



September 4, 2025

Chad Tate, President  
Smitty's Supply, Inc.  
63399 Highway 51 North  
Roseland, LA 70456

Via Certified Mail 9589 0710 5270 2109 6671 43  
Return Receipt Requested 9590 0710 3274 7196 5088 79

RE: Notice of Intent to File Citizen Suit for Failure to Comply with Permits,  
Regulations, and Standards

Dear Mr. Tate,

This letter constitutes notice pursuant to Clean Water Act (CWA) § 505(b)(1)(a), 33 U.S.C. § 1365(b)(1)(a) that the Louisiana Environmental Action Network ("LEAN") intends to file a citizen suit. LEAN is taking this action because of the failure of Smitty's Supply, Inc., and any other responsible entities to comply with permit conditions and limits, statutes, regulations, and water quality standards in the operation of its facility.

## **I. CLEAN WATER ACT**

The Clean Water Act provides that "any citizen may commence a civil action on his own behalf- against any person...who is alleged to be in violation of (A) an effluent standard or limitation under this chapter or (B) an order issued by the Administrator or a State with respect to such a standard or limitation." CWA § 505(a)(1)(A), 33 U.S.C. § 1365(a)(1)(A).

Louisiana has been granted authority to administer the Clean Water Act within the state, such that its own statutes, regulations, and permits comprise standards and requirements under the Act.

The Clean Water Act requires a sixty (60) day waiting period upon providing this notice of intent to sue. 33 U.S.C. § 1365(b)(1)(A). This waiting period gives the parties a reasonable time to resolve the matter cooperatively, without litigation. We encourage you to contact LEAN through its attorneys during this period.

## **II. STATEMENT OF VIOLATIONS**

The facility located at 63399 Highway 51 North Roseland, LA 70456 discharges pursuant to the LPDES Permit Number LA 0127154 and is the subject of this Notice of Intent. At approximately 12:50 p.m. on August 22, 2025, a chemical release and fire occurred at Smitty's Supply Inc. A mandatory evacuation order was issued for a one-mile radius around the incident site.

It is alleged that Smitty's Supply was operating in violation of its Spill Prevention and Control Plan and its Stormwater Pollution Prevention Plan. Upon information and belief, the explosion and the response to it resulted in the unpermitted and/or excessive discharge of numerous hazardous and/or toxic substances from Smitty's Supply's outfalls to the Tangipahoa River in violation of your LPDES permit and 40 C.F.R. Part 112 and more specifically section



112.8. The permit parameters violated include benzene, BTEX, total organic carbon, chemical oxygen demand, lead, and oil & grease.

Petroleum oil was discharged in harmful quantities. Sheens and slicks have been observed on the Tangipahoa and have reached all the way to Lake Pontchartrain. It is believed that the discharges from Smitty's Supply contained toxics at levels harmful to aquatic life, not to mention human health and life. The risk remains of future rain events resulting in further unpermitted and dangerous discharges from the facility.

### **III. RELIEF SOUGHT BY PLAINTIFF**

Because Smitty's Supply is in violation of permit requirements and regulatory standards as set out above, LEAN intends to file a citizen suit seeking compliance with the Clean Water Act. LEAN may seek declaratory and injunctive relief and civil penalties. Under the Clean Water Act, 33 U.S.C. § 1319(d), 40 C.F.R. § 19.4, the court may fine Smitty's Supply up to \$68,445 per day for Clean Water Act violations. The Act also authorizes the court to order Smitty's Supply to pay reasonable attorney and expert fees and costs.

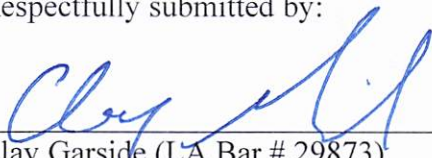
### **IV. CONCLUSION**

We believe this notice of intent to sue sufficiently states the grounds for the complaint. LEAN's suit, when filed, will also address more recent violations and violations that are revealed during the discovery process, particularly those which have not been reported or for which the duration is not yet known.

During the sixty-day waiting period prescribed by the Clean Water Act, we strongly urge you to contact LEAN's attorneys to discuss this matter further. The name, address, and phone number of person giving notice is: Louisiana Environmental Action Network, P.O. Box 66323, Baton Rouge, Louisiana 70896, (225) 928-1315.

Please direct all correspondence to counsel.

Respectfully submitted by:

  
Clay Garside (LA Bar # 29873)  
Waltzer Wiygul & Garside, LLC  
3201 General Degaulle Dr., Ste 200  
New Orleans, LA 70114  
clay@wwglaw.com  
Tele: (504) 340-6300  
Fax: (504) 340-6330





cc: Pamela Bondi, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Lee Zeldin, EPA Administrator  
Environmental Protection Agency  
Office of the Administrator, 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Scott Mason, IV, EPA Region VI, Regional Administrator  
Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, Texas 75270

Courtney Burdette, Secretary Louisiana DEQ  
P.O. Box 4301  
Baton Rouge, LA 70821-4301

A. Bradley Berner, Attorney at Law  
1250 Southwest Railroad Avenue Suite 230A  
Hammond, LA 70403

Smitty's Supply Inc.  
P.O. Box 530  
Roseland, LA 70456