STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

RLH INVESTMENTS, LLC

AI # 174973

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

* Settlement Tracking No.
  * SA-WE-18-0033

* Enforcement Tracking No.
  * WE-CN-15-00614

SETTLEMENT

The following Settlement is hereby agreed to between RLH Investments, LLC ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a limited liability company that owns and/or operates a facility located in Chalmette, St. Bernard Parish, Louisiana ("the Facility").

II

On May 18, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-00614 (Exhibit 1).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal
statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWELVE THOUSAND TWO HUNDRED AND NO/100 DOLLARS ($12,200.00), of which Eight Hundred Eighty-One and 01/100 Dollars ($881.01) represents the Department’s enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General’s concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Bernard Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.
RLH INVESTMENTS, LLC

BY:  

(Signature)

(printed)

TITLE:  


THUS DONE AND SIGNED in duplicate original before me this 4 day of October, 2018, at Metairie, LA.

NOTARY PUBLIC (ID # 89009)

(stamped or printed)

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

BY:  

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 2nd day of Aug, 2019, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # 19181)

(stamped or printed)

Approved:  

Lourdes Iturralde, Assistant Secretary
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY

WE-CN-15-00614
Certified Mail No. 7014 0510 0001 5486 2039
Agency Interest [AJ] No. 174973
Contact Name: Taylor Alexander
Alternate ID No. LAROS5P98
Facility Name: Landieu Concrete Services
Physical Location: 4141 Paris Road
City, State, Zip: Chalmette, LA 70043
New Orleans, LA 70115
Parish: St. Bernard

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. 30:2073(S), 30:2050.2 and 30:2050.3(E).

FINDINGS OF FACT

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

I.
The Respondent owns and/or operates a concrete plant located at 4141 Paris Road, Chalmette, St. Bernard Parish, Louisiana. Under the terms and conditions of LPDES Permit LAROS5P98, the Respondent is permitted to discharge storm water associated with industrial activity into Forty Arpent Canal, all waters of the state. An inspection conducted by the Department on or about September 11, 2014, revealed the facility has an unpermitted truck washing area. The Respondent needs coverage under LPDES permit LAG110000 for authority to discharge storm water and wastewater from the truck washing area.

Date of Violation: 09/11/2014
Description of Violation: The Respondent failed to comply with LPDES permit LAROS5P98. Specifically, the Respondent failed to conduct benchmark sampling in 2012 and 2014. The Respondent also failed to conduct annual storm water sampling. (LAROS5P98, Section 6.4.E, Page 79, La. R.S. 30:2076(A)(3); and LAC 33.3K.501.A)

II.
Inspection(s) & File Review 09/11/2014 & 06/02/2015
The Respondent failed to comply with LPDES permit LAROS5P98. Specifically, the Respondent failed to submit quarterly and annual Discharge Monitoring Reports (DMRs) from May 2011 to December 2014. Under the terms and conditions of LPDES permit LAROS5P98, the Respondent is required to submit DMRs to the Department and to the operator of the municipal separate storm sewer system (MS4). (LAROS5P98, Section 6.4.E, Page 79 and Section 7, Pages 193-194; La. R.S. 30:2076(A)(3); and LAC 33.3K.2701.4.A)

III.
Inspection(s) 09/11/2014
The Respondent caused and/or allowed the discharge of wastewater without a permit and/or other authority from the Department. Specifically, the facility’s truck washing area and holding pond are not included in the permit. (La. R.S. 30:2075)

IV.
Inspection(s) 09/11/2014
The Respondent failed to implement an adequate Storm Water Pollution Prevention Plan (SWPP) as required by LPDES permit LAROS5P98. Specifically, storm water controls were not in place at the time of the inspection. Aggregate and cement were observed in the storm drain. (LAROS5P98, Section 6.4.F, Page 78; La. R.S. 30:2076(A)(3); and LAC 33.3K.7701.4.A)

ORDER

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

I.
To take, immediately upon receipt of this COMPLIANCE ORDER, 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 immediately cease, upon receipt of this COMPLIANCE ORDER, any unauthorized discharge from the Respondent’s facility to waters of the state.

III.
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.

IV.
If the Respondent demonstrates a need to continue the discharge of wastewater not covered by the Multi-Sector General Permit (MSGP), the Respondent shall submit to the Water Permits Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, all the necessary documents for a request for the Department’s consideration of proper coverage under LPDES General Permit LAG110000. The Respondent shall develop, implement, and submit a Pollution Prevention Plan (PPP), as outlined in LAG110000, Part II, Section 4 to the Department within fifteen (15) days after receipt of a Final LAG110000 permit and operate and maintain the facility to meet the "INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS" contained in Attachment A of this COMPLIANCE ORDER; or

V.
If the Respondent does not choose to discharge wastewater not covered by the MSGP to waters of the state, the Respondent shall, within thirty (30) days after receipt of this COMPLIANCE ORDER, provide written documentation to the Department that no activities exist at the Respondent’s facility resulting in any unauthorized discharges to waters of the state. The Respondent shall develop, implement, and submit an adequate SWPP in accordance with Part IV of the MSGP to the Department within thirty (30) days after receipt of this COMPLIANCE ORDER.

VI.
To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraph III 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 certified. 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."
VII. To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within fifteen (15) days after receipt of a final LAG110000 permit. The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessible through www.epa.gov/netdmr. For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at depnetdmr@la.gov.)

VIII. To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.

RIGHT TO APPEAL

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

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

III. Upon the Respondent's timely filing of 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 hearing rules. 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 of the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.

VI. Civil penalties of not more than thirty-two thousand five hundred dollars ($32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifteen hundred dollars ($15,000) 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 Taylor Alexander at (225) 219-3088 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.

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

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

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division:
Louisiana Department of Environmental Quality
Office of Environmental Compliance
Water Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Taylor Alexander

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-CN-15-00614
Agency Interest No. 174973

Permit Division (if necessary):
Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, LA 70821-4313
Attn: Water Permits Division

Department of Environmental Quality
602 N Fifth Street
Baton Rouge, LA 70802

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

• To appeal the CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY.
To request closure of the COMPLIANCE ORDER portion, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form and returning it to the address specified.

- The COMPLIANCE ORDER will not be closed if the Respondent owes outstanding fees or penalties to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

- To expedite closure of the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
  - The Department assesses civil penalties based on LAC 333:Subpart1:Chapter7.
  - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
  - The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer.
  - DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
  - The NOTICE OF POTENTIAL PENALTY will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.

Date: 5-18-16

Lourdes Hyvalde
Assistant Secretary
Office of Environmental Compliance

Attachment(s)
- Request to Close
- Interim limits
- NetDMR Flyer
**Louisiana Department of Environmental Quality**  
Office of Environmental Compliance  
Enforcement Division  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312

**Consolidated Compliance Order & Notice of Potential Penalty**  
**Request to Close**

<table>
<thead>
<tr>
<th>Enforcement Tracking No.</th>
<th>WE-CN-15-00614</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Interest (All) No.</td>
<td>174973</td>
</tr>
<tr>
<td>Alternate ID No.</td>
<td>LAR05P398</td>
</tr>
</tbody>
</table>

**Respondent:**  
RIH Investments, LLC  
C/o Renee Landrieu  
Agent for Service of Process  
4518 Colliseum Street  
New Orleans, LA 70115  
Facility Name: Landrieu Concrete Services  
Physical Location: 4141 Paris Road  
City, State, Zip: Chalmette, LA 70043  
Parish: St. Bernard

### STATEMENT OF COMPLIANCE

A written report was submitted in accordance with Paragraph III 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 Paragraphs III, IV, V, and VI of the “Order” portion of the COMPLIANCE ORDER. Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph VII of the “Order” portion of the COMPLIANCE ORDER. All items in the “Findings of Fact” portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the “Order” portion of the COMPLIANCE ORDER. Final compliance was achieved as of:

### SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

- [ ] 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 331. Subpart1. Chapter 7.

- [ ] In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-00614), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

- [ ] In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-00614), 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.

- [ ] Monetary component $________

- [ ] Beneficial Environmental Project (BEP) component (optional) $________

- [ ] DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM - the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-15-00614) and has attached a justification of its offer and a description of any BEPs included in settlement offer.

### CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached to 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 |  |

<table>
<thead>
<tr>
<th>Respondent’s Physical Address</th>
<th>Respondent’s Phone #</th>
<th>Date</th>
</tr>
</thead>
</table>

Mail completed document to the address below:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821  
Attn: Taylor Alexander

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.
ATTACHMENT A

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

As required in Part IV of the “Order” portion of this COMPLIANCE ORDER, to protect water quality, if the Respondent chooses to discharge to waters of the state, a completed LPDES notice of intent (NOI) or appropriate LPDES permit application must be submitted to the Office of Environmental Services within thirty (30) days after receipt of this COMPLIANCE ORDER. The completed LPDES notice of intent (NOI) or permit application must address all outfalls at the facility and must follow all procedures and guidelines set forth in LAC 33:IX.Chapter 25 (please reference WE-CN-15-00614, Al# 174973, and LAR05P398). The three copies (the original and two copies) of the completed application or NOI should be submitted to:

Department of Environmental Quality
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Water Permits Division

A copy of the completed application or notice of intent (NOI) must also be sent to the Enforcement Division. For help or questions concerning the application or notice of intent (NOI), you may contact LDEQ Small Business Assistance at 1-800-259-2890.

If a completed LPDES notice of intent (NOI) or permit application is not submitted within thirty (30) days after receipt of this COMPLIANCE ORDER, the following interim discharge limitations and monitoring requirements will be terminated and the Department may take additional enforcement action.

The Respondent shall notify the Enforcement Division within fifteen (15) days after receipt of a final LPDES permit issued by the Department.

If the Respondent chooses to discharge to waters of the state, the following interim limitations and monitoring requirements shall apply:

The point of discharge is hereby designated as Outfall 001. The discharge from this facility’s operation shall be monitored at the point of discharge prior to entering waters of the state of Louisiana. The Respondent shall monitor and report all discharges from its facility under the following interim effluent limitations and monitoring requirements until a final LPDES permit is issued by the Department or until the Respondent is otherwise notified in writing by the Department.
### INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

**OUTFALL 001**

**WASHRACK AND SHOP FLOOR WASHDOWN WATERWATER DISCHARGES FROM CEMENT, CONCRETE, AND ASPHALT FACILITIES**

<table>
<thead>
<tr>
<th>Outfall No.</th>
<th>Effluent Parameter</th>
<th>Mass Limitations (lb/day)</th>
<th>Concentration Limitations (mg/l unless stated)</th>
<th>Measurement Frequency</th>
<th>Sample Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>Flow (GPD)</td>
<td></td>
<td>Report</td>
<td>Report</td>
<td></td>
</tr>
<tr>
<td>001</td>
<td>COD² (mg/L)</td>
<td></td>
<td></td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>001</td>
<td>TSS (mg/L)</td>
<td></td>
<td></td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>001</td>
<td>Oil &amp; Grease (mg/L)</td>
<td></td>
<td></td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>001</td>
<td>pH (standard units)</td>
<td></td>
<td>6 (min)</td>
<td>9 (max)</td>
<td></td>
</tr>
<tr>
<td>001</td>
<td>Visible Sheen³</td>
<td></td>
<td>No Presence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>001</td>
<td>Soaps and/or Detergents</td>
<td></td>
<td>Report⁴</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. The COD limitation for washwater commingled with storm water shall be a Daily maximum Concentration of 125 mg/L.

2. If the value of this effluent characteristic exceeds the Daily Max limit in any sample, then the Monitoring Frequency shall increase to 1/month. This increased frequency shall continue until a sample demonstrates a value less than or equal to the Daily Max. If the pH value is below 6.0 standard units or above 9.0 standard units, then the Measurement Frequency shall increase to 1/month. This increased frequency shall continue until a sample demonstrates a value between 6.0 and 9.0 standard units. The results of the increased frequency shall be included in the calculation and reporting of the data submitted in the DMR.

3. Conduct daily visual observations to determine if a visible sheen is present at the outfall. The permittee shall keep a manual log recording the results of the daily visual observations. No DMR reporting is required for Visible Sheen [LAC 33:IX.2701.A]; therefore, do not report Visible Sheen on the quarterly DMR form that is used to report lab analysis parameter (flow, COD, TSS, Oil & Grease, and pH). However, if a visible sheen is noted during an inspection, a letter of noncompliance shall be submitted in accordance with Standard Conditions, Section D.7. Retain the manual log at the facility. Individual entries in the manual log shall be retained for three years from the inspection date.

4. Keep inventory records of the quantity and type of each Soap and/or Detergent used and a Material Safety Data Sheet (MSDS) for each material used. Retain the inventory records and the MSDSs at the facility for three years. No DMR reporting is required for Soaps and/or Detergents [LAC 33:IX.2701.J.2]; therefore, do not report Soaps and/or Detergents on the quarterly DMR form that is used to report lab analysis for other parameters (flow, COD, TSS, Oil & Grease, and pH).
The Respondent shall comply with the General Criteria for water quality standards listed in LAC 33:IX.1113.B.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the discharge point(s) prior to mixing with other waters.

Laboratory procedures and analyses shall be conducted by a commercial laboratory that has been certified by the Department in accordance with the requirements set forth under LAC 33:I.Subpart 3, Chapters 49-55. A list of laboratories that have received accreditation is available on the Department’s website located at:
http://www.deq.louisiana.gov/portal/DIVISIONS/PublicParticipationandPermitSupport/LouisianaLaboratoryAccreditationProgram/AccreditedLaboratories.aspx.
Questions concerning the program may be directed to (225) 219-3247.

Samples and measurements shall be representative of the volume and nature of the discharge and collected and analyzed according to the requirements of LAC 33:IX.2701.J. Monitoring results from all sample analyses shall be reported on Discharge Monitoring Reports (DMRs) (EPA Form 3320-1) and forwarded to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Permit Compliance Unit

DMRs shall be submitted no later than the twenty-eighth (28) day of the month following the monitoring period specified in this COMPLIANCE ORDER. The monitoring period shall begin on the first day of the month following receipt of COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-15-00614. The Respondent shall continue the submission of DMRs by the twenty-eighth (28) day of the month following each monitoring period until the Respondent is authorized under a LPDES permit or until otherwise notified in writing by this Department. COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-15-00614, AI# 174973, and LAR05P398 should be referenced on all DMRs submitted in accordance with this COMPLIANCE ORDER. Instructions for the proper completion of DMRs and examples of properly completed DMRs may be found on the Department’s website at:
Blank DMR forms may also be downloaded from this website.

The Respondent shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of these interim limitations and monitoring requirements. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up auxiliary facilities or similar systems, which are installed by a facility only when the operation is necessary to achieve compliance with the conditions of these interim limitations and monitoring requirements.

These interim limitations and monitoring requirements do not convey any property rights of any sort.

If the Daily Max limitation on any parameter is exceeded, the Respondent shall report said exceedance(s) in writing to the Office of Environmental Compliance, within five (5) working days after becoming aware of the violations. COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-15-00614, AI# 174973, and LAR05P398 should be referenced on all such reports submitted in accordance
with this **COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**. The report should include the date, time, and duration of the noncompliance; the details of the circumstances and events leading to the noncompliance; the corrective actions taken or to be taken to correct the noncompliance and if not corrected, the anticipated time the noncompliance is expected to continue; the procedures or measures taken or to be taken to prevent recurrence of the noncompliance; and a determination of whether or not the noncompliance was preventable.

For sanitary treatment plants, the plans and specifications must be approved by the Louisiana Department of Health and Hospitals, Office of Public Health, P.O. Box 4489, Baton Rouge, Louisiana 70821, (225) 342-7499. Additionally, any discharge to a highway ditch, cross ditch, or right-of-way requires approval from the Louisiana Department of Transportation and Development, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245, (225)379-1301.
The attached enforcement action requires the use of NetDMR

WHAT IS NETDMR?

NetDMR is a Web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.

HOW DO I USE NETDMR?

1. Register in NetDMR
2. Submit Subscriber Agreement to LDEQ
3. Receive approval by LDEQ
4. Sign and Submit On-line

Training is offered by both LDEQ and EPA. Please check the LDEQ NetDMR Training website at http://www.deq.louisiana.gov/netdmr for training materials and current information offered by LDEQ. Information about EPA’s training can be found at www.epa.gov/netdmr

HOW DO I REGISTER AND SUBMIT A SUBSCRIBER AGREEMENT?

(The first person to register must be an authorized signatory.)

1. Go to NetDMR website at https://netdmr.epa.gov/netdmr
2. Choose “Louisiana DEQ” as the Regulatory Authority from the drop-down list
3. Click the “Create a NetDMR Account” link in the login box
4. Complete the account information as required
   a. Type of user must be “Permittee User”
   b. Security answers must be unique and are case sensitive
5. Click “Submit” and confirm account information
6. Click the link within the verification email that has been sent to your email address
7. Create password by following instructions on the page
8. Login to NetDMR
9. Click “Request Access” link in the top left corner
10. Enter Permit Number and click “Update”
11. Select “Signatory” role and click “Add Request”
12. Click “Submit” and confirm
13. Provide Signatory Information, click “Submit” and confirm
14. Click button to print Subscriber Agreement
15. Mail in signed, original Subscriber Agreement to LDEQ for approval

If you have additional questions, please email deqnetdmr@la.gov.