### STATE OF LOUISIANA

# DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

\* Settlement Tracking No.

SA-WE-21-0021

CAJUN ON THE BAYOU, L.L.C.

\* Enforcement Tracking No.

AI # 120030 \* WE-CN-19-00631

\*

PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, <u>ET SEQ.</u>

## **SETTLEMENT**

The following Settlement is hereby agreed to between Cajun on the Bayou, L.L.C. ("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").

Ι

Respondent is a limited liability company that owns and/or operates a mechanical treatment plant located in Des Allemands, Lafourche Parish, Louisiana ("the Facility").

II

On March 24, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-19-00631 (Exhibit 1).

Ш

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 FIVE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$5,500.00), of which One Thousand Eight Hundred Twenty-Four and 87/100 Dollars (\$1,824.87) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

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

VI

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

VII

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

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

X

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

XI

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

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.

	11016
	BY: (Signature)
	Ricky Commadelle (Printed)
	TITLE: Ovner
THUS DONE AND SIGNED in dup  May, 20	plicate original before me this 2/5/3 day of at the place of the place
A. LEBOEUM	NOTARY PUBLIC (ID # 18/17)
No. 188 ONE PARISH	(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 dup	olicate original before me this 10th day of , at Baton Rouge, Louisiana.
	NOTARY PUBLIC (ID # 2503)  AMBER G. LITCHFIELD  Notary Public  State of Louisiana  Notary ID # 92503  East Baton Rouge Parish
	(stamped or printed)
Approved:Lourdes Iturralde, Assistant Secr	retary
Louise Harane, Houselland Occi	- · · · · · · · · · · · · · · · · · · ·

CAJUN ON THE BAYOU, L.L.C.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION POST OFFICE BOX 4312

1.

## CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY



BATON ROUGE, LOUISIANA 70821-4312

Enforcement Tracking No.	WE CN 10 00031		COCORAGE	
		Certified Mail No.	7018 0680 0000 1999 5647	
Agency Interest (AI) No. 120030		Contact Name	Andréa M. Tabora	
Alternate ID No.	ernate ID No. LAG531977		(225) 219-3090	
Respondent:	Cajun on the Bayou, LLC	Facility Name:	Cajun on the Bayou	
	c/o Ricky Comardelle	Physical Location:	4002 Hwy 90 East	
	Agent for Service of Process			
	960 Highway 652	City, State, Zip:	Des Allemands, LA 70030	
	Raceland, LA 70394	Parish:	Lafourche	

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

#### 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.

The Respondent owns and/or operates a mechanical treatment plant located at 4002 Hwy 90 East, Des Allemands, Lafourche Parish, Louisiana. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG531977 effective on August 30, 2013. LPDES General Permit LAG531977 expired on November 30, 2017, but was administratively continued until it was reissued effective on February 21, 2018. LPDES Permit LAG531977 will expire on November 30, 2022. Under the terms and conditions of LPDES General Permit LAG531977, the Respondent is permitted to discharge treated sanitary wastewater into Bayou Des Allemands, waters of the state. The Respondent was granted coverage under Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 effective February 1, 2010. LPDES permit LAJ660000 expired on January 31, 2015, and was administratively continued. Under the terms and conditions of LPDES permit LAJ660000, the Respondent is authorized to have sewage sludge pumped out or removed from the sanitary wastewater treatment works by an approved hauler and taken to a facility approved to accept sewage sludge.

Date of Violation Description of Violation Inspection(s) The Respondent caused and/or allowed the discharge of wastewater without a permit and/or other 3/21/2019 authority from the Department, Specifically, a second sewage treatment plant of unknown design capacity was installed to treat sewage from recreational vehicles (RVs). Photographs 7 and 8 from the inspection 11. report show an active discharge at the time of the inspection. The plant discharges into Bayou Des Allemands and is separate from the system authorized under LPDES Permit LAG531977. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D) Inspection(s) The Respondent failed to maintain waters of the state in accordance with the Water Quality Regulations. Specifically, solids were discharged from the permitted treatment plant into the receiving stream, forming a 3/21/2019 111. layer of settled solids as seen in photograph 3 of 8 from the inspection report. (LAG531977 (Part I, page 4 of 20, Part II, Section K, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.1113.B.3) File Review The Respondent failed to report changes to a permitted facility. Specifically, the Respondent failed to report 1/22/2020 IV. the installation and use of a second mechanical sewage treatment plant of unknown size at the facility. (LAG531977 (Part III, Sections A.2 and D.1.b), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A) Inspection(s) & The Respondent failed to comply with LPDES permit LAG531977. Specifically, the Respondent failed to File Review submit semiannual Discharge Monitoring Reports (DMRs) for the monitoring periods from July - December 3/21/2019 2015 through January - June 2019 in a timely manner (8 total). (LAG531977 (prior to February 21, 2018: Part ٧. 1/22/2020 II, Section N.8.C, and Part III, Section A.2; after February 21, 2018: Part II, Section N.8.B, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4) DMRs from January - June 2015 through January - June 2019 were received by the Department on August 27, 2019 in response to Warning Letter WE-L-19-00631. File Review The Respondent failed to sample the effluent from Outfall 001 on a semiannual basis as required by LPDES 1/22/2020 Permit LAG531977. Specifically, semiannual DMRs from the July - December 2015 monitoring period through the January - June 2019 monitoring period indicated "no samples collected this monitoring period." VI. Sample results were reported on the January - June 2015 DMR with no exceedances. (LAG531977 (prior to February 21, 2018: Part I, Section B, Schedule B, and Part III, Section A.2; after February 21, 2018: Part I, Section B, Schedule B, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) File Review The Respondent failed to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 1/22/2020 2015, 2016, 2017, and 2018, as required by Louisiana Sewage Sludge and Biosolids Use or Disposal General VII.

#### ORDER

Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.7313.A.2)

Permit LAJ660000. The form is due by January 28 of the following year. (LAJ660000 (Part II, Section C; and

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

To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the 1. "Findings of Fact" portion.

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.

WE-CN-19-00631

11.

Page 1

CONOPP FORM 1

1

**EXHIBIT** 

10.	To immediately cease, upon receipt of this COMPLIANCE ORDER, any unauthorized discharges from the Respondent's facility to waters of the state.
IV.	To submit a completed LPDES Permit Application to the Water Permits Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, for the unpermitted mechanical treatment plant mentioned in Findings of Fact paragraph II. The completed LPDES Permit Application must address all outfalls at the facility and must follow all procedures and guidelines set forth in LAC 33:IX.Chapter 25. The three sets (the original and two copies) of the completed permit application should be submitted to the Permits Division at the address specified in this document. A copy of the permit application should also be sent to the Enforcement Division.
V.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, properly completed annual sludge reports mentioned in Findings of Fact paragraph VII.
VI.	To remove the buildup of sewage sludge and/or settled solids from the receiving stream of the permitted discharge mentioned in Findings of Fact paragraph III.
VII.	To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.
	RIGHT TO APPEAL
	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE DRDER. 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.   `i	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 left-hand corner of the first page of this document and should be directed to the address specified in this document.
III.   2	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 Division of Administrative Law's (DAL) Procedural Rules. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an appropriation of a defense for the hearing.
IV.   1	his COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely equest 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.	he 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 iddressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VII. F	ivil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The tespondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to iossible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not nore than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.  or each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and
<u>  n</u>	nothing herein shall be construed to preclude the right to seek such penalties.  NOTICE OF POTENTIAL PENALTY
t	ursuant to La. R.S. 30:2050.3(B), you are hereby notified that the Issuance of a penalty assessment is being considered for the iolation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect of submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.
II. P	rior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present ny mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Andréa M. Tabora t (225) 219-3090 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.
III. Too	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 espondent'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 enefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most surrent annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the espondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.
IV. T	espondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.  his CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

Enforcement Division:	Hearing Requests:
Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Andréa M. Tabora	Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-19-00631 Agency Interest No. 120030
Water Permits Division (if necessary):	Physical Address (if hand delivered):
Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

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

- To appeal the CONSOLIDATED COMPLIANCE ORDER 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.
  - Before requesting closure of the COMPLIANCE ORDER portion, 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.
  - o The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7.
  - o The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
  - The settlement offer amount may be entered on the attached "CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer.
  - DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
  - Before requesting closure of the NOTICE OF POTENTIAL PENALTY portion, 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.

Date: 3-84-2029

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

Lourdes Ituralde

**Assistant Secretary** 

Office of Environmental Compliance

ecc: Department of Health

Attachment(s)

- Request to Close

		,					
LOUISI	ANA DEPARTMENT OF OF ENVIRONMENTAL	ENVIRONMEN	ITAL QUALITY				
1	CEMENT DIVISION		OLIDATED COMPLIAN	ACE ODDED 9		A. III	
Transmission and the second	FFICE BOX 4312		OTICE OF POTENTIAL				
BATON	ROUGE, LOUISIANA 7	0821-4312	REQUEST TO CL			DEQ	
	ment Tracking No.	WE-CN-19-0	The state of the s	Contact Name	Andréa M. Tabo	ora	
	Interest (AI) No. te ID No.	120030		Contact Phone No.	(225) 219-3090		
Respon			LAG531977				
пеэроп	dent.	Cajun on the	***************************************	Facility Name:	The state of the s	Cajun on the Bayou	
			rvice of Process	Physical Location:	4002 Hwy 90 Ea	90 East	
		960 Highway		City, State, Zip:	Des Allemands,	LA 70030	
		Raceland, LA	70394	Parish:	Lafourche		
			STATEMENT OF	COMPLIANCE	***************************************	And the second s	
		STATEMENT (	OF COMPLIANCE		Date Completed	d Copy Attached?	
A writte	n report was submitted	in accordance	e with Paragraph II of the	"Order" portion of the	9	, copy Attacheur	
	ANCE ORDER.	submitted to	the Department within 30				
COMPL	ANCE ORDER in accord	dance with Par	ragraphs IV and V of the '	Order" portion of the			
COMPL	ANCE ORDER.				***		
All trace	s of sewage sludge and	or settled so	lids were removed from t	he receiving stream in	1		
Submitt	nce with Paragraph VI o	of the "Order"	portion of the COMPLIAN	NCE ORDER.			
Paragra	oh VII of the "Order" po	ortion of the C	tronically using NetDMR is	n accordance with	=		
All item:	in the "Findings of Fac	t" portion of t	he COMPLIANCE ORDER	were addressed and			
the facil	ity is being operated to	meet and ma	intain the requirements o	f the "Order" portion			
or the C	OMPLIANCE ORDER. Fi	nal compliance					
			SETTLEMENT OFF	ER (OPTIONAL)			
			(check the appli	cable option)			
	The Respondent is no	t interested in	entering into settlement	negotiations with the	Department with the	understanding that the	
	Department has the h	gnt to assess o	ivil penalties based on LA	C 33:I.Subpart1.Chap	ter7.		
	Respondent is interes discuss settlement pro	ted in enterin	ivil penalties for the viola g into settlement negotia	ations in NOTICE OF ations with the Depar	POTENTIAL PENALTY tment and would like	(WE-CN-19-00631), the e to set up a meeting to	
	In order to resolve ar	ny claim for ci	vil penalties for the viola	ations in NOTICE OF	POTENTIAL PENALTY	(WE-CN-19-00631), the	
	Respondent is inte \$	rested in e	ntering into settlemen	it negotiations wit	h the Department	and offers to nav	
	Monetary comp.	wnich sh nonent =	all include LDEQ enforcer	ment costs and any mi	onetary benefit of nor	n-compliance.	
	Beneficial Envir	onmental Proj	ect (BEP)component (opt	, ional)= \$		***************************************	
	<ul> <li>DO NOT SUBMI</li> </ul>	T PAYMENT OF	THE OFFER WITH THIS FO	ORM- the Department	will review the settler	ment offer and notify the	
1	nesponaent a	s to whether t	ne offer is or is not accept	ted.			
The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-19-00631) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.							
			CERTIFICATION	STATEMENT			
1 certify,	under provisions in I	ouisiana and	United States law that	provide criminal pe	nalties for false stat	ements, that based on	
injorma	ion and belief formed	after reasonal	ole inquiry, the statement	ts and information at	tached and the comp	liance statement above	
other fa	cility I own or operate.	te. I also certij I further certii	fy that I do not owe outsi fy that I am either the Re	tanding fees or penal	ties to the Departmen	nt for this facility or any	
		,	1	spondent of undutile	mized representative	oj tne kesponaent.	
	1/1/1	1	Cochan	01 11-	ON		
A CONTRACTOR OF THE PARTY OF TH	Respondent's Signatur	re /	Respondent's Prin	nd of le	Ouhec	lent's Title	
	/		pespondent 3 Fin	Tred Warne	Kespond	ient's little	
******************	Responde	nt's Physical A			it's Phone #	Date	
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:							
Louisiana Department of Environmental Quality							
Office of Environmental Compliance Enforcement Division							
	ce Box 4312						
Baton Rouge, LA 70821							
DITTO: AM	arna M Inhara						

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