

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

UTILITIES, INC. OF LOUISIANA

AI # 19208

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

* Settlement Tracking No.
* SA-WE-21-0095
*
* Enforcement Tracking No.
* WE-PP-20-00794
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SETTLEMENT

The following Settlement is hereby agreed to between Utilities, Inc. of Louisiana (“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 sanitary wastewater treatment plant located in Covington, St. Tammany Parish, Louisiana (“the Facility”).

II

On March 24, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. WE-PP-20-00794 (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 One Thousand Twenty and 38/100 Dollars (\$1,020.38) 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 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 St. Tammany Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

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.

UTILITIES, INC. OF LOUISIANA

BY: [Signature]
(Signature)

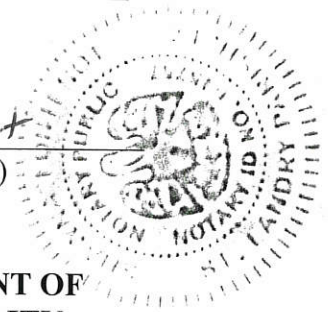
Aaron Accardo
(Printed)

TITLE: President

THIS DONE AND SIGNED in duplicate original before me this 11th day of April, 20 21, at Opelousas LA.

[Signature]
NOTARY PUBLIC (ID # 045757)

Shawna Fonteno
(stamped or printed)



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

BY: [Signature]
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this 21st day of June, 20 22, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)
AMBER G. LITCHFIELD
Notary Public
State of Louisiana
Notary ID # 92503
East Baton Rouge Parish

(stamped or printed)

Approved: [Signature]
Celena J. Cage, Assistant Secretary

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

NOTICE OF POTENTIAL PENALTY



Enforcement Tracking No.	WE-PP-20-00794	Certified Mail No.	7019 1120 0000 2352 0612
Agency Interest (AI) No.	19208	Contact Name	Scott B. Pierce
Alternate ID No.	LA0066567	Contact Phone No.	(225) 219-3723
Respondent:	Utilities Inc. of Louisiana	Facility Name:	Greenbrier WWTP
	c/o Corporate Service Company	Physical Location:	N of I-12, 0.5 mi W of LA Hwy 21
	Agent for Service of Process		
	501 Louisiana Avenue	City, State, Zip:	Covington, Louisiana
	Baton Rouge, LA 70802	Parish:	St. Tammany

This **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 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 sanitary wastewater treatment plant located north of Interstate 12, approximately 0.5 mile west of Louisiana Highway 21, in Covington, St. Tammany Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0066567 on June 23, 2011, with an effective date of August 1, 2011, and expiration date of July 31, 2016. The Respondent submitted a renewal application on or about April 7, 2016, and LPDES Permit LA0066567 was administratively continued until it was reissued on October 21, 2016, with an effective date of December 1, 2016. LPDES Permit LA0066567 will expire on November 30, 2021. Under the terms and conditions of LPDES Permit LA0066567, the Respondent is permitted to discharge treated sanitary wastewater into Flowers Bayou, thence into the Tchefuncte River, all waters of the state.																				
	Date of Violation	Description of Violation																				
II.	Inspection(s) & File Review 5/21/2020 3/3/2021	The Respondent failed to comply with LPDES Permit LA0066567. Specifically, a review of Discharge Monitoring Reports (DMRs) between October 2016 and January 2020, revealed that the Respondent reported exceedances of permit effluent limitations for TSS, Ammonia/total Nitrogen, and Fecal coliform. See Attachment A (LPDES Permit LA0066567 (Effluent Limits and Monitoring Requirements, pg. 1 of 3; Standard Condition, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)																				
III.	Inspection(s) & File Review 5/21/2020 3/3/2021	The Respondent failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, the Respondent reported the following sanitary sewer overflows (SSO): <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Date</th> <th>Volume (gallons)</th> <th>Location</th> <th>Cause</th> <th>Destination</th> </tr> </thead> <tbody> <tr> <td>2/5/2017</td> <td>50</td> <td>105 Wickfield Dr.</td> <td>Closed valve at LS</td> <td>Ground</td> </tr> <tr> <td>9/10/2019</td> <td>300</td> <td>Manhole at Pinnacle Pkwy.</td> <td>Plugged sewer main</td> <td>Ground</td> </tr> <tr> <td>12/2/2020</td> <td>5</td> <td>Academy lift station (LS)</td> <td>Electrical failure</td> <td>Ground</td> </tr> </tbody> </table> Each failure to properly operate and maintain the facility is in violation of LPDES Permit LA0066567 (Standard Conditions, Sections A.2 and B.3.a) La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E.	Date	Volume (gallons)	Location	Cause	Destination	2/5/2017	50	105 Wickfield Dr.	Closed valve at LS	Ground	9/10/2019	300	Manhole at Pinnacle Pkwy.	Plugged sewer main	Ground	12/2/2020	5	Academy lift station (LS)	Electrical failure	Ground
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9/10/2019	300	Manhole at Pinnacle Pkwy.	Plugged sewer main	Ground																		
12/2/2020	5	Academy lift station (LS)	Electrical failure	Ground																		
IV.	File Review 3/3/21	A file review conducted by the Department revealed that the Respondent failed to timely reapply for a permit 180 days before the expiration date of the permit. Prior to the most recent reauthorization, LPDES permit had an expiration date of July 31, 2016; however, the renewal application was not received until April 7, 2016. (LPDES Permit LA0066567 (Part III, Sections A.2 and A.5.a) La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2501.D)																				

NOTICE OF POTENTIAL PENALTY

- I. Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.
- II. Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Scott B. Pierce at (225) 219-3723 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.
- III. The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. 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. For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.
- V. To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

EXHIBIT

tabbles

1

CONTACTS AND SUBMITTAL 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	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY	
<p>To expedite closure of the NOTICE OF POTENTIAL PENALTY, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.</p> <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 "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" 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 this NOTICE OF POTENTIAL PENALTY, 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 Scott B. Pierce at (225) 219-3723 or scott.pierce@la.gov.



Lourdes Iturralde
 Assistant Secretary
 Office of Environmental Compliance

Date: 3/29/2021

cc: Utilities Inc. of Louisiana
 c/o Carol Petranek
 1100 N. Causeway Blvd., Ste. 104
 Covington, LA 70471

Attachment(s)
 - Request to Settle
 - Attachment A

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)



Enforcement Tracking No.	WE-PP-20-00794	Contact Name	Scott B. Pierce
Agency Interest (AI) No.	19208	Contact Phone No.	(225) 219-3723
Alternate ID No.	LA0066567		
Respondent:	Utilities Inc. of Louisiana	Facility Name:	Greenbrier WWTP
	c/o Corporate Service Company	Physical Location:	N of I-12, 0.5 mi W of LA Hwy 21
	Agent for Service of Process		
	501 Louisiana Avenue	City, State, Zip:	Covington, Louisiana
	Baton Rouge, LA 70802	Parish:	St. Tammany

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-PP-20-00794), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-PP-20-00794), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ _____
- Beneficial Environmental Project (BEP) component (optional)= \$ _____
- DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-PP-20-00794) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

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

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: Scott B. Pierce

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
UTILITIES, INC. OF LOUISIANA - LA0066567

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
12/31/2016	001-A	Solids, total suspended --- MO AVG	80	93.8	lb/d
12/31/2016	001-A	Solids, total suspended --- MO AVG	15	18.8	mg/L
01/31/2017	001-A	Solids, total suspended --- DAILY MX	23	26	mg/L
02/28/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	5	7.43	mg/L
04/30/2017	001-A	Coliform, fecal general --- DAILY MX	400	1600	#/100mL
07/31/2017	001-A	Solids, total suspended --- MO AVG	15	18	mg/L
07/31/2017	001-A	Solids, total suspended --- DAILY MX	23	39	mg/L
09/30/2017	001-A	Solids, total suspended --- MO AVG	15	17.5	mg/L
11/30/2017	001-A	Solids, total suspended --- MO AVG	15	19	mg/L
12/31/2017	001-A	Solids, total suspended --- MO AVG	15	21.8	mg/L
12/31/2017	001-A	Solids, total suspended --- DAILY MX	23	28	mg/L
01/31/2018	001-A	Solids, total suspended --- MO AVG	80	94.8	lb/d
01/31/2018	001-A	Solids, total suspended --- MO AVG	15	22.4	mg/L
01/31/2018	001-A	Solids, total suspended --- DAILY MX	23	41	mg/L
02/28/2018	001-A	Solids, total suspended --- MO AVG	80	86.9	lb/d
02/28/2018	001-A	Solids, total suspended --- MO AVG	15	18.5	mg/L
03/31/2018	001-A	Solids, total suspended --- MO AVG	80	90	lb/d
03/31/2018	001-A	Solids, total suspended --- MO AVG	15	20.5	mg/L
03/31/2018	001-A	Solids, total suspended --- DAILY MX	23	26	mg/L
04/30/2018	001-A	Solids, total suspended --- MO AVG	80	96.5	lb/d
04/30/2018	001-A	Solids, total suspended --- MO AVG	15	20.8	mg/L
04/30/2018	001-A	Solids, total suspended --- DAILY MX	23	26	mg/L
05/31/2018	001-A	Solids, total suspended --- MO AVG	15	17	mg/L
05/31/2018	001-A	Solids, total suspended --- DAILY MX	23	33	mg/L
06/30/2018	001-A	Solids, total suspended --- MO AVG	15	18.5	mg/L
07/31/2018	001-A	Solids, total suspended --- MO AVG	80	86.1	lb/d
07/31/2018	001-A	Solids, total suspended --- MO AVG	15	23.8	mg/L
07/31/2018	001-A	Solids, total suspended --- DAILY MX	23	34	mg/L
07/02/2018	001-A	Solids, total suspended --- DAILY MX *	23	29	mg/L
07/10/2015	001-A	Solids, total suspended --- DAILY MX *	23	28	mg/L
08/31/2018	001-A	Solids, total suspended --- MO AVG	80	82.5	lb/d
08/31/2018	001-A	Solids, total suspended --- MO AVG	15	21.8	mg/L
08/31/2018	001-A	Solids, total suspended --- DAILY MX	23	32	mg/L
08/21/2018	001-A	Solids, total suspended --- DAILY MX *	23	26	mg/L
09/30/2018	001-A	Solids, total suspended --- MO AVG	15	15.8	mg/L
09/30/2018	001-A	Solids, total suspended --- DAILY MX	23	27	mg/L
06/30/2019	001-A	Solids, total suspended --- DAILY MX	23	25	mg/L
11/30/2019	001-A	Solids, total suspended --- MO AVG	15	20	mg/L
11/30/2019	001-A	Solids, total suspended --- DAILY MX	23	31	mg/L
11/19/2019	001-A	Solids, total suspended --- DAILY MX *	23	31	mg/L
01/31/2020	001-A	Solids, total suspended --- MO AVG	15	17.25	mg/L
01/31/2020	001-A	Solids, total suspended --- DAILY MX	23	24	mg/L

* Additional exceedance per Non-Compliance Report (NCR)