

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*
	*
CITY OF DENHAM SPRINGS	*
	* Tracking No.
	*
	* WE-CN-01-0381
AGENCY INTEREST NO. 19808	* WE-CN-02-0013
	* WE-L-02-1048
PROCEEDINGS UNDER THE LOUISIANA	*
ENVIRONMENTAL QUALITY ACT	*
LA. R.S. 30:2001, <u>ET SEQ.</u>	*

SETTLEMENT

The following Settlement is hereby agreed to between the **CITY OF DENHAM SPRINGS** (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 is the City of Denham Springs who owns and/or operates a sewage treatment facility located at 9300 Forest Delatte Road that serves the residents and businesses of the City of Denham Springs, Livingston Parish, Louisiana. Louisiana Water Discharge Permit System (LWDPS) permit WP1582 was issued by the Department of Environmental Quality (DEQ) on May 9, 1996, which expired on May 8, 2001. A National Pollutant Discharge Elimination System (NPDES) permit LA0045730 was issued by the Environmental Protection Agency (EPA) with an effective date of June 1, 1996, and which expired on May 30, 2001. In accordance with the assumption of the NPDES program, NPDES permit LA0045730 became a Louisiana Pollutant Discharge Elimination System (LPDES) permit. The LPDES permit and the LWDPS permit authorized the Respondent to

discharge treated sanitary wastewater from its facility into Grays Creek, thence into the Amite River, both waters of the state. An LPDES permit application was received on or about September 10, 2001, after the permit expiration date and therefore, the permit was not administratively extended.

II

The allegations that form the basis of the enforcement actions are:

A. As set forth in the Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-01-0381 issued to the Respondent on July 6, 2001, the Respondent failed to maintain records of calibration is in violation of LWPDS permit WP1582 (Part III, Section A.1; C.11.a, and C.11.b), and LPDES permit LA0045730 (Part III A.2, C.3, and C.5.b), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.J.3. The Respondent provided documentation in December 2002 that the necessary calibrations had been conducted.

B. As set forth in the Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-01-0381 issued to the Respondent on July 6, 2001, the Respondent allowed the following effluent violations from 1/98 through 3/01:

Date	Parameter	Permit Limit	Sample Results
3/98	TSS, monthly avg.	15 mg/L	15.5 mg/L
4/98	CBOD ₅ , monthly avg. TSS, monthly avg.	10 mg/L 15 mg/L	11.75 mg/L 16.87 mg/L
7/98	Fecal Coliform, weekly avg.	400 col/100 ml	>1, 000 col/100 ml
10/98	Ammonia-Nitrogen, monthly avg.	5.0 mg/L	6.1 mg/L
12/98	Ammonia-Nitrogen, monthly avg.	5.0 mg/L	5.7 mg/L
1/99	CBOD ₅ , monthly avg. TSS, monthly avg. TSS, weekly avg.	10 mg/L 15 mg/L 23 mg/L	12.5 mg/L 16.5 mg/L 25.5 mg/L
4/99	Fecal Coliform, monthly avg. Fecal Coliform, weekly avg.	200 col/100 ml 400 col/100 ml	341.4 col/100 ml 2,716 col/100 ml
5/99	CBOD ₅ , monthly avg. CBOD ₅ , weekly avg. Fecal Coliform, monthly avg. Fecal Coliform, weekly avg.	10 mg/L 15 mg/L 200 col/100 ml 400 col/100 ml	11.8 mg/L 17.5 mg/L 237 col/100 ml 557 col/100 ml
7/99	CBOD ₅ , monthly avg.	10 mg/L	10.5 mg/L
9/99	TSS, monthly avg. TSS, weekly avg.	15 mg/L 23 mg/L	18 mg/L 40 mg/L
7/00	CBOD ₅ , monthly avg. CBOD ₅ , weekly avg.	10 mg/L 15 mg/L	13.6 mg/L 23 mg/L

8/00	CBOD ₅ , monthly avg. Fecal Coliform, weekly avg.	10 mg/L 400 col/100 ml	12.5 mg/L 441 col/100 ml
9/00	CBOD ₅ , monthly avg. CBOD ₅ , weekly avg.	10 mg/L 15 mg/L	12.6 mg/L 17 mg/L
10/00	CBOD ₅ , monthly avg. CBOD ₅ , weekly avg.	10 mg/L 15 mg/L	11.6 mg/L 16 mg/L
11/00	CBOD ₅ , monthly avg.	10 mg/L	11.3 mg/L

Each effluent excursion is in violation of LPDES permit LA0045730 (Part I, Section A.1 and Part III, Section A.2), LWDPs permit WP0575 (Part I, page 2 of 2, Part II, paragraph 6, and Part III, Section A.1), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

C. As set forth in the Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-01-0381 issued to the Respondent on July 6, 2001, the Respondent failed to submit a permit application in a timely manner in violation of LPDES permit LA0045730 (Part III, Section A.2 and A.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2331.D.1, and LAC 33:IX.2355.B.

D. As set forth in the Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-02-0013 issued to the Respondent on February 28, 2002, the Respondent allowed the following effluent violations from 12/00 through 12/01:

Date	Parameter	Permit Limit	Reported Value
2/01	CBOD ₅ , weekly avg.	15 mg/L	17 mg/L
3/01	Dissolved Oxygen min.	5 mg/l	4.89 mg/L
6/01	CBOD ₅ , monthly avg. CBOD ₅ , monthly avg. CBOD ₅ , weekly avg.	250 lbs/day 10 mg/L 15 mg/L	418.8 lbs/day 13 mg/L 28 mg/l
7/01	Dissolved Oxygen min. Fecal Coliform, weekly avg.	5 mg/L 400 col/100 ml	4.5 mg/L 406 col/100 ml
8/01	Dissolved Oxygen min. TSS, monthly avg. TSS, monthly avg. TSS, weekly avg. Fecal Coliform, monthly avg. Fecal Coliform, weekly avg. CBOD ₅ , monthly avg. CBOD ₅ , weekly avg.	5.0 mg/L 375 lbs/day 15 mg/L 23 mg/L 200 col/100 ml 400 col/100 ml 10 mg/L 15 mg/L	4.33 mg/L 561 lbs/day 32 mg/L 49 mg/L 245 col/100 ml 551 col/100 ml 13 mg/L 26.5 mg/L
9/01	TSS, weekly avg. Ammonia-Nitrogen, monthly avg. CBOD ₅ , weekly avg.	23 mg/L 5.0 mg/L 15 mg/L	24 mg/L 5.7 mg/L 15.5 mg/L
11/01	Dissolved Oxygen min.	5 mg/L	4.33 mg/L

	CBOD ₅ , weekly avg.	15 mg/L	19 mg/L
	TSS, monthly avg.	15 mg/L	22 mg/L
	TSS, weekly avg.	23 mg/L	29 mg/L
12/01	CBOD ₅ , monthly avg.	10 mg/L	12 mg/L
	CBOD ₅ , weekly avg.	15 mg/L	17 mg/L
	TSS, monthly avg.	15 mg/L	27 mg/L
	TSS, weekly avg.	23 mg/L	35 mg/L

Each effluent excursion in February 2001 and March 2001 is in violation of LPDES permit LA0045730 (Part I, Section A.1 and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A. Each effluent excursion that occurred in June 2001, July 2001, August 2001, September 2001, November 2001, and December 2001 is in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-01-0381**, La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

E. As set forth in the Consolidated Compliance Order And Notice Of Potential Penalty Enforcement Tracking No. WE-CN-02-0013 issued to the Respondent on February 28, 2002, the Respondent failed to submit DMRs in a timely manner for the months of January, March, August, September, and November 2001. Each failure to submit a complete DMR is in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-01-0381**, La. R.S. 30:2076 (A) (3), LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.b. Each failure to submit DMRs in a timely manner for the months of January and March 2001 is in violation of LPDES permit LA0045730 (Part III, Section A.2, and Part III, Section D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.a. Each failure to submit DMRs in a timely manner for the months of August 2001, September 2001, and November 2001 is in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-01-0381**, La. R.S. 30:2076 (A) (3), LAC 33:IX.2355.A.

F. As set forth in the Warning Letter Enforcement Tracking No. WE-L-02-1048 issued to the Respondent on November 6, 2002, the Respondent allowed the following effluent limitations:

Date	Parameter	Permit Limit	Sample Value
01/31/02	TSS Weekly Average	23 mg/L	38 mg/L
01/31/02	CBOD Weekly Average	15 mg/L	19 mg/L
02/28/02	CBOD Monthly Average	10 mg/L	10.8 mg/L
03/31/02	DO Mo Avg Minimum	5 mg/L	4.7 mg/L
03/31/02	Fecal Coliform Wkly Avg	400 col/100 ml	954 col/100 ml
04/30/02	DO Mo Avg Minimum	5 mg/L	3.5 mg/L
04/30/02	TSS Weekly Average	23 mg/L	27 mg/L
04/30/02	Ammonia Monthly Average	125 lbs/day	131 lbs/day
04/30/02	CBOD Monthly Average	250 lbs/day	325 lbs/day

04/30/02	CBOD Monthly Average	10 mg/L	11 mg/L
04/30/02	CBOD Weekly Average	15 mg/L	16.5 mg/L
05/31/02	DO Mo Avg Minimum	5 mg/L	4.39 mg/L
05/31/02	Ammonia Monthly Average	5 mg/L	7.16 mg/L
06/30/02	DO Mo Avg Minimum	5 mg/L	4.43 mg/L
06/30/02	Ammonia Monthly Average	5 mg/L	5.89 mg/L
07/31/02	DO Mo Avg Minimum	5 mg/L	3 mg/L
07/31/02	TSS Monthly Average	15 mg/L	18 mg/L
07/31/02	TSS Weekly Average	23 mg/L	27 mg/L
07/31/02	Ammonia Monthly Average	5 mg/L	7.4 mg/L
08/31/02	DO Mo Avg Minimum	5 mg/L	3.6 mg/L
08/31/02	TSS Weekly Average	23 mg/L	24 mg/L
08/31/02	Ammonia Monthly Average	5 mg/L	7.68 mg/L
08/31/02	Fecal Coliform Monthly Avg	200 col/100 ml	383.9 col/100 ml
08/31/02	Fecal Coliform Wkly Avg	400 col/100 ml	2190.8 col/100 ml
09/30/02	DO Mo Avg Minimum	5 mg/L	3 mg/L
09/30/02	Fecal Coliform Monthly Avg	200 col/100 ml	725 col/100 ml
09/30/02	Fecal Coliform Weekly Avg	400 col/100 ml	2592 col/100 ml
09/30/02	CBOD Monthly Average	250 lbs/day	279 lbs/day
09/30/02	CBOD Monthly Average	10 mg/L	12.5 mg/L
09/30/02	CBOD Weekly Average	15 mg/L	16.5 mg/L

G. As set forth in the Warning Letter Enforcement Tracking No. WE-L-02-1048 issued to the Respondent on November 6, 2002, the Respondent failed to submit a Non-compliance Report (NCR). Specifically, the Department did not receive NCRs for effluent violations reported in April 2002. Noncompliances for May 2002 were reported on the DMR.

III

In addition to the allegations cited in the above referenced enforcement actions, the Respondent and the Department also wish to settle the following allegations, which have not been the basis of an enforcement action, as set forth in the following table of effluent violations:

Date	Parameter	Permit Limit	Sample Value
10/2002	Dissolved Oxygen (minimum)	5 mg/L	3 mg/L
	Ammonia Monthly Average	125 lbs/day	140 mg/L
	Ammonia Monthly Average	5 mg/L	6.7 mg/L
	Ammonia Weekly Average	10 mg/L	10.5 mg/L
	Fecal Coliform Monthly Avg	200 col/100 ml	213 col/100 ml
	Fecal Coliform Weekly Avg	400 col/100 ml	6,549 col/100 ml
11/2002	Whole Effluent Toxicity – <i>Pimphales promelas</i>	Pass	Fail
12/2002	Dissolved Oxygen (minimum)	5 mg/L	4.74 mg/L

IV

Respondent denies 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 pay, and the Department agrees to accept, a payment in the amount of TEN THOUSAND AND NO/100 DOLLARS (\$10,000) in settlement of the claims set forth in this agreement. Of that amount, ONE THOUSAND SEVENTY FIVE AND 50/100 DOLLARS (\$1,075.50) represents the costs to the Department for investigation and enforcement in connection with the above-described enforcement actions and other noted noncompliances.

VI

The Respondent and Department agree to the following administrative provisions:

A. The Respondent will perform a comprehensive investigation to evaluate the systems limitations of its sewage treatment facility. The investigation will research operational and procedural limitations and evaluate treatment efficiency, equipment, configuration and other physical/chemical issues. The study will be the equivalent of a performance evaluation, and will be performed by an independent certified professional engineer knowledgeable in sanitary sewage treatment facility design and operation. The estimated cost of the comprehensive investigation is \$75,000 to \$100,000. The Respondent will evaluate recommendations of the certified professional engineer, and implement those operational and physical/chemical upgrades as necessary to achieve compliance with effluent limitations. As many of the compliance violations are marginal exceedances of effluent limitations, it is suspected that revision and upgrade of existing operational procedures and development of new procedures may achieve a substantial amount of compliance. Cost of implementation of upgrades cannot be evaluated until performance evaluation is completed and recommendations have been reviewed and evaluated. The Respondent agrees to the compliance schedule set forth below to design and conduct the performance evaluation, evaluate recommendations, and implement the selected upgrades.

ITEM	DATE OF COMPLIANCE ACHIEVEMENT
Development of work plan for performance evaluation and schedule of implementation for beneficial environmental projects (BEPs). Authorize engineer to begin performance evaluation and commencement of performance evaluation	By May 01, 2003 (or 4 months after settlement agreement is final)
Completion of Performance Evaluation	By May 01, 2004 (or 16 months after settlement agreement is final)
Evaluation of Results and Selection of Upgrade Methods	By September 1, 2004 (or four months after completion of Performance Evaluation)
Securing of Funding for Upgrade. This phase will also include letting Requests For Proposal; reviewing bids and letting contracts	By January 01, 2005 (or 6 months after evaluation of results and selection of Upgrade Methods)
Commencement of Construction of Additional Units, equipment, processes as applicable	By July 01, 2005 (or six months after securing funding)
Completion of Construction & Testing of Upgraded Plant Configuration	By January 01, 2007
Achievement of Compliance with permit limitations	By April 01, 2007

B. As future excursions are anticipated until plant upgrades can be completed and brought online the Respondent shall pay \$500 per parameter for each violation of a Monthly Average limitation, not to exceed \$500 per parameter in any one month, and \$200 per parameter per day for

each violation of a Weekly Average limitation, not to exceed \$200 per parameter in any one week.

C. The Respondent is required to comply with the following interim effluent limitations and monitoring requirements:

The point of discharge from the facultative pond and rock-reed filter system is hereby designated as Outfall 001. The discharge from this facility's operation shall be monitored at the point of discharge from the last treatment unit prior to entering waters of the state of Louisiana. The Respondent shall monitor and report all discharges from its facility under the effluent limitations and monitoring requirements, and all other permit conditions described in its LPDES permit LA0045730 (which expired May 30, 2001) until a final LPDES permit is re-issued by the Department or until Respondent is otherwise notified in writing by the Department.

VII

The Respondent, in addition to the penalty amount specified in Paragraph V above and as part of this Settlement, agrees to expend the amount of FOUR HUNDRED AND FIFTEEN THOUSAND AND NO/100 DOLLARS (\$415,000) to implement and/or perform the following beneficial environmental projects:

A. **Remove abandoned sewage treatment plant (STP) at Bowman Street.** This site currently houses the City Maintenance Yard, the Dog Pound, the City Street Department, and an abandoned STP. The site is located adjacent to railroad tracks and will remain in service for the housing of City services and administration. The STP structures are approximately 40' in diameter and 20' tall. Removal of the abandoned STP will be completed within 6 months of the final settlement agreement.

Estimated costs to dismantle and remove STP: \$25,000

B. **Resolution of odor issues and development of odor control program.** The Respondent has received complaints regarding intermittent odors generating by the sewage treatment facility. The Respondent will research and develop a substantial engineering program for odor control at the facility. The development of the program will be completed within one year of the final settlement agreement. The project may include the purchase, installation and operation of as many as twenty aspirating and surface rotary aerators in the two forty acre lagoons. Preliminary cost estimates are as follows:

Activity	Estimated Cost
Purchase of Equipment	\$175,000

Installation of Equipment	\$100,000
Design, Engineering and Miscellaneous	\$25,000
Total Estimated Cost of Project:	\$300,000

Preliminary analysis of the odor problems indicates that the sewage entering the lagoons may already be in a septic state. The concentration of aeration equipment in these areas should help to “freshen” the sewage enough to reduce the odor associated with this problem. Additionally, aspirating type aerators will be added in the lagoons to provide just enough mixing to eliminate stagnant areas where odors are likely to form. After complete analysis of the problem the program will be modified accordingly, but will be implemented no later than one year after the development phase of the program has been completed.

C. **Provide funding to Denham Springs Green.** In keeping with the City policy to provide a clean and beautiful environment for the populace, the Respondent will provide funding in the amount of \$5,000 per year for a period of 3 years to Denham Springs Green for City beautification.

Estimated Cost: \$15,000

D. **Environmental Education Outreach Program.** The Respondent will develop, market, and implement an environmental education outreach program to provide information to the public on the necessity for effective sewage treatment; the technological methods of accomplishing this treatment; and the innovative operations of artificial marsh, rock reed and rock filters and their advantages and disadvantages. Particular emphasis will be placed on the development of new technologies to include that employed at the Respondent’s facility. The environmental education program will contain the following elements:

1. Development of an informational tour of the Forrest Delatte Treatment Plant (FDTP). This tour will include field trips as well as classroom presentations. An initial part of the program will be the development of a marketing plan and a list of target receptors of all types. The Respondent will make contact with each target receptor during the initial year of the program in order to disseminate information about the service. Target receptors are schools, science clubs, scientists interested in innovative technology, civic groups, general public.
2. Presentations to school groups at the K1-K12 level. The Respondent will interface with school science classes and science clubs to enhance student knowledge of sewage treatment, its importance and public health impact. The presentations will inform the school groups of the many individual activities that will materially affect the quality of the waste discharge from FDTP, and in turn, the quality of life in Denham Springs. The Respondent will prepare clear, concise handouts or other audiovisual materials that target the issues. The materials will be designed to be user-friendly and easy to understand. Target receptors are Elementary and High School students.

The Respondent will provide at least two onsite tours and presentations for grades K1- K12 during the first year of the settlement agreement, and four onsite tours and presentations each

year for the next three years. The Respondent will document all efforts to market, develop interest and secure commitments from educators for these tours, but the number of tours performed will ultimately depend on community and educator interest. In lieu of a required presentation, the Respondent may conduct an alternate approved project as described below in item 6.

3. Provide tours and information on the FDTP for science teachers through the Louisiana Science Teachers Association (LSTA) and the Louisiana Environmental Education Association (LEEA). This aspect of the environmental education outreach program will be constructed to provide the educators with the tools necessary for informing and guiding students in improving the overall understanding of their potential impact on the quality of their surroundings. This program will be designed to “educate the educators” on the day-to-day operation of the FDTP, its effects on the city and its population, the effects of the city’s population on the plant, and the many steps that the population of the city can take to enhance the day-to-day and long term operation of the FDTP. Target receptors are all city educators.

The Respondent will provide one presentation to educators the first year of the settlement agreement, and one per year for the next three years. The Respondent will document all efforts to market, develop interest and secure commitments from educators for these tours, but the number of tours performed will ultimately depend on educator interest. In lieu of a required presentation, the Respondent may conduct an alternate approved project as described below in item 6.

4. Presentations to civic and local organizations. The Respondent will interface with Denham Springs and Livingston Parish organizations and groups to enhance public knowledge of sewage treatment and treatment methodology. The Respondent will attend meetings of civic organizations (i.e. Lions, Civitan, Rotary, PTA, etc.), and provide presentations including the previously mentioned aspects of the FDTP. Target receptors are the general public.

The Respondent will provide at least two onsite tours and presentations for interested groups during the first year of the settlement agreement, and four onsite tours and presentations each year for the next three years. The Respondent will document all efforts to market, develop interest and secure commitments for these tours, but the number of tours performed will ultimately depend on community interest. In lieu of a presentation, the Respondent may conduct an alternate approved project as described below in item 6.

5. The Respondent will develop a scientific paper on the results of the investigative study and make the information available through scientific journals and the scientific press. This paper may also be presented at scientific meetings, seminars and conferences. The Respondent will provide a copy to the Department, the Louisiana Water Environment Federation, the Louisiana Rural Water Association, and other associations for inclusion in any of their publications. Target receptors are Engineers and Systems Designers.

6. Since, items 2, 3, and 4 above are dependent upon target receptor interest, the following optional requirements may, upon written approval by the Department, substitute for or supplement the tours or presentations described.

- a. Presentation at the annual Environmental Education Symposium for Teachers sponsored by the Governor's Office of Environmental Education. If arrangements cannot be made to present at the Year 2003 Symposium, the Respondent will file an abstract for consideration at the Year 2004 Symposium.
- b. Participation in seminars, conferences and other scientific meetings to disseminate information learned in the investigative studies, performance evaluations, and operations of the FDTP. The Respondent will seek out other appropriate meetings and seminars that would enhance the public understanding of the FDTP in the City of Denham Springs. Target receptors are Engineering Consultants, and systems designers.
- c. Interface with the Livingston Parish Development Council to provide tours and encourage development for potential business entities in the Parish and City. Target receptors are prospective new businesses in the Denham Springs vicinity.
- d. Interface with the Governor's Office of Environmental Education and the Louisiana Environmental Education Commission to disseminate information through their technical database of environmental education materials. The Respondent will take advantage of the work that LEEC has accomplished, and expand on this to provide the necessary specific training for all involved. Target receptors are the general public.

7. The Respondent shall prepare a comprehensive annual report on the progress of this BEP. The report will detail the Marketing Plan, list all contacts made in pursuit of the projects, provide copies of presentations, summarize the number of presentations and tours by types of groups, and itemize other efforts to comply with the provisions of this BEP.

Estimated Cost to Implement and Maintain Program:

First year to develop and implement program	\$30,000
\$15,000/year for the succeeding three years.	\$45,000
Total Cost -	\$75,000

VIII

Respondent shall submit monthly reports regarding its progress on the projects. The first shall

be due on the 5th of the month following the date the Department signs this Settlement. Monthly reports shall be submitted on the 5th of every month thereafter until the project is completed. Each such monthly 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 all 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.

A. If Respondent does not spend the amount of FOUR HUNDRED AND FIFTEEN THOUSAND AND NO/100 DOLLARS (\$415,000), 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.

B. The total amount of money expended by Respondent on cash payments to DEQ and on beneficial environmental projects, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30: 2050.7(E)(1).

IX

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Orders, Warning Letter, 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.

X

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement.

XI

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.

XII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in LIVINGSTON 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 days have elapsed since publication of the notice.

XIII

Payment is to be made within ten days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and mailed to the attention of

Darryl Serio, Office of Management and Finance, Department of Environmental Quality, Post Office Box 82231, Baton Rouge, Louisiana, 70884-2231.

XIV

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

XV

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his/her respective party, and to legally bind such party to its terms and conditions.

WITNESSES:

Melanie Brumfield

Charlene [Signature]

RESPONDENT

BY: [Signature]
(signature)

James E. Durbin
(printed)

TITLE: Mayor

THUS DONE AND SIGNED in duplicate original before me this 2nd day of May, 2003, in Denham Springs, Louisiana

[Signature]
NOTARY PUBLIC

WITNESSES:

Heely Smith

[Signature]

STATE OF LOUISIANA
Hall Bohlinger, Secretary
Department of Environmental Quality

BY: [Signature]
R. Bruce Hammatt, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 14 day of August, 2003, in Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC

Approved: [Signature]
R. Bruce Hammatt, Assistant Secretary

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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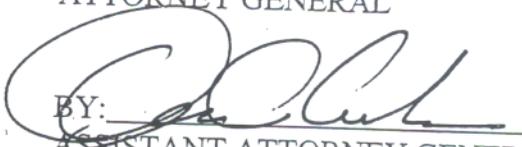
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This Settlement Agreement has been reviewed, and is concurred in, by the Attorney General, under the provisions of La. R.S. 30:2050.7.

RICHARD P. IEYOUB
ATTORNEY GENERAL

DATED: Aug 7, 2003

BY: 
ASSISTANT ATTORNEY GENERAL