

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	* Settlement Tracking No.
	* SA-WE-15-0038
H2O SYSTEMS, INC.	*
	* Enforcement Tracking Nos.
AI # 42668, 111355, 42666, 42667, 19599,	* WE-C-04-1185
87879 and 128014	* WE-CN-08-0579
	* WE-CN-10-01707
PROCEEDINGS UNDER THE LOUISIANA	* WE-CN-11-00613
ENVIRONMENTAL QUALITY ACT	* WE-CN-11-00390
LA. R.S. 30:2001, <u>ET SEQ.</u>	* WE-CN-11-00390A

SETTLEMENT

The following Settlement is hereby agreed to between H2O Systems, 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 sewerage treatment facilities located in St. Tammany Parish, Louisiana.

II

On May 6, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-08-0579**, which was based upon the following findings of fact:

“The Respondent owns and/or operates a sewage treatment plant which serves Penn Mill Lakes Subdivision located on Penn Mill Lakes Boulevard approximately 0.25 miles from Penn Mill Loop in Covington, St. Tammany Parish, Louisiana. Northlake Environmental Engineering Services, Inc., was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0118966 on or about June 7, 2004, with an effective date of July 1, 2004, and an expiration

date of June 30, 2009. On or about July 7, 2008, the Department was notified that on May 30, 2008, Northlake Environmental Engineering Services, Inc., was merged into H2O Systems, Inc. Effective May 30, 2008, LPDES permit LA0118966 was transferred to H2O Systems, Inc. H2O Systems, Inc. failed to submit a permit application in a timely manner and LPDES permit LA0118966 expired on June 30, 2009. LPDES permit LA0118966 was re-issued on September 23, 2009, with an effective date of November 1, 2009, and an expiration date of September 30, 2014. On or about October 28, 2009, LPDES permit LA0118966 was appealed to the 19th Judicial District Court. On or about March 22, 2010, the 19th Judicial District Court vacated the permit and remanded it back to the Department. The Respondent was notified by the Department on or about April 6, 2010, that the permit issued on September 28, 2009, was no longer effective and to continue to follow the monitoring requirements in the previous permit until such time as a new permit is issued. Under the terms and conditions of LPDES permit LA0118966, the Respondent is authorized to discharge treated sanitary wastewater from Outfall 001 to a parish drainage ditch, thence to Horse Branch, thence to Tchefuncte River, waters of the state.

A file review conducted by the Department on or about March 2, 2011, revealed that the Respondent did cause and/or allow the unauthorized discharge of sanitary wastewater. Specifically, the Respondent failed to submit a permit renewal application in a timely manner and LPDES permit LA0118966 expired on June 30, 2009. LPDES permit LA0118966 was re-issued on September 23, 2009, with an effective date of November 1, 2009. As evidence by the Respondent's continued submittal of Discharge Monitoring Reports (DMRs), the Respondent did discharge in July, August, and September of 2009 even though the permit was expired. Also, an overflow of the lift station located at 471 Steeply Chase Drive in Covington occurred on or about August 1, 2009. Approximately 500 to 600 gallons of raw sewage discharged into the ditch and

into the detention pond on Steeple Chase Drive. The unauthorized discharges of treated and untreated wastewater from July 1, 2009, to November 1, 2009, are a violation of La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.

A file review conducted by the Department on or about March 2, 2011, revealed that the Respondent failed to submit a renewal application 180 days prior to the expiration date of LPDES permit LA0118966. Specifically, the Respondent submitted a permit application on or about March 18, 2009. The expiration date of LPDES permit LA0118966 was June 30, 2009. The failure to submit a permit renewal application 180 days prior to the expiration date of the LPDES permit is a violation of LPDES permit LA0118966 (Part III, Sections A.2 and A.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.B.

Inspections conducted by the Department on or about November 17, 2009; April 23, 2010; May 14, 2010; November 24, 2010; and February 23, 2011, all in response to citizens' complaints, and a subsequent file review conducted on or about March 2, 2011, revealed that the Respondent did cause and/or allow the discharge of floating solids on the following occasions:

- A. The Respondent reported that on or about May 17, 2009, a heavy rainfall caused an overload of solids from the collection system to enter the treatment facility. The solids caused a clog in the pipe from the aeration chambers to the digester tank which led to an overflow of an estimated 5,000 gallons of mixed liquors to the effluent. The upset resulted in a deposit of mixed liquor in the receiving ditch. Mixed liquors are defined as the combination of raw sewage and biological mass. The inspection conducted on or about November 17, 2009, noted floating solids, scum, and bubbles in the receiving ditch downstream of Outfall 001. Floating solids and settleable solids were noted in the

receiving ditch at the discharge pipe. A follow-up inspection conducted on or about November 23, 2009, revealed floating and settleable solids in the receiving ditch.

- B. During the inspection conducted on or about April 23, 2010, floating solids were observed in the receiving stream on the east and west sides of Horse Branch Road downstream from the facility's outfall. The Respondent's office manager stated that the lift station had over pumped into the sewage treatment plant and a vacuum truck had been to the facility to remove the solids from the receiving stream on April 7, April 12, and April 13, 2010. A second inspection conducted by the Department on or about April 28, 2010, revealed floating solids in the receiving stream on the east and west sides of Horse Branch Road, floating and settleable solids in the receiving stream at the final outfall, and algae build-up and solids in the weirs. The inspection also revealed that the post-aeration appeared cloudy. The facility's operator stated that the lift station's over pumping had occurred on April 5, 2010, and it led to a hydraulic overload at the plant. Another follow-up inspection was conducted by the Department on or about May 4, 2010. The inspection revealed that floating solids were still present on the east and west sides of Horse Branch Road downstream from the outfall. Also, floating solids and settleable solids were observed in the receiving stream from approximately 5-20 feet from the outfall. The office manager for the Respondent stated that the vacuum truck had returned to the site on April 30, 2010, and would be called again.
- C. On or about May 8, 2010, a complaint was received by the Department stating that foam, floating solids, and settled solids were filling the ditch at Horse Branch Road. On or about May 14, 2010, the office manager for the Respondent reported that solids had been discharged from the facility. An inspection conducted by the Department on or about

May 14, 2010, in response to the complaint, revealed that excessive amounts of floating and settleable solids were present in the receiving stream on the east and west sides of Horse Branch Road. Solids were visible in the receiving stream from the final outfall on the east side of Horse Branch Road, through the culverts under Horse Branch Road, and approximately three hundred yards past the west side of Horse Branch Road. The receiving stream was observed to be clear and free from solids upstream from the outfall of this facility. The inspection also noted the following: cloudy and slightly brown discharge from the outfall, sewage artifacts and solids around the final outfall, algae build-up and solids in the weirs, and solids and algae along the walls of the final effluent chamber.

- D. On or about November 23, 2010, a complaint was received by the Department stating that floating solids had been released into the receiving stream from the facility. An inspection, in response to the complaint, was conducted on or about November 24, 2010. The inspection revealed large amounts of floating solids in the receiving stream around and across from the final discharge pipe. Floating solids were also observed in the final effluent of the plant. In addition, the inspection noted solids settled along the sides of the final effluent chamber and a large amount of build-up and floating solids in the weirs.
- E. An inspection conducted on or about February 23, 2011, in response to a citizen's complaint, revealed that floating solids were observed in the receiving stream downstream from the facility's outfall.

The unauthorized discharge of floating solids is a violation of LPDES permit LA0118966 (Part I, page 2 of 2, and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (b), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A. The failure to

properly operate and maintain the system of treatment is a violation of LPDES permit LA0118966 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

An inspection conducted by the Department on or about November 24, 2009, in response to a citizen’s complaint, revealed that the Respondent did cause or allow an adverse impact to aquatic biota. Specifically, approximately forty (40) small dead fish were observed on the West side of the ditch on Horse Branch Road downstream of the facility. The inspection also revealed a large amount of floating and settleable solids in the receiving ditch. A previous inspection conducted on or about November 17, 2009, noted the following: floating and settleable solids in the receiving ditch, solids and debris in the weirs, pin flock in the clarifier, and floating solids in the final effluent chamber. The destruction of aquatic biota is a violation of LPDES permit LA0118966 (Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.1113.B.1.d, and LAC 33:IX.1113.B.5.

Inspections conducted by the Department on or about May 30, 2008; November 17, 2009; and July 15, 2010, in response to citizens’ complaints, and a subsequent file review conducted on or about March 2, 2011, revealed that the Respondent exceeded the effluent limitations contained in LPDES permit LA0118966. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
November 2004	TSS Monthly Average	15 mg/L	82 mg/L
	TSS Weekly Average	23 mg/L	82 mg/L
December 2004	TSS Monthly Average	15 mg/L	96 mg/L
	TSS Weekly Average	23 mg/L	146 mg/L
	TSS Weekly Average	23 mg/L	46 mg/L*
December 2004	Fecal Coliform Weekly Average	400 col/100ml	2300 col/100ml
	CBOD ₅ Monthly Average	10 mg/L	14 mg/L
	CBOD ₅ Weekly Average	15 mg/L	20 mg/L

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
January 2006	DO Monthly Average	5 mg/L	4.5 mg/L
	Ammonia-Nitrogen Monthly	5 mg/L	5.1 mg/L
February 2006	DO Monthly Average	5 mg/L	3.6 mg/L
March 2006	Ammonia-Nitrogen Weekly	10 mg/L	12.7 mg/L
December 2008	Fecal Coliform Weekly Average	400 col/100ml	552 col/100ml
December 2009	Fecal Coliform Weekly Average	400 col/100ml	920 col/100ml
June 2010	Dissolved Oxygen Minimum Monthly Average	5 mg/L	4.2 mg/L**
July 2010	Dissolved Oxygen Minimum Monthly Average	5 mg/L	4.3 mg/L**
August 2010	Dissolved Oxygen Minimum Monthly Average	5 mg/L	3.3 mg/L**
September 2010	Dissolved Oxygen Minimum Monthly Average	5 mg/L	3.9 mg/L**

* Reported on a noncompliance report

** Failed to submit a noncompliance report

Each effluent exceedance is a violation of LPDES permit LA0118966 (Part I, page 2 of 2; Part II, Section A.7; and Part III, Section A.2), 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.2701.A.

A file review conducted by the Department on or about March 2, 2011, revealed that the Respondent failed to submit noncompliance reports for the effluent violations which occurred from June 2010 through September 2010. Each failure to submit a noncompliance report is a violation of LPDES permit LA0118966 (Part I, page 2 of 2 and Part III, Sections A.2 and D.7), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.7.

Inspections conducted by the Department on or about May 30, 2008, and July 15, 2010, revealed that the Respondent failed to maintain records. Specifically, the Respondent analyzes pH and dissolved oxygen (DO) samples at the facility. The inspection conducted on or about May 30, 2008, revealed that the Respondent did not have records of calibration of either of the

instruments. The inspection conducted on or about July 15, 2010, revealed that the Respondent still did not have calibration records for the DO meter and the pH calibration records were incomplete. The pH calibration records only showed dates and the only records of testing were the results documented on the chain of custody forms. In addition, the inspection conducted on or about July 15, 2010, revealed that there were no paper charts relating to the flow meter available for review. The failure to maintain records is a violation of LPDES permit LA0118966 (Part III, Sections A.2, C.3, and C.5.b), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.E, and LAC 33:IX.2701.J.2.

Inspections conducted by the Department on or about May 30, 2008, and July 15, 2010, and a subsequent file review conducted on or about March 2, 2011, revealed that the Respondent failed to continuously record flow on the following occasions:

- A. The Respondent reported on DMRs submitted to the Department that the flow meter was broken and the flow had to be estimated for the monthly monitoring periods of January 2005, April 2005, May 2005, July 2005, August 2005, and September 2005.
- B. The Respondent reported on DMRs submitted to the Department that the operator failed to record flow data for the monthly monitoring periods of January and February 2006.
- C. The Respondent reported on DMRs submitted to the Department that flow was not measured or recorded for every day of the monitoring period for the following monthly monitoring periods: November 2004, December 2004, February 2005, March 2005, June 2005, October through December 2005, March 2006 through December 2006, and March 2007.
- D. During the inspection conducted on or about May 30, 2008, flow monitoring records were reviewed for the monitoring periods of January 2007 through March 2008. The review revealed that flow totalizer readings are not obtained for every day of the monitoring period. The Respondent calculates the difference between non-consecutive totalizer readings and averages the difference to obtain a flow for each day.
- E. The inspection conducted on or about July 15, 2010, revealed that the continuous recorder was inoperable.

The failure continuously record flow is a violation of LPDES permit LA0118966 (Part I, page 2 of 2 and Part III, Sections A.2 and C.6), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

Inspections conducted by the Department on or about May 30, 2008, and July 15, 2010, revealed that the Respondent failed to properly operate and maintain the facility. Specifically, LPDES permit LA0118966 requires the Respondent to continuously record flow. The inspection conducted on or about July 15, 2010, revealed that the flow recorder was inoperable. The Respondent stated that the flow meter had been calibrated on or about June 29, 2010, but the inspector could not verify the accuracy since the meter was not operating. The inspection noted that the weir was inaccessible and there was no staff gauge present in the chlorine contact chamber. The inspection conducted on or about May 30, 2008, revealed that there was no chart paper on the flow recorder. In addition, the inspection conducted on or about July 15, 2010, revealed that solids and trash were present in the weirs, pin flock was present in the clarifier, and the scum return was submerged under water. Each failure to properly operate and maintain the facility is a violation of LPDES permit LA0118966 (Part III, Sections. A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

An inspection conducted by the Department on or about May 30, 2008, revealed that the Respondent inaccurately reported data on the DMRs. Specifically, the Respondent failed to take daily flow readings and as such inaccurately calculated monthly and weekly averages for flow for the November 2004 through March 2008 monitoring periods. In addition, the Respondent inaccurately calculated the Ammonia-Nitrogen, CBOD₅, and TSS loading values. The Respondent is required to use the flow recorded on the day the sample is taken to calculate the loading values; however, the Respondent reported that no flow values were taken during the

following monitoring periods: January 2005, April 2005, May 2005, July 2005, August 2005, September 2005, January 2006, and February 2006. The records review conducted during the inspection revealed that the Respondent used average flows instead of actual flow readings to calculate the loading values for January 2007 and March 2007 through March 2008. Each failure to accurately report data on the DMRs is a violation of LPDES permit LA0118966 (Part III, Sections A.2 and C.5.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX2701.J.4.

An inspection conducted by the Department on or about May 30, 2008, and a subsequent file review conducted on or about March 2, 2011, revealed that the Respondent failed to sample. Specifically, the Respondent reported that the facility began to discharge on November 23, 2004; however, the sample taken on November 30th was the only sample taken for the November 2004 monitoring period. LPDES permit LA0118966 requires sampling twice a month. Also, the Respondent failed to analyze the sample taken during November 2004 for the DO, Ammonia-Nitrogen, and CBOD₅ parameters. Each failure to sample the effluent is a violation of LPDES permit LA0118966 (Part I, page 2 of 2 and Part III, Sections A.2 and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on or about July 15, 2010, and a subsequent file review conducted by the Department on or about January 3, 2011, revealed that the Respondent submitted incomplete and/or inaccurate DMRs. Specifically, the Respondent failed to report a Monthly Average loading value for CBOD₅ on the January 2005 DMR. Also, the inspection conducted on or about July 15, 2010, revealed that the Respondent failed to include all three TSS sample results taken during May 2010 on the corresponding DMR. The lab analysis report for May 2010 reported three TSS samples analyzed, but the Respondent failed to include

the May 15, 2010, sample result in the calculations used to determine the reported value. In addition, the Respondent reported on the July 2010 DMR that flow was continuously recorded; however, the flow meter was inoperable during the inspection conducted on or about July 15, 2010. Each failure to submit a complete and accurate DMR is a violation of LPDES permit LA0118966 (Part III, Sections A.2, D.4, and D.7), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.L.4.d, and LAC 33:IX.2701.L.7.

A file review conducted by the Department on or about January 3, 2011, revealed that the Respondent failed to submit timely DMRs. Specifically, the Respondent submitted the following monthly DMRs after the 28th day of the month following the end of the calendar quarter: June 2004 through September 2004, November 2004, December 2004, July 2005 through December 2006, April 2007 through December 2007, April 2008 through December 2008, April 2009 through June 2009, and November 2009 through September 2010. Each failure to submit a timely DMR is a violation of LPDES LA0118966 (Part II, Section A.10 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.

An inspection conducted on or about May 30, 2008, revealed that pin floc was in the clarifier and that the tertiary filter was not in service.

An inspection conducted by the Department on or about November 17, 2009, in response to a citizen's complaint, revealed the following:

- A) There were solids and debris in the weirs, pin flock in the clarifier, and floating solids in the final effluent chamber.
- B) Tertiary treatment had been offline for approximately three weeks due to a burned-up motor.
- C) Dissolved oxygen readings taken in the receiving stream downstream from the outfall were above 5.0 mg/L.

An inspection conducted by the Department on or about July 15, 2010, revealed that the

clarification tank appeared unlevel and may not have been set-up to specifications.”

On June 16, 2011, the Department issued to Respondent a Compliance Order, Enforcement No. **WE-C-04-1185**, which was based upon the following findings of fact:

“The Respondent owns and/or operates a sewage treatment plant which serves Money Hill Plantation located on Money Hill Parkway, off LA Highway 435, in Abita Springs, St. Tammany Parish, Louisiana. Money Hill Plantation LTD. Partnership was authorized under Louisiana Pollutant Discharge Elimination System (LPDES) permit LAG570000 and specifically assigned permit number LAG570164 on or about March 1, 1999. On or about May 5, 1999, the permit was transferred to Northlake Environmental Engineering Services, Inc. LPDES permit LAG570164 expired on September 30, 2002, but was administratively continued until the Respondent was re-authorized on or about August 10, 2006. Northlake Environmental Engineering Services, Inc., was merged into H2O Systems, Inc., effective May 30, 2008. LPDES permit LAG570164 expired on March 14, 2009, but was administratively continued until the Respondent could be re-authorized on or about June 16, 2009, with an expiration date of April 30, 2014. Under the terms and conditions of LPDES permit LAG570164, the Respondent is authorized to discharge treated sanitary wastewater from Outfall 001 to local drainage, thence to Abita Creek, waters of the state.

A file review conducted by the Department on or about May 19, 2011, revealed that the Respondent did cause and/or allow the following unauthorized discharges of wastewater:

- A. On or about December 9, 2008, approximately 50 gallons of sludge were discharged to the receiving ditch due to a lift station failure at Bald Eagle Drive.
- B. On or about March 14, 2010, approximately 100 gallons of untreated wastewater overflowed from the lift station at Money Hill Parkway and Camphill Drive due to a blockage which caused the pumps to trip.

C. On or about November 29, 2010, approximately 250 gallons of wastewater overflowed from the wet well located at Money Hill Parkway and Camphill Drive due to the pumps not operating properly.

Each unauthorized discharge is a violation of LPDES permit LAG570164 (Part II, Section I and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. Each failure to properly operate and maintain the system is a violation of LPDES permit LAG570164 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

An inspection conducted by the Department on or about August 24, 2004, and a subsequent file review conducted by the Department on or about May 19, 2011, revealed that the Respondent exceeded the effluent limitations contained in LPDES permit LAG570164. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
09/30/05	BOD ₅ Monthly Average	10 mg/l	12 mg/l
	TSS Monthly Average	15 mg/l	24 mg/l
	TSS Weekly Average	23 mg/l	24 mg/l
12/31/05	TSS Monthly Average	15 mg/l	26 mg/l
	TSS Weekly Average	23 mg/l	26 mg/l
02/28/07	TSS Weekly Average	23 mg/l	27 mg/l*
12/31/08	BOD ₅ Monthly Average	10 mg/l	14 mg/l
04/30/09	pH Minimum	6.0 SU	5.60 SU
09/30/09	TSS Monthly Average	15 mg/L	29 mg/L
	TSS Weekly Average	23 mg/L	29 mg/L

*Failed to submit a non-compliance report

Each effluent exceedence prior to August 10, 2006, is a violation of LPDES permit LAG570164 (Part I, Sections B and C.6 and Part III, Section A.2), 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.2701.A. Each effluent exceedence on or after August 10, 2006, is a violation of LPDES permit LAG570164 (Part I,

Section B; Part II, Section E; and Part III, Section A.2), 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.2701.A.

A file review conducted by the Department on or about May 19, 2011, revealed that the Respondent failed to submit a non-compliance report (NCR) for the effluent violation reported on the February 2007 DMR. The failure to submit a NCR is a violation of LPDES permit LAG570164 (Part III, Sections A.2 and D.7), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

An inspection conducted by the Department on or about August 24, 2004, and a subsequent file review conducted on or about May 19, 2011, revealed that the Respondent failed to properly measure flow. Specifically, the Respondent reported that the flow was estimated on the following monthly DMRs: October 2006 through April 2007, April 2008, May 2008, and September 2008. Also, the inspection noted that the Respondent's flow meter was installed in an inappropriate location. Each failure to properly measure the flow is a violation of LPDES permit LAG570164 (Part I, Section B and Part III, Sections A.2 and C.6), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about May 19, 2011, revealed that the Respondent failed to sample pH for the monthly monitoring period of March 2007. Failure to sample pH is a violation of LPDES permit LAG570164 (Part I, Section B and Part III, Sections A.2 and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on or about August 24, 2004, and a subsequent file review conducted on or about May 19, 2011, revealed that the Respondent submitted inaccurate DMRs. Specifically, the Respondent reported a Daily Maximum instead of a Weekly Average for BOD₅, TSS, and Fecal Coliform on the DMRs for the monthly monitoring

periods of July 2005 through December 2006. Each failure to submit an accurate DMR is a violation of LPDES permit LAG570164 (Part I, Section B and Part III, Section A.2), La R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about May 19, 2011, revealed that the Respondent failed to submit timely DMRs. Specifically, the Respondent submitted late DMRs for the following monthly monitoring periods: July 2005 through December 2005, April 2006 through September 2007, April 2008 through December 2008, and April 2009 through September 2010. Each failure to submit a timely DMR prior to August 10, 2006, is a violation of LPDES permit LAG570164 (Part I, Section C.6 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a. Each failure to submit a timely DMR on or after August 10, 2006, is a violation of LPDES permit LAG570164 (Part II, Section N.8 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.”

On November 17, 2011, the Department issued to Respondent Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-11-00390**, which was based upon the following findings of fact:

“The Respondent owns and/or operates an existing privately owned treatment works that serves several subdivision and commercial facilities located at 3075 White Oak Lane in Mandeville, St. Tammany Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0068730 on August 6, 2007, with an effective date of September 1, 2007. LPDES permit LA0068730 was modified on May 27, 2008, to replace Daily Maximum discharge limitations with Weekly Average limitations. LPDES permit LA0068730 will expire on August 31, 2012. LPDES permit LA0068730 authorizes the

Respondent to discharge treated sanitary wastewater into Bayou Chinchuba, thence into Lake Pontchartrain, all waters of the state.

An inspection conducted by the Department on or about June 30, 2011, revealed the Respondent had record keeping deficiencies. Specifically, the monthly and annual reports and employee training records were not available on site for review. Failure to provide access to and/or copies of any records that must be kept under the conditions of the LPDES permit is in violation of LPDES permit LA0068730 (Part II, Section B and Part III, Sections A.2 and C.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on or about June 3, 2009, revealed the following:

- a. The composite sampler was not working at the time of the inspection due to power failure at Greenleaves facility.
- b. The temperature inside the refrigerator was 8°C.
- c. The effluent pipe was broken about 40 feet prior to entering Bayou Chinchuba.

The failure to properly operate and maintain the collection system is a violation of LPDES permit LA0068730 (Part III, Sections A.2 and B.3.a), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. In addition, the Respondent failed to follow approved test methods. Specifically, the temperature inside the refrigerator was 8°C. Each failure to utilize approved test methods is a violation of LPDES permit LA0068730 (Part III, Sections A.2 and C.5), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E, LAC 33:IX.2701.J.4. Also, the unauthorized discharge of wastewater from a location not specified by the permit (broken effluent pipe about 40 feet from the Outfall location) is a violation of La. R.S. 30:2075, La. R.S. 30:2076 (A)(1)(b), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D.

Inspections conducted by the Department from June 2, 2008, through August 31, 2011, pursuant to citizen's complaint, revealed that the Respondent did cause or allow the following unauthorized discharges of untreated sanitary wastewater from manholes into waters of the state:

Date of Overflow/Incident	Overflow Location	Impacted Stream	Amount
June 2, 2008*	Greenleaves Blvd	Bayou Chinchuba	unknown
June 4, 2008*	Greenleaves Blvd & Richland Drive	Ditch	unknown
June 16, 2008*	Greenleaves Blvd & Scotch Pine Blvd & Across from the Colony & N. of Colony Trail & N. of Mayhaw	Manholes to ditch	unknown
August 19, 2008*	Delta Drive in Mandeville	Ditch	2' of sewage
October 16, 2008	Meadowbrook Dr.	Bayou Chinchuba	unknown
November 2, 2008*	Galvez Street	Drainage System	unknown
November 19, 2008	Meadowbrook lift station	Ditch	unknown
June 22, 2009	Jenny Lane and Richland Dr.	Drainage System	unknown
September 24, 2009	Springwater Dr.	Ditch	unknown
October 6, 2009*	Colony Trail Dr.	Ditch	unknown
October 12, 2009*	Springwater Dr.	Ditch	unknown
January 7, 2010	Edgewater	Ditch	unknown
May 5, 2010	The Lake Subdivision	Lake	unknown
October 6, 2010	Chateau Lorie Circle	Ditch	unknown
December 15, 2010	White Oak Lane	Bayou Chinchuba	unknown

* Failed to notify the Department.

Each unauthorized discharge of untreated sanitary wastewater from a location not specified in the permit is in violation of LPDES permit LA0068730 (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.2701.A. The failure to properly operate and maintain the collection system is in violation of LPDES permit LA0068730 (Part III, Sections A.2 and B.3.a), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. In addition, the Respondent failed to

notify the Department verbally within 24 hours and/or in writing within 7 days of the aforementioned unauthorized discharges. The failure to notify the Department of the unauthorized discharges is in violation of LPDES permit LA0068730 (Part II, Section A.6, and Part III, Sections A.2 and D.7), La. R.S. 30:2025 (J)(2), La. R.S. 30:2076 (A)(3), La. R.S. 30:2076 (D), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

A file review conducted by the Department on or about August 21, 2011, of the Discharge Monitoring Reports (DMRs) for LPDES permit LA0068730, revealed the following effluent violations:

Monitoring Period	Parameter	Permit Limit	Reported Value
March 2008	Total Zinc, mon avg.	0.03 lbs/day	0.31 lbs/day
June 2008	Total Zinc, mon avg.	0.03 lbs/day	0.33 lbs/day
September 2008	CBOD ₅ mon avg. CBOD ₅ wkly avg. Total Zinc, mon avg.	10 mg/L 15 mg/L 0.03 lbs/day	12 mg/L 33 mg/L 0.32 lbs/day
January 2009	Total Nitrogen Ammonia, mon avg. Total Amonia Nitrogen wkly avg.	4 mg/L 8 mg/L	4.38 mg/L 10.89 mg/L
March 2009	Total Copper, mon avg.	0.035 lbs/day	0.037 lbs/day
September 2009	Total Residual Chlorine	0.1 mg/L	0.48 mg/L
February 2010	CBOD ₅ mon avg.	10 mg/L	11 mg/L
November 2010	Total Nitrogen Ammonia, mon avg.	4 mg/L	5.65 mg/L
March 2011	Total Cyanide, mon avg.	0.031 lbs/d	<0.37 lbs/day
June 2011	Total Cyanide, mon avg. Total Zinc, mon avg.	0.031 lbs/d 0.03 lbs/day	0.06 lbs/day 0.04 lbs/day

Each of the above-noted effluent exceedances is in violation of and LPDES permit LA0068730 (Part I, page 5 of 7, and Part III, Section A.2), 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.2701.A.

A file review conducted by the Department on or about August 21, 2011 revealed that the Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. The

Respondent is required to submit monthly DMRs on a quarterly basis no later than the 28th day of the month following each monitoring period. DMRs were not received on time for the following monitoring periods: March of 2008, March, May, June, and December of 2009, January, April, May June, July, and August of 2010, and March of 2011. The failure to submit DMRs in a timely manner constitutes a violation of LPDES permit LA0068730 (Part II, Section 9.D, Part III, Sections A.2, D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.”

On February 23, 2012, the Department issued to Respondent Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-11-00390A**, which was based upon the following findings of fact:

“The Department hereby amends paragraph IV of the Findings of Fact to read as follows:

“IV.

Inspections conducted by the Department from August 19, 2008, through November 30, 2011, pursuant to citizen’s complaint, revealed that the Respondent did cause or allow the following unauthorized discharges of untreated sanitary wastewater from manholes into waters of the state:

Date of Overflow/Incident	Overflow Location	Impacted Stream	Amount
August 19, 2008*	Delta Drive in Mandeville	Ditch	2’ of sewage
October 16, 2008	Meadowbrook Dr.	Bayou Chinchuba	unknown
November 2, 2008*	Galvez Street	Drainage system	unknown
November 19, 2008	Meadowbrook lift station	Ditch	unknown
June 22, 2009	Jenny Lane and Richland Dr.	Drainage System	unknown
October 6, 2009*	Colony Trail Dr.	Ditch	unknown
October 12, 2009*	Springwater Dr.	Ditch	unknown
January 7, 2010	Edgewater	Ditch	unknown
May 5, 2010	The Lake Subdivision	Lake	unknown
October 6, 2010	Chateau Lorie Circle	Ditch	unknown
December 15, 2010	White oak Lane	Bayou Chinchuba	unknown

* Failed to notify the Department.

Each unauthorized discharge of untreated sanitary wastewater from a location not specified in the permit is in violation of LPDES permit LA0068730 (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.2701.A. The failure to properly operate and maintain the collection system is in violation of LPDES permit LA0068730 (Part III, Sections A.2 and B.3.a), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. In addition, the Respondent failed to notify the Department verbally within 24 hours and/or in writing within 7 days of the aforementioned unauthorized discharges. The failure to notify the Department of the unauthorized discharges is in violation of LPDES permit LA0068730 (Part II, Section A.6, and Part III, Sections A.2 and D.7), La. R.S. 30:2025 (J)(2), La. R.S. 30:2076 (A)(3), La. R.S. 30:2076 (D), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.”

The Department hereby amends paragraph V of the Findings of Fact to read as follows:

“V.

A file review conducted by the Department on or about February 8, 2012, of the Discharge Monitoring Reports (DMRs) for LPDES permit LA0068730, revealed the following effluent violations:

Monitoring Period	Parameter	Permit Limit	Reported Value
March 2008	Total Zinc, mon avg.	0.03 lbs/day	0.31 lbs/day
January 2009	Total Nitrogen Ammonia, mon avg. Total Ammonia Nitrogen wkly avg.	4 mg/L 8 mg/L	4.38 mg/L 10.89 mg/L
March 2009	Total Copper, mon avg.	0.035 lbs/day	0.037 lbs/day
September 2009	Total Residual Chlorine	0.1 mg/L	0.48 mg/L
February 2010	CBOD ₅ mon avg.	10 mg/L	11 mg/L
November 2010	Total Nitrogen Ammonia, mon avg.	4 mg/L	5.65 mg/L
March 2011	Total Cyanide, mon avg.	0.031 lbs/d	<0.37 lbs/day
June 2011	Total Cyanide, mon avg. Total Zinc, mon avg.	0.031 lbs/d 0.3 lbs/day	<0.06 lbs/day 0.4 lbs/day

Each of the above-noted effluent exceedances is in violation of and LPDES permit LA0068730 (Part I, page 5 of 7, and Part III, Section A.2), 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.2701.A.”

On February 24, 2012, the Department issued to Respondent Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-11-00613**, which was based upon the following findings of fact:

“The Respondent owns and/or operates a privately owned treatment works located on Caroline Street in Mandeville, St. Tammany Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0105554 effective on March 1, 2002, which expired on February 28, 2007. The Department received a permit renewal application from the Respondent on or about August 11, 2006, and LPDES permit LA0105554 was administratively continued. On or about October 2, 2007, LPDES permit LA0105554 was issued with an effective date of November 1, 2007. LPDES permit LA0105554 will expire on October 31, 2012. LPDES permit LA0105554 authorizes the Respondent to discharge treated sanitary wastewater into a parish drainage ditch, thence into little Bayou Castine, thence into Lake Pontchartrain, waters of the state.

An inspection conducted by the Department on or about October 23, 2001, revealed the facility had numerous effluent exceedances. The inspector discovered 92 effluent violations reported on DMRs from April 1999 to April 2001. The facility reported 30 TSS, 38 BOD₅, 12 Fecal Coliform and 12 Total Residual Chlorine (Cl₂) exceedances. Each effluent exceedance is a violation of LPDES permit LA0105554 (Part I, page 3 of 3, and Part III, Section A.2), 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.2701.A.

An interview with a facility representative on May 17, 2004, revealed that the Respondent failed to follow approved test methods. The facility representative stated that pH samples are collected at the Monterey facility, but the samples were analyzed at the Greenleaves facility. The traveling time between the two (2) facilities exceeds the 15 minute holding time for pH. Each failure to utilize approved test methods constitutes a violation of LPDES permit LAG0105554 (Part III, Sections A.2 and C.5), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.J.4. An inspection conducted on August 24, 2004, revealed that this violation had been addressed.

Inspections conducted by the Department on or about August 24, 2004, and October 25, 2004, revealed the following operation and maintenance deficiencies:

The following were observed on August 24, 2004:

- A. Plant #1.
 - 1. The first chamber of the clarifier contained large amounts of floating solids that covered 100% of the surface.
 - 2. The second cell of the chlorine contact chamber contained large amounts of solids covering 100% of the surface.

- B. Plant #2.
 - 1. The headworks contained large amounts of solids.
 - 2. There was a high sludge blanket in the clarifier.
 - 3. Solids were approximately two (2) feet from the surface in the first chamber of the clarifier.
 - 4. The blowers were not working at the time of the inspection. The blowers were reset to operation during inspection.

- C. Plant #3.
 - a. The first chamber of the clarifier contained large amounts of floating solids covering 100% of the surface.
 - b. The second cell of the chlorine contact chamber was covered with solids covering approximately 40% of the surface.

The following were observed on October 25, 2004:

- A. The aeration basin in the first chamber of the first plant contained large amounts of floating solids that covered 100% of the surface.
- B. Large amounts of solids were observed in the 2nd cell of the chlorine contact chamber covering 100% of the surface.
- C. The headworks in the second plant were also covered with large amounts of solids and a high blanket of sludge was present in the clarifier. The solids were approximately two (2) feet from the surface of the clarifier.
- D. Large amounts of solids were observed in plant #3 covering 100% of the surface in the first cell. Solids were covering about 40% of the second cell of the third plant.
- E. The operator stated that the flow meter was destroyed by a fallen limb.

Each failure to properly operate and maintain the facility is a violation of LPDES permit LA0105554 (Part III, Sections A.2 and B.3.a), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

An inspection conducted by the Department on or about August 24, 2004, revealed that the Respondent had record keeping deficiencies. Specifically, the LPDES permit requires the Respondent to continuously record flow. There was no record available for review at the time of the inspection, and the flow meter recorder did not have any tape. Failure to retain records of flow measurement is a violation of LPDES permit LA0105554 (Part III, Sections A.2 and C.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. A follow-up inspection conducted by the Department on or about October 25, 2004, revealed that the flow meter had been inoperable since October 14, 2004, due to being struck by a fallen limb. LPDES permit LA0105554 requires the Respondent to continuously monitor the flow and to have back-up or auxiliary instruments installed to assure proper operations and maintenance. The failure to have a back-up instrument installed to assure the continuous monitoring of flow is a violation of LPDES permit LA0105554 (Part I, page 2 of 2, and Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on or about July 15, 2010, revealed that the Respondent failed to provide monitoring records for Dissolved Oxygen (DO). Failure to provide access to and/or copies of required records is a violation of LPDES permit LA0105554 (Part III, Sections A.2 and C.6), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A. In addition, pH records available for review were incomplete. Specifically, pH calibration records only showed dates. This is in violation of LPDES permit LA0105554 (Part III, Sections A.2 and C.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

Inspections conducted by the Department from October 23, 2001, through November 5, 2010, and a file review conducted by the Department on or about September 6, 2011, of the Discharge Monitoring Reports (DMRs) for LPDES permit LA0105554, revealed the following effluent violations:

Monitoring Period	Parameter	Permit Limit	Reported Value
February 2003	Fecal Coliform wkly avg	400 col/100 ml	2760 col/100 ml
May 2004	Total Nitrogen Ammonia, mon avg	5 mg/L	5.6 mg/L
August** 2004	Fecal Coliform wkly avg	400 col/100 ml	>16,000 col/100 ml
April 2008	CBOD mon avg	10 mg/L	11 mg/L
June 2009	Total Nitrogen Ammonia, wkly avg	10 mg/L	17.4 mg/L

***sample collected by the Department on August 24, 2004*

Each of the above-noted effluent exceedances is in violation of LPDES permit LA0105554 (Part I, page 3 of 3, and Part III, Section A.2), 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.2701.A.

Inspections conducted by the Department on or about December 28, 2007, February 12, 2008, and March 9, 2009, pursuant to citizens' complaints, revealed that the Respondent caused or allowed the following unauthorized discharges of untreated sewage into waters of the state.

Date of Incident/Inspection	Date of Overflow	Overflow Location	Impacted Stream	Amount
12/28/2007	12/27/2007 & 12/28/2007	STP across 1090 Caroline Monterey STP	Ditch	Unknown
02/12/2008*	02/12/2008	Manhole at 600 Goldflower Ln.	Ditch in Goldflower Lane	Unknown
03/09/2009*	03/03/2009	Ditch along the Northern side of Caroline Street	Little Bayou Castine	Unknown
05/13/2009	5/12/2009	Ditch along Caroline Street	Little Bayou Castine	Unknown
10/14/2010	10/14/2010	Ditch along Caroline Street	Little Bayou Castine	Unknown
10/30/2010	10/30/2010	Ditch along Caroline Street	Little Bayou Castine	Unknown

**Failed to notify the Department*

Each unauthorized discharge of untreated sanitary wastewater from a location not specified in the permit is in violation of 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.2701.A. The failure to properly operate and maintain the collection system is in violation of LPDES permit LA0105554 (Part III, Sections A.2 and B.3.a), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. In addition, the Respondent failed to notify the Department verbally (within 24 hours) and/or in writing (within 7 days) of the aforementioned unauthorized discharges identified by an asterisk (*). The failure to notify the Department of the unauthorized discharge is in violation of LPDES permit LA0105554 (Part II, Section A.6, and Part III, Sections A.2 and D.7), La. R.S. 30:2025 (J)(2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A)(3), La. R.S. 30:2076 (D), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

A follow up inspection conducted by the Department on or about March 20, 2009, revealed that most of the pumped sewage (including the solids) in the ditch that occurred on March 7, 2009, was vacuumed and disposed of in the digester at the Greenleaves facility.

Also, the Department conducted follow up inspections for unauthorized discharges that occurred on October 14, 2010. The inspections conducted on October 21, 2010, and November 5, 2010, revealed that the areas along Caroline Street towards Little Bayou Castine still contained sewer solids.

Inspections conducted by the Department on or about May 12, 2008, May 13, 2009, and July 15, 2010, revealed the following operation and maintenance deficiencies:

The following was observed on May 12, 2008:

Plant #1

- A. The first chamber of the aeration basin contained large amounts of floating solids.
- B. Floating solids were observed in the clarifier.
- C. Heavy build up of algae was observed in the weirs.
- D. Solids and grease balls were observed in the chlorine contact chamber.
- E. The skimmer in the clarifier was clogged at the time of the inspection.

Plant #3

- A. The aeration basin and the clarifier contained large amounts of floating solids.
- B. Heavy built up of algae was observed in the weirs.
- C. Floating solids and grease balls were observed in the chlorine contact chamber.
- D. The skimmer line was clogged.
- E. Solids were present in the final effluent chamber.

The following was observed on May 13, 2009:

Plant #1

- A. Floating solids were observed in the chlorine contact chamber.
- B. A heavy build-up of algae was present in the chlorinator.

Plant #2

- A. Plant #2 was being used as a holding tank for the equalization basin.
- B. Floating solids were observed in the clarifier.
- C. Algae were present in the weirs.
- D. Floating solids and grease balls were observed in the chlorine contact chamber.
- E. The skimmer lines were clogged due to magnolia leaves.

The following was observed on July 15, 2010:

Plant#1

Floating solids were observed in the final effluent chamber and chlorine contact chamber.

Plant #2

- A. A leak was observed between the clarifier and aeration basin.
- B. Solids were observed on the ground underneath the plant; floating solids were observed in the final effluent chamber and chlorine contact chamber
- C. The equalization basin influent line was split at two points.

Plant#3

Solids were observed caked in the clarifier stilling well; algae build up was observed in the weirs; floating solids were observed in the final effluent and chlorine contact chamber.

The failure to properly operate and maintain the facility constitutes a violation of LPDES permit LA0105554 (Part III, Sections A.2 and B.3.a), La. R. S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

An inspection conducted by the Department on or about July 15, 2010, revealed the Respondent failed to submit DMRs in a timely manner. Specifically, the Respondent failed to submit DMRs in a timely manner for the following monitoring periods: 1st, 2nd, and 4th quarters of 2009, and 1st and 2nd quarters of 2010. The failure to submit DMRs in a timely manner constitutes a violation of LPDES permit LA0105554 (Part II, Section A.11.D, Part III, Sections A.2, D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.”

On April 11, 2012, the Department issued to Respondent Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-10-01707**, which was based upon the following findings of fact:

“The Respondent owns and/or operates a sewage treatment plant known as the Alamosa Park facility located on Marion Lane in Mandeville, St. Tammany Parish, Louisiana. Northlake Environmental Engineering Services, Inc., was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General permit LAG570000 and specifically assigned permit number LAG570117 on or about February 11, 1998. LPDES permit LAG570117 expired on September 30, 2002, but was administratively continued until Northlake Environmental Engineering Services, Inc., was reauthorized on or about August 7, 2006. On or about July 7, 2008, the Respondent notified the Department that on May 30, 2008, Northlake Environmental Engineering Services, Inc., was merged into H2O Systems, Inc. LPDES permit LAG570117 expired on March 14, 2009, but was administratively continued until H2O Systems, Inc., was reauthorized on or about June 16, 2009, with an expiration date of April 30, 2014. Under the terms and conditions of LPDES permit LAG570117, the Respondent is authorized to discharge treated sanitary wastewater from Outfall 001 to Ponchitolawa Creek, thence to the Tchefuncte River, waters of the state.

Inspections conducted by the Department on or about May 17, 2004, and March 31, 2010, revealed that the Respondent did cause and/or allow the discharge of floating solids on the following occasions:

- A. An inspection conducted by the Department on or about April 15, 2004, and follow-up inspections conducted on or about May 10 and May 17, 2004, revealed that the discharge from the clarifier was high in solids due to aeration of the clarifier by air from a plugged sludge return line. The inspection report also noted excessive floating solids in the scum trough, excessive floating solids in the clarifier that were discharged when the lift station was on, and large amounts of solids accumulated in the receiving stream.
- B. During the inspection conducted by the Department on or about March 31, 2010, representatives for the Respondent stated that on the night of March 30, 2010, a lift station on the corner of Commercial Way and Alamosa Park Drive shut down. Crews

moved approximately 7,000 gallons of wastewater from the lift station to the pumping station at the head works. When both pumps turned on simultaneously, an excessive amount of solids flowed through the plant and out with the effluent into the receiving stream. The inspector noted floating solids in the clarifier and solids in the receiving stream.

Each unauthorized discharge of floating solids is a violation of LPDES permit LAG570117 (Part I, Section B, and Part III, Section A.2), La. R.S. 30:2075. Each failure to properly operate and maintain the systems of treatment and control is a violation of LPDES permit LAG570117 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E.

An inspection conducted by the Department on or about May 17, 2004, revealed that the Respondent did cause and/or allow the unauthorized discharge of pollutants from a source not authorized by the permit. Specifically, the operator's records documented that sanitary waste from portable toilets was accepted into the facility from Johnny Potts. The Respondent's permit application stated that this facility serves only a commercial development (warehouses and retail stores), and did not include the receipt of sanitary waste from portable toilets. The unauthorized discharge of pollutants from a source not authorized by the permit is a violation of LPDES permit LAG570117 (Part III, Section A.2), La. R.S. 30:2076 (A) (1) (a), and LAC 33:IX.501.D.

Inspections conducted by the Department on or about March 14, 2001; May 17, 2004; and March 31, 2010, and a subsequent file review conducted by the Department on or about February 27, 2012, revealed that the Respondent exceeded the effluent limitations contained in LPDES permit LAG570117. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

DATE	PARAMETER	PERMIT	SAMPLE VALUE
January 2000	BOD ₅ Monthly Average	10 mg/L	11 mg/L*
February 2000	BOD ₅ Monthly Average	10 mg/L	22 mg/L*
	BOD ₅ Weekly Average	15 mg/L	22mg/L*
	TSS Monthly Average	15 mg/L	19 mg/L*

DATE	PARAMETER	PERMIT	SAMPLE VALUE
March 2000	BOD ₅ Monthly Average	10 mg/L	62 mg/L*
	BOD ₅ Weekly Average	15 mg/L	62 mg/L*
	TSS Monthly Average	15 mg/L	168 mg/L*
	TSS Weekly Average	23 mg/L	168 mg/L*
	Fecal Coliform Monthly Average	200 col/100ml	2000 col/100ml *
	Fecal Coliform Weekly Average	400 col/100ml	2000 col/100ml*
April 2000	TSS Monthly Average	15 mg/L	18 mg/L*
May 2000	pH Minimum	6.0 SU	4.1 SU*
	TSS Monthly Average	15 mg/L	16 mg/L*
June 2000	pH Minimum	6.0 SU	5.47 SU*
	TSS Monthly Average	15 mg/L	71 mg/L*
	TSS Weekly Average	23 mg/L	71 mg/L*
August 2000	pH Minimum	6.0 SU	3.72 SU
	TSS Monthly Average	15 mg/L	50.0 mg/L
	TSS Weekly Average	23 mg/L	50.0 mg/L
September 2000	pH Minimum	6.0 SU	4.01 SU
	TSS Monthly Average	15 mg/L	31.0 mg/L
	TSS Weekly Average	23 mg/L	31.0 mg/L
October 2000	pH Minimum	6.0 SU	4.07 SU
	TSS Monthly Average	15 mg/L	48.0 mg/L
	TSS Weekly Average	23 mg/L	48.0 mg/L
November 2000	TSS Monthly Average	15 mg/L	218.0 mg/L
	TSS Weekly Average	23 mg/L	218.0 mg/L
	Fecal Coliform Monthly Average	200 col/100ml	920 col/100ml
	Fecal Coliform Weekly Average	400 col/100ml	920 col/100ml
December 2000	TSS Monthly Average	15 mg/L	67.0 mg/L
	TSS Weekly Average	23 mg/L	67.0 mg/L
January 2001	BOD ₅ Monthly Average	10 mg/L	40.0 mg/L
	BOD ₅ Weekly Average	15 mg/L	40.0 mg/L
	pH Minimum	6.0 SU	5.97 SU*
	TSS Monthly Average	15 mg/L	37.0 mg/L
	TSS Weekly Average	23 mg/L	37.0 mg/L
	Fecal Coliform Monthly Average	200 col/100ml	800 col/100ml
	Fecal Coliform Weekly Average	400 col/100ml	800 col/100ml
February 2001	TSS Monthly Average	15 mg/L	118.0 mg/L
	TSS Weekly Average	23 mg/L	118.0 mg/L
March 2001	BOD ₅ Monthly Average	10 mg/L	11 mg/L*
	TSS Monthly Average	15 mg/L	34.0 mg/L
	TSS Weekly Average	23 mg/L	34.0 mg/L

DATE	PARAMETER	PERMIT	SAMPLE VALUE
April 2001	BOD ₅ Monthly Average	10 mg/L	11 mg/L*
May 2001	BOD ₅ Monthly Average	10 mg/L	12.0 mg/L*
	nH Minimum	6.0 SU	3.91 SU
	TSS Monthly Average	15 mg/L	16.0 mg/L
June 2001	BOD ₅ Monthly Average	10 mg/L	71.0 mg/L
	BOD ₅ Weekly Average	15 mg/L	71.0 mg/L
	pH Minimum	6.0 SU	3.87 SU
July 2001	BOD ₅ Monthly Average	10 mg/L	26.7 mg/L
	BOD ₅ Weekly Average	15 mg/L	48.0 mg/L
	pH Minimum	6.0 SU	4.20 SU
	pH Minimum	6.0 SU	5.70 SU
	TSS Monthly Average	15 mg/L	42.7 mg/L
	TSS Weekly Average	23 mg/L	78.0 mg/L
September 2001	BOD ₅ Monthly Average	10 mg/L	12.3 mg/L*
October 2001	TSS Monthly Average	15 mg/L	41.0 mg/L
	TSS Weekly Average	23 mg/L	70.0 mg/L
November 2001	BOD ₅ Monthly Average	10 mg/L	13.5 mg/L*
	BOD ₅ Weekly Average	15 mg/L	18.0 mg/L*
	TSS Monthly Average	15 mg/l	27.0 mg/L
	TSS Weekly Average	23 mg/L	40.0 mg/L
December 2001	BOD ₅ Monthly Average	10 mg/L	15.0 mg/L*
	TSS Monthly Average	15 mg/L	23.0 mg/L*
April 2002	BOD ₅ Monthly Average	10 mg/L	11.0 mg/L*
June 2002	TSS Weekly Average	23 mg/L	24.0 mg/L
February 2003	BOD ₅ Monthly Average	10 mg/L	13.0 mg/L
	BOD ₅ Weekly Average	15 mg/L	18.0 mg/L
September 2005	BOD ₅ Monthly Average	10 mg/L	11 mg/L
	TSS Monthly Average	15 mg/L	24 mg/L
	TSS Weekly Average	23 mg/L	24 mg/L
April 2006	BOD ₅ Monthly Average	10 mg/L	11 mg/L
April 2008	BOD ₅ Monthly Average	10 mg/L	13 mg/L
August 2008	BOD ₅ Monthly Average	10 mg/L	20 mg/L*
August 2008	BOD ₅ Weekly Average	15 mg/L	20 mg/L*
	TSS Monthly Average	15 mg/L	30 mg/L
	TSS Weekly Average	23 mg/L	30 mg/L
December 2008	BOD ₅ Monthly Average	10 mg/L	11 mg/L*
April 2009	pH Minimum	6.0 SU	4.2 SU
	TSS Weekly Average	23 mg/L	24 mg/L
December 2009	Fecal Coliform Weekly Average	400 col/100ml	1104 col/100ml

* Failed to submit a noncompliance report

Each effluent exceedance is a violation of LPDES permit LAG570117 (Part I, Section B; Part II, Section E; 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 February 27, 2012, revealed that the Respondent failed to submit noncompliance reports (NCRs) for the aforementioned effluent violations marked with an asterisk (*). Each failure to submit a NCR is a violation of LPDES permit LAG570117 (Part III, Sections A.2 and D.7), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.7.

An inspection conducted by the Department on or about March 31, 2010, revealed that the Respondent failed to submit DMRs. Specifically, the Respondent failed to submit the monthly DMRs for Outfall 001 for October, November, and December 2007. Each failure to submit DMRs is a violation of LPDES permit LAG570117 (Part I, Section B; Part II, Section N.8; and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.2701.L.4.a.

An inspection conducted by the Department on or about April 15, 2004, revealed that the Respondent was diluting the effluent. Specifically, when the inspectors arrived at the facility, a water hose which was connected to a potable water supply had been placed in the sewage treatment plant (STP). The water valve on the hose was completely open, and the flow from the hose was directed into the clarifier effluent trough. A follow-up inspection was conducted on or about May 10, 2004. This inspection revealed that the water hose was still discharging into the clarifier discharge trough. When the lift station to the STP was turned off, the inspectors measured the flow from the STP at approximately 8 gallons per minute (gpm) using the weir on the chlorinator. It consisted almost entirely of potable water from the hose. When the lift station was turned on, the flow from the plant was approximately 45 gpm and the discharge was a mixture of effluent from the clarifier and the potable water from the hose. When the lift station

was turned on, the discharge from the clarifier was high in solids. BOD₅ and TSS samples were collected during another follow-up inspection conducted on or about May 17, 2004. When the inspectors arrived at the site, the hose was still discharging into the clarifier discharge trough. The samples taken with the hose on and the lift station off revealed a value of 3.9 mg/L for BOD₅ and a non-detect result for TSS. The sample taken with the hose off and the lift station on revealed values of 13.8 mg/L for BOD₅ and 43.0 mg/L for TSS. The BOD₅ permit limits are 10 mg/L Monthly Average and 15 mg/L Weekly Average and the TSS limits are 15 mg/L Monthly Average and 23 mg/L Weekly Average. The sample results were significantly lower when the potable water was being used to dilute the effluent. The inspection noted that on the monthly DMRs submitted for April 2003 through May 2004, the Respondent reported an average BOD₅ value of 5.4 mg/L and an average TSS value of 2.8 mg/L. For the same period, the flows recorded in the operator's log averaged 8.25 gpm. The dilution of the effluent to achieve permit limitations is a violation of LPDES permit LAG570117 (Part III, Sections A.2 and A.13), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

An inspection conducted by the Department on or about May 17, 2004, revealed that the Respondent failed to follow proper laboratory and testing procedures. Specifically, the Respondent was not analyzing the pH samples within the required 15 minute holding time. The Respondent stated that pH samples taken at the facility were analyzed at the Greenleaves facility. The travel time between the two facilities exceeds 15 minutes. The failure to follow proper laboratory and testing procedures is a violation of LPDES permit LAG570117 (Part III, Sections A.2 and C.5), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.J.4.

An inspection conducted by the Department on or about April 15, 2004, revealed that the Respondent failed to properly operate and maintain the treatment facility. Specifically, there

were no chlorine tablets for disinfection in the chlorinator at the time of the inspection. The failure to properly operate and maintain the facility is a violation of LPDES permit LAG570117 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E.

An inspection conducted by the Department on or about May 17, 2004, and a subsequent file review conducted by the Department on or about February 27, 2012, revealed that the Respondent failed to properly measure flow. Specifically, the Respondent reported on the DMRs that flow was estimated for the following monthly monitoring periods: August 2001 through December 2002, April 2003 through June 2003, December 2003 through March 2004, January 2006, April 2006 through June 2006, and January 2007 through March 2007. Each failure to properly measure flow is a violation of LPDES permit LAG570117 (Part I, Section B, and Part III, Sections A.2 and C.6), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

An inspection conducted by the Department on or about May 17, 2004, and a subsequent file review conducted on or about February 27, 2012, revealed that the Respondent submitted inaccurate DMRs. Specifically, the Respondent reported a Daily Max instead of a Weekly Average for BOD₅, TSS, and Fecal Coliform on the monthly DMRs for the January 2000 through June 2003 monitoring periods. The Respondent continued to report a Daily Max instead of a Weekly Average for BOD₅ on the monthly DMRs for July 2003 through September 2005. In addition, the Respondent reported a TSS exceedance on the June 2002 DMR, but failed to report a number other than zero in the number of exceedances column on the DMR. Each failure to submit an accurate DMR is a violation of LPDES permit LAG570117 (Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.d. A current file review of the Respondent's DMRs revealed that this violation has been addressed.

A file review conducted by the Department on or about February 27, 2012, revealed that

the Respondent failed to submit timely DMRs. Specifically, the Respondent submitted the following monthly DMRs after the due date: January 2000 through June 2000, January 2001 through June 2001, October 2001 through December 2001, October 2002 through December 2002, October 2003 through December 2003, July 2005 through December 2005, April 2006 through December 2006, April 2007 through September 2007, April 2008 through December 2008, April 2009 through September 2010, and January 2011 through March 2011. Each failure to submit a timely DMR prior to August 7, 2006, is a violation of LPDES permit LAG570117 (Part I, Section C.6 and Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4. Each failure to submit a timely DMR on or after August 7, 2006, is a violation of LPDES permit LAG570117 (Part II, Section N.8 and Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.

A file review conducted by the Department on or about February 27, 2012, revealed that the Respondent failed to sign and certify the DMR for March 2003. The failure to sign and certify a DMR is a violation of LPDES permit LAG570117 (Part I, Section C.6 and Part III, Sections A.2 and D.10), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2503.B. A current file review of the Respondent's DMRs revealed that this violation has been addressed."

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

ISSUE/VIOLATION	BASIS FOR ISSUE/VIOLATION
Money Hill -- AI No. 42668	
Failed to properly operate and maintain the facility: (a) floating solids observed in the chlorine contact chamber and final effluent; (b) one blower not operating; (c) large amounts of sludge observed in the receiving stream from discharge pipe to approximately 60 yards into the stream;(d) worms observed around plant discharge pipe; and (e) sludge in plant chlorine contact chamber;	1/31/12 field interview form (“FIF”)
Caused and/or allowed the discharge of floating solids from the plant.	1/31/12 FIF
Failed to submit timely DMRs for the following monthly monitoring periods: October 2010 through March 2011, and October 2011 through December 2011.	DMRs
Discharge violation— BOD ₅ Monthly Average	DMR--December 2012
Discharge violation— BOD ₅ Daily Maximum	DMR--December 2012
Penn Mill Lakes -- AI No. 111355	
Failed to submit timely DMRs: submitted the following monthly DMRs after the 28 th day of the month following the end of the calendar quarter: October 2010 through March 2011, and October 2011 through December 2011.	DMRs
Discharge violation— Dissolved Oxygen Minimum Monthly Average	DMR--October 2010
Had unauthorized discharge: overflow of Steeplechase lift station on or about January 27, 2012.	Unauthorized discharge report
Failed to properly operate and maintain the facility: small amounts of pin flock in clarifier, small amounts of floating solids in the weirs & small amount of floating solids in final effluent chamber.	LDEQ Inspection --May 11, 2011

Alamosa Park -- AI No. 42666	
Failed to submit timely DMRs: submitted the following monthly DMRs after the due date: October through December 2011.	DMRs
Caused or allowed unauthorized discharges of untreated sewage (solids) into waters of the state (effluent ditch) 3 times (in May, June, and July 2011) and failed to notify the state of such unauthorized discharges.	LDEQ Inspection --January 31, 2012
Monterey -- AI No. 42667	
Failed to submit DMRs in a timely manner for the following monitoring periods: 3 rd and 4 th quarters of 2010, and 1 st and 4 th quarters of 2011.	DMRs
Discharge violation— CBOD ₅ Monthly Average	DMR--March 2010
Discharge violation— Total Ammonia-Nitrogen Monthly Average	DMR--September 2011
Caused or allowed unauthorized discharge of untreated sewage (solids) into waters of the state (effluent ditch) because of heavy rainfall.	Incident report--March 23, 2012
Caused or allowed unauthorized discharge of untreated sewage (solids) into waters of the state (brownish tint effluent released into parish ditch on Caroline Street because of heavy rainfall).	LDEQ Inspection --January 31, 2012
Failed to collect two monthly samples required for CBOD, TSS, NH ₃ , Fecal Coliform, and pH in November 2013	Noncompliance report--January 20, 2014
Greenleaves -- AI No. 19599	
Failed to submit DMRs in a timely manner; DMRs not received on time for the following monitoring periods: January, February, and March of 2012 for 001Q.	DMRs
Discharge violation— Total Copper, Monthly Average	DMR--March 2012 Warning Letter WE-L-13-00309 Warning Letter WE-L-15-00241

Discharge violation— Total Zinc, Monthly Average	DMR--March 2012 Warning Letter WE-L-13-00309 Warning Letter WE-L-15-00241
Discharge violation— Total Cyanide, Monthly Average	DMR--March 2012 Warning Letter WE-L-13-00309 Warning Letter WE-L-15-00241
Caused or allowed unauthorized discharges of untreated sanitary wastewater from manholes on Brookwood Dr. into waters of the state.	Unauthorized discharge report--January 27, 2012
Caused or allowed unauthorized discharges of untreated sanitary wastewater from manholes on Brookwood Dr. into waters of the state.	Unauthorized discharge report--January 28, 2012
Caused or allowed unauthorized discharges of untreated sanitary wastewater from lift station on Stillwater Drive into waters of the state on July 1, 2012.	Unauthorized discharge report--August 13, 2012 Warning Letter WE-L-13-00309
Discharge violation— Total Cyanide, Monthly Average	DMR--September 2012
Caused or allowed unauthorized discharges of untreated sanitary wastewater from lift station on Delta Drive into waters of the state.	Unauthorized discharge report--August 19, 2013
Discharge violation— Total Residual Chlorine, Daily Maximum	April 2013 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Monthly Average	April 2013 Warning Letter WE-L-15-00241
Discharge violation— Dissolved Oxygen, Monthly Average	May 2013 Warning Letter WE-L-15-00241
Failure to timely report May 2013 Dissolved Oxygen Monthly Average Excursion	May 2013
Discharge violation— Dissolved Oxygen, Monthly Average	DMR--June 2013 Warning Letter WE-L-15-00241
Discharge violation— Dissolved Oxygen, Monthly Average	DMR--July 2013 Warning Letter WE-L-15-00241
Discharge violation— Total Ammonia Nitrogen, Daily Maximum	DMR--July 2013 Warning Letter WE-L-15-00241

Discharge violation— Dissolved Oxygen, Monthly Average	DMR--August 2013 Warning Letter WE-L-15-00241
Caused or allowed unauthorized discharges of untreated sanitary wastewater from Lakes Gatehouse lift station into waters of the state.	Unauthorized discharge report-- September 16, 2013
Discharge violation— Dissolved Oxygen, Monthly Average	DMR--October 2013 Warning Letter WE-L-15-00241
Discharge violation— Total Ammonia Nitrogen, Daily Maximum	DMR--December 2013 Warning Letter WE-L-15-00241
Discharge violation-- Fecal Coliform, Daily Maximum	DMR--January 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Daily Maximum	DMR--January 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Monthly Average	DMR--January 2014 Warning Letter WE-L-15-00241
Discharge violation— CBOD, Daily Maximum	DMR--February 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Cyanide, Monthly Average	DMR--March 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Ammonia Nitrogen, Daily Maximum	DMR--August 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Daily Maximum	DMR--September 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Monthly Average	DMR--September 2014 Warning Letter WE-L-15-00241
Discharge violation-- Fecal Coliform, Daily Maximum	DMR--September 2014 Warning Letter WE-L-15-00241
Discharge violation— CBOD, Daily Maximum	DMR--October 2014 Warning Letter WE-L-15-00241
Discharge violation— CBOD, Monthly Average	DMR--October 2014 Warning Letter WE-L-15-00241

Discharge violation— CBOD, Monthly Average	DMR--October 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Daily Maximum	DMR--October 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Monthly Average	DMR--October 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Ammonia Nitrogen, Daily Maximum	DMR--October 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Copper, Daily Maximum	DMR--December 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Copper, Monthly Average	DMR--December 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Cyanide, Daily Maximum	DMR--December 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Cyanide, Monthly Average	DMR--December 2014 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Daily Maximum	DMR--January 2015 Warning Letter WE-L-15-00241
Discharge violation— Total Residual Chlorine, Monthly Average	DMR--January 2015 Warning Letter WE-L-15-00241
I59 -- AI No. 87879	
Failed to submit DMRs in a timely manner for the following monitoring periods: 4th quarter of 2003; 2 nd , 3 rd , and 4 th quarters of 2004; 1 st , 3 rd , and 4 th quarters of 2005; 1 st , 2 nd , 3 rd , and 4 th quarters of 2006; 1 st quarter of 2007.	DMRs
Failed to submit DMRs in a timely manner for the following monitoring periods: 2 nd , 3 rd , and 4th quarters of 2007; 1 st , 2 nd , 3 rd , and 4 th quarters of 2008; 1 st , 2 nd , 3 rd , and 4 th quarters of 2009; 1 st , 2 nd , 3 rd , and 4 th quarters of 2010; 1 st and 4 th quarters of 2011.	DMRs
Discharge violation— BOD ₅ Monthly Average	DMR--August 2004; September 2004; October 2004; January 2005; March 2006
Discharge violation— TSS Weekly Average	DMR-- September 2004; November 2004

Discharge violation— TSS Monthly Average	DMR-- September 2004; October 2004; November 2004; December 2004
Discharge violation-- pH Minimum	DMR-- September 2004
Discharge violation-- No flow data available.	DMR-- July 2008; August 2008; September 2008; April 2009
Failed to properly operate and maintain the treatment facility: discharge is blue & receiving stream is dark gray; clarifier covered with floating solids; and skimmer lines & sludge return lines not functioning	LDEQ Inspection--September 7, 2004
Failed to properly operate and maintain the treatment facility: aeration basin covered with foam; return line stopped up; and floating solids in clarifier	LDEQ Inspection--November 4, 2004
Failed to properly operate and maintain the treatment facility: failure to maintain calibration & maintenance records for pH monitoring; no flow data available for November 2005; improperly disposed solids waste in receiving stream; and pin floc & grease balls in clarifier.	LDEQ Inspection--June 5, 2008
Failed to properly operate and maintain the treatment facility: one of 2 blowers operable; stilling well covered with scum; sludge return line clogged with scum; floating solids leaving final effluent chamber; solids observed in chlorine contact chamber; fencing missing in areas & gate not secured.	LDEQ Inspection--January 31, 2012
Autumn Haven -- AI No. 128014	
Failed to submit DMRs in a timely manner for the following monitoring periods: 1 st , 2 nd , 3 rd , and 4 th quarters of 2006; 1 st quarter of 2007.	DMRs
Failed to submit DMRs in a timely manner for the following monitoring periods: 2 nd , 3 rd , and 4 th quarters of 2007; 1 st , 2 nd , 3 rd , and 4 th quarters of 2008; 1 st , 2 nd , 3 rd , and 4 th quarters of 2009; 1 st , 2 nd , 3 rd , and 4 th quarters of 2010; 1 st and 4 th quarters of 2011.	DMRs
Discharge violation— BOD ₅ Monthly Average	DMR--March 2006; January 2012
Discharge violation-- No flow data available.	DMR-- June 2007; July 2007; August 2007; September 2007; December 2009
Discharge violation— TSS Monthly Average	DMR-- December 2008; August 2009

Discharge violation— TSS Weekly Average	DMR-- December 2008
Discharge violation-- Fecal Coliform Monthly Average	DMR--March 2011
Discharge violation-- Fecal Coliform Weekly Average	DMR--March 2011
Failed to properly operate and maintain the treatment facility: estimated flow in January 2006, February 2006 and March 2006	LDEQ Inspection--March 27, 2008
Failed to properly operate and maintain the treatment facility: solids observed in chlorine contact chamber; facility not secured as portions of fencing missing.	LDEQ Inspection--January 31, 2012

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of NINETY FIVE THOUSAND FIVE HUNDRED EIGHTY-FOUR AND NO/100 DOLLARS (\$95,584.00) of which Three Thousand Eight Hundred Seventy-Three and No/100 Dollars (\$3,873.00) 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).

V

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Compliance Order, the Consolidated Compliance Orders &

Notices 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.

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

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

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

X

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).

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.

H2O SYSTEMS, INC.

BY: [Signature]
(Signature)

Kelly J. McHugh
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 19th day of October, 20 15, at COVINGTON, LA.

[Signature]
NOTARY PUBLIC (ID # 59999)



ANNA M. DUPUY
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]

THUS DONE AND SIGNED in duplicate original before me this 19th day of January, 20 16, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 20590)
De. for Recd #
File Commission

Dulena C. King
(stamped or printed)

Approved: [Signature]
D. Chance McNeely, Assistant Secretary