

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LITTLE TCHEFUNCTE RIVER	:	NO. 2:12-CV-01923-NJB-JCW
ASSOCIATION and GULF RESTORATION	:	
NETWORK,	:	
Plaintiffs,	:	
VERSUS	:	JUDGE NANNETTE JOLIVETTE
	:	BROWN
ARTESIAN UTILITY COMPANY, INC.,	:	
Defendant.	:	
		MAGISTRATE JOSEPH C.
		WILKINSON, JR.

**PLAINTIFFS' MOTION FOR CIVIL CONTEMPT
AND ENFORCEMENT OF THE CLEAN WATER ACT**

Plaintiffs Little Tchefuncte River Association and Gulf Restoration Network respectfully move this Court, pursuant to Rule 70 of the Federal Rules of Civil Procedure, to find Defendant Artesian Utility Company, Inc. ("Artesian") in civil contempt for failure to comply with the terms of the Consent Judgment entered and adopted by Order of this Court on October 18, 2013 (ECF No. 56). Plaintiffs also move for enforcement of the Clean Water Act.

As grounds for its Motion, Plaintiffs state that clear and convincing evidence shows that 1) a Court order has been in effect, 2) the order imposed specific requirements on the Defendant, and 3) the Defendant has failed to comply. Also, the Defendant continues to violate the Clean Water Act by its ongoing failure to comply with its wastewater discharge permit, No. LA0105520 (the "Permit").

WHEREFORE, this Court should grant Plaintiffs' Motion for Civil Contempt and Enforcement of the Clean Water Act and issue an Order:

1. Finding Artesian in civil contempt of the Consent Judgment and in violation of the Clean Water Act;
2. Assessing penalties for civil contempt of \$325,000 of which a) \$225,000 shall be paid to the United States Treasury within 30 days of the Court's order and b) \$100,000 shall be paid as a mitigation payment to the Lake Pontchartrain Basin Foundation for the limited purpose of expanding the Beneficial Environmental Project under the Consent Judgment ¶ 6 (and subject to the purpose of that Beneficial Environmental Project), within 30 days from the date of this Order;
3. Assessing a civil penalty of \$37,500 to be paid to the U.S. Treasury for each and every additional month during which Artesian is in violation of its Permit or the Consent Judgment ¶ 1 between August 2014 and the date of entry of the Court's Order, which Artesian shall pay within 30 days of the due date of each discharge monitoring report that shows a violation, and ordering Artesian to file a notice with this Court of each such violation and payment;
4. Assessing, for the three years following the date of entry of this Order, a civil penalty of \$37,500 to be paid to the U.S. Treasury for each and every additional month during which Artesian is in violation of its Permit or the Consent Judgment ¶ 1 after the date of entry of the Court's Order, which Artesian shall pay within 30 days of the due date of each discharge monitoring report that shows a violation, and ordering Artesian to file a notice with this Court of each such violation and payment.
5. Awarding reasonable attorneys' fees and costs associated with this Motion to the Plaintiffs, which Plaintiffs will present to this Court pursuant to Fed. R. Civ. P. 54(d)(2)(B);

6. Ordering Artesian to submit its monthly discharge monitoring reports to Plaintiffs within three days of completion of each such report for a period of three years or until such time as Artesian has complied with its Permit continuously for two years, whichever is greater;
7. Granting any other relief that this Court deems proper.

Respectfully submitted this 16th day of December, 2014,

TULANE ENVIRONMENTAL LAW CLINIC

s/ Malory Weir
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CERTIFICATE OF SERVICE

I certify that, on December 16, 2014, a copy of the foregoing request has been served upon the counsel of record Frank S. Craig, III and John Baird King by electronic means and upon the counsel of record John M. Mamoulides by U.S. Post at the address below:

John M. Mamoulides
4917 Henican Place
Metairie, LA 70005

/s Elizabeth Livingston de Calderón
Elizabeth Livingston de Calderón

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LITTLE TCHEFUNCTE RIVER	:	NO. 2:12-CV-01923-NJB-JCW
ASSOCIATION and GULF RESTORATION	:	
NETWORK,	:	
Plaintiffs,	:	JUDGE NANNETTE JOLIVETTE
VERSUS	:	BROWN
	:	
ARTESIAN UTILITY COMPANY, INC.,	:	MAGISTRATE JOSEPH C.
Defendant.	:	WILKINSON, JR.

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR CIVIL CONTEMPT
AND ENFORCEMENT OF THE CLEAN WATER ACT**

Plaintiffs Little Tchefuncte River Association and Gulf Restoration Network respectfully submit this Memorandum in Support of their Motion for Civil Contempt and for Enforcement of the Clean Water Act in response to Defendant Artesian Utility Company, Inc.'s ("Artesian") failure to comply with the Consent Judgment that this Court entered on October 18, 2013, ECF No. 56. The Plaintiffs respectfully request that this Court order penalties and injunctive relief.

INTRODUCTION

Artesian's repeated permit violations—including more than 200 violations of pollutant effluent limits during six of the eleven months following entry of the Consent Judgment—flout this Court's order and the Clean Water Act, meriting a finding of civil contempt and award of penalties and injunctive relief. A court should hold a party in contempt when clear and convincing evidence shows "1) that a court order was in effect, 2) that the order required certain conduct by the respondent, and 3) that the respondent failed to comply with the court's order." *Martin v. Trinity Indus., Inc.*, 959 F.2d 45, 47 (5th Cir. 1992). In addition, this Court may remedy violations of the Consent Judgment in this Clean Water Act suit through enforcement of

the Act, which, like remedies for contempt, may include imposition of penalties and injunctive relief. *See United States v. Ciampitti*, 669 F. Supp. 684, 699 (D.N.J. 1987).

Here, Defendant Artesian agreed to a consent judgment to resolve a suit alleging that Artesian was violating the Clean Water Act. The Consent Judgment, which the Court entered on October 13, 2013, provides “Artesian will comply with all terms and limitations of its Clean Water Act § 402 permit.” Cons. J., Ex. A at ¶ 1, ECF No. 56. But Artesian does not comply with its permit. In fact, Artesian has violated its permit during 6 of the 11 months reported following entry of the Consent Judgment, *i.e.* more than half the time, resulting in more than 200 violations and counting.¹ Those violations include, but are not limited to, fecal coliform exceedances many times over the permit limitations during 4 of the 11 months (*i.e.* more than one-third of the time). Therefore, this Court should find Artesian in contempt of this Court’s order and should impose penalties and injunctive relief for civil contempt and in enforcement of the Clean Water Act.

FACTUAL BACKGROUND

On July 24, 2012, the Plaintiffs filed this Clean Water Act citizen suit under 33 U.S.C. § 1365(a) in response to the ongoing discharge of sewage into a tributary of the Little Tchefuncte River. Compl., July 24, 2012, ECF No. 1. Artesian operates a wastewater treatment facility near Lake Ramsey. *See* Water Discharge Permit No. LA0105520, effective March 1, 2013, attached at Ex. B, (the “Permit”) at pt. I, p. 1. Treated sewage flows from Artesian’s facility, into a ditch and then into a tributary of the Little Tchefuncte River, which then flows to the Tchefuncte River. *Id.* Artesian allowed its Clean Water Act § 402 permit to lapse in 2003 and failed to obtain a new

¹ Plaintiffs base the Motion and this Memorandum on the discharge monitoring reports that Artesian has filed with the Louisiana Department of Environmental Quality (“LDEQ”) and LDEQ has made available on its Electronic Document Management System (“EDMS”). At the time of filing the Motion, EDMS includes Artesian’s discharge monitoring reports through August 2014.

permit for about a decade. LDEQ July 6, 2012 Compliance Order (the “2012 Order”), ECF No. 17-7, p. 2-3; LDEQ June 1, 2010 Compliance Order (the “2010 Order”), ECF No. 17-4, p. 2. Finally, in 2013—during the course of the original litigation in this case— the Louisiana Department of Environmental Quality’s (“LDEQ”) issued Artesian a new Permit. *See* Permit, Ex. B. During the lapse from 2003 to 2013, Artesian failed to comply with the terms and effluent limitations of LDEQ’s compliance orders and those of its expired permit. *See, e.g.*, 2012 Order, ECF No. 17-7, p. 2-6; 2010 Order, ECF No. 17-4, p. 2-5.

On August 16, 2013, when the parties lodged the proposed Consent Judgment to settle the case, Artesian “represent[ed] and promise[d] that during the waiting period...they will comply with those substantive provisions of the Consent Judgment requiring them to act, or to refrain from acting, during such period.” Joint Subm’n of Proposed Cons. J. and Mot. for Stay at ¶ 5, Aug. 16, 2013, ECF No. 50.² Further, in the proposed Consent Judgment, Artesian represented that it had, “made upgrades to its facility so that ...it can and will consistently meet applicable Clean Water Act § 402 permit effluent limitations” and agreed that it “shall comply with all terms and limitations of its Clean Water Act § 402 permit.” Proposed Cons. J., ECF No. 50-1.

Following the 45-day waiting period prescribed by the Clean Water Act, 33 U.S.C. § 1365(c), this Court issued the Consent Judgment. Cons. J., Oct. 18, 2013, ECF No. 56.

Subsequent discharge monitoring reports show, however, that at the time this Court entered the

² Artesian broke this promise. Between presentation of the proposed Consent Judgment to this Court and final entry in October, Artesian continued to violate its Clean Water Act permit. At no time did Artesian inform the Court of these failures to comply. *See* August 2013 DMR, Exhibit C at 1, receipt date Oct. 03, 2013 (violations of TRC and fecal coliform limits); Sept. 2013 DMR, Exhibit D at 1, receipt date Oct. 24, 2013 (violation of fecal coliform limit); Oct. 2013 DMR, Exhibit E at 1, receipt date Nov. 18, 2013 (violations of fecal coliform limits).

Consent Judgment and for the two months immediately following, Artesian continued to violate its Permit. *See* October 2013 Discharge Monitoring Report (“DMR”), Exhibit E at 1, receipt date November 15, 2013 (violations of fecal coliform limits, including monthly average limits and daily maximum limit on October 22, 2013); November 2013 DMR, Exhibit F at 1, receipt date January 10, 2013 (violation of total residual chlorine limit (“TRC”)); December 2014 DMR, Exhibit G at 1, receipt date January 10, 2014 (violation of TRC limit).

Discharge monitoring reports for May, July, and August 2014 show continuing violations of Artesian’s Permit. *See* May 2014 DMR, Exhibit H at 1, dated June 11, 2014 (violations of fecal coliform, total suspended solids (“TSS”), ammonia nitrogen, and carbonaceous biological oxygen demand (“CBOD”) limits); July 2014 DMR, Exhibit I at 1, receipt date August 15, 2014 (violations of fecal coliform limits); August 2014 DMR, Exhibit J at 1, receipt date September 26, 2014 (violations of fecal coliform limits). Notably, Artesian’s recent fecal coliform limit violations exceeded the permitted levels by as much as 14 times the maximum daily limit. *See, e.g.,* May 2014 DMR, Ex. H at 1 (reporting fecal coliform discharges recorded at 5,700 colony-forming units (“CFU”) per 100 mL, *i.e.* 5,300 CFU/100mL **over** the 400 CFU/100mL daily maximum limit). Artesian’s May 2014 Non-Compliance Report³ for its exceedances of four pollutants and 9 parameters cited the “Cause of Violation” of as “Winter killed the vegetation in the pond.” *See* May 2014 DMR, Ex. H at 2. Under “Corrective Action/Preventative Measures/Remediation,” Artesian stated, “It has self corrected itself.” *Id.*

³ For each DMR recording one or more violations of permit effluent limitations, Artesian submitted a Non-Compliance Report to LDEQ as an attachment to the DMR. LDEQ provides each DMR with any Non-Compliance Report as a single document on its Electronic Document Management System.

ARGUMENT

I. Artesian’s Violations of this Court’s Order Merit a Finding of Contempt, Coercive and Compensatory Penalties and Injunctive Relief.

A. Artesian is in Contempt of this Court’s Order.

Since the entry of the Consent Judgment, Artesian has continued to illegally pollute the Little Tchefuncte River, in contempt of this Court’s order as well as in violation of the Clean Water Act. “Courts have, and must have, the inherent authority to enforce their judicial orders and decrees in cases of civil contempt.” *Cook v. Ochsner Found. Hosp.*, 559 F.2d 270, 272 (5th Cir. 1977). To establish that a party is in contempt, the movant “bears the burden of establishing by clear and convincing evidence 1) that a court order was in effect, 2) that the order required certain conduct by the respondent, and 3) that the respondent failed to comply with the court’s order.” *Martin v. Trinity Indus., Inc.*, 959 F.2d 45, 47 (5th Cir. 1992) (finding contempt where defendant facility failed to comply with district court-ordered warrant). Here, the Court’s October 18, 2013, Consent Judgment is an order and requires Artesian to “comply with all terms and limitations of its Clean Water Act § 402 permit, Permit No. LA0105520.” Cons. J. at ¶ 1. Artesian is in contempt of that order because it violated its permit limitations during the months of May, July, and August 2014, as well as the months of October, November, and December 2013. *See* DMRs, Exs. E at 1, F at 1, G at 1, H at 1, I at 1 & J at 1.

First, the Consent Judgment is in effect and binds Artesian as an order of this Court. “Consent decrees are more than contracts. They are also enforceable judicial orders.” *United States v. Alcoa, Inc.*, 533 F.3d 278, 286 (5th Cir. 2008) (affirming contempt where an aluminum smelting facility failed to comply with a consent decree requiring replacement of its electricity generator to comply with the Clean Air Act); *see also S.E.C. v. Dollar Gen. Corp.*, 378 Fed. App’x 511, 516 (6th Cir. 2010) (noting that “consent decree” and “consent judgment” are

analogous). Generally, court orders become effective on their date of entry onto the docket, and “the order is final and appealable only when it is so entered.” *Chem-Haulers, Inc. v. United States*, 536 F.2d 610, 615 (5th Cir. 1976). Here, the Consent Judgment, as “ORDERED AND ADJUDGED,” became a court order in effect upon entry on October 18, 2013. Cons. J. ¶ 6. Moreover, the Consent Judgment indisputably remains in effect, as it provides that this, “Court shall maintain jurisdiction over this action for the purposes of implementing this Consent Judgment.” Cons. J. ¶ 9. Accordingly, the Consent Judgment is and has been in effect since its entry on October 18, 2013.

Second, this Court’s order unambiguously required Artesian to “comply with all terms and limitations of its Clean Water Act § 402 permit.” An order that is “sufficiently specific, certain, and unequivocal” can be the basis for contempt. *Martin*, 959 F.2d at 47 (finding an order requiring that the defendant not interfere with compliance personnel testing was sufficiently specific to “meet the certainty requirement for a finding of contempt”). In contrast, courts will not find contempt if the order, “contains only an abstract conclusion of law, not an operative command capable of enforcement.” *Int’l. Longshoremen’s Ass’n, Local 1291 v. Philadelphia Marine Trade Ass’n*, 389 U.S. 64, 74 (1967). An order requiring compliance with a Clean Water Act permit, as in this case, is specific, certain, and unequivocal and may therefore serve as the basis for contempt. *See United States v. Ciampitti*, 669 F. Supp. 684, 687 (D.N.J. 1987) (finding contempt where defendant failed to comply with the court’s order requiring compliance with the Clean Water Act). Here, the Consent Judgment’s specific requirement that “Artesian will comply with all terms and limitations of its Clean Water Act § 402 permit” is also capable of enforcement – as state and federal agencies enforcing such permits regularly demonstrate. *See* Cons. J. ¶ 1.

Third, Artesian’s own discharge monitoring reports show it has failed to obey this Court’s Consent Judgment and “comply with all terms and limitations of its Clean Water Act § 402 permit.” *Id.* Discharge monitoring reports showing violations of permit limitations constitute admissions. *See Concerned Citizens Around Murphy v. Murphy Oil USA, Inc.*, 686 F. Supp. 2d 663, 680 (E.D. La. 2010), *citing United States v. Aluminum Co. of Am.*, 824 F. Supp. 640, 648-49 (E.D. Tex. 1993) (“DMRs filed by a [Clean Water Act] permittee are ‘virtually unassailable’ admissions that the violations reflected in the reports occurred.”)⁴

Here, Artesian reported violations of its discharge permit in six of the eleven discharge monitoring reports filed since the signing of the Consent Judgment,⁵ as detailed in the Table that follows:

Date	Pollutant	Limitation	Discharge Level Recorded	Permit Exceedance
Oct. 2013	Fecal Coliform	daily maximum	400 CFU/100mL	14,000 CFU/100mL
	Fecal Coliform	monthly average	200 CFU/100mL	2,214 CFU/100mL
Nov. 2013	Chlorine,	daily	0.033 MG/L	0.05 MG/L
				0.017 MG/L

⁴ Artesian submits these reports to the Louisiana Department of Environmental Quality, and LDEQ makes them available on its web page via its Electronic Document Management System (EDMS) under Agency Interest (AI) number 31222. The Plaintiffs respectfully request judicial notice of these DMRs under Fed. R. Evid. 201(b)(2), since the fact that the defendant made the sworn admissions in the reports can be “readily determined from sources whose accuracy cannot reasonably be questioned.” *Id.*; *see Coleman v. Dretke*, 409 F.3d 665, 667 (5th Cir. 2005) (explaining “we fail to see any merit to an objection to the panel taking judicial notice of the state agency’s own website.”); *Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998 (9th Cir. 2010) (taking judicial notice of information on a web site); *New Mexico ex rel. Richardson v. Bureau of Land Mgmt.*, 565 F.3d 683, 702 (10th Cir. 2009) (same); *St. Clair v. JPMorgan Chase Bank, N.A.*, No. 13-CV-01317, 2014 WL 4661956 n.1 (E.D. Cal. Sept. 18, 2014) (taking notice of a document “available on the FDIC official website” because the court “may verify the accuracy of the [document] by visiting the FDIC’s official website”).

⁵ *See* note 1, *supra*. As of the Motion’s filing date, no Artesian DMRs for the months after August, 2014, are available on LDEQ’s Electronic Document Management System.

	Total Residual	maximum			
Dec. 2013	Chlorine, Total Residual	daily maximum	0.033 MG/L	0.04 MG/L	0.007 MG/L
May 2014	Fecal Coliform	daily maximum	400 CFU/100mL	5,700 CFU/100mL	5,300 CFU/100mL
	Fecal Coliform	monthly average	200 CFU/100mL	894 CFU/100mL	694 CFU/100mL
	TSS	daily maximum	15 MG/L	37 MG/L	22 MG/L
	TSS	monthly average	10 MG/L	25.5 MG/L	15.5 MG/L
	TSS	monthly average loading	10 lbs/day	51.4 lbs/day	41.4 lbs/day
	Ammonia-Nitrogen	monthly average	5 MG/L	6 MG/L	1 MG/L
	Ammonia-Nitrogen level of	monthly average loading	5 lbs/day	7.14 lbs/day	2.14 lbs/day
	CBOD ₅	daily maximum	15 MG/L	32 MG/L	17 MG/L
	CBOD ₅	monthly average	10 MG/L	20.5 MG/L	10.5 MG/L
	CBOD ₅	monthly average loading	10 lbs/day	21.8 lbs/day	11.8 lbs/day
July 2014	Fecal Coliform	daily maximum	400 CFU/100mL	3,200 CFU/100mL	2,800 CFU/100mL
	Fecal Coliform	monthly average	200 CFU/100mL	511 CFU/100mL	311 CFU/100mL
Aug. 2014	Fecal Coliform	daily maximum	400 CFU/100mL	1,400 CFU/100mL	1,000 CFU/100mL
	Fecal Coliform	monthly average	200 CFU/100mL	1,350 CFU/100mL	1,150 CFU/100mL

See DMRs, Exs. E at 1⁶, F at 1⁷, G at 1⁸, H at 1⁹, I at 1¹⁰, & J at 1¹¹. Each of these

⁶ EDMS Doc. ID # 9110290, available at <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=9110290&ob=yes&child=yes>.

⁷ EDMS Doc. ID # 9155507, available at <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=9155507&ob=yes&child=yes>

⁸ EDMS Doc. ID # 9155509, available at <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=9155509&ob=yes&child=yes>

discharge monitoring reports is a sworn admission of violations of Artesian's Clean Water Act permit and this Court's Consent Judgment. In addition, the Non-Compliance Reports, filed with LDEQ as attachments to each listed DMR, confirm Artesian's violations. *See* DMRs, Exs. E at 2, F at 2, G at 2, H at 2, I at 2, & J at 2. Because Artesian has violated this Consent Judgment's requirement that it comply with its Clean Water Act discharge permit, this Court should find Artesian in contempt.

B. Artesian's Civil Contempt Merits Coercive and Compensatory Penalties.

Artesian's civil contempt merits coercive and compensatory penalties to purge the contempt and coerce future compliance. Generally, a court may assess penalties as a matter of "criminal contempt or civil contempt or both." *Norman Bridge Drug Co. v. Banner*, 529 F.2d 822, 827-28 (5th Cir. 1976). "Where the purpose is to compel obedience of the court order or to compensate the litigant for injuries sustained from the disobedience, civil contempt is proper. In civil cases, the beneficiary of civil contempt is the individual litigant." *Id.* (comparing criminal contempt where "the purpose is to punish defiance of judicial authority" and the beneficiaries "are the courts and the public interest") (*citing, e.g., Gompers v. Buck's Stove & Range Co.*, 221 U.S. 418 (1911)). Civil contempt penalties may be coercive (*i.e.* "to make the recalcitrant party comply") or compensatory (*i.e.* to "reimburse[] the injured party for the losses and expenses incurred because of . . . non-compliance.") *Id.* (noting both kinds of penalties benefit the individual litigant).

⁹ EDMS Doc. ID # 9364239, available at <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=9364239&ob=yes&child=yes>

¹⁰ EDMS Doc. ID # 9440120, available at <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=9440120&ob=yes&child=yes>

¹¹ EDMS Doc. ID # 9494350, available at <http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=9494350&ob=yes&child=yes>

Courts “have wide discretion to enforce decrees and to implement remedies for decree violations,” including injunctive relief and penalties to compensate for a party’s time and mitigate for damage from the non-compliance. *See United States v. Alcoa, Inc.*, 533 F.3d 278, 286 (5th Cir. 2008). In *Alcoa*, the Fifth Circuit affirmed separate monetary penalties designed to “purge ... [Alcoa’s] contempt.” *Id.* at 288 n. 38. Specifically, the *Alcoa* district court assessed compensatory penalties that included *a*) \$50,000 into the Courts’ registry to compensate for the United States’ time and expense in negotiating a stipulated agreement to avoid environmental harm from Alcoa’s violation of compliance deadlines *b*) over \$80,000 in attorneys’ fees and costs, and *c*) \$100,000 “towards the environmental mitigation projects identified in the Consent Decree . . . to mitigate the further damage to the . . . environment” *U.S. v. Alcoa, Inc.*, No. A-03-CA-222-SS, 2007 WL 5272187, *9-11 (W.D. Tex. March 14, 2007). Similarly, when finding contempt for violating a consent judgment requiring compliance with a Clean Water Act wastewater discharge permit, a district court assessed \$100,000 in addition to coercive penalties for misrepresentations and “cavalier attitude” towards the orders of the court. *Public Interest Research Grp. of New Jersey, Inc. v. Top Notch Metal Finishing Co.*, CIV. A. No. 87-3894, 1988 WL 156725, at *6, *9 (D.N.J. 1988). Courts also have discretion to determine the size of a coercive penalty depending on the “character and magnitude of the harm...and the probable effectiveness” of any penalty in achieving compliance. *United States v. United Mine Workers of Am.*, 330 U.S. 258, 304 (1947).

Here, Plaintiffs request that the Court assess \$325,000 in penalties plus reasonable attorney fees. These penalties include \$225,000 in coercive penalties payable to the U.S. Treasury for violations of Artesian’s Clean Water Act permit, \$100,000 in compensatory penalties for the injuries from the contempt payable to the Lake Pontchartrain Basin Foundation

to expand the beneficial environmental project provided for in Consent Judgment ¶ 6, reasonable attorney fees (which Plaintiffs will present in accordance with Fed. R. Civ. P. 54(d)(2)(B)), and any other penalties the Court deems appropriate.

1. Artesian's Contempt Calls for Coercive Penalties to Compel Compliance.

Artesian's repeated violations of its Permit and the Consent Judgment warrant coercive penalties. As explained above, since this Court's entry of the Consent Judgment, Artesian has repeatedly violated the pollutant limits of its Permit and the Consent Judgment. *See* DMRs, Exs. E, F, G, H, I & J.

Moreover, Artesian has demonstrated its indifference to compliance, both as to the Permit and as to the Consent Judgment. For example, when Artesian claimed the cause of its violations of parameters for 4 of 6 pollutants was that "Winter Killed the Vegetation," it reported "self-correction" as the corrective action, preventative measures, and remediation – plainly showing indifference for the future violations due to "winter" that it can expect annually. *See* May 2014 DMR, Ex. H. at 2. In short, Artesian's response to its violations was to take no action and wait for the same to occur in the years to come.

Artesian also demonstrated its indifference to compliance with its responses to Consent Judgment ¶ 3's investigate and report requirement. Paragraph 3 of the Consent Judgment required that Artesian investigate and report on a method to upgrade the aquatic vegetation cover system—the same system that Artesian blamed for its May 2014 exceedances—providing:

Within 30 days of entry of this Consent Judgment [*i.e.* by November 17, 2013], Artesian Utility shall investigate and complete a written report on whether the Facility can operate one or more of portions of the L-shaped ditch(es) that receive the effluent ... so that water remains under a cover that is impermeable to light for 72 hours.

Cons. J. ¶ 3. When Plaintiffs did not receive a report, they requested performance on December 16, 2013. On December 26, Artesian responded with a memorandum that did

not indicate an investigation and did not answer the required question. *See* 12/26/13 Memo. from David Guidry, Exhibit K. Instead, Artesian noted that it was in compliance with its permit's total suspended solids limits and concluded, "[a]s a result, there is no need to install impermeable covers at this time." Artesian added that it would take action to modify its vegetation treatment system "if it seems that the aquatics system is not achieving its intended purposes." *Id.* However, regardless of whether this response met the Consent Judgment's reporting requirement, when Artesian blamed the aquatic vegetation system's failure for its May 2014 violations of total suspended solids and other pollutant limitations, its only corrective action was "self-correct[ion]". *See* May 2014 DMR, Ex. H at 2. On November 4, 2014, Artesian provided a second response regarding Consent Judgment ¶ 3's requirement. *See* 11/04/14 Memo. from David Guidry, Exhibit L. That response, however, did not address the possible recurrence of the recent aquatic coverage failure and did not outline steps to ensure that the aquatic coverage failure and resulting exceedances would not be a yearly event. *Id.* The report simply stated that "when the floating aquatics are present, there are no [TSS] exceedances, proving that when the aquatics are present they achieve the intended purpose..." *Id.* The report also did not address the corollary that when the aquatics are damaged or not present, exceedances will continue to occur. *Id.*

Finally, Artesian's indifference is visible in its failure to advise the Court about its violations of its Permit and the Consent Judgment. In addition to Artesian's failures to bring the Consent Judgment violations that are the subject of this Motion to the Court's attention, Artesian did not advise the Court of its misrepresentations upon lodging the proposed Consent Judgment. At that time, August 16, 2013, Artesian "represent[ed] and promise[d] that during the waiting

period...they will comply with those substantive provisions of the Consent Judgment requiring them to act, or to refrain from acting, during such period.” Joint Subm’n of Proposed Cons. J. and Mot. for Stay at ¶ 5, Aug. 16, 2013, ECF No. 50. Those substantive provisions, based on the representation that Artesian had, “made upgrades to its facility so that ...it can and will consistently meet applicable Clean Water Act § 402 permit effluent limitations” included “compl[iance] with all terms and limitations of its Clean Water Act § 402 permit.” Proposed Cons. J., ECF No. 50-1. Discharge monitoring reports from August, September, and October of 2013, however, show that Artesian was violating its permit limitations upon lodging and during each month of the waiting period. *See* DMRs, Exs. C, D, & E. Artesian’s repeated violation of the Consent Judgment and cavalier attitude towards remedying the sources of these violations show that coercive penalties are necessary and likely an effective means toward achieving compliance. Here, Plaintiffs request that this Court assess coercive penalties at \$225,000, payable to the U.S. Treasury,¹² representing the maximum civil penalty (\$37,500) per violation provided by the Clean Water Act, and treating each of the six months of non-compliance as one violation.

Notably, Artesian is liable for a far greater number of violations, *i.e.* at least 219 violations, under the Clean Water Act. Civil penalties are incurred per day for each violation of each limitation standard. 33 U.S.C. § 1319(d) (“Any person who violates . . . any permit condition or limitation . . . in a permit issued under section 1342 of this title . . . shall be subject to a civil penalty not to exceed \$[37,500] per day for each violation”); 40 C.F.R. § 19.4 (setting current 33 U.S.C. § 1319(d) maximum civil penalties at \$37,500). “Per day for each violation” includes each day of an effluent limitation’s scope, so that violating a monthly average limitation

¹² Under the Clean Water Act, violators pay civil penalties to the U.S. Treasury. *See Gwaltney of Smithfield v. Chesapeake Bay Found.*, 484 U.S. 49, 52 (1987).

counts as a violation on each day of that month. *See Chesapeake Bay Found., Inc. v. Gwaltney of Smithfield, Ltd.*, 791 F.2d 304, 314 (4th Cir. 1986), *vacated on other grounds*, (explaining “where a violation is defined in terms of a time period longer than a day, the maximum penalty assessable for that violation should be defined in terms of the number of days in that time period”); *U.S. E.P.A. v. City of Green Forest, Ark.*, 921 F.2d 1394, 1407 (8th Cir. 1990) (“We agree with the majority of the courts that have addressed the issue that violation of a monthly average effluent should be counted as thirty separate violations.”); *Atlantic States Legal Found. v. Tyson Foods*, 897 F.2d 1128, 1139 (11th Cir. 1990) (finding “a violation of a monthly average should be deemed to involve a violation of each of the days of that month”). Counting these violations, without including separate violations for daily maximum or loading limitations exceedances where a pollutant’s monthly average exceedance is already counted for the same date, Plaintiffs calculate 219 violations from October 2013 through August 2014.

However, Plaintiffs calculate at least 318 violations under the more inclusive Third and Fourth Circuit approach that counts separately violations of the daily maximum, monthly average concentration, and monthly average loading limits for a pollutant on the same calendar day. “[I]f multiple violations of the Permit occur on the same day, defendants are liable for a separate day for each violation of the Permit, including the daily maximum, monthly average concentration, and monthly average loading limits for each pollutant.” *United States v. Smithfield Foods, Inc.*, 972 F. Supp. 338, 340 (E.D.Va.1997), *aff’d*, 191 F.3d 516, 527 (4th Cir. 1999) (“Far from double counting, the district court's decision to treat each violation of the 1992 Permit as a separate infraction for purposes of penalty calculation makes sense.”); *see Pub. Interest Research Grp. v. Powell Duffryn Terminals, Inc.*, 913 F.2d 64, 78 (3rd Cir. 1990) (“These [monthly average and daily average limits] are clearly separate limitations and we see no reason why

[defendant] should not be penalized separately for violating each limitation.”); *but see Atlantic States*, 897 F.2d at 1140 (declining to treat violations of daily maximum and monthly average limits for the same pollutant as separate violations on the same calendar day). Nevertheless, Plaintiffs believe that the maximum civil penalty for six violations, *i.e.* \$225,000, will be sufficient to coerce Artesian’s compliance.

2. Artesian’s Contempt Calls for Compensatory Penalties (in the Form of Payments for a Beneficial Environmental Project and Litigation Costs) for the Plaintiffs’ and their Members’ Injuries and to Mitigate Environmental Harm.

Artesian must compensate for time, effort, and injury due to its contempt. Compensatory penalties “reimburse[] the injured party for the losses and expenses incurred because of non-compliance.” *Norman Bridge Drug Co. v. Banner*, 529 F.2d 822, 827-28 (5th Cir. 1976). Here, Plaintiffs request that the Court assess, in addition to reasonable attorneys fees, \$100,000 in compensatory contempt penalties—\$75,000 to mitigate for environmental harm and \$25,000 for Plaintiffs’ time and efforts spent due to the contempt and their members’ injuries from the contempt (both to take the form of mitigation payments). Plaintiffs request that the \$100,000 compensatory penalties be paid to the Lake Pontchartrain Basin Foundation to expand the beneficial environmental project provided for in Consent Judgment ¶ 6.

a. *Artesian Must Compensate Plaintiffs for their Time and Efforts to Correct the Contempt and Mitigate the Further Damage to the Environment Caused By Failure to Comply.*

Artesian’s repeated violations of its Permit and the Consent Judgment, together with its demonstrated indifference to avoiding future violations, warrant compensatory penalties. In *Alcoa*, the Court assessed compensatory penalties to “purge” the contempt that arose from the company’s “failure to meet a court-ordered obligation [because] it could not find a way to timely comply with the Consent Decree while making a satisfactory profit.” *U.S. v. Alcoa, Inc.*, No. A-

03-CA-222-SS, 2007 WL 5272187, *9 (W.D. Tex. March 14, 2007). Recognizing the “considerable time and effort” the innocent party (*i.e.*, the United States) spent responding to the defendant’s violations of the consent decree, the court awarded \$50,000, declaring that sum “eminently reasonable compensation for this monumental effort” and “if anything, ... too low in comparison to the astronomical figures that would have been charged by private attorneys and public opinion consultants for similar work.” *Id.* at *10. Similarly, the *Alcoa* court assessed “an additional \$100,000 toward the environmental mitigation projects identified in the Consent Decree ... to compensate the citizens of the ... area for the further environmental damage” from the violations. *Id.* at *11.

Here, Artesian’s indifference to the terms of Consent Judgment has caused, among other things, Plaintiffs to spend time and effort preparing for this litigation, including reviewing the discharge monitoring reports, hiking to view the site, and conferring with counsel on violations occurring over a year’s time. *See* Second Matthew Allen Declaration, attached at Exhibit M; Matthew Rota Declaration, attached at Exhibit N. In addition, Artesian’s failure to comply with the terms of the Consent Judgment and the Permit caused further environmental injury by loading unlawfully high levels of pollutants into the Little Tchefuncte River. Compensatory penalties directed towards a beneficial environmental project in the area will mitigate this injury, as well as the injuries Plaintiffs’ members suffer from such further environmental harm. *See infra*, §B.2.b.

b. Artesian Must Compensate Plaintiffs for Injuries to their Members.

Artesian’s violations of its Permit and this Court’s order also repeat the injuries that Plaintiffs’ members suffered from Artesian’s pre-litigation Clean Water Act violations – *i.e.*, diminished enjoyment of the river that runs by their home, the Little Tchefuncte River (the

“River”). *See* Cynthia Sarthou Decl., Ex. O at ¶ 5 (describing Gulf Restoration Network membership, including in the area of Artesian discharges, pre-Consent Judgment); *See* Rota Decl., Ex. N at ¶ 9 (describing Gulf Restoration Network membership, including in the area of Artesian discharges, post-Consent Judgment); Matthew Allen Decl., Ex. P at ¶¶ 3, 12-20 (describing Little Tchefuncte River Association membership in the area of Artesian discharges and pre-Consent Judgment injuries); *See* 2nd M. Allen Decl., Ex. M at ¶¶ 7-12 (citing Little Tchefuncte River Association membership and post-Consent Judgment injuries). For example, Mr. Allen, a member of both Gulf Restoration Network and the Little Tchefuncte River Association, continues to use and enjoy the river less than he had before learning of Artesian’s violations in or about 2007 because he continues to fear the high fecal coliform levels and that Artesian’s discharges will harm his and his family’s health. *See* M. Allen Decl., Ex. P at ¶¶ 11, 16-7 (“when I swim in the Little Tchefuncte River, I do not enjoy it as much as in the past because I am worried that my family or I will get sick”); 2nd M. Allen Decl., Ex. M at ¶ 8 (“Post-consent judgment, I continue to fear for my own and my family’s health as I did pre-consent judgment because I know Artesian continues to violate its permit limitations, particularly its fecal coliform limits.”).

Similarly, Mrs. Devoe Allen, Mr. Allen’s mother and a member of the Little Tchefuncte River Association who has lived by the Little Tchefuncte River for over 40 years, continues to have less use and enjoyment of the River than she did before Artesian’s illegal discharges polluted the water. *See* D. Allen Declaration, attached at Exhibit Q at ¶ 5 (“[I]n the past I used to use and enjoy the Little Tchefuncte River regularly, sometimes daily. . . .”); *id.* at ¶ 8 (“[Because of the pollution, I stopped using and enjoying the Little Tchefuncte River as much as I used to.”). Mrs. Allen’s use and enjoyment of the River remains less now, after the Consent Judgment, as it

had before entry of the Consent Judgment. *Id.* at ¶ 11 (“I continue to use and enjoy the river less than I have in the past.”). Moreover, Artesian’s violations, particularly its high fecal coliform discharge levels, continue to cause Mrs. Allen to fear for her health and safety if she uses the river. *Id.* (“I am particularly concerned [about *sic*] Artesian’s fecal coliform violations because I am a senior citizen and so worry about my health if exposed to high levels of those bacteria.”).

In another example, Artesian’s repeated violations continue to diminish the beauty of the river for both Mr. Allen and his mother, Mrs. Allen, as they did before entry of the Consent Judgment. *See* M. 2nd Allen Decl., Ex. M at ¶ 10 (“I do not enjoy the Little Tchefuncte River as I did before 2007 because of the sight and the smells of pollution from Artesian Utility”); D. Allen Decl., Ex. Q at ¶ 6 (“Over time . . . the Little Tchefuncte River has appeared less pristine. . . Now [it] has become marred by pollution. Its water is not as clear as it used to be when it runs by my home. A dark layer of sludge appears on the river’s bottom.”); *id.* at ¶ 8 (“The river is no longer as beautiful as it was, and I feel sad to see it marred by pollution.”)

Moreover, the contempt heightens Plaintiffs’ earlier injuries by adding disappointment and frustration to their continued sense of concern and fear. *See, e.g.*, M. Allen 2nd Decl., Ex. M at ¶ 8 (“Artesian’ Utility’s post-consent judgment violations of its permit limitations removed any relief I had felt from my fears about pollutants in the Little Tchefuncte River.”); *id.* at ¶ 11 (“I am especially frustrated with Artesian Utility’s continuing violations because I believed we had resolved this problem in court.”); D. Allen Decl, Ex. Q at ¶ 11 (“With [the entering of the Consent Judgment], I felt some relief from my fears about Artesian Utility’s illegal pollution and some hope that the Little Tchefuncte River would have and show less pollution and be more healthy for me and my family to use. But when I learned later that Artesian Utility violated its

permit limitations after the lawsuit settled and so continued to pollute illegally, my fears returned.”).

c. Artesian Should Pay Plaintiffs Attorneys’ Fees and Costs to Compensate Plaintiffs and Enforce Compliance.

This Court should assess penalties to pay for Plaintiffs’ attorneys’ fees and costs. In a civil contempt proceeding, a court has discretion to award Plaintiffs’ attorneys’ fees. *Cook v. Ochsner Found. Hosp.*, 559 F.2d 270, 272 (5th Cir. 1977); *see Alcoa*, 533 F. 3d 278, 289 n.38 (5th Cir. 2008) (affirming contempt order that included attorneys’ fees and costs in penalty assessment). “The theory for allowing attorneys’ fees for civil contempt is that civil contempt is a sanction to enforce compliance with an order of the court or to compensate for losses or damages sustained by reason of noncompliance.” *Cook*, 559 F.2d at 272 (“[T]he court is merely seeking to insure that its original order is followed. Otherwise, the benefits afforded by that order might be diminished by the attorneys’ fees necessarily expended in bringing an action to enforce that order violated by the disobedient parties”). Accordingly, this Court should order Artesian to pay Plaintiffs’ attorneys’ fees and costs to compensate for the loss of Plaintiffs’ resources spent on remedying Artesian’s contempt.

C. Artesian’s Contempt Merits Injunctive Relief to Compel Future Compliance.

This Court should order injunctive relief to compel current and future compliance. A court has the inherent power “to fashion remedies to enforce prior judgments.” *Alcoa*, 533 F.3d at 288 (citing *United States v. Swift & Co.*, 286 U.S. 106, 114 (1932)). This Court may impose injunctive relief in the form of conditions that will help encourage future compliance with the Consent Judgment. *See Alcoa*, 533 F.3d at 288 (“[D]istrict courts may fashion remedies to ‘enforce prior [consent] judgments.’ These remedies need not match those requested by a party or originally provided by the court’s earlier judgment.”) (citations omitted); *See Louisiana Env’tl.*

Action Network v. LWC Mgmt. Co., Inc., Civ. A. 07-595, 2010 WL 1851179 (W.D. La. May 6, 2010) (finding that, although defendant was not yet in contempt, the court’s “wide discretion to enforce decrees and to implement remedies for decree violations” allowed it to order actions in addition to the consent decree to avoid apparently imminent violation); *PIRG New Jersey*, 1988 WL 156725, at * 1 (remedy for contempt included amending consent judgment to require submission of daily discharge monitoring reports); *United States v. Wheeling-Pittsburgh Steel Corp.*, 642 F. Supp. 468, 475 (W.D. Pa. 1986) (remediating contempt with order that the parties submit a proposal of stipulated penalties to serve in addition to its original order and to deter future non-compliance with the Clean Air Act).

Here, this Court may order injunctive relief by requiring that Artesian *1)* submit its discharge monitoring reports to Plaintiffs monthly for three years from the date of order entry;¹³ and *2)* pay civil penalties for each future act of non-compliance.

II. This Court May Also Enforce the Consent Judgment under the Clean Water Act.

Because Artesian’s non-compliance with the Consent Judgment is also a violation of the Clean Water Act, this Court may impose civil penalties and injunctive relief under the Act. Under the Clean Water Act, the Court may assess civil penalties to anyone in violation of § 402, “...not to exceed [\$37,500] per day for each violation.” 33 U.S.C. § 1319; *see Tull v. United States*, 481 U.S. 412, 422 (1987) (court assessed civil penalties for violations of the Clean Water Act). In Clean Water Act cases, in addition to finding contempt for failure to obey a court order requiring Clean Water Act compliance and assessing penalties for that contempt, a district court may impose civil penalties for violations of the Act. *See United States v. Ciampitti*, 669 F. Supp. 684, 699 (D.N.J. 1987). In *Ciampitti*, the Court reasoned that “the anticipated cooperation and

¹³ The Consent Judgment currently requires Artesian to provide its DMRs to Plaintiffs quarterly for one year from the date of agreement. Cons. J. ¶ 2.

good faith compliance . . . with the requirements of the Clean Water Act,” which was the Court’s basis for not imposing civil penalties as part of its initial order, “ha[d] not materialized.” *Id.* While originally the court “prefer[ed] that [the defendant’s] resources be initially spent on clean-up of the site,” the subsequent failures to act towards compliance warranted civil penalties because it “evidence[d] a total lack of respect for, and disregard of, the requirements of the Clean Water Act.” *Id.* Here, in addition to its Clean Water Act violations before and after the Consent Judgment, Artesian’s behavior—including its lack of action to remedy violations of its permit due to “winter weather”—similarly evidences a total lack of respect for the requirements of the Clean Water Act. Accordingly, in addition to penalties for civil contempt, this Court may also assess civil penalties for Artesian’s post-Consent Judgment violations of the Clean Water Act.

REQUEST FOR RELIEF

For the reasons stated above, Plaintiffs Little Tchefuncte River Association and the Gulf Restoration Network respectfully request the following relief for either the contempt of the Consent Judgment or violation of the Clean Water Act or both: An Order

1. Finding Artesian in civil contempt of the Consent Judgment and in violation of the Clean Water Act;
2. Assessing penalties for civil contempt of \$325,000 of which *a*) \$225,000 shall be paid to the United States Treasury within 30 days of the Court’s order and *b*) \$100,000 shall be paid as a mitigation payment to the Lake Pontchartrain Basin Foundation for the limited purpose of expanding the Beneficial Environmental Project under the Consent Judgment ¶ 6 (and subject to the purpose of that Beneficial Environmental Project), within 30 days from the date of this Order;

3. Assessing a civil penalty of \$37,500 to be paid to the U.S. Treasury for each and every additional month during which Artesian has violated its Permit or the Consent Judgment ¶ 1 between August 2014 and the date of entry of the Court's Order, which Artesian shall pay within 30 days of the due date of each discharge monitoring report that shows a violation, and ordering Artesian to file a notice with this Court of each such violation and payment;
4. Assessing, for the three years following the date of entry of this Order, a civil penalty of \$37,500 to be paid to the U.S. Treasury for each and every additional month during which Artesian violates its Permit or the Consent Judgment ¶ 1 after the date of entry of the Court's Order, which Artesian shall pay within 30 days of the due date of each discharge monitoring report that shows a violation, and ordering Artesian to file a notice with this Court of each such violation and payment;
5. Awarding reasonable attorneys' fees and costs associated with this Motion to the Plaintiffs, which Plaintiffs will present to this Court pursuant to Fed. R. Civ. P. 54(d)(2)(B);
6. Ordering Artesian to submit its monthly discharge monitoring reports to Plaintiffs within three days of completion of each such report for a period of three years or until such time as Artesian has complied with its Permit continuously for two years, whichever is greater;
7. Granting any other relief that this Court deems proper.

Respectfully submitted this 16th day of December, 2014,

TULANE ENVIRONMENTAL LAW CLINIC

s/ Malory Weir
Malory Weir, Student Attorney

/s Elizabeth Livingston de Calderón
Elizabeth Livingston de Calderón, LA Bar # 31443
Adam Babich, LA Bar # 27177

Tulane Environmental Law Clinic
6329 Freret Street
New Orleans, LA 70118
Phone: (504) 865-5789
Fax: (504) 862-8721
*Counsel for Plaintiffs Little Tchefuncte River Association
and Gulf Restoration Network*

CERTIFICATE OF SERVICE

I certify that, on December 16, 2014, a copy of the foregoing request has been served upon the counsel of record Frank S. Craig, III and John Baird King by electronic means and upon the counsel of record John M. Mamoulides by U.S. Post at the address below:

John M. Mamoulides
4917 Henican Place
Metairie, LA 70005

/s Elizabeth Livingston de Calderón
Elizabeth Livingston de Calderón

PERMITTEE NAME/ADDRESS
(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

(2-16)

(17-19)

MINOR

RECEIVED

OCT 03 2013

LDEQ/OEC
ENFORCEMENT DIVISION

***** NO DISCHARGE PERMIT DMS10
NOTE: Read Instructions before completing this form.

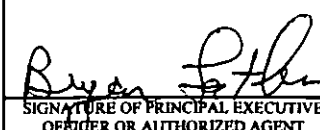
NAME **Artesian Utility Company, Inc.**
ADDRESS **P.O. Box 1466**
Covington, LA 70434
FACILITY **Lake Ramsey Subdivision**
LOCATION **Lake Ramsey Rd. Covington, LA 70435**

LA0105520 *NCR*
PERMIT NUMBER

001
DISCHARGE NUMBER

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	13	08	01		13	08	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING			(4 Card Only) QUALITY OR CONCENTRATION			NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)	
		AVERAGE (46-53)	MAXIMUM (54-61)	UNITS	MINIMUM (38-45)	AVERAGE (46-53)	MAXIMUM (54-61)				UNITS
pH 00400	SAMPLE MEASUREMENT	*****	*****	*****	7.7	*****	7.7	S.U.	0	2/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		6.0 S.U.	*****	8.5 S.U.			2/MO	GRAB
SOLIDS, TOTAL SUSPENDED (TSS) 00530	SAMPLE MEASUREMENT	4	*****	LBS/DAY	*****	6	10	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB
AMMONIA-NITROGEN 00610	SAMPLE MEASUREMENT	0.38	*****	LBS/DAY	*****	0.60	0.71	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	5.0 MO AVG	*****		*****	5.0 MO AVG	10.0 DAILY MAX			2/MO	GRAB
FLOW 50050	SAMPLE MEASUREMENT	0.077	0.080	MGD	*****	*****	*****	*****	0	CONT.	RECORDER
	PERMIT REQUIREMENT	REPORT	REPORT	*****	*****	*****	*****	*****		CONT.	RECORDER
CHLORINE, TOTAL RESIDUAL (TRC) 50060	SAMPLE MEASUREMENT	*****	*****	*****	*****	0.012	0.05	MG/L	1	1/WEEK	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	NO MEASUREABLE MO AVG	NO MEASUREABLE DAILY MAX			1/WEEK	GRAB
FECAL COLIFORM COLONIES 74055	SAMPLE MEASUREMENT	*****	*****	*****	*****	1,440	5,600	CFU/ 100	1	2/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	200 MO AVG	400 DAILY MAX			2/MO	GRAB
CBOD, 5-DAY 80082	SAMPLE MEASUREMENT	2	*****	LBS/DAY	*****	4	5	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, 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 FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.	 SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE		DATE		
TYPED OR PRINTED			AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
The sample dates were 08-15-13, and 08-29-13, for all parameters, with an "FCB" exceedance on 08-15-13, and a "TRC" on 08-08-13. See "Non-Compliance Report Form".

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Exhibit C



Non-Compliance Report Form

Facility Name: Lake Ramsey Subdivision **Date:** 9/24/2013

Facility Address: Lake Ramsey Road, Covington, LA 70435

Person Reporting: Tommy Fournet **Title:** Operator

Phone Number: 225-667-2067 **Parish:** St. Tammany Parish

LPDES Number: LA0105520 **AI Number:** 31222

Receiving Waters: From facility to an unnamed drainage ditch, thence into the Tchefuncte River subsegment 040801

(Refer to Subject Line on Permit Cover Letter)

Date of Non-Compliance	Parameter/Description (e.g. TSS, Overflow)	Outfall No./Location (e.g. 001, 123 Main St.)	Permit Limit	Reported Value
8/15/2013	FCB	001	400	5600

Cause of Violation(s) Cleaning Sand Filters

Corrective Action/Preventative Measures/Remediation: They Installed De-chlorinators

Byron Letten 9/24/13
 Signature Date

Please mail non-compliance reports to the following address:
 Office of Environmental Compliance
 Attn: Permit Compliance Unit
 P.O. Box 4312
 Baton Rouge, LA 70821-4312

RECEIVED
 OCT 03 2013
 LDEQ/OEC
 ENFORCEMENT DIVISION

PERMITTEE NAME/ADDRESS
(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

RECEIVED

(2-16)

(17-19)

MINOR

OCT 24 2013

LDEQ/OEC
ENFORCEMENT DIVISION

NAME **Artèsian Utility Company, Inc.**
ADDRESS **P.O. Box 1466**
Covington, LA 70434

LA0105520 *NCR*
PERMIT NUMBER

001
DISCHARGE NUMBER

AI# 31222


FACILITY **Lake Ramsey Subdivision**
LOCATION **Lake Ramsey Rd. Covington, LA 70435**

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	13	09	01		13	09	30
	<small>(20-21)</small>	<small>(22-23)</small>	<small>(24-25)</small>		<small>(26-27)</small>	<small>(28-29)</small>	<small>(30-31)</small>

***** NO DISCHARGE [] *****

NOTE: Read Instructions before completing this form.

PARAMETER <small>(32-37)</small>		(3 Card Only) QUANTITY OR LOADING			(4 Card Only) QUALITY OR CONCENTRATION				NO. EX <small>(62-63)</small>	FREQUENCY OF ANALYSIS <small>(64-68)</small>	SAMPLE TYPE <small>(69-70)</small>	
		<small>(46-53)</small>		<small>(54-61)</small>	<small>(38-45)</small>		<small>(46-53)</small>					<small>(54-61)</small>
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS				
pH 00400	SAMPLE MEASUREMENT	*****	*****	*****	7.8	*****	7.8	S.U.	0	2/MO	GRAB	
	PERMIT REQUIREMENT	*****	*****		6.0 S.U.	*****	8.5 S.U.			2/MO	GRAB	
SOLIDS, TOTAL SUSPENDED (TSS) 00530	SAMPLE MEASUREMENT	2	*****	LBS/DAY	*****	3	4	MG/L	0	2/MO	GRAB	
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB	
AMMONIA-NITROGEN 00610	SAMPLE MEASUREMENT	1.0	*****	LBS/DAY	*****	1.6	2.1	MG/L	0	2/MO	GRAB	
	PERMIT REQUIREMENT	5.0 MO AVG	*****		*****	5.0 MO AVG	10.0 DAILY MAX			2/MO	GRAB	
FLOW 50050	SAMPLE MEASUREMENT	0.073	0.073	MGD	*****	*****	*****	*****	0	CONT.	RECORDER	
	PERMIT REQUIREMENT	REPORT	REPORT	*****	*****	*****	*****	*****		CONT.	RECORDER	
CHLORINE, TOTAL RESIDUAL (TRC) 50060	SAMPLE MEASUREMENT	*****	*****	*****	*****	0.00	0.00	MG/L	0	1/WEEK	GRAB	
	PERMIT REQUIREMENT	*****	*****		*****	NO MEASUREABLE MO AVG	NO MEASUREABLE DAILY MAX			1/WEEK	GRAB	
FECAL COLIFORM COLONIES 74055	SAMPLE MEASUREMENT	*****	*****	*****	*****	148	2,200	CFU/ 100	1	2/MO	GRAB	
	PERMIT REQUIREMENT	*****	*****		*****	200 MO AVG	400 DAILY MAX			2/MO	GRAB	
CBOD, 5-DAY 80082	SAMPLE MEASUREMENT	<3	*****	LBS/DAY	*****	<5	4	MG/L	0	2/MO	GRAB	
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, 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 FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.	 SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE		DATE		
TYPED OR PRINTED			AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
The sample dates were 09-12-13, and 09-26-13, for all parameters, with an "FCB" exceedance on 09-26-13. See "Non-Compliance Report Form".

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Exhibit D



Non-Compliance Report Form

Facility Name: Lake Ramsey Subdivision **Date:** 10/17/2013

Facility Address: Lake Ramsey Road, Covington, LA 70435

Person Reporting: Tommy Fournet **Title:** Operator

Phone Number: 225-667-2067 **Parish:** St. Tammany Parish

LPDES Number: LA0105520 **AI Number:** 31222

Receiving Waters: From facility to an unnamed drainage ditch, thence into the Tchefuncte River subsegment 040801

(Refer to Subject Line on Permit Cover Letter)

Date of Non-Compliance	Parameter/Description (e.g. TSS, Overflow)	Outfall No./Location (e.g. 001, 123 Main St.)	Permit Limit	Reported Value
9/26/2013	FCB	001	400	2,200

Cause of Violation(s) Found dead turtles in the line.

Corrective Action/Preventative Measures/Remediation: Cleaned the line out.

Rayon Fournet 10/22/13
 Signature Date

Please mail non-compliance reports to the following address:
 Office of Environmental Compliance
 Attn: Permit Compliance Unit
 P.O. Box 4312
 Baton Rouge, LA 70821-4312

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 LDEQ/OEC
 ENFORCEMENT DIVISION

PERMITTEE NAME/ADDRESS
(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

NAME **Artesian Utility Company, Inc.**
ADDRESS **P.O. Box 1466**
Covington, LA 70434
FACILITY **Lake Ramsey Subdivision**
LOCATION **Lake Ramsey Rd. Covington, LA 70435**

(2-16) **LA0105520** *NR*
PERMIT NUMBER

(17-19) **001**
DISCHARGE NUMBER

MINOR
AI# 31222

RECEIVED

NOV 18 2013

LDEQ/OEC
ENFORCEMENT DIVISION

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	13	10	01		13	10	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

***** NO DISCHARGE ENFORCEMENT
NOTE: Read Instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING			(4 Card Only) QUALITY OR CONCENTRATION				NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
		(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM	UNITS			
		00400	00530	00610	50050	50060	74055	80082			
pH	SAMPLE MEASUREMENT	*****	*****	*****	7.7	*****	7.7	S.U.	0	2/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		6.0	*****	8.5			2/MO	GRAB
	SAMPLE MEASUREMENT	4	*****	LBS/DAY	*****	6	8	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB
	SAMPLE MEASUREMENT	0.32	*****	LBS/DAY	*****	0.50	0.54	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	5.0 MO AVG	*****		*****	5.0 MO AVG	10.0 DAILY MAX			2/MO	GRAB
	SAMPLE MEASUREMENT	0.082	0.186	MGD	*****	*****	*****	*****	0	CONT.	RECORDER
	PERMIT REQUIREMENT	REPORT	REPORT	*****	*****	*****	*****	*****		CONT.	RECORDER
	SAMPLE MEASUREMENT	*****	*****	*****	*****	0.00	0.00	MG/L	0	1/WEEK	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	NO MEASUREABLE MO AVG	NO MEASUREABLE DAILY MAX			1/WEEK	GRAB
	SAMPLE MEASUREMENT	*****	*****	*****	*****	2,214	14,000	CFU/100	1	2/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	200 MO AVG	400 DAILY MAX			2/MO	GRAB
	SAMPLE MEASUREMENT	6	*****	LBS/DAY	*****	10	14	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, 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 FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.	TELEPHONE	DATE		
			SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
The sample dates were 10-10-13, and 10-22-13, for all parameters, with an "FCB" exceedance on 10-22-13. See "Non-Compliance Report Form".

Case 2:12-cv-01923-NJB-JCW Document 58-4 Filed 12/16/14 Page 5 of 16

Exhibit E



Non-Compliance Report Form

Facility Name: Lake Ramsey Subdivision **Date:** 11/15/2013

Facility Address: Lake Ramsey Road, Covington, LA 70435

Person Reporting: Tommy Fournet **Title:** Operator

Phone Number: 225-667-2067 **Parish:** St. Tammany Parish

LPDES Number: LA0105520 **AI Number:** 31222

Receiving Waters: From facility to an unnamed drainage ditch, thence into the Tchefuncte River subsegment 040801

(Refer to Subject Line on Permit Cover Letter)

Date of Non-Compliance	Parameter/Description (e.g. TSS, Overflow)	Outfall No./Location (e.g. 001, 123 Main St.)	Permit Limit	Reported Value
10/22/2013	FCB	001	400	14,000

Cause of Violation(s) Possible sand filter interruption (“possible trapped bacteria”). This is strictly a physical action in the sand media.

Corrective Action/Preventative Measures/Remediation: The filter media has been cleaned. System back on line.

Rayan Letten 11/15/13
 Signature Date

Please mail non-compliance reports to the following address:
 Office of Environmental Compliance
 Attn: Permit Compliance Unit
 P.O. Box 4312
 Baton Rouge, LA 70821-4312

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 NOV 18 2013
 LDEQ/OEC
 ENFORCEMENT DIVISION

PERMITTEE NAME/ADDRESS
(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

NLR
RECEIVED

JAN 10 2014

LDEQ/OEC
ENFORCEMENT DIVISION

NAME **Artesian Utility Company, Inc.**
ADDRESS **P.O. Box 1466**
Covington, LA 70434

LA0105520
PERMIT NUMBER

001
DISCHARGE NUMBER

MINOR
AI# 31222

FACILITY **Lake Ramsey Subdivision**
LOCATION **Lake Ramsey Rd. Covington, LA 70435**

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	13	11	01		13	11	30

***** NO DISCHARGE [] *****
NOTE: Read Instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING			(4 Card Only) QUALITY OR CONCENTRATION			NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)	
		AVERAGE (46-53)	MAXIMUM (54-61)	UNITS (20-21) (22-23) (24-25)	MINIMUM (38-45)	AVERAGE (46-53)	MAXIMUM (54-61)				UNITS (26-27) (28-29) (30-31)
pH	SAMPLE MEASUREMENT	*****	*****	*****	7.1	*****	7.30	S.U.	0	2/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		6.0	*****	8.5			2/MO	GRAB
00400 SOLIDS, TOTAL SUSPENDED (TSS)	SAMPLE MEASUREMENT	7	*****	LBS/DAY	*****	8	10	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB
00530 AMMONIA-NITROGEN	SAMPLE MEASUREMENT	0.16	*****	LBS/DAY	*****	0.21	0.22	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	5.0 MO AVG	*****		*****	5.0 MO AVG	10.0 DAILY MAX			2/MO	GRAB
00610 FLOW	SAMPLE MEASUREMENT	0.066	0.259	MGD	*****	*****	*****	*****	0	CONT.	RECORDER
	PERMIT REQUIREMENT	REPORT	REPORT	*****	*****	*****	*****	*****		CONT.	RECORDER
50050 CHLORINE, TOTAL RESIDUAL (TRC)	SAMPLE MEASUREMENT	*****	*****	*****	*****	0.00	0.05	MG/L	1	1/WEEK	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	NO MEASUREABLE MO AVG	NO MEASUREABLE DAILY MAX			1/WEEK	GRAB
50060 FECAL COLIFORM COLONIES	SAMPLE MEASUREMENT	*****	*****	*****	*****	40	160	CFU / 100	0	2/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	200 MO AVG	400 DAILY MAX			2/MO	GRAB
74055 CBOD, 5-DAY	SAMPLE MEASUREMENT	<3	*****	LBS/DAY	*****	<3	3	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB
80082											

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, 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 FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.	TELEPHONE		DATE		
		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
The sample dates were 11-13-13, and 11-26-13, for all parameters. There is a TRC exceedance for 11-07-13.

Case 2:12-cv-01923-NJB-JCW Document 58-4 Filed 12/16/14 Page 7 of 16

Exhibit F

PERMITTEE-NAME/ADDRESS
(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

RECEIVED

(2-16)

(17-19)

MINOR

NAME **Artesian Utility Company, Inc.**
ADDRESS **P.O. Box 1466**
Covington, LA 70434
FACILITY **Lake Ramsey Subdivision**
LOCATION **Lake Ramsey Rd. Covington, LA 70435**

LA0105520
PERMIT NUMBER

001
DISCHARGE NUMBER

A# 31222

JAN 10 2014

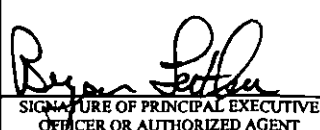
LDEQ/OEC
ENFORCEMENT DIVISION

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	13	12	01		13	12	31
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

***** NO DISCHARGE [] *****

NOTE: Read Instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING			(4 Card Only) QUALITY OR CONCENTRATION				NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)	
		(46-53)		(54-61)	(38-45)		(46-53)					(54-61)
		AVERAGE	MAXIMUM	UNITS	MINIMUM	AVERAGE	MAXIMUM	UNITS				
pH 00400	SAMPLE MEASUREMENT	*****	*****	*****	7.8	*****	8.5	S.U.	0	2/MO	GRAB	
	PERMIT REQUIREMENT	*****	*****		6.0 S.U.	*****	8.5 S.U.			2/MO	GRAB	
SOLIDS, TOTAL SUSPENDED (TSS) 00530	SAMPLE MEASUREMENT	9	*****	LBS/DAY	*****	6	6	MG/L	0	2/MO	GRAB	
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB	
AMMONIA-NITROGEN 00610	SAMPLE MEASUREMENT	0.20	*****	LBS/DAY	*****	0.12	0.14	MG/L	0	2/MO	GRAB	
	PERMIT REQUIREMENT	5.0 MO AVG	*****		*****	5.0 MO AVG	10.0 DAILY MAX			2/MO	GRAB	
FLOW 50050	SAMPLE MEASUREMENT	0.179	0.258	MGD	*****	*****	*****	*****	0	CONT.	RECORDER	
	PERMIT REQUIREMENT	REPORT	REPORT	*****	*****	*****	*****	*****		CONT.	RECORDER	
CHLORINE, TOTAL RESIDUAL (TRC) 50060	SAMPLE MEASUREMENT	*****	*****	*****	*****	0.00	0.04	MG/L	1	1/WEEK	GRAB	
	PERMIT REQUIREMENT	*****	*****		*****	NO MEASUREABLE MO AVG	NO MEASUREABLE DAILY MAX			1/WEEK	GRAB	
FECAL COLIFORM COLONIES 74055	SAMPLE MEASUREMENT	*****	*****	*****	*****	<5	<10	CFU / 100	0	2/MO	GRAB	
	PERMIT REQUIREMENT	*****	*****		*****	200 MO AVG	400 DAILY MAX			2/MO	GRAB	
CBOD, 5-DAY 80082	SAMPLE MEASUREMENT	<6	*****	LBS/DAY	*****	<3	<3	MG/L	0	2/MO	GRAB	
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, 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 FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.	 SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE		DATE		
			AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
The sample dates were 12-12-13, and 12-27-13, for all parameters. There is a TRC exceedance for 12-19-13.

Case 2:12-cv-01923-NJB-JCW Document 58-4 Filed 12/16/14 Page 9 of 16

Exhibit G



Non-Compliance Report Form

Facility Name: Lake Ramsey Subdivision **Date:** 1/7/2014
Facility Address: Lake Ramsey Road, Covington, LA 70435
Person Reporting: Tommy Fournet **Title:** Operator
Phone Number: 225-667-2067 **Parish:** St. Tammany Parish
LPDES Number: LA0105520 **AI Number:** 31222
Receiving Waters: From facility to an unnamed drainage ditch, thence into the Tchefuncte River subsegment 040801
 (Refer to Subject Line on Permit Cover Letter)

Date of Non-Compliance	Parameter/Description (e.g. TSS, Overflow)	Outfall No./Location (e.g. 001, 123 Main St.)	Permit Limit	Reported Value
12/19/2013	TRC	001	0.033	0.04

Cause of Violation(s) Insufficient dechlorination tablets.

Corrective Action/Preventative Measures/Remediation: Put in more dechlorination tablets.


 Signature _____ Date 1/7/14

Please mail non-compliance reports to the following address:
 Office of Environmental Compliance
 Attn: Permit Compliance Unit
 P.O. Box 4312
 Baton Rouge, LA 70821-4312

PERMITTEE NAME/ADDRESS

(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

DISCHARGE MONITORING REPORT (DMR)

(2-16)

(17-19)

MINOR

NAME **Artesian Utility Company, Inc.**
 ADDRESS **P.O. Box 1466**
Covington, LA 70434

LA0105520
 PERMIT NUMBER

001
 DISCHARGE NUMBER

AI# 31222


FACILITY **Lake Ramsey Subdivision**
 LOCATION **Lake Ramsey Rd. Covington, LA 70435**

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	14	05	01		14	05	31
	(20-21)	(02-23)	(24-25)		(26-27)	(28-29)	(30-31)

***** NO DISCHARGE [] *****

NOTE: Read Instructions before completing this form.

PARAMETER (32-37)	SAMPLE MEASUREMENT	(3 Card Only) QUANTITY OR LOADING			(4 Card Only) QUALITY OR CONCENTRATION			NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)	
		AVERAGE (46-53)	MAXIMUM (54-61)	UNITS	MINIMUM (38-45)	AVERAGE (46-53)	MAXIMUM (54-61)				UNITS
pH	*****	*****	*****	*****	7.1	*****	7.6	S.U.	0	2/MO	GRAB
00400	PERMIT REQUIREMENT	*****	*****	*****	6.0 S.U.	*****	8.5 S.U.			2/MO	GRAB
SOLIDS, TOTAL SUSPENDED (TSS)	51.4	*****	LBS/DAY	*****	25.5	37	MG/L	2	2/MO	GRAB	
00530	PERMIT REQUIREMENT	10.0 MO AVG	*****	*****	10.0 MO AVG	15.0 DAILY MAX.			2/MO	GRAB	
AMMONIA-NITROGEN	7.14	*****	LBS/DAY	*****	6.0	8.7	MG/L	2	2/MO	GRAB	
00610	PERMIT REQUIREMENT	5.0 MO AVG	*****	*****	5.0 MO AVG	10.0 DAILY MAX.			2/MO	GRAB	
FLOW	0.344	2.31	MGD	*****	*****	*****	*****	0	CONT.	RECORDER	
50050	PERMIT REQUIREMENT	REPORT	REPORT	*****	*****	*****	*****	*****	CONT.	RECORDER	
CHLORINE, TOTAL RESIDUAL (TRC)	*****	*****	*****	*****	0.00	0.00	MG/L	0	1/WEEK	GRAB	
50060	PERMIT REQUIREMENT	*****	*****	*****	NO MEASUREABLE MO AVG	NO MEASUREABLE DAILY MAX			1/WEEK	GRAB	
FECAL COLIFORM COLONIES	*****	*****	*****	*****	894	5,700	CFU / 100	1	2/MO	GRAB	
74055	PERMIT REQUIREMENT	*****	*****	*****	200 MO AVG	400 DAILY MAX			2/MO	GRAB	
CBOD, 5-DAY	21.8	*****	LBS/DAY	*****	20.5	32	MG/L	2	2/MO	GRAB	
80082	PERMIT REQUIREMENT	10.0 MO AVG	*****	*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB	

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, 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 FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.	 SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE	DATE		
TYPED OR PRINTED			AREA CODE	NUMBER	YEAR	MO

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
 The sample dates were 05-14-14, and 05-28-14, for all parameters; additionally, 05-09-14, 05-22-14, for TRC. Heavy rains on 05-30-14, and 05-31-14. There are TSS, Ammonia-Nitrogen, Fecal Coliform Colonies, and CBOD, 5-day exceedances. See "Non-Compliance Report Form".



Non-Compliance Report Form

Facility Name: Lake Ramsey Subdivision Date: 6/11/2014

Facility Address: Lake Ramsey Road, Covington, LA 70435

Person Reporting: Tommy Fournet Title: Operator

Phone Number: 225-667-2067 Parish: St. Tammany Parish

LPDES Number: LA0105520 AI Number: 31222

Receiving Waters: From facility to an unnamed drainage ditch, thence into the Tchefuncte River subsegment 040801

(Refer to Subject Line on Permit Cover Letter)

Date of Non-Compliance	Parameter/Description (e.g. TSS, Overflow)	Outfall No./Location (e.g. 001, 123 Main St.)	Permit Limit	Reported Value
5/14/2014 5/28/2014	TSS	001	15	37
5/14/2014 5/28/2014	Ammonia Nitrogen (Loading)	001	5	7.14
5/14/2014 5/28/2014	Fecal	001	400	5,700
5/14/2014 5/28/2014	CBOD	001	15	32

Cause of Violation(s) Winter killed the vegetation in pond.

Corrective Action/Preventative Measures/Remediation: It has self corrected itself.

Signature [Handwritten Signature] Date 6/11/14

Please mail non-compliance reports to the following address:
 Office of Environmental Compliance
 Attn: Permit Compliance Unit
 P.O. Box 4312
 Baton Rouge, LA 70821-4312

PERMITTEE NAME/ADDRESS
(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

NCA
RECEIVED

NAME **Artesian Utility Company, Inc.**
ADDRESS **P.O. Box 1466**
Covington, LA 70434
FACILITY **Lake Ramsey Subdivision**
LOCATION **Lake Ramsey Rd. Covington, LA 70435**

(2-16)
LA0105520
PERMIT NUMBER

(17-19)
001
DISCHARGE NUMBER

MINOR
AI# 31222


AUG 15 2014
LDEQ/OEC
ENFORCEMENT DIVISION

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	14	07	01		14	07	31

***** NO DISCHARGE [] *****

NOTE: Read Instructions before completing this form.

PARAMETER (32-37)		(3 Card Only) QUANTITY OR LOADING			(4 Card Only) QUALITY OR CONCENTRATION			NO. EX	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)	
		(46-53) AVERAGE	(54-61) MAXIMUM	UNITS	(38-45) MINIMUM	(46-53) AVERAGE	(54-61) MAXIMUM				UNITS
pH	SAMPLE MEASUREMENT	*****	*****	*****	6.9	*****	7.6	S.U.	0	3/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		6.0	*****	8.5			2/MO	GRAB
00400 SOLIDS, TOTAL SUSPENDED (TSS)	SAMPLE MEASUREMENT	<3	*****	LBS/DAY	*****	<2	2	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB
00530 AMMONIA-NITROGEN	SAMPLE MEASUREMENT	0.79	*****	LBS/DAY	*****	0.37	0.48	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	5.0 MO AVG	*****		*****	5.0 MO AVG	10.0 DAILY MAX			2/MO	GRAB
00610 FLOW	SAMPLE MEASUREMENT	0.212	0.322	MGD	*****	*****	*****	*****	0	CONT.	RECORDER
	PERMIT REQUIREMENT	REPORT	REPORT	*****	*****	*****	*****	*****		CONT.	RECORDER
50050 CHLORINE, TOTAL RESIDUAL (TRC)	SAMPLE MEASUREMENT	*****	*****	*****	*****	0.00	0.00	MG/L	0	1/WEEK	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	NO MEASUREABLE MO AVG	NO MEASUREABLE DAILY MAX			1/WEEK	GRAB
50060 FECAL COLIFORM COLONIES	SAMPLE MEASUREMENT	*****	*****	*****	*****	511	3,200	CFU / 100	3	3/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	200 MO AVG	400 DAILY MAX			2/MO	GRAB
74055 CBOD, 5-DAY	SAMPLE MEASUREMENT	8.45	*****	LBS/DAY	*****	4	5	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB
80082											

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, 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 FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.	 SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE		DATE		
TYPED OR PRINTED			AREA CODE	NUMBER	YEAR	MO	DAY

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
The sample dates were 07-09-14, and 07-23-14, for all parameters; additionally, 07-03-14, and 07-16-14, for TRC, and 07-30-14, for Fecal coliform. Excursions: (3) Fecal coliform. See "Non-Compliance Report Form".



Non-Compliance Report Form

Facility Name: Lake Ramsey Subdivision **Date:** 8/7/2014

Facility Address: Lake Ramsey Road, Covington, LA 70435

Person Reporting: Tommy Fournet **Title:** Operator

Phone Number: 225-667-2067 **Parish:** St. Tammany Parish

LPDES Number: LA0105520 **AI Number:** 31222

Receiving Waters: From facility to an unnamed drainage ditch, thence into the Tchefuncte River subsegment 040801

(Refer to Subject Line on Permit Cover Letter)

Date of Non-Compliance	Parameter/Description (e.g. TSS, Overflow)	Outfall No./Location (e.g. 001, 123 Main St.)	Permit Limit	Reported Value
7/23/2014	FCB	001	400	3,200

Cause of Violation(s) Not enough chlorination

Corrective Action/Preventative Measures/Remediation: Added more chlorine.

Bryan Sather 8/7/14
Signature **Date**

Please mail non-compliance reports to the following address:
 Office of Environmental Compliance
 Attn: Permit Compliance Unit
 P.O. Box 4312
 Baton Rouge, LA 70821-4312

PERMITTEE NAME/ADDRESS
(Include Facility Name/Location if different)

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGE MONITORING REPORT (DMR)

NCR

RECEIVED

SEP 26 2014

LDEQ/OEC
ENFORCEMENT DIVISION

NAME **Artesian Utility Company, Inc.**

ADDRESS **P.O. Box 1466**
Covington, LA 70434

FACILITY **Lake Ramsey Subdivision**

LOCATION **Lake Ramsey Rd. Covington, LA 70435**

LA0105520
PERMIT NUMBER


001
DISCHARGE NUMBER

MINOR
AI# 31222

MONITORING PERIOD							
FROM	YEAR	MO	DAY	TO	YEAR	MO	DAY
	14	08	01		14	08	31
	<small>(20-21)</small>	<small>(22-23)</small>	<small>(24-25)</small>		<small>(26-27)</small>	<small>(28-29)</small>	<small>(30-31)</small>

***** NO DISCHARGE [] *****
NOTE: Read Instructions before completing this form.

PARAMETER <small>(32-37)</small>		(3 Card Only) QUANTITY OR LOADING			(4 Card Only) QUALITY OR CONCENTRATION				NO. EX <small>(62-63)</small>	FREQUENCY OF ANALYSIS <small>(64-68)</small>	SAMPLE TYPE <small>(69-70)</small>
		<small>(46-53)</small> AVERAGE	<small>(54-61)</small> MAXIMUM	UNITS	<small>(38-45)</small> MINIMUM	<small>(46-53)</small> AVERAGE	<small>(54-61)</small> MAXIMUM	UNITS			
pH	SAMPLE MEASUREMENT	*****	*****	*****	7.6	*****	7.8	S.U.	0	2/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		6.0 S.U.	*****	8.5 S.U.			2/MO	GRAB
00400 SOLIDS, TOTAL SUSPENDED (TSS)	SAMPLE MEASUREMENT	4	*****	LBS/DAY	*****	2	4	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB
00530 AMMONIA-NITROGEN	SAMPLE MEASUREMENT	2	*****	LBS/DAY	*****	1.4	1.4	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	5.0 MO AVG	*****		*****	5.0 MO AVG	10.0 DAILY MAX			2/MO	GRAB
00610 FLOW	SAMPLE MEASUREMENT	0.210	0.318	MGD	*****	*****	*****	*****	0	CONT.	RECORDER
	PERMIT REQUIREMENT	REPORT	REPORT	*****	*****	*****	*****	*****		CONT.	RECORDER
50050 CHLORINE, TOTAL RESIDUAL (TRC)	SAMPLE MEASUREMENT	*****	*****	*****	*****	0.00	0.00	MG/L	0	1/WEEK	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	NO MEASUREABLE MO AVG	NO MEASUREABLE DAILY MAX			1/WEEK	GRAB
50060 FECAL COLIFORM COLONIES	SAMPLE MEASUREMENT	*****	*****	*****	*****	1,350	1,400	CFU / 100	2	2/MO	GRAB
	PERMIT REQUIREMENT	*****	*****		*****	200 MO AVG	400 DAILY MAX			2/MO	GRAB
74055 CBOD, 5-DAY	SAMPLE MEASUREMENT	<5	*****	LBS/DAY	*****	<3	<3	MG/L	0	2/MO	GRAB
	PERMIT REQUIREMENT	10.0 MO AVG	*****		*****	10.0 MO AVG	15.0 DAILY MAX			2/MO	GRAB
80082											

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, 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 FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.	 SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE	DATE
TYPED OR PRINTED		225 667-2067 AREA CODE NUMBER	14 9 23 YEAR MO DAY	

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)
The sample dates were 08-15-14, and 08-27-14, for all parameters; additionally, 08-01-14, 08-08-14, and 08-22-14, for TRC. Excursions: (2) Fecal coliform. See "Non-Compliance Report Form".

Exhibit J



Non-Compliance Report Form

Facility Name: Lake Ramsey Subdivision **Date:** 9/22/2014

Facility Address: Lake Ramsey Road, Covington, LA 70435

Person Reporting: Amado Enamorado **Title:** Operator

Phone Number: 225-667-2067 **Parish:** St. Tammany Parish

LPDES Number: LA0105520 **AI Number:** 31222

Receiving Waters: From facility to an unnamed drainage ditch, thence into the Tchefuncte River subsegment 040801

(Refer to Subject Line on Permit Cover Letter)

Date of Non-Compliance	Parameter/Description (e.g. TSS, Overflow)	Outfall No./Location (e.g. 001, 123 Main St.)	Permit Limit	Reported Value
8/27/2014	FCB	001	400	1,400

Cause of Violation(s) Lack of Chlorine.

Corrective Action/Preventative Measures/Remediation: Will Increase Chlorination.

Bryan Letten 9/23/14
Signature **Date**

Please mail non-compliance reports to the following address:
 Office of Environmental Compliance
 Attn: Permit Compliance Unit
 P.O. Box 4312
 Baton Rouge, LA 70821-4312

MEMORANDUM

To: File

From: David A. Guidry

Re: Consent Judgment, Section 3(a)

The Consent Judgment, at Par. 3, states that, in order to address algae and Total Suspended Solids, Artesian is to “investigate and complete a written report on whether the Facility can operate one or more of the portions of the L-shaped ditches(es) that receive the effluent ... so that water remains under a cover that is impermeable to light for 72 hours.” Certain requirements become mandated “[i] Artesian can cost-effectively operate the Facility in such a manner, and the aquatics system in place is not achieving its intended purposes.”

The aquatics system was present during the last growing season. It has covered most if not all of the Constructed Ditches. The aquatics system in place is achieving its intended purposes, based on the following facts:

1. Daily inspection of the aerated lagoon facility and natural ditches reveals are clear, non-turbid discharge; and
2. There have been no TSS exceedences since the parties signed the Consent Judgment in August, 2013.

As a result, there is no need to install impermeable covers at this time. However, if it seems that the aquatics system is not achieving its intended purposes, Artesian will notify the proper regulatory agencies to achieve a different manner of treatment. Once approval is provided, Artesian will notify plaintiffs in a prompt manner.

UPDATED MEMORANDUM

To: File

From: David A. Guidry

Date: November 4, 2014

Re: Consent Judgment, Section 3(a)

An original Memorandum was provided to Tulane Environmental Law Clinic (TELC) on December 26, 2013 regarding Section 3(a)(i) of the Consent Judgment, signed on October 18, 2014 (the Report). In October, 2014, TELC expressed concerns that the Report was inadequate. Although Artesian disagrees, it is updating its Memorandum to address TELC's concerns.

The Consent Judgment, at Par. 3, states that, in order to address algae and Total Suspended Solids, Artesian is to "investigate and complete a written report on whether the Facility can operate one or more of the portions of the L-shaped ditches(es) that receive the effluent ... so that water remains under a cover that is impermeable to light for 72 hours." Certain requirements become mandated "[i] Artesian can cost-effectively operate the Facility in such a manner, and the aquatics system in place is not achieving its intended purposes."

The Investigation

Artesian conducted an investigation, which consisted of a consideration or review of three basic facts. First, it is technically feasible to install a cover over the three ditches. Second, the valve between the end of the third ditch and the outfall may be closed, trapping the water in the three ditches for a period of time that could include 72 hours. Third, under the normal flow rate of about 100 gallons per minute, Artesian could not guarantee that water falling during a storm event (which would mix with water from the ponds) would remain in the ditches for 72 hours.

Knowing that it rains, Artesian concluded that it could not guarantee that all water falling within the three ditches would remain within the ditches for 72 hours during normal operating conditions.

The Floating Aquatics

The intended purpose of the floating aquatics is to reduce the amount of Total Suspended Solids (TSS), which includes algae, in the discharge. The floating aquatics cover the surface area of the ditches, inhibiting the growth of algae. Floating aquatics also filter out TSS from the water flowing through the ditches.

However, regardless of whether water can remain in the ditches for 72 hours, the aquatics system in place is achieving its intended purposes, based on the following facts:

1. Daily inspection of the aerated lagoon facility and natural ditches reveals a clear, non-turbid discharge.
2. There has only been one TSS exceedences since the parties signed the Consent Judgment in August, 2013.
3. The single exceedence in May, 2104 was due to winter temperatures killing some of the floating aquatics. When they grew back, there have been no exceedences.

4. When the floating aquatics are present, there are no exceedences, proving that when floating aquatics are present they achieve the intended purpose of reducing the amount of TSS discharged.

5. The single TSS exceedence in May, 2014, as reported in the Discharge Monitoring Report (DMR) for that month, shows a maximum of 37 parts per million (ppm), with a monthly average of 25.5 ppm. The other sample result for that month was 14 ppm. The next samples taken in June, 2014 established compliance with the TSS limit as the daily maximum was 7 ppm with a monthly average of 4 ppm.

As a result, there is no need to install impermeable covers at this time. However, if it seems that the aquatics system is not achieving its intended purposes, Artesian will notify the proper regulatory agencies to achieve a different manner of treatment. Once approval is provided, Artesian will notify plaintiffs in a prompt manner.

SECOND DECLARATION OF MATTHEW ALLEN

1. My name is Matthew Allen. I am more than eighteen years old and am competent to make this declaration. This declaration is based on my personal knowledge.

2. I am a member and the president of Little Tchefuncte River Association (the“River Association”). I have held this position since 2008. I am familiar with the River Association’s policies, organizational structure, and practices.

3. The River Association’s purpose is to improve the water quality and promote the preservation of the Little Tchefuncte River and its tributaries throughout St. Tammany, Tangipahoa, and Washington Parishes in Louisiana and to restore them to their original functions and cleanliness. Members of the River Association live in those parishes.

4. The ecological, biological, aesthetic, and other interests that the River Association has sought and continues to seek to protect, first with its and Gulf Restoration Network’s July 2012, lawsuit and now with its enforcement of the October 2013, judgment in that lawsuit against Artesian Utility Company, LLC (“Artesian Utility”), are directly related to the River Association’s purpose of protecting and restoring the resources of the Little Tchefuncte River.

5. I am also a member of the Gulf Restoration Network. I have been a member since 2009.

6. In early 2013, I learned that Artesian Utility had received a permit to discharge wastewater from its sewerage treatment facility, resolving one of the Clean Water Act violations that our lawsuit claimed. And, on August 14, 2013, after visits to Artesian Utility’s facility and

prolonged negotiations, I agreed on behalf of the River Association to settle the lawsuit with a consent judgment that would require, among other things, Artesian Utility to comply with its permit.

7. Initially, the settlement and the consent judgment that the Court ordered in October 2013, caused me to feel some relief from my fears about Artesian Utility's pollutant discharges into the Little Tchefuncte River and some hope that the river would have and show less pollution and be more healthy for me and my family to use and enjoy. At that time, I lived next to the Little Tchefuncte River about three miles downstream from the Artesian Utility's facility.

8. In early January 2014, however, I learned from Artesian Utility's discharge monitoring reports that it was still violating its permit limitations. The discharge monitoring reports showed that Artesian Utility had violated its permit limitations in August, September, October, November, and December of 2013. I learned of additional violations from Artesian Utility's June 2014, discharge monitoring report, which showed high levels of fecal coliform in May 2014, as well as several other permit violations. On September 3, 2014, I learned from Artesian Utility's August 2014 discharge monitoring report that Artesian Utility violated its permit's fecal coliform limitations for three separate sampling events in the month of July. After that, I learned from Artesian's September 2014 discharge monitoring report of additional fecal coliform violations in August 2014 from Artesian's following discharge monitoring report. Post-consent judgment, I continue to fear for my own and my family's health as I did pre-consent judgment because I know Artesian continues to violate its permit limitations, particularly its fecal coliform limits. Artesian Utility's post-consent judgment violations of its permit limitations removed any relief I had felt from my fears about pollutants in the Little Tchefuncte River.

9. In May 2014, I moved to a new home in Folsom, Louisiana. I still have access to the Little Tchefuncte River from my home, but now I live upstream from Artesian Utility's illegal sewerage wastewater discharges. One of the reasons I moved was to be able to enjoy the river from my home without the pollution that comes from Artesian Utility's sewerage treatment facility.

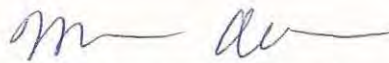
10. I do still regularly visit the place of my former home, which is on the property where my parents and other family live, and I plan to continue visiting. But when I visit, I still do not enjoy the Little Tchefuncte River as I did before 2007 because of the sight and smells of pollution from Artesian Utility and because of my concerns for my health and safety due to that pollution. I feel the same loss of enjoyment of the river as I did from Artesian Utility's pre-lawsuit illegal discharges.

11. I am especially frustrated with Artesian Utility's continuing violations because I had believed that we had already resolved this problem in court.

12. On or about August 23, 2014, I hiked along the Little Tchefuncte River tributary that the Artesian Utility facility discharges to survey the site and view the facility from the vantage point of the adjacent wildlife refuge. I have visited the facility several times in the past during the lawsuit and settlement and have seen the vegetation over the ditches that line the south side of the facility as it is supposed to be: a thick layer of dollar weed to block sunlight and prevent the growth of algae. This August, however, there was little vegetation covering the ditches. Instead, I saw only a thin layer of duckweed over about 70% of the second ditch and random weeds over the remaining 30% of that ditch. The weeds did not appear to fully block the sun and the ditches did not appear fully covered.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 18, 2014.

A handwritten signature in cursive script, appearing to read "Matthew Allen", written in black ink.

Matthew Allen

DECLARATION OF MATTHEW ROTA

1. My name is Matthew Rota. I am more than eighteen (18) years old and competent to make this declaration. All matters in this declaration are based on my personal knowledge.

2. I am the Senior Policy Director of The Gulf Restoration Network (“Gulf Restoration”). I am familiar with Gulf Restoration’s policies, organizational structure, and practices.

3. Gulf Restoration is a non-profit corporation organized under the laws of the State of Louisiana.

4. Gulf Restoration is a network of environmental, social justice, and citizens’ groups and individuals committed to restoring the Gulf of Mexico to an ecologically and biologically sustainable condition. Gulf Restoration’s mission is to protect and restore the resources of the Gulf Region for future generations.

5. Gulf Restoration’s members live in the five Gulf states of Texas, Louisiana, Mississippi, Alabama, and Florida, and nationwide. Over 2500 members live within a 50 mile radius of the Artesian Utility Company, LLC (“Artesian Utility”) facility, including one who uses and enjoys the Little Tchefuncte River and the property around Artesian Utility’s wastewater treatment facility.

6. The ecological, biological, aesthetic, and other interests that Gulf Restoration has sought and continues to seek to protect, first with its and the Little Tchefuncte River Association’s July 2012, lawsuit against Artesian Utility and now with its enforcement of the October 2013, judgment in that lawsuit, are directly related to Gulf Restoration’s purpose of protecting and restoring the resources of the Gulf Region.

7. In early 2013, I learned that Artesian Utility had received a permit to discharge wastewater from its sewerage treatment facility, resolving one of the Clean Water Act violations that our lawsuit claimed. And, on August 14, 2013, after I had visited Artesian Utility's facility and prolonged negotiations, Gulf Restoration agreed to settle the lawsuit with a consent judgment that would require, among other things, Artesian Utility to comply with its permit.

8. In early January 2014, I learned from Artesian Utility's discharge monitoring reports that it was still violating its permit limitations. The discharge monitoring reports showed that Artesian Utility had violated its permit limitations in August, September, October, November, and December of 2013. I learned of additional violations from Artesian Utility's June 2014, discharge monitoring report, which showed high levels of fecal coliform in May 2014, as well as several other permit violations. And, in early September, 2014, I learned from Artesian Utility's August, 2014 discharge monitoring report that Artesian Utility violated its permit's fecal coliform limitations in July 2014.

9. Since learning of Artesian Utility's post-settlement violations, I have spent about 15 hours of time analyzing the discharge monitoring reports and preparing Gulf Restoration's response to the violations. I am disappointed and frustrated that Gulf Restoration must spend time, energy, and resources to address a problem that has already been resolved in court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 9, 2014.

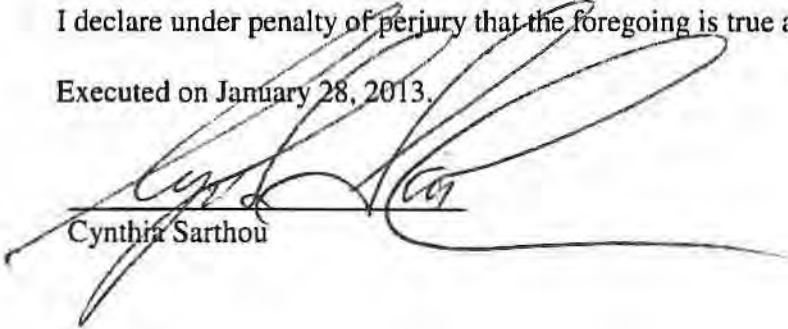

Matthew Rota

DECLARATION OF CYNTHIA SARTHOU

1. My name is Cynthia Sarthou. I am more than eighteen (18) years old and competent to make this declaration. All matters in this declaration are based on my personal knowledge.
2. I am the executive director of The Gulf Restoration Network ("Gulf Restoration"). I am familiar with Gulf Restoration's policies, organizational structure, and practices.
3. Gulf Restoration is a non-profit corporation organized under the laws of the State of Louisiana.
4. Gulf Restoration is a network of environmental, social justice, and citizens' groups and individuals committed to restoring the Gulf of Mexico to an ecologically and biologically sustainable condition. Gulf Restoration's mission is to empower people to protect and restore the resources of the Gulf of Mexico for future generations.
5. Gulf Restoration's members live in the five Gulf states of Texas, Louisiana, Mississippi, Alabama, and Florida, and nationwide, and include a resident of Covington, Louisiana who uses and enjoys the Little Tchefuncte River and the property around Artesian Utility Company's wastewater treatment facility.
6. The ecological, biological, aesthetic, and other interests that Gulf Restoration seeks to protect with this lawsuit are directly related to Gulf Restoration's purpose of protecting and restoring the resources of the Gulf Region.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 28, 2013.



Cynthia Sarthou

DECLARATION OF MATTHEW ALLEN

1. My name is Matthew Allen. I am more than eighteen years old and am competent to make this declaration. This declaration is based on my personal knowledge.
2. I am a member and the president of Little Tchefuncte River Association (the“River Association”). I have held this position since 2008. I am familiar with the River Association’s policies, organizational structure, and practices.
3. The River Association’s purpose is to improve the water quality and promote the preservation of the Little Tchefuncte River and its tributaries throughout St. Tammany, Tangipahoa, and Washington Parishes in Louisiana and to restore them to their original functions and cleanliness. Members of the River Association live in those parishes.
4. The ecological, biological, aesthetic, and other interests that the River Association seeks to protect with this lawsuit are directly related to the River Association’s purpose of protecting and restoring the resources of the Little Tchefuncte River.
5. I am also a member of the Gulf Restoration Network. I have been a member since 2009.
6. My home is in Covington, Louisiana on the bank of the Little Tchefuncte River, which is also known as a branch of the Tchefuncte River, about three miles down from the wastewater treatment facility owned and operated by Artesian Utility Company, Inc. (“Artesian Utility” or “Facility”).

7. The Facility is next to the Lake Ramsey Wildlife Management Area, a nature reserve. I have been hiking and bird watching in the area of the nature reserve for more than thirty years, including the time before it was officially a nature reserve. My hikes included wading up from the Little Tchefuncte River along a natural stream that is a tributary to the Little Tchefuncte River (“the Tributary”). The Tributary runs along the western border of the nature reserve and connects with what is now the Facility’s property at the Facility’s southwest corner.

8. I am also familiar with the area where the Facility discharges its wastewater. I have seen during hikes that the wastewater flows from oxidation ponds at the southwest corner of the Facility through a ditch directly into the Tributary.

9. After the Tributary flows into it, the Little Tchefuncte River flows into the Tchefuncte River at Covington near Interstate 12. The Tchefuncte River then flows into Lake Pontchartrain. I have canoed the route from the Little Tchefuncte River to Lake Pontchartrain many times. The canoe trip takes about twelve hours.

10. I have read and am familiar with the Artesian Utility 1998 wastewater discharge permit that expired in 2003. I have also read many of Artesian Utility’s discharge monitoring reports since 1998 and am aware that it regularly exceeds the limits described in those discharge monitoring reports.

11. Before the facility was built and for some time after, I used and enjoyed the Little Tchefuncte River, the Tributary, and their surrounding areas for recreational and aesthetic purposes regularly, usually several times a month. Among other things, I used to hike in the shallows of the Little Tchefuncte River and in the Tributary, as well as simply walking through the nature reserve. During my outings, I would bird watch, fly fish, take pictures of animals, study plant life, swim, tube, and canoe in that area. I did these things alone and with my family,

including with the first of my three children. At that time, the Tributary and the Little Tchefuncte River were clear and had no sewage smell. I had no fear of getting sick from the water.

12. Since the construction of the Facility and especially since the summer of 2005, I have observed changes to the Tributary and surrounding area from an increase in pollution flowing into the Tributary from the Facility. Since about 2007, I do not use the Tributary or the area near the Facility for recreation, although I still visit the area around the Facility regularly. Instead, I go there to check on the water quality in the Tributary. I have become concerned about the water quality and the wildlife of the Little Tchefuncte River and the Tributary. The diminished water quality that I see and the foul odors that I smell when I check on the Tributary are unpleasant and lessen my enjoyment of the area.

13. In the past year, I have visited the area of the Facility and the Tributary on about four separate occasions, most recently in July of 2012. During my last visit, like the previous visits, liquid that was green, cloudy, and odorous flowed from the Facility and into the Tributary. The Tributary was also a cloudy green color and had grey sediments on the bottom. I saw less marine life in the Tributary than I have in the past. Small fish and minnows have been noticeably absent during my recent visits. Additionally, foul smells permeated the area around the Facility. The smells are strongest near the Facility but are noticeable in the Lake Ramsey nature reserve and along the Tributary and the Little Tchefuncte River – sometimes as far away as a mile downstream. The part of the Little Tchefuncte River upstream from the Tributary, where the Facility does not discharge treated sewage, is clearer and has no smell.

14. After rain events, the Tributary looks and smells worse, and the cloudy, green colored water is apparent as far as a mile downstream on the Little Tchefuncte River.

15. I still visit the nature reserve for recreation, but I no longer recreate in the area near the Facility and the Tributary because of the unpleasant aesthetics and foul smells in that area. Now, because of the pollution, I only travel to the area by land, not by the river like I did in the past.

16. I would like to take my children hiking and tubing along the Little Tchefuncte River and near where it connects with the Tributary, but I do not because the pollution causes me concern for our health and safety. Additionally, I no longer fly fish within a mile of the junction between the Tributary and the Little Tchefuncte River.

17. I also used to use the Little Tchefuncte River regularly for swimming and other recreation, both in the area of my home and upstream near where the Facility is currently located. Now, because of the pollution from Artesian Utility's facility, I no longer swim within a mile of where the Tributary flows into the Little Tchefuncte River. I also do not go swimming in the Little Tchefuncte River at all for at least a week after any rainfall for fear of wastewater and pathogens in the water. Downstream from the Tributary, I have observed an increase in algae build-up, which has further decreased my enjoyment of the aesthetics of the Little Tchefuncte River. Now, when I do swim in the Little Tchefuncte River, I do not enjoy it as much as in the past because I am worried that my family or I will get sick.

18. If Artesian Utility were no longer discharging its wastewater into the Tributary, I would use the Tributary and Little Tchefuncte River again for swimming, hiking, wading, sightseeing, fly fishing, and other recreational activities again.

19. If Artesian Utility were discharging a cleaner wastewater into the Tributary, so that the smells were not so strong and the sediment and discoloration were not so obvious, I would use the Tributary and Little Tchefuncte River again for some of the recreational activities that I enjoyed in the past.

20. Pollution from Artesian Utility diminishes my enjoyment of living and recreating in and around the Tributary and the Little Tchefuncte River.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 13, 2013.

A handwritten signature in blue ink, appearing to read "Matthew Allen", written over a horizontal line.

Matthew Allen

DECLARATION OF ROBERTA DEVOE ALLEN

1. My name is Roberta DeVoe Allen. I am more than eighteen years old and am competent to make this declaration. This declaration is based on my personal knowledge.
2. I live and own property in Covington, Louisiana. I have lived here since 1973, over 40 years.
3. I am a member of Little Tchefuncte River Association (the "River Association") and have been since it started in 2008.
4. My property runs alongside the Little Tchefuncte River (which is also known as a branch of the Tchefuncte River) and my house is less than 300 yards from the Little Tchefuncte River at a point about three miles downstream from the wastewater treatment facility owned and operated by Artesian Utility Company, Inc. ("Artesian Utility").
5. In the past, I used and enjoyed the Little Tchefuncte River regularly, sometimes daily. My activities have included swimming, fishing, canoeing, kayaking, sightseeing, and playing or relaxing on the river bank. I enjoyed doing these things alone or sometimes with my husband or children or, more recently, my grandchildren. I especially enjoyed these activities because the river was pristine, with clear water, an un-vegetated white sand floor, and un-vegetated white sand beaches.
6. Over time, however, the Little Tchefuncte River has appeared less pristine. Although it has appeared cloudy at times since the 1990's, its condition has grown even worse since about 2005. Now, the Little Tchefuncte River has become marred by pollution. Its water is not as clear as it used to be when it runs by my home. A dark layer of sludge appears on the river's bottom.

The sludge stays on the river's floor by the beach on my property indefinitely. The white sand beaches are now partially covered in vegetation and vegetation even grows out from the middle of the river.

7. I am aware that Artesian Utility's sanitary wastewater treatment facility is putting pollutants into the Little Tchefuncte River. I am also aware that until February, 2013, Artesian Utility did not have a permit to discharge its wastewater into the river and discharged more pollutants than the law would allow. Knowing this made me fear for my and my family's health and safety in the water and lessened my enjoyment of the river. I attribute the pollution that I see in the Little Tchefuncte River to Artesian Utility's facility.

8. Because of the pollution, I stopped using and enjoying the Little Tchefuncte River as much or as often as I used to. The river is no longer as beautiful as it was, and I feel sad to see it marred by pollution. For example, during the past several summers, I did not visit the riverbank on my property often, whereas I used to visit it once a day or more in the summer. Similarly, I have not been canoeing or kayaking frequently because of the sight of the pollution. When I have visited the river, I have noticed that there are fewer fish present than I used to see. Also, I now rarely swim in the river – and especially no longer enjoy taking my grandchildren into the water – for fear of the pollution making us sick.

9. Because the pollution has lessened the value of living by the river for me, I believe it also lessens the financial value of my home and property.

10. If the Artesian facility were no longer discharging its wastewater into the Little Tchefuncte River, I would use it again regularly for swimming and other recreational activities. And if the pollution were less, so that it no longer marred the beauty of the Little Tchefuncte River, I would again enjoy just sitting on its bank relaxing and enjoying the sight of it.

11. In mid-2013, I learned that Artesian Utility had gotten a wastewater discharge permit and settled the law suit with the River Association. I understood that the settlement included a judgment requiring Artesian Utility to comply with its permit. With this information, I felt some relief from my fears about Artesian Utility's illegal pollution and some hope that the Little Tchefuncte River would have and show less pollution and be more healthy for me and my family to use. But when I learned later that Artesian Utility violated its permit limitations after the law suit settled and so continued to pollute illegally, my fears returned. I continue to use and enjoy the river less than I have in the past. I am particularly concerned Artesian's fecal coliform violations because I am a senior citizen and so worry about my health if exposed to high levels of those bacteria.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 30, 2014.


Roberta DeVoe Allen

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LITTLE TCHEFUNCTE RIVER ASSOCIATION and GULF RESTORATION NETWORK,	:	NO. 2:12-CV-01923-NJB-JCW
	:	
Plaintiffs,	:	
VERSUS	:	JUDGE NANNETTE JOLIVETTE
	:	BROWN
	:	
ARTESIAN UTILITY COMPANY, INC.,	:	MAGISTRATE JOSEPH C.
Defendant.	:	WILKINSON, JR.

ORDER

After considering Plaintiffs' Motion for Civil Contempt and Enforcement of the Clean Water Act and being fully advised, this Court finds that the Motion is well taken. This Court hereby GRANTS the Motion and ORDERS the following:

1. Artesian Utility Company, Inc. ("Artesian") is in civil contempt of this Court's Consent Judgment and in violation of the Clean Water Act;
2. Artesian shall pay penalties for civil contempt of \$325,000 of which *a*) \$225,000 shall be paid to the United States Treasury within 30 days of this order and *b*) \$100,000 shall be paid as a mitigation payment to the Lake Pontchartrain Basin Foundation for the limited purpose of expanding the Beneficial Environmental Project under the Consent Judgment ¶ 6 (and subject to the purpose of that Beneficial Environmental Project), within 30 days from the date of this Order;
3. Artesian shall pay civil penalties of \$37,500 to the U.S. Treasury for each and every additional month during which Artesian has violated its waste water discharge permit, No. LA0105520 (the "Permit"), or Consent Judgment ¶ 1 between August 2014 and the date of this Order. Artesian shall make these payments within 30 days of the due date of each discharge

monitoring report that shows a violation. Artesian shall file a notice with this Court of each such violation and payment;

4. For three years following the date of entry of this Order, Artesian shall pay civil penalties of \$37,500 to the U.S. Treasury for each and every additional month during which Artesian violates its Permit or Consent Judgment ¶ 1 after the date of entry of this Order. Artesian shall make these payments within 30 days of the due date of each discharge monitoring report that shows a violation. Artesian shall file a notice with this Court of each such violation and payment;

5. The Court finds that it is appropriate for Artesian to pay Plaintiffs' reasonable attorneys' fees and costs associated with this Motion. Plaintiffs may move for an award of fees and costs pursuant to Fed. R. Civ. P. 54(d)(2)(B);

6. Artesian shall submit its monthly discharge monitoring reports to Plaintiffs within three days of completion of each such report for a period of three years or until such time as Artesian has complied with its Permit continuously for two years, whichever is greater.

So Ordered this _____ day of _____, 201__.

NANNETTE JOLIVETTE BROWN
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LITTLE TCHEFUNCTE RIVER : **NO. 2:12-CV-01923-NJB-JCW**
ASSOCIATION and GULF RESTORATION :
NETWORK, :
 :
Plaintiffs, :
 :
VERSUS :
 :
 : **JUDGE NANNETTE JOLIVETTE**
 : **BROWN**
ARTESIAN UTILITY COMPANY, INC., :
Defendant. :

**MAGISTRATE JOSEPH C.
WILKINSON, JR.**

NOTICE OF SUBMISSION

Pursuant to Local Rule 7.2, Plaintiffs respectfully provide notice that their Motion for Civil Contempt And Enforcement of the Clean Water Act is submitted to United States District Court Judge Nannette Jolivette Brown for decision on February 4, 2014.

Respectfully submitted this 16th day of December, 2014,

TULANE ENVIRONMENTAL LAW CLINIC

s/ Malory Weir
Malory Weir, Student Attorney

/s Elizabeth Livingston de Calderón
Elizabeth Livingston de Calderón, LA Bar # 31443
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Fax: (504) 862-8721
*Counsel for Plaintiffs Little Tchefuncte River Association
and Gulf Restoration Network*

CERTIFICATE OF SERVICE

I certify that, on December 16, 2014, a copy of the foregoing request has been served upon the counsel of record Frank S. Craig, III and John Baird King by electronic means and upon the counsel of record John M. Mamoulides by U.S. Post at the address below:

John M. Mamoulides
4917 Henican Place
Metairie, LA 70005

/s Elizabeth Livingston de Calderón
Elizabeth Livingston de Calderón

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LITTLE TCHEFUNCTE RIVER ASSOCIATION and GULF RESTORATION NETWORK,	:	NO. 2:12-CV-01923-NJB-JCW
	:	
Plaintiffs,	:	JUDGE NANNETTE JOLIVETTE
VERSUS	:	BROWN
	:	
ARTESIAN UTILITY COMPANY, INC.,	:	MAGISTRATE JOSEPH C.
Defendant.	:	WILKINSON, JR.

**PLAINTIFFS' REQUEST FOR ORAL ARGUMENT ON THEIR MOTION FOR
CIVIL CONTEMPT AND ENFORCEMENT OF THE CLEAN WATER ACT**

Pursuant to Local Rule 78.1, Plaintiffs Little Tchefuncte River Association and Gulf Restoration Network respectfully request oral argument on their Motion Civil Contempt and Enforcement of the Clean Water Act. The Plaintiffs believe that oral argument would facilitate the Court's consideration of these issues.

Respectfully submitted this 16th day of December,

2014,

TULANE ENVIRONMENTAL LAW CLINIC

s/ Malory Weir

Malory Weir, Student Attorney

/s Elizabeth Livingston de Calderón

Elizabeth Livingston de Calderón, LA Bar # 31443

Adam Babich, LA Bar # 27177

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New Orleans, LA 70118

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Fax: (504) 862-8721

*Counsel for Plaintiffs Little Tchefuncte River
Association and Gulf Restoration Network*

CERTIFICATE OF SERVICE

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4917 Henican Place
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/s Elizabeth Livingston de Calderón
Elizabeth Livingston de Calderón