

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**ASCENSION WASTEWATER
TREATMENT, INC.**

AI # 41313, 118381, 93819

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

* **Settlement Tracking No.**

* **SA-WE-25-0001**

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* **Enforcement Tracking Nos.**

* **WE-CN-20-00291**

* **WE-CN-20-00568**

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* **Docket Nos. 2021-5760-DEQ**

* **2022-1168-DEQ**

*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Ascension Wastewater Treatment, 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 sanitary treatment plants located in Ascension Parish, Louisiana ("the Facilities").

II

On June 3, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-20-00291 (Exhibit 1).

On November 23, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-20-00568 (Exhibit 2).

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty, Respondent made timely requests for hearings.

IV

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

V

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 TEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$10,800.00), of which Two Thousand Two Hundred Twenty-One and 40/100 Dollars (\$2,221.40) 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).

VI

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.

VII

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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ascension 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.

XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XII

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

XIII

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.

**ASCENSION WASTEWATER
TREATMENT, INC.**

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of
_____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

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

BY: _____
Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance


THUS DONE AND SIGNED in duplicate original before me this _____ day of
_____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 

Jerrie "Jerry" Lang, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY			
Enforcement Tracking No.	WE-CN-20-00291		Certified Mail No.	7019 1120 0000 2352 0254			
Agency Interest (AI) No.	41313		Contact Name	Scott B. Pierce			
Alternate ID No.	LAG540275		Contact Phone No.	(225) 219-3723			
Respondent:	Ascension Wastewater Treatment, Inc. c/o Thomas F. Pertuit Agent for Service of Process 17188 Airling Hwy. Ste. M 157 Prairieville, LA 70769		Facility Name:	Dutchtown Lane Subdivision STP			
			Physical Location:	12322 Dutchtown Ln.			
			City, State, Zip:	Gelsmar, LA 70734			
			Parish:	Ascension			
This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(b).							
FINDINGS OF FACT							
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.							
I.	The Respondent owns and/or operates a sanitary treatment plant (STP) located at 12322 Dutchtown Ln., Gelsmar, Ascension Parish, Louisiana. The Respondent was granted reauthorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG540275 effective on October 19, 2018. LPDES General Permit LAG540275 will expire on July 31, 2023. Under the terms and conditions of LPDES General Permit LAG540275, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed ditch, thence into the New River, all waters of the state.						
	Date of Violation	Description of Violation					
II.	Inspection(s) 2/7/2020 2/21/2020	The Respondent failed to properly operate and maintain its STP. Specifically, during the inspection conducted on February 7, 2020, pursuant to a citizen's complaint, the Department observed a build up of solids within the treatment system, in the weir of the clarifier, and in the chlorine contact chamber (CCC). A follow-up inspection conducted by the Department on or about February 21, 2020, revealed that the build-up of solids within the treatment system had been mitigated; however, the solids and turbid water in the clarifying weir had only been partially mitigated, and settled sludge and turbid water were still present in the CCC. See Attachment 3, photograph 4 and Attachment 4, photographs 1-3 of the Inspection Report. (LPDES Permit LAG540275 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)					
III.	Inspection(s) 2/7/2020 2/21/2020	The Respondent caused and/or allowed the discharge of pollutants not specifically authorized by a permit. Specifically, during the inspection conducted on February 7, 2020, pursuant to a citizen's complaint, the Department observed sludge and settled solids in the ditch running parallel to Hwy. 74. A follow-up inspection conducted by the Department on or about February 21, 2020, again revealed sludge and solids in the ditch, as well as on the citizen's property coming from the outfall. Sludge was present in the entirety of the ditch leading to a retention pond between 12490 and 12478 Dutchtown Ln. The retention pond discharges to a roadside ditch along Hwy. 74. See Attachment 4, photographs 4-8 of the Inspection Report. (La. R.S. 30:2076(A)(1)(a), LAC 33:IX.501.C, and LAC 33:IX.1113.B.3)					
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.						
RIGHT TO APPEAL							
I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER.						
II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper left-hand corner of the first page of this document and should be directed to the address specified in this document.						
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law's (DAL) Procedural Rules. The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.						
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.						

EXHIBIT

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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-20-00291 Agency Interest No. 41313
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

- 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 Subpart 1 Chapter 7.
 - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer.
 - **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
 - Before requesting closure of the **NOTICE OF POTENTIAL PENALTY** portion, please contact the Financial Services Division at 225-219-3865 or email them at DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

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



Lourdes Morris
Assistant Secretary
Office of Environmental Compliance

Date: 6-3-2020

ecc: Public Health Chief Officer
Office of Public Health
Department of Health and Hospitals

Attachment(s)

- Request to Close

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY POST OFFICE BOX 4312 REQUEST TO CLOSE BATON ROUGE, LOUISIANA 70821-4312					
Enforcement Tracking No.	WE-CN-20-00291	Contact Name	Scott B. Pierce		
Agency Interest (AI) No.	41313	Contact Phone No.	(225) 219-3723		
Alternate ID No.	LAG540275				
Respondent:	Ascension Wastewater Treatment, Inc.	Facility Name:	Dutchtown Lane Subdivision STP		
	c/o Thomas F. Pertuit	Physical Location:	12322 Dutchtown Ln.		
	Agent for Service of Process	City, State, Zip:	Geismar, LA 70734		
	17188 Airling Hwy. Ste. M 157 Prairieville, LA 70769	Parish:	Ascension		
STATEMENT OF COMPLIANCE					
STATEMENT OF COMPLIANCE				Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.					
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:					
SETTLEMENT OFFER (OPTIONAL)					
(check the applicable option)					
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.				
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-20-00291), 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-20-00291), 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-20-00291) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.				
CERTIFICATION STATEMENT					
<i>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.</i>					
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.

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-20-00568	Certified Mail No.	7019 1120 0000 2352 0469
Agency Interest (AI) No.	41313, 118381, 93819	Contact Name	Scott B. Pierce
Alternate ID No.	LAG540275, LAG570308, LAG570439	Contact Phone No.	(225) 219-3723
Respondent:	<p>Ascension Wastewater Treatment, Inc.</p> <p>c/o Thomas F. Pertuit</p> <p>Agent for Service of Process</p> <p>17188 Airling Hwy. Ste. M 157 Prairieville, LA 70769</p>	<p>Facility Names:</p> <p>Dutchtown Lane Subdivision STP, Dutchtown Villa Subdivision STP, Highlands at Dutchtown Subdivision STP</p> <p>Physical Locations:</p> <p>12322 Dutchtown Ln., 12492 Dutchtown Villa Dr., S side of Hwy. 74 W of Intersection of Hwys. 74 & 73</p> <p>City, State, Zip:</p> <p>Geismar, LA 70734</p> <p>Parish:</p> <p>Ascension</p>	
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.	<p>AI No. 41313:</p> <p>The Respondent owns and/or operates a sanitary treatment plant (STP) located at 12322 Dutchtown Ln., Geismar, Ascension Parish, Louisiana. The Respondent was granted reauthorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG540275 effective on October 19, 2018. LPDES General Permit LAG540275 will expire on July 31, 2023. Under the terms and conditions of LPDES General Permit LAG540275, the Respondent is permitted to discharge treated sanitary wastewater into an unnamed ditch, thence into the New River, all waters of the state.</p>		
II.	<p>AI No. 118381:</p> <p>The Respondent owns and/or operates a sanitary treatment plant (STP) located at 12492 Dutchtown Villa Dr., Geismar, Ascension Parish, Louisiana. The Respondent was granted reauthorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG570308 effective on August 22, 2014. LPDES General Permit LAG570308 expired on June 11, 2019, but was administratively continued until it was reissued effective on July 19, 2019. LPDES General Permit LAG570308 will expire on June 11, 2024. Under the terms and conditions of LPDES General Permit LAG570308, the Respondent is permitted to discharge treated sanitary wastewater into parish drainage, thence into the New River, thence in the New River Canal, all waters of the state.</p>		
III.	<p>AI No. 93819:</p> <p>The Respondent owns and/or operates a sanitary treatment plant (STP) located on the S side of Hwy. 74, W of Intersection of Hwys. 74 & 73, in Geismar, Ascension Parish, Louisiana. The Respondent was granted reauthorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG570439 effective on August 22, 2014. LPDES General Permit LAG570439 expired on June 11, 2019, but was administratively continued until it was reissued effective on July 19, 2019. LPDES General Permit LAG570439 will expire on June 11, 2024. Under the terms and conditions of LPDES General Permit LAG570439, the Respondent is permitted to discharge treated sanitary wastewater into the New River, all waters of the state.</p>		
	Date of Violation	Description of Violation	
IV.	<p>Inspection(s) & File Review 4/17/2020 9/8/20220</p> <p>AI No. 41313</p>	<p>The Respondent failed to properly operate and/or maintain the facility and caused and/or allowed the discharge of floating, suspended, and settleable solids in concentrations sufficient to produce visible solids, scum or any formation of long-term bottom deposits of slimes or sludge banks attributable to waste discharges. Specifically, during the inspection conducted on April 17, 2020, pursuant to a citizen's complaint, the Department observed sludge at the point of discharge near the outfall and within the unnamed receiving ditch running parallel to Dutchtown Lane. See Attachment 3, photograph 12 of the Inspection Report. (LPDES Permit LAG540275 (Part I, Section B, Schedule A, and Part III, Section B.3.a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.C, LAC 33:IX.1113.B.3, and LAC 33:IX.2701.E)</p>	
V.	<p>Inspection(s) & File Review 4/17/2020 9/8/2020</p> <p>AI Nos. 118381 93819</p>	<p>The Respondent failed to properly operate and/or maintain the facility and caused and/or allowed the discharge of floating, suspended, and settleable solids in concentrations sufficient to produce visible solids, scum or any formation of long-term bottom deposits of slimes or sludge banks attributable to waste discharges. Specifically, during the inspection conducted on April 17, 2020, pursuant to a citizen's complaint, the Department observed sludge in the ditch, which receives discharge from both the Dutchtown Villa and Highlands at Dutchtown STPs. The sludge was observed for approximately 1,000 feet within this ditch that runs parallel to Hwy. 74 between Highland Dr. and Arceneaux Ln. Water was flowing in a westward directions, and sludge was not observed east of Highland Dr. See Attachment 3, photographs 1 & 3-11, and the aerial map on pg. 30 of 57 of the Inspection Report. (LPDES Permits LAG570308 or LAG570439 (Part I, Section B, Schedule A, and Part III, Section B.3.a) La. R.S. 30:2076(A)(3), LAC 33:IX.501.C, and LAC 33:IX.1113.B.3, and LAC 33:IX.2701.E)</p>	

EXHIBIT

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Labels

VI.	File Review 9/8/2020 AI No. 118381	The Respondent failed to comply with LPDES Permit LAG570308. Specifically, a review of Discharge Monitoring Reports (DMRs) between January 2018 and July 2020, revealed that the Respondent reported exceedances of permit effluent limitations for BOD5 as follows:																
	<table><tr><th>MP End Date</th><th>Outfall</th><th>Parameter</th><th>Limit</th><th>DMR Value</th><th>Units</th></tr><tr><td>01/31/2019</td><td>D01-A</td><td>BOD, 5-day, 20 deg. C — MO AVG</td><td>10</td><td>11</td><td>mg/L</td></tr></table> <p>(LPDES Permit LAG570308 (Part I, Section B, Schedule A, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)</p>	MP End Date	Outfall	Parameter	Limit	DMR Value	Units	01/31/2019	D01-A	BOD, 5-day, 20 deg. C — MO AVG	10	11	mg/L					
MP End Date	Outfall	Parameter	Limit	DMR Value	Units													
01/31/2019	D01-A	BOD, 5-day, 20 deg. C — MO AVG	10	11	mg/L													
VII.	File Review 9/8/2020 AI No. 93819	The Respondent failed to comply with LPDES Permit LAG570439. Specifically, a review of Discharge Monitoring Reports (DMRs) between January 2018 and July 2020, revealed that the Respondent reported exceedances of permit effluent limitations for TSS as follows:																
	<table><tr><th>MP End Date</th><th>Outfall</th><th>Parameter</th><th>Limit</th><th>DMR Value</th><th>Units</th></tr><tr><td>3/31/2019</td><td>001-A</td><td>Solids, total suspended — MO AVG</td><td>15</td><td>19</td><td>mg/L</td></tr><tr><td>3/31/2019</td><td>001-A</td><td>Solids, total suspended — DAILY MX</td><td>23</td><td>32</td><td>mg/L</td></tr></table> <p>(LPDES Permit LAG570439 (Part I, Section B, Schedule A, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)</p>	MP End Date	Outfall	Parameter	Limit	DMR Value	Units	3/31/2019	001-A	Solids, total suspended — MO AVG	15	19	mg/L	3/31/2019	001-A	Solids, total suspended — DAILY MX	23	32
MP End Date	Outfall	Parameter	Limit	DMR Value	Units													
3/31/2019	001-A	Solids, total suspended — MO AVG	15	19	mg/L													
3/31/2019	001-A	Solids, total suspended — DAILY MX	23	32	mg/L													

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, a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall include specific corrective actions to be taken, sludge management practices, and 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.
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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-20-00568 Agency Interest Nos. 41313, 118381, 93819
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

- 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 Scott B. Pierce at (225) 219-3723 or scott.pierce@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: 11-23-2020

ecc: Public Health Chief Officer
Office of Public Health
Department of Health and Hospitals

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-20-00568		Contact Name	Scott B. Pierce			
Agency Interest (AI) No.	41313, 118381, 93819		Contact Phone No.	(225) 219-3723			
Alternate ID No.	LAG540275, LAG570308, LAG570439						
Respondent:	Ascension Wastewater Treatment, Inc.		Facility Names:	Dutchtown Lane Subdivision STP, Dutchtown Villa Subdivision STP, Highlands at Dutchtown Subdivision STP			
	c/o Thomas F. Pertuit		Physical Locations:	12322 Dutchtown Ln., 12492 Dutchtown Villa Dr., S side of Hwy. 74 W of intersection of Hwys. 74 & 73			
	Agent for Service of Process		City, State, Zip:	Gelsmar, LA 70734			
	17188 Airling Hwy, Ste. M 157		Parish:	Ascension			
	Prairieville, LA 70769						
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 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 (OPTIONAL)							
(check the applicable option)							
<input type="checkbox"/> The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAQ 33:1 Subpart 1, Chapter 7.							
<input type="checkbox"/> In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-20-00568), 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-20-00568), 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-20-00568) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.							
CERTIFICATION STATEMENT							
<i>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.</i>							
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.