

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

MO-DAD UTILITIES, L.L.C.

MULTIPLE PARISHES

AI # 40401, et al.

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

* Settlement Tracking No.
* SA-WE-18-0079
*
* Enforcement Tracking Nos.
* WE-CN-11-00831
* WE-CN-14-00412
* WE-CN-14-00412A
* WE-CN-14-00412B
* WE-CN-17-00409
*

SETTLEMENT

The following Settlement is hereby agreed to between Mo-Dad Utilities, L.L.C. (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a limited liability company that owns and/or operates numerous wastewater treatment plants serving subdivisions in Ascension, Livingston, St. Helena, Tangipahoa, West Baton Rouge, and East Baton Rouge Parishes in Louisiana (each a “Facility” and collectively, “Facilities”). The names of the Facilities and their agency interest numbers are set forth in the attached Exhibit 1.

II

On December 20, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-11-00831 (Exhibit 2).

On January 16, 2015, the Department issued to Respondent a Consolidated Compliance

Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00412 (Exhibit 3).

On May 14, 2015, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00412A (Exhibit 4).

On November 20, 2015, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00412B (Exhibit 5).

On May 26, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-17-00409 (Exhibit 6).

III

In addition to the violations noted in the enforcement actions noted in the above exhibits, this Settlement shall resolve all of the Respondent's liability for penalties for all violations and noncompliance issues noted in Exhibit 7.

IV

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

V

Anything contained in this Settlement Agreement to the contrary notwithstanding, this Settlement does not address any penalties for violations at the following facilities that were previously owned and operated by Respondent and for which Respondent is no longer responsible:

Facility Name	AI No.
Cypress Park Estates	33856
Richmond Place (Crestwood)	85192
Savannah Trace	89028
Summer Breeze	86492

Eagle Ridge	121719
Richmond IV	104680
Belle Terre	87012
Easterly Lakes	43150
Madeline Place	85902
Oak Hills III	43144
Robinwood	82480
Summerfield	43145
Woodland Trails	43149
Ott's Cove	121721
Pecan Creek	120387
Creekside Estates	152056
Oak Hills IV	123652
Quail Creek	160168

VI

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 SIX HUNDRED THOUSAND AND NO/100 DOLLARS (\$600,000.00), of which Forty-Three Thousand Two Hundred Sixty-Five and 91/100 Dollars (\$43,265.91) 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).

An initial payment of Four Hundred Thousand and No/100 Dollars (\$400,000.00) is to be made within ten (10) days from notice of the Secretary's signature. This initial settlement payment of \$400,000.00 shall be deemed payment for the Department's enforcement costs and any and all civil penalties settled pursuant to this agreement for the period beginning January 1, 2006 and ending June 30, 2015. Payment of the remaining Two Hundred Thousand and No/100 Dollars (\$200,000.00) shall be made in twenty-four (24) monthly installments. The first installment of \$8,333.41 shall be made by the 10th day of the month following the initial payment of \$400,000.00. The remaining twenty-three (23) installments of \$8,333.33 each shall be paid

monthly thereafter and each monthly installment payment shall be deemed a proportional payment for any and all civil penalties settled pursuant to this agreement for the period beginning July 1, 2015 and ending June 30, 2018. More specifically, the first monthly installment payment shall be deemed payment for 1.5 months of civil penalties addressing July 1, 2015 through August 15, 2015, the second monthly installment payment shall be deemed payment for 1.5 months of civil penalties addressing August 16, 2015 through September 30, 2015, and so on with such cycle/frequency continuing until payment is full has been made to the Department.

VII

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

VIII

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

IX

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

X

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

XI

The Respondent has caused a public notice advertisement to be placed in the official journals of the parish governing authorities in Ascension, Livingston, St. Helena, Tangipahoa, West Baton Rouge, and East Baton Rouge Parishes, 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 original proof-of-publication affidavits and original public notices 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 notices.

XII

Payment of \$400,000.00 is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services

Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XIII

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

XIV

In addition to the violations noted in the enforcement actions noted in Paragraph II and the violations and noncompliance issues noted in Paragraph III, this Settlement shall resolve all of the Respondent's liabilities for penalties under the Louisiana Water Control Law, La. R.S. 30:2071, et seq., and the Louisiana Water Quality Regulations, LAC 33:IX, for all violations and noncompliance issues disclosed to the Department in writing or otherwise known to the Department encompassing the period beginning January 1, 2006 and ending June 30, 2018.

XV

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.

MO-DAD UTILITIES, L.L.C.

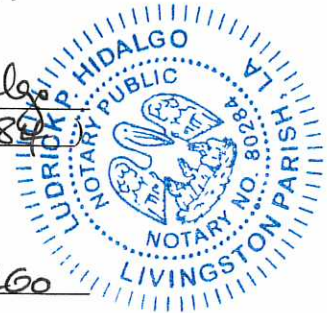
BY: William Stegall
(Signature)

William Stegall
(Printed)

TITLE: C.O.O.

THUS DONE AND SIGNED in duplicate original before me this 26 day of FEBRUARY, 20 19, at DENHAM SPRINGS, LOUISIANA.

Ludrick P Hidalgo
NOTARY PUBLIC (ID # 80289)



LUDRICK P HIDALGO
(stamped or printed)

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

BY: [Signature]
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

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

[Signature]
NOTARY PUBLIC (ID # 19181)

Percy Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

EXHIBIT 1

The Respondent owns and/or operates wastewater treatment plants serving subdivisions in Ascension, Livingston, Tangipahoa, West Baton Rouge, and East Baton Rouge Parishes in Louisiana and are listed below.

Facility Name	Agency Interest Number	Permit #	Parish
Pine Hill Forest Subdivision Permit terminated on 05/23/2018- connected to the City of Hammond	18546	LAG540565	Tangipahoa-
Gunboat Island Estates	18658	LAG540314	Livingston
Southwood Village Subdivision	19006	LA0081418	Ascension
Willow Lake Subdivision	20039	LAG570082	Ascension
Lake Park Subdivision	40401	LAG540070	Ascension
Stone Ridge Subdivision	41302	LAG540025	Ascension
The Lake at Manchac Subdivision	41303	LAG570143	Ascension
Galvez Oaks Subdivision	41304	LAG560011	Ascension
Wood Run Subdivision	41305	LAG560176	Ascension
Whispering Oaks Subdivision	41306	LAG570532	Ascension
Cypress Lakes Subdivision	41307	LAG540885	Ascension
Black Subdivision	41760	LAG540347	Tangipahoa
Paradise Point	42768	LAG541906	Livingston
Shadow Pines Subdivision	43146	LAG540924	Livingston
Reserve at Willow Lake Subdivision	43147	LAG540929	Ascension
Manchac Highlands Subdivision	43148	LAG540927	Ascension
Carter Hills Subdivision	43151	LAG570138	Ascension
Lake Pointe Subdivision Permit terminated on 06/222018- connected to the EBR North Plant on 03/15/2018	44011	LAG560188	East Baton Rouge
Justin Heights Subdivision	81092	LAG540971	Livingston
Brady Place Subdivision	83646	LAG540972	Tangipahoa
Emerald Gardens Subdivision	83756	LAG540979	Tangipahoa

Facility Name	Agency Interest Number	Permit #	Parish
Country Rivers Subdivision	85480	LAG540993	Tangipahoa
Carlton Oaks Subdivision	86466	LAG541002	Livingston
Lake Side Cove Subdivision	86480	LAG541011	Livingston
Chinquapin Campsites	86888	LAG570266	Livingston
Rolling Meadow Subdivision	89506	LAG570211	Livingston
Burdon Orleans Subdivision	89507	LAG541047	Tangipahoa
Azalea Woods Subdivision	92403	LAG560217	Tangipahoa
Carriage House Apartments	97596	LAG541287	Tangipahoa
Spring Lake Subdivision	99915	LAG570318	Livingston
Driftwood Estates Subdivision	100080	LAG570317	Livingston
Galvez Cove Subdivision	100081	LAG541306	Ascension
Oak Cluster Subdivision	100082	LAG541137	East Baton Rouge
Lakin Rouge Subdivision	101749	LAG541310	Tangipahoa
Lakes at Fennwood Subdivision	107437	LAG570250	Livingston
Robertson's Apartments	118271	LAG541181	Tangipahoa
Spring Lake Subdivision Filings 4-6	118720	LAG570377	Livingston
Dunson Park STP-Permit Transferred to Englade Investements effective March 1, 2017	119139	LAG541338	Tangipahoa
Live Oak Landing Subdivision	119176	LAG570322	Livingston
Woodland Crossing I Subdivision	119484	LAG570310	Livingston
Westminister Estates	119805	LAG570319	Livingston
Forest Ridge Subdivision	119849	LAG570323	Livingston
Bayou View Estates	119919	LAG570324	Ascension
Clear Lake Subdivision	121715	LAG570321	Livingston
Whispering Winds Subdivision	121717	LAG541308	Tangipahoa
Isle of Orleans Subdivision	121718	LAG531836	Tangipahoa
Greenleaf Subdivision	121720	LAG541309	Tangipahoa
Woodland Ridge Subdivision	122128	LAG541307	Livingston
Park Ridge Subdivision	123163	LAG541463	Livingston
Autumn Brook Subdivision	123241	LAG541464	Tangipahoa

Facility Name	Agency Interest Number	Permit #	Parish
The Village Subdivision	123656	LAG541280	Tangipahoa
Terry Harbor/ Kingspoint Marina	123657	LAG570325	Livingston
Tranquility Lakes Subdivision	123729	LAG541312	Livingston
Woodland Crossing II Subdivision	123735	LAG570328	Livingston
Woodland Crossing IV Subdivision	123737	LAG570329	Livingston
Ponchatoula Trace Subdivision	123862	LAG560298	Tangipahoa
The Rivers Subdivision	126420	LAG570375	Livingston
Villas at Bedico Creek Subdivision	126423	LAG570378	Tangipahoa
Riverside Ridge Subdivision	126986	LAG541393	Livingston
Cypress Hollow Subdivision	127038	LAG541315	Tangipahoa
West Lake Estates Subdivision	127040	LAG541313	West Baton Rouge
South Haven Subdivision	127042	LA0125831	Livingston
Autumn Run Subdivision	127044	LAG541316	Livingston
Olde Mill Subdivision	128417	LAG570405	Tangipahoa
Amber Lakes Subdivision	129275	LAG570316	East Baton Rouge
Brightwood Subdivision	130058	LAG541460	Livingston
Loranger Trace Subdivision	132674	LAG541451	Tangipahoa
Belle Foret IV Subdivision	132753	LAG570370	Tangipahoa
Davie Estates Subdivision	133094	LAG541392	Tangipahoa
Woodland Crossing 7 West Subdivision	136105	LA0126136	Livingston
Woodland Crossing 7 East Subdivision		LA0126136	Livingston
Canary Island Condominiums	137625	LAG570371	Ascension
Pelican Gardens Subdivision	137742	LAG541438	Tangipahoa
Collins Place Subdivision	142117	LAG570396	Livingston
Maplewood Subdivision	145517	LAG570395	Tangipahoa
Logan Creek Subdivision	146822	LAG541568	Tangipahoa
Timber Ridge Subdivision	146828	LAG570403	Tangipahoa
Autumn Trace Subdivision	146829	LAG541546	Tangipahoa

Facility Name	Agency Interest Number	Permit #	Parish
Southern Pines Subdivision	147193	LAG560271	Tangipahoa
Bridalwood and Stoneridge Crossing WTP	147231	LA0123111 Modified	Livingston
Livingston Trace Subdivision	147233	LA0123439	Livingston
Montrose Subdivision	147407	LAG541670	Livingston
Meadow Lake Subdivision	147409	LAG570388	Livingston
Cross Creek Subdivision	149913	LAG570466	Livingston
Emerald Estates Subdivision	149914	LAG541574	Tangipahoa
Riverwoods Subdivision	150634	LAG560260	Tangipahoa
Stone Hill Subdivision	150779	LA0123293	Livingston
Seigle Landing Subdivision	151666	LAG541567	Livingston
The Landings Subdivision	151669	LA0124265	Tangipahoa
Whisper Hollow	152316	LAG541676	Livingston
Madeline Court Subdivision	152319	LAG541673	Tangipahoa
Martinville Estates	152577	LAG560270	Tangipahoa
Brighton Cove Subdivision	153228	LAG541692	Tangipahoa
LA Purchase Equestrian Estates WWTP	154140	LAG570434	Livingston
Audubon Square Subdivision	155123	LAG560266	East Baton Rouge
Deer Crossing Subdivision	155154	LAG541671	Livingston
Deer Lake Subdivision	155783	LAG541643	Livingston
Woodstock Subdivision	157138	LAG570461	East Baton Rouge
Elmwood Park Second Filing	158035	LAG570458	Tangipahoa
Arrington Place Subdivision	158814	LAG570477	Tangipahoa
Weston Court Subdivision	159628	LAG541856	Ascension
Arbor Walk Subdivision	163137	LA0126225	Livingston
West Ridge	164710	LAG570525	Ascension
Burlington Lakes	170627	LAG570514	East Baton Rouge
Parisenne Villas Subdivision	172466	LAG541854	Ascension
Gates at Burlington Subdivision	173260	LAG541865	East Baton Rouge
Wolfe Lakes Subdivision	174194	LAG570515	Tangipahoa
Riverscape at Clio, Inc.	174196	LAG570516	Livingston