

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ARTESIAN UTILITY COMPANY, INC.

AI # 31222

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

* Settlement Tracking No.
* SA-WE-19-0047
*
* Enforcement Tracking No.
* WE-CN-08-0442
* WE-CN-12-00542
* WE-CN-15-00125
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SETTLEMENT

The following Settlement is hereby agreed to between Artesian Utility Company, Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates an oxidation pond located in Mandeville, St. Tammany Parish, Louisiana (“the Facility”).

II

On June 1, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-08-0442 (Exhibit 1).

On July 6, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-12-0542 (Exhibit 2).

On June 9, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-00125 (Exhibit 3).

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 FOUR THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$4,500.00), of which One Thousand Two Hundred Sixty-Two and 64/100 Dollars (\$1,262.64) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

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

be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

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

IX

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

X

An initial payment of One Thousand Five Hundred and No/100 Dollars (\$1,500.00) is to be made within ten (10) days from notice of the Secretary's signature. The remaining Three Thousand and No/100 Dollars (\$3,000.00) shall be paid in monthly installments of \$84.00 over

three (3) years or 36 months, with the last installment submitted for the amount of \$60.00. 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.

ARTESIAN UTILITY COMPANY, INC.

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at _____.

NOTARY PUBLIC (ID # _____)

(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 _____ day of _____, 20_____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved:  _____
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 1, 2010

CERTIFIED MAIL (7004 2510 0005 5762 8253)
RETURN RECEIPT REQUESTED

ARTESIAN UTILITY COMPANY, INC.
c/o David C. Guidry
Agent of Service
19205 Louisiana Highway 40
Covington, Louisiana 70435

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-08-0442
AGENCY INTEREST NO. 31222**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **ARTESIAN UTILITY COMPANY, INC. (RESPONDENT)** for the violations described therein.

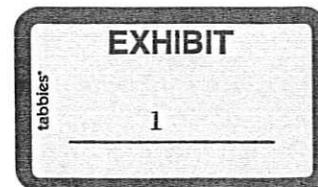
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Toni Booker at (225) 219-3786.

Sincerely,

Lourdes M. Iturralde
Administrator
Enforcement Division

LMI/TMB/tmb
Alt ID No. LAU004905, LA0105520
Attachment



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

IN THE MATTER OF

**ARTESIAN UTILITY COMPANY, INC.
ST. TAMMANY PARISH
ALT ID NO. LAU004905, LA0105520**

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **WE-CN-08-0442**
*
* **AGENCY INTEREST NO.**

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

* **31222**
*
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ARTESIAN UTILITY COMPANY, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a three-celled oxidation pond that serves the residents of the Lake Ramsey Subdivision, which is located off Louisiana Highway 25 at the end of Ramsey Road in Mandeville, St. Tammany Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0105520 on December 1, 1998 with an expiration date of November 30, 2003. LPDES permit LA0105520 was allowed to expire without the submission of a renewal application. The Respondent submitted a renewal application on or about February 24, 2004, and a draft permit was issued on or about July 8, 2004. A final permit has not been issued by the Department. The Respondent does not have a Louisiana Pollutant Discharge Elimination System (LPDES) permit or other authority to discharge waste and/or other substances to waters of the state.

II.

An inspection conducted by the Department on or about October 18, 2001, and a subsequent file review conducted on or about April 21, 2010, revealed the following violations:

- A. A review of the files conducted by the Department revealed that the Respondent failed to submit the monthly Discharge Monitoring Reports (DMRs) for April through September and December of 2000, July through September of 2001 and all monitoring periods for 2003. Each failure to submit the monthly DMRs is a violation of LPDES permit LA0105520 (Part I, page 3 of 3, Part II, Section A.10 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.
- B. The inspection revealed that the Respondent did not have a continuous flow recorder for the sewage treatment plant. LPDES permit LA0105520 requires the Respondent to have a totalizing meter or totalizer that continuously records the flow amounts discharged. The failure to conduct and record continuous measurement of the flow is a violation of LPDES permit LA0105520 (Part I, page 3 of 3, and Part III, Sections A.2 and C.6), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.
- C. The inspection revealed that the Respondent failed to sample the effluent according to LPDES permit LA0105520. Specifically, the Respondent's DMRs indicated that samples were collected only once per month and LPDES permit LA0105520 required that samples for all parameters except Total Residual Chlorine were to be twice per month. Each failure to sample the effluent according to the requirements of the permit is a violation LPDES permit LA0105520 (Part I, page 3 of 3, and Part III, Section A.2), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.
- D. The inspection revealed that the Respondent failed to report the data results for Total Residual Chlorine as required by LPDES permit LA0105520. Specifically, LPDES permit LA0105520 required the Respondent to sample the Total Residual Chlorine and report the data results once per month. There were no reported data on the DMRs. Each failure to report results is a violation of LPDES permit LA0105520 (Part I, page 3 of 3, and Part III, Section A.2), La. R. S. 30:2076(A)(3), La. R. S. 30:2076(D), and LAC 33:IX.501.A and LAC 33:IX.2701.L.4.
- E. The inspection revealed that the Respondent was not in compliance with the Construction Compliance Schedule within LPDES permit LA0105520. Specifically, the Construction Compliance Schedule required the Respondent to achieve finale effluent limitations and

monitoring requirements by November 2000. Additionally, the Respondent was required to submit quarterly construction progress reports outlining the status of the improvements conducted to the STP until compliance was achieved. The failure to submit the required construction progress reports is a violation of LPDES permit LA0105520, (Part II, Section A.8 and Part III, Section A.2), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L5.

- F. The inspection revealed that the following effluent exceedances as reported by the Respondent on the DMRs:

Monitoring Period	Parameter	Permit Limit	Reported Value
04/02/98	BOD ₅ weekly average	15 mg/L	30 mg/L
	TSS monthly average	23 mg/L	66 mg/L
04/09/98	TSS monthly average	23 mg/L	25 mg/L
04/21/98	BOD ₅ weekly average	15 mg/L	17 mg/L
05/14/98	BOD ₅ weekly average	15 mg/L	22 mg/l
	TSS monthly average	23 mg/L	34 mg/L
05/21/98	TSS monthly average	23 mg/L	118 mg/L
05/28/98	BOD ₅ weekly average	15 mg/L	43 mg/L
	TSS monthly average	23 mg/L	104 mg/L
08/25/98	BOD ₅ weekly average	15 mg/L	16 mg/L
01/16/98	TSS monthly average	23 mg/L	39 mg/L
03/13/01	BOD ₅ weekly average	15 mg/L	16 mg/L
	TSS monthly average	23 mg/L	26 mg/L
06/08/01	TSS monthly average	23 mg/L	56 mg/L
06/28/01	BOD ₅ weekly average	15 mg/L	28 mg/L
08/09/01	BOD ₅ weekly average	15 mg/L	55 mg/L
10/12/01	TSS monthly average	23 mg/L	24 mg/L

Each effluent exceedance is a violation of LPDES permit LA0105220 (Part I, Page 3 of 3, and Part III, Section A.2), La. R. S. 30:2076(A)(1), La. R. S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

III.

An inspection conducted by the Department on or about February 15, 2007, revealed that the Respondent did cause or allow the unauthorized discharge of sanitary wastewater from the oxidation pond into the Tchefuncte River, waters of the state. Each unauthorized discharge of sanitary wastewater is a violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), La. R.S. 30:2076(A)(4), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D and LAC 33:IX.2311.A.1.

IV.

An inspection conducted by the Department on or about February 15, 2007, and a subsequent file review conducted by the Department on or about April 21, 2010 revealed that the Respondent allowed LPDES permit LA0105520 to expire without the submission of a permit renewal application. LPDES permit LA0105520 was issued to the Respondent on December 1, 1998, and expired on November 30, 2003. LPDES permit LA0105520 requires that a permit renewal application be submitted 180 days prior to the expiration date of the permit. The Department received the permit renewal application from the Respondent on or about February 24, 2004. The Respondent's failure to submit a permit renewal application in a timely manner is a violation of LPDES permit LA0105520 (Part III, Sections A.2 & A.5), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2501.D.1, LAC 33:IX.2701.A, LAC 33:IX.2701.B, and LAC 33:IX.3103.A.1.

V.

An inspection conducted by the Department on or about February 15, 2007, and a subsequent file review conducted by the Department on or about April 21, 2010, revealed that the Respondent had not submitted the financial security required by LAC 33:IX.6701 and LAC 33:IX.6705.A in order to renew existing LPDES permit LA0105520 which expired November 30, 2003. The Department made requests to the Respondent on or about March 23, 2005, and December 11, 2006, for a letter of financial security in order to finalize draft LPDES permit LA0105520. The Respondent was required to submit a financial security statement for \$25,000 within thirty (30) days of the receipt of the letter as per LAC 33:IX.6701.A.2, LAC 33:IX.6703, and LAC 33:IX.6705.A. The Respondent submitted this statement on or about February 13, 2007.

COMPLIANCE ORDER

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

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility to the waters of the state, and to take any and all steps necessary to meet and maintain compliance with the Water Quality Regulations.

II.

To protect water quality, the Respondent is required to comply with the following:

- A. If the Respondent chooses to discharge to waters of the state, the Respondent must submit the 30-day written response as required in this **COMPLIANCE ORDER**. If the required response 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 points of discharge are 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 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.

**EFFLUENT INTERIM LIMITATIONS AND MONITORING REQUIREMENTS
OUTFALL 001-Treated Sanitary Wastewater
(Receiving Waters-The Tchefuncte River)**

Effluent Characteristic Requirements	Discharge Limitations				Monitoring Requirements	
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Measurement Frequency*	Sample Type
Flow-MGD* (recorder)	Report (MGD)	Report (MGD)	-----	-----	continuous	
CBOD ₅	10 lbs/day	-----	10 mg/L	15 mg/L	2/month	Grab
Effluent Characteristic Requirements	Discharge Limitations				Monitoring Requirements	
	Monthly Average	Weekly Average	Monthly Average	Weekly Average	Measurement Frequency*	Sample Type
Total Suspended Solids (TSS)*	10 lbs/day	-----	10 mg/L	15 mg/L	2/month	Grab
Ammonia-Nitrogen*	5 lbs/day	-----	5 mg/L	10 mg/L	2/month	Grab
Fecal Coliform*	-----	-----	200 col/100 mL	400 col/100 mL	2/month	Grab
pH*	-----	-----	6.0 S.U. minimum	9.0 S.U. maximum	2/month	Grab

* If the value of this effluent characteristic exceeds the Weekly Average limit in any sample, then the Monitoring Frequency shall increase to 1/week. This increased frequency shall continue until a sample demonstrates a value less than or equal to the Weekly Average. If the pH value is below 6.0 standard units or above 9.0 standard units, then the Monitoring Frequency shall increase to 1/week. 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.

There shall be no discharge of floating solids or visible foam in other than trace amounts, or of free oil or other oily materials, or of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge, nor shall there be any accumulation of solids in the receiving stream which has the potential to negatively impact aquatic life or hinder natural drainage.

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 point of discharge from the last treatment unit prior to mixing with other waters.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the point of discharge from the last treatment unit 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.state.la.us/laboratories/index.htm>. Questions concerning the program may be directed to (225) 219-9800 or (225) 219-9805.

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

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 first report is due on the 28th day of the first full month following issuance of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0442**. The Respondent shall continue the submission of DMRs by the twenty-eighth (28) day of each month until otherwise notified in writing by this Department. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0442**, AI# 31222, and LAU004905/LA0105520 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 <http://www.deq.louisiana.gov/enforcement/index.htm>. 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 Weekly Average limitation on any parameter is exceeded, the Respondent shall report said excursion(s) in writing to the Office of Environmental Compliance, within five (5) working days after becoming aware of the violations. **COMPLIANCE ORDER WE-CN-08-0442, AI# 31222, and LAU004905/LA0105520** should be referenced on all such reports submitted in accordance with this **COMPLIANCE ORDER**. 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.

- B) If the Respondent does not choose to discharge 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.

III.

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

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: **Toni Booker**
Enforcement Tracking No. WE-CN-08-0442
Agency Interest No. 31222

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-08-0442
Agency Interest No. 31222

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 stopped 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 Toni Booker at (225) 219-3786 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

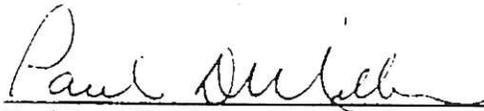
III.

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 1st day of June, 2010.



Paul D. Miller, P.E.
Assistant Secretary
Office of Environmental Compliance

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

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



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 6, 2012

CERTIFIED MAIL (7005 1820 0002 2365 6746)
RETURN RECEIPT REQUESTED

ARTESIAN UTILITY COMPANY, INC.
c/o David C. Guidry
Agent of Service
19205 Louisiana Highway 40
Covington, Louisiana 70435

RE: **CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-12-00542
AGENCY INTEREST NO. 31222**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **ARTESIAN UTILITY COMPANY, INC. (RESPONDENT)** for the violations described therein.

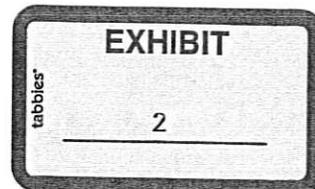
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Toni Booker at (225) 219-3088.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/TMB/tmb
Alt ID No. LAU004905, LA0105520
Attachment



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

IN THE MATTER OF	*	
	*	
ARTESIAN UTILITY COMPANY, INC. ST. TAMMANY PARISH ALT ID NO. LAU004905, LA0105520	*	ENFORCEMENT TRACKING NO.
	*	
	*	WE-CN-12-00542
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, <u>ET SEQ.</u>	*	31222
	*	
	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ARTESIAN UTILITY COMPANY, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a three-celled oxidation pond that serves the residents of the Lake Ramsey Subdivision, which is located off Louisiana Highway 25 at the end of Ramsey Road in Mandeville, St. Tammany Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0105520 on December 1, 1998, with an expiration date of November 30, 2003. LPDES permit LA0105520 was allowed to expire without the submission of a renewal application. The Respondent submitted a renewal application on or about February 24, 2004, and a draft permit was issued on or about July 8, 2004. The draft permit was public noticed on April 11, 2007, but due to lack of financial security and unpaid fees, the final permit was not issued. The Permits Division requested that a new application be submitted in order to update the file and to reissue a draft permit. This

application was received on May 29, 2010. The Department issued a draft permit on March 7, 2011. However, a final permit has not been issued by the Department. The Respondent does not have a Louisiana Pollutant Discharge Elimination System (LPDES) permit or other authority to discharge waste and/or other substances to waters of the state.

II.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-08-0442**, on or about June 1, 2010, which was officially served by the Department during an inspection on or about December 1, 2010. The relevant findings of the Compliance Order were: failure to submit monthly discharge reports; failure to conduct and record continuous measurement of flow; failure to sample effluent in accordance with requirements of LPDES permit LA0105520; failure to report results on DMRs; failure to comply with Construction Compliance Schedule monitoring and reporting requirements in LPDES permit LA0105520; effluent exceedances; unauthorized discharges; failure to submit a permit renewal application in a timely manner; and failure to submit financial security. The relevant requirements of the Compliance Order were to: cease all unauthorized discharges from the facility and take all steps necessary to meet and maintain compliance with the Water Quality Regulations; comply with effluent interim limitations and monitoring requirements for Outfall 001; notify the Enforcement Division of receipt of a final LPDES permit issued by the Department; and submit a written report that details the circumstances surrounding the cited violations and actions taken to achieve compliance. The Respondent submitted responses to **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-08-0442** on or about December 28, 2010; March 2, 2011; July 1, 2011; February 8, 2012; and February 13, 2012. **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-08-0442** is a final action of the Department and is not subject to further review.

III.

An inspection conducted by the Department on or about May 17, 2012, revealed that improvements to the facility identified in the letter dated February 13, 2012, had not been completed. The Respondent stated in the letter that improvements and upgrades to the treatment system were underway and would be completed within sixty (60) to ninety (90) days. Observations made during the inspection include: 1) The additional cells were excavated; 2) The liners were on site but not installed; 3) The chlorine contact chamber and sand filter were poured;

4) Three (3) aerators had been purchased but not delivered; 5) The flow meter had been purchased but not installed; 6) The two (2) curtains to divide cells 2 and 3 in half were on site but not installed; and 7) The cover material for cell 4 was on site but not installed.

IV.

Inspections conducted by the Department on or about December 1, 2010, and May 17, 2012, and a subsequent file review conducted by the Department on or about May 25, 2012, revealed that the Respondent caused and/or allowed the unauthorized discharge of sanitary wastewater without an active LPDES Permit or other authority. Specifically, LPDES permit LA0105520 expired on November 30, 2003; however, discharges of treated sanitary wastewater were observed during each inspection, and the Respondent continued to submit Discharge Monitoring Reports (DMRs) that indicated discharges had occurred. The Department received a renewal application on or about February 4, 2004, and a draft permit was issued on or about July 8, 2004, but was not finalized. At the request of the Department, the Respondent submitted an updated permit application. The Respondent submitted an updated permit application on May 29, 2010, and the Department issued a new draft LPDES permit on March 7, 2011. The draft permit has not been finalized. The Respondent has been operating the facility under interim limits and monitoring requirements specified in WE-CN-08-0442 since December 1, 2010. The Respondent notified the Department via letter dated February 13, 2012, providing a construction schedule of improvements and upgrades to be completed within sixty (60) to ninety (90) days. The inspection conducted on or about May 17, 2012, revealed that improvements to the facility identified in the February 13, 2012 letter had not been completed.

V.

An inspection conducted on or about May 17, 2012, revealed that the Respondent is not continuously monitoring flow. Specifically, a flow meter has been purchased but not installed. Previous inspections revealed that the Respondent did not have a continuous flow recorder for the sewage treatment plant. The effluent interim limitations and monitoring requirements established in **WE-CN-08-0442** require the Respondent to continuously record the flow amounts discharged. The failure to continuously measure and record of the flow is a violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-08-0442** and La. R. S. 30:2076(A)(3).

VI.

A file review conducted by the Department on or about May 25, 2012, revealed the following interim effluent limitation exceedances as reported by the Respondent on DMRs:

Monitoring Period	Parameter	Permit Limit	Reported Value
*03/01/12-03/31/12	BOD ₅ monthly average	10 mg/L	14.5 mg/L
	BOD ₅ weekly average	15 mg/L	18 mg/L
	TSS monthly average	10 mg/L	22 mg/L
	TSS weekly average	15 mg/L	22 mg/L
*02/01/12-02/29/12	TSS monthly average	10 mg/L	33.5 mg/L
	TSS weekly average	15 mg/L	40 mg/L
*12/01/11-12/31/11	TSS monthly average	10 mg/L	20.5 mg/L
	TSS weekly average	15 mg/L	26 mg/L
*11/01/11-11/30/11	BOD ₅ monthly average	10 mg/L	12.5 mg/L
	BOD ₅ weekly average	15 mg/L	14 mg/L
	TSS monthly average	10 mg/L	21.5 mg/L
	TSS weekly average	15 mg/L	24 mg/L
*10/01/11-10/31/11	BOD ₅ monthly average	10 mg/L	15.5 mg/L
	BOD ₅ weekly average	15 mg/L	18 mg/L
	TSS monthly average	10 mg/L	24.5 mg/L
	TSS weekly average	15 mg/L	28 mg/L
*09/01/11-09/30/11	TSS monthly average	10 mg/L	19 mg/L
	TSS weekly average	15 mg/L	28 mg/L
08/01/11-08/31/11	TSS monthly average	10 mg/L	21.5 mg/L
	TSS weekly average	15 mg/L	21 mg/L
07/01/11-07/31/11	TSS monthly average	10 mg/L	23.5 mg/L
	TSS weekly average	15 mg/L	25 mg/L
06/01/11-06/30/11	BOD ₅ monthly average	10 mg/L	15 mg/L
	BOD ₅ weekly average	15 mg/L	20 mg/L
	TSS monthly average	10 mg/L	23.5 mg/L
	TSS weekly average	15 mg/L	28 mg/L
05/01/11-05/31/11	BOD ₅ monthly average	10 mg/L	11.5 mg/L
	TSS monthly average	10 mg/L	21.5 mg/L
	TSS weekly average	15 mg/L	28 mg/L
04/01/11-04/30/11	TSS monthly average	10 mg/L	25 mg/L
	TSS weekly average	15 mg/L	27 mg/L
03/01/11-03/31/11	BOD ₅ monthly average	10 mg/L	15.5 mg/L
	BOD ₅ weekly average	15 mg/L	22 mg/L
	TSS monthly average	10 mg/L	21 mg/L
	TSS weekly average	15 mg/L	25 mg/L
02/01/11-02/28/11	TSS monthly average	10 mg/L	23.5 mg/L
	TSS weekly average	15 mg/L	28 mg/L
	Ammonia monthly avg.	5.0 mg/L	17.1 mg/L
	Ammonia weekly avg.	10.0 mg/L	21.6 mg/L
*01/01/11-01/31/11	TSS monthly average	10 mg/L	28.5 mg/L
	TSS weekly average	15 mg/L	31 mg/L

* noncompliance report not received

Each effluent exceedance is a violation of Effluent Interim Limitations & Monitoring Requirements identified in the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-08-0442** and La. R. S. 30:2076(A)(3).

VII.

A file review conducted by the Department on or about May 25, 2012, revealed that the Respondent failed to submit noncompliance reports (NCRs). Specifically, NCRs detailing each exceedance of a weekly average interim limit, were not submitted for the January 2011, September 2011 to December 2011, and January 2012 to March 2012 monthly monitoring periods. Each failure to submit a NCR is a violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-08-0442**, and La. R.S. 30:2076(A)(3).

COMPLIANCE ORDER

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

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility to the waters of the state, and to take any and all steps necessary to meet and maintain compliance with the Water Quality Regulations.

II.

To continue to follow the interim effluent limitations and monitoring requirements outlined in **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-08-0442** for Outfall 001 until such time as a new permit is issued by the Department or the Respondent is notified in writing by the Department to cease following these limits.

III.

To protect water quality, the Respondent is required to comply with the following Schedule of Activities associated with achieving compliance at the facility:

ACTIVITY	COMPLETION DATE
1. Installation of power supply around ponds for aerators	COMPLETED
2. Completion of concrete chlorinator contact chamber	JULY 31, 2012
3. Installation and calibration of flow meter	JULY 31, 2012
4. Clearance and preparation for natural ditch	OCTOBER 31, 2012

5. Receipt and Installation of Aerators	OCTOBER 31, 2012
6. Completion of force main rerouting as approved by DHH	OCTOBER 31, 2012

The Respondent shall submit a certification of compliance or non-compliance with each activity specified in the schedule above within fifteen (15) days of the completion date. If the Respondent reports non-compliance with a scheduled event, the certification shall include a discussion of the cause of the delay, an anticipated date of completion and a discussion of any impairment of a subsequent due date. All documents required to be submitted to the Enforcement Division shall be submitted to the following address:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, LA 70821
Attention: Toni Booker

IV.

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

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written final report that includes a detailed description of the actions taken or to be taken to achieve full compliance with the Order Portion of this **COMPLIANCE ORDER**.

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-12-00542
Agency Interest No. 31222

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 stopped 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 Toni Booker at (225) 219-3088 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

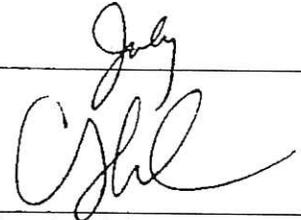
III.

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.

Baton Rouge, Louisiana, this 06 day of July, 2012.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

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

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



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 9, 2015

CERTIFIED MAIL (7004 2510 0006 3854 0115)
RETURN RECEIPT REQUESTED

ARTESIAN UTILITY COMPANY, INC.
c/o David C. Guidry
Agent for Service of Process
19205 Hwy. 40
Covington, LA 70435

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-15-00125
AGENCY INTEREST NO. 31222

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **ARTESIAN UTILITY COMPANY, INC. (RESPONDENT)** for the violation(s) described therein.

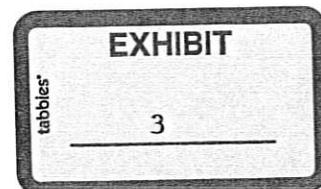
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Scott B. Pierce at (225-219-3723).

Sincerely,


Celeña J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
Alt ID No. LA0105520
Attachment



e-copy: DHH/Office of Public Health

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

ARTESIAN UTILITY COMPANY, INC.
ST. TAMMANY PARISH
ALT ID NO. LA0105520

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ENFORCEMENT TRACKING NO.

WE-CN-15-00125

AGENCY INTEREST NO.

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

31222

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ARTESIAN UTILITY COMPANY, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a four-celled oxidation pond that serves the residents of the Lake Ramsey Subdivision, which is located off Louisiana Highway 25 at the end of Ramsey Road in Mandeville, St. Tammany Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0105520 on December 1, 1998, with an expiration date of November 30, 2003. LPDES permit LA0105520 was allowed to expire without the submission of a renewal application. The Respondent submitted a renewal application on or about February 24, 2004, and a draft permit was issued on or about July 8, 2004. The draft permit was public noticed on April 11, 2007, but due to lack of financial security and unpaid fees, the final permit was not issued. The Permits Division requested that a new application be submitted in order to update the file and to reissue a draft permit. This application was received on May 29, 2010. The Department re-issued LPDES permit

LA0105520 to the Respondent on February 1, 2013, with an effective date of March 1, 2013. LPDES permit LA0105520 will expire on February 28, 2018. Under the terms and condition of LPDES permit LA0105520, the Respondent is authorized to discharge treated sanitary wastewater into an unnamed drainage ditch, thence into the Tchefuncte River, all waters of the state.

II.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-12-00542**, on or about July 6, 2012. The relevant findings of the Compliance Order were: failure to conduct and record continuous measurement of flow; effluent exceedances; and failure to submit non-compliance reports (NCRs). The relevant requirements of the Compliance Order were to: take all steps necessary to meet and maintain compliance with the Water Quality Regulations; comply with effluent interim limitations and monitoring requirements for Outfall 001; notify the Enforcement Division of receipt of a final LPDES permit issued by the Department; and submit a written report that details the circumstances surrounding the cited violations and actions taken to achieve compliance. **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-12-00542** is a final action of the Department and is not subject to further review.

III.

An inspection conducted by the Department on December 4, 2014, and a subsequent file review conducted by the Department on or about March 19, 2015, revealed the following permit limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
February 2013	001A	TSS monthly avg	10 lb/d	13.7 lb/d
		TSS monthly avg	10 mg/L	18.7 mg/L
		TSS daily max	15 mg/L	20 mg/L
March 2013	001A	TSS monthly avg	10 lb/d	22 lb/d
		TSS monthly avg	10 mg/L	30 mg/L
		TSS daily max	15 mg/L	46 mg/L
April 2013	001A	TSS monthly avg	10 lb/d	15 lb/d
		TSS monthly avg	10 mg/L	20 mg/L
		TSS daily max	15 mg/L	21 mg/L
June 2013	001A	Fecal coliform daily max	400 #/100 mL	540 #/100 mL

Date	Outfall	Parameter	Permit Limit	Sample Value
July 2013	001A	Fecal coliform monthly avg	200 #/100 mL	>1510 #/100 mL
		Fecal coliform daily max	400 #/100 mL	>12000 #/100 mL
August 2013	001A	Fecal coliform monthly avg	200 #/100 mL	1440 #/100 mL
		Fecal coliform daily max	400 #/100 mL	5600 #/100 mL
		Total residual chlorine	0.033 mg/L	0.05 mg/L
September 2013	001A	Fecal coliform daily max	400 #/100 mL	2200 #/100 mL
October 2013	001A	Fecal coliform monthly avg	200 #/100 mL	2214 #/100 mL
		Fecal coliform daily max	400 #/100 mL	14000 #/100 mL
November 2013	001A	Total residual chlorine	0.033 mg/L	0.05 mg/L
December 2013	001A	Total residual chlorine	0.033 mg/L	0.04 mg/L
May 2014	001A	CBOD monthly avg	10 lb/d	21.8 lb/d
		CBOD monthly avg	10 mg/L	20.5 mg/L
		CBOD daily max	15 mg/L	32 mg/L
		Fecal coliform monthly avg	200 #/100 mL	984 #/100 mL
		Fecal coliform daily max	400 #/100 mL	5700 #/100 mL
May 2014	001A	NH3-N monthly avg	5 lb/d	7.14 lb/d
		NH3-N monthly avg	5 mg/L	6 mg/L
		TSS monthly avg	10 lb/d	51.4 lb/d
		TSS monthly avg	10 mg/L	25.5 mg/L
		TSS daily max	15 mg/L	37mg/L
July 2014	001A	Fecal coliform monthly avg	200 #/100 mL	511 #/100 mL
		Fecal coliform daily max	400 #/100 mL	3200 #/100 mL
August 2014	001A	Fecal coliform monthly avg	200 #/100 mL	1350 #/100 mL
		Fecal coliform daily max	400 #/100 mL	1400 #/100 mL
September 2014	001A	Fecal coliform monthly avg	200 #/100 mL	2570 #/100 mL
		Fecal coliform daily max	400 #/100 mL	22000 #/100 mL
October 2014	001A	TSS monthly avg	10 lb/d	23 lb/d
December 2014	001A	TSS monthly avg	10 lb/d	16 lb/d
January 2015	001A	TSS monthly avg	10 lb/d	15 lb/d

Each exceedance of the effluent limitations before March 1, 2013, is a violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-12-00542** and La. R. S. 30:2076(A)(3). Each exceedance of the effluent limitations after March 1, 2013, is a violation of LPDES permit LA0105520 (Part I, Page 2 of 2, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

COMPLIANCE ORDER

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

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations including, but not limited to, meeting permitted effluent limitations.

II.

To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR for each facility specified in Paragraph I of the Findings of Fact section, within sixty (60) days after receipt of this **COMPLIANCE ORDER**. The Subscriber Agreement shall be signed and dated with an original signature and submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: NetDMR
Re: Enforcement Tracking No. WE-CN-15-00125
Agency Interest No. 31222

NetDMR is accessed 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 deqnetdmr@la.gov.

III.

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.

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**. 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: Scott B. Pierce
Re: Enforcement Tracking No. WE-CN-15-00125
Agency Interest No. 31222

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-15-00125
Agency Interest No. 31222

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 Scott B. Pierce at (225) 219-3723 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 9 day of June, 2015.



D. Chance McNeely
Assistant Secretary
Office of Environmental Compliance

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

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Scott B. Pierce