

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ST. MARY PARISH WARDS 5 & 8 JOINT  
SEWER COMMISSION

AI # 19937

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

\* Settlement Tracking No.  
\* SA-AE-23-0020  
\*  
\* Enforcement Tracking No.  
\* AE-CN-18-00027  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between St. Mary Parish Wards 5 & 8 Joint Sewer Commission (“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 governmental entity that owns and/or operates a sewerage treatment facility located in Patterson, St. Mary Parish, Louisiana (“the Facility”).

II

On April 26, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-18-00027 (Exhibit 1).

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 THOUSAND AND NO/100 DOLLARS (\$20,000.00), of which One Thousand Two Hundred Fifty-Nine and 24/100 Dollars (\$1,259.24) 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 St. Mary 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 attached hereto.

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.

ST. MARY PARISH WARDS 5 & 8 JOINT SEWER COMMISSION

BY: Rafael Lopez  
(Signature)

Rafael Lopez  
(Printed)

TITLE: Chair person

THUS DONE AND SIGNED in duplicate original before me this 21<sup>st</sup> day of July, 20 23, at Berwick.

Adeline D. Adams  
NOTARY PUBLIC (ID # 64391)

Adeline D. Adams  
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Roger W. Gingles, Secretary

BY: Celena J. Cage  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 2nd day of October, 20 23, at Baton Rouge, Louisiana.

Jay Glorioso  
NOTARY PUBLIC (ID # 6688)

Jay Glorioso  
(stamped or printed)

Approved: Celena J. Cage  
Celena J. Cage, Assistant Secretary



JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

April 26, 2019

CERTIFIED MAIL (7005 1820 0002 2095 9529)  
RETURN RECEIPT REQUESTED

**ST. MARY PARISH WARDS 5 & 8 JOINT SEWER COMMISSION**

c/o Tony Hensgens  
Chairman  
P.O. Box 181  
Berwick, LA 70342

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-18-00027  
AGENCY INTEREST NO. 19937**

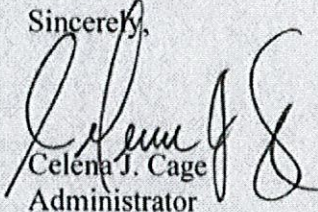
Dear Sir(s):

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **ST. MARY PARISH WARDS 5 & 8 JOINT SEWER COMMISSION (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Madison Kirkland at (225) 219-3165 or at [madison.kirkland@la.gov](mailto:madison.kirkland@la.gov).

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/MLK/mlk  
Alt ID No. N/A  
Attachment





c: St. Mary Parish Wards 5 & 8 Joint Sewer Commission  
Marcey L. Carmouche  
735 Cotton Road  
Patterson, LA 70392

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<b>IN THE MATTER OF</b>	*	
	*	
<b>ST. MARY PARISH WARDS 5 &amp; 8 JOINT SEWER COMMISSION ST. MARY PARISH ALT ID NO. N/A</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
	*	<b>AE-CN-18-00027</b>
	*	
<b>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</b>	*	<b>AGENCY INTEREST NO.</b>
	*	<b>19937</b>
	*	

**CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ST. MARY PARISH WARDS 5 & 8 JOINT SEWER COMMISSION (RESPONDENT)** 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**

**I.**

The Respondent owns and/or operates the Region Sewerage Treatment (facility), a sewerage treatment facility that collects wastewater from the City of Patterson, the Town of Berwick, the Village of Bayou Vista and the unincorporated area of St. Mary Parish Sewerage District No. 8, located at 735 Cotton Road in Patterson, St. Mary Parish, Louisiana.

**II.**

On or about August 11, 2010, the Department conducted a Chemical Accident Prevention Program (CAPP) inspection of the facility to determine the degree of compliance with the Act and Air Quality Regulations. On October 12, 2011, the Department issued Compliance Order, Enforcement Tracking Number AE-C-10-01727, to the Respondent for the violations discovered during the inspection. The



Respondent received the Compliance Order on October 19, 2011, as evidenced by U.S. Postal Service Certified Mail Receipt No. 7004 1160 0000 3797 0430. The Department has not received a response to this enforcement action, as required by the Compliance Order AE-C-10-01727, and the order was not appealed; therefore, it is a final action of the Department.

### III.

On or about July 6, 2017, the Department conducted a CAPP inspection of the facility to determine the degree of compliance with the Act and Air Quality Regulations. Additionally, the Department conducted a file review for the facility on or about September 13, 2018.

While the Department's investigation is not yet complete, the following violations were discovered during the course of the inspection and file review:

- A. The Respondent failed to maintain hazards assessment records on the offsite consequences analyses. Specifically, the Respondent failed to provide assumptions and mitigation used for alternative release scenario and data used to estimate population and environmental receptors potentially affected. Each failure to maintain hazards assessment records is a violation of 40 CFR 68.39, which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This is also a violation of Compliance Order AE-C-10-01727.
- B. The Respondent failed to maintain up-to-date safety information related to maximum intended inventory of equipment in which the regulated substances are stored or processed. Specifically, the Respondent failed to update the safety information, which states that the maximum intended inventory for both chlorine and sulfur dioxide is 8,000 pounds; however, the Respondent's representative stated the correct maximum inventory for both chlorine and sulfur dioxide is 16,000 pounds. The failure to maintain up-to-date safety information related to maximum intended inventory is a violation of 40 CFR 68.48(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La R.S. 30:2057(A)(2).
- C. The Respondent failed to address the issues noted in the hazard review conducted in 2006 in a timely manner. Specifically, the Respondent failed to install an alarm system

- and properly label all new equipment. This is a violation of 40 CFR 68.50(c), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La R.S. 30:2057(A)(2).
- D. The Respondent failed to update the hazard review every five (5) years. Specifically, the hazard review was due in the years 2011 and 2016 and the last hazard review was performed in 2006. This is a violation of 40 CFR 68.50(d), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2).
- E. The Respondent failed to ensure that each employee was trained or tested competent in the operating procedures that pertain to their duties. The Respondent also failed to provide refresher training in the operating procedures at least every three (3) years. Each failure to provide training as required is a violation of 40 CFR 68.54, which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A and La. R.S. 30:2057(A)(2). This is also a violation of Compliance Order AE-C-10-01727.
- F. The Respondent failed to conduct a compliance audit at least every three (3) years to verify that the procedures and practices developed under 40 CFR 68 are adequate and are being followed. Specifically, the last compliance audit was conducted in 2006. Each failure to conduct a compliance audit is a violation of 40 CFR 68.58(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This is also a violation of Compliance Order AE-C-10-01727.
- G. The Respondent failed to record inspections and tests on process equipment. Specifically, the Respondent failed to provide the last two (2) years of preventative maintenance records for the Chlorine and Sulfur Dioxide systems. Each failure to record inspections and tests is a violation of 40 CFR 68.200, which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2). This is also a violation of Compliance Order AE-C-10-01727.
- H. The Respondent failed to submit an updated Risk Management Plan (RMP) to the EPA once every five (5) years. Specifically, the updated RMP was due

August 22, 2011 and August 22, 2016. This is a violation of 40 CFR 68.190(b)(1), which language has been adopted as a Louisiana regulation in LAC 33:III.5901.A, and La. R.S. 30:2057(A)(2).

- I. The Respondent failed to respond to Compliance Order, Enforcement Tracking Number AE-C-10-01727, issued on October 12, 2011. The Respondent received the Compliance Order on October 19, 2011, as evidenced by U.S. Postal Service Certified Mail Receipt No. 7004 1160 0000 3797 0430, and did not submit a response to the Department within thirty (30) days after receipt; therefore, Compliance Order AE-C-10-01727, is a final order of the Department. The failure to respond to the Compliance Order is a violation of Compliance Order AE-C-10-01727, and La. R.S. 30:2057(A)(2).

### **COMPLIANCE ORDER**

Based on the foregoing, the Respondent is **hereby ordered**:

#### I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations, including, but not limited to, LAC 33:III.5901.

#### II.

To develop and submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, evidence that a risk management program, to include the following elements consistent with 40 CFR 68, have been developed and/or completed:

- A. Offsite consequence analyses as required by 40 CFR 68.39, including backup documentation.
- B. Up-to-date information related to the regulated substances, processes and equipment as required by 40 CFR 68.48(a)(2).
- C. Address the issues noted in the hazard review in Findings of Fact Paragraph III.C as required by 40 CFR 68.50(c).
- D. Perform a hazard review as required by 40 CFR 68.50(d).

- E. Perform training or testing of the competency of each employee presently operating a process, and each employee newly assigned to a covered process in the operating procedures that pertain to their duties as required by 40 CFR 68.54.
- F. Perform or cause to be performed inspections and tests on process equipment as required by 40 CFR 68.56(d).
- G. Submit an updated RMP to the EPA as required by 40 CFR 68.190(b)(1).

III.

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 violations 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:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Madison Kirkland**  
**Re: Enforcement Tracking No. AE-CN-18-00027**  
**Agency Interest No. 19937**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

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 following:

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. AE-CN-18-00027**  
**Agency Interest No. 19937**



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.), and the Division of Administrative Law (DAL) Procedural Rules. 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 twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, 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 Madison Kirkland at (225) 219-3165 or at [Madison.kirkland@la.gov](mailto:Madison.kirkland@la.gov) 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.

Baton Rouge, Louisiana, this 26<sup>th</sup> day of April, 2019.

  
\_\_\_\_\_  
Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Madison Kirkland

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.	AE-CN-18-00027	Contact Name	Madison Kirkland
Agency Interest (AI) No.	19927	Contact Phone No.	225-219-3165
Alternate ID No.	N/A		
Respondent:	St. Mary Parish Wards 5 & 8 Joint Sewer Commission	Facility Name:	St. Mary Parish Wards 5 & 8 Joint Sewer Commission
	c/o Tony Hensgens, Chairman	Physical Location:	735 Cotton Road
	Agent for Service of Process		
	P.O. Box 181 Berwick, Louisiana 70342	City, State, Zip:	Patterson, Louisiana 70392
		Parish:	St. Mary

**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 Paragraph(s) III 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 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00027), 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 (AE-CN-18-00027), 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-</b> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-18-00027) 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.*



<b>Respondent's Signature</b>	<b>Respondent's Printed Name</b>	<b>Respondent's Title</b>
<b>Respondent's Physical Address</b>	<b>Respondent's Phone #</b>	<b>Date</b>
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Madison Kirkland		