

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

*** Settlement Tracking No.**

*** SA-WE-24-0007**

**TOTAL ENVIRONMENTAL SOLUTIONS,
INC.**

*** Enforcement Tracking Nos.**

AI # 103849, 158605, 42031, 42293

WE-CN-21-00095

WE-CN-21-00194

WE-PP-22-00176

WE-CN-21-00196B

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

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Total Environmental Solutions, 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 owned and/or operated sanitary treatment plants located in Ascension Parish, Terrebonne Parish, and Lafourche Parish, Louisiana (“the Facilities”).

II

On April 5, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-00095 (Exhibit 1).

On June 16, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-000194 (Exhibit 2).

On June 14, 2022, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. WE-PP-22-00176 (Exhibit 3).

On October 20, 2022, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-21-00196B (Exhibit 4).

The following violations, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

AI No. 103849

The Respondent failed to comply with LPDES Permit LAG570237. Specifically, a review of Discharge Monitoring Reports (DMRs) between Jan. 2021 and Nov. 2022, revealed that the Respondent reported exceedances of permit effluent limitations for TSS, BOD5, pH, and Fecal Coliform.

AI No. 158605

The Respondent failed to comply with LPDES Permit LAG541668. Specifically, a review of Discharge Monitoring Reports (DMRs) between Jan. 2021 and Nov. 2022, revealed that the Respondent reported exceedances of permit effluent limitations for NH3-N, TSS, and Fecal Coliform.

AI No. 42031

The Respondent failed to comply with LPDES Permit LAG560175. Specifically, a review of Discharge Monitoring Reports (DMRs) between April 2022 and November 2022, revealed that the Respondent reported exceedances of permit effluent limitations for TSS and BOD5.

AI No. 42293

The Respondent failed to comply with LPDES Permit LAG570171. Specifically, a review of

Discharge Monitoring Reports (DMRs) between July 2022 and Nov. 2022, revealed that the Respondent reported exceedances of permit effluent limitations for TSS, BOD5, pH, and Fecal Coliform.

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 TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00), of which Four Thousand Six Hundred Seven and 05/100 Dollars (\$4,607.05) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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, Amended Consolidated Compliance Order & Notice of Potential Penalty, Notice of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, 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 Ascension Parish, Terrebonne Parish, and Lafourche Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement 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 thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 attached hereto.

XI

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

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.

**TOTAL ENVIRONMENTAL
SOLUTIONS, INC.**

BY: Wayne D Jones
(Signature)

Wayne D Jones
(Printed)

TITLE: CEO

THUS DONE AND SIGNED in duplicate original before me this 10 day of
June, 20 24, at Baton Rouge Louisiana

Timothy Poche
NOTARY PUBLIC (ID # 21823)

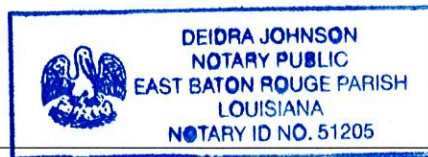
Timothy Poche
(stamped or printed)

**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

BY: [Signature]
Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 26th day of
August, 20 24, at Baton Rouge, Louisiana.


Deidra Johnson
NOTARY PUBLIC (ID # 51205)



(stamped or printed)

Lifetime Commission

Approved: [Signature]
Jerrie "Jerry" Lang, Assistant Secretary

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-21-00095	Certified Mail No.	7019 1120 0000 2352 0629				
Agency Interest (AI) No.	103849	Contact Name	Scott B. Pierce				
Alternate ID No.	LAG570237	Contact Phone No.	(225)219-3723				
Respondent:	Total Environmental Solutions, Inc.		Facility Name:	Lakes at Dutchtown			
	c/o Fawn Robicheaux		Physical Location:	13039 Dutchtown Lakes Dr.			
	Agent for Service of Process						
	1824 Ryder Dr.		City, State, Zip:	Geismar, LA 70734			
	Baton Rouge, LA 70808		Parish:	Ascension			
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 sanitary treatment plant located at 13039 Dutchtown Lakes Dr. in Geismar, Ascension Parish, Louisiana. The Respondent was granted re-authorization under Louisiana Pollutant Discharge Elimination System (LPDES) Permit LAG570237 effective on July 19, 2019. LPDES Permit LAG570237 will expire on June 10, 2024. Under the terms and conditions of LPDES Permit LAG570237, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed ditch, thence into Johnson Bayou, all waters of the state.						
	Date of Violation	Description of Violation					
II.	Inspection(s) 9/17/2020	The inspection revealed that the Respondent caused and/or allowed the discharge of visible solids to waters of the state. Specifically, Outfall 001 was discharging turbid water and settled sludge and solids were observed in the receiving ditch (See photos 1 through 5 of the inspection report). (La. R.S. 30:2076(A)(1)(a), and LAC 33:IX.1113.B.)					
III.	File Review 2/12/2021	The Respondent failed to comply with LPDES Permit LAG570237. Specifically, a review of Discharge Monitoring Reports (DMRs) between April 2020 and December 2020, revealed that the Respondent reported exceedances of permit effluent limitations for TSS, Fecal coliform, and BOD5. See Attachment A (LPDES Permit LAG570237 (Part I, Section B, Schedule A, pg. 3 and 4 of 24), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)					
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 all 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.	In the event the Respondent believes that complete correction of the above-cited deficiencies is not immediately possible, the Respondent shall submit, within thirty (30) days after receipt of this COMPLIANCE ORDER , a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.						
IV.	In the event the Respondent believes that complete correction of the above-cited deficiencies is not immediately possible, contact the Enforcement Division to schedule a meeting to discuss this COMPLIANCE ORDER and your response. This meeting must be attended by a responsible company representative who is knowledgeable of, and prepared to discuss, the facts and circumstances involved in this matter.						
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 left-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.), 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 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.						


EXHIBIT

1

Labels

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 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.	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: Scott B. Pierce </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-21-00095 Agency Interest No. 13849 </td> </tr> <tr> <td style="vertical-align: top;"> Water Permits 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: 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-21-00095 Agency Interest No. 13849	Water Permits 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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Water Permits 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				
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"> ○ 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. <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. ○ 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. 					

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: 4-5-2021

ecc: DHH/Office of Public Health

Attachment(s)


- Request to Close
- Attachment A

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-21-00095	Contact Name	Scott B. Pierce				
Agency Interest (AI) No.	103849	Contact Phone No.	(225)219-3723				
Alternate ID No.	LAG570237						
Respondent:	Total Environmental Solutions, Inc.	Facility Name:	Lakes at Dutchtown				
	c/o Fawn Robicheaux	Physical Location:	13039 Dutchtown Lakes Dr.				
	Agent for Service of Process	City, State, Zip:	Geismar, LA				
	1824 Ryder Dr. Baton Rouge, LA 70808	Parish:	Ascension				
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 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-21-00095), 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-21-00095), 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-21-00095) and has attached 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
TESI - Lakes at Dutchtown-LAG570237

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
04/30/2020	001-A	Solids, total suspended --- MO AVG	15	20	mg/L
06/30/2020	001-A	Coliform, fecal general --- MOAV GEO	200	>2000	#/100mL
06/30/2020	001-A	Coliform, fecal general --- DAILY MX	400	>2000	#/100mL
07/31/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	10	74.2	mg/L
07/31/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	15	74.2	mg/L
07/31/2020	001-A	Solids, total suspended --- MO AVG	15	20	mg/L
08/31/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	10	47.8	mg/L
08/31/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	15	47.8	mg/L
08/31/2020	001-A	Solids, total suspended --- MO AVG	15	25	mg/L
08/31/2020	001-A	Solids, total suspended --- DAILY MX	23	25	mg/L
09/30/2020	001-A	Solids, total suspended --- MO AVG	15	16	mg/L
10/31/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	10	64.4	mg/L
10/31/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	15	64.4	mg/L
10/31/2020	001-A	Solids, total suspended --- MO AVG	15	16	mg/L
11/30/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	10	29.3	mg/L
11/30/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	15	29.3	mg/L
11/30/2020	001-A	Solids, total suspended --- MO AVG	15	27	mg/L
11/30/2020	001-A	Solids, total suspended --- DAILY MX	23	27	mg/L
12/31/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	10	31.7	mg/L
12/31/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	15	31.7	mg/L
12/31/2020	001-A	Solids, total suspended --- MO AVG	15	19	mg/L

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-21-00194		Certified Mail No.		7019 2970 0000 6037 2766	
Agency Interest (AI) No.		158605		Contact Name		Scott B. Pierce	
Alternate ID No.		LAG560296		Contact Phone No.		(225) 219-3723	
Respondent:		Total Environmental Solutions, Inc.		Facility Name:		Rebecca Plantation	
		c/o Fawn Robicheaux		Physical Location:		Hwy. 90 at Hwy. 311 junction	
		Agent for Service of Process					
		1824 Ryder Dr. Baton Rouge, LA 70808		City, State, Zip:		Houma, LA	
				Parish:		Terrebonne	
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							
<i>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>							
I.		The Respondent owns and/or operates a sanitary treatment plant located at the junction of Hwy. 90 and Hwy. 311 in Houma, Terrebonne Parish, Louisiana. The Respondent was granted re-authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG560296 effective on March 27, 2015. LPDES General Permit LAG560296 expired on November 2, 2019, but was administratively continued until it was reissued effective on April 1, 2020. LPDES General Permit LAG560296 will expire on March 31, 2025. Under the terms and conditions of LPDES General Permit LAG560296, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed drainage ditch, thence into Ouisi Bayou, thence into Black Bayou, all waters of the state.					
		Description of Violation					
II.		Inspection(s) & File Review 12/18/2020 4/19/2021 The Respondent failed to comply with LPDES Permit LAG560296. Specifically, a review of Discharge Monitoring Reports (DMRs) between July 2018 and December 2020, revealed that the Respondent reported exceedances of permit effluent limitations for TSS, Ammonia/total Nitrogen, and Fecal coliform. See Attachment A (LPDES Permit LAG560296 (Part I, Section B, Schedules A and E and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)					
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 . <u>In addition, the written report shall provide an update regarding current sludge management procedures at this facility.</u> 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.		In the event the Respondent believes that complete correction of the above-cited deficiencies is not immediately possible, the Respondent shall submit, within thirty (30) days after receipt of this COMPLIANCE ORDER , a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.					
IV.		In the event the Respondent believes that complete correction of the above-cited deficiencies is not immediately possible, contact the Enforcement Division to schedule a meeting to discuss this COMPLIANCE ORDER and your response. This meeting must be attended by a responsible company representative who is knowledgeable of, and prepared to discuss, the facts and circumstances involved in this matter.					
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 left-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.), 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 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.					

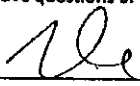
EXHIBIT

2

Labels

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 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.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.
CONTACTS AND SUBMITTAL OF INFORMATION	
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: Scott B. Pierce	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-21-00194 Agency Interest No. 158605
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	
<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"> 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. <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. 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. 	

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: 6-16-2021

ecc: DHH/Office of Public Health

Attachment(s)

- Request to Close
- Attachment A

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-21-00194	Contact Name	Scott B. Pierce
Agency Interest (AI) No.	158605	Contact Phone No.	(225) 219-3723
Alternate ID No.	LAG560296		
Respondent:	Total Environmental Solutions, Inc. c/o Fawn Robicheaux Agent for Service of Process 1824 Ryder Dr. Baton Rouge, LA 70808	Facility Name:	Rebecca Plantation
		Physical Location:	Hwy. 90 at Hwy. 311 Junction
		City, State, Zip:	Houma, LA
		Parish:	Terrebonne

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 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-21-00194), 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-21-00194), 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-21-00194) 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"

TESI - Rebecca Plantation - LAG560296

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
07/31/2018	001-A	Solids, total suspended --- MO AVG	20	46	mg/L
07/31/2018	001-A	Solids, total suspended --- DAILY MX	30	46	mg/L
08/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	10	13.3	mg/L
09/30/2018	001-A	Solids, total suspended -- MO AVG	20	38	mg/L
09/30/2018	001-A	Solids, total suspended --- DAILY MX	30	38	mg/L
12/31/2018	001-A	Coliform, fecal general --- DAILY MX	400	<600	#/100mL
01/31/2019	001-A	Solids, total suspended -- MO AVG	20	53	mg/L
01/31/2019	001-A	Solids, total suspended --- DAILY MX	30	53	mg/L
02/28/2019	001-A	Solids, total suspended --- MO AVG	20	21	mg/L
07/31/2019	001-A	Solids, total suspended --- MO AVG	20	31	mg/L
07/31/2019	001-A	Solids, total suspended --- DAILY MX	30	31	mg/L
08/31/2019	001-A	Solids, total suspended --- MO AVG	20	35	mg/L
08/31/2019	001-A	Solids, total suspended --- DAILY MX	30	35	mg/L
09/30/2019	001-A	Solids, total suspended --- MO AVG	20	24	mg/L
12/31/2019	001-A	Solids, total suspended --- MO AVG	20	22	mg/L
07/31/2020	001-A	Solids, total suspended --- MO AVG	20	37	mg/L
07/31/2020	001-A	Solids, total suspended --- DAILY MX	30	37	mg/L
08/31/2020	001-A	Solids, total suspended --- MO AVG	20	33	mg/L
08/31/2020	001-A	Solids, total suspended --- DAILY MX	30	33	mg/L
10/31/2020	001-A	Solids, total suspended --- MO AVG	20	59	mg/L
10/31/2020	001-A	Solids, total suspended --- DAILY MX	30	59	mg/L
11/30/2020	001-A	Solids, total suspended --- MO AVG	20	32	mg/L
11/30/2020	001-A	Solids, total suspended --- DAILY MX	30	32	mg/L

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUN 14 2022

CERTIFIED MAIL (7004 2510 0006 3853 1076)
RETURN RECEIPT REQUESTED

TOTAL ENVIRONMENTAL SOLUTIONS, INC.
c/o Fawn Robicheaux
Agent for Service of Process
1824 Ryder Dr.
Baton Rouge, LA 70808

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-PP-22-00176
AGENCY INTEREST NO. 42031

Dear Madam:

On or about January 26, 2022, and May 19, 2022, an inspection and a file review of the sanitary treatment plant (STP) serving the **ACADIAN VILLA SUBDIVISION**, owned and/or operated by **TOTAL ENVIRONMENTAL SOLUTIONS, INC. (RESPONDENT)**, was performed, respectively, to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Water Quality Regulations. The facility is located at 311 Gloria St. in Thibodaux, Lafourche Parish, Louisiana.

The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG560175 effective on February 6, 2015, with an expiration date of November 2, 2019. LPDES General Permit LAG560175 was administratively continued until it was reissued on April 1, 2020. LPDES General Permit LAG560175 will expire on March 31, 2025. Under the terms and conditions of LPDES General Permit LAG560175, the Respondent is permitted to discharge treated sanitary wastewater into the Terrebonne-Lafourche Drainage Canal, all waters of the state.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection and/or file review:



TOTAL ENVIRONMENTAL SOLUTIONS, INC.

WE-PP-22-00176

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The inspection and file review of Discharge Monitoring Reports (DMRs) from August 2018 through March 2022, revealed that the Respondent reported the following exceedances of permit effluent limitations:

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
10/31/2018	001-A	Solids, total suspended --- MO AVG	20	23	mg/L
12/31/2018	001-A	Solids, total suspended --- MO AVG	20	30	mg/L
01/31/2019	001-A	Solids, total suspended --- MO AVG	20	21	mg/L
02/28/2019	001-A	Solids, total suspended --- MO AVG	20	23	mg/L
03/31/2019	001-A	Solids, total suspended --- MO AVG	20	32	mg/L
03/31/2019	001-A	Solids, total suspended --- DAILY MX	30	32	mg/L
04/30/2019	001-A	Solids, total suspended --- MO AVG	20	55	mg/L
04/30/2019	001-A	Solids, total suspended --- DAILY MX	30	55	mg/L
05/31/2019	001-A	Solids, total suspended --- MO AVG	20	69	mg/L
05/31/2019	001-A	Solids, total suspended --- DAILY MX	30	69	mg/L
06/30/2019	001-A	Solids, total suspended --- MO AVG	20	45	mg/L
06/30/2019	001-A	Solids, total suspended --- DAILY MX	30	45	mg/L
07/31/2019	001-A	Solids, total suspended --- MO AVG	20	51	mg/L
07/31/2019	001-A	Solids, total suspended --- DAILY MX	30	51	mg/L
08/31/2019	001-A	Solids, total suspended --- MO AVG	20	52	mg/L
08/31/2019	001-A	Solids, total suspended --- DAILY MX	30	52	mg/L
09/30/2019	001-A	Solids, total suspended --- MO AVG	20	52	mg/L
09/30/2019	001-A	Solids, total suspended --- DAILY MX	30	52	mg/L
10/31/2019	001-A	Solids, total suspended --- MO AVG	20	32	mg/L
10/31/2019	001-A	Solids, total suspended --- DAILY MX	30	32	mg/L
11/30/2019	001-A	Solids, total suspended --- MO AVG	20	28	mg/L
12/31/2019	001-A	BOD, 5-day, 20 deg. C --- MO AVG	20	34	mg/L
12/31/2019	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	30	34	mg/L
12/31/2019	001-A	Solids, total suspended --- MO AVG	20	59	mg/L
12/31/2019	001-A	Solids, total suspended --- DAILY MX	30	59	mg/L
01/31/2020	001-A	Solids, total suspended --- MO AVG	20	44	mg/L
01/31/2020	001-A	Solids, total suspended --- DAILY MX	30	44	mg/L
02/29/2020	001-A	Solids, total suspended --- MO AVG	20	33	mg/L
02/29/2020	001-A	Solids, total suspended --- DAILY MX	30	33	mg/L

TOTAL ENVIRONMENTAL SOLUTIONS, INC.

WE-PP-22-00176

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MP End Date	Outfall	Parameter	Limit	DMR Value	Units
03/31/2020	001-A	BOD, 5-day, 20 deg. C --- MO AVG	20	34	mg/L
03/31/2020	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	30	34	mg/L
03/31/2020	001-A	Solids, total suspended --- MO AVG	20	77	mg/L
03/31/2020	001-A	Solids, total suspended --- DAILY MX	30	77	mg/L
04/30/2020	001-A	Solids, total suspended --- MO AVG	20	30	mg/L
05/31/2020	001-A	Solids, total suspended --- MO AVG	20	55	mg/L
05/31/2020	001-A	Solids, total suspended --- DAILY MX	30	55	mg/L
06/30/2020	001-A	Solids, total suspended --- MO AVG	20	29	mg/L
07/31/2020	001-A	Solids, total suspended --- MO AVG	20	44	mg/L
07/31/2020	001-A	Solids, total suspended --- DAILY MX	30	44	mg/L
09/30/2020	001-A	Solids, total suspended --- MO AVG	20	36	mg/L
09/30/2020	001-A	Solids, total suspended --- DAILY MX	30	36	mg/L
12/31/2020	001-A	Solids, total suspended --- MO AVG	20	23	mg/L
02/28/2021	001-A	Solids, total suspended --- MO AVG *	20	30	mg/L
03/31/2021	001-A	Solids, total suspended --- MO AVG	20	44	mg/L
03/31/2021	001-A	Solids, total suspended --- DAILY MX	30	44	mg/L
04/30/2021	001-A	BOD, 5-day, 20 deg. C --- MO AVG	20	31	mg/L
04/30/2021	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	30	31	mg/L
04/30/2021	001-A	Solids, total suspended --- MO AVG	20	70	mg/L
04/30/2021	001-A	Solids, total suspended --- DAILY MX	30	70	mg/L
05/31/2021	001-A	BOD, 5-day, 20 deg. C --- MO AVG	20	37	mg/L
05/31/2021	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	30	37	mg/L
05/31/2021	001-A	Solids, total suspended --- MO AVG	20	70	mg/L
05/31/2021	001-A	Solids, total suspended --- DAILY MX	30	70	mg/L
06/30/2021	001-A	Solids, total suspended --- MO AVG	20	60	mg/L
06/30/2021	001-A	Solids, total suspended --- DAILY MX	30	60	mg/L
10/31/2021	001-A	Solids, total suspended --- MO AVG **	20	22	mg/L
11/30/2021	001-A	Solids, total suspended --- MO AVG **	20	22	mg/L
01/31/2022	001-A	Solids, total suspended --- MO AVG	20	23	mg/L
2/28/2022	001-A	BOD, 5-day, 20 deg. C --- MO AVG	20	24	mg/L
2/28/2022	001-A	Solids, total suspended --- MO AVG	20	54	mg/L
2/28/2022	001-A	Solids, total suspended --- DAILY MX	30	54	mg/L

TOTAL ENVIRONMENTAL SOLUTIONS, INC.
WE-PP-22-00176
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MP End Date	Outfall	Parameter	Limit	DMR Value	Units
03/31/2022	001-A	BOD, 5-day, 20 deg. C --- MO AVG	20	32	mg/L
03/31/2022	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	30	32	mg/L
03/31/2022	001-A	Solids, total suspended --- MO AVG	20	78	mg/L
03/31/2022	001-A	Solids, total suspended --- DAILY MX	30	78	mg/L
* Addressed via Emergency Declaration and Administrative Order (EDAO) for Winter Storm Event					
** Addressed via EDAOs for Hurricane Ida and/or Tropical Storm Nicholas					

Each exceedance is a violation of LPDES General Permit LAG560175 (Prior to April 1, 2020: Part I. Section B, pgs. 2 & 3 of 17; After April 1, 2020: Part I. Section B, pgs. 3 & 4 of 22), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

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.

Prior to the issuance of any additional appropriate enforcement action, 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 or Scott.Pierce@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order 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 violations 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 this 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.

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.

The Department assesses civil penalties based on LAC 33:I.Subpart I.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**"

TOTAL ENVIRONMENTAL SOLUTIONS, INC.

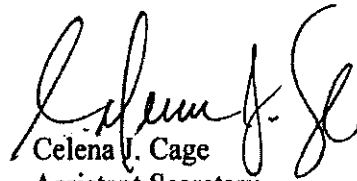
WE-PP-22-00176

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form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. 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.

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Celena J. Cage', is written over the printed name.

Celena J. Cage
Assistant Secretary
Office of Environmental Compliance

CJC/sbp

Alt ID No. LAG560175

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-22-00176	Contact Name	Scott B. Pierce
Agency Interest (AI) No.	42031	Contact Phone No.	(225) 219-3723
Alternate ID No.	LAG560175		
Respondent:	Total Environmental Solutions, Inc.	Facility Name:	Acadian Villa STP
	c/o Fawn Robicheaux	Physical Location:	311 Gloria St.
	Agent for Service of Process		
	1824 Ryder Dr.	City, State, Zip:	Thibodaux, LA
	Baton Rouge, LA 70808	Parish:	Lafourche

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-PP-22-00176), 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"/>	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY (WE-PP-22-00176).
<input type="checkbox"/>	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-PP-22-00176), 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.</p> <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-PP-22-00176) 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
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Scott B. Pierce

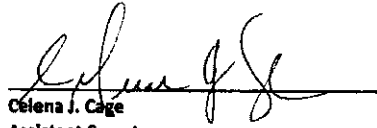
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY			
Enforcement Tracking No.	WE-CN-21-00196B	Certified Mail No.	7014 0510 0002 3595 4608		
Agency Interest (AI) No.	42293	Contact Name	Scott B. Pierce		
Alternate ID No.	LAG570171	Contact Phone No.	(225)219-3723		
Respondent:	Total Environmental Solutions, Inc. c/o Fawn Robicheaux Agent for Service of Process 1824 Ryder Dr. Baton Rouge, LA 70808	Facility Name:	Grand Marnier		
		Physical Location:	End of Brandywine Blvd.		
		City, State, Zip:	Thibodaux, LA		
		Parish:	Lafourche		
This AMENDED 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). This AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY replaces AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-21-00196A issued on April 20, 2022, in its entirety.					
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 treatment plant (STP) located at the end of Brandywine Blvd. in Thibodaux, Lafourche Parish, Louisiana. The Respondent was granted re-authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG570171 effective on August 22, 2014, with an expiration date of June 10, 2019. LPDES General Permit LAG570171 was administratively continued until it was reissued effective on July 19, 2019. LPDES General Permit LAG570171 will expire on June 10, 2024. Under the terms and conditions of LPDES General Permit LAG570171, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed canal, thence into Bayou Cut Off, all waters of the state.				
	Date of Violation	Description of Violation			
II.	Inspection(s) & File Review 12/29/2020 4/22/2021 3/23/2022 8/22/2022	The Respondent failed to comply with LPDES Permit LAG570171. Specifically, a review of Discharge Monitoring Reports (DMRs) between July 2018 and June 2022, revealed that the Respondent reported exceedances of permit effluent limitations for TSS, BOD5, pH, and Fecal Coliform. See Attachment A (LPDES Permit LAG570171 (Prior to and after July 19, 2019: Part I, Section B, Schedule A and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) On or about July 1, 2021, and October 6, 2021, the Department received responses regarding sludge management and compliance with permit effluent limitations. On or about March 22, 2022, a representative of the Respondent submitted a comprehensive compliance schedule to achieve full compliance with the effluent limitations. On or about August 10, 2022, a representative of the Respondent submitted a request to amend the existing compliance schedule to extend the deadlines within the schedule pending the sale of the facility to a new owner/operator which is anticipated to occur by November 30, 2022.			
III.	Inspection(s) & File Review 12/29/2020 4/22/2021	The Respondent failed to comply with LPDES Permit LAG570171. Specifically, the Respondent failed to sample the effluent from Outfall 001 on a monthly basis. See Attachment "B". The Respondent indicated that the effluent monitoring point was under water at the time. (LPDES Permit LAG570171 (Part I, Section B, Schedule A and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) The current file review and the July 1, 2021 response revealed that the sampling violations were adequately addressed.			
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 all 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 notify the Enforcement Division within fifteen (15) days of the acquisition of the Grand Marnier STP by the new owner/operator. Per the correspondence dated August 10, 2022, the Respondent anticipates the sale/acquisition to occur by November 30, 2022.				
IV.	To notify the Enforcement Division immediately upon becoming aware of any delay to the above-mentioned anticipated acquisition date. This notification should either include an updated estimated acquisition date or the submission of a new schedule of compliance (should one still be needed) if the facility will permanently remain with the Respondent beyond November 30, 2022.				
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 left-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.), 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 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 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.	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: Scott B. Pierce </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-21-00196B Agency Interest No. 42293 </td> </tr> <tr> <td style="vertical-align: top;"> Water Permits 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: 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-21-00196B Agency Interest No. 42293	Water Permits 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
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-21-00196B Agency Interest No. 42293				
Water Permits 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				
HOW TO REQUEST CLOSURE OF THIS AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY					
<ul style="list-style-type: none"> • To appeal the AMENDED CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this AMENDED 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 AMENDED COMPLIANCE ORDER by completing the attached "AMENDED 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"> ◦ Before requesting closure of this 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. <ul style="list-style-type: none"> ◦ The Department assesses civil penalties based on LAC 33:I.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. 					

- o The settlement offer amount may be entered on the attached "AMENDED CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE" form. The Respondent must include a justification of the offer.
- o **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.
- o 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.

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



Celena J. Cage
Assistant Secretary
Office of Environmental Compliance


Date:

10/20/2022

ecc: LDH/Office of Public Health

Attachment(s)

- Request to Close
- Attachments A & B

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE		
Enforcement Tracking No.	WE-CN-21-001968	Contact Name	Scott B. Pierce	
Agency Interest (AI) No.	42293	Contact Phone No.	(225)219-3723	
Alternate ID No.	LAG570171			
Respondent:	Total Environmental Solutions, Inc.	Facility Name:	Grand Marnier	
	c/o Fawn Robicheaux	Physical Location:	End of Brandywine Blvd.	
	Agent for Service of Process			
	1824 Ryder Dr.	City, State, Zip:	Thibodaux, LA	
	Baton Rouge, LA 70808	Parish:	Lafourche	
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 AMENDED 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-21-001968) , 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-21-001968) , 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-21-001968) 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"
TESI - Grand Mariner - LAG570171

MP End Date	Outfall	Parameter		OMR		
				Limit	Value	Units
10/31/2018	001-A	Solids, total suspended	--- MO AVG	15	37	mg/L
10/31/2018	001-A	Solids, total suspended	--- DAILY MX	23	37	mg/L
11/30/2018	001-A	Solids, total suspended	--- MO AVG	15	20	mg/L
12/31/2018	001-A	Solids, total suspended	--- MO AVG	15	23	mg/L
01/31/2019	001-A	Solids, total suspended	--- MO AVG	15	18	mg/L
03/31/2019	001-A	Solids, total suspended	--- MO AVG	15	25	mg/L
03/31/2019	001-A	Solids, total suspended	--- DAILY MX	23	25	mg/L
04/30/2019	001-A	BOD, 5-day, 20 deg. C	--- MO AVG	10	12	mg/L
04/30/2019	001-A	Solids, total suspended	--- MO AVG	15	19	mg/L
06/31/2019	001-A	Solids, total suspended	--- MO AVG	15	22	mg/L
08/31/2019	001-A	Coliform, fecal general	--- MOAV GEO	200	>104	#/100mL
08/31/2019	001-A	Coliform, fecal general	--- DAILY MX	400	600	#/100mL
09/30/2019	001-A	Solids, total suspended	--- MO AVG	15	26	mg/L
09/30/2019	001-A	Solids, total suspended	--- DAILY MX	23	26	mg/L
10/31/2019	001-A	Solids, total suspended	--- MO AVG	15	21	mg/L
12/31/2019	001-A	Solids, total suspended	--- MO AVG	15	30	mg/L
12/31/2019	001-A	Solids, total suspended	--- DAILY MX	23	30	mg/L
01/31/2020	001-A	Solids, total suspended	--- MO AVG	15	28	mg/L
01/31/2020	001-A	Solids, total suspended	--- DAILY MX	23	28	mg/L
03/31/2020	001-A	Solids, total suspended	--- MO AVG	15	17	mg/L
06/30/2020	001-A	Solids, total suspended	--- MO AVG	15	45	mg/L
06/30/2020	001-A	Solids, total suspended	--- DAILY MX	23	45	mg/L
08/31/2020	001-A	BOD, 5-day, 20 deg. C	--- MO AVG	10	26	mg/L
08/31/2020	001-A	BOD, 5-day, 20 deg. C	--- DAILY MX	15	26	mg/L
08/31/2020	001-A	Solids, total suspended	--- MO AVG	15	74	mg/L
08/31/2020	001-A	Solids, total suspended	--- DAILY MX	23	74	mg/L
09/30/2020	001-A	Solids, total suspended	--- MO AVG	15	22	mg/L
11/30/2020	001-A	Solids, total suspended	--- MO AVG	15	46	mg/L
11/30/2020	001-A	Solids, total suspended	--- DAILY MX	23	46	mg/L
12/31/2020	001-A	Solids, total suspended	--- MO AVG	15	20	mg/L
01/31/2021	001-A	Solids, total suspended	--- MO AVG	15	26	mg/L
01/31/2021	001-A	Solids, total suspended	--- DAILY MX	23	25	mg/L
02/28/2021	001-A	Solids, total suspended	--- MO AVG	15	17	mg/L
03/31/2021	001-A	pH	--- INST MAX	9	9.24	SU
03/31/2021	001-A	Solids, total suspended	--- MO AVG	15	23	mg/L
04/30/2021	001-A	Solids, total suspended	--- MO AVG	15	41	mg/L
04/30/2021	001-A	Solids, total suspended	--- DAILY MX	23	41	mg/L
06/30/2021	001-A	BOD, 5-day, 20 deg. C	--- MO AVG	10	14	mg/L
06/30/2021	001-A	Solids, total suspended	--- MO AVG	15	24	mg/L
06/30/2021	001-A	Solids, total suspended	--- DAILY MX	23	24	mg/L
07/31/2021	001-A	Solids, total suspended	--- MO AVG	15	28	mg/L
07/31/2021	001-A	Solids, total suspended	--- DAILY MX	23	26	mg/L
08/31/2021	001-A	Solids, total suspended	--- MO AVG	15	18	mg/L
10/31/2021	001-A	Solids, total suspended	--- MO AVG	15	31	mg/L
10/31/2021	001-A	Solids, total suspended	--- DAILY MX	23	31	mg/L
11/30/2021	001-A	Solids, total suspended	--- MO AVG	15	20	mg/L
12/31/2021	001-A	Solids, total suspended	--- MO AVG	15	19	mg/L
01/31/2022	001-A	Solids, total suspended	--- MO AVG	15	28	mg/L
01/31/2022	001-A	Solids, total suspended	--- DAILY MX	23	28	mg/L
02/28/2022	001-A	BOD, 5-day, 20 deg. C	--- MO AVG	10	12	mg/L
02/28/2022	001-A	Solids, total suspended	--- MO AVG	15	26	mg/L
02/28/2022	001-A	Solids, total suspended	--- DAILY MX	23	28	mg/L
03/31/2022	001-A	Solids, total suspended	--- MO AVG	15	36	mg/L
03/31/2022	001-A	Solids, total suspended	--- DAILY MX	23	36	mg/L
04/30/2022	001-A	Solids, total suspended	--- MO AVG	15	30	mg/L
04/30/2022	001-A	Solids, total suspended	--- DAILY MX	23	30	mg/L
05/31/2022	001-A	Solids, total suspended	--- MO AVG	15	27	mg/L
05/31/2022	001-A	Solids, total suspended	--- DAILY MX	23	27	mg/L

ATTACHMENT "B"
TESI - Grand Mariner - LAG570171

MP End Date	Outfall	Parameter
05/31/2019	001-A	BOD, 5-day, 20 deg. C -- MO AVG
05/31/2019	001-A	BOD, 5-day, 20 deg. C -- DAILY MX
05/31/2019	001-A	pH -- INST MIN
05/31/2019	001-A	pH -- INST MAX
05/31/2019	001-A	Solids, total suspended -- MO AVG
05/31/2019	001-A	Solids, total suspended -- DAILY MX
05/31/2019	001-A	Flow, in conduit or thru treatment plant -- DAILY MX
05/31/2019	001-A	Coliform, fecal general -- MOAV GEO
05/31/2019	001-A	Coliform, fecal general -- DAILY MX
07/31/2019	001-A	BOD, 5-day, 20 deg. C -- MO AVG
07/31/2019	001-A	BOD, 5-day, 20 deg. C -- DAILY MX
07/31/2019	001-A	pH -- INST MIN
07/31/2019	001-A	pH -- INST MAX
07/31/2019	001-A	Solids, total suspended -- MO AVG
07/31/2019	001-A	Solids, total suspended -- DAILY MX
07/31/2019	001-A	Flow, in conduit or thru treatment plant -- DAILY MX
07/31/2019	001-A	Coliform, fecal general -- MOAV GEO
07/31/2019	001-A	Coliform, fecal general -- DAILY MX
11/30/2019	001-A	BOD, 5-day, 20 deg. C -- MO AVG
11/30/2019	001-A	BOD, 5-day, 20 deg. C -- DAILY MX
11/30/2019	001-A	pH -- INST MIN
11/30/2019	001-A	pH -- INST MAX
11/30/2019	001-A	Solids, total suspended -- MO AVG
11/30/2019	001-A	Solids, total suspended -- DAILY MX
11/30/2019	001-A	Flow, in conduit or thru treatment plant -- DAILY MX
11/30/2019	001-A	Coliform, fecal general -- MOAV GEO
11/30/2019	001-A	Coliform, fecal general -- DAILY MX
02/29/2020	001-A	BOD, 5-day, 20 deg. C -- MO AVG
02/29/2020	001-A	BOD, 5-day, 20 deg. C -- DAILY MX
02/29/2020	001-A	pH -- INST MIN
02/29/2020	001-A	pH -- INST MAX
02/29/2020	001-A	Solids, total suspended -- MO AVG
02/29/2020	001-A	Solids, total suspended -- DAILY MX
02/29/2020	001-A	Flow, in conduit or thru treatment plant -- DAILY MX
02/29/2020	001-A	Coliform, fecal general -- MOAV GEO
02/29/2020	001-A	Coliform, fecal general -- DAILY MX