

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF:

CITY OF CROWLEY

ACADIA PARISH  
ID NO. LA0041254  
AI NO. 4689

PROCEEDINGS UNDER THE  
ENVIRONMENTAL QUALITY ACT,  
La. R.S. 30:2001, ET SEQ.

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Enforcement Tracking Number

NOS. WE-P-00-0188 and  
WE-CN-01-0016

SETTLEMENT

The following Settlement is hereby agreed to between the City of Crowley (Respondent) and the Department of Environmental Quality, (Department), under authority granted by the Louisiana Environmental Quality Act, LSA- R.S. 30:2001, et seq., (the "Act").

I.

Respondent owns and/or operates the Municipal Sewerage Treatment Plant located at 412 Conrad Road in Crowley, Acadia Parish, Louisiana. Respondent discharges certain quantities and/or qualities of treated sanitary and industrial wastewater to Bayou Plaquemine Brule, waters of the state. National Pollutant Discharge Elimination System (NPDES) permit LA0041254 became effective on October 29, 1990, and expired on October 28, 1995. An NPDES permit application was submitted on or about April 4, 1995, which is currently under administrative review. The NPDES permit has been administratively continued and in accordance with the assumption of the NPDES program by the state, the NPDES permit LA0041254 has become a Louisiana Permit Discharge Elimination System (LPDES) permit with the same expiration date.

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II.

A file review conducted by the Department on or about March 25, 2001, revealed the following sampling/monitoring results for the period of September 1993 through March 2001 as reported by Respondent on Discharge Monitoring Reports (DMRs), as noted in the table in Attachment A. The Department declares that the effluent excursions for September 1993 through March 2001 are in violation of NPDES permit No. LA0041254 (Part I, Page 4), La. R.S. 30:2075, La. R.S. 30:2076 (A)(1), La. R.S. 30:2076 (A)(3), LAC 33:IX.311.A, LAC 33:IX.501.A, and LAC 33:IX.501.D.

III.

On October 17, 2000, a Penalty Assessment in the amount of \$47,124.00 was issued to Respondent and, in response thereto, Respondent made a timely request for a meeting. On February 23, 2001, a Compliance Order and Notice of Potential Penalty was issued to Respondent.

IV.

Respondent disagrees that it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V.

Nonetheless, the Respondent, without making any admission of liability under state or federal statute or regulation, agrees to expend an estimated amount of \$350,000 to implement and/or perform the following beneficial environmental projects:

- A. The Demolition of the Abandoned Treatment Facility: The City abandoned its sewage treatment plant and constructed a new plant in 1992. The old plant has remained idled and abandoned since that time. Currently at the abandoned site are Imhoff tanks,

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trickling filters, a clarifier, sludge digesters, sludge drying beds, and a chlorine disinfection facility. The site is prone to vandalism and other problems associated with unauthorized entry. The facility is old and unsightly, with rusty and deteriorated catwalks, iron support beams, and gratings. Stagnant water pools in abandoned chambers, creating a breeding ground for disease-carrying mosquitoes and other insects. This project eliminates the possibility of injury to trespassers and removes on-going health threats. The area could be used as a park, playground, or for some other useful purpose. The cost of this project is estimated at \$250,000. Preparation of plans and specifications will begin within 5 days from the date the Secretary signs this Settlement and be completed within 10 months after being signed.

B. Installation of Comminutor: The City will install a comminutor on the influent pipe entering the main pump station. A comminutor grinds solids that are in the influent water, thus increasing the efficiency of the treatment process. Odors impacting workers and the community would be greatly reduced through the elimination of the need for holding and disposing of solids trapped on the bar screen in the pump station. The need for removing floating solids in the primary settling ponds is greatly reduced. The cost of this project is estimated at \$100,000. Preparation of plans and specifications will begin 5 days from the date the Secretary signs this Settlement and be completed 10 months after being signed.

C. Respondent shall submit quarterly reports regarding its progress on the projects. The first report shall be due on the 5<sup>th</sup> day of the first quarter following the date the secretary signs this Settlement. Reports shall be submitted on the 5<sup>th</sup> of every quarter thereafter until the

project is completed. Each such report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Upon completion of the projects required under this Settlement, Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the projects listed above. It shall also contain a certification that the projects were completed as described.

D. If Respondent does not spend the amount of \$350,000, then it shall, in its final report, propose additional projects for the Department's approval in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent or pay a proportional amount of the \$47,124 assessed penalty to be determined at such time by the Department.

VI.

Respondent is hereby notified that the Department may consider the inspection report(s), the Penalty Assessment, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action the Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII.

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

VIII.

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Acadia Parish as well as a newspaper of general circulation in that parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

IX.

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

X.

The person signing for the Respondent and the Department both represent that they have the requisite authority to sign for the party.

WITNESSES:

RESPONDENT

Kathy Boudreau

BY: Isabella de la Houssaye

NAME: Isabella de la Houssaye

Jackie Tyson

TITLE: Mayor, City of Crowley

THUS DONE AND SIGNED before me this 9<sup>th</sup> day of JUNE, 2021, in CROWLEY, Acadia PARISH, La.

[Signature]  
NOTARY PUBLIC

WITNESSES:

STATE OF LOUISIANA

J. Dale Givens, Secretary  
Dept. of Environmental Quality

[Signature]  
[Signature]

BY: [Signature]  
Linda Korn Levy, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED before me this 15 day of August, 2021, in Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC

Approved: [Signature]  
Linda Korn Levy, Assistant Secretary