

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

\* **Settlement Tracking No.**  
\* **SA-WE-03-0012**

**TOWN & COUNTRY SERVICE  
COMPANY INC.**

\*  
\* **Enforcement Tracking No.**

**AI # 43587, 43588**

\* **WE-PP-01-0004**  
\* **WE-PP-02-0150**

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

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**SETTLEMENT**

The following Settlement is hereby agreed to between Town & Country Service Company 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 doing business in the State of Louisiana, who operated a sewage treatment facility located at 445 Birchwood Drive, Monroe, Ouachita Parish, Louisiana ("the Northside Facility"). The Respondent closed the Northside Facility on or about July 20, 2001, and ceased all discharges by no later than that date. The Respondent also operated a sewage treatment facility located off of U.S. Highway 165 in Monroe, Ouachita Parish, Louisiana (the "Northgate Facility"). The Respondent closed the Northgate Facility on or about September 5, 2001, and ceased all discharges by no later than that date.

## II.

On December 19, 2002, the Department issued a Notice of Potential Penalty, Enforcement Number WE-PP-01-0004, to Respondent which was based upon the following findings of fact:

On or about May 22, 2000, an inspection of Northside Terrace Subdivision Sewerage Treatment Plant, owned and/or operated by Town & Country Service Company, Inc. (Respondent), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and Water Quality Regulations.

The Respondent was issued a Louisiana Water Discharge Permit System (LWDPS) permit WP 2261 effective November 8, 1995, and with an expiration date of November 7, 2000. Under WP 2261, the Respondent had authority to discharge treated sanitary wastewater into an open ditch, thence into Chauvin Bayou, thence into the Ouachita River, all waters of the state.

On or about December 4, 1997, the Department received a request and an application from the Respondent to revoke their LWDPS permit and reissue them an LPDES permit, which would include their oxidation pond. On or about October 4, 2000, the Department received another application from the Respondent for an LPDES permit for the abovementioned facility. Therefore, LWDPS permit WP2261 was administratively continued. The Respondent then requested a termination of LWDPS permit WP2661 on or about August 7, 2001. LWDPS permit WP2261 was terminated on January 4, 2002. The Respondent stated that beginning July 20, 2001, all sewage collected within the subdivision and other contributing areas would be pumped to Oakwood Regional Treatment Facility. The Respondent further stated that the oxidation pond would be closed and the lands recovered in accordance with agreement with the Corp of Engineers.

A) The Respondent did cause or allow an unauthorized discharge from a location not listed in the permit. The manhole in the street at 445 Birchwood Drive in the Northside Terrace Subdivision was overflowing to surface drainage. A portion of the sewer system had become clogged with grease causing the overflow. The company was notified and the problem was corrected the same day. This unauthorized discharge is in violation of LWDPS permit LA0052060 (Part III, Section A.1), La. R.S. 30:2076(A)(1)(b), LAC 33:IX.2355.A, and LAC 33:IX.2355.L.7.

B) A file review conducted by the Department on or about October 11, 2002, disclosed the following effluent violations as reported by the Respondent on Discharge Monitoring Reports (DMRs) or Noncompliance Reports (NCRs):

Date	Parameter	Permit Limit	Sample Value
July 2001	BOD <sub>5</sub>	10 mg/L (weekly avg.) 15 mg/L (monthly avg.)	33.34 mg/L 39.90 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.) 400 col./100 ml (monthly avg.)	23,102 col/100 ml 114,263 col/100 ml
	TSS	15 mg/L (weekly avg.) 23 mg/L (monthly avg.)	286 mg/L 418 mg/L
	pH	9.0 s.u. (max)	10.32 s.u.
	May 2001	pH	9.0 s.u. (max)
	TSS	15 mg/L (weekly avg.)	164 mg/L
April 2001	BOD <sub>5</sub>	10 mg/L (weekly avg.) 15 mg/L (monthly avg.)	44.37 mg/L 59.90 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.) 400 col./100 ml (monthly avg.)	17,552 col/100 ml 32,388 col/100 ml
	TSS	15 mg/L (weekly avg.) 23 mg/L (monthly avg.)	86.24 mg/L 188 mg/L
	pH	9.0 s.u. (max)	9.87 s.u.
	March 2001	BOD <sub>5</sub>	10 mg/L (weekly avg.) 15 mg/L (monthly avg.)
Fecal Coliform Colonies/100 ml		200 col./100 ml (weekly avg.) 400 col./100 ml (monthly avg.)	6,226 col/100 ml 14,697 col/100 ml
TSS		15 mg/L (weekly avg.) 23 mg/L (monthly avg.)	46.73 mg/L 94.00 mg/L
pH		9.0 s.u. (max)	10.12 s.u.

<b>Date</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Sample Value</b>
February 2001	BOD <sub>5</sub>	10 mg/L (weekly avg.) 15 mg/L (monthly avg.)	47.30 mg/L 96.70 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.) 400 col./100 ml (monthly avg.)	4,633 col/100 ml 65,956 col/100 ml
	TSS	15 mg/L (weekly avg.) 23 mg/L (monthly avg.)	50.25 mg/L 102 mg/L
January 2001	BOD <sub>5</sub>	10 mg/L (weekly avg.) 15 mg/L (monthly avg.)	38.43 mg/L 52.60 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.) 400 col./100 ml (monthly avg.)	1,514 col/100 ml 15,400 col/100 ml
	TSS	15 mg/L (weekly avg.) 23 mg/L (monthly avg.)	80.20 mg/L 98 mg/L
	pH	9.0 s.u. (max)	10.01 s.u.
December 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.) 15 mg/L (monthly avg.)	45.31 mg/L 72.10 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.) 400 col./100 ml (monthly avg.)	18,383 col/100 ml 45,475 col/100 ml
	TSS	15 mg/L (weekly avg.) 23 mg/L (monthly avg.)	90 mg/L 122 mg/l
	pH	9.0 s.u. (max)	9.39 s.u.
November 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.) 15 mg/L (monthly avg.)	30.08 mg/L 59.60 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.) 400 col./100 ml (monthly avg.)	9,522 col./100 ml 67,934 col./100 ml
	TSS	15 mg/L (weekly avg.) 23 mg/L (monthly avg.)	87.78 mg/L 144 mg/L

<b>Date</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Sample Value</b>
October 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.)	53.08 mg/L
		15 mg/L (monthly avg.)	127.60 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.)	23,356 col./100 ml
		400 col./100 ml (monthly avg.)	182,467 col./100 ml
	TSS	15 mg/L (weekly avg.)	125.56 mg/L
		23 mg/L (monthly avg.)	242 mg/L
July 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.)	38.16 mg/L
		15 mg/L (monthly avg.)	62.70 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.)	44,619 col./100 ml
		400 col./100 ml (monthly avg.)	382,664 col./100 ml
	pH	6.0 – 9.0 S.U.	10.54 S.U.
TSS	15 mg/L (weekly avg.)	187.56 mg/L	
		23 mg/L (monthly avg.)	386 mg/L
June 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.)	33.40 mg/L
		15 mg/L (monthly avg.)	43.50 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.)	32,247 col./100 ml
		400 col./100 ml (monthly avg.)	696,000 col./100 ml
	pH	6.0 – 9.0 S.U.	10.60 S.U.
TSS	15 mg/L (weekly avg.)	212.25 mg/L	
		23 mg/L (monthly avg.)	288 mg/L
May 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.)	31.59 mg/L
		15 mg/L (monthly avg.)	46.60 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.)	35,105 col./100 ml
		400 col./100 ml (monthly avg.)	74,492 col./100 ml
	pH	6.0 – 9.0 S.U.	10.74 S.U.
TSS	15 mg/L (weekly avg.)	210.40 mg/L	
		23 mg/L (monthly avg.)	268 mg/L

<b>Date</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Sample Value</b>
April 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.)	39.32 mg/L
		15 mg/L (monthly avg.)	62.50 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.)	24,020 col./100 ml
		400 col./100 ml (monthly avg.)	57,783 col./100 ml
	pH	6.0 – 9.0 S.U.	10.89 S.U.
	TSS	15 mg/L (weekly avg.)	161.50 mg/L
23 mg/L (monthly avg.)		364 mg/L	
March 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.)	36.21 mg/L
		15 mg/L (monthly avg.)	42.80 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.)	11,717 col./100 ml
		400 col./100 ml (monthly avg.)	40,494 col./100 ml
	pH	6.0 – 9.0 S.U.	10.23 S.U.
	TSS	15 mg/L (weekly avg.)	147.71 mg/L
23 mg/L (monthly avg.)		204 mg/L	
February 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.)	43.35 mg/L
		15 mg/L (monthly avg.)	51.50 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.)	6,434 col./100 ml
		400 col./100 ml (monthly avg.)	12,198 col./100 ml
	pH	6.0 – 9.0 S.U.	9.30 S.U.
	TSS	15 mg/L (weekly avg.)	150 mg/L
23 mg/L (monthly avg.)		154 mg/L	
January 2000	BOD <sub>5</sub>	10 mg/L (weekly avg.)	52.80 mg/L
		15 mg/L (monthly avg.)	68.20 mg/L
	Fecal Coliform Colonies/100 ml	200 col./100 ml (weekly avg.)	5,725 col./100 ml
		400 col./100 ml (monthly avg.)	7,546 col./100 ml
	pH	6.0 – 9.0 S.U.	9.33 S.U.
	TSS	15 mg/L (weekly avg.)	152 mg/L
23 mg/L (monthly avg.)		176 mg/L	

Each effluent violation is in violation of LWDPs permit LA0052060 (Part I, Page 3; Part III, Section A.1), La. R.S. 30:2076 (A)(1), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

On January 12, 2005, the Department issued a Notice of Potential Penalty, Enforcement Number WE-PP-02-0150, to Respondent which was based upon the following findings of fact:

On or about August 25, 2004, a file review of Northgate Estates Subdivision, owned and/or operated by Town & Country Service Company Inc. (Respondent), was performed to

determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Water Quality Regulations. The facility is located off of U.S. Hwy. 165 in Monroe, Ouachita Parish, Louisiana.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG570000 on April 27, 1998, and specifically was assigned permit number LAG570130. On or about September 12, 2001, the Department received a notification from the Respondent to terminate LPDES permit LAG570130. The letter stated that the oxidation pond is no longer being used and all sewage collected within the subdivision is being pumped to the upgraded Oakwood Regional Treatment Facility. On or about May 24, 2002, the Department terminated LPDES permit LAG570130. LPDES permit LAG570130 required the Respondent to comply with interim limits Part I, Section B (Page 3a of 5) for a maximum of three years and then to comply with the final effluent limitations in Part I, Section B (Page 3 of 5) of the permit. Under the terms and conditions of the LPDES permit, the Respondent was authorized to discharge treated sanitary wastewater from Outfall 001 into local drainage, thence into Chauvin Bayou, waters of the state.

The following violations were noted during the course of the file review on August 25, 2004:

- A. The Respondent exceeded effluent limitations. These effluent excursions, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

<b>Interim Effluent Limitations</b>			
<b>Date</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Reported Value</b>
April 1998	BOD <sub>5</sub> (mon avg)	30 mg/L	55.80 mg/L
	BOD <sub>5</sub> (wkly avg)	45 mg/L	55.80 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	47,906 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	47,906 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	96.0 mg/L

May 1998	BOD <sub>5</sub> (mon avg) Fecal Coliform (mon avg) Fecal Coliform (wkly avg) TSS mg/L (mon avg) TSS mg/L (wkly avg)	30 mg/L 200 col/100 ml 400 col/100 ml 90 mg/L 135 mg/L	39.85 mg/L 1,316 col/100 ml 3,464 col/100 ml 152 mg/L 192 mg/L
June 1998	BOD <sub>5</sub> (mon avg) BOD <sub>5</sub> (wkly avg) Fecal Coliform (mon avg) TSS mg/L (mon avg) TSS mg/L (wkly avg)	30 mg/L 45 mg/L 400 col/100 ml 90 mg/L 135 mg/L	36.25 mg/L 50.70 mg/L 29,500 col/100 ml 165.0 mg/L 230.0 mg/L
July 1998	BOD <sub>5</sub> (mon avg) BOD <sub>5</sub> (wkly avg) Fecal Coliform (mon avg) Fecal Coliform (wkly avg) TSS mg/L (mon avg) TSS mg/L (wkly avg)	30 mg/L 45 mg/L 200 col/100 ml 400 col/100 ml 90 mg/L 135 mg/L	57.35 mg/L 57.35 mg/L 41,451 col/100 ml 41,451 col/100 ml 162.0 mg/L 196.0 mg/L
August 1998	BOD <sub>5</sub> (mon avg) BOD <sub>5</sub> (wkly avg) Fecal Coliform (mon avg) Fecal Coliform (wkly avg) TSS mg/L (mon avg)	30 mg/L 45 mg/L 200 col/100 ml 400 col/100 ml 90 mg/L	58.70 mg/L 58.70 mg/L 42,896 col/100 ml 42,896 col/100 ml 130.0 mg/L
September 1998	BOD <sub>5</sub> (mon avg) Fecal Coliform (mon avg) Fecal Coliform (wkly avg) TSS mg/L (mon avg)	30 mg/L 200 col/100 ml 400 col/100 ml 90 mg/L	45.60 mg/L 50,843 col/100 ml 50,843 col/100 ml 94.0 mg/L
November 1998	Fecal Coliform (mon avg) Fecal Coliform (wkly avg) TSS mg/L (mon avg)	200 col/100 mL 400 col/100 mL 90 mg/L	31,225 col/100 ml 31,225 col/100 ml 134 mg/L
December 1998	Fecal Coliform (mon avg) Fecal Coliform (wkly avg)	200 col/100 ml 400 col/100 ml	46,368 col/100 ml 46,368 col/100 ml
January 1999	BOD <sub>5</sub> (mon avg) BOD <sub>5</sub> (wkly avg) Fecal Coliform (mon avg) Fecal Coliform (wkly avg)	30 mg/L 45 mg/L 200 col/100 ml 400 col/100 ml	55.50 mg/L 55.50 mg/L 41,000 col/100 ml 41,000 col/100 ml
Feb 1999	No Sampling	No Sampling	No Sampling

<b>Date</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Reported Value</b>
March 1999	BOD <sub>5</sub> (mon avg)	30 mg/L	33.70 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	39,243 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 mL	39,243 col/100 ml
April 1999	BOD <sub>5</sub> (mon avg)	30 mg/L	52.30 mg/L
	BOD <sub>5</sub> (wkly avg)	45 mg/L	52.30 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	37,987 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	37,987 col/100 ml
May 1999	BOD <sub>5</sub> (mon avg)	30 mg/L	40.50 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	30,398 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	30,398 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	151.0 mg/L
	TSS mg/L (wkly avg)	135 mg/L	151.0 mg/L
June 1999	BOD <sub>5</sub> (mon avg)	30 mg/L	35.20 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	11,225 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	11,225 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	182.0 mg/L
	TSS mg/L (wkly avg)	135 mg/L	182.0 mg/L
July 1999	Fecal Coliform (mon avg)	200 col/100 ml	150,678 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	150,678 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	174.0 mg/L
	TSS mg/L (wkly avg)	135 mg/L	174.0 mg/L
August 1999	Fecal Coliform (mon avg)	200 col/100 ml	18,224 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	18,224 col/100 ml
September 1999	Fecal Coliform (mon avg)	200 col/100 ml	12,560 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	12,560 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	124.0 mg/L
October 1999	BOD <sub>5</sub> (mon avg)	30 mg/L	32.60 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	19,894 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	19,894 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	268.0 mg/L
	TSS mg/L (wkly avg)	135 mg/L	268.0 mg/L
November 1999	BOD <sub>5</sub> (mon avg)	30 mg/L	35.80 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	29,000 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	29,000 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	298.0 mg/L
	TSS mg/L (wkly avg)	135 mg/L	298.0 mg/L
December 1999	BOD <sub>5</sub> (mon avg)	30 mg/L	41.40 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	27,222 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	27,222 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	116.0 mg/L

<b>Date</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Reported Value</b>
January 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	48.90 mg/L
	BOD <sub>5</sub> (wkly avg)	45 mg/L	48.90 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	44,956 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	44,956 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	92.0 mg/L
February 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	42.40 mg/L
	BOD <sub>5</sub> (wkly avg)	45 mg/L	48.90 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	49,173 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	49,173 col/100 ml
March 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	38.80mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	47,958 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	47,958 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	102.0 mg/L
April 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	47.70 mg/L
	BOD <sub>5</sub> (wkly avg)	45 mg/L	47.70 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	11,898 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	11,898 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	98.0 mg/L
May 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	43.70 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	49,990 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	49,990 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	102.0 mg/L
June 2000	Fecal Coliform (mon avg)	200 col/100 ml	43,955 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	43,955 col/100 ml
July 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	67.90 mg/L
	BOD <sub>5</sub> (wkly avg)	45 mg/L	67.90 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	18,894 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	18,894 col/100 ml
August 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	35.60 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	13,857 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	13,857 col/100 ml
September 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	42.40 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	34,497 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	34,497 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	156.0 mg/L
	TSS mg/L (wkly avg)	135 mg/L	156.0 mg/L

<b>Date</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Reported Value</b>
October 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	56.4 mg/L
	BOD <sub>5</sub> (wkly avg)	45 mg/L	56.4 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	1,000 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	1,000 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	154.0 mg/L
	TSS mg/L (wkly avg)	135 mg/L	154.0 mg/L
November 2000	BOD <sub>5</sub> (mon avg)	30 mg/L	39.10 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	23,100 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	23,100 col/100 ml
December 2000	Fecal Coliform (mon avg)	200 col/100 ml	34,250 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	34,250 col/100 ml
	TSS mg/L (mon avg)	90 mg/L	110.0 mg/L
January 2001	BOD <sub>5</sub> (mon avg)	30 mg/L	52.50 mg/L
	BOD <sub>5</sub> (wkly avg)	45 mg/L	52.50 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	26,922 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	26,922 col/100 ml
February 2001	BOD <sub>5</sub> (mon avg)	30 mg/L	31.0 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	29,468 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	29,468 col/100 ml
March 2001	No Sampling	No Sampling	No Sampling
<b>Required to Comply with Final Effluent Limitations in Part I, Page 3 of 5</b>			
April 2001	BOD <sub>5</sub> (mon avg)	10 mg/L	87.20 mg/L
	BOD <sub>5</sub> (wkly avg)	15 mg/L	87.20 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	36,050 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	36,050 col/100 ml
	TSS mg/L (mon avg)	15 mg/L	108.0 mg/L
	TSS mg/L (wkly avg)	23 mg/L	108.0 mg/L
May 2001	BOD <sub>5</sub> (mon avg)	10 mg/L	22.30 mg/L
	BOD <sub>5</sub> (wkly avg)	15 mg/L	22.30 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	14,491 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	14,491 col/100 ml
	TSS mg/L (mon avg)	15 mg/L	232.0 mg/L
	TSS mg/L (wkly avg)	23 mg/L	232.0 mg/L
June 2001	BOD <sub>5</sub> (mon avg)	10 mg/L	22.30 mg/L
	BOD <sub>5</sub> (wkly avg)	15 mg/L	22.30 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	14,491 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	14,491 col/100 ml
	TSS mg/L (mon avg)	15 mg/L	232.0 mg/L
	TSS mg/L (wkly avg)	23 mg/L	232.0 mg/L

<b>Date</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Reported Value</b>
July 2001	BOD <sub>5</sub> (mon avg)	10 mg/L	20.90 mg/L
	BOD <sub>5</sub> (wkly avg)	15 mg/L	20.90 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	45,475 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	45,475 col/100 ml
	TSS mg/L (mon avg)	15 mg/L	72.0 mg/L
	TSS mg/L (wkly avg)	23 mg/L	72.0 mg/L
August 2001	BOD <sub>5</sub> (mon avg)	10 mg/L	38.4 mg/L
	BOD <sub>5</sub> (wkly avg)	15 mg/L	38.4 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	39,987 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	39,987 col/100 ml
	TSS mg/L (mon avg)	15 mg/L	74.0 mg/L
	TSS mg/L (wkly avg)	23 mg/L	74.0 mg/L
September 2001	BOD <sub>5</sub> (mon avg)	10 mg/L	41.70 mg/L
	BOD <sub>5</sub> (wkly avg)	15 mg/L	41.70 mg/L
	Fecal Coliform (mon avg)	200 col/100 ml	29,990 col/100 ml
	Fecal Coliform (wkly avg)	400 col/100 ml	29,990 col/100 ml
	TSS mg/L (mon avg)	15 mg/L	78.0 mg/L
	TSS mg/L (wkly avg)	23 mg/L	78.0 mg/L

Each effluent excursion constitutes a violation of LPDES permit LAG570130 (Part I, Section B and Part III Section A.2), La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

- B. The Respondent failed to sample the effluent for the monitoring periods February 1999 and March 2001. Specifically, the Respondent stated “ not sampled during this period” on the DMRs of February 1991 and March 2001. Each failure to sample the effluent constitutes a violation of LPDES permit LAG570130 (Part I Section B, Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.
- C. The Respondent failed to submit DMRs for monitoring periods September 2001 through May 2002 when the permit was terminated. Each failure to submit DMRs is a violation of LPDES permit LAG570130 (Part I, Section C, and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.a.

### III.

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

IV.

Nonetheless, the 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 FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), of which ONE HUNDRED FIFTY DOLLARS (\$150.00) represents DEQ'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 DEQ as described above shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V.

Respondent further agrees that the Department may consider the inspection report(s), the 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 the Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI.

This 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.

VII.

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.

VIII.

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ouachita Parish. 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 a proof-of-publication affidavit 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.

IX.

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 Account Administrator, Office of Management and Finance, 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).

X.

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

XI.

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

TOWN & COUNTRY SERVICE  
COMPANY INC.

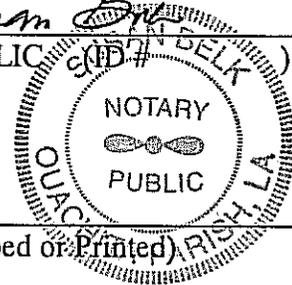
BY: Judith DeMers  
(Signature)

Judith DeMers  
(Print)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 17<sup>th</sup> day of July, 20 11, at Monroe (Ouachita Parish) Louisiana

Susan Belk  
NOTARY PUBLIC (ID# 061403)  
SUSAN BELK, Notary Public  
Ouachita Parish, Louisiana  
Commission for Life  
Notary ID# 061403



(Stamped or Printed)

LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
Peggy M. Hatch, Secretary

BY: Cheryl  
Cheryl Sonnier Nolan, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 18 day of October, 20 11, at Baton Rouge, Louisiana.

Dwana King  
NOTARY PUBLIC (ID# 20590)  
Bar Roll #  
Life Commission

Dwana King  
(Stamped or Printed)

Approved: CSN  
Cheryl Sonnier Nolan, Assistant Secretary