

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

FILED

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REGIONAL HEARING CLERK  
EPA REGION VI

In the Matter of

St. Martin Parish WW District 4 Catahoula

Respondent

PWS ID # LA1099004

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Docket No. SDWA-06-2017-1227

CONSENT AGREEMENT  
AND  
FINAL ORDER

**I. STATUTORY AUTHORITY**

This Consent Agreement and Final Order (“CAFO”) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) pursuant to Section 1414(g)(3), 42 U.S.C. § 300g-3, of the Safe Drinking Water Act (“Act”). This CAFO is issued in accordance with 40 C.F.R. § 22.18, as set forth in the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” 40 C.F.R. §§ 22.1 through 22.52.

**II. CONSENT AGREEMENT**

1. EPA and St. Martin Parish WW District 4 Catahoula (“Respondent”) (collectively, “Parties”) agree that settlement of this matter without litigation will save time and resources, that it is in the public interest, and that the entry of this CAFO is the most appropriate means of resolving this matter. Compliance with all terms of this CAFO resolves only those violations alleged by EPA in the administrative complaint (Complaint) filed on August 3, 2016.

2. Respondent admits the jurisdictional allegations herein; however, Respondent neither admits nor denies the specific factual allegations and conclusions of law contained in the Complaint or this CAFO. This CAFO states a claim upon which relief may be granted.

3. Respondent expressly waives any right to a hearing regarding penalty assessment or any other issue of law or fact relevant to this proceeding. Respondent further waives all defenses which have been or could have been raised to the claims set out in the previously issued Complaint and waives the right to judicial review of this administrative penalty assessment.

4. Before the taking of any testimony, and without adjudication of any issue of law or fact, the Parties agree to the terms of this CAFO and to its issuance. Respondent consents to the assessment and payment of a civil penalty in the amount and by the method stated below.

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

5. During the relevant time period to the violations alleged in the Complaint and herein, Respondent, St. Martin Parish WW District 4 Catahoula, is a "person," as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

6. During the relevant time period, Respondent owned or operated a public water system ("PWS"), St. Martin Parish WW District 4 Catahoula, as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4). The PWS is located in St. Martinville, St. Martin Parish, Louisiana, and designated as PWS number LA1099004.

7. During the relevant time period, Respondent's PWS was a "community water system" as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15).

8. The Complaint specified Findings of Fact and Conclusions of Law that are hereby incorporated by reference and alleged, among other things, that at the relevant times: the Respondent's PWS was subject to the requirements of the Act, 42 U.S.C. § 300g-1, and its

implementing regulations, 40 C.F.R. Part 141.403; Respondent's PWS was subject to the requirements of the Groundwater Rule ("GWR"), 40 C.F.R. Part 141.

9. Pursuant to Section 1414(g) of the Act, 42 U.S.C. § 300f et seq., Respondent is liable for an administrative civil penalty in an amount not to exceed \$37,500.00 for violations of the Order.

#### **IV. PENALTY ORDER**

10. Based on the foregoing stipulations, EPA, Region 6, having taken into account the factors used for assessment of civil penalties found in Section 1414(b)(2)(c) of the Act, 42 U.S.C. § 300g-3(b)(2), hereby orders, and Respondent agrees, that Respondent shall pay to the United States a civil penalty in the amount of seven thousand five hundred dollars (\$7,500.00) plus interest to settle the violations alleged in the Complaint. Payments shall be made in monthly installments over two years as follows:

| <b>Payment No.</b> | <b>Date</b> | <b>Payment</b> | <b>Interest<br/>Accrued</b> | <b>Principal<br/>Balance</b> |
|--------------------|-------------|----------------|-----------------------------|------------------------------|
|                    | 7/1/17      |                |                             | \$7,500                      |
| 1                  | 7/1/17      | \$315.81       | \$0                         | \$7,184.19                   |
| 2                  | 8/1/17      | \$315.81       | \$5.99                      | \$6,874.37                   |
| 3                  | 9/1/17      | \$315.81       | \$5.92                      | \$6,564.48                   |
| 4                  | 10/1/17     | \$315.81       | \$5.47                      | \$6,254.14                   |
| 5                  | 11/1/17     | \$315.81       | \$5.39                      | \$5,943.72                   |
| 6                  | 12/1/17     | \$315.81       | \$5.12                      | \$5,633.03                   |
| 7                  | 1/1/18      | \$315.81       | \$4.69                      | \$5,321.91                   |
| 8                  | 2/1/18      | \$315.81       | \$4.58                      | \$5,010.68                   |
| 9                  | 3/1/18      | \$315.81       | \$4.18                      | \$4,699.05                   |

|        |         |            |         |            |
|--------|---------|------------|---------|------------|
| 10     | 4/1/18  | \$315.81   | \$4.05  | \$4,387.29 |
| 11     | 5/1/18  | \$315.81   | \$3.78  | \$4,075.26 |
| 12     | 6/1/18  | \$315.81   | \$3.17  | \$3,762.62 |
| 13     | 7/1/18  | \$315.81   | \$3.24  | \$3,450.05 |
| 14     | 8/1/18  | \$315.81   | \$2.88  | \$3,137.12 |
| 15     | 9/1/18  | \$315.81   | \$2.70  | \$2,824.01 |
| 16     | 10/1/18 | \$315.81   | \$2.35  | \$2,510.55 |
| 17     | 11/1/18 | \$315.81   | \$2.16  | \$2,196.90 |
| 18     | 12/1/18 | \$315.81   | \$1.89  | \$1,882.98 |
| 19     | 1/1/19  | \$315.81   | \$1.57  | \$1,568.74 |
| 20     | 2/1/19  | \$315.81   | \$1.35  | \$1,254.28 |
| 21     | 3/1/19  | \$315.81   | \$1.05  | \$939.52   |
| 22     | 4/1/19  | \$315.81   | \$0.81  | \$624.52   |
| 23     | 5/1/19  | \$315.81   | \$0.54  | \$309.25   |
| 24     | 6/1/19  | \$309.49   | \$0.24  | \$0        |
| TOTALS |         | \$7,573.12 | \$73.12 |            |

11. Payment shall be made by one of the following methods within thirty (30) days after the effective date of this CAFO:

- a. By mailing a bank check, cashier's check or certified check, payable to "Treasurer of the United States," to the following address:

U.S. Environmental Protection Agency  
 Fines and Penalties  
 Cincinnati Finance Center  
 P.O. Box 979077  
 St. Louis, MO 63197-9000

## b. By wire transfer to:

Federal Reserve Bank of New York  
ABA: 021030004  
Account Number: 68010727  
SWIFT address: FRNYUS33  
33 Liberty Street  
New York, NY 10045  
Field Tag 4200 of the Fedwire message should read:  
"D 68010727 Environmental Protection Agency"

## c. By overnight mail (Express, FedEx, DHL, etc.):

U.S. Bank  
Government Lockbox 979077  
U.S. EPA Fines & Penalties  
1005 Convention Plaza  
SL-MO-C2-GL  
St. Louis, MO 63101  
Phone: 314-418-1028

d. By credit card payments to <https://www.pay.gov>

"St. Martin WW District 4 Catahoula, Docket No. SDWA-06-2017-1227" should be clearly marked on each check to ensure credit for payment.

12. Respondent shall send simultaneous notices of each payment, including a copy of the check, or other remittance, to each of the following:

- (a) Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733
- (b) Chief, Water Resources Section (6EN-WR)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733
- (c) Chief, Water Legal Branch (6RC-EW)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Respondent's adherence to these procedures will ensure proper credit when payment is received by EPA.

13. Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the civil penalty paid to the United States Treasurer.

14. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, unless otherwise prohibited by law, EPA will assess interest and late payment penalties on outstanding debts owed to the United States that are not paid by the due date and a charge to cover the cost of processing and handling a delinquent claim. Interest on the civil penalty assessed in this CAFO will begin to accrue thirty (30) days after the effective date of the CAFO and will be recovered by EPA on any amount of the civil penalty that is not paid by the respective due date. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a). Moreover, the costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. See 40 C.F.R. § 13.11(b).

15. EPA will also assess a fifteen dollar (\$15.00) administrative handling charge for administrative costs on unpaid penalties for the first thirty (30)-day period after the payment is due and an additional fifteen dollars (\$15.00) for each subsequent thirty (30)-day period that the penalty remains unpaid. In addition, a penalty charge of up to six percent (6%) per year will be assessed monthly on any portion of the debt which remains delinquent more than ninety (90) days. See 40 C.F.R. § 13.11(c). Should a penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. See 31 C.F.R. § 901.9(d). Other penalties for failure to make a payment may also apply.

16. Pursuant to 1414(g)(3)(D) of the Act, 42 U.S.C. § 300g-3(g)(3)(D), any person who fails to pay on a timely basis a civil penalty ordered or assessed under this section shall be

required to pay, in addition to such penalty and interest, the United States' enforcement expenses including, but not limited to, attorneys' fees and costs incurred by the United States for collection proceedings, and a quarterly non-payment penalty for each quarter during which such failure to pay persists. Such non-payment penalty shall be twenty percent (20%) of the aggregate amount of such person's outstanding penalties and non-payment penalties accrued as of the beginning of each quarter.

17. Failure by Respondent to pay the penalty assessed according to the terms of this CAFO, in full, by its due date, may subject Respondent to a civil action to collect the assessed penalty and any accrued interest and penalties.

18. In the event a collection action is necessary, Respondent shall pay—in addition to any applicable penalty, fees, and interest described herein—all reasonable costs and expenses, including legal expenses and court costs, incurred by the United States for enforcement and collection proceedings for non-payment of the amounts agreed hereunder, pursuant to Section 1414(g)(3)(D) of the Act, 42 U.S.C. § 300g-3(g)(3)(D). In any such collection action, the validity, amount, and appropriateness of the penalty, and the terms of this CAFO shall not be subject to review.

#### **V. GENERAL PROVISIONS**

19. To execute this Agreement, Respondent shall sign and forward this CAFO, with original signature, to:

Ms. Ellen Chang-Vaughan  
Office of Regional Counsel (6RC-EW)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

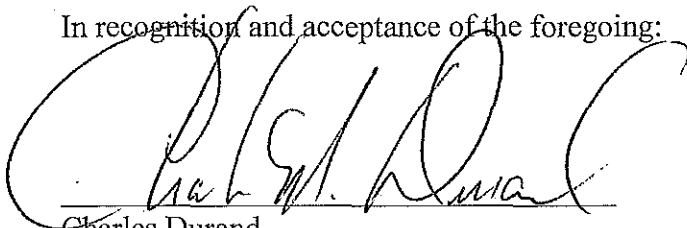
20. Issuance of this CAFO does not relieve Respondent from responsibility to comply with all requirements of the Act and the requirements of any permits issued thereunder, nor does

it constitute a waiver by EPA of its right to enforce compliance with the requirements of any applicable permits or other requirements of the Act by actions under the authority of the Act, except as to any requirement to pay any penalty or perform any corrective action not described herein for the violations alleged in the Complaint.

21. The provisions of this CAFO shall be binding upon Respondent, its officers, directors, managers, agents, representatives, employees, successors and assignees. Each party agrees to bear its own costs and attorneys' fees in this matter, except to the extent that Respondent may be responsible for reasonable costs and expenses of enforcement and collection proceedings for failure to comply with the terms of this CAFO.


22. Each undersigned representative of the Parties to this agreement certifies that he or she is fully authorized by the party represented to enter into the terms of this agreement and legally bind that party to it.

In recognition and acceptance of the foregoing:



Charles Durand  
Board President  
St. Martin Parish WW District 4 Catahoula

8/1/2017  
Date



Cheryl T. Seager  
Director  
Compliance Assurance and  
Enforcement Division

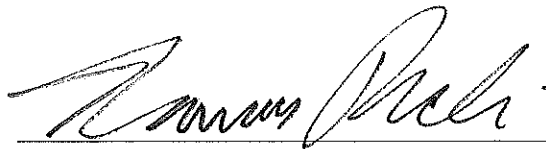
8/11/2017  
Date



**VI. FINAL ORDER**

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby ratified. This CAFO shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This CAFO shall resolve only those causes of action alleged in the Complaint. Nothing in this CAFO shall be construed to waive, extinguish, or otherwise affect Respondent's (or its officers', agents', servants', employees', successors', or assigns') obligation to comply with all applicable Federal, State, and local statutes and regulations, including the regulations subject to this action. The Respondent is ordered to comply with the terms of settlement and the civil penalty payment instructions as set forth in the CAFO. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Issuance Date:

8/16/17

Thomas Rucki  
Regional Judicial Officer  
EPA, Region 6

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16 day of August, 2017, the original of the foregoing CAFO was hand-delivered to the Regional Hearing Clerk (6RC-D), EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that true and correct copies were placed in the United States mail, first class, postage prepaid, addressed to each of the following:

Copy by certified mail  
Return receipt requested:

Mr. Charles Durand  
Board President  
Catahoula WW District 4  
4360 Catahoula Highway  
St. Martinville, LA 70582

Copy by first class mail:

Mr. Thayer Jones  
Civil Engineer  
St. Martin Parish Government  
301 West Port St.  
St. Martinville, LA 70582

Copy by first class mail:

Mr. Guy Cormier  
Parish President  
St. Martin Parish Government  
301 West Port Street  
St. Martinville, LA 70582

Copy by email:

Mr. Silas Corkern, R.S.  
Enforcement Unit Administrator  
LDH-OPH, Engineering Services  
Enforcement Program  
628 N. 4<sup>th</sup> Street, Bin #10, Box #5  
Baton Rouge, LA 70821-4489

Date:

8/16/17

Jackie Allen