

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PINE CREEK – HAUGHTON, LTD.

AI # 20034

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

* Settlement Tracking No.
* SA-WE-18-0062
*
* Enforcement Tracking No.
* WE-CN-15-00770
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SETTLEMENT

The following Settlement is hereby agreed to between Pine Creek – Haughton, Ltd., (“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 partnership that owns and/or operates a wastewater treatment plant located in Princeton, Bossier Parish, Louisiana (“the Facility”).

II

On April 29, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-15-00770 (Exhibit 1).

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

The Respondent caused and/or allowed the discharge of wastewater from a source or location not authorized by the permit. Specifically, a breach in the levee was observed during an inspection conducted April 26, 2016. The breach allowed the unauthorized discharge from the

oxidation pond to waters of the state. The unauthorized discharge is in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.

The Respondent failed to properly operate and maintain the treatment system. Specifically, at the time of inspection, the oxidation pond levees were overgrown with trees, chlorine tablets were not in use, and there was a breach in the levee. (LAG560067 (Standard Conditions, Section A.2 and Section B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E)

The Respondent failed to comply with LPDES permit LAG560067. Specifically, the Respondent reported an exceedance of TSS permit effluent limitations in January 2016. (LAG560067 (Part I, Section B, Schedule A and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A

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 TWENTY-THREE AND NO/100 DOLLARS (\$23,000.00), of which One Thousand One Hundred Twenty-Eight and 13/100 Dollars (\$1,128.13) 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 Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

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 Bossier 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 in twenty-three (23) monthly installments of \$958.33 and one (1) monthly installment of \$958.41. The first payment is due within ten (10) days from notice of the Secretary's signature. The remaining installments shall be paid monthly thereafter; all installments shall be paid within two years of the due date of the first installment. 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.

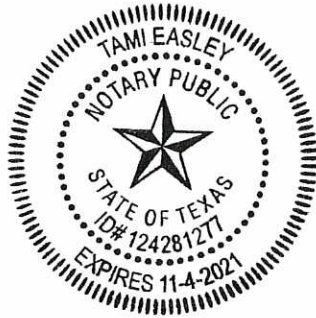
PINE CREEK – HAUGHTON, LTD.

BY: [Signature]
(Signature)

David Jackson WMA Louisiana Mgmt, Inc
(Printed) General Partner

TITLE: WMA Louisiana Mgmt, Inc
General Partner

THUS DONE AND SIGNED in duplicate original before me this 12 day of April, 20 19, at Longview, TX.



Tami Easley
NOTARY PUBLIC (ID # 124281271)

Tami Easley
(stamped or printed)

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

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

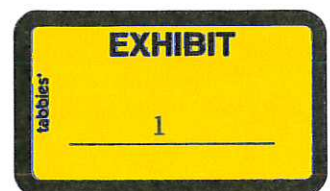
THUS DONE AND SIGNED in duplicate original before me this 19th day of June, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY	
Enforcement Tracking No.	WE-CN-15-00770	Certified Mail No.	7014 0510 0002 3595 3243
Agency Interest (AI) No.	20034	Contact Name	Taylor Alexander
Alternate ID No.	LAG560067	Contact Phone No.	(225) 219-3811
Respondent:	Pine Creek-Haughton, Ltd.	Facility Name:	Pine Creek Mobile Home Estates
	c/o Lawrence Russo, III	Physical Location:	1000 Acadian Blvd
	Agent for Service of Process	City, State, Zip:	Princeton, LA 71067
	333 Texas Street, Suite 2350 Shreveport, LA 71101	Parish:	Bossier
This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).			
FINDINGS OF FACT			
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.			
I.	The Respondent owns and/or operates a wastewater treatment plant located at 1000 Acadian Blvd, Princeton, Bossier Parish, Louisiana. Under the terms and conditions of LPDES Permit LAG560067, the Respondent is permitted to discharge treated sanitary wastewater into Bayou Deefee, thence into Flag Lake, thence in to Red Chute Bayou, all waters of the state.		
	Date of Violation	Description of Violation	
II.	Inspection(s) 03/23/2015 & 04/16/2015	The Respondent caused and/or allowed the discharge of wastewater from a source or location not authorized by the permit. Specifically, the inspector noted sewage overflows in multiple locations (EDMS document 9811221). The unauthorized discharges are in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D. The Respondent's failure to properly operate and maintain all facilities and systems of treatment and control is in violation of LAG560067 (Standard Conditions, Section A.2 and Section B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E.	
III.	Inspection(s) 03/23/2015 & 04/16/2015	The Respondent failed to properly notify the Department of overflows. Specifically, the Respondent failed to notify the Department within twenty-four (24) hours of the overflows cited in Paragraph II. The Respondent also failed to submit completed written reports within 5 days of each overflow. (LAG560067 (Standard Conditions, Sections A.2 and D.6.e), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.6.a)	
IV.	File Review 12/14/2015	The Respondent failed to comply with LPDES permit LAG560067. Specifically, between May 2010 and October 2015, the Respondent reported exceedences of permit effluent limitations for fecal coliform, BOD5, and TSS [see attachment Table 1]. (LAG560067 (Part I, Section B, Schedule A and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)	
V.	File Review 12/14/2015	The Respondent failed to sample the effluent from Outfall 001 on a monthly basis as required by LPDES Permit LAG560067. Specifically, the Respondent failed to sample for all parameters in May 2011. (LAG560067 (Part I, Section B, Schedule A and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)	
VI.	File Review 12/14/2015	The Respondent failed to comply with LPDES permit LAG560067. Specifically, the Respondent failed to report the weekly average for all required parameters from November 2013 to December 2014. The Respondent failed to report the daily maximum for all parameters in February and March 2015. (LAG560067 (Part I, Section B, Schedule A and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)	
VII.	File Review 12/14/2015	The Respondent failed to comply with LPDES permit LAG560067. Specifically, the Respondent failed to submit a monthly Discharge Monitoring Report (DMR) for January 2015. (LAG560067 (Part I, Section B, Schedule A and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a)	
VIII.	File Review 12/14/2015	The Respondent failed to submit Discharge Monitoring Reports (DMRs) in a timely manner. The Respondent is required to submit monthly DMRs no later than the 28th day of the month following each quarter. Specifically, the Respondent did not submit timely DMRs for all monthly monitoring periods from May 2011 to June 2012. (LAG560067 (Part II, Section N.8 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4)	
ORDER			
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:			
I.	To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting <u>all</u> of the violations described in the "Findings of Fact" portion.		
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this COMPLIANCE ORDER. This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to the Department at the address specified in this document.		
III.	To immediately cease, upon receipt of this COMPLIANCE ORDER, any unauthorized discharges from the Respondent's facility to waters of the state.		



IV.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER , properly completed DMRs for the monitoring periods mentioned in Paragraph VII of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."
V.	To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this COMPLIANCE ORDER . The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: www.epa.gov/netdmr . For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at deqnetdmr@la.gov .)
VI.	To submit DMRs and associated reports electronically using NetDMR beginning with the first monitoring period after approval of the NetDMR Subscriber Agreement unless otherwise notified in writing by the Department.

RIGHT TO APPEAL

I.	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this COMPLIANCE ORDER . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this COMPLIANCE ORDER .
II.	The request for an adjudicatory hearing shall specify the provisions of the COMPLIANCE ORDER on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the address specified in this document.
III.	Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this COMPLIANCE ORDER may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.). The Department may amend or supplement this COMPLIANCE ORDER prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
IV.	This COMPLIANCE ORDER shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.
V.	The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this COMPLIANCE ORDER shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this COMPLIANCE ORDER becoming a permanent part of its compliance history.
VI.	Civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this COMPLIANCE ORDER and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.
VII.	For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.	Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.
II.	Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Taylor Alexander at (225) 219-3811 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY .
III.	The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY . Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.
IV.	This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

CONTACTS AND SUBMITTAL OF INFORMATION

Enforcement Division: Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Taylor Alexander	Hearing Requests: Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-CN-15-00770 Agency Interest No. 20034
Permit Division (if necessary): Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Physical Address (if hand delivered): Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY**

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
 - The **COMPLIANCE ORDER** will not be closed if the Respondent owes outstanding fees or penalties to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.
- To expedite closure of the **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein.
 - The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7.
 - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
 - The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer.
 - **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
 - The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Date: 4-29-16

- Attachment(s)
- Table 1
 - Request to Close
 - NetDMR Flyer

TABLE 1

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
May 2010	BOD ₅	20 mg/l (Monthly Average)	52.3 mg/l
	BOD ₅	30 mg/l (Weekly Average)	52.3 mg/l
June 2010	BOD ₅	20 mg/l (Monthly Average)	21.8 mg/l
July 2010	TSS	20 mg/l (Monthly Average)	31.3 mg/l
	TSS	30 mg/l (Weekly Average)	31.3 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	1,600 col/100 ml
August 2010	Fecal Coliform	400 col/100 ml (Weekly Average)	1,600 col/100 ml
	Fecal Coliform	200 col/100 ml (Monthly Average)	1,084 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,084 col/100 ml
September 2010	Fecal Coliform	200 col/100 ml (Monthly Average)	4,800 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	4,800 col/100 ml
October 2010	Fecal Coliform	200 col/100 ml (Monthly Average)	4,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	4,000 col/100 ml
November 2010	Fecal Coliform	200 col/100 ml (Monthly Average)	6,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	6,000 col/100 ml
December 2010	BOD ₅	20 mg/l (Monthly Average)	23.9 mg/l
	TSS	20 mg/l (Monthly Average)	24.0 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	11,600 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	11,600 col/100 ml
January 2011	Fecal Coliform	200 col/100 ml (Monthly Average)	3,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	3,000 col/100 ml
February 2011	BOD ₅	20 mg/l (Monthly Average)	21.3 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	30,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	30,000 col/100 ml
March 2011	BOD ₅	20 mg/l (Monthly Average)	30.7 mg/l
	BOD ₅	30 mg/l (Weekly Average)	30.7 mg/l
	TSS	20 mg/l (Monthly Average)	21.3 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	4,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	4,000 col/100 ml
April 2011	BOD ₅	20 mg/l (Monthly Average)	69.3 mg/l
	BOD ₅	30 mg/l (Weekly Average)	69.3 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	2,310 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	2,310 col/100 ml
June 2011	BOD ₅	20 mg/l (Monthly Average)	22.0 mg/l
	TSS	20 mg/l (Monthly Average)	25.6 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	560 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	560 col/100 ml
July 2011	Fecal Coliform	200 col/100 ml (Monthly Average)	1,290 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,290 col/100 ml
	TSS	20 mg/l (Monthly Average)	32.7 mg/l
August 2011	TSS	30 mg/l (Weekly Average)	32.7 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	4,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	4,000 col/100 ml
	TSS	20 mg/l (Monthly Average)	28.0 mg/l
September 2011	Fecal Coliform	200 col/100 ml (Monthly Average)	1,157 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,157 col/100 ml
	Fecal Coliform	200 col/100 ml (Monthly Average)	952 col/100 ml
October 2011	Fecal Coliform	400 col/100 ml (Weekly Average)	952 col/100 ml
	BOD ₅	20 mg/l (Monthly Average)	25.8 mg/l
November 2011	TSS	20 mg/l (Monthly Average)	268 mg/l
	TSS	30 mg/l (Weekly Average)	268 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	4,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	4,000 col/100 ml
	TSS	20 mg/l (Monthly Average)	32.8 mg/l
December 2011	TSS	30 mg/l (Weekly Average)	32.8 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	1,200 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,200 col/100 ml
January 2012	TSS	20 mg/l (Monthly Average)	133 mg/l
	TSS	30 mg/l (Weekly Average)	133 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	904 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	904 col/100 ml
February 2012	TSS	20 mg/l (Monthly Average)	143 mg/l
	TSS	30 mg/l (Weekly Average)	143 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	4,380 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	4,380 col/100 ml
March 2012	TSS	20 mg/l (Monthly Average)	104 mg/l
	TSS	30 mg/l (Weekly Average)	104 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	452 col/100 ml
April 2012	Fecal Coliform	400 col/100 ml (Weekly Average)	452 col/100 ml
	TSS	20 mg/l (Monthly Average)	50.0 mg/l

April 2012	TSS	30 mg/l (Weekly Average)	50.0 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	1,260 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,260 col/100 ml
May 2012	TSS	20 mg/l (Monthly Average)	34.4 mg/l
	TSS	30 mg/l (Weekly Average)	34.4 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	1,096 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,096 col/100 ml
June 2012	Fecal Coliform	200 col/100 ml (Monthly Average)	398 col/100 ml
July 2012	TSS	20 mg/l (Monthly Average)	24.4 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	5,200 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	5,200 col/100 ml
August 2012	TSS	20 mg/l (Monthly Average)	28.0 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	2,800 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	2,800 col/100 ml
September 2012	TSS	20 mg/l (Monthly Average)	40.8 mg/l
	TSS	30 mg/l (Weekly Average)	40.8 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	2,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	2,000 col/100 ml
December 2012	BOD ₅	20 mg/l (Monthly Average)	36.0 mg/l
	BOD ₅	30 mg/l (Weekly Average)	36.0 mg/l
	TSS	20 mg/l (Monthly Average)	20.7 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	1,009 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,009 col/100 ml
January 2013	BOD ₅	20 mg/l (Monthly Average)	22.9 mg/l
	TSS	20 mg/l (Monthly Average)	23.6 mg/l
February 2013	Fecal Coliform	200 col/100 ml (Monthly Average)	1,518 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,518 col/100 ml
March 2013	BOD ₅	20 mg/l (Monthly Average)	22.3 mg/l
	TSS	20 mg/l (Monthly Average)	22.8 mg/l
April 2013	BOD ₅	20 mg/l (Monthly Average)	25.9 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	>1,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	>100,000 col/ml
May 2013	BOD ₅	20 mg/l (Monthly Average)	40.6 mg/l
	BOD ₅	30 mg/l (Weekly Average)	51.9 mg/l
	TSS	20 mg/l (Monthly Average)	46.3 mg/l
	TSS	30 mg/l (Weekly Average)	72.1 mg/l
June 2013	BOD ₅	20 mg/l (Monthly Average)	21.8 mg/l
July 2013	Fecal Coliform	200 col/100 ml (Monthly Average)	1,269 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	1,269 col/100 ml
August 2013	Fecal Coliform	200 col/100 ml (Monthly Average)	2,718 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	2,718 col/100 ml
September 2013	Fecal Coliform	200 col/100 ml (Monthly Average)	514 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	514 col/100 ml
March 2014	BOD ₅	20 mg/l (Monthly Average)	31.8 mg/l
	BOD ₅	30 mg/l (Weekly Average)	31.8 mg/l
	TSS	20 mg/l (Monthly Average)	32.7 mg/l
	TSS	30 mg/l (Weekly Average)	32.7 mg/l
July 2014	BOD ₅	20 mg/l (Monthly Average)	23.7 mg/l
	TSS	20 mg/l (Monthly Average)	22.0 mg/l
August 2014	BOD ₅	20 mg/l (Monthly Average)	25.0 mg/l
	TSS	20 mg/l (Monthly Average)	27.0 mg/l
September 2014	BOD ₅	20 mg/l (Monthly Average)	25.8 mg/l
	TSS	20 mg/l (Monthly Average)	45.3 mg/l
	TSS	30 mg/l (Weekly Average)	45.3 mg/l
October 2014	BOD ₅	20 mg/l (Monthly Average)	25.0 mg/l
	TSS	20 mg/l (Monthly Average)	26.1 mg/l
	Fecal Coliform	200 col/100 ml (Monthly Average)	325 col/100 ml
November 2014	Fecal Coliform	200 col/100 ml (Monthly Average)	20,000 col/100 ml
	Fecal Coliform	400 col/100 ml (Weekly Average)	20,000 col/100 ml
December 2014	BOD ₅	20 mg/l (Monthly Average)	34.7 mg/l
	BOD ₅	30 mg/l (Weekly Average)	34.7 mg/l
September 2015	BOD ₅	30 mg/l (Weekly Average)	31.4 mg/l
October 2015	BOD ₅	20 mg/l (Monthly Average)	31.7 mg/l
	BOD ₅	30 mg/l (Weekly Average)	31.7 mg/l

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE**



Enforcement Tracking No.	WE-CN-15-00770	Contact Name	Taylor Alexander
Agency Interest (AI) No.	20034	Contact Phone No.	(225) 219-3811
Alternate ID No.	LAG560067		
Respondent:	Pine Creek-Haughton, Ltd.	Facility Name:	Pine Creek Mobile Home Estates
	c/o Lawrence Russo, III	Physical Location:	1000 Acadian Blvd
	Agent for Service of Process		
	333 Texas Street, Suite 2350	City, State, Zip:	Princeton, LA 71067
	Shreveport, LA 71101	Parish:	Bossier

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER .		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs IV and V of the "Order" portion of the COMPLIANCE ORDER .		
Submitted DMRs and associated reports electronically using NetDMR in accordance with Paragraph VI of the "Order" portion of the COMPLIANCE ORDER .		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER . Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-00770) , the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (WE-CN-15-00770) , the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (WE-CN-15-00770) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
 Office of Environmental Compliance
 Enforcement Division
 P.O. Box 4312
 Baton Rouge, LA 70821
 Attn: Taylor Alexander

If you have questions or need more information, you may contact Taylor Alexander at (225) 219-3811 or Taylor.Alexander@la.gov.



The attached enforcement action requires the use of NetDMR

WHAT IS NETDMR?

NetDMR is a Web-based tool that allows facilities to electronically sign and submit LPDES discharge monitoring reports (DMRs) to the LDEQ.

HOW DO I USE NETDMR?

1. Register in NetDMR
2. Submit Subscriber Agreement to LDEQ
3. Receive approval by LDEQ
4. Sign and Submit On-line

Training is offered by both LDEQ and EPA. Please check the LDEQ NetDMR Training website at <http://www.deq.louisiana.gov/netdmr> for training materials and current information offered by LDEQ. Information about EPA's training can be found at www.epa.gov/netdmr

HOW DO I REGISTER AND SUBMIT A SUBSCRIBER AGREEMENT?

(The first person to register must be an authorized signatory.)

1. Go to NetDMR website at <https://netdmr.epa.gov/netdmr>
2. Choose "Louisiana DEQ" as the Regulatory Authority from the drop-down list
3. Click the "Create a NetDMR Account" link in the login box
4. Complete the account information as required
 - a. Type of user must be "Permittee User"
 - b. Security answers must be unique and are case sensitive
5. Click "Submit" and confirm account information
6. Click the link within the verification email that has been sent to your email address
7. Create password by following instructions on the page
8. Login to NetDMR
9. Click "Request Access" link in the top left corner
10. Enter Permit Number and click "Update"
11. Select "Signatory" role and click "Add Request"
12. Click "Submit" and confirm
13. Provide Signatory Information, click "Submit" and confirm
14. Click button to print Subscriber Agreement
15. Mail in signed, original Subscriber Agreement to LDEQ for approval

If you have additional questions, please email deqnetdmr@la.gov.

A circular logo with a textured background. Inside the circle, the text "NetDMR" is written in a bold, sans-serif font. The logo is positioned at the bottom left of the page, partially overlapping a dark, vertical graphic element.

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500	\$20,000	\$15,000
	to \$20,000	to \$15,000	to \$11,000
MODERATE	\$11,000	\$8,000	\$5,000
	to \$8,000	to \$5,000	to \$3,000
MINOR	\$3,000	\$1,500	\$500
	to \$1,500	to \$500	to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in EDMS using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements	Enforcement Division's website specific examples can be provided upon request
Penalty Determination Method	LAC 33:I Chapter 7
Beneficial Environmental Projects	LAC 33:I Chapter 25 FAQs
Judicial Interest.....	provided by the Louisiana State Bar Association

