

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

FILED  
2/10/15  
FEB 10 2015  
REGIONAL OFFICE  
ATLANTA, GA

In the Matter of § Docket No. CWA-06-2015-1717  
Evangeline Enterprises, L.L.C. §  
Respondent §  
Facility Number: LAU004016 §

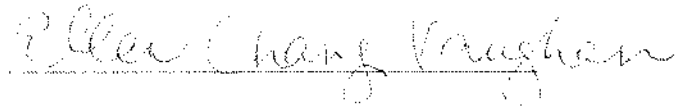
NOTICE TO WITHDRAW COMPLAINT WITHOUT PREJUDICE

COMES NOW COMPLAINANT, the Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6, by and through its attorney, submits this Notice to Withdraw Complaint Without Prejudice pursuant to 40 C.F.R. § 22.14(d). In support thereof, Complainants states the following:

1. Complainant filed the Administrative Complaint (“Complaint”) in this matter on February 10, 2015. The Complaint alleged that Evangeline Enterprises, L.L.C. illegally discharged process wastewater to a water of the U.S.
2. Respondent filed an Unopposed Motion for Extension of Time on March 11, 2015, which was granted by the Tribunal March 16, 2015. The Tribunal allowed the extension of time until June 9, 2015.
3. Respondent filed a second Unopposed Motion for Extension of Time on June 9, 2015, which was granted by the Tribunal on June 11, 2015. The Tribunal allowed the extension of time until September 8, 2015.

4. The parties had a settlement meeting on March 3, 2015. Complainant discussed the injunctive relief needed to bring the facility into compliance. During the meeting, it was discussed that Respondent would develop a compliance plan and schedule and share it with Complainant in the summer.
5. To Complainant's knowledge, Respondent met with Louisiana Department of Environmental Quality on June 23, 2015, to discuss a compliance plan and schedule. To date, the compliance plan and schedule has not been shared with Complainant.
6. Complainant contacted Respondent on July 1, 2015, to schedule a follow-up meet to discuss the compliance plan and schedule. Respondent's attorney relayed to Complainant's attorney on July 20, 2015, that the owner of the facility unfortunately, had to seek treatment at MD Anderson. As such, Complainant said that it would be open to meet with the Respondent's manager. Complainant attempted to schedule a meeting through two emails, but has not received a response.
7. Complainant has recently decided to refer the issues contained in the Complaint to Department of Justice for further action including injunctive relief to ensure fairness and consistency with addressing same/similar issues with similar entities.  
  
Complainant has inspected 15 racetrack/horse training facilities in the 5-state region and has required similar injunctive relief at the facilities where violations have been observed. 40 C.F.R. 22.14(d) states that Complainant may withdraw the complaint without prejudice one time before the Answer has been filed. To date, Respondent has not filed an Answer.
8. Complainant therefore respectfully submits this Notice to Withdraw the Complaint Without Prejudice.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ellen Chang Vaughan". The signature is written in black ink and is positioned above a horizontal dotted line.

Ellen Chang Vaughan  
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CERTIFICATE OF SERVICE

I certify that the original of the foregoing NOTICE TO WITHDRAW COMPLAINT WITHOUT PREJUDICE was hand-delivered and filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 6, 1445 Ross Ave., Dallas, Texas 75202, and a true copy was sent to the following on the August 21<sup>st</sup>, 2015, in the following manner:

U.S. First Class Mail:

Jade Roland Andrus  
Andrus & Nadrus, LLC  
219 West Brentwood Blvd.  
Lafayette, Louisiana 70506

Ellen Chang Vaughan