

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

USA TRUCKSTOP, INC.

AI # 42520

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

* **Settlement Tracking No.**
* **SA-WE-20-0006**
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* **Enforcement Tracking Nos.**
* **WE-CN-13-00058**
* **WE-CN-17-00348**
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SETTLEMENT

The following Settlement is hereby agreed to between USA Truckstop, 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 a facility located in Calhoun, Ouachita Parish, Louisiana ("the Facility").

II

On June 9, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-13-00058 (Exhibit 1).

On December 7, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-17-00348 (Exhibit 2).

The following violation(s), although not cited in the foregoing enforcement action(s), are included within the scope of this settlement:

The Respondent failed to sample commingled fuel island washdown wastewater and

stormwater from Outfall 002 on a quarterly basis as required by LPDES Permit LA0093149. Discharge Monitoring Reports (DMRs) for July - September 2017 and October - December 2017 indicate that no sample was taken for Outfall 002. (LPDES Permit LA0093149 (Part I, Effluent Limitations and Monitoring Requirements; and Part III, Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000.00), of which Three Thousand One Hundred Thirty-Five and 53/100 Dollars (\$3,135.53) 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 Ouachita Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made in four (4) quarterly installments of \$4,000.00. The first installment is due 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.

USA TRUCKSTOP, 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 9, 2014

CERTIFIED MAIL (7004 2510 0006 3853 1250)
RETURN RECEIPT REQUESTED

USA TRUCKSTOP, INC.
c/o Laddie Singh Aulakh, Agent of Service
986 Louisiana Highway 80 E
Calhoun, LA 71225

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-13-00058
AGENCY INTEREST NO. 42520**


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 **USA TRUCKSTOP, 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 Suzanne Gardner at (225) 219-3078.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/SDG/sdg
Alt. ID No. LA0093149
Attachment
e-copy: DHH/Office of Public Health

Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708
www.deq.louisiana.gov



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

IN THE MATTER OF

**USA TRUCKSTOP, INC.
OUACHITA PARISH
ALT ID NO. LA0093149**

*

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* **ENFORCEMENT TRACKING NO.**

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WE-CN-13-00058

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* **AGENCY INTEREST NO.**

*

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

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42520

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CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **USA TRUCKSTOP, 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 sewer treatment plant (STP) which serves the USA Truckstop, Anytime Fitness, and Daylight Donut Shop, located at 986 Louisiana Highway 80 E in Calhoun, Ouachita Parish, Louisiana. On May 12, 2009, the Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0093149 with an effective date of June 1, 2009, and which expires on May 31, 2014. On April 12, 2011, the Respondent was issued a major modification for LPDES Permit LA0093149 to allow for multi-phased operations while installing an additional STP to address increased flow and changes in wastewater treatment. Under the terms and conditions of LPDES Permit LA0093149, the Respondent is authorized to discharge treated sanitary wastewater, and fuel island washdown wastewater commingled with stormwater into local drainage, thence into Curry Creek, waters of the state.

II.

The Respondent was issued **COMPLIANCE ORDER MM-C-11-00392** on or about September 13, 2012. The relevant violations of the Findings of Fact were the discharge of untreated sanitary wastewater from an unauthorized location, the failure to report the discharge to the Department, the failure to submit Discharge Monitoring Reports (DMRs), the failure to submit DMRs in a timely manner, the failure to submit an original DMR, the failure to submit noncompliance reports, effluent exceedances, and the failure to conduct outdoor burning at least 1000 feet from any dwelling. The relevant requirements of the **COMPLIANCE ORDER** were to take any and all steps necessary to meet and maintain compliance with the Air Quality Regulations, Water Quality Regulations, and LPDES Permit LA0093149, cease all unauthorized discharges, properly report instances of noncompliance, submit original and accurate DMRs timely, and submit a complete written report including a description of the circumstances of the cited violations and the actions taken to achieve compliance. The Department received a written response from the Respondent on or about October 15, 2012. **COMPLIANCE ORDER MM-C-11-00392** is a final action and not subject to further review.

III.

On or about October 16, 2012, an inspection conducted by the Department, revealed that the Respondent did cause and/or allow the discharge of sanitary wastewater at a location not authorized by the LPDES Permit LA0093149. Specifically, the oxidation pond had a small levee breach near Outfall 001, and discharged an unknown quantity of sanitary wastewater. The discharge of sanitary wastewater from a location not authorized by LPDES Permit LA0093149 is a violation of **COMPLIANCE ORDER MM-C-11-00392**, La. R.S. 30:2076(A)(1)(a), and LAC 33:IX.501.D. The failure to properly operate and maintain systems of treatment and control is a violation of LPDES Permit LA0093149 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E. The Department received a written response from the Respondent on or about October 15, 2012. The Respondent stated that the levee was reinforced and area around the pond was cleaned and cleared of weeds.

IV.

An inspection conducted by the Department on or about October 16, 2012, revealed that the Respondent failed to prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) required by LPDES Permit LA0093149. The Respondent's failure to prepare, implement, and maintain a SWPPP is a violation of LPDES Permit LA0093149 (Narrative

Requirements, Pages 1-3 of 6, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A. The Department received the SWPPP from the Respondent on or about October 16, 2013.

V.

A file review conducted by the Department on or about June 3, 2014, revealed the following effluent limitation exceedances, as reported by the Respondent on its DMRs:

Date	Outfall	Parameter	Permit Limit	Sample Value
07/2012	001	Fecal Coliform, Daily Maximum	400 col/100 mL	1,150 col/100 mL
09/2012	001	Fecal Coliform, Daily Maximum	400 col/100 mL	1,150 col/100 mL
10/2012	001	Fecal Coliform, Daily Maximum	400 col/100 mL	20,100 col/100 mL
		Fecal Coliform, Daily Maximum	400 col/100 mL	2,400 col/100 mL
12/2012	001	Fecal Coliform, Daily Maximum	400 col/100 mL	582 col/100 mL
01/2013*	001	Fecal Coliform, Daily Maximum	400 col/100 mL	3,000 col/100 mL
04/2013*	001	Fecal Coliform, Daily Maximum	400 col/100 mL	6,000 col/100 mL
05/2013*	001	Fecal Coliform, Daily Maximum	400 col/100 mL	2,400 col/100 mL
07/2013*	001	BOD ₅ , Daily Maximum	45 mg/L	66.7 mg/L
08/2013*	001	Fecal Coliform, Daily Maximum	200 col/100 mL	1,311 col/100 mL
		Fecal Coliform, Daily Maximum	400 col/100 mL	3,020 col/100 mL
10/2013	001	Fecal Coliform, Daily Maximum	400 col/100 mL	822 col/100 mL
11/2013	001	Fecal Coliform, Daily Maximum	200 col/100 mL	18,387 col/100 mL
		Fecal Coliform, Daily Maximum	400 col/100 mL	23,000 col/100 mL
12/2013	001	Fecal Coliform, Daily Maximum	200 col/100 mL	497 col/100 mL
		Fecal Coliform, Daily Maximum	400 col/100 mL	497 col/100 mL

*The Respondent failed to submit a noncompliance report for this exceedance.

Each exceedance of the effluent limitations is a violation of **COMPLIANCE ORDER MM-C-11-00392**, LPDES Permit LA0093149 (Effluent Limitations, Pages 2-4 of 4 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

VI.

A file review conducted by the Department on or about June 3, 2014, revealed that the Respondent failed to submit DMRs as required by LPDES Permit LA0093149. Specifically, for Outfall 001, the Respondent failed to submit DMRs to the Department for the monthly monitoring periods for August 2012, January 2014, February 2014, and March 2014. Each failure to submit a DMR is a violation of **COMPLIANCE ORDER MM-C-11-00392**, LPDES Permit LA0093149 (Narrative Requirements, Pages 4 and 5 of 6, Sections S-1 and T-8, and Standard Conditions, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.

COMPLIANCE ORDER

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

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility into waters of the state.

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations, and permit limitations and conditions contained in LPDES Permit LA0093149 including, but not limited to, developing, implementing and maintaining a Storm Water Pollution Prevention Plan (SWPPP), and submitting DMRs.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed monthly DMRs for the August 2012, January 2014, February 2014, and March 2014, monitoring periods cited in Paragraph VI 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 with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

IV.

To develop, implement, and maintain a SWPPP, as outlined in the Narrative Requirements, Pages 1-3 of 6 of LPDES Permit LA0093149, for this facility within thirty (30)

days after receipt of this **COMPLIANCE ORDER**, and to submit to the Enforcement Division a copy of the SWPPP within forty-five (45) days after receipt of this **COMPLIANCE ORDER**.

V.

To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) 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-C-10-01200
Agency Interest No. 167682

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.

VI.

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.

VII.

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
Attention: Suzanne Gardner
Enforcement Tracking No. WE-CN-13-00058
Agency Interest No. 42520

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-CN-13-00058
Agency Interest No. 42520

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 Suzanne Gardner at (225) 219-3078 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 09 day of June, 2014.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

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

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



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.



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY

Enforcement Tracking No.	WE-CN-17-00348	Certified Mail No.	7004 2510 0006 3853 7122
Agency Interest (AI) No.	42520	Contact Name	Andréa M. Tabora
Alternate ID No.	LA0093149	Contact Phone No.	(225) 219-3090
Respondent:	USA Truckstop, Inc.	Facility Name:	USA Truckstop, Inc.
	c/o Laddie Singh Aulakh	Physical Location:	985 Hwy 80 E
	Agent for Service of Process	City, State, Zip:	Calhoun, LA 71225
	985 Hwy 80 E	Parish:	Ouachita
	Calhoun, LA 71225		

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

FINDINGS OF FACT

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

I.	The Respondent owns and/or operates a wastewater treatment plant located at 985 Hwy 80 E, Calhoun, Ouachita Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0093149 on May 13, 2009, with an effective date of June 1, 2009, and an expiration date of May 31, 2014. A Major Modification to LA0093149 was issued on April 12, 2011, to include multiple phases for Outfall 001 to address increased flow and a change in wastewater treatment, with an effective date of May 1, 2011, and an expiration date of May 31, 2014. The Respondent submitted a renewal application dated August 21, 2013 and LPDES Permit LA0093149 was administratively continued until it was reissued on June 19, 2014, with an effective date of August 1, 2014, and an expiration date of July 31, 2019. The reissued permit also includes multiple phases for Outfall 001. The facility is currently operating under Phase II of the permit, as indicated by prior notification submitted to the Department dated May 28, 2014. Under the terms and conditions of LPDES Permit LA0093149, the Respondent is permitted to discharge treated sanitary wastewater and fuel island washdown water commingled with storm water into local drainage, thence into Curry Creek, thence into North Cheniere Creek, all waters of the state.	
	The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG420019 effective on July 10, 2014, for Short Term and Emergency Discharges for pond closure activities. LPDES General Permit LAG420019 expired on January 1, 2015. Under the terms and conditions of LPDES General Permit LAG420019, the Respondent was permitted to discharge dewatering wastewater from an oxidation pond into Curry Creek, waters of the state.	
	The Respondent was issued CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-13-00058 on or about June 9, 2014. The Department received a response from the Respondent dated July 8, 2014. CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-13-00058 is a final action of the Department and not subject to further review.	
	Date of Violation	Description of Violation
II.	Inspection(s) & File Review 1/20/2017 8/27/2018	The Respondent caused and/or allowed the discharge of wastewater from a source or location not authorized by the permit. Specifically, wastewater was discharged into Curry Creek from a breach in the levee of the oxidation pond. (Unauthorized discharge is in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D. Failure to properly operate and maintain systems of treatment and control is in violation of LA0093149 (Part III, Sections A.2 and B.3.a.))
III.	Inspection(s) & File Review 1/20/2017 5/21/2018 8/27/2018	The Respondent failed to sample the effluent from Outfall 001 on a monthly basis as required by LPDES Permit LA0093149. Specifically, the Respondent has reported No Discharge on Discharge Monitoring Reports (DMRs) beginning April 2014 through at least June 2018. However, the reports for the January 20, 2017 and May 21, 2018 inspections indicate that the facility was discharging at the time of the inspection; the corresponding DMRs for January 2017 and May 2018 report No Discharge. The May 21, 2018 inspection report indicated that flow was measured at 467.7 gallons/day at the time of the inspection. (Prior to August 1, 2014: LA0093149 Major Modification (Part I, Effluent Limitations and Monitoring Requirements; and Part III, Standard Conditions for LPDES Permits, Section A.2). After August 1, 2014: LA0093149 (Part I, Effluent Limitations and Monitoring Requirements; and Part III, Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
IV.	Inspection(s) & File Review 1/20/2017 8/27/2018	The Respondent failed to submit Discharge Monitoring Reports (DMRs). Specifically, The Respondent is required to submit monthly DMRs for Outfall 001, but has not submitted DMRs for this outfall for the following monthly monitoring periods: May 2014; July 2014 through November 2015. The Respondent is required to submit quarterly DMRs for Outfall 002, but has not submitted DMRs for this outfall for the following quarterly monitoring periods: January - March 2014; and July 2014 through November 2015. (Prior to August 1, 2014: LA0093149 Major Modification (Part I, Submittal/Action Requirements, page 4 of 6 (Outfall 001) and 6 of 6 (Outfall 002); and Part III, Standard Conditions for LPDES Permits, Section A.2). After August 1, 2014: LA0093149 (Part I, Submittal/Action Requirements, page 2 of 8 (Outfall 001) and 4 of 8 (Outfall 002); and Part III, Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)
V.	Inspection(s) & File Review 1/20/2017 8/27/2018	The Respondent failed to comply with LPDES permit LA0093149. Specifically, the Respondent failed to report sampling data for TOC for Outfall 002 on the April - June 2014 quarterly DMR. (LA0093149 Major Modification (Part I, Effluent Limitation and Monitoring Requirements; and Part III, Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)

EXHIBIT

VI.	Inspection(s) & File Review 1/20/2017 8/27/2018	The Respondent failed to comply with LPDES permit LA0093149. Specifically, between January 1, 2014, and September 30, 2017, the Respondent reported exceedences of permit effluent limitations for Outfall 001 for Fecal Coliform. (Prior to August 1, 2014: LA0093149 Major Modification (Part I, Effluent Limitations and Monitoring Requirements; and Part III, Standard Conditions for LPDES Permits, Section A.2). After August 1, 2014: LA0093149 (Part I, Effluent Limitations and Monitoring Requirements; and Part III, Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) Table 1
VII.	Inspection(s) 1/20/2017	The Respondent failed to comply with LPDES permit LA0093149. Specifically, the inspector requested to review a copy of the Storm Water Pollution Prevention Plan (SWP3) and documentation required by the SWP3 at the time of the inspection, but copies could not be provided. (LA0093149 (Part I, Narrative Requirements, N-8.F, page 7 of 8; and Part III, Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.H)
VIII.	Inspection(s) & File Review 1/20/2017 5/21/2018 8/27/2018	The Respondent failed to comply with LPDES permit LA0093149. Specifically, the permit requires the closure of the oxidation pond located at the facility. The Major Modification to LPDES permit LA0093149, effective May 1, 2011, included requirements in Phase II (Part I, Narrative Requirements, page 4 of 6, Condition T-4) for the Respondent to close the oxidation pond and begin discharging and monitoring from the treatment system upon installation. Per the January 20, 2018 inspection report, the levee walls remain intact, and the pond is retaining water. Authorization under LPDES permit LAG420019 for Short-Term and Emergency Discharges was granted to the Respondent effective July 10, 2014, through January 1, 2015, for pond closure activities. Per the May 21, 2018 inspection report, the Respondent has not submitted documentation showing that any closure activities have been conducted, including, but not limited to, sludge disposal records, DMRs for discharge, and work logs. These documents could not be presented at the time of the inspection. The Water Quality Regulations require the Respondent to submit a closure plan for the removal and disposal of sewage sludge to the Department. A file review conducted by the Department on or about August 27, 2018, revealed that the Respondent did not submit the plan. (Prior to August 1, 2014: LA0093149 Major Modification (Part I, Effluent Limitations and Monitoring Requirements; and Part III, Standard Conditions for LPDES Permits, Section A.2). After August 1, 2014: LA0093149 (Part I, Effluent Limitations and Monitoring Requirements; and Part III, Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.7301.D.4)
IX.	File Review 8/27/2018	The Respondent failed to submit Discharge Monitoring Reports (DMRs) as required by LPDES permit LAG420019. Specifically, the Respondent is required to submit a DMR for the dewatering event during pond closure activities, or weekly DMRs if closure activities exceed one week until the permit is terminated. No DMRs were submitted for LPDES permit LAG420019. (LAG420019 (Part I, Section C.6, and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)

ORDER

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


I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER . This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.
III.	To immediately cease, upon receipt of this COMPLIANCE ORDER , any unauthorized discharges from the oxidation pond to waters of the state.
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , documentation related to the closure of the oxidation pond OR a closure plan.
V.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , properly completed DMRs for the monitoring periods mentioned in Paragraphs IV and V 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."
VI.	To develop and implement, within thirty (30) days after receipt of this COMPLIANCE ORDER , an adequate and complete SWP3 as outlined in LPDES permit LA0093149 (Part I, Narrative Requirements (pages 6, 7, and 8 of 8)), and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this COMPLIANCE ORDER .

RIGHT-TO APPEAL

I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER .
II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.). The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this

	COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.				
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.				
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.				
NOTICE OF POTENTIAL PENALTY					
I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.				
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Andréa M. Tabora at (225) 219-3090 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .				
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.				
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.				
CONTACTS AND SUBMITTAL OF INFORMATION					
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Tabora </td> <td style="width: 50%; vertical-align: top;"> Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-17-00348 Agency Interest No. 42520 </td> </tr> <tr> <td style="vertical-align: top;"> 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 </td> <td style="vertical-align: top;"> Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802 </td> </tr> </table>		Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Tabora	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-17-00348 Agency Interest No. 42520	Permit Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
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HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY					
<ul style="list-style-type: none"> • To appeal the CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY. • To request closure of the COMPLIANCE ORDER portion, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form and returning it to the address specified. <ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> ○ The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. ○ The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis. ○ The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer. ○ <u>DO NOT</u> 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 Andréa M. Tabora at (225) 219-3090 or andrea.tabora@la.gov.




Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: 12-7-18

Attachment(s)

- Request to Close
- Table 1

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE			
Enforcement Tracking No.	WE-CN-17-00348	Contact Name	Andréa M. Tabora				
Agency Interest (AI) No.	42520	Contact Phone No.	(225) 219-3090				
Alternate ID No.	LA0093149						
Respondent:	USA Truckstop, Inc.	Facility Name:	USA Truckstop, Inc.				
	c/o Laddie Singh Aulakh	Physical Location:	985 Hwy 80 E				
	Agent for Service of Process						
	985 Hwy 80 E	City, State, Zip:	Calhoun, LA 71225				
	Calhoun, LA 71225	Parish:	Ouachita				
STATEMENT OF COMPLIANCE							
STATEMENT OF COMPLIANCE						Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.							
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs IV and V of the "Order" portion of the COMPLIANCE ORDER.							
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph VI of the "Order" portion of the COMPLIANCE ORDER.							
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:							
SETTLEMENT OFFER (OPTIONAL)							
(check the applicable option)							
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.						
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00348), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.						
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00348), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> Monetary component = \$ _____ Beneficial Environmental Project (BEP) component (optional) = \$ _____ DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 						
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00348) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.						
CERTIFICATION STATEMENT							
<i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i>							
Respondent's Signature		Respondent's Printed Name			Respondent's Title		
Respondent's Physical Address		Respondent's Phone #			Date		
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:							
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Tabora							

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

Table 1

Date	Outfall	Parameter	Permit Limit	Reported Value
1/2014	001	Fecal Coliform, Monthly Average	200 col/ 100 ml	1700 col/ 100 ml
		Fecal Coliform, daily Maximum	400 col/ 100 ml	1700 col/ 100 ml
2/2014	001	Fecal Coliform, Monthly Average	200 col/ 100 ml	21100 col/ 100 ml
		Fecal Coliform, daily Maximum	400 col/ 100 ml	21100 col/ 100 ml
3/2014	001	Fecal Coliform, Monthly Average	200 col/ 100 ml	837 col/ 100 ml
		Fecal Coliform, daily Maximum	400 col/ 100 ml	15400 col/ 100 ml
3/2016	001	Fecal Coliform, Monthly Average	200 col/ 100 ml	226 col/ 100 ml