STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No. SA-WE-15-0066**
BENNY'S CARWASH, L.L.C.	*	
AI # 87126, 151794, 98019, 166916, 129127	*	**Enforcement Tracking No. WE-CN-12-00525**
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	**Docket No. 2013-17371-EQ**

SETTLEMENT

The following Settlement is hereby agreed to between Benny's Carwash, L.L.C. ("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 limited liability company that owns and/or operates facilities located in East Baton Rouge Parish and Ascension Parish, Louisiana ("the Facilities").

II

On October 18, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-12-00525, which was based upon the following findings of fact:

"The Respondent owns and/or operates Benny's Car Wash - Essen Lane (AI 151794) located at 5235 Essen Lane in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent was granted coverage under the Louisiana Water Discharge Permit System (LWDPS) General Permit Number WG080000 on or about September 13, 1994, and was specifically assigned permit number

WG-080041. The permit expired on July 19, 1995, and was not administratively extended. On or about July 18, 2007, the Department received a Notice of Intent (NOI) from the Respondent to discharge exterior vehicle and equipment wash wastewater. The Respondent was granted coverage under the Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG750000 on or about July 24, 2007, and was specifically assigned permit number LAG750612. The permit expired on March 14, 2009, and was administratively extended until the general permit was reissued. LPDES General Permit LAG750612 was reissued to the Respondent on or about June 12, 2009, and will expire on March 14, 2014. Under the terms and conditions of LPDES General Permit LAG750612, the Respondent is authorized to discharge treated exterior vehicle wash wastewater to Ward's Creek, waters of the state.

Inspections conducted by the Department on or about May 17, 2007, and June 20, 2007, at Benny's Car Wash - Essen Lane (AI 151794) in response to citizen's complaints, and a subsequent file review conducted by the Department on July 23, 2012, revealed that the Respondent failed to submit a Notice of Intent (NOI) or application for discharges from the facility and caused and/or allowed the following unauthorized discharges to waters of the state:

A. The file review revealed that the Department submitted a letter to the Respondent dated March 5, 1999, that indicated the LWDPS general permit issued to the facility expired on July 19, 1995, and that authorization under an LPDES permit was required for any continuing discharges at the facility. However, the Respondent continued to submit quarterly DMRs after the LWDPS general permit expired, which indicated discharges had occurred from October 2006 through December 2006 and January 2007 through March 2007. At the time of the inspections, the Respondent caused and/or allowed the discharge of treated wastewater to Ward's Creek that was bright green in color, containing no smell, oily sheen, or solids. Correspondence from the Respondent dated July 18, 2007, indicated that upon notification of the complaint, the Respondent immediately discontinued use of the product containing the green dye and returned to a previously used product. The Respondent was not authorized to discharge from the facility until LPDES General Permit LAG750612 was issued to the Respondent on July 24, 2007. Each unauthorized discharge to waters of the state

is a violation of La. R.S. 30:2075. The inspections further revealed that the discharge of green colored wastewater resulted in an objectionable color to Wards Creek, waters of the state. Each discharge that results in an objectionable color to waters of the state is a violation of La. R.S. 30:2076(A)(3), LAC 33:IX.1113.B.1.c, and LAC 33:IX.1113.B.2.a.

B. The file review also revealed that the Respondent failed to submit a Notice of Intent (NOI) or application for obtaining a LPDES permit for the discharges from the facility to waters of the state cited in Paragraph II.A, which is a violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.2501.

An inspection conducted by the Department on or about January 30, 2012, at Benny's Car Wash – Essen Lane (AI 151794) in response to a citizen's complaint, revealed the following:

A. The Respondent caused and/or allowed the discharge of a pollutant not authorized by LPDES General Permit LAG750612. Specifically, the Respondent used a red dye in the carwash, which remained visible in the wastewater discharged through Outfall 001. LPDES General Permit LAG750612 does not authorize the discharge of the red dye in the wastewater from the facility. Each discharge of a pollutant not authorized by LPDES General Permit LAG750612 is a violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.501.C. The discharge of the red wastewater resulted in an objectionable color to Wards Creek, waters of the state. Each discharge that results in an objectionable color to waters of the state is a violation of La. R.S. 30:2076(A)(3), LAC 33:IX.1113.B.1.c, and LAC 33:IX.1113.B.2.a.

B. The inspection also revealed that visible foam in greater than trace amounts was discharged from the carwash via Outfall 001 into Wards Creek, waters of the state. Each discharge of visible foam in greater than trace amounts is a violation of LPDES General Permit LAG750612 (Page 9 of 16 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

An inspection conducted by the Department on or about January 30, 2012, at Benny's Car Wash – Essen Lane (AI 151794), and a subsequent file review conducted by the Department on or about July 23, 2012, revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
04/2007-06/2007	001	CBOD[1] (Daily Maximum)	300 mg/L	665 mg/L
		Oil & Grease	15 mg/L	50.4 mg/L

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
01/2007-03/2007	001	CBOD (Daily Maximum)	300 mg/L	776 mg/L
		TSS[2] (Daily Maximum)	45 mg/L	490 mg/L
		Oil & Grease	15 mg/L	41 mg/L
10/2007-12/2007	001	CBOD (Daily Maximum)	300 mg/L	479 mg/L
		TSS (Daily Maximum)	45 mg/L	6,443 mg/L
		Oil & Grease	15 mg/L	39.4 mg/L
		TSS (Daily Maximum)	45 mg/L	3,097 mg/L*
04/2008-06/2008	001	CBOD (Daily Maximum)	300 mg/L	614 mg/L
		TSS (Daily Maximum)	45 mg/L	101 mg/L
		Oil & Grease	15 mg/L	19.7 mg/L
07/2008-09/2008	001	CBOD[1] (Daily Maximum)	300 mg/L	1,796 mg/L
		Oil & Grease	15 mg/L	38.3 mg/L
10/2008-12/2008	001	CBOD (Daily Maximum)	300 mg/L	402 mg/L
		TSS (Daily Maximum)	45 mg/L	94.4 mg/L
		Oil & Grease	15 mg/L	61.1 mg/L
01/2009-03/2009	001	CBOD (Daily Maximum)	300 mg/L	519 mg/L
		TSS (Daily Maximum)	45 mg/L	77.6 mg/L
		Oil & Grease	15 mg/L	54.4 mg/L
04/2009-06/2009	001	CBOD (Daily Maximum)	300 mg/L	527 mg/L
		TSS (Daily Maximum)	45 mg/L	57.5 mg/L
		Oil & Grease	15 mg/L	24.5 mg/L
		CBOD (Daily Maximum)	300 mg/L	519 mg/L*
		TSS (Daily Maximum)	45 mg/L	49 mg/L*
		Oil & Grease	15 mg/L	24.3 mg/L*
07/2009-09/2009	001	CBOD (Daily Maximum)	300 mg/L	430mg/L
		CBOD (Daily Maximum)	300 mg/L	406 mg/L*
10/2009-12/2009	001	CBOD (Daily Maximum)	300 mg/L	309 mg/L
		Oil & Grease	15 mg/L	44.2 mg/L
		CBOD (Daily Maximum)	300 mg/L	307 mg/L*
		Oil & Grease	15 mg/L	17.3 mg/L*
01/2010-03/2010	001	CBOD (Daily Maximum)	300 mg/L	358 mg/L
		TSS (Daily Maximum)	45 mg/L	176 mg/L
		Oil & Grease	15 mg/L	15.5 mg/L
		CBOD (Daily Maximum)	300 mg/L	322 mg/L*
		TSS (Daily Maximum)	45 mg/L	82.7 mg/L*
04/2010-06/2010	001	CBOD (Daily Maximum)	300 mg/L	575 mg/L
		TSS (Daily Maximum)	45 mg/L	4,736 mg/L
		CBOD (Daily Maximum)	300 mg/L	456 mg/L*
		TSS (Daily Maximum)	45 mg/L	123 mg/L*
07/2010-09/2010	001	pH (maximum)	9.0 Standard Units	9.1 Standard Units

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
10/2010-12/2010	001	TSS (Daily Maximum)	45 mg/L	178 mg/L
		TSS (Daily Maximum)	45 mg/L	60.3 mg/L*
01/2011-03/2011	001	TSS (Daily Maximum)	45 mg/L	77.7 mg/L
		TSS (Daily Maximum)	45 mg/L	52.7 mg/L*
04/2011-06/2011	001	CBOD (Daily Maximum)	300 mg/L	450 mg/L
		TSS (Daily Maximum)	45 mg/L	62 mg/L
		Oil & Grease	15 mg/L	20 mg/L
		CBOD (Daily Maximum)	300 mg/L	390 mg/L*
		Oil & Grease	15 mg/L	16 mg/L*
10/2011-12/2011	001	CBOD (Daily Maximum)	300 mg/L	46 mg/L
		TSS (Daily Maximum)	45 mg/L	410 mg/L
		Oil & Grease	15 mg/L	18 mg/L
		CBOD (Daily Maximum)	300 mg/L	320 mg/L*
		TSS (Daily Maximum)	45 mg/L	130 mg/L*
		Oil & Grease	15 mg/L	20 mg/L*
01/2012-03/2012	001	CBOD (Daily Maximum)	300 mg/L	350 mg/L
		TSS (Daily Maximum)	45 mg/L	130 mg/L
		Oil & Grease	15 mg/L	19 mg/L
		CBOD (Daily Maximum)	300 mg/L	340 mg/L*
		TSS (Daily Maximum)	45 mg/L	70 mg/L*

[1] Chemical Oxygen Demand (COD) [2] Total Suspended Solids (TSS)
* Reported on Noncompliance Reports.

Each exceedance of a permitted discharge limitation prior to June 12, 2009, is a violation of LPDES General Permit LAG750612 (Part I, Section B, Page 6 of 16 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each exceedance of a permitted discharge limitation after June 12, 2009, is a violation of LPDES General Permit LAG750612 (Section B, Page 8 of 16 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review conducted by the Department on or about July 23, 2012, of Benny's Car Wash – Essen Lane (AI 151794) revealed that the Respondent failed to submit DMRs in a timely manner. Specifically, the Respondent submitted DMRs for the April 2007 – June 2007 through January 2012 – March 2012 quarterly monitoring periods with a signature date of May 31, 2012. The Respondent is required to submit DMRs on a quarterly basis no later than the 28th day of the month following

each quarterly monitoring period. The most recent of these DMRs was due by April 28, 2012. In addition, a consulting firm for the Respondent submitted a letter dated May 31, 2012, indicating that these and other DMRs were being submitted with the letter. Therefore, the DMRs were received after the due dates. Each failure to submit DMRs in a timely manner is a violation of LPDES General Permit LAG750612 (Page 16 of 16 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

The Respondent owns and/or operates a carwash, B-Quik of Baton Rouge Number Three (AI 87126), located at 4105 Perkins Road in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent was granted coverage under the Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG750000 on or about February 2, 2001, and was specifically assigned permit number LAG750350. The permit expired on June 30, 2003, but was administratively extended until the general permit was reissued. LPDES General Permit LAG750350 was reissued to the Respondent on or about May 7, 2004, and expired on March 14, 2009, but was administratively extended until the general permit was reissued. LPDES General Permit LAG750350 was reissued to the Respondent on or about June 12, 2009, and will expire on March 14, 2014. Under the terms and conditions of LPDES General Permit LAG750350, the Respondent is authorized to discharge treated exterior vehicle wash wastewater from the facility through local drainage, thence to Dawson Creek, all waters of the state.

A file review conducted by the Department on or about July 23, 2012, of B-Quik of Baton Rouge Number Three (AI 87126) revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
01/2006 – 03/2006	001	COD (Daily Maximum)	300 mg/L	307.64 mg/L
		TSS (Daily Maximum)	45 mg/L	96 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	20 mg/L
10/2006-12/2006	001	TSS (Daily Maximum)	45 mg/L	262 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	82 mg/L
01/2007 – 03/2007	001	COD (Daily Maximum)	300 mg/L	476 mg/L
		TSS (Daily Maximum)	45 mg/L	57 mg/L
04/2007-06/2007	001	TSS (Daily Maximum)	45 mg/L	96.3 mg/L
		COD (Daily Maximum)	300 mg/L	405 mg/L
07/2007-09/2007	001	TSS (Daily Maximum)	45 mg/L	103 mg/L
		COD (Daily Maximum)	300 mg/L	368 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	52.8 mg/L
10/2007-12/2007	001	TSS (Daily Maximum)	45 mg/L	242 mg/L
		COD (Daily Maximum)	300 mg/L	418 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	21.6 mg/L
04/2008-06/2008	001	TSS (Daily Maximum)	45 mg/L	67.6 mg/L
		COD (Daily Maximum)	300 mg/L	662 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	44.9 mg/L
10/2008-12/2008	001	TSS (Daily Maximum)	45 mg/L	62.5 mg/L
		COD (Daily Maximum)	300 mg/L	474 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	37.2 mg/L
		TSS (Daily Maximum)	45 mg/L	50 mg/L*
		COD (Daily Maximum)	300 mg/L	367 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	18.2 mg/L*
01/2009-03/2009	001	TSS (Daily Maximum)	45 mg/L	73.3 mg/L
		COD (Daily Maximum)	300 mg/L	426 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	45.6 mg/L
07/2009-09/2009	001	TSS (Daily Maximum)	45 mg/L	50 mg/L
01/2010-03/2010	001	TSS (Daily Maximum)	45 mg/L	160 mg/L
		COD (Daily Maximum)	300 mg/L	529 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	25.9 mg/L
		TSS (Daily Maximum)	45 mg/L	55.4 mg/L*
		COD (Daily Maximum)	300 mg/L	454 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	18.6 mg/L*
04/2010-06/2010	001	TSS (Daily Maximum)	45 mg/L	148 mg/L
		COD (Daily Maximum)	300 mg/L	469 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	20.6 mg/L
		TSS (Daily Maximum)	45 mg/L	79.3 mg/L*
		COD (Daily Maximum)	300 mg/L	444 mg/L*

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
10/2010-12/2010	001	COD (Daily Maximum)	300 mg/L	448 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	17.5 mg/L
01/2011-03/2011	001	TSS (Daily Maximum)	45 mg/L	213 mg/L
		COD (Daily Maximum)	300 mg/L	922 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	137 mg/L
		pH (maximum)	9.0 Standard Units	9.23 Standard Units
		TSS (Daily Maximum)	45 mg/L	149 mg/L*
		COD (Daily Maximum)	300 mg/L	373 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	19.3 mg/L*
04/2011-06/2011	001	COD (Daily Maximum)	300 mg/L	620 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	29 mg/L
		COD (Daily Maximum)	300 mg/L	310 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	22 mg/L*
07/2011-09/2011	001	COD (Daily Maximum)	300 mg/L	490 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	22 mg/L
		COD (Daily Maximum)	300 mg/L	340 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	20 mg/L*
10/2011-12/2011	001	Oil & Grease (Daily Maximum)	15 mg/L	24 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	22 mg/L*
01/2012-03/2012	001	TSS (Daily Maximum)	45 mg/L	89 mg/L
		COD (Daily Maximum)	300 mg/L	370 mg/L
		TSS (Daily Maximum)	45 mg/L	79 mg/L*
		COD (Daily Maximum)	300 mg/L	340 mg/L*

* Reported on Noncompliance Reports

Each exceedance of a permitted discharge limitation prior to June 12, 2009, is a violation of LPDES General Permit LAG750350 (Part I, Section B, Page 6 of 16; Part II, Section E; and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each exceedance of a permitted discharge limitation after June 12, 2009, is a violation of LPDES General Permit LAG750350 (Section B, Page 8 of 16 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review conducted by the Department on or about July 23, 2012, of B-Quik of Baton Rouge Number Three (AI 87126) revealed that the Respondent failed to submit DMRs in a timely manner. Specifically, the Respondent submitted DMRs for the April 2007 – June 2007 through January 2012 – March 2012 quarterly monitoring periods with a signature date of May 31, 2012.

The Respondent is required to submit DMRs on a quarterly basis no later than the 28th day of the month following each quarterly monitoring period. The most recent of these DMRs was due by April 28, 2012. In addition, a consultant firm for the Respondent submitted a letter dated May 31, 2012, indicating that these and other DMRs were being submitted with the letter. Therefore, the DMRs were received after the due dates. Each failure to submit DMRs in a timely manner is a violation of LPDES General Permit LAG750350 (Page 16 of 16 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4."

The following violations, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement:

Benny's Car Wash - Essen Owned and/or Operated by Benny's Car Wash, L.L.C. (AI 151794)

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash - Essen owned and/or operated by Benny's Carwash, L.L.C. (AI 151794) revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
4/2013 – 6/2013	001	TSS (Daily Maximum)	45 mg/L	58 mg/L

Each exceedance of a permitted discharge limitation is a violation of LPDES General Permit LAG750612 (Section B, Page 8 of 16 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

Benny's Car Wash - Perkins Owned and/or Operated by B-Quik of Baton Rouge Number Three, L.L.C. (AI 87126)

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash - Perkins owned and/or operated by B-Quik of Baton Rouge Number Three, L.L.C. (AI 87126)

revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
4/2012-6/2012	001	Oil & Grease (Daily Maximum)	15 mg/L	22 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	19 mg/L*
7/2012 – 9/2012	001	TSS (Daily Maximum)	45 mg/L	63 mg/L
		TSS (Daily Maximum)	45 mg/L	59 mg/L*
		TSS (Daily Maximum)	45 mg/L	52 mg/L*
10/2012 – 12/2012	001	TSS (Daily Maximum)	45 mg/L	51 mg/L
		TSS (Daily Maximum)	45 mg/L	49 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	16 mg/L
1/2013 – 3/2013	001	TSS (Daily Maximum)	45 mg/L	99 mg/L
		TSS (Daily Maximum)	45 mg/L	57 mg/L*
		COD (Daily Maximum)	300 mg/L	353 mg/L

* Reported on Noncompliance Reports

Each exceedance of a permitted discharge limitation is a violation of LPDES General Permit LAG750350 (Section B, Page 8 of 16 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

Benny's Car Wash - Coursey Owned and/or Operated by Benny's Express Car Wash Number Two, L.L.C. (AI 98019)

A file review conducted by the Department on or about November 5, 2013, of Benny's Carwash - Coursey owned and/or operated by Benny's Express Car Wash Number Two, L.L.C. (AI 98019) revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
4/2007 – 6/2007	001	TSS (Daily Maximum)	45 mg/L	61.2 mg/L
		COD (Daily Maximum)	300 mg/L	455 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	31.7 mg/L

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
7/2007 – 9/2007	001	TSS (Daily Maximum)	45 mg/L	98.8 mg/L
		COD (Daily Maximum)	300 mg/L	381 mg/L
10/2007 – 12/2007	001	TSS (Daily Maximum)	45 mg/L	6663 mg/L
		COD (Daily Maximum)	300 mg/L	628 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	36.6 mg/L
4/2008 – 6/2008	001	TSS (Daily Maximum)	45 mg/L	117 mg/L
		COD (Daily Maximum)	300 mg/L	638 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	63.1 mg/L
10/2008 – 12/2008	001	TSS (Daily Maximum)	45 mg/L	1438 mg/L
		TSS (Daily Maximum)	45 mg/L	58.8 mg/L*
		COD (Daily Maximum)	300 mg/L	762 mg/L
		COD (Daily Maximum)	300 mg/L	424 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	80.9 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	31.5 mg/L*
		pH (maximum)	9.0 Standard Units	9.50 Standard Units
1/2009 – 3/2009	001	TSS (Daily Maximum)	45 mg/L	66.8 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	631 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	97.1 mg/L*
7/2009 – 9/2009	001	TSS (Daily Maximum)	45 mg/L	76.9 mg/L
		COD (Daily Maximum)	300 mg/L	503 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	38.7 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	17.2 mg/L*
		pH (maximum)	9.0 Standard Units	9.97 Standard Units
10/2009 – 12/2009	001	TSS (Daily Maximum)	45 mg/L	809 mg/L
		TSS (Daily Maximum)	45 mg/L	317 mg/L*
		COD (Daily Maximum)	300 mg/L	1634 mg/L
		COD (Daily Maximum)	300 mg/L	774 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	477 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	280 mg/L*
		pH (maximum)	9.0 Standard Units	9.42 Standard Units
		pH (maximum)	9.0 Standard Units	9.36 Standard Units*
1/2010 – 3/2010	001	TSS (Daily Maximum)	45 mg/L	153 mg/L
		TSS (Daily Maximum)	45 mg/L	50.7 mg/L*
		COD (Daily Maximum)	300 mg/L	515 mg/L
		COD (Daily Maximum)	300 mg/L	442 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	45.3 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	25.1 mg/L*
		pH (maximum)	9.0 Standard Units	9.34 Standard Units
4/2010 –	001	TSS (Daily Maximum)	45 mg/L	159 mg/L

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
6/2010		TSS (Daily Maximum)	45 mg/L	104 mg/L*
		COD (Daily Maximum)	300 mg/L	674 mg/L
		COD (Daily Maximum)	300 mg/L	457 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	85.8 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	57 mg/L*
7/2010 – 9/2010	001	TSS (Daily Maximum)	45 mg/L	86.2 mg/L
		TSS (Daily Maximum)	45 mg/L	62.5 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	36.2 mg/L
10/2010 – 12/2010	001	TSS (Daily Maximum)	45 mg/L	67.8 mg/L
		TSS (Daily Maximum)	45 mg/L	54.8 mg/L*
		COD (Daily Maximum)	300 mg/L	467 mg/L
		COD (Daily Maximum)	300 mg/L	407 mg/L*
01/2011-03/2011	001	TSS (Daily Maximum)	45 mg/L	96.4 mg/L
		COD (Daily Maximum)	300 mg/L	490 mg/L
		pH (maximum)	9.0 Standard Units	9.25 Standard Units
04/2011-06/2011	001	COD (Daily Maximum)	300 mg/L	460 mg/L
		COD (Daily Maximum)	300 mg/L	340 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	37 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	20 mg/L*
7/2011 – 9/2011	001	COD (Daily Maximum)	300 mg/L	360 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	33 mg/L
10/2011-12/2011	001	TSS (Daily Maximum)	45 mg/L	46 mg/L
		COD (Daily Maximum)	300 mg/L	410 mg/L
		COD (Daily Maximum)	300 mg/L	390 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	18 mg/L
01/2012-03/2012	001	TSS (Daily Maximum)	45 mg/L	71 mg/L
		TSS (Daily Maximum)	45 mg/L	53 mg/L*
		COD (Daily Maximum)	300 mg/L	400 mg/L
		COD (Daily Maximum)	300 mg/L	340 mg/L*
04/2012-06/2012	001	Oil & Grease (Daily Maximum)	15 mg/L	17 mg/L
07/2012-09/2012	001	TSS (Daily Maximum)	45 mg/L	49 mg/L
10/2013-12/2013	001	COD (Daily Maximum)	300 mg/L	302 mg/L
01/2013-03/2013	001	TSS (Daily Maximum)	45 mg/L	76 mg/L
		TSS (Daily Maximum)	45 mg/L	53 mg/L*

* Reported on Noncompliance Reports

Each exceedance of a permitted discharge limitation prior to June 12, 2009, is a violation of LPDES General Permit LAG750418 (Part I, Section B, Page 6 of 16 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each exceedance of a permitted discharge limitation after June 12, 2009, is a violation of LPDES General Permit LAG750418 (Section B, Page 8 of 16 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash - Coursey owned and/or operated by Benny's Express Carwash Number Two, L.L.C. (AI 98019) revealed that the Respondent failed to submit DMRs in a timely manner. Specifically, the Respondent submitted DMRs for the April 2007 – June 2007 through January 2012 – March 2012 quarterly monitoring periods with a signature date of May 31, 2012. The Respondent is required to submit DMRs on a quarterly basis no later than the 28th day of the month following each quarterly monitoring period. The most recent of these DMRs was due by April 28, 2012. In addition, a consulting firm for the Respondent submitted a letter dated May 31, 2012, indicating that these and other DMRs were being submitted with the letter. Therefore, the DMRs were received after the due dates. Each failure to submit DMRs in a timely manner is a violation of LPDES General Permit LAG750418 (Section C, Page 16 of 16 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash - Coursey owned and/or operated by Benny's Express Carwash Number Two, L.L.C. (AI 98019) revealed that the Respondent failed to sample in accordance with LPDES General Permit LAG750418. Specifically, the Respondent is required by LPDES General Permit LAG750418 to sample once per three (3) months for TSS, COD, Oil & Grease, and pH. The Respondent failed to

sample once per three (3) months for TSS, COD, Oil & Grease, and pH for the monitoring period of July 2008 through September 2008. The Respondent noted on its July 2008 through September 2008 DMR that the reason no samples were collected was due to a laboratory error. Each failure to sample is a violation of LPDES General Permit LAG750418 (Part I, Section B, Page 6 of 16, and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

Benny's Car Wash of Gonzales Owned and/or Operated by Benny's Express Car Wash of Gonzales, L.L.C. (AI 166916)

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash of Gonzales owned and/or operated by Benny's Express Car Wash of Gonzales, L.L.C. (AI 166916) revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
4/2012 – 6/2012	001	TSS (Daily Maximum)	45 mg/L	76 mg/L
7/2012 – 9/2012	001	COD (Daily Maximum)	300 mg/L	360 mg/L
10/2012 – 12/2012	001	Oil & Grease (Daily Maximum)	15 mg/L	17 mg/L
1/2013 – 3/2013	001	TSS (Daily Maximum)	45 mg/L	60 mg/L
		TSS (Daily Maximum)	45 mg/L	57 mg/L*
		COD (Daily Maximum)	300 mg/L	329 mg/L

* Reported on Noncompliance Reports

Each exceedance of a permitted discharge limitation is a violation of LPDES General Permit LAG750757 (Section B, Page 8 of 16 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash of Gonzales owned and/or operated by Benny's Express Car Wash of Gonzales, L.L.C. (AI 166916) revealed that the Respondent failed to submit DMRs in a timely manner. Specifically, the

Respondent submitted DMRs for the October 2009 – December 2009 through January 2012 – March 2012 quarterly monitoring periods with a signature date of May 31, 2012. The Respondent is required to submit DMRs on a quarterly basis no later than the 28th day of the month following each quarterly monitoring period. The most recent of these DMRs was due by April 28, 2012. In addition, a consulting firm for the Respondent submitted a letter dated May 31, 2012, indicating that these and other DMRs were being submitted with the letter. Therefore, the DMRs were received after the due dates. Each failure to submit DMRs in a timely manner is a violation of LPDES General Permit LAG750757 (Section C, Page 16 of 16 and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash of Gonzales owned and/or operated by Benny's Express Car Wash of Gonzales, L.L.C. (AI 166916) revealed that the Respondent failed to sample in accordance with LPDES General Permit LAG750757. Specifically, the Respondent is required by LPDES General Permit LAG750757 to sample once per three (3) months for TSS, COD, Oil & Grease, and pH. The Respondent failed to sample once per three (3) months for TSS, COD, Oil & Grease, and pH for the monitoring periods of October 2010 - December 2010 through January 2012 – March 2012. Each failure to sample is a violation of LPDES General Permit LAG750757 (Section B, Page 8 of 16, and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

Benny's Car Wash #4 Owned and/or Operated by B-Quick of Baton Rouge Number Four, L.L.C. (AI 129127)

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash #4 owned and/or operated by B-Quick of Baton Rouge Number Four, L.L.C. (AI 129127)

revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
7/2007 – 9/2007	001	TSS (Daily Maximum)	45 mg/L	92 mg/L
		COD (Daily Maximum)	300 mg/L	356 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	41.1 mg/L
10/2007 – 12/2007	001	TSS (Daily Maximum)	45 mg/L	92.8 mg/L
		COD (Daily Maximum)	300 mg/L	473 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	51.9 mg/L
4/2008 – 6/2008	001	TSS (Daily Maximum)	45 mg/L	270 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	48.2 mg/L
7/2008 – 9/2008	001	COD (Daily Maximum)	300 mg/L	422 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	32.2 mg/L
4/2009 – 6/2009	001	TSS (Daily Maximum)	45 mg/L	158 mg/L
		COD (Daily Maximum)	300 mg/L	643 mg/L
		COD (Daily Maximum)	300 mg/L	454 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	94.3 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	22.2 mg/L*
7/2009 – 9/2009	001	TSS (Daily Maximum)	45 mg/L	91.7 mg/L
		TSS (Daily Maximum)	45 mg/L	76.2 mg/L*
		COD (Daily Maximum)	300 mg/L	648 mg/L
		COD (Daily Maximum)	300 mg/L	648 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	66.6 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	38.7 mg/L*
		pH (maximum)	9.0 Standard Units	9.19 Standard Units
10/2009 – 12/2009	001	TSS (Daily Maximum)	45 mg/L	70 mg/L
		TSS (Daily Maximum)	45 mg/L	60 mg/L*
		COD (Daily Maximum)	300 mg/L	430 mg/L
		COD (Daily Maximum)	300 mg/L	382 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	56.4 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	19.3 mg/L*
1/2010- 3/2010	001	TSS (Daily Maximum)	45 mg/L	85.7 mg/L
		COD (Daily Maximum)	300 mg/L	551 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	40 mg/L
4/2010 – 6/2010	001	TSS (Daily Maximum)	45 mg/L	79.8 mg/L
		TSS (Daily Maximum)	45 mg/L	55.4 mg/L*
		COD (Daily Maximum)	300 mg/L	565 mg/L
		COD (Daily Maximum)	300 mg/L	493 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	54.3 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	36.8 mg/L*

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
7/2010 – 9/2010	001	TSS (Daily Maximum)	45 mg/L	46.3 mg/L
		COD (Daily Maximum)	300 mg/L	342 mg/L
		COD (Daily Maximum)	300 mg/L	338 mg/L*
10/2010 – 12/2010	001	COD (Daily Maximum)	300 mg/L	477 mg/L
		COD (Daily Maximum)	300 mg/L	425 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	15.6 mg/L
1/2011 – 3/2011	001	TSS (Daily Maximum)	45 mg/L	67 mg/L
		TSS (Daily Maximum)	45 mg/L	56.2 mg/L*
		COD (Daily Maximum)	300 mg/L	621 mg/L
		COD (Daily Maximum)	300 mg/L	344 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	18.8 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	17.5 mg/L*
7/2011 – 9/2011	001	COD (Daily Maximum)	300 mg/L	490 mg/L
		COD (Daily Maximum)	300 mg/L	320 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	33 mg/L
10/2011 – 12/2011	001	COD (Daily Maximum)	300 mg/L	370 mg/L
		COD (Daily Maximum)	300 mg/L	370 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	23 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	19 mg/L*
1/2012 – 3/2012	001	COD (Daily Maximum)	300 mg/L	370 mg/L
		COD (Daily Maximum)	300 mg/L	320 mg/L*
4/2012 – 6/2012	001	Oil & Grease (Daily Maximum)	15 mg/L	35 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	31 mg/L*
		Oil & Grease (Daily Maximum)	15 mg/L	17 mg/L*
7/2012 – 9/2012	001	TSS (Daily Maximum)	45 mg/L	82 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	34 mg/L
		Oil & Grease (Daily Maximum)	15 mg/L	17 mg/L*
1/2013 – 3/2013	001	TSS (Daily Maximum)	45 mg/L	75 mg/L
		TSS (Daily Maximum)	45 mg/L	48 mg/L*
		COD (Daily Maximum)	300 mg/L	393 mg/L

* Reported on Noncompliance Reports

Each exceedance of a permitted discharge limitation prior to June 12, 2009, is a violation of LPDES General Permit LAG750550 (Part I, Section B, Page 6 of 16; Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Each exceedance of a permitted discharge limitation after June 12, 2009, is a violation of LPDES General Permit LAG750550 (Section B, Page 8 of 16 and

Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash #4 owned and/or operated by B-Quick of Baton Rouge Number Four, L.L.C. (AI 129127) revealed that the Respondent failed to submit DMRs in a timely manner. Specifically, the Respondent submitted DMRs for the April 2007 – June 2007 through January 2012 – March 2012 quarterly monitoring periods with a signature date of May 31, 2012. The Respondent is required to submit DMRs on a quarterly basis no later than the 28th day of the month following each quarterly monitoring period. The most recent of these DMRs was due by April 28, 2012. In addition, a consulting firm for the Respondent submitted a letter dated May 31, 2012, indicating that these and other DMRs were being submitted with the letter. Therefore, the DMRs were received after the due dates. Each failure to submit DMRs in a timely manner is a violation of LPDES General Permit LAG750550 (Section C, Page 16 of 16 and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash #4 owned and/or operated by B-Quick of Baton Rouge Number Four, L.L.C.'s (AI 129127) revealed that the Respondent failed to submit quarterly DMRs from the issuance of LPDES General Permit LAG750550 on May 3, 2006, until it submitted its first one for the April 2007 – June 2007 quarterly monitoring period. Each failure to submit DMRs is a violation of LPDES General Permit LAG750550 (Part I, Section C, page 16 of 16 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.a.

A file review conducted by the Department on or about November 5, 2013, of Benny's Car Wash #4 owned and/or operated by B-Quick of Baton Rouge Number Four, L.L.C. (AI 129127)

revealed that the Respondent failed to sample in accordance with LPDES General Permit LAG750550. Specifically, the Respondent is required by LPDES General Permit LAG750550 to sample once per three (3) months for TSS, COD, Oil & Grease, and pH. The Respondent failed to sample once per three (3) months for TSS, COD, Oil & Grease, and pH for the monitoring period of January 2008 through March 2008. The Respondent noted on its January 2008 through March 2008 DMR that the reason no samples were collected was due to a laboratory error. Each failure to sample is a violation of LPDES General Permit LAG750550 (Part I, Section B, Page 6 of 16, and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

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 FORTY THOUSAND AND NO/100 DOLLARS ($40,000.00), of which Two Thousand Ninety-Nine and 98/100 Dollars ($2,099.98) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

VI

Respondent, in addition to the penalty amount specified in Paragraph V above and as part of this Settlement, agrees to expend the amount of EIGHTY THOUSAND AND NO/100 DOLLARS

($80,000.00) to implement and/or perform the following beneficial environmental project:

A. Respondent shall connect to and discharge all of its process water discharges from its car wash located on Essen Lane (Agency Interest No. 151794) to the local publicly owned treatment works (POTW) by March 31, 2016.

B. Upon completion of the project required under this Settlement, Respondent shall submit a final report to include the total amount spent on the project listed above. It shall also contain a certification that the project was completed as described.

C. If Respondent does not spend the amount of $80,000.00, then it shall, in its final report, propose additional projects for the Department's approval in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.

D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30: 2050.7(E)(1).

VII

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VIII

This agreement shall be considered a final order of the Secretary for all purposes, including,

but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

IX

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

X

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.

XI

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge and Ascension Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XII

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

XIII

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

XIV

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.

BENNY'S CARWASH, L.L.C.

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
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Lourdes Iturralde, 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: _____
Lourdes Iturralde, Assistant Secretary