



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

October 17, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7010 1060 0002 1872 6711

Mr. Charles A. Schutte, Jr.
Registered Agent
Mo-Dad Utilities, L.L.C.
320 Somerulos Street
Baton Rouge, LA 70802-6129

Re: Clean Water Act Section 308 Information Request

Dear Mr. Schutte:

Enclosed is an Information Request (Request) issued to Mo-Dad Utilities, L.L.C. pursuant to Section 308(a) of the Clean Water Act (Act), 33 U. S. C. § 1318(a), which authorizes the Environmental Protection Agency (EPA) to request information required to carry out the objectives of the Act. The purpose of this Request is to obtain information on Mo-Dad Utilities' wastewater treatment plants. Your response must be signed by a corporate officer and postmarked no later than thirty (30) days from your receipt of this Request.

Please be advised that failure to respond to the Request within the thirty (30) day period or provide full, complete, true and correct responses may result in the filing of an enforcement action by the United States Department of Justice seeking the issuance of a court order directing Mo-Dad Utilities, L.L.C. to properly respond to the Request. Your failure to comply with such an order could result in the assessment of civil penalties up to \$37,500 for each day you fail to comply with the order.

EPA urges you to give this matter your immediate attention and respond to this Request in a timely manner. Your response should be mailed to: Ms. Racquel Douglas (6EN-WM); EPA, Region 6; 1445 Ross Avenue, Suite 1200; Dallas, TX 75202-2733.

If you have any questions regarding this Request, you may contact Ms. Racquel Douglas of the Water Enforcement Branch at (214) 665-6579. Please direct legal questions to Mr. Tucker Henson of the Office of Regional Counsel at (214) 665- 8148.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins", written over a horizontal line.

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

Re: Mo-Dad Utilities, L.L.C.
Information Request

2

cc: Ms. Celena Cage, Administrator
Office of Environmental Compliance
Louisiana Department of Environmental Quality
P.O. Box 4312
Baton Rouge, LA 70821-4312

IDENTICAL LETTER SENT TO:

Mr. William A. Stegall, Jr.
Mo-Dad Utilities, L.L.C.
P.O. Box 790
Denham Springs, LA 70727



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REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

October 17, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7010 1060 0002 1872 6704

Mr. William A. Stegall, Jr.
Mo-Dad Utilities, L.L.C.
P.O. Box 790
Denham Springs, LA 70727

Re: Clean Water Act Section 308 Information Request

Dear Mr. Stegall:

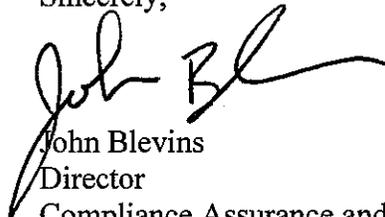
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Sincerely,


John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

Re: Mo-Dad Utilities, L.L.C.
Information Request

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cc: Ms. Celena Cage, Administrator
Office of Environmental Compliance
Louisiana Department of Environmental Quality
P.O. Box 4312
Baton Rouge, LA 70821-4312

IDENTICAL LETTER SENT TO:

Mr. Charles A. Schutte, Jr.
Registered Agent
Mo-Dad Utilities, L.L.C.
320 Somerulos Street
Baton Rouge, LA 70802-6129

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

INFORMATION REQUEST MO-DAD UTILITIES, L.L.C.

I. STATUTORY AUTHORITY

This Information Request is made pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") under Section 308 of the Clean Water Act ("the Act" or "CWA"), 33 U.S.C. § 1318. The Administrator delegated this authority to the Regional Administrator of EPA, Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division, Region 6.

II. CERTIFICATION

All information submitted to EPA in response to this Information Request shall be verified by and submitted under an authorized signature of a responsible corporate officer¹ with the following certification:

I certify under penalty of law that this document and all attachments were prepared by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. I certify under penalty of law that I have personally examined and am familiar with the information in the enclosed documents, including all attachments. Based on my personal knowledge or my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fines and/or imprisonment.

III. CONFIDENTIAL INFORMATION

You must provide the information requested even though it includes confidential information. You may assert a business confidentiality claim covering all or part of the information requested in this Information Request, as provided in 40 C.F.R. § 2.203(b). Please note that "effluent data," as defined in 40 C.F.R. § 2.302(a)(2), provided to pursuant to this Information Request is not entitled to confidential treatment under 40 C.F.R. Part 2.

¹ The term "responsible corporate officer," as used herein, means a president, secretary, treasurer or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation.

To assert a confidentiality claim, you must submit the requested information and indicate that you are asserting a claim of confidentiality. You must mark any document over which you assert a claim of confidentiality by placing on or attaching to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary" or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business and may be submitted separately to facilitate identification and handling by EPA. EPA will only disclose the information covered by a claim of confidentiality to the extent permitted and by means of the procedures set forth in Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. Part 2.

Submit your response to this Information Request so that all non-confidential information, including any redacted versions of documents, is in one package and all materials for which you request confidential treatment are in another package. EPA will construe the failure to furnish a confidentiality claim with your response as a waiver of that claim, and the information may be made available to the public without further notice to you. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that the information is not and has not been obtainable by legitimate means without your consent.

If you assert a confidentiality claim for any of the information you submit to EPA, you bear the burden of substantiating that claim. EPA will give conclusory allegations little or no weight in its determination. For each document or response you claim confidential, you must separately address the following points:

- a. The portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (*e.g.*, until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

Finally, EPA may disclose information which you submit in response to this Information Request to authorized representatives of the United States pursuant to 40 C.F.R. § 2.302(h) even if you assert that all or part of the information is confidential business information. EPA may disclose all responses to this Information Request to one or more private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to confidential treatment, you may comment on this potential disclosure to authorized representatives at the time that you submit your response to this Information Request.

IV. SUBMISSION OF YOUR RESPONSE TO THE INFORMATION REQUEST

Mo-Dad Utilities, L.L.C. ("Mo-Dad") shall deliver all submissions required by this Information Request within thirty (30) days to:

Ms. Racquel Douglas (6EN-WM)
EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Any documents available in electronic format should be simultaneously emailed to douglas.racquel@epa.gov, where possible.

V. INSTRUCTIONS

A. Timeframe for Response. **Your response to the Information Request is due within thirty (30) days of your receipt of the Information Request.** If you cannot meet this deadline, you may request an extension no later than five (5) days prior to the original deadline. Any extension is subject to approval by EPA and will be limited to no more than fifteen (15) days beyond the deadline. If EPA disapproves your request for an extension, your response to this Information Request must be received by the original deadline.

B. Scope of Response. Unless otherwise stated, the information sought through this Information Request is limited to the five (5) year period prior to the date of this Information Request.

C. Duty to Provide and/or Correct Information on a Continuing Basis. If any records responsive to a request were not known or were not available to you at the time you submitted your response but later become known or available to you, you must submit the new information as a supplement to your response. If at any time after submission of your response you learn that any portion is or becomes false, incomplete, or misrepresents the facts, you must notify EPA of this fact as soon as possible and provide a corrected response. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to an enforcement action. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.

D. Respond to Each Request Completely. Each request is numbered and may contain subparts. A separate response must be made to each request and subpart. Provide a separate narrative response to each request and subpart and clearly identify your responses with the number, subpart and text of the request to which it corresponds. You must also submit any documents you relied on in preparing your response. Incomplete, evasive or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to penalties as discussed in the cover letter.

E. Source(s) of Response. Include with each narrative response, the name, position and title of each person(s) who provided information responsive to the request.

F. Electronic Submittal. When possible, you must submit your responses as one or more electronic files on a CD or similar media storage device. For any files not provided in PDF, DOC, XLS or ACCDB format, you must also provide a hard copy of the file along with your response. You must maintain a full and accurate copy of any electronic submittal until EPA notifies you, in writing, that your electronic submittal was received and all files contained therein are readable.

G. Submitting Maps. When submitting maps, identify the scale of the map. When identifying features on the map, either label the feature at its location on the map or include in the map's legend the symbol used for identifying the feature.

H. Submission of Documents. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Submit all information for each question in a logically sequenced, bound format, if such documents are submitted in hard copy form. All documents submitted in response to this Request in an electronic format must be submitted in a logically sequenced, searchable electronic format.

I. Documents Responsive to More than One Request. If a document you submit is responsive to more than one request, provide one copy of the document and identify all the requests, by number and subpart, to which it corresponds.

J. Do Not Substitute Derivative or Summary Documents. Where a document is requested, provide the responsive document. You may, if you wish, provide additional or explanatory documents to accompany the responsive document(s); however, your failure to provide the document requested will be considered a failure to completely respond to this Information Request.

K. Provide the Best Information Available. Unless otherwise specified, responses do not require you to create new data or information; however, you should provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to you will be considered a failure to completely respond to this

Information Request. If you cannot provide a precise answer to any questions, you must approximate and state the reason for your inability to be specific.

L. Unavailability of Records. If you are unable to respond to a request in a detailed and complete manner, or if you are unable to provide any of the information requested, indicate the reason for your inability to do so. If a record(s) responsive to a request is not in your possession, custody or control and you have reason to believe that another person may be able to provide it, state the reasons for your belief and provide the person's name, address, telephone number and any information available (i.e., author, date or subject matter) about the record(s).

M. Documents That Have Been Transferred. If any records responsive to a request have been transferred or otherwise disposed of, identify the document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

N. Identify Personal Privacy Information. Personnel and medical files and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s) and marked as "Personal Privacy Information." Be aware that, unless prohibited by law, EPA may disclose this information to the general public without further notice to you.

O. Indicate Objections to Requests. While you may indicate that you object to certain requests contained in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to an enforcement action including, but not limited to, fines or penalties.

P. Claims of Privilege. If you claim that an entire document responsive to this Information Request is a communication for which you assert that a privilege exists, identify the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege; identify the portion of the document for which you are asserting the privilege; and provide the basis for such an assertion. Regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

VI. DEFINITIONS

Unless stated otherwise, terms in this Information Request have the same definition used in the Act, 33 U.S.C. §§ 1251-1387, and the regulations promulgated thereunder.

A. The term "Mo-Dad" refers to Mo-Dad Utilities, L.L.C. and any parent, subsidiary, successor, predecessor, affiliate, division or related business associated with the operation of sewage treatment facilities.

B. The term "you" or "yours" refers to Mo-Dad.

C. The term "wastewater treatment facility" refers to any facility designed to treat residential, commercial or industrial sewage or wastewater, including, but not limited to, "package plants" or wastewater treatment ponds.

D. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

E. The term "any," as in, for example, "any documents," shall mean "any and all."

F. The term "describe" means to detail, depict or give an account of the requested information; to report the content of any oral and/or written correspondence, communication or conversation; or to report the contents of any document, including the title, the author, the position or title of the author, the addressee, the position or title of the addressee, indicated or blind copies, date, subject matter, number of pages, attachment or appendices, and all persons to whom the document was distributed, shown, or explained.

G. The term "document" means any object that records, stores or presents information, both electronic and tangible, including, but not limited to, writings of any kind, photographs, sound recordings and magnetic disks, hard drives, floppy disks, compact disks or any other electronic storage device or online data storage method (including, but not limited to, emails and cloud-based data storage) which serves as a medium for electronically recording or storing information (or in lieu thereof hard copies of such information electronically recorded or stored).

H. The term "identify" means to provide:

- a. with respect to an individual, the person's name, job title, business address and business telephone number;
- b. with respect to a corporation, partnership, sole proprietorship or other business entity, its full name, address, legal status and form (e.g., corporation, partnership, etc.) and a brief description of its business; and
- c. with respect to a document, its customary business description, date, number if any (e.g., invoice or purchase order number), author's identity, address or addressee and/or recipient and the subject matter.

I. The term "person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or an interstate body.

J. The term "day" means a calendar day unless expressly stated to be a working day. In computing any period of time under this Information Request, where the last day would fall on a Saturday, Sunday or federal or state holiday, the period runs until the close of business of the next working day.

K. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

VII. INFORMATION REQUESTED

Your response to the following questions and/or information requests is due within thirty (30) days of receipt of this Information Request.

1. Identify all persons or business entities which own and/or operate wastewater treatment facilities and systems in which you have an ownership interest, in which you have another interest (e.g., as an employee, director, or officer without having an ownership interest) or in which you have a financial interest (e.g., entitlement to the proceeds from operation of the facility).
2. Identify all wastewater treatment facilities and systems owned and/or operated by Mo-Dad and/or the persons or business entities identified in response to Question 1. Include the National Pollutant Discharge Elimination System (NPDES) Permit Number, Louisiana Pollutant Discharge Elimination System (LPDES) Permit Number, Agency Interest (AI) Number, physical address and latitude/longitude coordinates for each facility and system.
3. Provide information pertaining to permit transfer and/or ownership transfer for each facility identified in response to Question 2, including, but not limited to, the bill of sale.
4. Identify all management and employees of Mo-Dad and persons or business entities identified in response to Question 1. The scope of this request is limited to the period from January 1, 2009 to the present.
5. For each facility identified in your response to Question 2, provide the information requested below. Your response should be segregated so that each facility is addressed individually. The scope of this request is limited to the period from January 1, 2009 to the present.
 - a. Identify the type or model of each facility, the weekly average flow in gallons per day ("GPD") and the maximum design flow capacity in GPD. State whether the facility includes a digester and whether the digester is in operation.
 - b. Identify the licensed wastewater treatment operator for the facility and any assistants or technicians working under the supervision of the licensed operator. Provide a copy of the wastewater treatment operator certificate of any licensed operator.
 - c. Identify any person(s) who took water samples at the facility and/or any person who performed in-field lab work at the facility.
 - d. Provide a copy of the Quality Assurance / Quality Control plan utilized when taking water samples at the facility.
 - e. Identify the lab(s) used to analyze samples taken from the facility and the parameters used to analyze the samples.
 - f. Identify any person(s) or company that removed sludge from the facility and/or transported sludge removed from the facility.
 - g. Provide a copy of all discharge monitoring reports and analytical results, including, but not limited to, full Analytical Reports received from the laboratory.

- h. Provide a copy of all operation and maintenance records including, but not limited to, standard operating procedures, operation manual, logbooks, sludge management plans, and other documentation used to ensure proper operation and maintenance.
- i. Provide a copy of all sludge management and disposal records, including, but not limited to, wasting records and manifest documentation. Provide any summaries or data compilations prepared by or for you based upon this information.
- j. Provide a copy of all sampling and laboratory records, including, but not limited to, chain of custody, logbooks, notebooks and equipment calibration records.

6. Describe what, if any, Capacity, Management, Operations, and Maintenance components are utilized by the facility and satellite systems, if applicable, to address Sanitary Sewer Overflows.

7. If you would like to provide additional information you deem relevant to this request, you may include such information with your response to this Information Request so long as that information is segregated from the requested information. If the additional information you wish to provide is voluminous, you must contact EPA prior to submitting the additional information.