

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* Settlement Tracking No.

* SA-WE-09-0044

*

GREATER OUACHITA WATER COMPANY

* Enforcement Tracking No.

* WE-CN-00-0229, WE-CN-00-0254,

AI # 38193, 41654, 41651,

* WE-C-00-0233, WE-C-00-0236,

41656, 18690, 41639

* WE-CN-01-0109, WE-C-04-0338,

* WE-C-00-0236A, WE-C-00-0236B

*

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

* Docket No. 2002-6920-EQ, 2002-6921-EQ,

* 2003-5000-EQ, 2005-0663-EQ,

LA. R.S. 30:2001, ET SEQ.

* 2005-0664-EQ, 2005-0951-EQ

SETTLEMENT

The following Settlement is hereby agreed to between Greater Ouachita Water Company ("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 non-profit corporation that owns and/or operates numerous wastewater treatment plant facilities located in Ouachita Parish, Louisiana, and a two-cell wastewater oxidation pond system, also located in Ouachita Parish, Louisiana ("the Facility[ies]").

II

On October 31, 2000, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-00-0229, Agency Interest No. 38193, made part of this settlement agreement and attached hereto as Exhibit A.

On October 31, 2000, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-00-0254, Agency Interest No. 41654, made part of this settlement agreement and attached hereto as Exhibit B.

On November 2, 2000, the Department issued to Respondent a Compliance Order, Enforcement No. WE-C-00-0233, Agency Interest No. 41651, made part of this settlement agreement and attached hereto as Exhibit C.

On December 11, 2001, the Department issued to Respondent a Compliance Order, Enforcement No. WE-C-00-0236, Agency Interest No. 41656, made part of this settlement agreement and attached hereto as Exhibit D.

On April 4, 2002, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-01-0109, Agency Interest No. 18690, made part of this settlement agreement and attached hereto as Exhibit E.

On June 15, 2004, the Department issued to Respondent a Compliance Order, Enforcement No. WE-C-04-0338, Agency Interest No. 41639, made part of this settlement agreement and attached hereto as Exhibit F.

On June 29, 2004, the Department issued to Respondent an Amended Compliance Order, Enforcement No. WE-C-00-0236A, Agency Interest No. 41656, made part of this settlement agreement and attached hereto as Exhibit G.

On September 1, 2004, the Department issued to Respondent an Amended Compliance Order, Enforcement No. WE-C-00-0236B, Agency Interest No. 41656, made part of this settlement agreement and attached hereto as Exhibit H.

III

In response to each of the following enforcement actions, Respondent made a timely request for a hearing.

1. Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-00-0254;
2. Compliance Order, Enforcement No. WE-C-00-0233;
3. Compliance Order, Enforcement No. WE-C-00-0236;
4. Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-01-0109;
5. Compliance Order, Enforcement No. WE-C-04-0338; and
6. Amended Compliance Order, Enforcement No. WE-C-00-0236A

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 TWENTY-FIVE THOUSAND AND NO/100 Dollars (\$25,000.00), of which Five Thousand and No/100 Dollars (\$5,000.00) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Compliance Orders, the Consolidated Compliance Orders and Notices of Potential Penalties 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.

VII

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.

VIII

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 LSA- R. S. 30:2025(E) of the Act.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ouachita Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for

public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made in eighteen (18) monthly installments. The first seventeen (17) installments shall be One Thousand Four Hundred and No/100 Dollars (\$1,400.00) each. The first payment is due within ten (10) days from notice of the Secretary's signature. Subsequent payments are due on the first day of each consecutive month. An Eighteenth (18th) installment and final payment shall be One Thousand Two Hundred and No/100 Dollars (\$1,200.00), for a total of Twenty-Five Thousand and No/100 Dollars (\$25,000.00). If payment is not received within this time frame and in the amount stipulated above, 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 I).

XI

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

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

**GREATER OUACHITA WATER
COMPANY**

BY: Wood T. Spentes
(Signature)

Wood T. Spentes
(Print)

TITLE: President

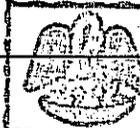
THIS DONE AND SIGNED in duplicate original before me this 23 day of September, 20 10, at Monroe, LA.

Jana N. Johnson
NOTARY PUBLIC (ID # _____)
JANA N. JOHNSON
NOTARY NO. 16011
Notary Public, Ouachita Parish, LA
My Commission Expires At Death.

**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Peggy M. Hatch, Secretary

BY: [Signature]
Beau James Brock, Assistant Secretary
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this 20th day of January, 20 11, at Baton Rouge, Louisiana.

Christopher A. Ratcliff
NOTARY PUBLIC (ID # _____)
 CHRISTOPHER A. RATCLIFF
Notary Public
State of Louisiana
Notary ID # 10149
My Commission is for Life

Preliminary Approval: [Signature]
Beau James Brock, Assistant Secretary