

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-WE-23-0073
WATER & WASTEWATER UTILITIES, INC.	*	
	*	Enforcement Tracking Nos.
AI # 157527, 130147, 128579, 132659, 151066	*	WE-CN-12-01347
160528	*	WE-CN-13-01062
	*	WE-CN-14-00604
	*	WE-CN-17-00172
	*	WE-CN-21-00371
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, <u>ET SEQ.</u>	*	

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Water and Wastewater Utilities, Inc. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates facilities located in Lafayette Parish, Louisiana (“the Facilities”).

II

On May 17, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-12-01347 (Exhibit 1).

On May 29, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-13-01062 (Exhibit 2).

On November 19, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-14-00604 (Exhibit 3).

On September 20, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-17-00172 (Exhibit 4).

On August 18, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-17-00371 (Exhibit 5).

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 ONE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$115,000.00), of which Three Thousand Nine Hundred Forty-Three and 10/100 Dollars (\$3,943.10) 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 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 Lafayette 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. 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.

**WATER & WASTEWATER UTILITIES,
INC.**

BY: Jill Howell Dugas
(Signature)

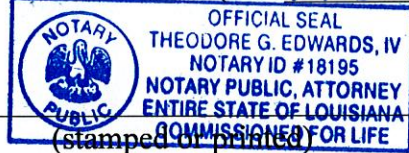
Jill Howell Dugas
(Printed)

TITLE: Vice President

THUS DONE AND SIGNED in duplicate original before me this 15th day of
August, 20 24, at Lafayette, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 18195)



(stamped or printed)

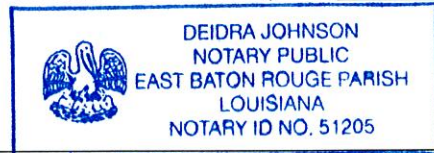
**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Aurelia S. Giacometto, Secretary

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

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

[Signature]

NOTARY PUBLIC (ID # 51205)



(stamped or printed)

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



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

RECEIVED

NOV 20 2024

LA DEPT OF ENV QUALITY
LEGAL DIVISION

November 12, 2024

Jill C. Clark, General Counsel
La. Department of Environmental Quality
Legal Division
P.O. Box 4302
Baton Rouge, LA 70821-4302

Water & Wastewater Utilities, Inc.
c/o Bobby J. Howell, Sr.
Agent for Service of Process
P.O. Box 430
Scott, LA 70583

Re: AG Review of DEQ Settlement;
Water & Wastewater Utilities, Inc.
Settlement No.: SA-WE-23-0073

Dear Ms. Clark and Water & Wastewater Utilities, Inc.:

Louisiana Revised Statute 30:2050.7 authorizes the Louisiana Department of Environmental Quality, with the concurrence of the Attorney General, to settle claims for penalties under the Louisiana Environmental Quality Act or the regulations or permit terms and conditions applicable thereto. Specifically, La. R.S. 30:2050.7(E)(2)(a) provides, “[s]ettlements provided for under this Section shall be submitted to the attorney general for his approval or rejection...[a]pproval or rejection by the attorney general shall be in writing with a detailed written reason for rejection.”

Settlement No. SA-WE-23-0073, and the underlying enforcement action, has been submitted to me for approval or rejection as required by law. Pursuant to the authority granted to me by Art. IV, Sec. 8 of the state constitution and R.S. 30:2050.7, I approve the above referenced settlement.

Sincerely,

LIZ MURRILL
ATTORNEY GENERAL

By: _____

David A. Peterson
Assistant Attorney General, Specialist

SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment
and submit to:

Department of Environmental Quality
Financial Services Division
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Accountant Administrator

Payment # _____

Respondent: Water and Wastewater Utilities, Inc.

Settlement No: SA-WE-23-0073

**Enforcement Tracking No(s): WE-CN-12-01347, WE-CN-13-01062,
WE-CN-14-00604, WE-CN-17-00172, WE-CN-21-00371**

Payment Amount: \$115,000.00

AI Number(s): 157527, 130147, 128579, 132659, 151066, 160528

Alternate ID No(s):

TEMPO Activity Number:

**For Official Use Only.
Do Not write in this Section.**

Check Number:

Check Date:

Check Amount:

Received Date:

PIV Number:

PIV Date:

**Stamp "Paid" in the box to the right
and initial.**

Route Completed form to:

**Angela Marse, Administrator
Enforcement Division**

**And copy Jay L. Glorioso
Legal Division**



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 17, 2013

CERTIFIED MAIL (7004 2510 0006 3853 1670)
RETURN RECEIPT REQUESTED

WATER & WASTEWATER UTILITIES, INC.
c/o Bobby J. Howell, Sr.
Agent for Service of Process
211 Hulco Drive
Scott, LA 70583

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-12-01347
AGENCY INTEREST NO. 157527**


Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **WATER & WASTEWATER UTILITIES, INC. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Scott B. Pierce at (225) 219-3723.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
Alt ID No. LA0124231
Attachment



c: DHH/Office of Public Health

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

IN THE MATTER OF	*	
	*	
WATER & WASTEWATER UTILITIES, INC.	*	ENFORCEMENT TRACKING NO.
LAFAYETTE PARISH	*	
ALT ID NO. LA0124231	*	WE-CN-12-01347
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	157527
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

COMPLIANCE ORDER

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WATER & WASTEWATER UTILITIES, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates a sanitary treatment plant (STP) serving the Lafitte's Landing Subdivision and located at the end of Sara Dee Parkway in Scott, Lafayette Parish, Louisiana. The Respondent was issued LPDES permit LA0124231 on April 17, 2009, with an effective date of June 1, 2009. The permit will expire on May 31, 2014. LPDES permit LA0124231 authorizes the Respondent to discharge treated sanitary wastewater into an unnamed drainage ditch, thence into Coulee des Poches, thence into the Vermilion River, all waters of the state.

II.

A file review conducted by the Department on March 25, 2013, revealed the following permit limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Noncompliance Reports (NCRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
July 2009	001A	CBOD monthly avg	10 mg/L	15 mg/L
September 2009	001A	Ammonia-N monthly avg	5 mg/L	6.4 mg/L
November 2009	001A	Ammonia-N monthly avg	5 mg/L	5.6 mg/L
February 2010	001A	TSS monthly avg	15 mg/L	18 mg/L
July 2010	001A	TSS monthly avg	15 mg/L	27 mg/L
		TSS weekly avg	23 mg/L	27 mg/L
August 2010	001A	TSS monthly avg	15 mg/L	27 mg/L
		TSS weekly avg	23 mg/L	27 mg/L
October 2010	001A	TSS monthly avg	15 mg/L	40 mg/L
		TSS weekly avg	23 mg/L	40 mg/L
		Fecal coliform monthly avg	200 CFU/100mL	6000 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	6000 CFU/100mL
January 2011	001A	TSS monthly avg	15 mg/L	16 mg/L
April 2012	001A	Ammonia-N monthly avg	10 mg/L	15.4 mg/L
		Fecal coliform monthly avg	200 CFU/100mL	849 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	6000 CFU/100mL
		CBOD monthly avg	20 mg/L	40 mg/L
		CBOD weekly avg	30 mg/L	53 mg/L
June 2012	001A	CBOD monthly avg	10 mg/L	12 mg/L
July 2012	001A	Ammonia-N monthly avg	5 mg/L	24.6 mg/L
		Ammonia-N weekly avg	10 mg/L	24.6 mg/L
August 2012	001A	Ammonia-N monthly avg	5 mg/L	28.6 mg/L
		Ammonia-N weekly avg	10 mg/L	28.6 mg/L
October 2012	001A	TSS monthly avg	15 mg/L	32 mg/L
		TSS weekly avg	23 mg/L	32mg/L
November 2012	001A	DO monthly avg min	5 mg/L	4 mg/L
December 2012	001A	Fecal coliform monthly avg	200 CFU/100mL	5,500 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	5,500 CFU/100mL
January 2013	001A	Fecal coliform monthly avg	200 CFU/100mL	5,700 CFU/100mL*
		Fecal coliform weekly avg	400 CFU/100mL	5,700 CFU/100mL*
March 2013	001A	Ammonia-N monthly avg	5 mg/L	29.7 mg/L*
		Ammonia-N weekly avg	10 mg/L	29.7 mg/L*

* as reported on NCR

Each exceedance of the permit limitation is a violation of LPDES permit LA0124231 (Part I, Page 2 of 3, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III.

Inspections conducted by the Department on September 25, 2012, and March 5, 2013, both in response to a citizen's complaint, revealed that the Respondent had operation and maintenance deficiencies. Specifically, at the time of inspection conducted on September 25, 2012, the following observations were made:

- A. the bar screens were clogged,
- B. the water in the aeration basin was gray in color,
- C. there were floating solids in the clarifier,
- D. the skimmer was blocked with solids, and
- E. there were solids in the chlorine contact chamber (CCC).

In addition, the September inspection noted that the facility was without power and inoperable from September 19 through September 21, 2012, and from September 22 through September 24, 2012. Specifically, the Respondent's operator informed the inspector that the STP was inoperable starting on September 19, 2012, when the STP's fuse panel went out until the necessary repairs were completed on September 21, 2012. The operator also stated that the STP was inoperable starting on September 22, 2012, when an employee determined that the belts on the blowers were broken until they were replaced on September 24, 2012. Furthermore, at the time of inspection conducted on March 5, 2013, the following observations were made:

- A. the water in the aeration basin was light in color,
- B. the sludge return lines were inoperable,
- C. the clarifier was turbid and had excess solids present,
- D. the CCC was turbid with solids present, and
- E. the receiving stream had sludge present.

The failure to properly operate and maintain the facility is a violation of LPDES permit LA0124231 (Part III, Sections A.2 and B.3.a), La. R. S. 30:2076 (A) (3) and LAC 33:IX.2701.E.

IV.

An inspection conducted by the Department on September 25, 2012, in response to a citizen's complaint, revealed that the Respondent did cause or allow an unauthorized discharge of pollutants from the STP to waters of the state. Specifically, at the time of inspection solids were observed passing through the chlorine contact chamber and exiting out of the discharge pipe, and there was a heavy buildup of sludge in the receiving stream. In addition, the Respondent's operator stated that from September 19 through September 21, 2012, the STP was without power and inoperable, discharging untreated wastewater from its normal location. Each unauthorized discharge is a violation of LA0124231 (Part II, Section A.2 and Part III, Section A.2), La. R.S. 30:2076 (A)(1)(a), LAC 33:IX.501.C.

V.

An inspection conducted by the Department on March 5, 2013, in response to a citizen's complaint, revealed that the Respondent did cause or allow an unauthorized discharge of pollutants from the STP to waters of the state. Specifically, prior to the inspection untreated sanitary wastewater overflowed from the lift station and entered the storm water retention pond for the subdivision. At the time of inspection, the plant operator for the Respondent identified the area of the spill around the lift station, which had been addressed the day before by spreading lime on the affected area. Also, during the inspection a number of dead juvenile catfish were observed in the retention pond, of which the plant operator was made aware. According to the plant operator, the amount spilled had not been determined. The unauthorized discharge is a violation of LA0124231 (Part II, Section A.2 and Part III, Section A.2), La. R.S. 30:2076 (A)(1)(a), LAC 33:IX.501.C. The destruction of fish and/or wildlife is a violation of La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.1113.B.1.d, and LAC 33:IX.1113.B.5.

COMPLIANCE ORDER

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

I.

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

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations and the permit limitations and conditions contained in LPDES permit LA0124231, including, but not limited to, properly operating and maintaining the facility.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Scott B. Pierce
Re: Enforcement Tracking No. WE-CN-12-01347
Agency Interest No. 157527

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-CN-12-01347
Agency Interest No. 157527

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more that 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**.

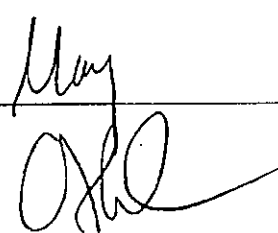
III.

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.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.


Baton Rouge, Louisiana, this 17 day of May, 2013.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

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

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Scott B. Pierce

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-13-01062	Certified Mail No.	7004 2510 0005 5753 9764				
Agency Interest (AI) No.	130147	Contact Name	Bonnie Wascom				
Alternate ID No.	LAG570521	Contact Phone No.	(225) 219-3811				
RESPONDENT:	Water & Wastewater Utilities, Inc.	Facility Name:	Frenchman's Trail Subdivision				
	c/o Bobby J. Howell, Sr.	Physical Location:	the intersection of Magnolia Knee and Gaylen Drive				
	Agent of Service	City, State, Zip:	Carencro, Louisiana, 70520				
	P.O. Box 430 Scott, Louisiana 70583	Parish:	Lafayette				
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 sewage treatment plant located at the intersection of Magnolia Knee and Gaylen Drive in Carencro, Lafayette Parish, Louisiana. The facility discharges treated sanitary wastewater into an unnamed ditch, thence to Bayou Carencro, thence to the Vermilion River, all waters of the state.						
	Date of Violation	Description of Violation					
II.	Inspection(s) & File Review 05/28/13 & 02/17/14	The Respondent failed to comply with LPDES permit LAG570521. Specifically, between October 2009 – December 2013, the Respondent reported twenty (20) exceedences of permit effluent limitations for CBOD ₅ , Ammonia, TSS, and Fecal coliform. (LAG570521 (Part I, Section B, Schedule M; and Part III, Section A.2) for January 2012 – December 2013, LAG541499 (Part I, Section B, Schedule A; and Part III, Section A.2) for December 2011 and prior, La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A) See Table 1 attached					
III.	Inspection(s) 05/28/13	The Respondent failed to measure the flow of the discharge. Specifically, the Respondent was estimating the flow of Outfall 001 instead of measuring it as required by the permit. (LAG570521 (Part I, Section B, Schedule M; and Part III, Section A.2) for January 2012 - June 2013, LAG541499 (Part I, Section B, Schedule A; and Part III, Section A.2) for December 2011 and prior, La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)					
IV.	Inspection(s) & File Review 05/28/13 & 02/17/14	The Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. The Respondent is required to submit monthly DMRs no later than the 28th day of the month following each quarter monitoring period. Specifically, the Respondent did not submit timely DMRs for the following monthly monitoring periods: January 2012, February 2012, April 2012, June 2012, July 2012, August 2012, October 2012, December 2012, January 2013, February 2013, and May 2013. (LAG570521 (Part I, Section B, Schedule M; and Part II, Section N.8), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4) Revised DMRs were submitted on June 19, 2013.					
V.	Inspection(s) & File Review 05/28/13 & 02/17/14	The Respondent failed to sample the effluent for Outfall 001 and Outfall 002 on a monthly basis and failed to sample for all required parameters as required by LPDES Permit LAG570521. Specifically, the Respondent was sampling quarterly, but the permit requires sampling to be conducted on a monthly basis. Additionally, the Respondent was not sampling for CBOD ₅ and Ammonia when sampling was conducted. (LAG570521 (Part I, Section B, Schedule M; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) See Table 2 attached					
ORDER							
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:							
I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to ; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.						
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER . This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at address specified in this document.						
III.	To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this COMPLIANCE ORDER . The Subscriber Agreement shall be signed and dated with an original signature and submitted to: <p style="text-align: center;"> Office of Environmental Compliance Post Office Box 4312 Baton Rouge, Louisiana 70821-4312 Attn: NetDMR Re: Enforcement Tracking No. WE-CN-13-01062 Agency Interest No. 130147 </p> NetDMR is accessed through: www.epa.gov/netdmr . For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at deqnetdmr@la.gov .						
IV.	To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.						



RIGHT TO APPEAL	
I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER .
II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.). The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.
NOTICE OF POTENTIAL PENALTY	
I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Bonnie Wascom at (225) 219-3811 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.
CONTACTS AND SUBMITTAL OF INFORMATION	
Enforcement Division:	Hearing Requests:
Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Bonnie Wascom	Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-13-01062 Agency Interest No. 130147
Permit 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"> ○ The COMPLIANCE ORDER will not be closed if the Respondent owes outstanding fees or penalties to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees. • To expedite closure of the NOTICE OF POTENTIAL PENALTY portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. 	

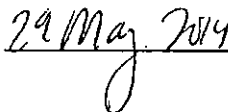
- The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
- The settlement offer amount may be entered on the 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.
- The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.


If you have questions or need more information, you may contact Bonnie Wascom at (225) 219-3811 or bonnie.wascom@la.gov.



Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

Date: _____



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER & POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE		
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Enforcement Tracking No.	WE-CN-13-01062	Contact Name	Bonnie Wascom
Agency Interest (AI) No.	130147	Contact Phone No.	(225) 219-3811
Alternate ID No.	LAGS70521		
RESPONDENT:	Water & Wastewater Utilities, Inc.	Facility Name:	Frenchman's Trail Subdivision
	c/o Bobby J. Howell, Sr.	Physical Location:	the intersection of Magnolia Knee and Gaylen Drive
	Agent of Service		
	P.O. Box 430	City, State, Zip:	Carencro, Louisiana, 70520
	Scott, Louisiana 70583	Parish:	Lafayette

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph III of the Order portion of the COMPLIANCE ORDER.		
The facility has been operated and maintained to meet the requirements of the "Order" portion of the COMPLIANCE ORDER.		

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 LAC33:1.Subpart1.Chapter7.
___	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-13-01062), 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-CN-13-01062), 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.
___	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-13-01062) 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: Bonnie Wascom

If you have questions or need more information, you may contact Bonnie Wascom at (225) 219-3811 or bonnie.wascom@la.gov.



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 19, 2014

CERTIFIED MAIL (7004 2510 0005 5763 2953)
RETURN RECEIPT REQUESTED



WATER & WASTEWATER UTILITIES, INC.
c/o Bobby J. Howell, Sr.
Agent for Service of Process
211 Hulco Drive
Scott, LA 70583

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-14-00604
AGENCY INTEREST NOs. 128579 and 132659**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **WATER & WASTEWATER UTILITIES, INC. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Scott B. Pierce at (225) 219-3723.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
Alt ID Nos. LA0122386 and LAG570530
Attachment

c: DHH/Office of Public Health

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
WATER & WASTEWATER UTILITIES, INC.	*	ENFORCEMENT TRACKING NO.
LAFAYETTE PARISH	*	
ALT ID NOs. LA0122386, LAG570530	*	WE-CN-14-00604
	*	
	*	AGENCY INTEREST NOs.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	128579, 132659
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WATER & WASTEWATER UTILITIES, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates sanitary treatment plants (STP) serving the Island Oaks Plantation Subdivision (AI# 128579) located off La Neuville Road at the intersection of Grace Lane and Abaco Lane in Lafayette, Lafayette Parish, Louisiana, and the Legend Creek Subdivision (AI# 132659) located at the intersection of Highway 92 and Gallet Road in Youngsville, Lafayette Parish, Louisiana. The Respondent was issued LPDES permit LA0122386 for AI# 128579 on July 19, 2007, with an effective date of September 1, 2007, which expired on August 31, 2012, but was administratively continued. LPDES permit LA0122386 was reissued on January 31, 2013, with an effective date of March 1, 2013, and will expire on February 28, 2018. Under the terms and conditions of LPDES permit LA0122386, the Respondent is authorized to discharge treated sanitary wastewater into an unnamed ditch, thence into Anselm Coulee, thence into the Vermilion River, all waters of the state. The

Respondent was issued LPDES permit LA0122408 effective September 1, 2007, for AI# 132659 but was replaced with LPDES LAG570530 effective on July 2, 2012, which expired on April 30, 2014, but is administratively continued. LPDES LAG570530 was reissued effective on August 22, 2014, and will expire on June 11, 2019. Under the terms and conditions of LPDES permit LAG570530, the Respondent is authorized to discharge treated sanitary wastewater into an unnamed ditch, thence into an unnamed slough, thence into the Vermilion River, all waters of the state.

II.

Inspections and a subsequent file review conducted by the Department for AI# 128579 revealed the following:

- A. An inspection on October 11, 2012, and a subsequent file review on August 18, 2014, conducted by the Department revealed the following permit exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
June 2013	001	TSS monthly avg	15 mg/L	22 mg/L
May 2013	001	TSS monthly avg	15 mg/L	133 mg/L
		TSS weekly avg	23 mg/L	133 mg/L
April 2013	001	DO monthly avg min	5 mg/L	3 mg/L
		TSS monthly avg	20 mg/L	48 mg/L
		TSS weekly avg	30 mg/L	48 mg/L
		Ammonia-N monthly avg	10 mg/L	29.1 mg/L
		Ammonia-N weekly avg	20 mg/L	29.1 mg/L
		Fecal coliform monthly avg	200 CFU/100mL	>6000 CFU/100mL
March 2013	001	Fecal coliform weekly avg	400 CFU/100mL	>6000 CFU/100mL
		DO monthly avg min	5 mg/L	4 mg/L
		TSS monthly avg	20 mg/L	27 mg/L
		Ammonia-N monthly avg	10 mg/L	20.7 mg/L
		Ammonia-N weekly avg	20 mg/L	20.7 mg/L
		CBOD monthly avg	20 mg/L	56 mg/L
February 2013	001	CBOD weekly avg	30 mg/L	56 mg/L
		TSS monthly avg	20 mg/L	30 mg/L
February 2013	001	TSS weekly avg	30 mg/L	40 mg/L
		Ammonia-N monthly avg	10 mg/L	18.9 mg/L
		Ammonia-N weekly avg	20 mg/L	20.7 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
January 2013	001	TSS monthly avg	20 mg/L	41 mg/L
		TSS weekly avg	30 mg/L	41 mg/L
		Ammonia-N monthly avg	10 mg/L	19.3 mg/L
		CBOD monthly avg	20 mg/L	21 mg/L
November 2012	001	Fecal coliform monthly avg	200 CFU/100mL	>6000 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	>6000 CFU/100mL
October 2012	001	TSS monthly avg	15 mg/L	21 mg/L
		Ammonia-N monthly avg	5 mg/L	23.5 mg/L
		Ammonia-N weekly avg	10 mg/L	23.5 mg/L
		Fecal coliform monthly avg	200 CFU/100mL	>6000 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	>6000 CFU/100mL
August 2012	001	TSS weekly avg	30 mg/L	44 mg/L
		Ammonia-N monthly avg	5 mg/L	27.2 mg/L
		Ammonia-N weekly avg	10 mg/L	27.2 mg/L
July 2012	001	TSS monthly avg	15 mg/L	35 mg/L
		TSS weekly avg	23 mg/L	35 mg/L
		Ammonia-N monthly avg	5 mg/L	28 mg/L
		Ammonia-N weekly avg	10 mg/L	28 mg/L
June 2012	001	Ammonia-N monthly avg	5 mg/L	25.2 mg/L
		Ammonia-N weekly avg	10 mg/L	25.2 mg/L
		Fecal coliform monthly avg	200 CFU/100mL	>6000 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	>6000 CFU/100mL
		CBOD monthly avg	10 mg/L	13 mg/L
October 2011	001	Ammonia-N monthly avg	5 mg/L	6.7 mg/L
		Ammonia-N weekly avg	10 mg/L	12.9 mg/L
September 2011	001	Ammonia-N monthly avg	5 mg/L	5.9 mg/L
August 2011	001	TSS monthly avg	15 mg/L	19 mg/L
		Ammonia-N monthly avg	5 mg/L	25.2 mg/L
		Ammonia-N weekly avg	10 mg/L	25.2 mg/L
July 2011	001	TSS monthly avg	15 mg/L	62 mg/L
		TSS weekly avg	23 mg/L	62 mg/L
		Ammonia-N monthly avg	5 mg/L	15.1 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
July 2011	001	Ammonia-N weekly avg	10 mg/L	15.1 mg/L
		CBOD monthly avg	10 mg/L	11 mg/L
June 2011	001	TSS monthly avg	15 mg/L	30 mg/L
		TSS weekly avg	23 mg/L	30 mg/L
		Ammonia-N monthly avg	5 mg/L	18.2 mg/L
		Ammonia-N weekly avg	10 mg/L	18.2 mg/L
May 2011	001	Ammonia-N monthly avg	5 mg/L	29.7 mg/L
		Ammonia-N weekly avg	10 mg/L	29.7 mg/L
February 2011	001	TSS weekly avg	20 mg/L	23 mg/L
November 2010	001	Fecal coliform monthly avg	200 CFU/100mL	>600 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	>600 CFU/100mL
October 2010	001	TSS monthly avg	15 mg/L	35 mg/L
		TSS weekly avg	23 mg/L	35 mg/L
August 2010	001	TSS monthly avg	15 mg/L	40 mg/L
		TSS weekly avg	23 mg/L	40 mg/L
July 2010	001	TSS monthly avg	15 mg/L	20 mg/L
May 2010	001	Ammonia-N monthly avg	5 mg/L	10.1 mg/L
		Ammonia-N weekly avg	10 mg/L	10.1 mg/L

Each exceedance of the effluent limitations is a violation of LPDES permit LA0122386 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

- B. A file review conducted by the Department on August 18, 2014, revealed that the Respondent failed to sample. Specifically, the Respondent failed to sample the effluent during the July 2013 monitoring period. Each failure to sample is a violation of LPDES permit LA0122386 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
- C. An inspection conducted by the Department on October 11, 2012, revealed that the Respondent had operation and maintenance deficiencies. Specifically, at the time of inspection the discharge was observed to be brown in color with heavy solids, only 1 wet well pump and 1 blower motor were operational, the influent did not have a bar screen, the aeration basin had sludge on the surface, an odor was present, the clarifier surface

was covered with solids, and sludge was present in the chlorine contact chamber which did not contain any chlorine. The failure to properly operate and maintain the facility is a violation of LPDES permit LA0122386 (Standard Conditions, Sections A.2 and B.3.a), La. R. S. 30:2076(A)(3) and LAC 33:IX.2701.E.

- D. An inspection conducted by the Department on October 11, 2012, revealed that the Respondent failed to properly dispose of sewage sludge. Specifically, during the inspection the Respondent stated that sludge and other sanitary solid waste had been buried at the site. Sludge and other material were observed on the ground around the treatment plant. The failure to properly dispose of sewage sludge is a violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.7301.G.1.
- E. An inspection conducted by the Department on October 11, 2012, revealed that the Respondent failed to measure flow. Specifically, observations made at the time of the inspection noted that even though the Respondent has been reporting flow as being measured on DMRs, the Respondent is not properly measuring flow. The failure to measure flow is a violation of LPDES permit LA0122386 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Sections A.2 and C.6), La. R. S. 30:2076(A)(3) and LAC 33:IX.501.A.
- F. An inspection on May 22, 2014, and a subsequent file review on August 18, 2014, conducted by the Department revealed that the Respondent caused and/or allowed unauthorized discharges to waters of the state as a result of operation and maintenance deficiencies. Specifically, the Respondent reported sanitary sewer overflows (SSOs), which reached waters of the state, which were the result of faulty lift station operations such as clogged or malfunctioning pumps and faulty float switches, or malfunctioning circuit breakers. The SSOs occurred on the following dates: December 27, 2012 (75 gallons), January 21, 2013 (20 gallons), April 2, 2013 (200 gallons), and May 22, 2014 (200 gallons). Each unauthorized discharge is a violation of La. R. S. 30:2076(A)(1)(a) and LAC 33:IX.501.D. Each failure to properly operate and maintain the facility is a violation of LPDES Permit LA0122386 (Standard Conditions, Sections A.2 and B.3.a), La. R. S. 30:2076(A)(3) and LAC 33:IX.2701.E.
- G. A file review conducted by the Department on August 18, 2014, revealed that the Respondent failed to properly operate and maintain the facility. Specifically, the

Respondent reported an SSO to the ground in the amount of 100 gallons, which occurred on November 4, 2013. The SSO was a result of a blown fuse and starter at the lift station. Each failure to properly operate and maintain the facility is a violation of LPDES Permit LA0122386 (Standard Conditions, Sections A.2 and B.3.a), La. R. S. 30:2076(A)(3) and LAC 33:IX.2701.E.

III.

Inspections and a subsequent file review conducted by the Department for AI# 132659 revealed the following:

- A. An inspection on April 22, 2014, and a subsequent a file review on August 18, 2014, conducted by the Department revealed the following permit exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
January 2014	001	Fecal coliform weekly avg	400 CFU/100mL	4000 CFU/100mL
October 2013	001	Fecal coliform monthly avg	200 CFU/100mL	>6000 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	>6000 CFU/100mL
		CBOD monthly avg	10 mg/L	15 mg/L
September 2013	001	CBOD monthly avg	10 mg/L	26 mg/L
		CBOD weekly avg	15 mg/L	26 mg/L
July 2013	001	TSS monthly avg	15 mg/L	28 mg/L
		TSS weekly avg	23 mg/L	28 mg/L
		Ammonia-N monthly avg	5 mg/L	22.7 mg/L
		Ammonia-N weekly avg	10 mg/L	22.7 mg/L
		CBOD monthly avg	10 mg/L	28 mg/L
		CBOD weekly avg	15 mg/L	28 mg/L
June 2013	001	Ammonia-N monthly avg	5 mg/L	19 mg/L
		Ammonia-N weekly avg	10 mg/L	19 mg/L
May 2013	001	TSS monthly avg	15 mg/L	32 mg/L
		TSS weekly avg	23 mg/L	32 mg/L
		Ammonia-N monthly avg	5 mg/L	25 mg/L
		Ammonia-N weekly avg	10 mg/L	25 mg/L
		Fecal coliform monthly avg	200 CFU/100mL	>600 CFU/100mL
		Fecal coliform weekly avg	400 CFU/100mL	>600 CFU/100mL

Date	Outfall	Parameter	Permit Limit	Sample Value
April 2013	001	TSS monthly avg	15 mg/L	25 mg/L
		TSS weekly avg	23 mg/L	25 mg/L
		Ammonia-N monthly avg	5 mg/L	15.1 mg/L
		Ammonia-N weekly avg	10 mg/L	15.1 mg/L
		CBOD monthly avg	10 mg/L	23 mg/L
		CBOD weekly avg	15 mg/L	23 mg/L
March 2013	001	Ammonia-N monthly avg	10 mg/L	23.8 mg/L
		Ammonia-N weekly avg	20 mg/L	23.8 mg/L
February 2013	001	TSS monthly avg	20 mg/L	35 mg/L
		TSS weekly avg	30 mg/L	35 mg/L
		Ammonia-N monthly avg	10 mg/L	14.3 mg/L
		Ammonia-N weekly avg	20 mg/L	14.3 mg/L
		CBOD monthly avg	20 mg/L	45 mg/L
		CBOD weekly avg	30 mg/L	45 mg/L
January 2013	001	DO monthly avg min	5 mg/L	4 mg/L
		Ammonia-N monthly avg	10 mg/L	20.2 mg/L
		Ammonia-N weekly avg	20 mg/L	20.2 mg/L
		CBOD monthly avg	20 mg/L	26 mg/L
December 2012	001	DO monthly avg min	5 mg/L	4 mg/L
		TSS monthly avg	15 mg/L	25 mg/L
		TSS weekly avg	23 mg/L	25 mg/L
		Ammonia-N monthly avg	5 mg/L	21.6 mg/L
		Ammonia-N weekly avg	10 mg/L	21.6 mg/L
		CBOD monthly avg	10 mg/L	19 mg/L
		CBOD weekly avg	15 mg/L	19 mg/L
November 2012	001	DO monthly avg min	5 mg/L	3 mg/L
		TSS monthly avg	15 mg/L	37 mg/L
		TSS weekly avg	23 mg/L	37 mg/L
		Ammonia-N monthly avg	5 mg/L	24.6 mg/L
		Ammonia-N weekly avg	10 mg/L	24.6 mg/L
		CBOD monthly avg	10 mg/L	13 mg/L
October 2012	001	Ammonia-N monthly avg	5 mg/L	7.8 mg/L
September 2012	001	Ammonia-N monthly avg	5 mg/L	14.3 mg/L
		Ammonia-N weekly avg	10 mg/L	14.3 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
August 2012	001	Ammonia-N monthly avg	5 mg/L	10.4 mg/L
		Ammonia-N weekly avg	10 mg/L	10.9 mg/L
July 2012	001	Ammonia-N monthly avg	5 mg/L	24.4 mg/L
		Ammonia-N weekly avg	10 mg/L	25.2 mg/L
		CBOD monthly avg	10 mg/L	13 mg/L
June 2011	001	Ammonia-N monthly avg	5 mg/L	19.9 mg/L
		Ammonia-N weekly avg	10 mg/L	19.9 mg/L
May 2012	001	Ammonia-N monthly avg	5 mg/L	24.6 mg/L
		Ammonia-N weekly avg	10 mg/L	24.6 mg/L
March 2012	001	Ammonia-N monthly avg	10 mg/L	16.5 mg/L
January 2012	001	Ammonia-N monthly avg	10 mg/L	19 mg/L
November 2011	001	Ammonia-N monthly avg	5 mg/L	28.6 mg/L
		Ammonia-N weekly avg	10 mg/L	28.6 mg/L
October 2011	001	Ammonia-N monthly avg	5 mg/L	7.9 mg/L
		Ammonia-N weekly avg	10 mg/L	11.5 mg/L
August 2011	001	DO monthly avg min	5 mg/L	3 mg/L
		TSS monthly avg	15 mg/L	82 mg/L
		TSS weekly avg	23 mg/L	82 mg/L
		Ammonia-N monthly avg	5 mg/L	31.1 mg/L
		Ammonia-N weekly avg	10 mg/L	31.1 mg/L
		CBOD monthly avg	10 mg/L	33 mg/L
		CBOD weekly avg	15 mg/L	33 mg/L
July 2011	001	DO monthly avg min	5 mg/L	4 mg/L
		TSS monthly avg	15 mg/L	82 mg/L
		TSS weekly avg	23 mg/L	82 mg/L
		Ammonia-N monthly avg	5 mg/L	14.3 mg/L
		Ammonia-N weekly avg	10 mg/L	14.3 mg/L
		CBOD monthly avg	10 mg/L	29 mg/L
		CBOD weekly avg	15 mg/L	29 mg/L
June 2011	001	TSS monthly avg	15 mg/L	38 mg/L
		TSS weekly avg	23 mg/L	52 mg/L
		Ammonia-N monthly avg	5 mg/L	23.1 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
June 2011	001	Ammonia-N weekly avg	10 mg/L	30 mg/L
October 2010	001	TSS monthly avg	15 mg/L	20 mg/L
September 2010	001	TSS monthly avg	15 mg/L	19 mg/L
August 2010	001	TSS monthly avg	15 mg/L	23 mg/L
May 2010	001	TSS monthly avg	15 mg/L	16 mg/L

Each exceedance of the effluent limitations prior to July 2, 2012, is a violation of LPDES permit LA0122408 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each exceedance of the effluent limitations after July 2, 2012, is a violation of LPDES permit LAG570530 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

- B. An inspection conducted by the Department on April 22, 2014, revealed that the Respondent failed to properly operate and/or maintain the facility. Specifically, during the inspection only one (1) blower motor was operational, the aeration basin was light in color, two (2) of the RAS lines were not operational, and the clarifier along with the chlorine contact chamber was cloudy in appearance. The failure to properly operate and/or maintain the facility is a violation of LAG570530 (Standard Conditions, Sections A.2 and B.3.a), La. R. S. 30:2076(A)(3) and LAC 33:IX.2701.E.
- C. An inspection conducted by the Department on May 15, 2013, revealed that the Respondent caused and/or allowed an unauthorized discharge to waters of the state due to improper operation and/or maintenance of the facility. Specifically, the inspection noted that the Respondent reported an SSO on May 6, 2013, in the amount of 100 gallons, which reached an unnamed ditch, due to clogged pumps at the lift station. The unauthorized discharge is a violation of La. R. S. 30:2076(A)(1)(a) and LAC 33:IX.501.D. The failure to properly operate and/or maintain the facility is a violation of LAG570530 (Standard Conditions, Sections A.2 and B.3.a), La. R. S. 30:2076(A)(3) and LAC 33:IX.2701.E.

COMPLIANCE ORDER

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

I.

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

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations and the permit limitations and conditions contained in LPDES permits LA0122386 and LAG570530, including, but not limited to, meeting effluent limitations, properly disposing of sewage sludge, properly measuring flow, and properly operating and maintaining the facility.

III.

To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The Subscriber Agreement shall be signed and dated with an original signature and submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: NetDMR
Re: **Enforcement Tracking No. WE-CN-14-00604**
Agency Interest No. 128579 and 132659

NetDMR is accessed through: www.epa.gov/netdmr. For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at deqnetdmr@la.gov.

IV.

To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Scott B. Pierce
Re: Enforcement Tracking No. WE-CN-14-00604
Agency Interest Nos. 128579 and 132659

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

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

II.

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

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-CN-14-00604
Agency Interest Nos. 128579 and 132659

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S.

49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed

regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact 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.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 19 day of November, 2014.




Cheryl Sonnier Nolan
Assistant Secretary
Office of Environmental Compliance

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

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Scott B. Pierce

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

**CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY**



Enforcement Tracking No.	WE-CN-17-00172	Certified Mail No.	7014 0510 0001 5486 2237
Agency Interest (AI) No.	151066	Contact Name	Taylor Alexander
Alternate ID No.	LA0124524	Contact Phone No.	(225) 219-3811
Respondent:	Water & Wastewater Utilities, Inc.	Facility Name:	Country Lakes Subdivision
	c/o Flora Howell	Physical Location:	1800 Golden Grain Road
	Agent for Service of Process	City, State, Zip:	Rayne, LA 70578
	208 Acomb Drive Lafayette, LA 70508	Parish:	Lafayette

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 privately owned treatment works located at 1800 Golden Grain Road, Rayne, Lafayette Parish, Louisiana. The Respondent was reissued LPDES permit LA0124524 with an effective date of April 1, 2014, and an expiration date of March 31, 2019. Under the terms and conditions of LPDES permit LA0124524, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed drainage ditch, thence into an unnamed tributary of Indian Bayou, thence into Indian Bayou (Subsegment 050501), waters of the state.

Date of Violation	Description of Violation																								
II. Inspection(s) & File Review 12/09/2016 & 08/08/2017	The Respondent failed to comply with LPDES permit LA0124524. Specifically, between April 2015 and June 2017, the Respondent reported exceedances of permit effluent limitations for BOD ₅ , TSS, and fecal coliform. (LA0124524 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.501.D)																								
	<table border="1"> <thead> <tr> <th>Parameter</th> <th>No. of Monthly Average Violations</th> <th>No. of Daily Maximum Violations</th> </tr> </thead> <tbody> <tr> <td>Outfall 001</td> <td></td> <td></td> </tr> <tr> <td>Fecal Coliform</td> <td>2</td> <td>6</td> </tr> <tr> <td>Outfall 101</td> <td></td> <td></td> </tr> <tr> <td>BOD₅</td> <td>2</td> <td>2</td> </tr> <tr> <td>TSS</td> <td>1</td> <td>3</td> </tr> <tr> <td>Outfall 201</td> <td></td> <td></td> </tr> <tr> <td>TSS</td> <td>1</td> <td>2</td> </tr> </tbody> </table>	Parameter	No. of Monthly Average Violations	No. of Daily Maximum Violations	Outfall 001			Fecal Coliform	2	6	Outfall 101			BOD ₅	2	2	TSS	1	3	Outfall 201			TSS	1	2
Parameter	No. of Monthly Average Violations	No. of Daily Maximum Violations																							
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BOD ₅	2	2																							
TSS	1	3																							
Outfall 201																									
TSS	1	2																							

III. File Review 08/08/2017 The Respondent failed to comply with LPDES permit LA0124524. Specifically, the Respondent failed to submit monthly Discharge Monitoring Reports (DMRs) for Outfalls 101 and 201 from April 2014 to March 2015. (LA0124524 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)

IV. File Review 08/08/2017 The Respondent failed to comply with LPDES permit LA0124524. Specifically, the Respondent failed to report BOD₅ and TSS loading values for Outfall 001 from April 2014 to March 2015. (LA0124524 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)

V. File Review 08/08/2017 The Respondent failed to comply with LPDES permit LA0124524. Specifically, the Respondent failed to continuously record flow from Outfall 001 from April 2014 to August 2016. (LA0124524 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)

VI. Inspection(s) & File Review 12/09/2016 & 08/08/2017 The Respondent caused and/or allowed the unauthorized discharge of sewage sludge to waters of the state. Specifically, the inspector observed sludge on the ground outside one of the treatment plants. The sludge overflowed from the treatment plant and flowed to the receiving stream. The unauthorized discharge to waters of the state is in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D. The failure to properly operate and maintain all facilities and systems of treatment and control is in violation of LA0124524 (Standard Conditions, Section A.2 and Section 8.3), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E.

VII. Inspection(s) & File Review 12/09/2016 & 08/08/2017 The Respondent failed to comply with LPDES permit LA0124524. Specifically, the Respondent failed to report the overflow described in Paragraph VI as required by the permit. (LA0124524 (Other Conditions, Section F and Standard Conditions, 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 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 immediately cease, upon receipt of this COMPLIANCE ORDER , any unauthorized discharges from the Respondent's facility to waters of the state.	
IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraph III of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."	
RIGHT TO HEAR		
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 and the Administrative Procedure Act (La. R.S. 49:950, et seq.). The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.	
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.	
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.	
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.	
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.	
NOTICE OF POTENTIAL PENALTY		
I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.	
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Taylor Alexander at (225) 219-3811 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.	
CONTACT AND SUBMITTAL INFORMATION		
Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Taylor Alexander		Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-17-00172 Agency Interest No. 151066
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.
 - Before requesting closure of the **COMPLIANCE ORDER** portion, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite closure of the **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
 - The Department assesses civil penalties based on LAC 33:1.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 Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance


Date: _____

9-20-17


cc: Bobby Howell
P.O. Box 430
Scott, LA 70503

Attachment(s)

- Request to Close

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE		
Enforcement Tracking No.	WE-CN-17-00172	Contact Name	Taylor Alexander	
Agency Interest (AI) No.	151066	Contact Phone No.	(225) 219-3811	
Alternate ID No.	LA0124524			
Respondent:	Water & Wastewater Utilities, Inc.	Facility Name:	Country Lakes Subdivision	
	c/o Flora Howell	Physical Location:	1800 Golden Grain Road	
	Agent for Service of Process	City, State, Zip:	Rayne, LA 70578	
	208 Acomb Drive Lafayette, LA 70508	Parish:	Lafayette	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE			Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.				
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) IV 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 OPTIONS				
(check the applicable option)				
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00172), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00172), 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. The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-17-00172) 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: Taylor Alexander				

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY		
Enforcement Tracking No.	WE-CN-21-00371	Certified Mail No.	7003 2260 0000 5823 1913	
Agency Interest (AI) No.	160528	Contact Name	Scott B. Pierce	
Alternate ID No.	LA0126857	Contact Phone No.	(225) 219-3723	
Respondent:	Water & Wastewater Utilities, Inc.	Facility Name:	Sawgrass Subdivision and Sawgrass Park	
	c/o Flora Howell	Physical Location:	on East Broussard Rd., about 1 mile N of Hwy. 92	
	Agent for Service of Process	City, State, Zip:	Lafayette, LA 70508	
	208 Acomb Drive Lafayette, LA 70508	Parish:	Lafayette	
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 on East Broussard Rd., about 1 mile N of Hwy. 92 in Lafayette, Lafayette Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0126857 on October 31, 2014, with an effective date of December 1, 2014, and an expiration date of November 30, 2019. The Respondent submitted a renewal application on or about May 28, 2019, and LPDES Permit LA0126857 was administratively continued until it was reissued on June 19, 2020, with an effective date of July 1, 2020. LPDES Permit LA0126857 will expire on June 30, 2025. Under the terms and conditions of LPDES Permit LA0126857, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed ditch, thence into the Vermilion River, all waters of the state.			
	Date of Violation	Description of Violation		
II.	File Review 8/11/2021	The Respondent failed to comply with LPDES permit LA0126857. Specifically, a review of Discharge Monitoring Reports (DMRs) between July 2016 and June 2021, revealed that the Respondent reported exceedances of permit effluent limitations for Fecal coliform, TSS, CBOD, pH, Ammonia-Total Nitrogen, and Dissolved oxygen. See Attachment A. ([LPDES Permit LA0126857 (prior to July 1, 2020: Effluent Limitations and Monitoring Requirements, pgs. 1 and 3 of 5; after July 1, 2020: Effluent Limitations and Monitoring Requirements, pgs. 1 and 4 of 7) and Standard Conditions, Section A.2], La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A) On or about August 6, 2020, the Respondent's authorized representative was contacted by the Department regarding potential Significant Non-Compliance (SNC) regarding exceedances of Fecal coliform, TSS, CBOD, and Ammonia-Total Nitrogen reported during the June 2020 monitoring period in an effort to allow the Respondent to review and respond to the potential SNC. On or about August 10, 2020, the authorized representative responded indicating reasons for the exceedances and actions taken to hopefully resolve the issues. However, a file review conducted by the Department on or about August 11, 2021, revealed that effluent violations are still ongoing.		
III.	Inspection(s) 2/5/2021	The Respondent failed to properly operate and maintain the treatment facility. Specifically, pursuant to citizen's complaints, the inspection revealed that one (1) of the two (2) skimmers was inoperable causing a build-up of floating solids and/or sludge within the clarifier resulting in a strong odor. (LPDES permit LA0124222 (Standard Conditions, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E) On or about June 7, 2021, the Department received a response submitted on behalf of the Respondent in regards to the inspection indicating that the inoperable skimmer was replaced, all aerator air valves were replaced, and the water within the clarifier and chlorine contact chamber was clear with no odors at the time of the response. A follow-up inspection conducted by the Department on June 16, 2021, indicated that although an odor could still be detected, the inspection confirmed that all the required equipment was properly operating and maintained, and that the discharge was clear. However, a file review conducted by the Department on or about August 11, 2021, revealed that effluent violations are still ongoing.		
ORDER				
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:				
I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to ; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.			
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER . This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.			
III.	To submit to the Enforcement Division, 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.			
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	
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-21-00371 Agency Interest No. 160528	
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. 	

- o 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.
- 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.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance


Date: 8/18/2021

cc: Dove Environmental, Inc.
c/o Randy Savoy
P. O. Box 430
Scott, LA 70583

ecc: DHH/Office of Public Health

Attachment(s)

- Request to Close
- Attachment A
- Settlement Brochure

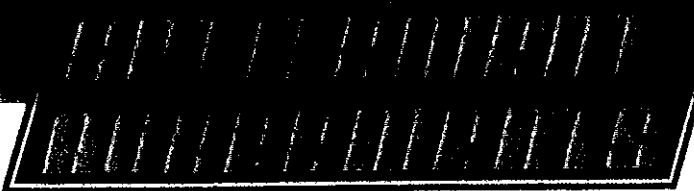
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER & POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE			
			
Enforcement Tracking No.	WE-CN-21-00371	Contact Name	Scott B. Pierce
Agency Interest (AI) No.	160528	Contact Phone No.	(225) 219-3723
Alternate ID No.	LAD126857		
Respondent:	Water & Wastewater Utilities, Inc.	Facility Name:	Sawgrass Subdivision and Sawgrass Park
	c/o Flora Howell	Physical Location:	on East Broussard Rd., about 1 mile N of Hwy. 92
	Agent for Service of Process	City, State, Zip:	Lafayette, LA 70508
	208 Acomb Drive Lafayette, LA 70508	Parish:	Lafayette
STATEMENT OF COMPLIANCE			
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER .			
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs III 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)			
<i>(check the applicable option)</i>			
<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:I.Subpart1.Chapter7.		
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-21-00371) , 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-21-00371) , 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-21-00371) 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"
SAWGRASS SUBD./PARK - LA0126857

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
08/31/2017	002-A	Coliform, fecal general --- MOAV GEO	200	239	CFU/100mL
08/31/2017	002-A	Coliform, fecal general --- DAILY MX	400	5700	CFU/100mL
09/30/2017	002-A	Coliform, fecal general --- DAILY MX	400	490	CFU/100mL
01/31/2018	001-A	Solids, total suspended --- MO AVG	20	22	mg/L
01/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	20	33	mg/L
01/31/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	30	33	mg/L
01/31/2018	001-A	Coliform, fecal general --- DAILY MX	400	2419.6	CFU/100mL
01/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	20	56	mg/L
01/31/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	30	89	mg/L
01/31/2018	002-A	Solids, total suspended --- MO AVG	20	31	mg/L
01/31/2018	002-A	Solids, total suspended --- DAILY MX	30	37	mg/L
01/31/2018	002-A	Nitrogen, ammonia total [as N] --- MO AVG	20	31.1	mg/L
01/31/2018	002-A	Nitrogen, ammonia total [as N] --- DAILY MX	30	31.1	mg/L
01/31/2018	002-A	Coliform, fecal general --- DAILY MX	400	2419.6	CFU/100mL
01/31/2018	002-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	20	76	mg/L
01/31/2018	002-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	30	93	mg/L
02/28/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	20	35.6	mg/L
02/28/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	30	35.6	mg/L
02/28/2018	001-A	Coliform, fecal general --- MOAV GEO	200	>2419.6	CFU/100mL
02/28/2018	001-A	Coliform, fecal general --- DAILY MX	400	>2419.6	CFU/100mL
02/28/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	20	49	mg/L
02/28/2018	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	30	49	mg/L
02/28/2018	002-A	Nitrogen, ammonia total [as N] --- MO AVG	20	23	mg/L
02/28/2018	002-A	Coliform, fecal general --- MOAV GEO	200	>2419.6	CFU/100mL
02/28/2018	002-A	Coliform, fecal general --- DAILY MX	400	>2419.6	CFU/100mL
03/31/2018	001-A	Solids, total suspended --- MO AVG	20	26	mg/L
03/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	20	26.2	mg/L
03/31/2018	002-A	Solids, total suspended --- MO AVG	20	80	mg/L
03/31/2018	002-A	Solids, total suspended --- DAILY MX	30	80	mg/L
03/31/2018	002-A	Nitrogen, ammonia total [as N] --- MO AVG	20	39.5	mg/L
03/31/2018	002-A	Nitrogen, ammonia total [as N] --- DAILY MX	30	39.5	mg/L
07/31/2018	001-A	Coliform, fecal general --- MOAV GEO	200	221	CFU/100mL
07/31/2018	001-A	Coliform, fecal general --- DAILY MX	400	2419.6	CFU/100mL
07/31/2018	002-A	Coliform, fecal general --- DAILY MX	400	2419.6	CFU/100mL
09/30/2018	001-A	Coliform, fecal general --- DAILY MX	400	980.4	CFU/100mL
09/30/2018	002-A	Coliform, fecal general --- DAILY MX	400	1119.9	CFU/100mL
06/30/2019	001-A	Solids, total suspended --- MO AVG	15	16	mg/L
06/30/2019	001-A	Solids, total suspended --- DAILY MX	23	29	mg/L
06/30/2019	002-A	Solids, total suspended --- MO AVG	15	22	mg/L
06/30/2019	002-A	Solids, total suspended --- DAILY MX	23	42	mg/L
06/30/2020	001-A	Solids, total suspended --- MO AVG	15	34	mg/L
06/30/2020	001-A	Solids, total suspended --- DAILY MX	23	34	mg/L
06/30/2020	001-A	Nitrogen, ammonia total [as N] --- MO AVG	5	32	mg/L
06/30/2020	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	32	mg/L
06/30/2020	001-A	Coliform, fecal general --- MOAV GEO	200	2419.6	CFU/100mL
06/30/2020	001-A	Coliform, fecal general --- DAILY MX	400	2419.6	CFU/100mL

06/30/2020	001-A	BOD, carbonaceous [5 day, 20 C] --- MO AVG	10	>32	mL/L
06/30/2020	001-A	BOD, carbonaceous [5 day, 20 C] --- DAILY MX	15	>32	mL/L
07/31/2020	001-A	Nitrogen, ammonia total [as N] --- MO AVG	5	25.2	mg/L
07/31/2020	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	25.2	mg/L
07/31/2020	002-A	Solids, total suspended --- MO AVG	15	48	mg/L
07/31/2020	002-A	Solids, total suspended --- DAILY MX	23	48	mg/L
07/31/2020	002-A	Nitrogen, ammonia total [as N] --- MO AVG	5	15.8	mg/L
07/31/2020	002-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	15.8	mg/L
07/31/2020	002-A	Coliform, fecal general --- MOAV GEO	200	>2419.6	#/100mL
07/31/2020	002-A	Coliform, fecal general --- DAILY MX	400	>2419.6	#/100mL
08/31/2020	001-A	Nitrogen, ammonia total [as N] --- MO AVG	5	18.2	mg/L
08/31/2020	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	18.2	mg/L
08/31/2020	002-A	Nitrogen, ammonia total [as N] --- MO AVG	5	17.86	mg/L
08/31/2020	002-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	30.2	mg/L
11/30/2020	002-A	Coliform, fecal general --- DAILY MX	400	2419.6	#/100mL
12/31/2020	001-A	Nitrogen, ammonia total [as N] --- MO AVG	5	10.4	mg/L
12/31/2020	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	10.7	mg/L
12/31/2020	002-A	Oxygen, dissolved [DO] --- MO AV MN	5	4.9	mg/L
12/31/2020	002-A	Nitrogen, ammonia total [as N] --- MO AVG	5	11.89	mg/L
12/31/2020	002-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	24.2	mg/L
03/31/2021	001-A	Oxygen, dissolved [DO] --- MO AV MN	5	4.9	mg/L
03/31/2021	002-A	Oxygen, dissolved [DO] --- MO AV MN	5	4.7	mg/L
04/30/2021	001-A	Oxygen, dissolved [DO] --- MO AV MN	5	4.2	mg/L
04/30/2021	002-A	Oxygen, dissolved [DO] --- MO AV MN	5	4.2	mg/L
04/30/2021	002-A	pH --- INST MAX	9	9.3	SU
05/31/2021	001-A	Oxygen, dissolved [DO] --- MO AV MN	5	4.9	mg/L
05/31/2021	001-A	Nitrogen, ammonia total [as N] --- MO AVG	5	14	mg/L
05/31/2021	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	14	mg/L
05/31/2021	002-A	Nitrogen, ammonia total [as N] --- MO AVG	5	8.97	mg/L
06/30/2021	001-A	Nitrogen, ammonia total [as N] --- MO AVG	5	10.2	mg/L
06/30/2021	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	10.2	mg/L



WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

NATURE AND GRAVITY OF THE VIOLATION				
	MAJOR	MODERATE	MINOR	
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

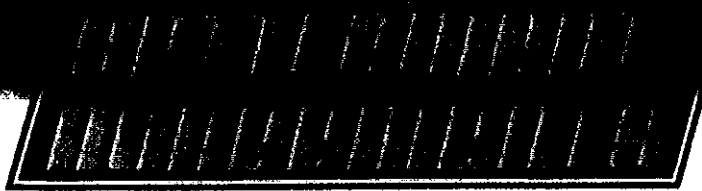
Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.





Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

- Settlement Offers searchable in EDMS using the following filters
Media: Air Quality, Function: Enforcement, Description: Settlement
- Settlement Agreements Enforcement Division's website
specific examples can be provided upon request
- Penalty Determination Method LAC 33:1 Chapter 7
- Beneficial Environmental Projects LAC 33:1 Chapter 25
FAQs
- Judicial Interest..... provided by the Louisiana State Bar Association

