana (“the Facility”).

**II**

On February 28, 2011, the Department issued to Respondent a Compliance Order, Enforcement Tracking No. WE-C-11-00089 (Exhibit 1).

On September 22, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-11-01163 (Exhibit 2).

On June 12, 2012, the Department issued to Respondent a Consolidated Compliance Order &

Notice of Potential Penalty, Enforcement Tracking No. WE-CN-12-00478 (Exhibit 3).

On July 7, 2022, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-22-00050 (Exhibit 4).

### III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty (Enforcement Tracking Nos. WE-CN-11-01163 and WE-CN-12-00478), Respondent made timely requests for hearings.

### IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

### V

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 FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00), of which Two Thousand Six Hundred Seven and 06/100 Dollars (\$2,607.06) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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).

### VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Compliance Order, Consolidated Compliance Orders & Notices of Potential Penalty and this Settlement Agreement 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.

## VII

This Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

## VIII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## IX

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.

## X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Lafourche Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

#### XI

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 Settlement 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 attached hereto.

#### XII

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

#### XIII

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.

TWIN OAKS SERVICE CORPORATION

BY: [Signature]  
(Signature)

Rebecca Robichaux  
(Printed)

TITLE: owner / operator

THUS DONE AND SIGNED in duplicate original before me this 23rd day of August, 20 23, at THEBOUAUX, LA.

[Signature]  
NOTARY PUBLIC (ID # \_\_\_\_\_)  
Bar No: 36934



JEREMY P. ROBICHAUX  
Notary Public  
Bar Roll # 36934  
State of Louisiana  
(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 15th day of December, 20 23, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # \_\_\_\_\_)  
OFFICIAL SEAL  
JAY GLORIOSO  
NOTARY ID # 66881  
STATE OF LOUISIANA  
PARISH OF EAST BATON ROUGE  
My Commission Is for Life

(stamped or printed)

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

**BOBBY JINDAL**  
GOVERNOR



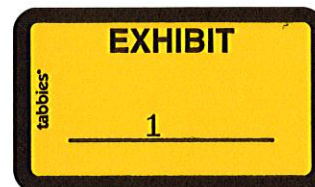
**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

*EDMS*  
*Wayne*  
*Dawn*

February 28, 2011

CERTIFIED MAIL (7004 2510 0005 5768 9742)  
RETURN RECEIPT REQUESTED



**TWIN OAKS SERVICE CORPORATION**  
c/o Rebecca N. Robichaux  
Agent for Service of Process  
212 Hackberry St.  
Raceland, LA 70394

**RE: COMPLIANCE ORDER**  
**ENFORCEMENT TRACKING NO. WE-C-11-00089**  
**AGENCY INTEREST NO. 43666**

Dear Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **COMPLIANCE ORDER** is hereby served on **TWIN OAKS SERVICE CORPORATION (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 **COMPLIANCE ORDER** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Wayne R. Slater at (225) 219-3729.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/WRS/wrs  
Alt ID No. LA0049344  
Attachment

c: Ms. Carol Peters-Wagnon  
U.S. Environmental Protection Agency, Region 6

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

**IN THE MATTER OF**

**TWIN OAKS SERVICE CORPORATION  
LAFOURCHE PARISH  
ALT ID NO. LA0049344**

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

\*  
\*  
\* **ENFORCEMENT TRACKING NO.**  
\*  
\* **WE-C-11-00089**  
\*  
\* **AGENCY INTEREST NO.**  
\*  
\* **43666**  
\*

**COMPLIANCE ORDER**

The following **COMPLIANCE ORDER** is issued to **TWIN OAKS SERVICE CORPORATION (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) and 30:2050.2.

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates an existing privately owned treatment works serving a subdivision and surrounding establishments, located at the corner of Twin Oaks and Pine Streets in Raceland, Lafourche Parish, Louisiana. The Respondent is authorized to discharge certain quantities and qualities of treated sanitary wastewater into an unnamed natural drainage ditch, thence into Forty Arpent Canal, thence into Company Canal, all waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0049344, with an effective date of April 1, 2007, and which expires on March 31, 2012.

II.

A file review conducted by the Department on or about January 31, 2011, and inspections conducted by the Department on or about October 2, 2009, and August 30, 2010, revealed that the Respondent did fail to operate and maintain all facilities of treatment and control and therefore did cause or allow the overflow and/or unauthorized discharge of wastewater from locations not specified in

LPDES permit LA0049344. Specifically, there had been two (2) overflows and/or unauthorized discharges from the manhole at Fir and Hackberry streets. The failure to operate and maintain all facilities and systems of treatment and control is in violation of LPDES permit LA0049344 (Part III, Section B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E. Each unauthorized discharge of wastewater from a location not specified in a permit is in violation of La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.501.D, and LAC 33:IX.2701.A.

### III.

A file review conducted by the Department on or about January 31, 2011, revealed the following effluent violations as reported by the Respondent on Discharge Monitoring Reports (DMRs) that were submitted to the Department:

Date	Parameter	Permit Limit	Sample Value	Units
May 2007	BOD monthly average	10	14.5	mg/L
	BOD weekly average	15	22	mg/L
June 2007	BOD monthly average	10	11	mg/L
	TSS monthly average	15	21	mg/L
	TSS weekly average	23	34	mg/L
Aug 2007	BOD weekly average	15	16	mg/L
Dec 2007	BOD weekly average	15	16	mg/L
Apr 2008	TSS weekly average	23	27	mg/L
	Fecal Coliform weekly average	400	500	#/100mL
May 2008	BOD monthly average	10	19.5	mg/L
	BOD weekly average	15	23	mg/L
	TSS monthly average	15	23.5	mg/L
	TSS weekly average	23	25	mg/L
June 2008	BOD monthly average	10	15.5	mg/L
	BOD weekly average	15	21	mg/L
	TSS monthly average	15	21	mg/L
	TSS weekly average	23	31	mg/L
July 2008	BOD monthly average	10	11	mg/L
	TSS monthly average	15	16	mg/L
	TSS weekly average	23	28	mg/L
Oct 2008	BOD monthly average	10	12	mg/L
	BOD weekly average	15	17	mg/L



Nov 2008	BOD monthly average	10	12	mg/L
	TSS monthly average	15	17	mg/L
Nov 2008	Fecal Coliform weekly average	400	1400	#/100mL
Mar 2009	Fecal Coliform weekly average	400	2700	#/100mL
May 2009	Fecal Coliform monthly average	200	245	#/100mL
	Fecal Coliform weekly average	400	>6000	#/100mL
Jun 2009	BOD monthly average	10	12.5	mg/L
	Fecal Coliform monthly average	200	245	#/100mL
	Fecal Coliform weekly average	400	>6000	#/100mL
Jul 2009	Fecal Coliform monthly average	200	4313	#/100mL
	Fecal Coliform weekly average	400	>6000	#/100mL
Aug 2009	BOD monthly average	10	11.5	mg/L
	Fecal Coliform weekly average	400	>6000	#/100mL
Jan 2010	BOD monthly average	10	13	mg/L
	TSS monthly average	15	16	mg/L
Feb 2010	BOD monthly average	10	18	mg/L
	BOD weekly average	15	20	mg/L
	TSS monthly average	15	41	mg/L
	TSS weekly average	23	42	mg/L
Mar 2010	BOD monthly average	10	15	mg/L
	TSS monthly average	15	22	mg/L
	TSS weekly average	23	30	mg/L
May 2010	BOD monthly average	10	15	mg/L
	TSS monthly average	15	20	mg/L
Jul 2010	TSS monthly average	15	26.5	mg/L
	TSS weekly average	23	34	mg/L
Aug 2010	BOD monthly average	10	11	mg/L
	TSS monthly average	15	18	mg/L
Sep 2010	BOD monthly average	10	19	mg/L
	BOD weekly average	15	20	mg/L
	TSS monthly average	15	31	mg/L
	TSS weekly average	23	33	mg/L

Each of the above-noted effluent violations are in violation of LPDES permit LA0049344 (Part I and Part III, Section A.1), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

IV.

The file review conducted by the Department on or about January 31, 2011, also revealed that the Respondent was submitting incomplete DMRs. Specifically, LPDES permit LA0049344 requires the Respondent to report the Monthly Average loading for BOD<sub>5</sub> (15 lbs/day) and TSS (22 lbs/day) and as "Report" for loading for Ammonia-Nitrogen (NH<sub>3</sub>-N) and Phosphorus. LPDES permit LA0049344 also requires the Respondent to "Report mg/l" for the Monthly Average and Weekly Average concentrations for Ammonia-Nitrogen and Phosphorus. The Respondent has failed to report these parameters on any DMR since the issuance of LPDES permit LA0049344. Each failure to submit a complete and/or accurate DMR is a violation of LPDES permit LA0049344 (Part III, Sections A.2 and D.7), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.L.4.d.

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations and LPDES permit LA0049344, including, but not limited to, properly operating and maintaining all facilities and systems of treatment and control, eliminating any and all overflows and/or unauthorized discharges of wastewater from locations not specified in LPDES permit LA0049344, meeting effluent limitations, and submitting properly completed DMRs.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Reports (DMRs) for the monitoring periods mentioned in Paragraph IV of the Findings of Fact portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the

Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

III.

In the event the Respondent believes that complete correction of the above-cited deficiencies is not physically possible within thirty (30) days, the Respondent shall submit, within thirty (30) days, a comprehensive plan for the expeditious elimination and prevention of such non-complying discharges. Such plan shall provide for specific corrective actions taken and shall include a schedule for the achievement of compliance within the shortest time possible.

IV.

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: **Wayne R. Slater**  
Re: **Enforcement Tracking No. WE-C-11-00089**  
**Agency Interest No. 43666**

**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-C-11-00089**  
**Agency Interest No. 43666**

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 that 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.

VIII.

This **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 28 day of February, 2011.

  
\_\_\_\_\_  
Cheryl Sonnier Nolan  
Assistant Secretary  
Office of Environmental Compliance

CSN/WRS/wrs

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: Wayne R. Slater



**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

*EDMS  
Wayne  
Dawn*

September 22, 2011

CERTIFIED MAIL (7004 2510 0005 5768 9834)  
RETURN RECEIPT REQUESTED



**TWIN OAKS SERVICE CORPORATION**  
c/o Rebecca N. Robichaux  
Agent for Service of Process  
212 Hackberry St.  
Raceland, LA 70394

**RE: CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-11-01163  
AGENCY INTEREST NO. 43666**

Dear Madam:

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 **TWIN OAKS SERVICE CORPORATION (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 Wayne R. Slater at (225) 219-3729.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/WRS/wrs  
Alt ID No. LA0049344  
Attachment

c: Ms. Carol Peters-Wagnon  
U.S. Environmental Protection Agency, Region 6  
Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708  
www.deq.louisiana.gov

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

TWIN OAKS SERVICE CORPORATION  
LAFOURCHE PARISH  
ALT ID NO. LA0049344

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

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ENFORCEMENT TRACKING NO.

WE-CN-11-01163

AGENCY INTEREST NO.

43666

CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL

PENALTY is issued to TWIN OAKS SERVICE CORPORATION (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 an existing privately owned treatment works serving a subdivision and surrounding establishments, located at the corner of Twin Oaks and Pine Streets in Raceland, Lafourche Parish, Louisiana. The Respondent is authorized to discharge certain quantities and qualities of treated sanitary wastewater into an unnamed natural drainage ditch, thence into Forty Arpent Canal, thence into Company Canal, all waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0049344, with an effective date of April 1, 2007, and which expires on March 31, 2012.

II.

The Respondent was issued **COMPLIANCE ORDER WE-C-11-00089** on or about February 28, 2011 for unauthorized discharges into waters of the state from a location not specified in a permit, for the failure to operate and maintain all systems of treatment and control, for violations of LPDES permit LA0049344 effluent limitations and the failure to submit accurate and/or complete DMRs. The Order required the Respondent to immediately take any and all steps to meet and maintain compliance with LPDES permit LA009344, submit properly completely DMRs, and to submit a written report to include the circumstances of the cited violations. The Respondent submitted a written response and a request for an adjudicatory hearing on or about April 8, 2011. The hearing request was granted on or about April 25, 2011; therefore, **COMPLIANCE ORDER WE-C-11-00089** is not a final action of the Department.

III.

A file review conducted by the Department on or about August 29, 2011, revealed that the Respondent failed to operate and maintain all facilities of treatment and control and caused or allowed the overflow and/or unauthorized discharge of wastewater from locations not specified in LPDES permit LA0049344. Specifically, the file review revealed that the Respondent did not timely submit a notification of an overflow from the manhole at Fir and Hackberry streets that occurred on or about July 29, 2011. The failure to operate and maintain all facilities and systems of treatment and control is in violation of LPDES permit LA0049344 (Part III, Section B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E. The unauthorized discharge of wastewater from a location not specified in a permit is in violation of La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.501.D, and LAC 33:IX.2701.A.

IV.

A file review conducted by the Department on or about August 29, 2011, revealed the following effluent violations occurred, as reported by the Respondent on Discharge Monitoring Reports (DMRs) that were submitted to the Department:

Date	Parameter	Permit Limit	Sample Value	Units
Oct 2010	BOD monthly average	10	14	mg/L
	BOD weekly average	15	18	mg/L
Nov 2010	TSS weekly average	23	27	mg/L



Jan 2011	BOD monthly average	10	15	mg/L
	BOD weekly average	15	23	mg/L
	TSS monthly average	15	21	mg/L
	TSS weekly average	23	28	mg/L
Feb 2011	BOD monthly average	10	11	mg/L
	BOD weekly average	15	16	mg/L
	TSS monthly average	15	24	mg/L
	TSS weekly average	23	28	mg/L
Mar 2011	TSS monthly average	15	18	mg/L

Each of the above-noted effluent violations are in violation of LPDES permit LA0049344 (Part I and Part III, Section A.1), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

V.

The file review conducted by the Department on or about August 29, 2011, also revealed that the Respondent was submitting incomplete DMRs. Specifically, LPDES permit LA0049344 contains permit limitations of the Monthly Average loading for BOD<sub>5</sub> (15 lbs/day) and TSS (22 lbs/day) and requires the Respondent to Report the loading(s) for Ammonia-Nitrogen (NH<sub>3</sub>-N) and Phosphorus. LPDES permit LA0049344 also requires the Respondent to Report mg/L for the Monthly Average and Weekly Average concentrations for Ammonia-Nitrogen and Phosphorus. The Respondent failed to report these parameters on DMRs for the October, November, and December 2011 reporting periods. Each failure to submit a complete and/or accurate DMR is a violation of LPDES permit LA0049344 (Part III, Sections A.2 and D.7), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.L.4.d.

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

1.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations and LPDES permit LA0049344, including, but not limited to, properly operating and maintaining all facilities and systems of treatment and control, eliminating any and all overflows and/or unauthorized discharges of wastewater from

locations not specified in LPDES permit LA0049344, meeting effluent limitations, and submitting properly completed DMRs.

II.

To comply with the following construction/upgrade schedule:

October 2011 Photo-inspect the collection lines along Fir Street between the manholes on Ash and Hackberry Streets, and the main line from Ash Street running behind the homes located on Twin Oaks and Church Street.

Install storm water pans/seals in the manholes on Ash and Fir Streets.

November 2011 Remove obstructions noted in photo-inspection of collection lines.

Commence obtaining permits/right-of-ways/financing/engineering plans and specification for connecting the manhole at Fir and Hackberry Streets to the Hackberry/Twin Oaks manhole.

January 2012 Complete the connection of the manhole at Fir and Hackberry Streets to the Hackberry/Twin Oaks manhole.

The Respondent shall submit monthly progress reports to the Department commencing on October 15, 2011, concerning the above-referenced project. The first report shall include a summary of the project since commencement of the activities to date.

**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-C-11-01163  
Agency Interest No. 43666

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 a 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.

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 Wayne R. Slater at (225) 219-3729 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

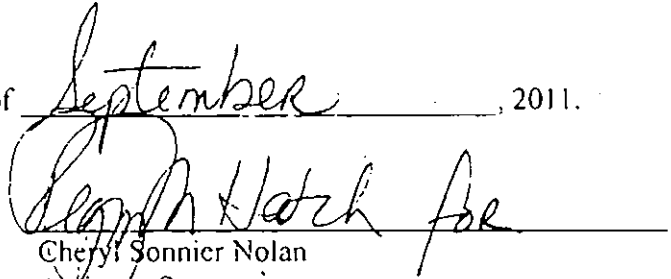
III.

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 20<sup>th</sup> day of September, 2011.



Cheryl Sonnier Nolan  
Assistant Secretary  
Office of Environmental Compliance

CSN/WRS/wrs

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: Wayne R. Slater



BOBBY JINDAL  
GOVERNOR

PEGGY M. HATCH  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**OFFICE OF ENVIRONMENTAL COMPLIANCE**

June 12, 2012

CERTIFIED MAIL (7004 2510 0005 5763 3813)  
RETURN RECEIPT REQUESTED



**TWIN OAKS SERVICE CORPORATION**  
c/o Rebecca N. Robichaux  
Agent for Service of Process  
212 Hackberry St.  
Raceland, LA 70394

**RE: CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-12-00478  
AGENCY INTEREST NO. 43666**

Dear Madam:

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 **TWIN OAKS SERVICE CORPORATION (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 Wayne R. Slater at (225) 219-3729.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage  
Administrator  
Enforcement Division

CJC/WRS/wrs  
Alt ID No. LA0049344  
Attachment

c: Ms. Carol Peters-Wagnon  
U.S. Environmental Protection Agency, Region 6

Mr. George Robichaux  
Dept. of Health and Hospitals

Mr. Arnold Chauviere  
Public Service Commission

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

<b>IN THE MATTER OF</b>	*	
	*	
<b>TWIN OAKS SERVICE CORPORATION</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>LAFOURCHE PARISH</b>	*	
<b>ALT ID NO. LA0049344</b>	*	<b>WE-CN-12-00478</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
	*	
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	<b>43666</b>
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **TWIN OAKS SERVICE CORPORATION (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 an existing privately owned treatment works serving a subdivision and surrounding establishments, located at the corner of Twin Oaks and Pine Streets in Raceland, Lafourche Parish, Louisiana. The Respondent was authorized to discharge certain quantities and qualities of treated sanitary wastewater into an unnamed natural drainage ditch, thence into Forty Arpent Canal, thence into Company Canal, all waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0049344, with an effective date of April 1, 2007, and which expired on March 31, 2012. The Respondent did submit a permit renewal application before the expiration date; therefore, LPDES permit LA0049344 was administratively continued.



II.

The Respondent was issued **COMPLIANCE ORDER WE-C-11-00089** on or about February 28, 2011 for unauthorized discharges into waters of the state from a location not specified in a permit, for the failure to operate and maintain all systems of treatment and control, for violations of LPDES permit LA0049344 effluent limitations and the failure to submit accurate and/or complete DMRs. The Order required the Respondent to immediately take any and all steps to meet and maintain compliance with LPDES permit LA009344, submit properly completely DMRs, and to submit a written report to include the circumstances of the cited violations. The Respondent submitted a written response and a request for an adjudicatory hearing on or about April 8, 2011. The hearing request was granted on or about April 25, 2011; therefore **COMPLIANCE ORDER WE-C-11-00089** is currently under adjudicatory review.

III.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-11-01163** on or about September 22, 2011 for unauthorized discharges into waters of the state from a location not specified in a permit, for the failure to operate and maintain all systems of treatment and control, for violations of LPDES permit LA0049344 effluent limitations and the failure to submit accurate and/or complete DMRs. The Order required the Respondent to immediately take any and all steps to meet and maintain compliance with LPDES permit LA009344, and to upgrade the collection system based on a schedule that was submitted by the Respondent. A hearing request was submitted on or about November 2, 2011; however, the request was denied by operation of law on or about December 13, 2011. Therefore, **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-11-01163** is a final action of the Department and not subject to further review.

IV.

Inspections conducted by the Department on February 23, March 23, and May 7, 2012, revealed that the Respondent did substantially complete all portions of the upgrade schedule outlined in **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-11-01163** in a timely manner. Based on a schedule submitted by the Respondent and subsequently incorporated into the action, the Respondent was ordered to connect the manhole at Fir and Hackberry streets to the Hackberry/Twin Oaks manhole; however, this project had not been previously approved by the Department of Health and Hospitals. The Respondent did construct an additional lift station adjacent

to the manhole at Fir and Hackberry streets to pump wastewater directly to the wastewater treatment system.

## V.

Inspections conducted by the Department on or about July 18, 2011, February 23, 2012, and March 23, 2012, in response to citizen complaints, revealed that the Respondent failed to operate and maintain all facilities of treatment and control and, therefore, did cause or allow the overflow and/or unauthorized discharge of wastewater from locations not specified in LPDES permit LA0049344. Specifically, the inspections revealed an overflow from the manhole at Fir and Hackberry streets that occurred on or about July 18, 2011, and overflows from the new lift station at Fir and Hackberry streets that occurred on or about February 23 and March 23, 2012. The failure to operate and maintain all facilities and systems of treatment and control is in violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-11-01163**, LPDES permit LA0049344 (Part III, Section B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E. The unauthorized discharge of wastewater from a location not specified in a permit is in violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-11-01163**, La. R.S. 30:2076 (A)(1)(a), and LAC 33:IX.501.D.

## VI.

A file review conducted by the Department on or about May 3, 2012, revealed the following effluent violations as reported by the Respondent on Discharge Monitoring Reports (DMRs) that were submitted to the Department:

Date	Parameter	Permit Limit	Sample Value	Units
Aug 2011	Fecal Coliform monthly average	200	226	cols/100 ml
	Fecal Coliform weekly average	400	5,100	cols/100 ml
	TSS monthly average	15	30	mg/L
	TSS weekly average	23	37	mg/L
Sep 2011	BOD monthly average	10	20	mg/L
	BOD weekly average	15	24	mg/L
	TSS monthly average	15	34	mg/L
	TSS weekly average	23	44	mg/L
	Fecal Coliform monthly average	200	735	cols/100 ml

Sep 2011	Fecal Coliform weekly average	400	>6,000	cols/100 ml
Nov 2011	Fecal Coliform monthly average	200	241	cols/100 ml
	Fecal Coliform weekly average	400	5,800	cols/100 ml
Dec 2011	Fecal Coliform weekly average	400	720	cols/100 ml

Each of the above-noted effluent exceedances are in violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-11-01163**, LPDES permit LA0049344 (Part I and Part III, Section A.1), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

#### VII.

A file review conducted by the Department on or about May 3, 2012, revealed that the Respondent failed to submit a permit renewal application 180 days or more prior to the expiration of the permit. Specifically, LPDES permit LA0049344 expired on March 31, 2012. The Department received the permit renewal application on or about March 27, 2012. The failure to submit a permit application in a timely manner is a violation of LPDES permit LA0049344 (Part III, Sections A.2 and A.5), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

#### VIII.

An inspection conducted by the Department on or about May 7, 2012, revealed that the Respondent installed a bypass structure at the newly constructed lift station at the end of Fir and Hackberry streets. This structure appears to be a passive system since there is no valve or other mechanisms to actuate/control the bypass. The Department observed a "T" in the pipe that runs from the manhole to the lift station at the end of Fir St. Based on observations at the time of the inspection, a portion of the water flowing into the new lift station will be discharged into the roadside ditch. There was no check valve or other device observed that would give the Respondent the ability to control the bypass or to at least be aware when a bypass was occurring so that proper notification and monitoring could be done. An unreported and unmonitored bypass would be in violation of La. R.S. 30:2076 (A)(3) and LAC 33:IX.2701.M, and would be considered an unauthorized discharge in violation of La. R.S. 30:2076 (A)(1)(a).

#### IX.

Information received by the Department on or about May 8, 2012, revealed that the Respondent failed to obtain prior approval by the Department of Health and Hospitals for the modifications to the collection system as indicated in paragraph VIII, above. The failure to obtain approval from the

Department of Health and Hospitals is in violation of LPDES permit LA0049344 (Part III, Sections A.2 and A.14), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

X.

A file review conducted by the Department on or about May 31, 2012, revealed that Respondent failed to submit DMRs for the monthly monitoring periods of January, February, and March 2012. The failure to submit DMRs constitutes a violation LPDES permit LA0049344 (Part I and Part II, Section 11), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.L.4.

### COMPLIANCE ORDER

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

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations and LPDES permit LA0049344 including, but not limited to, properly operating and maintaining all facilities and systems of treatment and control, eliminating any and all overflows and/or unauthorized discharges of wastewater, timely submittal of DMRs, and meeting effluent limitations.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Reports (DMRs) for the monitoring periods mentioned in Paragraph X of the Findings of Fact portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations.

III.

In the event the Respondent believes that the elimination of the overflows and/or unauthorized discharges is not physically possible within thirty (30) days, the Respondent shall submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges and a plan for the correction of the potentially uncontrollable bypass structure. Such plans shall provide for specific corrective actions

taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

IV.

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** including, but not limited to, the corrective actions and critical path schedule as required in paragraph III, above. 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: Wayne R. Slater**  
**Re: Enforcement Tracking No. WE-CN-12-00478**  
**Agency Interest No. 43666**

**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-12-00478**  
**Agency Interest No. 43666**

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 Wayne R. Slater at (225) 219-3729 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

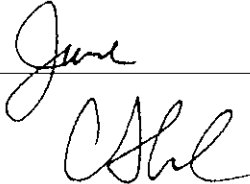
III.

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 12 day of June, 2012.


  
\_\_\_\_\_  
Cheryl Sonnier Nolan  
Assistant Secretary  
Office of Environmental Compliance

CSN/WRS/wrs

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: Wayne R. Slater




LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				<b>CONSOLIDATED COMPLIANCE ORDER &amp;                  NOTICE OF POTENTIAL PENALTY</b>			
Enforcement Tracking No.	WE-CN-22-00050	Certified Mail No.	7017 2680 0000 7350 1834				
Agency Interest (AI) No.	43666	Contact Name	Richard Ober, Jr.				
Alternate ID No.	LA0049344	Contact Phone No.	(225) 219-3135				
Respondent:	Twin Oaks Service Corporation	Facility Name:	Twin Oaks Service Corporation Wastewater Treatment Facility				
	c/o Rebecca N. Robichaux	Physical Location:	212 Hackberry Street				
	Agent for Service of Process		212 Hackberry Street				
	212 Hackberry Street Raceland, LA 70394	City, State, Zip:	Raceland, LA 70394			Parish:	Lafourche
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).							
<b>FINDINGS OF FACT</b>							
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 privately owned treatment works that serves a residential subdivision and surrounding establishments located at or near 212 Hackberry Street in Raceland, Lafourche Parish, Louisiana. The Respondent was reissued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0049344 on August 31, 2018, with an effective date of October 1, 2018, and expiration date of September 30, 2023. Under the terms and conditions of LPDES Permit LA0049344, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed ditch, thence into Forty Arpent Canal, thence into Company Canal (Subsegment 120302), all waters of the state.						
	Date of Violation	Description of Violation					
II.	Inspection(s) August 5, 2021 File Review May 26, 2022	The Respondent failed to comply with LPDES Permit LA0049344. Specifically, Other Conditions, Paragraph H.1.f.i requires a Sewage Sludge Hauler Manifest System to track the incoming waste. Other Conditions, Paragraph H.2 requires submission annually of the Sewage Sludge and Biosolids Use or Disposal Reporting Form for Receivers of Sewage Sludge From Outside Sources (Form 7254). The inspection revealed that the Respondent did not have a Sewage Sludge Hauler Manifest System nor submitted the required annual Form 7254 for the years 2019, 2020, and 2021. (LPDES Permit LA0049344 (Other Conditions, Paragraph H.1.f.i; Other Conditions, Paragraph H.2; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)					
III.	Inspection(s) August 5, 2021	The Respondent failed to comply with LPDES Permit LA0049344. Specifically, a review of the August 2020 Discharge Monitoring Report (DMR) for Biochemical Oxygen Demand, 5 day (BOD <sub>5</sub> ), revealed that the Respondent averaged the flows and concentrations, and then calculated the loading from those averages. The loading should have been calculated and then averaged as defined in Standard Conditions for LPDES Permits, Section F.18 of LPDES Permit LA0049344. (LPDES Permit LA0049344 (Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A)					
IV.	Inspection(s) August 5, 2021	The Respondent failed to continuously measure the flow of the discharge. Specifically, the inspection revealed that the flow recorder was damaged and had not been continuously monitoring flow. The failure to continuously monitor flow is a violation of LPDES Permit LA0049344 (Effluent Limitations and Monitoring Requirements, page 1 of 3 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Additionally, the Respondent failed to properly operate and maintain all facilities in violation of LPDES Permit LA0049344 (Standard Conditions for LPDES Permits, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E.					
V.	Inspection(s) August 5, 2021 File Review May 26, 2022	The Respondent failed to comply with LPDES Permit LA0049344. Specifically, a review of DMRs revealed that the Respondent reported exceedances of permit effluent limitations for BOD <sub>5</sub> ; total suspended solids (TSS); and fecal coliform for Outfall 001. See Attachment 1. (LPDES Permit LA0049344 (Effluent Limitations and Monitoring Requirements, page 1 of 3 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.D, and LAC 33:IX.501.A)					
VI.	File Review May 26, 2022	The Respondent failed to sample the effluent from Outfall 001 on a quarterly basis as required by LPDES Permit LA0049344. Specifically, the Respondent failed to sample the effluent for phosphorus and nitrogen from October 1, 2018, the effective date of LPDES Permit LA0049344, through September 30, 2019. The Respondent reported on the DMR for the third quarter 2019 for Outfall 001-Q that the analysis was not conducted because it was unaware of the permit monitoring requirement changes. (LPDES Permit LA0049344 (Effluent Limitations and Monitoring Requirements, page 1 of 3 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)					
<b>ORDER</b>							
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 all 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.	In the event the Respondent believes that complete correction of the above-cited deficiencies is not immediately possible, the Respondent shall submit, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , 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.
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , the Sewage Sludge and Biosolids Use or Disposal Reporting Form for Receivers of Sewage Sludge From Outside Sources (Form 7254) for the years 2019, 2020, and 2021.
<b>RIGHT TO APPEAL</b>	
I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this <b>COMPLIANCE ORDER</b> . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> .
II.	The request for an adjudicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> 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 left-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 <b>COMPLIANCE ORDER</b> 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 Division of Administrative Law's (DAL) Procedural Rules. The Department may amend or supplement this <b>COMPLIANCE ORDER</b> prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> 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.
<b>NOTICE OF POTENTIAL PENALTY</b>	
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 Richard Ober, Jr. at (225) 219-3135 within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> .
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 <b>NOTICE OF POTENTIAL PENALTY</b> . 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.	The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this <b>NOTICE OF POTENTIAL PENALTY</b> portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> portion but no later than ninety (90) days of achieving compliance with the <b>COMPLIANCE ORDER</b> portion. The Respondent must include a justification of the offer. <b>DO NOT</b> 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.
V.	This <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.

CONTACTS AND SUBMITTAL OF INFORMATION	
<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.	<b>Hearing Requests:</b> 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-22-00050 Agency Interest No. 43666
<b>Water Permits Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	<b>Physical Address (if hand delivered):</b> 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	
<ul style="list-style-type: none"> <li>• To appeal the <b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY</b>, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this <b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY</b>.</li> <li>• To request closure of the <b>COMPLIANCE ORDER</b> portion, the Respondent must demonstrate compliance with the "Order" portion of this <b>COMPLIANCE ORDER</b> by completing the attached "<b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE</b>" form and returning it to the address specified.                         <ul style="list-style-type: none"> <li>○ Before requesting closure of the <b>COMPLIANCE ORDER</b> portion, please contact the Financial Services Division at 225-219-3865 or email them at <a href="mailto:_DEQ-WWWFinancialServices@la.gov">_DEQ-WWWFinancialServices@la.gov</a> to determine if you owe outstanding fees.</li> </ul> </li> <li>• To expedite closure of the <b>NOTICE OF POTENTIAL PENALTY</b> portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.                         <ul style="list-style-type: none"> <li>○ The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter 7.</li> <li>○ 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.</li> <li>○ The settlement offer amount may be entered on the attached "<b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE</b>" form. The Respondent must include a justification of the offer.</li> <li>○ <b>DO NOT</b> 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.</li> <li>○ Before requesting closure of the <b>NOTICE OF POTENTIAL PENALTY</b> portion, please contact the Financial Services Division at 225-219-3865 or email them at <a href="mailto:_DEQ-WWWFinancialServices@la.gov">_DEQ-WWWFinancialServices@la.gov</a> to determine if you owe outstanding fees.</li> </ul> </li> </ul>	


If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or [richard.ober@la.gov](mailto:richard.ober@la.gov).

  
 \_\_\_\_\_  
 Celena L. Cage  
 Assistant Secretary  
 Office of Environmental Compliance

Date: 07/07/2022

ecc: LDH/Office of Public Health

- Attachment(s)**
- Request to Close
  - Attachment 1
  - Settlement Brochure

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION <b>CONSOLIDATED COMPLIANCE ORDER &amp;</b> POST OFFICE BOX 4312 <b>NOTICE OF POTENTIAL PENALTY</b> BATON ROUGE, LOUISIANA 70821-4312 <b>REQUEST TO CLOSE</b>					
Enforcement Tracking No.	WE-CN-22-00050	Contact Name	Richard Ober, Jr.		
Agency Interest (AI) No.	43666	Contact Phone No.	(225) 219-3135		
Alternate ID No.	LA0049344				
Respondent:	Twin Oaks Service Corporation	Facility Name:	Twin Oaks Service Corporation Wastewater Treatment Facility		
	c/o Rebecca N. Robichaux	Physical Location:	212 Hackberry Street		
	Agent for Service of Process				
	212 Hackberry Street	City, State, Zip:	Raceland, LA 70394		
	Raceland, LA 70394	Parish:	Lafourche		
<b>STATEMENT OF COMPLIANCE</b>					
<b>STATEMENT OF COMPLIANCE</b>		<b>Date Completed</b>	<b>Copy Attached?</b>		
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 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:					
<b>SETTLEMENT OFFER (OPTIONAL)</b>					
<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-22-00050), 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-22-00050), 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>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.</b></li> </ul> The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-22-00050) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.				
<b>CERTIFICATION STATEMENT</b>					
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		
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>					
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Richard Ober, Jr.					

If you have questions or need more information, you may contact Richard Ober, Jr. at (225) 219-3135 or richard.ober@la.gov.

## Attachment 1

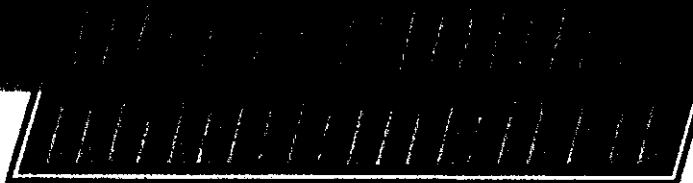
Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value
10/31/2018	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	21 mg/L
10/31/2018	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	22 mg/L
10/31/2018	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	73 mg/L
10/31/2018	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	76 mg/L
11/30/2018	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	20 mg/L
11/30/2018	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	20 mg/L
11/30/2018	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	32 mg/L
11/30/2018	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	34 mg/L
01/31/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	20 mg/L
01/31/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	15 mg/L	27 mg/L
01/31/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	31 mg/L
01/31/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	48 mg/L
02/28/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	12 mg/L
02/28/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	15 mg/L	16 mg/L
02/28/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	17 mg/L
03/31/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	36 mg/L
03/31/2019	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	40 mg/L
03/31/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	99 mg/L
03/31/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	101 mg/L
03/31/2019	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	>600 #/100mL
04/30/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	25 mg/L
04/30/2019	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	26 mg/L
04/30/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	68 mg/L
04/30/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	70 mg/L
05/31/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	24 mg/L
05/31/2019	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	27 mg/L
05/31/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	59 mg/L
05/31/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	74 mg/L
05/31/2019	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	600 #/100mL
06/30/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	18 mg/L
06/30/2019	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	20 mg/L
06/30/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	42 mg/L
06/30/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	42 mg/L
07/31/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	27 mg/L
07/31/2019	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	33 mg/L
07/31/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	44 mg/L
07/31/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	51 mg/L
07/31/2019	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	>600 #/100mL
08/31/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	26 mg/L
08/31/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	30 mg/L
09/30/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	17 mg/L

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value
09/30/2019	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	18 mg/L
09/30/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	32 mg/L
09/30/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	36 mg/L
10/31/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	21 mg/L
11/30/2019	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	17 mg/L
11/30/2019	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	18 mg/L
11/30/2019	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	23 mg/L
11/30/2019	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	31 mg/L
02/29/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	12 mg/L
03/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	13 mg/L
03/31/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	26 mg/L
03/31/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	28 mg/L
04/30/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	27 mg/L
04/30/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	39 mg/L
05/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	11 mg/L
05/31/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	38 mg/L
05/31/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	40 mg/L
05/31/2020	001-A	Fecal Coliform (Monthly Average)	200 #/100mL	349.2 #/100mL
05/31/2020	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	>2419.6 #/100mL
06/30/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	22 mg/L
06/30/2020	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	26 mg/L
06/30/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	36 mg/L
06/30/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	37 mg/L
06/30/2020	001-A	Fecal Coliform (Monthly Average)	200 #/100mL	348.7 #/100mL
06/30/2020	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	1119.6 #/100mL
07/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	17 mg/L
07/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	18 mg/L
07/31/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	33 mg/L
07/31/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	36 mg/L
07/31/2020	001-A	Fecal Coliform (Monthly Average)	200 #/100mL	1447.9 #/100mL
07/31/2020	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	>2419.6 #/100mL
08/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	16.5 mg/L
08/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	26 mg/L
08/31/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	38.5 mg/L
08/31/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	44 mg/L
08/31/2020	001-A	Fecal Coliform (Monthly Average)	200 #/100mL	1855.3 #/100mL
08/31/2020	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	1986.3 #/100mL
09/30/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	17.5 mg/L
09/30/2020	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	25 mg/L
09/30/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	26 mg/L
09/30/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	35 mg/L
10/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	12 mg/L
10/31/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	25.5 mg/L
10/31/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	31 mg/L
11/30/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	17 mg/L

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value
11/30/2020	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	20 mg/L
11/30/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	37 mg/L
11/30/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	42 mg/L
12/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	21 mg/L
12/31/2020	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	22 mg/L
12/31/2020	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	41 mg/L
12/31/2020	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	42 mg/L
01/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	21.5 mg/L
01/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	30 mg/L
01/31/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	31 mg/L
01/31/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	42 mg/L
02/28/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	15 mg/L
02/28/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	18 mg/L
02/28/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	29 mg/L
02/28/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	35 mg/L
03/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	16 mg/L
03/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	17 mg/L
03/31/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	69.5 mg/L
03/31/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	83 mg/L
04/30/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	18 mg/L
04/30/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	27 mg/L
04/30/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	56 mg/L
04/30/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	65 mg/L
05/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	12 mg/L
05/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	16 mg/L
05/31/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	44 mg/L
05/31/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	50 mg/L
06/30/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	17 mg/L
06/30/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	22 mg/L
06/30/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	41 mg/L
06/30/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	42 mg/L
07/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	14.5 mg/L
07/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	19 mg/L
07/31/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	41.5 mg/L
07/31/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	47 mg/L
08/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	21.5 mg/L
08/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	38 mg/L
08/31/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	30.5 mg/L
08/31/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	38 mg/L
09/30/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	22 mg/L
09/30/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	22 mg/L
09/30/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	29 mg/L
09/30/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	29 mg/L
10/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	21.5 mg/L

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value
10/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	25 mg/L
10/31/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	63 mg/L
10/31/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	94 mg/L
10/31/2021	001-A	Fecal Coliform (Monthly Average)	200 #/100mL	>2419.6 #/100mL
10/31/2021	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	>2419.6 #/100mL
11/30/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	28.5 mg/L
11/30/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	31 mg/L
11/30/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	64 mg/L
11/30/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	72 mg/L
11/30/2021	001-A	Fecal Coliform (Monthly Average)	200 #/100mL	1405.6 #/100mL
11/30/2021	001-A	Fecal Coliform (Daily Maximum)	400 #/100mL	2419.6 #/100mL
12/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	30 mg/L
12/31/2021	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	34 mg/L
12/31/2021	001-A	Total Suspended Solids (Monthly Average)	25 lb/d	38.6 lb/d
12/31/2021	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	73.5 mg/L
12/31/2021	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	75 mg/L
01/31/2022	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	17 lb/d	27.4 lb/d
01/31/2022	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	40.5 mg/L
01/31/2022	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	48 mg/L
01/31/2022	001-A	Total Suspended Solids (Monthly Average)	25 lb/d	44.2 lb/d
01/31/2022	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	65.5 mg/L
01/31/2022	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	76.0 mg/L
02/28/2022	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	20.0 mg/L
02/28/2022	001-A	Biochemical Oxygen Demand, 5-day (Daily Maximum)	15 mg/L	21.0 mg/L
02/28/2022	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	28.0 mg/L
02/28/2022	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	32.0 mg/L
03/31/2022	001-A	Biochemical Oxygen Demand, 5-day (Monthly Average)	10 mg/L	11.0 mg/L
03/31/2022	001-A	Total Suspended Solids (Monthly Average)	15 mg/L	28.5 mg/L
03/31/2022	001-A	Total Suspended Solids (Daily Maximum)	23 mg/L	38.0 mg/L





**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.

NATURE AND GRAVITY OF THE VIOLATION				
	MAJOR	MODERATE	MINOR	
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	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.

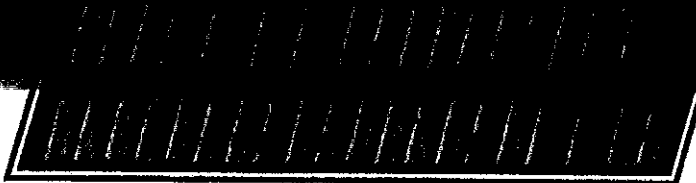
**Moderate:** Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

**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.





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 EDMS using the following filters  
Media: Air Quality, Function: Enforcement, Description: Settlement
- Settlement Agreements ..... Enforcement Division's website  
specific examples can be provided upon request
- Penalty Determination Method ..... LAC 33:1 Chapter 7
- Beneficial Environmental Projects ..... LAC 33:1 Chapter 25  
FAQs
- Judicial Interest..... provided by the Louisiana State Bar Association

