

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

VILLAGE OF FOLSOM
AI # 19630

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

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* Enforcement Tracking No.
* WE-P-00-0341
* Docket No. 2001-9162-EQ
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* WE-CN-01-0406
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SETTLEMENT

The following Settlement is hereby agreed to between the Village of Folsom ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I.

Respondent is a governmental entity who operates a sewage treatment plant located on Garfield Street in Folsom, St. Tammany Parish, Louisiana ("the Facility"). Respondent is authorized to discharge certain quantities and/or qualities of treated sanitary wastewater into an unnamed ditch, thence into Morgan Branch, thence into the Bogue Falaya River, in Segment 040804 of the Lake Pontchartrain Basin under the terms and conditions of National Pollutant Discharge Elimination System (NPDES) permit LA0064378.

II.

On August 20, 2001, the Department issued a Penalty Assessment, Enforcement No. WE-P-00-0341, in the amount of \$466,450.00 to Respondent, which was based upon the following findings of fact:

An inspection conducted by the Department on or about March 23, 1998, revealed the following violations:

- A. Respondent failed to measure the pH in a timely manner when the sample was collected from Outfall 001. The failure to follow approved testing procedures is in violation of LPDES permit LA0064378 (Part III, Section A.2 and Part III, Section C.5.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.J.1, and LAC 33:IX.2355.J.4.
- B. Respondent had not calibrated its flow meter since July 3, 1996. The difference between the primary flow measurement and the secondary flow measurement was more than 10 % (percent) at the time of inspection. The failure to calibrate flow measurement devices at intervals frequent enough to ensure accuracy of measurements is in violation of LPDES permit LA0064378 (Part III, Section A.2, Part III Section C, Paragraph 5.b. and 6), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, LAC 33:IX.2355.J.1, and LAC 33:IX.2355.J.4.
- C. The sludge in the extended aeration basin was light brown. The secondary clarifier was 90 % (percent) covered with solids. There were small amounts of floating solids in the tertiary sandfilters. The discharge weir in the clarifier needed cleaning (scum-coated). Respondent's failure to properly operate and maintain its facility is in violation of LPDES permit LA0064378 (Part III, Section A.2 and Part III, Section B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

An inspection conducted by the Department on or about January 14, 1999, revealed the following violations:

- A. Records were not available at the time of the inspection. This is in violation of LPDES permit LA0064378 (Part III, Section A.2, and Part III, Section C.1.b.), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.H, LAC 33:IX.2355.I.2, LAC 33:IX.2355.J.2, and LAC 33:IX.2773.A.2.
- B. Respondent failed to correct its inflow/infiltration problem. There was increased flow during rainy periods. The failure to properly operate and maintain systems of treatment and control is in violation of LPDES

permit LA0064378 (Part III, Section A.2 and Part III, Section B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

- C. The partial flume was small, flexible, and was mounted in a way, which would make it subject to bumping and vibrations, and would effect calibration. Failure to properly operate and maintain systems of treatment and control is in violation of LPDES permit LA0064378 (Part III, Section A.2, and Part III, Section B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.
- D. Respondent's flow measurement device was found to be out of calibration by 44.5 % at the time of inspection. The failure to calibrate flow measurement devices to ensure accuracy of measurements is in violation of LPDES permit LA0064378 (Part III, Section A.2, Part III Section C, Paragraph 5.b, and 6), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.E, LAC 33:IX.2355.J.1, and LAC 33:IX.2355.J.4.

Further inspection conducted by the Department on or about August 11, 1999, revealed that the totalizer reading for each day was not being recorded. Respondent's failure to record its totalizer reading for each day is in violation LPDES permit LA0064378 (Part III, Section A.2, and Part III, Section C.3), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.J.1.

A review of the DMRs revealed the following permit violations from August 1996 through March 2000:

DATE	OUTFALL NUMBER	PARAMETER	SAMPLE VALUE	PERMIT LIMIT	UNITS
8/96	001	TSS avg.	24	15	mg/L
		TSS max.	30	23	mg/L
10/96	001	TSS avg.	16	15	mg/L
		Fecal Coliform avg.	1,000	200	#/100 ml
		Fecal Coliform max.	>10,000	400	#/100 ml
11/96	001	Fecal Coliform avg.	300	200	#/100 ml
02/97	001	TSS avg.	23	15	mg/L

DATE	OUTFALL NUMBER	PARAMETER	SAMPLE VALUE	PERMIT LIMIT	UNITS
03/97	001	TSS avg.	19	15	mg/L
		TSS avg.	21	12	lbs/day
		BOD. 5-day avg.	23	8	lbs/day
		BOD. 5-day avg.	20.8	10	mg/L
		BOD. 5-day max.	20.8	15	mg/L
		Fecal Coliform. avg.	1.034	200	#/100 ml
		Fecal Coliform. max.	4.600	400	#/100 ml
04/97	001	BOD. 5-day avg.	12	8	lbs/day
		BOD. 5-day avg.	19.9	10	mg/L
		BOD. 5-day max.	37.9	15	mg/L
		TSS avg.	14	12	lbs/day
		TSS avg.	18	15	mg/L
		TSS max.	24	23	mg/L
06/97	001	TSS avg.	15	12	lbs/day
08/97	001	Fecal Coliform	300	200	#/100 ml
11/97	001	BOD. 5-day avg.	14.4	10	mg/L
		Fecal Coliform. avg.	300	200	#/100 ml
02/98	001	BOD. 5-day avg.	41	8	lbs/day
		BOD. 5-day avg.	32	10	mg/L
		BOD. 5-day max.	42.8	15	mg/L
		TSS avg.	26	12	lbs/day
		TSS avg.	24	15	mg/L
		TSS max.	40	23	mg/L
03/98	001	BOD. 5-day avg.	14	8	lbs/day
		BOD. 5-day avg.	35.8	10	mg/L
		BOD. 5-day max.	35.8	15	mg/L
4/98	001	BOD. 5-day avg.	12	8	lbs/day
		BOD. 5-day avg.	26.5	10	mg/L
		BOD. 5-day max.	51.1	15	mg/L
5/98	001	BOD. 5-day avg.	10	8	lbs/day
		BOD. 5-day avg.	41.3	15	mg/L
		BOD. 5-day max.	32.0	10	mg/L
		TSS avg.	15	12	lbs/day
		TSS avg.	35	15	mg/L
		TSS max.	59	23	mg/L
6/98	001	TSS avg.	18	15	mg/L

DATE	OUTFALL NUMBER	PARAMETER	SAMPLE VALUE	PERMIT LIMIT	UNITS
7/98	001	BOD. 5-day avg.	13.4	10	mg/L
		BOD. 5-day max.	18.7	15	mg/L
		TSS avg.	18.0	15	mg/L
		TSS max.	33.0	23	mg/L
		Fecal Coliform, avg.	300	200	#/100 ml
8/98	001	BOD. 5-day avg.	37.6	10	mg/L
		BOD. 5-day max.	37.6	15	mg/L
		TSS avg.	61.0	15	mg/L
8/98	001	TSS max.	61.0	23	mg/L
9/98	001	BOD. 5-day avg	17.0	8	lbs/day
		TSS avg.	17.0	12	lbs/day
		Fecal Coliform avg.	>10,000	200	mg/L
		Fecal Coliform max.	>10,000	400	mg/L
12/98	001	TSS avg.	98.6	15	lbs/day
		TSS max.	98.6	23	lbs/day
1/99	001	pH	Not Reported	6.0 min. 9.0 max.	Standard Units
2/99	001	TSS avg.	39.72	12	lbs/day
		TSS avg.	170.5	15	mg/L
		TSS max.	170.5	23	mg/L
3/99	001	BOD. 5-day avg.	13.5	10	mg/L
		BOD. 5-day max.	21.0	15	mg/L
4/99	001	BOD. 5-day avg.	16	10	mg/L
		BOD. 5-day max.	16	15	mg/L
		TSS avg.	37	15	mg/L
		TSS max.	37	23	mg/L
		Fecal Coliform avg.	3,320	200	#/100 ml
		Fecal Coliform max.	3,320	400	#/100 ml
5/99	001	BOD. 5-day avg.	27	10	mg/L
		BOD. 5-day max.	27	15	mg/L
		TSS avg.	325	15	mg/L
		TSS max.	325	23	mg/L
		Fecal Coliform, avg.	2,000	200	#/100 ml
		Fecal Coliform max.	2,000	400	#/100 ml

DATE	OUTFALL NUMBER	PARAMETER	SAMPLE VALUE	PERMIT LIMIT	UNITS
8/99	001	BOD. 30-day avg. load	20.38	8	lbs/day
		BOD. 30-day avg. con.	42	10	mg/L
		BOD dly max. con.	42	15	mg/L
		TSS 30 day avg. load	77.63	12	lbs/day
		TSS 30 day avg. con.	160	15	mg/L
		TSS dyl max. con.	160	23	mg/L
		Fecal Coliform. avg.	2.000	200	#/100 ml
		Fecal Coliform max	2.000	400	#/100 ml
11/99	001	TSS 30 day avg. con.	38	15	mg/L
		TSS daily max. con.	38	23	mg/L
		Fecal Coliform. avg.	310	200	#/100 ml
3/00	001	TSS 30 day avg.	46	15	mg/L
		TSS daily max.	66	23	mg/L

Each of the above-noted effluent excursions is in violation of LPDES permit LA0064378 (Part I. Section A. 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.

Further review of the files revealed that Respondent failed to notify the Department in writing of its excursions upon submission of its DMRs, except for excursions during December 1998 and April 1999; however, the noncompliance report for December 1998 was incomplete. Respondent's failure to submit complete noncompliance reports at the time monitoring reports are submitted is in violation of LPDES permit LA0064378 (Part III, Section A.2, and Part III, Section D.8), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A and LAC 33:IX.2355.L.7.

Respondent was issued Compliance Order WE-C-99-0178 on or about November 4, 1999, for the above-referenced violations. This Compliance Order mandated the Respondent to take all steps necessary to meet and maintain compliance with LPDES permit LA0064378.

submit a plan for the expeditious elimination and prevention of all non-complying discharges, and submit a written response to the Compliance Order. The Respondent did not appeal the Compliance Order; therefore, the said action is final and effective, and not subject to further administrative review.

On or about December 6, 1999, correspondence was received from the Respondent, which outlined a comprehensive plan to address and remedy the deficiencies outlined in Compliance Order WE-C-99-0178.

Respondent was issued Notice Of Potential Penalty WE-PP-00-0051 on or about May 3, 2000, for the above-referenced violations. Respondent did forward a copy of its financial statement on or about May 31, 2000, in response to this Notice of Potential Penalty.

An inspection conducted by the Department on or about January 24, 2001, revealed the following violations:

- A. PERMIT/EFFLUENT/RECEIVING WATERS. There was an unpermitted discharge of partially treated wastewater from a location not specified in LPDES permit LA0064378. Specifically, there was a discharge of partially treated wastewater from the sand filter into waters of the state. This discharge was not being disinfected and was flowing as sheet flow into the receiving stream. There were also distinctly visible solids in the discharge from outfall 001. Also noted was the formation of long-term bottom deposits of sludge banks in the receiving stream downstream of the outfall. This is in violation of Compliance Order WE-C-99-0178, LPDES permit LA0064378 (Parts I.A and III.A.2), La. R.S. 30:2076 (A)(1)(a), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, LAC 33:IX.1113.B.3, LAC 33:IX.2355.A, and LAC 33:IX.2767.A.5.
- B. SELF-MONITORING. The Respondent monitored pollutants more frequently than is required in LPDES permit LA0064378, however the additional monitoring results were not included in the effluent loading calculations nor reported on the Discharge Monitoring Reports (DMRs). The following exceedances were noted on contract laboratory data sheets and not reported to the Department on the Respondent's DMRs:

DATE	PARAMETER	SAMPLE VALUE	PERMIT LIMIT	UNITS
05/16/00	BOD (MAX)	21	15	mg/L
05/16/00	TSS (MAX)	45	23	mg/L
05/24/00	BOD (MAX)	21	15	mg/L
05/24/00	TSS (MAX)	52	23	mg/L
08/24/00	Fecal Coliform (MAX)	500	400	col/100 ml.
09/28/00	TSS (MAX)	28	23	mg/L

This is in violation of Compliance Order WE-C-99-0178, LPDES permit LA0064378 (Parts I.A and III.A.2 and D.5), La. R.S. 30:2076 (A)(1)(a), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, LAC 33:IX.2355.A, LAC 33:IX.2355.L.4.b, and LAC 33:IX.2767.A.5.

C. RECORDS and REPORTS:

- a. Respondent has failed to submit non-compliance reports for violations noted on DMRs for the period June 1999 through February 2000 and for violations noted on DMRs for the period April 2000 through September 2000. This is in violation of Compliance Order WE-C-99-0178, LPDES permit LA0064378 (Part III.A.2, and D.8), La. R.S. 30:2076 (A)(1)(a), La. R.S. 30:2076 (A)(3), La. R.S. 30:2076 (D), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.L.7, and LAC 33:IX.2767.A.5.
- b. The flows reported on the DMRs for the period May-September 2000 were not in agreement with the flows recorded on the totalizer. These incorrect flow values, also caused the Respondent to incorrectly calculate the loadings for the same four months. Respondent also failed to record the daily totalizer readings on six different days during the period May-December 2000. This is in violation of Compliance Order WE-C-99-0178, LPDES permit LA0064378 (Part III.A.2, and

C.6). La. R.S. 30:2076 (A)(1)(a). La. R.S. 30:2076 (A)(3). LAC 33:IX.501.A. LAC 33:IX.2355.A. LAC 33:IX.2355.J.1. and LAC 33:IX.2767.A.5.

D. OPERATION AND MAINTENANCE. The sand filter was not functioning properly. Both filter chambers were overflowing and unfiltered effluent was flowing into the backwash tank. The grease trap was clogged with septic solids resulting in a septic effluent discharging into the plant. The walls between the aeration tank and the clarifiers are severely corroded. The facility is experiencing severe hydraulic overloads during periods of rainy weather. During the period November 1, 2000, through January 23, 2001, the flow exceeded the design capacity (0.0996 MGD) of the plant for 36 days. On November 18, 2000, and December 28, 2000, the flow at the plant was 0.207 MGD and 0.228 MGD, respectively. Additionally, there was a large pile of sludge in each of the drying beds, effectively removing the drying beds from service. There was excessive sludge in the clarifiers. The sludge blanket depth was 5.5 feet, the recommended depth is 3.0 feet. These operation and maintenance deficiencies are in violation of Compliance Order WE-C-99-0178, LPDES permit LA0064378 (Part III.A.2. and B.3), La. R.S. 30:2076 (A)(1)(a), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A. LAC 33:IX.2355.A. LAC 33:IX.2355.E. and LAC 33:IX.2767.A.5.

An inspection conducted by the Department on or about February 6, 2001, in response to a citizen complaint, disclosed that the Respondent did cause or allow the discharge of inadequately treated wastewater. Laboratory results indicated that the wastewater contained a TSS concentration of 24 mg/L, the effluent limitation for this parameter authorized in LPDES permit LA0064378 is 23 mg/L. The discharge of inadequately treated wastewater is in violation of Compliance Order WE-C-99-0178, LPDES Permit LA0064378 (Parts I.B and III.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.

A file review conducted by the Department on or about July 27, 2001, revealed the following effluent limitation exceedances of LPDES permit LA0064378:

PARAMETER	PERMIT LIMITS ¹	REPORTED RESULTS ¹
December 2000		
Fecal Coliform(avg.)	200	481
Fecal Coliform(max.)	400	>2000
November 2000		
TSS(avg.)	15	55
TSS(max.)	23	105
TSS(loading avg.)	12	35.1
Fecal Coliform(avg.)	200	447
Fecal Coliform(max.)	400	>2000
October 2000		
TSS(avg.)	15	34
TSS(max.)	23	38
TSS(loading avg.)	12	14.4
September 2000		
TSS(avg.)	15	79
TSS(max.)	23	85
August 2000		
Fecal Coliform(avg.)	200	1130
Fecal Coliform(max.)	400	1130
July 2000		
TSS(avg.)	15	37.5
TSS(max.)	23	70
May 2000		

TSS(avg.)	15	77.5
TSS(max.)	23	151
Fecal Coliform(max.)	400	2000
April 2000		
BOD ₅ (avg.)	10	14
BOD ₅ (loading avg.)	8	26.9
TSS(avg.)	15	23
TSS(loading avg.)	12	44.3
Fecal Coliform(avg.)	200	347.6
Fecal Coliform(max.)	400	2000
March 2000		
TSS(avg.)	15	46
TSS(max.)	23	66
January 2000		
Fecal Coliform(avg.)	200	320
November 1999		
TSS(avg.)	15	38
TSS(max.)	23	38
Fecal Coliform(avg.)	200	310
August 1999		
BOD ₅ (avg.)	10	42
BOD ₅ (max.)	15	42
BOD ₅ (loading avg.)	8	20.4
TSS(avg.)	15	160
TSS(max.)	23	160
TSS(loading avg.)	12	77.6

Fecal Coliform(avg.)	200	2000
Fecal Coliform(max.)	400	2000
June 1999		
TSS(avg.)	15	18

Units for the permit limits and reported values are as follows:

- BOD₅, TSS--mg/L.
- Fecal Coliform--col./100ml.
- Loading, all parameters--lbs/day.

These permit effluent limitation exceedances are violations of COMPLIANCE ORDER WE-C-99-0178, LPDES permit LA0064378 (Parts I.A. and III. 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, LAC 33:IX.2355.A, and LAC 33:IX.2767.A.5.

A file review conducted by the Department on or about September 27, 2004, revealed the following permit exceedances as reported by Respondent on its Discharge Monitoring Reports (DMRs) and Noncompliance Reports (NCRs):

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
March 2003	Fecal Coliform (dly. max.)	400 cols/100ml	920 cols/100ml
	BOD ₅ loading (mo. avg.)	4 lbs/day	19.5 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	12 mg/L
	TSS loading (mo. avg.)	6 lbs/day	20.2 lbs/day
	TSS (mo. avg.)	15 mg/L	22 mg/L
January 2003	TSS (mo. avg.)	15 mg/L	16 mg/L

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
December 2002	Fecal Coliform (dly. max.)	400 cols/100ml	2,760 cols/100ml
	BOD ₅ loading (mo. avg.)	4 lbs/day	12 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	11 mg/L
	TSS loading (mo. avg.)	6 lbs/day	16 mg/L
	TSS (mo. avg.)	15 mg/L	19 mg/L
	TSS (dly. max.)	23 mg/L	33 mg/L
November 2002	BOD ₅ loading (mo. avg.)	4 lbs/day	10 lbs/day
May 2002	BOD ₅ (mo. avg.)	10 mg/L	12 mg/L
April 2002	BOD ₅ loading (mo. avg.)	4 lbs/day	9.3 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	14 mg/L
	TSS loading (mo. avg.)	6 lbs/day	16.54 lbs/day
	TSS (mo. avg.)	15 mg/L	25 mg/L
	TSS (dly. max.)	23 mg/L	25 mg/L
March 2002	BOD ₅ loading (mo. avg.)	4 lbs/day	11.9 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	15 mg/L
February 2002	Fecal Coliform (mo. avg.)	200cols/100ml	848 cols/100ml
	Fecal Coliform (dly. max.)	400 cols/100ml	11,040 cols/100ml
January 2002	Fecal Coliform (mo. avg.)	200cols/100ml	591 cols/100ml
	Fecal Coliform (dly. max.)	400 cols/100ml	1,840 cols/100ml
	BOD ₅ loading (mo. avg.)	4 lbs/day	9.7 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	15.5 mg/L
	BOD ₅ (dly. max.)	15 mg/L	22 mg/L
	TSS loading (mo. avg.)	6 lbs/day	19.52 lbs/day
	TSS (mo. avg.)	15 mg/L	31 mg/L
	TSS (dly. max.)	23 mg/L	38 mg/L
December 2001	BOD ₅ loading (mo. avg.)	4 lbs/day	8.6 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	19 mg/L
	BOD ₅ (dly. max.)	15 mg/L	19 mg/L
	TSS loading (mo. avg.)	6 lbs/day	39.2 lbs/day
	TSS (mo. avg.)	15 mg/L	86.5 mg/L
	TSS (dly. max.)	23 mg/L	164 mg/L
November 2001	BOD ₅ (mo. avg.)	10 mg/L	13 mg/L
	TSS (mo. avg.)	15 mg/L	18 mg/L

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
October 2001	BOD ₅ (mo. avg.)	10 mg/L	11.5 mg/L
	BOD ₅ (dly. max.)	15 mg/L	17 mg/L
	TSS loading (mo. avg.)	6 lbs/day	34.2 lbs/day
	TSS (mo. avg.)	15 mg/L	58.5 mg/L
	TSS (dly. max.)	23 mg/L	76 mg/L
September 2001	Fecal Coliform (mo. avg.)	200cols/100ml	1.766 cols/100ml
	Fecal Coliform (dly. max.)	400 cols/100ml	13.800 cols/100ml
August 2001	BOD ₅ (mo. avg.)	10 mg/L	15 mg/L
	TSS loading (mo. avg.)	6 lbs/day	13.2 lbs/day
	TSS (mo. avg.)	15 mg/L	31 mg/L
	TSS (dly. max.)	23 mg/L	31 mg/L
June 2001	BOD ₅ loading (mo. avg.)	4 lbs/day	17.1 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	15 mg/L
February 2001	TSS (mo. avg.)	15 mg/L	18 mg/L

A file review conducted by the Department on or about September 27, 2004, revealed the following permit exceedances as reported by Respondent on its Discharge Monitoring Reports (DMRs) and Noncompliance Reports (NCRs):

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
March 2003	Fecal Coliform (dly. max.)	400 cols/100ml	920 cols/100ml
	BOD ₅ loading (mo. avg.)	4 lbs/day	19.5 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	12 mg/L
	TSS loading (mo. avg.)	6 lbs/day	20.2 lbs/day
	TSS (mo. avg.)	15 mg/L	22 mg/L
January 2003	TSS (mo. avg.)	15 mg/L	16 mg/L
December 2002	Fecal Coliform (dly. max.)	400 cols/100ml	2.760 cols/100ml
	BOD ₅ loading (mo. avg.)	4 lbs/day	12 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	11 mg/L
	TSS loading (mo. avg.)	6 lbs/day	16 mg/L
	TSS (mo. avg.)	15 mg/L	19 mg/L
	TSS (dly. max.)	23 mg/L	33 mg/L

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
November 2002	BOD ₅ loading (mo. avg.)	4 lbs/day	10 lbs/day
May 2002	BOD ₅ (mo. avg.)	10 mg/L	12 mg/L
April 2002	BOD ₅ loading (mo. avg.)	4 lbs/day	9.3 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	14 mg/L
	TSS loading (mo. avg.)	6 lbs/day	16.54 lbs/day
	TSS (mo. avg.)	15 mg/L	25 mg/L
	TSS (dly. max.)	23 mg/L	25 mg/L
March 2002	BOD ₅ loading (mo. avg.)	4 lbs/day	11.9 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	15 mg/L
February 2002	Fecal Coliform (mo. avg.)	200cols/100ml	848 cols/100ml
	Fecal Coliform (dly. max.)	400 cols/100ml	11,040 cols/100ml
January 2002	Fecal Coliform (mo. avg.)	200cols/100ml	591 cols/100ml
	Fecal Coliform (dly. max.)	400 cols/100ml	1,840 cols/100ml
	BOD ₅ loading (mo. avg.)	4 lbs/day	9.7 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	15.5 mg/L
	BOD ₅ (dly. max.)	15 mg/L	22 mg/l
	TSS loading (mo. avg.)	6 lbs/day	19.52 lbs/day
	TSS (mo. avg.)	15 mg/L	31 mg/L
	TSS (dly. max.)	23 mg/L	38 mg/L
December 2001	BOD ₅ loading (mo. avg.)	4 lbs/day	8.6 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	19 mg/L
	BOD ₅ (dly. max.)	15 mg/L	19 mg/l
	TSS loading (mo. avg.)	6 lbs/day	39.2 lbs/day
	TSS (mo. avg.)	15 mg/L	86.5 mg/L
	TSS (dly. max.)	23 mg/L	164 mg/L
November 2001	BOD ₅ (mo. avg.)	10 mg/L	13 mg/L
	TSS (mo. avg.)	15 mg/L	18 mg/L
October 2001	BOD ₅ (mo. avg.)	10 mg/L	11.5 mg/L
	BOD ₅ (dly. max.)	15 mg/L	17 mg/L
	TSS loading (mo. avg.)	6 lbs/day	34.2 lbs/day
	TSS (mo. avg.)	15 mg/L	58.5 mg/L
	TSS (dly. max.)	23 mg/L	76 mg/L
September 2001	Fecal Coliform (mo. avg.)	200cols/100ml	1,766 cols/100ml
	Fecal Coliform (dly. max.)	400 cols/100ml	13,800 cols/100ml

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
August 2001	BOD ₅ (mo. avg.)	10 mg/L	15 mg/L
	TSS loading (mo. avg.)	6 lbs/day	13.2 lbs/day
	TSS (mo. avg.)	15 mg/L	31 mg/L
	TSS (dly. max.)	23 mg/L	31 mg/L
June 2001	BOD ₅ loading (mo. avg.)	4 lbs/day	17.1 lbs/day
	BOD ₅ (mo. avg.)	10 mg/L	15 mg/L
February 2001	TSS (mo. avg.)	15 mg/L	18 mg/L
May 2000	BOD ₅ (mo. avg.)	10 mg/L	16.9 mg/L
	BOD ₅ (dly. max.)	15 mg/L	27.5 mg/L
October 1998	Fecal Coliform (mo. avg.)	200cols/100ml	400cols/100ml

III.

In response to the Penalty Assessment, Respondent made a timely request for a hearing.

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 FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) of which ONE THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$1,785.00) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI.

The Department, in addition to the penalty amount specified in Paragraph V above, has taken into consideration the Respondent's projects and expenditures to bring the sewage treatment plant into compliance as follows:

- A. Moving the sanitary waste water discharge point from the unnamed ditch, also known as Valois ravine, to just west of the Louisiana Highway 25 bridge into Morgan's Branch at a cost of TWO HUNDRED TWENTY THOUSAND AND NO/100 DOLLARS (\$220,000.00);
- B. The unsuccessful bio-remediation project performed by Sludge Solutions to the unnamed ditch, also known as Valois ravine, at a cost of TWENTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$28,000.00); and
- C. The construction of a Sequence Batch Reactor (SBR) sewage treatment plant for the Village of Folsom, at a cost of ONE MILLION TWO HUNDRED FORTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$1,248,000.00).

All of the aforementioned projects have been successfully completed and no further projects are contemplated at this time.

VII.

Respondent further agrees 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.

VIII.

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, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

IX.

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.

X.

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Tammany 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.

XI.

Payment is to be made within thirty (30) 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, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303.

XII.

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

XIII.

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.

VILLAGE OF FOLSOM

BY: [Signature]
(Signature)

MARSHALL BRUMFIELD
(Printed or Typed)

TITLE: MAYOR

THUS DONE AND SIGNED in duplicate original before me this 16th day of December, 20 04 in Folsom, LA



[Signature]
NOTARY PUBLIC (ID # 11432)

Michael S. Rolland
(Printed or Typed)

STATE OF LOUISIANA
Mike D. McDaniel, Ph.D., Secretary
Department of Environmental Quality

BY: [Signature]
Harold Leggett, Ph.D., Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 7th day of February, 20 05 in Baton Rouge, Louisiana

[Signature]
NOTARY PUBLIC (ID # 20451)

Ted L. Boyles II
(Printed or Typed)

Approved: [Signature]
Harold Leggett, Ph.D., Assistant Secretary

Village of Folsom
Special Meeting
August 2, 2004

Present: Mayor Marshall Brumfield
Alderman Ronald Holliday
Alderman George Garrett
Alderman John Mathies

Absent: None

The special meeting regarding pending litigation was called to order and a quorum established. The agenda was approved on motion of Alderman Holliday, seconded by Alderman Garrett. (3 Yeas, 0 Nays) The motion carried.

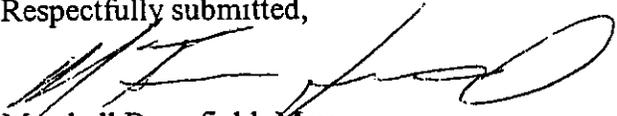
On motion of Alderman Garrett, seconded by Alderman Mathies the special meeting went into executive session. (3 Yeas, 0 Nays) The motion carried.

On motion of Alderman Holliday, seconded by Alderman Garrett the meeting was returned to open session. (3 Yeas, 0 Nays) The motion carried.

A motion authorizing the Mayor to execute settlement documents in the litigation of Lockett vs. Village of Folsom, the settlement papers for DEQ and to sign together with one Alderman the checks to fund the settlement, was made by Alderman Garrett, seconded by Alderman Mathies. (3 Yeas, 0 Nays) The motion carried.

Being no further business, the special meeting was adjourned on motion of Alderman Holliday, seconded by Alderman Garrett. (3 Yeas, 0 Nays) The motion carried.

Respectfully submitted,


Marshall Brumfield, Mayor

I attest that the above is a true and correct copy of the minutes of the special meeting held August 2, 2004.

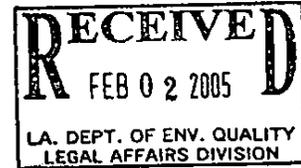
Attest:


Joyce Core, Clerk



CHARLES C. FOTI, JR.
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005



January 27, 2005

Mr. Louis E. Buatt, General Counsel
La. Department of Environmental Quality
Legal Affairs Division
P.O. Box 4302
Baton Rouge, LA 70821-4302

Re: AG Review of DEQ Settlement;
Village of Folsom
WE-P-OO-0341 and WE-CN-01-0406

Dear Mr. Buatt:

Pursuant to the authority granted to me by Art. IV, Sec. 8 of the state constitution and R.S. 30:2050.7(E)(2)(a), I approve the above referenced settlement.

Sincerely,

By: 
CHARLES C. FOTI, JR.
Attorney General

CCF/mlc