

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**THREE C REAL ESTATE, L.L.C.**

**AI # 150196, 39163**

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

\* **Settlement Tracking No.**  
\* **SA-MM-22-0074**  
\*  
\* **Enforcement Tracking Nos.**  
\* **MM-CN-18-00708**  
\* **WE-P-20-00302**  
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**SETTLEMENT**

The following Settlement is hereby agreed to between Three C Real Estate, L.L.C., (“Respondent”), Professional Builders, Inc. (“Responsible Party”) 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 formerly owned and/or operated facilities located in Denham Springs, Livingston Parish, Louisiana (“the Facilities”).

**II**

Responsible Party is a Louisiana corporation that by execution of the Department’s Notification of Change Form (NOC-1) on May 31, 2019, agreed that it would be responsible for all violations of Respondent existing prior to March 22, 2019.

**III**

On January 17, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-18-00708 (Exhibit 1).

On August 23, 2021, the Department issued to Respondent a Penalty Assessment, Enforcement Tracking No. WE-P-20-00302 (Exhibit 2).

IV

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

V

Nonetheless, Respondent and Responsible Party, without making any admission of liability under state or federal statute or regulation, agree 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 Eight Thousand Forty-Seven and 92/100 Dollars (\$8,047.92) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent and Responsible Party 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).

VI

Respondent and Responsible Party further agree that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty, Penalty Assessment 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.

## VII

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 and Responsible Party hereby waive 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.

## VIII

This settlement is being made in the interest of settling the state's claims and avoiding for all 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.

## IX

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.

## X

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

## XI

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).

## XII

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

## XIII

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.

**THREE C REAL ESTATE, L.L.C.**

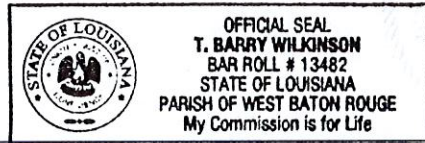
BY: [Signature]  
(Signature)

PATRICK O. CAMPESI  
(Printed)

TITLE: MANAGER

THUS DONE AND SIGNED in duplicate original before me this 22<sup>nd</sup> day of FEBRUARY, 20 23, at PORT ALLEN, LA.

[Signature]  
NOTARY PUBLIC (ID # 13,482)



(stamped or printed)

**PROFESSIONAL BUILDERS, INC.**

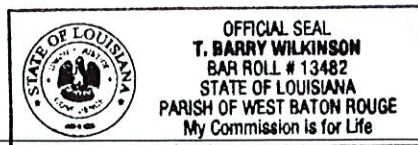
BY: [Signature]  
(Signature)

PATRICK CAMPESI  
(Printed)

TITLE: PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 22<sup>nd</sup> day of FEBRUARY, 20 23, at PORT ALLEN, LA.

[Signature]  
NOTARY PUBLIC (ID # 13,482)



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Gringles, Secretary

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

THIS DONE AND SIGNED in duplicate original before me this 6th day of July, 20 22, at Baton Rouge, Louisiana.

Way L. Glorios  
NOTARY PUBLIC (ID # 66887)  
Way L. Glorios  
(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

January 17, 2019

CERTIFIED MAIL (7017 0530 0000 5978 9852)  
RETURN RECEIPT REQUESTED

**THREE C REAL ESTATE, L.L.C.**  
c/o Patrick O. Campesi  
Agent for Service of Process  
52410 Clark Road  
White Castle, Louisiana 70788

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-18-00708  
AGENCY INTEREST NO. 150196**

Dear Sir:

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 **THREE C REAL ESTATE, L.L.C. (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 Bernie Boyett at (225) 219-0783.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/BKB/dll  
Alt ID No. LAG542002  
Attachments

c: e-copy-DHH/Office of Public Health



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

**IN THE MATTER OF**

**THREE C REAL ESTATE, L.L.C.  
LIVINGSTON PARISH  
ALT ID NO. LAG542002**

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

\*  
\*  
\* **ENFORCEMENT TRACKING NO.**  
\*  
\* **MM-CN-18-00708**  
\*  
\* **AGENCY INTEREST NO.**  
\*  
\* **150196**  
\*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **THREE C REAL ESTATE, L.L.C. (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) and 30:2050.2.

**FINDINGS OF FACT**

**I.**

The Respondent owns and/or operates a sewage treatment plant (STP) that serves Country Manor Estates Mobile Home Park (the Site), which is located at 30715 Burgess Road in Denham Springs, Livingston Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) permit LAG540000 on or about February 13, 2014, and was specifically assigned permit number LAG542002. LPDES permit LAG542002 expired on or about June 30, 2018, and was administratively continued. The Department issued a Correction of LPDES permit LAG542002 to the Respondent on



February 2, 2017. Under the terms and conditions of LPDES permit LAG542002, the Respondent is authorized to discharge treated sanitary wastewater into local drainage, thence into West Colyell Creek, waters of the state. The Respondent was granted coverage under Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 effective January 1, 2013. LPDES permit LAJ660000 expired on January 31, 2015, and was administratively continued. Under the terms and conditions of LPDES permit LAJ660000, the Respondent is authorized to have sewage sludge pumped out or removed from the sanitary wastewater treatment works.

## II.

An inspection conducted by the Department on or about September 22, 2017, in response to citizens' complaints, and a subsequent file review conducted by the Department on or about October 22, 2018, revealed that the Respondent failed to submit quarterly Discharge Monitoring Reports (DMRs) for Outfall 001 for the second, third, and fourth quarters of 2016. Each failure to submit a DMR is a violation of LPDES permit LAG542002 (Other Requirements, Section N.8; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a.

## III.

An inspection conducted by the Department on or about September 22, 2017, in response to citizens' complaints, and a subsequent file review conducted by the Department on or about October 22, 2018, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on quarterly DMRs, are summarized in the following table:

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Reported Value
03/31/2017	001Q	Fecal Coliform (Monthly Avg.) - col/100mL	200	1000
		Fecal Coliform (Daily Max.) - col/100mL	400	>2000
06/30/2017	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L	5	18.05
		BOD <sub>5</sub> (Daily Max.) - mg/L	10	30.5
09/30/2017	001Q	Fecal Coliform (Monthly Avg.) - col/100mL	200	370
		Fecal Coliform (Daily Max.) - col/100mL	400	730
12/31/2017	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L	5	53.1
		BOD <sub>5</sub> (Daily Max.) - mg/L	10	53.1
		Ammonia-Nitrogen (Monthly Avg.) - mg/L	10	14.1
		Dissolved Oxygen (Daily Minimum) - mg/L	5	.08
		pH Instantaneous Minimum - SU	6	5.6

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Reported Value
03/31/2018	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L	5	37.8
		BOD <sub>5</sub> (Daily Max.) - mg/L	10	37.8
		Ammonia-Nitrogen (Monthly Avg.) - mg/L	10	13
06/30/2018	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L	5	<=34.2
		BOD <sub>5</sub> (Daily Max.) - mg/L	10	65.4
		Fecal Coliform (Monthly Avg.) - col/100mL	200	1005
		Fecal Coliform (Daily Max.) - col/100mL	400	>2000
		pH Instantaneous Maximum - SU	9	10.2
		TSS (Monthly Avg.) - mg/L	30	35.35
		TSS (Daily Max.) - mg/L	45	63.1

Each effluent limitation exceedance is a violation of LPDES permit LAG542002 (Effluent Limitations and Monitoring Requirements, Pages 7, 12, and 14 of 21; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

#### IV.

An inspection conducted by the Department on or about September 22, 2017, in response to citizens' complaints, revealed that the Respondent had the following operation and maintenance deficiencies:

- A. The lift station warning light was flashing;
- B. Of the two (2) motors powering the plant, only one (1) was operational, the other was missing a belt;
- C. There was trash and debris at the influent;
- D. There was solids and vegetation in the clarifier;
- E. The chlorine tubes were missing and there was no disinfection;
- F. The discharge pipe was submerged in the receiving stream;
- G. The receiving stream contained sewage sludge;
- H. The fenced enclosure for the STP was overgrown with vegetation; and
- I. Sewage was observed on the ground near the mobile homes.

Failure to properly operate and maintain all facilities and systems of treatment and control is a violation of LPDES permit LAG542002 (Standard Conditions for LPDES Permits, Sections A.2 and B.3.a), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.E. The failure to properly dispose of sewage sludge at a permitted solid waste facility is a violation of La. R.S. 30:2076 (A)(3) and LAC 33:IX.7301.G.1.

V.

An inspection conducted by the Department on or about September 22, 2017, in response to citizens' complaints, revealed that the Respondent failed to dispose of regulated solid waste at a permitted solid waste facility, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, during the September 22, 2017 inspection, two (2) piles of solid waste consisting of household garbage, mattresses, white goods, and furniture were observed at the Site, one in the STP fenced enclosure and another behind the dumpster.

VI.

An inspection conducted by the Department on or about September 22, 2017, in response to citizens' complaints, revealed that there was sewage on the ground near the homes in the mobile home park. Two separate complaints were made to the United States Environmental Protection Agency (EPA) on May 27, 2017, regarding raw sewage in the yards of the mobile home park residents. The complainants stated that the situation was ongoing and complaints were made to park management, but to no avail. The complainants were referred to the Department on September 20, 2017. Sewage was observed on the ground near the homes during the September 22, 2017 inspection, almost four months after the original complaints were filed with EPA. The failure to take all reasonable steps to minimize or prevent the discharge of untreated sanitary wastewater which has a reasonable likelihood to adversely affect human health or the environment is a violation of LPDES permit LAG542002 (Standard Conditions for LPDES Permits, Sections A.2 and B.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.D.

VII.

A file review conducted by the Department on or about October 22, 2018, revealed that the Respondent failed to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 2013, 2014, 2015, 2016, and 2017 as required by LPDES permit LAJ660000. The form is due by January 28<sup>th</sup> of the following year. The failure to submit the required reports is a violation of LPDES permit LAJ660000 (Part II, Section C; and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

VIII.

A file review conducted by the Department on or about October 22, 2018, revealed that the Respondent failed to sample in accordance with LPDES permit LAG542002. Specifically, LPDES permit LAG542002 requires the Respondent to sample quarterly for Total Nitrogen and Total

Phosphorus. The Respondent failed to sample for both parameters during the first quarter of 2017. Each failure to sample and measure flow is a violation of La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

**IX.**

A file review conducted by the Department on or about October 22, 2018, revealed that the Respondent failed to submit the DMR for Outfall 001-Q for the second quarter of 2018 in a timely manner. The Respondent is required to submit quarterly DMRs no later than the 28<sup>th</sup> day of the month following each calendar quarter. The Respondent submitted the DMR on September 9, 2018. The failure to submit a DMR in a timely manner is a violation of LPDES permit LAG542002 (Other Requirements, Section N.8; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.

**COMPLIANCE ORDER**

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

**I.**

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with LPDES permit LAG542002, the Water Quality Regulations, and the Solid Waste Regulations including, but not limited to, submitting DMRs in a timely manner, complying with all effluent limitations, properly operating and maintaining the facility, disposing of solid waste in a permitted solid waste facility, taking all reasonable steps to minimize or prevent the discharge of untreated sanitary wastewater, submitting annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms, and sampling as required by the permit.

**II.**

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit of regulated solid waste of any kind at the Site or any other site that is not permitted to receive such waste.

**III.**

To complete closure, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, of the Site by removal of all solid waste to a permitted or authorized solid waste disposal facility. The Respondent shall submit documentation of proper disposal to the Enforcement Division within fifteen (15) days of disposal.

IV.

To immediately clean and disinfect, upon receipt of this **COMPLIANCE ORDER**, the area of all sanitary wastewater and sewage artifacts.

V.

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 II 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."

VI.

To submit to the Enforcement Division, within thirty (30) after receipt of this **COMPLIANCE ORDER**, the annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms mentioned in Paragraph VII of the Findings of Fact portion of this Order.

VII.

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  
**Attention: Bernie Boyett**  
**Enforcement Tracking No. MM-CN-18-00708**  
**Agency Interest No. 150196**

**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. MM-CN-18-00708**  
**Agency Interest No. 150196**

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's (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 Bernie Boyett at (225) 219-0783 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **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 Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. 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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.


Baton Rouge, Louisiana, this 17<sup>th</sup> day of January, 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: Bernie Boyett

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		<b>CONSOLIDATED COMPLIANCE ORDER &amp;                  NOTICE OF POTENTIAL PENALTY                  REQUEST TO CLOSE</b>		
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Enforcement Tracking No.	MM-CN-18-00708	Contact Name	Bernie Boyett
Agency Interest (AI) No.	150196	Contact Phone No.	(225) 219-0783
Alternate ID No.	LAG542002		
Respondent:	THREE C REAL ESTATE, L.L.C.	Facility Name:	Country Manor Estates Mobile Home Park
	c/o Patrick O. Campesi	Physical Location:	30715 Burgess Road
	Agent for Service of Process		
	52410 Clark Road	City, State, Zip:	Denham Springs, LA 70726
	White Castle, Louisiana 70788	Parish:	Livingston

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VI of the "Order" portion of the <b>COMPLIANCE ORDER</b> .		
All necessary documents were submitted to the Department within 30 days of receipt of the <b>COMPLIANCE ORDER</b> in accordance with Paragraph(s) V and VI of the "Order" portion of the <b>COMPLIANCE ORDER</b> .		
Removal of all solid waste to a permitted or authorized solid waste disposal facility within 60 days of receipt of the <b>COMPLIANCE ORDER</b> in accordance with Paragraph(s) III of the "Order" portion of the <b>COMPLIANCE ORDER</b> .		
All necessary documents were submitted to the Department within 15 days of disposal in accordance with Paragraph(s) III of the "Order" portion of the <b>COMPLIANCE ORDER</b> .		
All items in the "Findings of Fact" portion of the <b>COMPLIANCE ORDER</b> were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the <b>COMPLIANCE ORDER</b> . Final compliance was achieved as of:		

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

_____	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.
_____	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (MM-CN-18-00708)</b> , the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
_____	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (MM-CN-18-00708)</b> , 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- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</b></li> </ul>
	The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY (MM-CN-18-00708)</b> and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT		
<p><i>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.</i></p>		
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:		
<p>Louisiana Department of Environmental Quality                      Office of Environmental Compliance                      Enforcement Division                      P.O. Box 4312                      Baton Rouge, LA 70821                      Attn: Bernie Boyett</p>		

# 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
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$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 <a href="#">EDMS</a> using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements .....	<a href="#">Enforcement Division's website</a> specific examples can be provided upon request
Penalty Determination Method .....	<a href="#">LAC 33 I Chapter 7</a>
Beneficial Environmental Projects .....	<a href="#">LAC 33 I Chapter 25</a> <a href="#">FAQs</a>
Judicial Interest.....	<a href="#">provided by the Louisiana State Bar Association</a>





JOHN BEL EDWARDS  
GOVERNOR

*Be RHE*

CHUCK CARR BROWN, PH.D.  
SECRETARY

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

AUG 23 2021

CERTIFIED MAIL (7019 0700 0000 0331 2834)  
RETURN RECEIPT REQUESTED

**THREE C REAL ESTATE, L.L.C.**  
Agent for Service of Process  
c/o Patrick O. Campesi  
52410 Clark Road  
White Castle, Louisiana 70788

**RE: PENALTY ASSESSMENT  
ENFORCEMENT TRACKING NO. WE-P-20-00302  
AGENCY INTEREST NO. 39163**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **PENALTY ASSESSMENT** is hereby served on **THREE C REAL ESTATE, L.L.C. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Bernie Boyett at (225) 219-0783.

Sincerely,

*Angela Marse*

Angela Marse  
Administrator  
Enforcement Division

AM/BKB/bkb  
Alt ID No. LAG540267  
Attachment



STATE OF LOUISIANA  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF  THREE C REAL ESTATE, L.L.C. LIVINGSTON PARISH ALT ID NO. LAG540267  PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	* * * ENFORCEMENT TRACKING NO. * * WE-P-20-00302 * * AGENCY INTEREST NO. * * 39163 * *
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PENALTY ASSESSMENT

The following **PENALTY ASSESSMENT** is issued to **THREE C REAL ESTATE, L.L.C. (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(E) and 30:2050.3.

**FINDINGS OF FACT**

I.

The Respondent owned and/or operated a sewage treatment plant (STP) that serves Denham Place Mobile Home Park, which is located at 30715 Burgess Road in Denham Springs, Livingston Parish, Louisiana. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) permit LAG540000 on or about May 16, 2014, and was specifically assigned permit number LAG540267. LPDES permit LAG540267 expired on or about June 30, 2018, and was administratively continued. LPDES permit LAG540267 was reissued on October 19, 2018, with an expiration date of July 31, 2023. Under the terms and conditions of LPDES permit LAG540267, the Respondent was authorized to discharge treated sanitary wastewater into local drainage, thence into West Colyell Creek, waters of the state. The Respondent was granted coverage under Louisiana Sewage Sludge and Biosolids Use or Disposal General Permit LAJ660000 effective January 1, 2013. General Permit LAJ660000 expired on January 31, 2015, and was administratively continued. Under the terms and conditions of LPDES

permit LAJ660000, the Respondent was authorized to have sewage sludge pumped out or removed from the sanitary wastewater treatment works.

II.

An inspection conducted by the Department on or about December 7, 2017, and a subsequent file review conducted by the Department on or about November 13, 2018, revealed that the Respondent failed to submit quarterly DMRs for Outfall 001 for all of 2015 and 2016. Each failure to submit a DMR is a violation of LPDES permit LAG540267 (Other Requirements, Section N.8; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a.

III.

An inspection conducted by the Department on or about December 7, 2017, and a subsequent file review conducted by the Department on or about November 13, 2018, revealed that the Respondent failed to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 2014 and 2015, as required by LPDES permit LAJ660000. The form is due by January 28<sup>th</sup> of the following year. The failure to submit the required reports is a violation of LPDES permit LAJ660000 (Part II, Section C; and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

IV.

An inspection conducted by the Department on or about December 7, 2017, and a subsequent file review conducted by the Department on or about November 13, 2018, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on quarterly DMRs, are summarized in the following table:

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Reported Value
03/31/2017	001Q	Fecal Coliform (Monthly Avg.) - col/100mL	200	1005
		Fecal Coliform (Daily Max.) - col/100mL	400	<2000
12/31/2017	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L	10	50.1
		BOD <sub>5</sub> (Daily Max.) - mg/L	15	50.1
		Fecal Coliform (Monthly Avg.) - col/100mL	200	>2000
		Fecal Coliform (Daily Max.) - col/100mL	400	>2000
		Ammonia-Nitrogen (Monthly Avg.) - mg/L	10	15
		pH Instantaneous Minimum - SU	6	5.4
		TSS (Monthly Avg.) - mg/L	15	27.2
		TSS (Daily Max.) - mg/L	23	27.2
06/30/2018	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L	10	<=30.25



Monitoring Period End Date	Outfall	Parameter	Permit Limit	Reported Value
06/30/2018	001Q	BOD <sub>5</sub> (Daily Max.) - mg/L	15	57.5
		Fecal Coliform (Monthly Avg.) - col/100mL	200	1005
		Fecal Coliform (Daily Max.) - col/100mL	400	>2000
		pH Instantaneous Maximum - SU	9	9.9
		TSS (Monthly Avg.) - mg/L	15	39.4
		TSS (Daily Max.) - mg/L	23	63.6
09/30/2018	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L	10	<=23.8
		BOD <sub>5</sub> (Daily Max.) - mg/L	15	44.6

Each effluent limitation exceedance is a violation of LPDES permit LAG540267 (Effluent Limitations and Monitoring Requirements, Pages 9 and 12 of 21; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

V.

An inspection conducted by the Department on or about December 7, 2017, revealed that one of the blower motors was not functioning due to a broken belt, solids were present in the weir, and the STP had no disinfection unit. Failure to properly operate and maintain all facilities and systems of treatment and control is a violation of LPDES permit LAG540267 (Standard Conditions for LPDES Permits, Sections A.2 and B.3.a), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.E.

VI.

An inspection conducted by the Department on or about December 7, 2017, revealed that the Respondent failed to measure flow and sample in accordance with LPDES permit LAG540267. Specifically, the Respondent is required by LPDES permit LAG540267 to measure flow and sample quarterly for BOD<sub>5</sub>, Total Suspended Solids, Fecal Coliform, and pH. The Respondent failed to measure flow and sample for all of 2015 and 2016. Each failure to sample and measure flow is a violation of La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

VII.

A file review conducted by the Department on or about November 13, 2018, revealed that the Respondent failed to submit DMRs and a written response as ordered in Paragraphs II and III of the Order section of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-12-01117**, issued to the Respondent on February 20, 2013. Each failure to submit the required documentation is a violation of **CONSOLIDATED**

**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-12-01117, La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.**

VIII.

On or about February 5, 2019, the Department issued a CONOPP, Enforcement Tracking No. WE-CN-18-00560, to the Respondent. The Respondent received the CONOPP on February 19, 2019.

IX.

A civil penalty under Section 2025(E) and 2050.3 of the Act may be assessed for the violations described herein.

X.

Having considered the factors set forth in Section 2025(E)(3) of the Act, and in light of all facts and circumstances presently known, a civil penalty would be appropriate, equitable, and justified.

**ASSESSMENT**

I.

A penalty in the amount of **\$26,490.16 (Twenty-Six Thousand Four Hundred Ninety Dollars and Sixteen Cents)** is hereby assessed together with legal interest as allowed by law and all costs of bringing and prosecuting this enforcement action accruing after the date of issuance.

**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 **PENALTY ASSESSMENT**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **PENALTY ASSESSMENT**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **PENALTY ASSESSMENT** 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. WE-P-20-00302**  
**Agency Interest No. 39163**

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 **PENALTY ASSESSMENT** 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 Department's Rules of Procedure. The Department may amend or supplement this **PENALTY ASSESSMENT** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **PENALTY ASSESSMENT** shall become a final enforcement action unless the request for a 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 violations described herein and the assessed penalty.

V.

The Respondent must make full payment of the civil penalty assessed herein no later than fifteen (15) days after the assessment becomes final. Penalties are to be made payable to the Department of Environmental Quality, and mailed to:

Department of Environmental Quality  
Office of Management and Finance  
Post Office Box 4303  
Baton Rouge, Louisiana 70821-4303  
**Attn: Rhonda Mack, Accountant**  
**Re: Enforcement Tracking No. WE-P-20-00302**  
**Agency Interest No. 39163**

Enclose with your payment the attached Penalty Payment form.

VI.

Upon the penalty assessed herein becoming final because of the Respondent's failure to timely file a request for a hearing, and upon the Respondent's failure to pay the civil penalty provided herein or failure to make arrangements satisfactory to the Department for such payment,

this matter shall be referred to the Attorney General for collection of the penalty plus all costs associated with the collection.

VII.

For each violation described herein, the Department reserves the right to seek compliance with its rules and regulations in any manner allowed by law and nothing herein shall be construed to preclude the right to seek such compliance.

VIII.

This PENALTY ASSESSMENT is effective upon receipt.

Baton Rouge, Louisiana, this 23<sup>rd</sup> day of August, 2021.



\_\_\_\_\_  
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: Bernie Boyett

# PENALTY PAYMENT FORM

Please attach this form to your penalty payment  
and submit to:

Department of Environmental Quality  
Office of Management and Finance  
P. O. Box 4303  
Baton Rouge, Louisiana 70821-4303  
Attn: Rhonda Mack, Accountant

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**Respondent: THREE C REAL ESTATE, L.L.C.**

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**Enforcement Tracking Number: WE-P-20-00302**

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**Penalty Amount: \$26,490.16**

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**AI Number: 39163**

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**Alternate ID Number: LAG540267**

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**TEMPO Activity Number: ENF20200001**

**For Official Use Only.  
Do Not write in this Section.**

**Check Number:**

**Check Date:**

**Check Amount:**

**Received Date:**

**PIV Number:**

**PIV Date:**

**Stamp "Paid" in the box to the right  
and initial.**

**Route Completed form to:**

**Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance**

--

Three C Real Estate, L.L.C.  
Enforcement Tracking #: WE-P-20-00302  
AI #: 39163  
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## PENALTY CALCULATION WORKSHEET

### WE-CN-18-00560

**Penalty Event #1** – Paragraph II - An inspection conducted by the Department on or about December 7, 2017, and a subsequent file review conducted by the Department on or about November 13, 2018, revealed that the Respondent failed to submit quarterly DMRs for Outfall 001 for all of 2015 and 2016. Each failure to submit a DMR is a violation of LPDES permit LAG540267 (Other Requirements, Section N.8; and Standard Conditions for LPDES Permits, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a. The number of violations was determined to be one (1) per year and equates to two (2) violations for this event.

### Violation Specific Factors

**Degree of Risk/Impact to Human Health or Property: Minor**

Justification: The degree of risk/impact to human health or property is deemed minor due to the fact that there was no measurable detrimental effect on the environment or public health.

**Nature and Gravity of the Violation: Major**

Justification: The Respondent deviated significantly from the requirements of the permit by failing to submit quarterly DMRs for two (2) years consecutively.

### Violator Specific Factors

Adjustment Factors Per Event – the upward or downward percentage adjustment for each violator-specific factor shall be no more than 100 percent of the difference between the minimum and maximum penalty amount for the chosen matrix cell. The total upward or downward percentage adjustment is also limited to 100 percent.

1. The history of previous violations or repeated noncompliance.  
Adjustment = +30%

Justification: The Respondent has a history of noncompliance with the Water Quality regulations as follows:

The Respondent was issued **CONOPP WE-CN-08-0497** with regards to **Denham Place Mobile Home Park** on April 23, 2009, for failure to sample, failure to submit DMRs, and failure to notify the Department of any substantial change of the volume of pollutants being introduced into the sewage treatment plant. **CONOPP WE-CN-08-0497** was administratively closed by the Department on March 9, 2020.

The Respondent was issued **CO WE-C-07-0606** with regards to **Country Manor Estates Mobile Home Park** on May 8, 2009, for discharging without a permit and failure to apply for a Louisiana Pollutant Discharge Elimination System (LPDES) permit. **CO WE-C-17-0606** was closed by the Department on September 9, 2016.

Three C Real Estate, L.L.C.  
 Enforcement Tracking #: WE-P-20-00302  
 AI #: 39163  
 Page 2 of 25

### PENALTY CALCULATION WORKSHEET

The Respondent was issued **NOPP WE-PP-10-00715** with regards to Country Manor Estates Mobile Home Park on August 1, 2011, for discharging without a permit and failure to apply for an LPDES permit. **NOPP WE-PP-10-00715** was closed by the Department on September 9, 2016.

The Respondent was issued **XP WE-XP-16-00564** with regards to Country Manor Estates Mobile Home Park on September 12, 2016, for unauthorized discharge, failure to apply for an LPDES permit, and **failure to submit DMRs**. The Respondent paid the XP, and it was finalized and closed on December 9, 2016.

The Respondent was issued **CONOPP MM-CN-18-00708** with regards to Country Manor Estates Mobile Home Park on January 17, 2019, for **failure to submit DMRs**, effluent limitation exceedances, operation & maintenance deficiencies, failure to properly dispose of sewage sludge, failure to properly dispose of regulated solid waste, failure to take all reasonable steps to minimize or prevent the discharge of untreated wastewater, failure to submit the annual Sewage Sludge & Biosolids Use & Disposal Forms, failure to sample, and failure to submit timely DMRs. **CONOPP MM-CN-18-00708** is the subject matter of a separate penalty for the Country Manor Estates Mobile Home Park facility.

The Respondent was issued **CONOPP WE-CN-12-01117** with regards to **Denham Place Mobile Home Park** on February 20, 2013, for failure to submit DMRs in violation of the order portion of **CONOPP WE-CN-08-0497**, **failure to submit DMRs**, operation and maintenance deficiencies, effluent limitation exceedances, failure to submit complete and accurate DMRs, failure to submit properly signed DMRs, and failure to submit timely DMRs. **CONOPP WE-CN-12-01117** was closed by the Department on May 24, 2021.

With regards to **Denham Place Mobile Home Park**, the Respondent was issued **CONOPP WE-CN-18-00560** on February 5, 2019, the subject matter of this penalty assessment. Violations for **failure to submit DMRs** were included in **WE-CN-18-00560**, as well as, four (4) other actions, two (2) of which were for Country Manor Estates MHP. Three (3) enforcement actions relating to **Denham Place Mobile Home Park** included a violation for **failure to submit DMRs**. The Department has made an upward adjustment of 10% per action.

2. The gross revenues generated by the Respondent.  
 Adjustment = +0%

Justification: **CONOPP WE-CN-18-00560** was issued to the Respondent on February 5, 2019, and requested the submission of the Respondent's most current annual gross revenue statement. The Respondent did not submit the requested annual gross revenue statement; therefore, it is viewed by the Department as an admission that the Respondent had sufficient revenue to comply with all applicable regulations and/or permit conditions, and also has the ability to pay a reasonable penalty.

3. The degree of culpability, recalcitrance, defiance, or indifference to regulations or orders.  
 Adjustment = +20%

Justification: The Respondent is fully culpable for the violations and showed indifference by repeatedly failing to submit DMRs.

Three C Real Estate, L.L.C.  
 Enforcement Tracking #: WE-P-20-00302  
 A1 #: 39163  
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**PENALTY CALCULATION WORKSHEET**

4. Whether the person charged has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the noncompliance or violation.

Adjustment = +0%

Justification: There were no documented damages caused by the noncompliance.

5. Whether the noncompliance or violation and the surrounding circumstances were immediately reported to the Department, and whether the violation or noncompliance was concealed or there was an attempt to conceal by the person charged.

Adjustment = +0%

Justification: The violations were revealed in an inspection conducted by the Department on or about December 7, 2017, and a subsequent file review conducted by the Department on or about November 13, 2018. The Respondent did not attempt to conceal the violations.

**Total Percentage for Violator Specific Adjustment Factors:** +50%

Penalty Range for the Penalty Event	Minimum (A)	<u>\$1,500</u>
(Using the Violation – Specific Factors and the Penalty Matrix)	Maximum (C)	<u>\$3,000</u>

Sum of the Percentages for the Penalty Event      Sum of %s (B) + 50%  
 (Using the Violator – Specific Factors)

Formula(s) to obtain a penalty amount for each	$P = A + [B \times (C-A)]$
Penalty event	$P = 1 \{A + [B \times (C-A)]\}$

$P = 2\{\$1,500 + [0.50 \times (\$3,000-\$1,500)]\} = \underline{\$4,500}$

**Penalty Amount for Penalty Event (P<sub>1</sub>) = \$4,500**



Three C Real Estate, L.L.C.  
Enforcement Tracking #: WE-P-20-00302  
AI #: 39163  
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**PENALTY CALCULATION WORKSHEET**  
**MONETARY BENEFIT OF NONCOMPLIANCE**  
LAC 33:1.705.G

The Department shall consider the monetary benefits realized through noncompliance. Any monetary benefits calculated may be added to the penalty subtotal. However, the amount calculated may not cause the penalty subtotal to exceed the maximum penalty amount allowed by law. A cash penalty should be collected unless it has been demonstrated and documented that the violator cannot pay the cash penalty.

**Justification/Explanation/Calculation of Benefit of Noncompliance**

The Department has determined that there is no benefit of non-compliance with regards to these violations.

**Total Monetary Benefit of Noncompliance (B<sub>1</sub>) = \$0**

**Total Penalty Amount for Penalty Event = P<sub>1</sub> + B<sub>1</sub> = \$4,500**

Three C Real Estate, L.L.C.  
Enforcement Tracking #: WE-P-20-00302  
AI #: 39163  
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**PENALTY CALCULATION WORKSHEET**

**Penalty Event #2 – Paragraph III -** An inspection conducted by the Department on or about December 7, 2017, and a subsequent file review conducted by the Department on or about November 13, 2018, revealed that the Respondent failed to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 2014 and 2015, as required by LPDES permit LAJ660000. The form is due by January 28<sup>th</sup> of the following year. The failure to submit the required reports is a violation of LPDES permit LAJ660000 (Part II, Section C; and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A. The number of violations was determined to be one (1) per year for this event.

**Violation Specific Factors**

**Degree of Risk/Impact to Human Health or Property: Minor**

Justification: The degree of risk/impact to human health or property is deemed minor due to the fact that there was no measurable detrimental effect on the environment or public health.

**Nature and Gravity of the Violation: Minor**

Justification: The Respondent deviated somewhat from the requirements of the permit by failing to submit the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 2014 and 2015. The Respondent submitted the annual Sewage Sludge & Biosolids Use or Disposal Reporting Form for 2016, 2017, and 2018. This violation is administrative in nature.

**Violator Specific Factors**

Adjustment Factors Per Event – the upward or downward percentage adjustment for each violator-specific factor shall be no more than 100 percent of the difference between the minimum and maximum penalty amount for the chosen matrix cell. The total upward or downward percentage adjustment is also limited to 100 percent.

- 1. The history of previous violations or repeated noncompliance.

Adjustment =     +10%    

Justification: The Respondent has a history of noncompliance with the Water Quality regulations as follows:

The Respondent was issued **CONOPP WE-CN-08-0497** with regards to Denham Place Mobile Home Park on April 23, 2009, for failure to sample, failure to submit DMRs, and failure to notify the Department of any substantial change of the volume of pollutants being introduced into the sewage treatment plant. **CONOPP WE-CN-08-0497** was administratively closed by the Department on March 9, 2020.

The Respondent was issued **CO WE-C-07-0606** with regards to Country Manor Estates Mobile Home Park on May 8, 2009, for discharging without a permit and failure to apply for a Louisiana Pollutant Discharge Elimination System (LPDES) permit. **CO WE-C-17-0606** was closed by the Department on September 9, 2016.

Three C Real Estate, L.L.C.  
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### PENALTY CALCULATION WORKSHEET

The Respondent was issued **NOPP WE-PP-10-00715** with regards to Country Manor Estates Mobile Home Park on August 1, 2011, for discharging without a permit and failure to apply for an LPDES permit. **NOPP WE-PP-10-00715** was closed by the Department on September 9, 2016.

The Respondent was issued **XP WE-XP-16-00564** with regards to Country Manor Estates Mobile Home Park on September 12, 2016, for unauthorized discharge, failure to apply for an LPDES permit, and failure to submit DMRs. The Respondent paid the XP, and it was finalized and closed on December 9, 2016.

The Respondent was issued **CONOPP MM-CN-18-00708** with regards to Country Manor Estates Mobile Home Park on January 17, 2019, for failure to submit DMRs, effluent limitation exceedances, operation & maintenance deficiencies, failure to properly dispose of sewage sludge, failure to properly dispose of regulated solid waste, failure to take all reasonable steps to minimize or prevent the discharge of untreated wastewater, **failure to submit the annual Sewage Sludge & Biosolids Use & Disposal Forms**, failure to sample, and failure to submit timely DMRs. **CONOPP MM-CN-18-00708** is the subject matter of a separate penalty for the Country Manor Estates Mobile Home Park facility.

The Respondent was issued **CONOPP WE-CN-12-01117** with regards to Denham Place Mobile Home Park on February 20, 2013, for failure to submit DMRs in violation of the order portion of **CONOPP WE-CN-08-0497**, failure to submit DMRs, operation and maintenance deficiencies, effluent limitation exceedances, failure to submit complete and accurate DMRs, failure to submit properly signed DMRs, and failure to submit timely DMRs. **CONOPP WE-CN-12-01117** was closed by the Department on May 24, 2021.

With regards to **Denham Place Mobile Home Park**, the Respondent was issued **CONOPP WE-CN-18-00560** on February 5, 2019, the subject matter of this penalty assessment. Violations for **failure to submit annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms** were included in **WE-CN-18-00560**, as well as, one (1) other action for Country Manor Estates MHP. One (1) enforcement action relating to **Denham Place Mobile Home Park** included a violation for **failure to submit annual Sewage Sludge & Biosolids Use or Disposal Reporting Forms**. The Department has made an upward adjustment of 10% per action.

- 2. The gross revenues generated by the Respondent.  
Adjustment =     +0%

Justification: **CONOPP WE-CN-18-00560** was issued to the Respondent on February 5, 2019, and requested the submission of the Respondent's most current annual gross revenue statement. The Respondent did not submit the requested annual gross revenue statement; therefore, it is viewed by the Department as an admission that the Respondent had sufficient revenue to comply with all applicable regulations and/or permit conditions, and also has the ability to pay a reasonable penalty.

- 3. The degree of culpability, recalcitrance, defiance, or indifference to regulations or orders.  
Adjustment =     +10%

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**PENALTY CALCULATION WORKSHEET**

Justification: The Respondent is culpable for the violations.

4. Whether the person charged has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the noncompliance or violation.  
 Adjustment = +0%

Justification: There were no documented damages caused by the noncompliance.

5. Whether the noncompliance or violation and the surrounding circumstances were immediately reported to the Department, and whether the violation or noncompliance was concealed or there was an attempt to conceal by the person charged.  
 Adjustment = +0%

Justification: The violations were revealed during an inspection conducted by the Department on or about December 7, 2017, and a subsequent file review conducted by the Department on or about November 13, 2018. The Respondent did not attempt to conceal the violations.

**Total Percentage for Violator Specific Adjustment Factors: +20%**

Penalty Range for the Penalty Event (Using the Violation – Specific Factors and the Penalty Matrix)	Minimum (A) <u>\$100</u> Maximum (C) <u>\$500</u>
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Sum of the Percentages for the Penalty Event (Using the Violator – Specific Factors)	Sum of %s (B) + <u>20%</u>
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Formula(s) to obtain a penalty amount for each Penalty event	$P = A + [B \times (C-A)]$ $P = 1 \{A + [B \times (C-A)]\}$
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$P = 2\{\$100 + [0.20 \times (\$500-\$100)]\} = \underline{\$360}$

**Penalty Amount for Penalty Event (P<sub>2</sub>) = \$360**

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**PENALTY CALCULATION WORKSHEET**  
**MONETARY BENEFIT OF NONCOMPLIANCE**  
LAC 33:I.705.G

The Department shall consider the monetary benefits realized through noncompliance. Any monetary benefits calculated may be added to the penalty subtotal. However, the amount calculated may not cause the penalty subtotal to exceed the maximum penalty amount allowed by law. A cash penalty should be collected unless it has been demonstrated and documented that the violator cannot pay the cash penalty.

**Justification/Explanation/Calculation of Benefit of Noncompliance**

The Department has determined that there is no benefit of non-compliance with regards to these violations.

**Total Monetary Benefit of Noncompliance (B<sub>2</sub>) = \$0**

**Total Penalty Amount for Penalty Event = P<sub>2</sub>+ B<sub>2</sub>= \$360**

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### PENALTY CALCULATION WORKSHEET

**Penalty Event #3** – Paragraph IV - An inspection conducted by the Department on or about December 7, 2017, and a subsequent file review conducted by the Department on or about November 13, 2018, revealed that the Respondent exceeded effluent limitations. These effluent limitation exceedances, as reported by the Respondent on quarterly DMRs, are summarized in the following table:

Monitoring Period End Date	Outfall	Parameter	Permit Limit	Reported Value
03/31/2017	001Q	Fecal Coliform (Monthly Avg.) - col/100mL	200	1005
		Fecal Coliform (Daily Max.) - col/100mL	400	<2000
12/31/2017	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L	10	50.1
		BOD <sub>5</sub> (Daily Max.) - mg/L	15	50.1
		Fecal Coliform (Monthly Avg.) - col/100mL	200	>2000
		Fecal Coliform (Daily Max.) - col/100mL	400	>2000
		Ammonia-Nitrogen (Monthly Avg.) - mg/L	10	15
		pH Instantaneous Minimum - SU	6	5.4
		TSS (Monthly Avg.) - mg/L	15	27.2
		TSS (Daily Max.) - mg/L	23	27.2
		06/30/2018	001Q	BOD <sub>5</sub> (Monthly Avg.) - mg/L
BOD <sub>5</sub> (Daily Max.) - mg/L	15			57.5
Fecal Coliform (Monthly Avg.) - col/100mL	200			1005
Fecal Coliform (Daily Max.) - col/100mL	400			>2000
pH Instantaneous Maximum - SU	9			9.9
TSS (Monthly Avg.) - mg/L	15			39.4
09/30/2018	001Q	TSS (Daily Max.) - mg/L	23	63.6
		BOD <sub>5</sub> (Monthly Avg.) - mg/L	10	<=23.8
		BOD <sub>5</sub> (Daily Max.) - mg/L	15	44.6

Each effluent limitation exceedance is a violation of LPDES permit LAG540267 (Effluent Limitations and Monitoring Requirements, Pages 9 and 12 of 21; and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Only one violation per parameter per monitoring period was counted.

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## PENALTY CALCULATION WORKSHEET

### Violation Specific Factors

#### **Degree of Risk/Impact to Human Health or Property: Minor**

Justification: The degree of risk/impact to human health or property is deemed minor due to the fact that the concentration level of the amount discharged isn't expected to present risk to human health and/or the environment. West Colyell Creek in Subsegment 040307 is designated as Primary Contact Recreation (swimming), Secondary Contact Recreation (boating), and Fish and Wildlife Propagation (fishing). Secondary Contact Recreation is fully supported. It is impaired for Primary Contact Recreation and Fish and Wildlife Propagation. Suspected causes of impairment are Mercury, Sulfate, Total Dissolved Solids, and Fecal Coliform.

#### **Nature and Gravity of the Violation: Minor**

Justification: The nature and gravity is deemed minor because the Respondent deviated somewhat from the requirements of the permit; however, substantial implementation of the requirement occurred. At the time of the file review, there were four (4) instances of effluent limitation exceedances <2X the limit reported on DMRs received from March 2017 through September 2018. The four (4) exceedances <2X the limit consisted of one (1) Ammonia-Nitrogen exceedance, two (2) pH exceedances, and one (1) Total Suspended Solids exceedance.

#### **Degree of Risk/Impact to Human Health or Property: Minor**

Justification: The degree of risk/impact to human health or property is deemed minor due to the fact that the concentration level of the amount discharged isn't expected to present risk to human health and/or the environment. West Colyell Creek in Subsegment 040307 is designated as Primary Contact Recreation (swimming), Secondary Contact Recreation (boating), and Fish and Wildlife Propagation (fishing). Secondary Contact Recreation is fully supported. It is impaired for Primary Contact Recreation and Fish and Wildlife Propagation. Suspected causes of impairment are Mercury, Sulfate, Total Dissolved Solids, and Fecal Coliform.

#### **Nature and Gravity of the Violation: Moderate**

Justification: The nature and gravity is deemed moderate because the Respondent deviated substantially from the requirements of the permit, thereby substantially negating the intent of the requirements. At the time of the file review, there were seven (7) instances of effluent limitation exceedances >2X the limit reported on DMRs received from March 2017 through September 2018. The seven (7) exceedances >2X the limit consisted of three (3) Fecal Coliform exceedances, three (3) BOD exceedances, and one (1) Total Suspended Solids exceedance.

### Violator Specific Factors

Adjustment Factors Per Event – The upward or downward percentage adjustment for each violator-specific factor shall be no more than 100 percent of the difference between the minimum and maximum penalty amount for the chosen matrix cell. The total upward or downward percentage adjustment is also limited to 100 percent.

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### PENALTY CALCULATION WORKSHEET

1. The history of previous violations or repeated noncompliance.  
Adjustment = +20%

Justification: The Respondent has a history of noncompliance with the Water Quality regulations as follows:

The Respondent was issued **CONOPP WE-CN-08-0497** with regards to Denham Place Mobile Home Park on April 23, 2009, for failure to sample, failure to submit DMRs, and failure to notify the Department of any substantial change of the volume of pollutants being introduced into the sewage treatment plant. **CONOPP WE-CN-08-0497** was administratively closed by the Department on March 9, 2020.

The Respondent was issued **CO WE-C-07-0606** with regards to Country Manor Estates Mobile Home Park on May 8, 2009, for discharging without a permit and failure to apply for a Louisiana Pollutant Discharge Elimination System (LPDES) permit. **CO WE-C-17-0606** was closed by the Department on September 9, 2016.

The Respondent was issued **NOPP WE-PP-10-00715** with regards to Country Manor Estates Mobile Home Park on August 1, 2011, for discharging without a permit and failure to apply for an LPDES permit. **NOPP WE-PP-10-00715** was closed by the Department on September 9, 2016.

The Respondent was issued **XP WE-XP-16-00564** with regards to Country Manor Estates Mobile Home Park on September 12, 2016, for unauthorized discharge, failure to apply for an LPDES permit, and failure to submit DMRs. The Respondent paid the XP, and it was finalized and closed on December 9, 2016.

The Respondent was issued **CONOPP MM-CN-18-00708** with regards to Country Manor Estates Mobile Home Park on January 17, 2019, for failure to submit DMRs, **effluent limitation exceedances**, operation & maintenance deficiencies, failure to properly dispose of sewage sludge, failure to properly dispose of regulated solid waste, failure to take all reasonable steps to minimize or prevent the discharge of untreated wastewater, failure to submit the annual Sewage Sludge & Biosolids Use & Disposal Forms, failure to sample, and failure to submit timely DMRs. **CONOPP MM-CN-18-00708** is the subject matter of a separate penalty for the Country Manor Estates Mobile Home Park facility.

The Respondent was issued **CONOPP WE-CN-12-01117** with regards to **Denham Place Mobile Home Park** on February 20, 2013, for failure to submit DMRs in violation of the order portion of **CONOPP WE-CN-08-0497**, failure to submit DMRs, operation and maintenance deficiencies, **effluent limitation exceedances**, failure to submit complete and accurate DMRs, failure to submit properly signed DMRs, and failure to submit timely DMRs. **CONOPP WE-CN-12-01117** was closed by the Department on May 24, 2021.

With regards to **Denham Place Mobile Home Park**, the Respondent was issued **CONOPP WE-CN-18-00560** on February 5, 2019, the subject matter of this penalty assessment. Violations for **effluent limitation exceedances** were included in **WE-CN-18-00560**, as well as, two (2) other actions, one (1) of which was for Country Manor Estates MHP. Two (2) enforcement actions relating to **Denham Place Mobile Home Park** included violations for **effluent limitation exceedances**. The Department has made an upward adjustment of 10% per action.



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**PENALTY CALCULATION WORKSHEET**

2. The gross revenues generated by the Respondent.

Adjustment = +0%

Justification: CONOPP WE-CN-18-00560 was issued to the Respondent on February 5, 2019, and requested the submission of the Respondent's most current annual gross revenue statement. The Respondent did not submit the requested annual gross revenue statement; therefore, it is viewed by the Department as an admission that the Respondent had sufficient revenue to comply with all applicable regulations and/or permit conditions, and also has the ability to pay a reasonable penalty.

3. The degree of culpability, recalcitrance, defiance, or indifference to regulations or orders.

Adjustment = +20%

Justification: The Respondent is culpable for the violations and showed indifference by continuing to exceed permit limitations.

4. Whether the person charged has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the noncompliance or violation.

Adjustment = +0%

Justification: There were no documented damages caused by the noncompliance.

5. Whether the noncompliance or violation and the surrounding circumstances were immediately reported to the Department, and whether the violation or noncompliance was concealed or there was an attempt to conceal by the person charged.

Adjustment = +0%

Justification: The violations were reported on DMRs. The Respondent did not attempt to conceal the violations.

**Total Percentage for Violator Specific Adjustment Factors: +40%**

**Violations <2 times the limit:**

Penalty Range for the Penalty Event	Minimum (A) <u>\$100</u>
(Using the Violation – Specific Factors and the Penalty Matrix)	Maximum (C) <u>\$500</u>

Sum of the Percentages for the Penalty Event	Sum of %s (B) + <u>40%</u>
(Using the Violator – Specific Factors)	

Formula(s) to obtain a penalty amount for each Penalty event	$P = A + [B \times (C-A)]$
	$P = 1\{A + [B \times (C-A)]\}$

**$P = 4\{\$100 + [0.40 \times (\$500-\$100)]\} = \underline{\$1,040}$**

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**PENALTY CALCULATION WORKSHEET**

**Violations >2 times the limit:**

Penalty Range for the Penalty Event (Using the Violation – Specific Factors and the Penalty Matrix)	Minimum (A) <u>\$500</u> Maximum (C) <u>\$1,500</u>
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Sum of the Percentages for the Penalty Event (Using the Violator – Specific Factors)	Sum of %s (B) + <u>40%</u>
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Formula(s) to obtain a penalty amount for each Penalty event	$P = A + [B \times (C-A)]$ $P = 1 \{A + [B \times (C-A)]\}$
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**$P = 7\{\$500 + [0.40 \times (\$1,500-\$500)]\} = \underline{\$6,300}$**

**Penalty Amount for Penalty Event (P<sub>3</sub>) = \$7,340**

**MONETARY BENEFIT OF NONCOMPLIANCE**  
LAC 33:I.705.G

The Department shall consider the monetary benefits realized through noncompliance. Any monetary benefits calculated may be added to the penalty subtotal. However, the amount calculated may not cause the penalty subtotal to exceed the maximum penalty amount allowed by law. A cash penalty should be collected unless it has been demonstrated and documented that the violator cannot pay the cash penalty.

**Justification/Explanation/Calculation of Benefit of Noncompliance**

The Department has determined that there is no benefit of non-compliance with regards to these violations.

**Total Monetary Benefit of Noncompliance (B<sub>3</sub>) = \$0**

**Total Penalty Amount for Penalty Event = P<sub>3</sub> + B<sub>3</sub> = \$7,340**

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### PENALTY CALCULATION WORKSHEET

**Penalty Event #4 – Paragraph V -** An inspection conducted by the Department on or about December 7, 2017, revealed that one of the blower motors was not functioning due to a broken belt, solids were present in the weir, and the STP had no disinfection unit. Failure to properly operate and maintain all facilities and systems of treatment and control is a violation of LPDES permit LAG540267 (Standard Conditions for LPDES Permits, Sections A.2 and B.3.a), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.E.

#### Violation Specific Factors

**Degree of Risk/Impact to Human Health or Property: Minor**

Justification: The degree of risk/impact to human health or property is deemed minor due to the fact that there was no measurable detrimental effect on the environment or public health.

**Nature and Gravity of the Violation: Moderate**

Justification: The nature and gravity is deemed moderate because the Respondent substantially negated the intent of the requirement by deviating from the requirements of the statutes and permit by failing to properly operate and maintain the facility. At the time of the December 7, 2017 inspection, one of the blower motors was not functioning due to a broken belt, solids were present in the weir, and the STP had no disinfection unit.

#### Violator Specific Factors

Adjustment Factors Per Event – The upward or downward percentage adjustment for each violator-specific factor shall be no more than 100 percent of the difference between the minimum and maximum penalty amount for the chosen matrix cell. The total upward or downward percentage adjustment is also limited to 100 percent.

1. The history of previous violations or repeated noncompliance.  
Adjustment = +20%

Justification: The Respondent has a history of noncompliance with the Water Quality regulations as follows:

The Respondent was issued **CONOPP WE-CN-08-0497** with regards to Denham Place Mobile Home Park on April 23, 2009, for failure to sample, failure to submit DMRs, and failure to notify the Department of any substantial change of the volume of pollutants being introduced into the sewage treatment plant. **CONOPP WE-CN-08-0497** was administratively closed by the Department on March 9, 2020.

The Respondent was issued **CO WE-C-07-0606** with regards to Country Manor Estates Mobile Home Park on May 8, 2009, for discharging without a permit and failure to apply for a Louisiana Pollutant Discharge Elimination System (LPDES) permit. **CO WE-C-17-0606** was closed by the Department on September 9, 2016.

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### PENALTY CALCULATION WORKSHEET

The Respondent was issued **NOPP WE-PP-10-00715** with regards to Country Manor Estates Mobile Home Park on August 1, 2011, for discharging without a permit and failure to apply for an LPDES permit. **NOPP WE-PP-10-00715** was closed by the Department on September 9, 2016.

The Respondent was issued **XP WE-XP-16-00564** with regards to Country Manor Estates Mobile Home Park on September 12, 2016, for unauthorized discharge, failure to apply for an LPDES permit, and failure to submit DMRs. The Respondent paid the XP, and it was finalized and closed on December 9, 2016.

The Respondent was issued **CONOPP MM-CN-18-00708** with regards to Country Manor Estates Mobile Home Park on January 17, 2019, for failure to submit DMRs, effluent limitation exceedances, **operation & maintenance deficiencies**, failure to properly dispose of sewage sludge, failure to properly dispose of regulated solid waste, failure to take all reasonable steps to minimize or prevent the discharge of untreated wastewater, failure to submit the annual Sewage Sludge & Biosolids Use & Disposal Forms, failure to sample, and failure to submit timely DMRs. **CONOPP MM-CN-18-00708** is the subject matter of a separate penalty for the Country Manor Estates Mobile Home Park facility.

The Respondent was issued **CONOPP WE-CN-12-01117** with regards to **Denham Place Mobile Home Park** on February 20, 2013, for failure to submit DMRs in violation of the order portion of **CONOPP WE-CN-08-0497**, failure to submit DMRs, **operation and maintenance deficiencies**, effluent limitation exceedances, failure to submit complete and accurate DMRs, failure to submit properly signed DMRs, and failure to submit timely DMRs. **CONOPP WE-CN-12-01117** was closed by the Department on May 24, 2021.

With regards to **Denham Place Mobile Home Park**, the Respondent was issued **CONOPP WE-CN-18-00560** on February 5, 2019, the subject matter of this penalty assessment. Violations for **operation and maintenance deficiencies** were included in **WE-CN-18-00560**, as well as, two (2) other actions, one (1) of which was for Country Manor Estates MHP. Two (2) enforcement actions relating to **Denham Place Mobile Home Park** included violations for **operation and maintenance deficiencies**. The Department has made an upward adjustment of 10% per action.

2. The gross revenues generated by the Respondent.  
Adjustment = +0%

Justification: **CONOPP WE-CN-18-00560** was issued to the Respondent on February 5, 2019, and requested the submission of the Respondent's most current annual gross revenue statement. The Respondent did not submit the requested annual gross revenue statement; therefore, it is viewed by the Department as an admission that the Respondent had sufficient revenue to comply with all applicable regulations and/or permit conditions, and also has the ability to pay a reasonable penalty.

3. The degree of culpability, recalcitrance, defiance, or indifference to regulations or orders.  
Adjustment = +20%

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**PENALTY CALCULATION WORKSHEET**

Justification: The Respondent is culpable for the violations and showed indifference by repeatedly failing to properly operate and maintain the facility.

- 4. Whether the person charged has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the noncompliance or violation.

Adjustment = +0%

Justification: There were no documented damages caused by the noncompliance.

- 5. Whether the noncompliance or violation and the surrounding circumstances were immediately reported to the Department, and whether the violation or noncompliance was concealed or there was an attempt to conceal by the person charged.

Adjustment = +0%

Justification: The violations were revealed during an inspection conducted by the Department on or about December 7, 2017. The Respondent did not attempt to conceal the violations.

**Total Percentage for Violator Specific Adjustment Factors:** +40%

Penalty Range for the Penalty Event (Using the Violation – Specific Factors and the Penalty Matrix)	Minimum (A) <u>\$500</u> Maximum (C) <u>\$1,500</u>
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Sum of the Percentages for the Penalty Event (Using the Violator – Specific Factors)	Sum of %s (B) + <u>40%</u>
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Formula(s) to obtain a penalty amount for each Penalty event	$P = A + [B \times (C-A)]$ $P = I \{A + [B \times (C-A)]\}$
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$P = I \{ \$500 + [0.40 \times (\$1,500 - \$500)] \} = \underline{\$900}$

**Penalty Amount for Penalty Event (P<sub>4</sub>) = \$900**

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**PENALTY CALCULATION WORKSHEET**

**MONETARY BENEFIT OF NONCOMPLIANCE**

LAC 33:I.705.G

The Department shall consider the monetary benefits realized through noncompliance. Any monetary benefits calculated may be added to the penalty subtotal. However, the amount calculated may not cause the penalty subtotal to exceed the maximum penalty amount allowed by law. A cash penalty should be collected unless it has been demonstrated and documented that the violator cannot pay the cash penalty.

**Justification/Explanation/Calculation of Benefit of Noncompliance**

The Department does not have enough information to calculate a benefit of non-compliance for this violation.

**Total Monetary Benefit of Noncompliance (B<sub>4</sub>) = \$0**

**Total Penalty Amount for Penalty Event = P<sub>4</sub> + B<sub>4</sub> = \$900**

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### PENALTY CALCULATION WORKSHEET

**Penalty Event #5** – Paragraph VI - An inspection conducted by the Department on or about December 7, 2017, revealed that the Respondent failed to measure flow and sample in accordance with LPDES permit LAG540267. Specifically, the Respondent is required by LPDES permit LAG540267 to measure flow and sample quarterly for BOD<sub>5</sub>, Total Suspended Solids, Fecal Coliform, and pH. The Respondent failed to measure flow and sample for all of 2015 and 2016. Each failure to sample and measure flow is a violation of La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. Only one violation per monitoring period was counted for a total of eight (8) violations.

#### Violation Specific Factors

**Degree of Risk/Impact to Human Health or Property: Minor**

Justification: The degree of risk/impact to human health or property is deemed minor due to the fact that there was no measurable detrimental effect on the environment or public health.

**Nature and Gravity of the Violation: Moderate**

Justification: The nature and gravity is deemed moderate because the Respondent substantially negated the intent of the requirement by deviating from the requirements of the statutes and permit by failing to measure flow and sample for eight (8) consecutive quarterly monitoring periods. Specifically, the Respondent was required by LPDES permit LAG540267 to measure flow and sample quarterly for BOD<sub>5</sub>, Total Suspended Solids, Fecal Coliform, and pH. The Respondent failed to measure flow and sample for all of 2015 and 2016.

#### Violator Specific Factors

Adjustment Factors Per Event – The upward or downward percentage adjustment for each violator-specific factor shall be no more than 100 percent of the difference between the minimum and maximum penalty amount for the chosen matrix cell. The total upward or downward percentage adjustment is also limited to 100 percent.

1. The history of previous violations or repeated noncompliance.

Adjustment = +20%

Justification: The Respondent has a history of noncompliance with the Water Quality regulations as follows:

The Respondent was issued **CONOPP WE-CN-08-0497** with regards to **Denham Place Mobile Home Park** on April 23, 2009, for failure to sample, failure to submit DMRs, and failure to notify the Department of any substantial change of the volume of pollutants being introduced into the sewage treatment plant. **CONOPP WE-CN-08-0497** was administratively closed by the Department on March 9, 2020.

The Respondent was issued **CO WE-C-07-0606** with regards to **Country Manor Estates Mobile Home Park** on May 8, 2009, for discharging without a permit and failure to apply for a Louisiana Pollutant Discharge Elimination System (LPDES) permit. **CO WE-C-17-0606** was closed by the Department on September 9, 2016.

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### PENALTY CALCULATION WORKSHEET

The Respondent was issued **NOPP WE-PP-10-00715** with regards to Country Manor Estates Mobile Home Park on August 1, 2011, for discharging without a permit and failure to apply for an LPDES permit. **NOPP WE-PP-10-00715** was closed by the Department on September 9, 2016.

The Respondent was issued **XP WE-XP-16-00564** with regards to Country Manor Estates Mobile Home Park on September 12, 2016, for unauthorized discharge, failure to apply for an LPDES permit, and failure to submit DMRs. The Respondent paid the XP, and it was finalized and closed on December 9, 2016.

The Respondent was issued **CONOPP MM-CN-18-00708** with regards to Country Manor Estates Mobile Home Park on January 17, 2019, for failure to submit DMRs, effluent limitation exceedances, operation & maintenance deficiencies, failure to properly dispose of sewage sludge, failure to properly dispose of regulated solid waste, failure to take all reasonable steps to minimize or prevent the discharge of untreated wastewater, failure to submit the annual Sewage Sludge & Biosolids Use & Disposal Forms, **failure to sample**, and failure to submit timely DMRs. **CONOPP MM-CN-18-00708** is the subject matter of a separate penalty for the Country Manor Estates Mobile Home Park facility.

The Respondent was issued **CONOPP WE-CN-12-01117** with regards to Denham Place Mobile Home Park on February 20, 2013, for failure to submit DMRs in violation of the order portion of **CONOPP WE-CN-08-0497**, failure to submit DMRs, operation and maintenance deficiencies, effluent limitation exceedances, failure to submit complete and accurate DMRs, failure to submit properly signed DMRs, and failure to submit timely DMRs. **CONOPP WE-CN-12-01117** was closed by the Department on May 24, 2021.

With regards to **Denham Place Mobile Home Park**, the Respondent was issued **CONOPP WE-CN-18-00560** on February 5, 2019, the subject matter of this penalty assessment. Violations for **failure to sample** were included in **WE-CN-18-00560**, as well as, two (2) other actions, one of which was for Country Manor Estates MHP. Two (2) enforcement actions relating to **Denham Place Mobile Home Park** included violations for **failure to sample**. The Department has made an upward adjustment of 10% per action.

2. The gross revenues generated by the Respondent.  
 Adjustment =     +0%

Justification: **CONOPP WE-CN-18-00560** was issued to the Respondent on February 5, 2019, and requested the submission of the Respondent's most current annual gross revenue statement. The Respondent did not submit the requested annual gross revenue statement; therefore, it is viewed by the Department as an admission that the Respondent had sufficient revenue to comply with all applicable regulations and/or permit conditions and also has the ability to pay a reasonable penalty.

3. The degree of culpability, recalcitrance, defiance, or indifference to regulations or orders.  
 Adjustment =     +20%

Justification: The Respondent is culpable for the violations and showed indifference by repeatedly failing to sample and measure flow for eight (8) consecutive monitoring periods.



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4. Whether the person charged has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the noncompliance or violation.

Adjustment = +0%

Justification: There were no documented damages caused by the noncompliance.

5. Whether the noncompliance or violation and the surrounding circumstances were immediately reported to the Department, and whether the violation or noncompliance was concealed or there was an attempt to conceal by the person charged.

Adjustment = +0%

Justification: The violations were revealed during an inspection conducted by the Department on or about December 7, 2017. The Respondent did not attempt to conceal the violations.

**Total Percentage for Violator Specific Adjustment Factors: +40%**

Penalty Range for the Penalty Event (Using the Violation – Specific Factors and the Penalty Matrix)	Minimum (A) <u>\$500</u> Maximum (C) <u>\$1,500</u>
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Sum of the Percentages for the Penalty Event (Using the Violator – Specific Factors)	Sum of %s (B) + <u>40%</u>
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Formula(s) to obtain a penalty amount for each Penalty event	$P = A + [B \times (C-A)]$ $P = 1 \{A + [B \times (C-A)]\}$
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$P = 1 \{ \$500 + [0.40 \times (\$1,500 - \$500)] \} = \underline{\$7,200}$

**Penalty Amount for Penalty Event (P<sub>5</sub>) = \$7,200**

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## PENALTY CALCULATION WORKSHEET

### MONETARY BENEFIT OF NONCOMPLIANCE LAC 33:1.705.G

The Department shall consider the monetary benefits realized through noncompliance. Any monetary benefits calculated may be added to the penalty subtotal. However, the amount calculated may not cause the penalty subtotal to exceed the maximum penalty amount allowed by law. A cash penalty should be collected unless it has been demonstrated and documented that the violator cannot pay the cash penalty.

#### Justification/Explanation/Calculation of Benefit of Noncompliance

There were thirty-two (32) instances of failure to sample over eight (8) consecutive monitoring periods (all of 2015 and 2016):

Parameter	Cost	# of Missed Samples	Total
TSS	\$20.00	8	\$160.00
BOD	\$35.00	8	\$280.00
Fecal Coliform	\$35.00	8	\$280.00
pH	\$10.00	8	\$80.00
Totals		32	\$ 800.00

Total Monetary Benefit of Noncompliance (B<sub>5</sub>) = \$800

Total Penalty Amount for Penalty Event = P<sub>5</sub> + B<sub>5</sub> = \$8,000

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### PENALTY CALCULATION WORKSHEET

**Penalty Event #6 – Paragraph VII - A file review conducted by the Department on or about November 13, 2018, revealed that the Respondent failed to submit DMRs and a written response as ordered in Paragraphs II and III of the Order section of CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-12-01117, issued to the Respondent on February 20, 2013. Each failure to submit the required documentation is a violation of CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-12-01117, La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A. Due to the fact that CONOPP WE-CN-12-01117 was closed by the Department on May 24, 2021, a penalty amount has not been assessed for these violations.**

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## PENALTY CALCULATION WORKSHEET

### COMPUTATION OF RESPONSE COST LAC33:I.705.H

*Response Costs*—the costs to the state of any response action made necessary by a penalty event that are not voluntarily paid by the violator. These costs shall include, but are not limited to, the costs of surveillance staff activities including cleanup costs and the costs of bringing and prosecuting an enforcement action, such as staff time, equipment use, hearing records, and expert assistance. (See LAC 33:I.703.A)

The following is a breakdown of response costs for this Penalty Assessment.

Personnel (A)	No. of Hours (B)	Hourly Rate of Pay (C)	Direct Cost (D)	Approved Federal Rate (E)	Indirect Cost (F)	Subtotal (G)
<b>WE-CN-18-00560</b>						
Enforcement Writer - BKB	6.75	\$24.37	\$164.50	60.23%	\$99.08	\$263.58
Enforcement Supervisor – NZB	1.00	\$27.88	\$27.88	60.23%	\$16.79	\$44.67
Enforcement Analyst – MDO	1.75	\$22.28	\$38.99	60.23%	\$23.48	\$62.47
Enforcement Manager – AM	1.50	\$37.62	\$56.43	60.23%	\$33.99	\$90.42
Legal - TB	0.50	\$36.42	\$18.21	60.23%	\$10.97	\$29.18
Enforcement Administrator – CJC	0.50	\$43.43	\$21.72	60.23%	\$13.08	\$34.80
Assistant Secretary – LI	0.25	\$49.04	\$12.26	60.23%	\$7.38	\$19.64
<b>Sub-Total WE-CN-18-00560</b>						<b>\$544.76</b>
<b>WE-PA-20-00302</b>						
Enforcement Writer - BKB	50.00	\$25.34	\$1,267.00	62.36%	\$790.10	\$2,057.10
Enforcement Writer - BKB	25.00	\$26.35	\$658.75	66.37%	\$437.21	\$1095.96
Enforcement Supervisor – NZB	12.00	\$30.16	\$361.92	66.37%	\$240.21	\$602.13
Enforcement Analyst – MDO	2.00	\$25.53	\$51.06	66.37%	\$33.89	\$84.95
Enforcement Manager – AM	6.00	\$40.29	\$241.74	66.37%	\$160.44	\$402.18

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**PENALTY CALCULATION WORKSHEET**

<b>Personnel (A)</b>	<b>No. of Hours (B)</b>	<b>Hourly Rate of Pay (C)</b>	<b>Direct Cost (D)</b>	<b>Approved Federal Rate (E)</b>	<b>Indirect Cost (F)</b>	<b>Subtotal (G)</b>
Legal - JM	4.00	\$53.31	\$213.24	66.37%	\$141.53	\$354.77
Enforcement Administrator – CJC	2.00	\$46.98	\$93.96	66.37%	\$62.36	\$156.32
Assistant Secretary – LI	1.00	\$55.29	\$55.29	66.37%	\$36.70	\$91.99
<b>Sub-Total WE-PA-20-00302</b>						<b>\$4,845.40</b>
<b>TOTAL RESPONSE COSTS</b>						<b>\$5,390.16</b>

**Direct Cost (D) = No. Hours (B) X Rate (C)**

**Indirect Cost (F) = Direct Cost (D) X Approved Federal Rate (E)**

**Subtotal (G) = Direct Cost (D) + Indirect Cost (F)**

Approved Federal Rate Effective July 1, 2009-June 30, 2010: 65.89%

Approved Federal Rate Effective July 1, 2011-June 30, 2012: 46.54%

Approved Federal Rate Effective July 1, 2012-June 30, 2013: 60.86%

Approved Federal Rate Effective July 1, 2018-June 30, 2019: 60.23%

Approved Federal Rate Effective July 1, 2019-June 30, 2020: 62.36%

Approved Federal Rate Effective July 1, 2020-June 30, 2021: 66.37%

Note: Approved Federal Rate for the corresponding period when costs were incurred is used.

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**PENALTY CALCULATION WORKSHEET**

**FINAL PENALTY CALCULATION**

The values for each penalty amount are added to determine a **Penalty Subtotal (Ps)**.

$$P_s = P_1 + P_2 + P_3 \dots$$

If **Monetary Benefit of Noncompliance** is added:

$$P_s = (P_1 + B_1) + (P_2 + B_2) + (P_3 + B_3)$$

Event #	Penalty Event (P)	Benefit of Non-Compliance (B)	Total (P+B)
1	\$4,500	0	\$4,500
2	\$360	0	\$360
3	\$7,340	0	\$7,340
4	\$900	0	\$900
5	\$7,200	\$800	\$8,000
6	0	0	0
Totals	\$20,300	\$800	\$21,100

$$P_s = \$21,100.00$$

**Response Costs (Rc)** are then added to the penalty subtotal (Ps) to determine the total penalty amount (Pt).

$$R_c = \underline{\$5,390.16}$$

**Penalty Total = Penalty Subtotal + Response Costs**

$$(P_t) = P_s + R_c$$

$$\text{Penalty Total} = \underline{\$26,490.16}$$