STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* Settlement Tracking No.

* SA-WE-20-0084

WATER & WASTEWATER UTILITIES, INC. *

* Enforcement Tracking No.

AI # 146817 * WE-CN-19-01126

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

SETTLEMENT

The following Settlement is hereby agreed to between Water & Wastewater Utilities, 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").

Ι

Respondent is a corporation that owns and/or operates a sanitary treatment plant located in Carencro, Lafayette Parish, Louisiana ("the Facility").

ΙΙ

On April 2, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-19-01126 (Exhibit 1).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal

statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), of which Seven Hundred Thirty-Four and 13/100 Dollars (\$734.13) 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 Lafayette Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

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

XI

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

XII

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

TITLE: THUS DONE AND SIGNED in duplicate original before me this murn, 20 21, at NOTARY PUBLIC (ID # 49594 LOUISIANA DEPARTMENT OF **ENVIRONMENTAL QUALITY** Chuck Carr Brown, Ph.D., Secretary Colena J. Cage Assistant Secretary Office of Environmental Compliance THUS DONE AND SIGNED in duplicate original before me this , 20 27, at Baton Rouge, Louisiana. day of NOTARY PUBLIC (ID # AMBER G. LITCHFIEL Notary Public State of Louisiana Notary ID # 92503 East Baton Rouge Parish (stamped or printed) Approved:

INC.

WATER & WASTEWATER UTILITIES,

Lourdes Iturralde, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312

CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

BATON ROUGE, LOUISIANA 70821-4312

| Enforcement Tracking No. | WE CN 10 01126 | Certified Mail No. | LOUISIANA | |
|--------------------------|---|--------------------------------|--|--|
| | Agency Interest (AI) No. WE-CN-19-01126 | | 7013 1130 0002 1720 2599 Scott B. Pierce | |
| Agency Interest (AI) No. | | | | |
| Alternate ID No. | LA0124222 | Contact Name Contact Phone No. | | |
| Respondent: | Water & Water Living | | (225) 219-3723 | |
| | Water & Wastewater Utilities, Inc. | Facility Name: | Malapart Place Subdivision off Malapart Rd. & Commons Pointe Dr. | |
| | c/o Flora Howell | Physical Location: | | |
| | Agent for Service of Process | | | |
| | 208 Acomb Drive | City, State, Zip: | Carencro, LA 70520 | |
| This consequences | Lafayette, LA 70508 | Parish: | Lafavette | |

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 sanitary treatment plant located off Malapart Rd. & Commons Pointes Dr. in Carencro, Lafayette Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0124222 on June 19, 2014, with an effective date of August 1, 2014, and an expiration date of July 31, 2019. The Respondent submitted a renewal application on or about February 14, 2019, and LPDES Permit LA0124222 was administratively continued until it was reissued on August 29, 2019, with an effective date of October 1, 2019. LPDES Permit LA0124222 will expire on September 30, 2024. Under the terms and conditions of LPDES Permit LA0124222, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed ditch, thence into Coulee Mine, thence into the Vermilion River, all waters of the

| | state. | in waters of the |
|-----|---|--|
| | Date of Violation | Description of Violation |
| II. | Inspection(s) & File Review 9/23/2019 2/17/2020 | The Respondent failed to comply with LPDES permit LA0124222. Specifically, a review of Discharge Monitoring Reports (DMRs) between October 2014 and December 2019, revealed that the Respondent reported exceedances of permit effluent limitations for Fecal coliform, TSS, CBOD, and Ammonia-Total Nitrogen. See Attachment A. (LPDES permit LA0124222 (Effluent Limitations and Monitoring Requirments, pg. 1 of 3, and Standard Conditions, Section A.2. La. R.S. 202027(AVX). |
| Ш. | Inspection(s) 9/23/2019 2/12/2020 | initial inspection the following were observed: Only one blower motor was operational, the sludge return line in cell two was not operational causing a back-up of sludge inside the clarifier which had a thick sludge blanket, and solids were noted in the chlorine contact chamber (CCC). A follow-up inspection was conducted after receiving a response from the facility stating that immediate action was taken to correct all areas of concern noted in the initial inspection. The response stated that the two blowers were operational, the sludge lines were replaced with two lines now working, and the CCC was pumped out. However, during the follow-up inspection the following was still observed: Only one blower motor was operational, and only two of the four sludge return lines (one in each in cell) were operational. (LPDES permit LA0124222 (Standard Conditions, Sections A.2 and B.3 a) La B.S. 30:2075(AVA) and LACAS WARDS STANDARD CONDITIONS. |
| IV. | Inspection(s) 9/23/2019 2/12/2020 | The Respondent caused and/or allowed the discharge of pollutants from a source or location not authorized by the permit. Specifically, during the initial inspection, sludge was observed in the receiving ditch. A follow-up inspection was conducted after receiving a response from the facility stating that immediate action was taken to correct all areas of concern noted in the initial inspection. The response stated that sludge was pumped out of the receiving ditch. However, during the follow-up inspection, sludge was still observed in the receiving ditch. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.A and D) Per the follow-up inspection, the Respondent informed the Department that after the September 23, 2019 inspection, the facility used their own vacuum truck to pump out sludge, and placed it back into the plant's aeration basin, but stated that the worker failed to document the action. The Respondent, then, stated that the ditch and CCC will be pumped again and hauled offsite. |
| V. | 9/23/2019 | The Respondent failed to comply with LPDES permit LA0124222. Specifically, the Respondent failed to submit monthly DMRs from July through September 2016, and January through March 2018. (LPDES permit LA0124222 (Effluent Limitations and Monitoring Requirments, pg. 1 of 3, and Standard Conditions, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33-1X 2701 L 40. |

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

A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)

- To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.
- 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 11. be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address
- To immediately cease, upon receipt of this COMPLIANCE ORDER, any unauthorized discharges from the Respondent's facility to 111.

CONOPP FORM 1

EXHIBIT

| IV. | To submit to the Enforcement Division, within third disposal manifest referenced in Paragraph IV of the | y (30) days after receipt of this COMPLIANCE ORDER, a copy of the sludg | | | | | |
|--|---|--|--|--|--|--|--|
| ٧. | To submit to the Enforcement Division, within thin DMRs for the monitoring periods of the last three order. If you are submitting copies of DMRs please | y (30) days after receipt of this Order. y (30) days after receipt of this COMPLIANCE ORDER, properly completed y years mentioned in Paragraph V of the "Findings of Fact" portion of this e be advised that each copy of the DMR shall be signed and certified. If no itoring period, the Respondent should indicate this in the space provided for | | | | | |
| | | HT TO APPEAL | | | | | |
| 1. | COMPLIANCE ORDER. | on a disputed issue of material fact or of law arising from this COMPLIANC request with the Secretary no later than thirty (30) days after receipt of thi | | | | | |
| 11. | Interest Number, which are located in the upper left-haddress specified in this document | ne provisions of the COMPLIANCE ORDER on which the hearing is requested is request should reference the Enforcement Tracking Number and Agenc and corner of the first page of this document and should be directed to the | | | | | |
| III. | Administrative Procedure Act (La. R.S. 49:950, et set Department may amend or supplement this COMPLI opportunity for the preparation of a defense for the broadens. | ring, a hearing on the disputed issue of material fact or of law regarding this etary of the Department. The hearing shall be governed by the Act, the plant of the Division of Administrative Law's (DAL) Procedural Rules. The ANCE ORDER prior to the hearing, after providing sufficient notice and apparatus | | | | | |
| 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 COMPLIANCE ORDER shall not preclude the Respondend addressing the same violation(s), although the Respondent part of its compliance history. | e an appeal or the Respondent's withdrawal of a request for hearing on thin ent from contesting the findings of facts in any subsequent penalty action and and is estopped from objecting to this COMPLIANCE ORDER becoming a | | | | | |
| 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 rights. | | | | | | |
| VII. | For each violation described herein, the Department renothing herein shall be construed to preclude the right | econing the right to analysis it | | | | | |
| | 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 (225) 219-3723 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. The Department is required by the Control of this NOTICE OF POTENTIAL PENALTY. | | | | | | |
| | of noncompliance to determine whether a penalty of noncompliance to determine whether a penalty of Respondent's most current annual gross revenue staten the cited violation(s) to the above named contact personant of the contact personant penalts have been gained, you are to fully justify that current annual gross revenues statement within ten (Respondent has the ability to pay the statutory maying). | o consider the gross revenues of the Respondent and the monetary benefits will be assessed and the amount of such penalty. Please forward the nent along with a statement of the monetary benefits of noncompliance for on within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY. nethod(s) you utilized to arrive at the sum. If you assert that no monetary statement. If the Respondent chooses not to submit the requested most 10) days, it will be viewed by the Department as an admission that the | | | | | |
| | TO TO TO THE COMPETANCE ORDER & NOTICE O | POTENTIAL PENALTY is effective upon receipt. | | | | | |
| nforce | ment Division: | BMITTAL OF INFORMATION | | | | | |
| Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Scott B. Pierce | | 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-19-01126 Agency Interest No. 146817 | | | | | |
| Vater F | ermits Division (if necessary): | Physical Address (if hand delivered): | | | | | |
| Office (Post Of | ment of Environmental Quality of Environmental Services fice Box 4313 Rouge, LA 70821-4313 Vater 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.

WE-CN-19-01126

- 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.
 - o 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.
 - 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.

4-2-2020

If you have questions or need more information, you may contact Scott B. Pierce at (225) 219-3723 or scott.pierce@la.gov.

Lourdes Iturralde Assistant Secretary

Office of Environmental Compliance

Dove Environmental, Inc.

c/o Randy Savoy P. O. Box 430 Scott, LA 70583

ecc: DHH/Office of Public Health

Attachment(s)

- Request to Close
- Attachment A

| ENFO | SIANA DEPARTMENT O CE OF ENVIRONMENTA PRCEMENT DIVISION | | | | | J. | |
|-----------------------|---|---------------------|--------------------------|--|----------------|--|----------------------|
| | OFFICE BOX 4312 | CON | SOLIDATED COM | PLIANCE OR | DER & | / | 容別の |
| | | | NOTICE OF POTE | NTIAL PENAL | .TY | NC. | |
| Enfor | N ROUGE, LOUISIANA cement Tracking No. | 70821-4312 | REQUEST T | TO CLOSE | | | ULU |
| Agen | cy Interest (AI) No. | WE-CN-19- | 01125 | Contac | t Name | Scott B. Pierce | COUISIANA - |
| Alter | nate ID No. | 146817 LA0124222 | | Contac | t Phone No. | (225) 219-3723 | |
| | ondent: | The second second | | | | 1, | |
| 1.0.E.D. 1 000 | ************************************** | c/o Flora H | astewater Utilities, I | | Name: | Malapart Place Sul | ndivision |
| | | | ervice of Process | Physica | I Location: | off Malapart Rd. & | Commons Paints |
| | | 208 Acomb | Drive | | | Dr. | |
| | | Lafayette, L | A 70508 | City, St | | Carencro, LA 7052 | 0 |
| | | | | Parish: | | Lafayette | |
| - | | | STATEMENT | T OF COMPL | IANCE | | |
| write | 200 100014 | STATEMENT | OF COMPLIANCE | | | Date Country | T |
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| | Respondent is interes discuss settlement pro | cedures | g into settlement ne | gotiations with | the Departm | ent and would like to | Set UD 3 |
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| 1 | Respondent is inter | which sh | all include the settle | ment negotia | ations with | the Department ar | nd offers to |
| 1 | a minuerary comp | onent = | | | and any mone | the Department are etary benefit of non-co | mpliance. |
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| F | Respondent a | s to whether th | he offer is or is not ac | cented :::::::::::::::::::::::::::::::::::: | epartment wi | ll review the settlemen | t offer and notify t |
| | the Respondent has re | eviewed the w | [a]as: | | | | |
| | The Respondent has re justification of its offer | and a descript | tion of any BEPs if incl | luded in sattle | NIIAL PENAL | TY (WE-CN-19-01126) | and has attached |
| | | | | | | | |
| :E. | , | | CERTIFICATIO | ON STATEME | ENT | | |
| erujy, | under provisions in Le | ouisiana and | United States law to | hat provide co | iminal panel | Air of the | |
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| • | ility I own or operate. I | juriner certify | that I am either the | Respondent o | r an authorize | ed representative of th | this facility or a |
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| | | | 200 | | | | |
| - | Respondent's Signature | | Respondent's F | Printed Name | | | |
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| | Respondent | 's Physical Add | dress | | | | |
| | | | | NT TO TO | espondent's I | hone # | Date |
| | Department of Environn | nontal O !! | PLETED DOCUME | NI TO THE A | ADDRESS BE | LOW: | |
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| ceme | nvironmental Complian ent Division Box 4312 | ce | | | | - 200 - 700 | |

If you have questions or need more information, you may contact Scott B. Pierce at (225) 219-3723 or scott.pierce@la.gov.

ATTACHMENT "A"
WATER & WASTEWATER UTILITIES, INC.-LA0124222

| MP End Date | Outfall | Parameter | Limit DM | R Value | Units |
|----------------|---------|--|----------|---------|---------|
| 12/31/2014 | 001-A | Coliform, fecal general DAILY MX | 400 | 600 | #/100mL |
| 05/31/2017 | 001-A | CBOD5 MO AVG | 10 | 17 | mg/L |
| 05/31/2017 | 001-A | CBOD5 DAILY MX | 15 | 17 | mg/L |
| 09/30/2017 | 001-A | Coliform, fecal general DAILY MX | 400 | 500 | #/100mL |
| 12/31/2017 | 001-A | Coliform, fecal general MO AVG | 200 | 410 | #/100mL |
| 12/31/2017 | 001-A | Coliform, fecal general — DAILY MX | 400 | 410 | #/100mL |
| 04/30/2018 | 001-A | Solids, total suspended MO AVG | 15 | 18 | mg/L |
| 04/30/2018 | 001-A | Solids, total suspended DAILY MX | 23 | 32 | mg/L |
| 04/30/2018 | 001-A | Coliform, fecal general MO AVG | 200 | 450.6 | #/100mL |
| 04/30/2018 | 001-A | Coliform, fecal general DAILY MX | 400 | 2419.6 | #/100mL |
| 09/23/2019 | 001-A | Solids, total suspended DAILY MX ^{1, 2} | 23 | 150 | mg/L |

^{1 -} Result of sample taken by the Department during the inspection. Respondent/Facility declined to split sample.

^{2 -} Respondent did not report any exceedances on DMR for Sept. 2019 monitoring period