

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* **Settlement Tracking No.**
* **SA-WE-07-0038**
*

JEFFERSON PARISH GOVERNMENT

* **Enforcement Tracking No.**
* **WE-C-00-0041, WE-CN-00-0217,**
* **WE-CN-01-0412, WE-CN-03-0860,**
* **WE-CN-03-0860A, WE-C-05-0101,**
* **WE-C-06-0217, WE-C-06-0217A**
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AI #2918

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

* **Docket No.**
* **2005-3364-EQ, 2005-3366-EQ,**
* **2005-3773-EQ, 2006-4022-EQ,**
* **2007-1780-EQ**

SETTLEMENT

The following settlement is hereby agreed to between Jefferson Parish Government (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 local government who operates the existing sewage treatment facility at 6250 Lapalco Boulevard in Marrero, Jefferson Parish, Louisiana (the facility).

II.

On February 28, 2000, the Department issued a Compliance Order, Enforcement Number WE-C-00-0041, to Respondent, which was based on the following findings of fact:

Respondent owns and/or operates a municipal wastewater treatment facility located at 6250 Lapalco Boulevard in Marrero, Jefferson Parish, Louisiana. Respondent was issued

National Pollutant Discharge Elimination System (NPDES) permit LA0042048 from the Environmental Protection Agency (EPA) on September 13, 1996, with an expiration date of October 31, 2001. Under the terms and conditions of the NPDES permit which became a Louisiana Pollutant Discharge Elimination System (LPDES) permit, Respondent is authorized to discharge treated sanitary wastewater into the Mississippi River, which is waters of the state.

An inspection by the Department on or about August 19, 1999, revealed that Respondent failed to comply with the terms and conditions of LPDES permit LA0042048. Specifically, the following violations were noted during the inspection:

A. The Flow Measurement was unsatisfactory. The flow measurement device failed to measure the flow within a maximum deviation of less than 10% from the true discharge rate. Based on the flow values recorded during the inspection, the calculated percent error of the flow meter was 12.98%. This is in violation of LPDES permit LA0042048 (Part III, Sections A.2 and C.6), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

B. The Self-Monitoring Program was unsatisfactory. Specifically, the ISCO sampler's temperature was 11°C at the time of the inspection. This is in violation of LPDES permit LA0042048 (Part III, Sections A.2 and C.5.a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.J.4.

C. Operation and Maintenance was unsatisfactory. Specifically, the following observations were made by the inspector: (1) the No. 2 Trickling Filter was not in service due to a bearing failure. Respondent initiated activities to repair the filter. (2) the wastewater in the primary clarifier, final clarifier, and the chlorine contact chamber was black in color with traces of solids in the clarifiers. Respondent indicated that the black wastewater was caused by an overload of ferrous sulfate which is used to control the odor in the collection system. This is in violation of LPDES permit LA0042048 (Part III, Sections A.2 and 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 by the Department on or about August 19, 1999, and a subsequent file review revealed that Respondent caused or allowed the unauthorized discharge of inadequately

treated sanitary wastewater to waters of the state for the monitoring periods from June, 1999, through December, 1999. The effluent violations from Outfall 001 as reported on Respondent's Discharge Monitoring Reports (DMRs) are summarized below:

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
12/31/99	BOD ₅	30 mg/L (avg)	31 mg/L
10/31/99	TSS	45 mg/L (max)	62 mg/L
10/31/99	BOD ₅	45 mg/L (max)	71 mg/L
9/30/99	TSS	2,402 lbs/day (avg)	2,746 lbs/day
		30 mg/L (avg)	34 mg/L
9/30/99	BOD ₅	2,402 lbs/day (avg)	3,678 lbs/day
		30 mg/L (avg)	44 mg/L
		45 mg/L (max)	52 mg/L
8/30/99	TSS	2,402 lbs/day (avg)	2,973 lbs/day
		30 mg/L (avg)	37 mg/L
		45 mg/L (max)	73 mg/L
8/30/99	BOD ₅	2,402 lbs/day (avg)	3,513 lbs/day
		30 mg/L (avg)	44 mg/L
		45 mg/L (max)	57 mg/L
7/31/99	BOD ₅	2,402 lbs/day (avg)	3,126 lbs/day
		30 mg/L (avg)	34 mg/L
		45 mg/L (max)	51 mg/L
6/30/99	BOD ₅	2,402 lbs/day (avg)	2,765 lbs/day
		30 mg/L (avg)	36 mg/L
		45 mg/L (max)	49 mg/L

These effluent violations for the monitoring periods from June, 1999, through December, 1999, constitute violations of the terms and conditions of LPDES permit LA0042048 (Part I, Sections A and B.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.

An inspection by the Department on or about August 19, 1999, and a subsequent file review revealed that the Respondent caused or allowed the unauthorized discharge of sewage to the Jefferson Parish storm drainage system which ultimately drains to Bayou Barataria, waters of the state, as evidenced by its Collection System Overflow Summary:

DATE	TIME	LOCATION
11/12/99	8:30 A.M.	Manhole Overflow – 3928 Deer Park Dr.
10/18/99	7:19 A.M.	Lift station at the intersection of Rue Louis Phillipe and Fernando St.
10/07/99	7:30 A.M.	Force main at the intersection of Barataria Blvd. and Bell Terre
10/3/99	7:30 A.M.	Force main at the lift station on Sprig St. and Foliage Dr.
9/29/99	Unknown	Force main at the intersection of Bell Promenade and Belle Terre
9/29/99	10:30 A.M.	Intersection of W. Expressway and Eiseman St.
9/27/99	Unknown	Force main at the intersection of Bell Promenade and Barataria Blvd.
9/21/99	10:00 A.M.	Lift station at the intersection of Deutsch Rd. and Crestwood Rd.
9/12/99	12:00 P.M.	Lift station at the intersection of Bell Promenade and Belle Terre
9/01/99	7:00 A.M.	Force main at 1521 Ames Blvd.
7/21/99	9:00 A.M.	Force main at 1601 Longbridge Dr.
5/24/99	1:30 P.M.	Pritchard Central
5/23/99	6:00 P.M.	Force main at 6250 Lapalco Blvd.
5/12/99	1:30 P.M.	Manhole Overflow – 1300 Block of Westwood Dr.

DATE	TIME	LOCATION
5/12/99	1:20 P.M.	Manhole Overflow – 712 Jung Blvd.
5/11/99	9:00 A.M.	Manhole Overflow – Intersection of Rue Louis Phillipe and Waters Dr.

The Overflow Summary for August, 1999 could not be located.

These unauthorized discharges of sewage constitute violations of LPDES permit LA0042048 (Part I, Section A and Part III, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

On November 30, 2000, the Department issued a Compliance Order and Notice of Potential Penalty, Enforcement Number WE-CN-00-0217, to Respondent, based on the following findings of fact:

Respondent owns and/or operates an existing sewage treatment facility located at 6250 Lapalco Boulevard in Marrero, Jefferson Parish, Louisiana. Respondent was issued National Pollutant Discharge Elimination System (NPDES) permit LA0042048 from the U.S. Environmental Protection Agency with an effective date of November 1, 1996, and an expiration date of October 31, 2001. Under the terms and conditions of the NPDES permit, which became a Louisiana Pollutant Discharge Elimination System (LPDES) permit, Respondent is authorized to discharge treated sanitary wastewater from Outfall 001 to the Mississippi River, waters of the State.

Respondent was issued Compliance Order WE-C-00-0041 on or about February 28, 2000, for failure to properly measure flow, failure to properly sample its discharge, failure to properly operate and maintain its treatment facility, the unauthorized discharge of inadequately treated sanitary wastewater to waters of the state, and for the unauthorized discharge of sewage to waters of the state.

A file review conducted by the Department on or about November 16, 2000, revealed the following violations:

A. Respondent did cause or allow the unauthorized discharge of inadequately treated sanitary wastewater to waters of the state for the January, 2000, monitoring period. Respondent has reported the following effluent violations at Outfall 001:

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
01/2000	BOD ₅ (Monthly Avg.)	2,402 lbs/day	2,441 lbs/day
	BOD ₅ (Monthly Avg.)	30 mg/L	40 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	47 mg/L

These effluent violations for the January, 2000, monitoring period constitute violations of the terms and conditions of LPDES permit LA0042048 (Part I, Sections A and B.1, and Part III, Section A.2), 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.

B. Respondent did cause or allow the unauthorized discharge of inadequately treated sanitary wastewater to waters of the state for the monitoring periods from February, 2000, through August, 2000. Respondent has reported the following effluent violations at Outfall 001:

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
02/2000	BOD ₅ (Monthly Avg.)	30 mg/L	35 mg/L
03/2000	BOD ₅ (Monthly Avg.)	2,402 lbs/day	2,428 lbs/day
	BOD ₅ (Monthly Avg.)	30 mg/L	40 mg/L
	TSS (Monthly Avg.)	30 mg/L	34 mg/L
06/2000	BOD ₅ (Monthly Avg.)	30 mg/L	31 mg/L
07/2000	BOD ₅ (Monthly Avg.)	30 mg/L	32 mg/L

DATE	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
08/2000	BOD ₅ (Monthly Avg.)	2,402 lbs/day	2,438 lbs/day
	BOD ₅ (Monthly Avg.)	30 mg/L	34 mg/L

These effluent violations for the monitoring periods from February, 2000, through August, 2000, constitute violations of the terms and conditions of LPDES permit LA0042048 (Part I, Sections A and B.1 and Part III, Section A.2), Compliance Order WE-C-00-0041, 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.

C. Respondent caused or allowed the unauthorized discharge of sewage to the Jefferson Parish storm drainage system, which ultimately drains to Bayou Barataria, waters of the state, as evidenced by its Collection System Overflow Summary:

DATE	TIME	LOCATION
01/07/00	9:20 A.M.	Lift station at the intersection of Barataria Blvd. and Cousins Blvd.
01/10/00	5:30 P.M.	Cleanout at 1808 Industrial Blvd.
01/31/00	7:00 A.M.	Force main at 2700 Destrehan Ave.
01/31/00	6:00 P.M.	Lift station at the intersection of Deerpark Dr. and Sunnymead

These unauthorized discharges of sewage constitute violations of LPDES permit LA0042048 (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, LAC 33:IX.2355.A, and LAC 33:IX.2767.A.5.

D. Respondent caused or allowed the unauthorized discharge of sewage to the Jefferson Parish storm drainage system which ultimately drains to Bayou Barataria, waters of the state, as evidenced by its Collection System Overflow Summary:

DATE	TIME	LOCATION
03/01/00	10:00 A.M.	Lake Timberlane lift station
03/11/00	8:30 A.M.	Manhole at the intersection of Ames Blvd. and Delores

DATE	TIME	LOCATION
03/28/00	6:00 P.M.	Lift station at the intersection of Deerpark Dr. and Sunnymeade
04/05/00	7:00 A.M.	Gravity line at the intersection of Barataria Blvd. and Belle Terre Road
04/05/00	7:30 A.M.	Gravity line at the intersection of Barataria Blvd. and Belle Terre Road
04/12/00	10:00 A.M.	Force main at 2024 Gladstone
04/26/00	5:30 A.M.	Lift station at Barataria Blvd. and Bayou De Families
05/30/00	9:30 A.M.	Force main at 5609 Randolph St.
06/13/00	7:45 A.M.	Force main at the intersection of Commercial Dr. and Day St.
06/26/00	6:00 A.M.	Manhole at the intersection of Barataria Blvd. and College Blvd.
07/07/00	9:30 A.M.	Manhole at 2000 Giase Dr.
07/14/00	1:30 P.M.	Force main at the intersection of Deutsch Rd. and Crestwood
07/28/00	1:00 P.M.	Force main at 2700 Destrehan Ave.

Overflow Summaries for February and August, 2000, could not be located in the files.

These unauthorized discharges of sewage constitute violations of LPDES permit LA0042048 (Part I, Section A and Part III, Section A.2), Compliance Order WE-C-00-0041, 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.

1.

On November 29, 2001, the Department issued a Compliance Order and Notice of Potential Penalty, Enforcement Number WE-CN-01-0412, to Respondent, which was based on the following findings of fact:

The Respondent owns and/or operates an existing sewage treatment facility located at 6250 Lapalco Boulevard in Marrero, Jefferson Parish, Louisiana. The Respondent was issued National Pollutant Discharge Elimination System (NPDES) permit LA0042048 from the U.S.

Environmental Protection Agency with an effective date of November 1, 1996, and an expiration date of October 31, 2001. To date, the Respondent has not submitted a permit renewal application. Under the terms and conditions of the NPDES permit, which became a Louisiana Pollutant Discharge Elimination System (LPDES) permit, the Respondent was authorized to discharge treated sanitary wastewater to the Mississippi River, waters of the state. Since the Respondent did not submit a permit renewal application prior to the expiration date and the Department did not administratively extend LPDES permit LA0042048, the Respondent does not currently have a Louisiana Pollutant Discharge Elimination System (LPDES) permit or any other authority to discharge wastewater and/or other substances to waters of the state.

The Respondent was issued Compliance Order WE-C-00-0041, on or about February 28, 2000, for failure to properly measure flow, failure to properly sample its discharge, failure to properly operate and maintain its facility, the unauthorized discharge of inadequately treated sanitary wastewater to waters of the state, and for the unauthorized discharge of sewage to waters of the state. The Respondent submitted a response to Compliance Order WE-C-00-0041 on or about August 4, 2000.

The Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0217 on or about November 30, 2000, for effluent violations and unauthorized discharges of sewage to waters of the state. The Department held a meeting with the Respondent on January 31, 2001, in which the Respondent agreed to submit a response to Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0217 and include a compliance schedule. To date, the Respondent has not submitted a response and/or a compliance schedule to the Department. The Respondent's failure to submit a response is in violation of

Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0217, La. R.S. 30:2076(A)(3) and LAC 33:IX.501.A.

An inspection conducted by the Department on or about June 20, 2001, and a subsequent file review conducted by the Department on or about October 26, 2001, disclosed the following permit excursions for the monitoring periods from November, 2000, through August, 2001, as reported by the Respondent to the Department:

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	REPORTED VALUE
November 2000	001	BOD ₅	2,402 lbs/day (avg)	2,583 lbs/day
		TSS	2,402 lbs/day (avg)	2,414 lbs/day
December 2000	001	BOD ₅	2,402 lbs/day (avg)	2,439 lbs/day
March 2001	001	BOD ₅	2,402 lbs/day (avg)	3,003 lbs/day
		TSS	2,402 lbs/day (avg)	4,895 lbs/day
			30 mg/L (monthly avg)	32 mg/L
June 2001	001	BOD ₅	2,402 lbs/day (avg)	3,361 lbs/day
		TSS	2,402 lbs/day (avg)	5,106 lbs/day
July 2001	001	BOD ₅	2,402 lbs/day (avg)	2,777 lbs/day
		TSS	2,402 lbs/day (avg)	3,260 lbs/day
August 2001	001	TSS	2,402 lbs/day (avg)	2,976 lbs/day
			45 mg/L (weekly avg)	50 mg/L

These permit excursions are in violation of Compliance Order WE-C-00-0041, Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0217, LPDES permit LA0042048

(Part I, Sections A and B.1, and Part III, Section A.2), 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.

An inspection conducted by the Department on or about June 20, 2001, and a subsequent file review conducted by the Department on or about October 26, 2001, indicated that the Respondent did cause and/or allow the following unauthorized discharges of sewage to the Jefferson Parish storm drainage system which ultimately drains to Bayou Barataria, waters of the state, as evidenced by its Collection System Overflow Summary:

DATE	TIME	LOCATION
10/2/00	10:45 a.m.	Manhole at 2400 Taffy Drive
11/7/00	9:15 p.m.	Manhole at 1900 Westminster Boulevard
11/20/00	10:00 a.m.	Force main at the intersection of Pritchard Road and Hillcrest Drive
11/20/00	10:00 p.m.	Lift station wet well at the intersection of College Parkway and Barataria Boulevard
12/24/00	10:00 p.m.	Manhole at 1700 Barataria Boulevard
12/29/00	7:00 p.m.	Manhole at #53 Seven Oaks Road
1/30/01	2:00 p.m.	Force main at the intersection of Lapalco Boulevard and Fortado Canal
2/15/01	12:00 p.m.	Lift station wet well at the intersection of Lafitte-Larose Hwy. and Pritchard Road
2/17/01	6:00 p.m.	Manhole at the intersection of Cimwood Drive and Touchwood Drive
2/19/01	2:00 p.m.	Lift station wet well at the intersection of Lafitte-Larose Hwy. and Pritchard Road
2/26/01	12:45 p.m.	Manhole at the intersection of Magnoliaridge Street and Cousins Boulevard
3/3/01	6:30 p.m.	Manhole at the intersection of the West Bank Expressway and Avenue E
3/6/01	12:45 p.m.	Gravity line at 2300 Barataria Boulevard

DATE	TIME	LOCATION
3/12/01	9:10 a.m.	Manhole at 712 Jung Boulevard
3/12/01	6:00 p.m.	Manhole at 5200 Wood Stream Drive
3/17/01	1:00 a.m.	Gravity line at 2300 Barataria Boulevard
4/8/01	4:10 p.m.	Manhole at 1029 Parc Helene
4/19/01	6:00 p.m.	Manhole at 2008 Watling Drive
4/24/01	9:00 a.m.	Lift station wet well at the intersection of Bayou de Familles and Barataria Boulevard
4/26/01	11:30 a.m.	Force main at the intersection of Barataria Boulevard and Cousins Boulevard

These unauthorized discharges of sewage constitute violations of Compliance Order WE-C-00-0041, Consolidated Compliance Order and Notice of Potential Penalty WE-CN-00-0217, LPDES permit LA0042048 (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, LAC 33:IX.2355.A, and LAC 33:IX.2767.A.5.

A file review conducted by the Department on or about October 26, 2001, indicated that there was an adverse impact to aquatic biota in Fortado Canal and Bayou Fatima, both waters of the state, as a result of the Respondent's unauthorized discharge on or about January 30, 2001. On or about February 5, 2001, a count of dead fish revealed approximately two hundred small gizzard shad, perch and catfish. This destruction of aquatic biota is in violation of 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.1.d, LAC 33:IX.1113.B.5 and LAC 33:IX.2355.A.

A file review conducted by the Department on or about October 26, 2001, indicated that the Respondent failed to submit a renewal application at least 180 days before the expiration of

LPDES permit LA0042048. To date, the Respondent has not submitted a permit renewal application. The Respondent's failure to submit a timely permit renewal application is in violation of LPDES permit LA0042048 (Part III, Sections 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.

Any unauthorized discharges from the facility occurring after October 31, 2001, are in violation of La. R.S. 30:2075, 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, and LAC 33:IX.2331.A.

On February 23, 2004, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement Number WE-CN-03-0860, to Respondent, which was based upon the following findings of fact:

The Respondent owns and/or operates an existing sewage treatment facility which serves the residences and businesses of the City of Marrero. The facility is located at 6250 Lapalco Boulevard, in Marrero, Jefferson Parish, Louisiana. The Respondent was issued National Pollutant Discharge Elimination System (NPDES) permit LA0042048 from the United States Environmental Protection Agency with an effective date of November 1, 1996, and an expiration date of October 31, 2001. In accordance with the assumption of the NPDES program by the state, NPDES permit LA0042048 became a Louisiana Pollutant Discharge Elimination System (LPDES) permit with the same expiration date. The Respondent did not submit a permit renewal application prior to the expiration date; therefore, LPDES permit LA0042048 was not administratively continued. The Respondent was granted interim authorization to discharge treated wastewater into the Mississippi River, waters of the State, in Consolidated Compliance Order and Notice of Potential Penalty Enforcement Tracking Number WE-CN-01-0412, issued on or about November 29, 2001. The Respondent did submit a permit renewal application on or

about December 4, 2001, and an amended application on or about January 24, 2002. These applications are currently under administrative review [and the LPDES permit was issued on or about December 30, 2004].

A file review conducted by the Department on or about January 30, 2004, revealed the following permit exceedances for the period of January, 2002, through December, 2003, as reported by Respondent on its Discharge Monitoring Reports (DMRs) and Noncompliance Reports (NCRs):

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
January, 2004	TSS loading (mo. avg.) TSS loading (mo. avg.) BOD ₅ loading (mo. avg.) TSS (wkly. avg.)	2,402 lbs/day 30 mg/L 2,402 lbs/day 45 mg/L	2,733 lbs/day 34 mg/L 2,402 lbs/day 46 mg/L
December, 2003	BOD ₅ loading (mo. avg.) TSS loading (mo. avg.) TSS loading (mo. avg.)	30 mg/L 2,402 lbs/day 30 mg/L	33 mg/L 2,705 lbs/day 32 mg/L
November, 2003	BOD ₅ loading (mo. avg.) BOD ₅ (mo. avg.) BOD ₅ (wkly. avg.) TSS loading (mo. avg.)	2,402 lbs/day 30 mg/L 45 mg/L 2,402 lbs/day	2,636 lbs/day 42 mg/L 48 mg/L 2,530 lbs/day
October, 2003	BOD ₅ (mo. avg.) TSS (mo. avg.)	30 mg/L 30 mg/L	32 mg/L 37 mg/L
September, 2003	TSS (mo. avg.)	30 mg/L	33 mg/L
August, 2003	BOD ₅ (wkly. avg.) TSS loading (mo. avg.) TSS (mo. avg.)	45 mg/L 2,402 lbs/day 30 mg/L	48 mg/L 2,624 lbs/day 32 mg/L
July, 2003	BOD loading (mo. avg.) TSS loading (mo. avg.)	2,402 lbs/day 2,402 lbs/day	3,144 lbs/day 3,074 lbs/day

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
June, 2003	BOD ₅ loading (mo. avg.)	2,402 lbs/day	3,214 lbs/day
	BOD ₅ (mo. avg.)	30 mg/L	32 mg/L
	BOD ₅ (wkly. avg.)	45 mg/L	48 mg/L
	TSS (mo. avg.)	30 mg/L	39 mg/L
	TSS loading (mo. avg.)	2,402 lbs/day	3,238 lbs/day
May, 2003	BOD ₅ loading (mo. avg.)	2,402 lbs/day	2,671 lbs/day
	BOD ₅ (mo. avg.)	30 mg/L	46 mg/L
	BOD ₅ (wkly. avg.)	45 mg/L	60 mg/L
	TSS (mo. avg.)	30 mg/L	36 mg/L
April, 2003	TSS loading (mo. avg.)	2,402 lbs/day	2,411 lbs/day
March, 2003	TSS loading (mo. avg.)	2,402 lbs/day	2,794 lbs/day
November, 2002	TSS loading (mo. avg.)	2,402 lbs/day	2,523 lbs/day
September, 2002	TSS loading (mo. avg.)	2,402 lbs/day	2,535 lbs/day
July, 2002	BOD ₅ (mo. avg.)	30 mg/L	32 mg/L
	TSS (mo. avg.)	30 mg/L	33 mg/L
April, 2002	TSS loading (mo. avg.)	2,402 lbs/day	2,439 lbs/day
February, 2002	TSS (mo. avg.)	30 mg/L	31 mg/L
	TSS loading (mo. avg.)	2,402 lbs/day	3,002 lbs/day
January, 2002	BOD ₅ loading (mo. avg.)	2,402 lbs/day	2,442 lbs/day
	TSS loading (mo. avg.)	2,402 lbs/day	2,736 lbs/day

The above noted permit exceedances as reported by Respondent are in violation of Consolidated Compliance Order and Notice of Potential Penalty Enforcement Tracking Number WE-CN-01-0412, La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(b), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

A file review conducted by the Department on or about January 30, 2004, revealed that the Respondent did cause or allow the unauthorized discharge of wastewater from a location not specified in Consolidated Compliance Order and Notice of Potential Penalty Enforcement

Tracking Number WE-CN-01-0412. Specifically, there have been approximately thirty-three (33) unauthorized discharges since March, 2002, at various locations around the city into local drainage, thence into Bayou Barataria as noted below:

DATE	TIME	LOCATION
10/11/03	12:00 p.m.	Force main at the intersection of West Bank Expressway and Eiseman Road
8/18/03	10:00 a.m.	Lift station at the intersection of Avenue B and 12 th Street
7/19/03	6:15 p.m.	Lift station at the intersection of Dove Avenue & Dede Street
7/7/03	7:00 a.m.	Manhole at 3700 Red Cedar Lane
7/6/03	9:30 p.m.	Manhole at 5049 Rochester Drive
7/1/03	8:30 p.m.	Manhole at 2953 Dove Avenue
6/30/03	4:15 p.m.	Lift station at the intersection of Rue Louis Phillipe and Waters Drive
6/2/03	12:30 p.m.	Lift station at the intersection of 13 th Street and Farrington Drive
2/24/03	12:58 p.m.	Lift station at the intersection of Rue Louis Phillipe and Waters Drive
2/15/03	1:00 p.m.	Lift station at the intersection of Barataria Boulevard and Cousins Boulevard
1/30/03	8:30 p.m.	Manhole at 2481 Dolores Drive
1/24/03	4:00 p.m.	Lift station at the intersection of Keithway Drive and Glenoak Drive
1/16/03	10:00 a.m.	Lift station at the Old Woodmere Plant near Nathan Korman Drive
8/30/02	4:00 p.m.	Lift station at the intersection of Industrial Boulevard and Vonnie Drive
8/28/02	4:00 p.m.	Lift station at the intersection of Industrial Boulevard and Vonnie Drive
8/28/02	9:40 a.m.	Force main at #1 Merlin Lane
8/25/02	11:30 a.m.	Manhole at the intersection of Rue Louis Phillipe and Sauvage Avenue
8/21/02	4:00 p.m.	Lift station at the intersection of Industrial Boulevard and Vonnie Drive
8/8/02	8:00 a.m.	Lift station at the Old Woodmere Plant near Nathan Korman Drive

DATE	TIME	LOCATION
8/2/02	10:00 a.m.	Lift station at the intersection of Destrehan Avenue and Eastview Drive
7/22/02	9:00 a.m.	Force main at the intersection of Patriot Street and Swift Canal
7/17/02	10:00 a.m.	Force main at 2028 Sauvage Avenue
7/16/02	11:00 p.m.	Lift station at the intersection of Destrehan Avenue and Eastview Drive
7/15/02	4:30 p.m.	Manhole at the intersection of Randolph Street and Suwanee Drive
7/15/02	1:30 p.m.	Lift station at the intersection of Destrehan Avenue and Eastview Drive
7/2/02	11:00 a.m.	Lift station at the intersection of Barataria Boulevard and Cousins Boulevard
7/1/02	8:30 p.m.	Manhole at Dove Avenue
6/22/02	8:00 a.m.	Manhole at 1748 Jutland Drive
6/5/02	1:00 p.m.	Lift station at the intersection of Rue Louis Phillipe and Savage Avenue
6/4/02	6:00 p.m.	Lift station at the intersection of Rue Louis Phillipe and Savage Avenue
4/22/02	11:30 a.m.	Force main 1600 Destrehan Avenue
4/1/02	7:00 p.m.	Manhole at 6637 Rue Louis Phillipe
3/21/02	2:00 p.m.	Lift station at the intersection of Industrial Boulevard and Vonnie Drive
3/1/02	9:00 p.m.	Manhole at the intersection of Rochester and Mt. Kennedy

Each unauthorized discharge of wastewater from a location not specified in a permit is in violation of Consolidated Compliance Order and Notice of Potential Penalty Enforcement Tracking Number WE-CN-01-0412, La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(b), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

On October 26, 2004, the Department issued an Amended Consolidated Compliance Order and Notice of Potential Penalty WE-CN-03-0860A, to Respondent, which was based on the following findings of fact:

The Department hereby inserts the following effluent violations into the table [of the above Consolidated Compliance Order and Notice of Potential Penalty in Paragraph 2 hereof] in Paragraph II of the Findings of Fact:

MONITORING PERIOD	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
July, 2004	TSS loading (mo. avg.)	2,402 lbs/day	2,556 lbs/day
June, 2004	BOD ₅ loading (mo. avg.) TSS loading (mo. avg.)	2,402 lbs/day 2,402 lbs/day	2,716 lbs/day 2,777 lbs/day
May, 2004	TSS (mo. avg.) BOD ₅ loading (mo. avg.) TSS loading (mo. avg.)	30 mg/L 2,402 lbs/day 2,402 lbs/day	32 mg/L 3,887 lbs/day 5,035 lbs/day
April, 2004	TSS (mo. avg.)	30 mg/L	32 mg/L
March, 2004	BOD ₅ (mo. avg.)	30 mg/L	31 mg/L
February, 2004	TSS (mo. avg.) BOD ₅ loading (mo. avg.) TSS loading (mo. avg.)	30 mg/L 2,402 lbs/day 2,402 lbs/day	33 mg/L 4,306 lbs/day 5,603 lbs/day

On May 24, 2005, the Department issued a Compliance Order, WE-C-05-0101, to Respondent, which was based on the following findings of fact:

The Respondent owns and/or operates an existing sewage treatment facility which serves the residences and businesses of the City of Marrero. The facility is located at 6250 Lapalco Boulevard in Marrero, Jefferson Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0042048 on or about December 29, 2004, with an effective date of February 1, 2005, and an expiration date of January 31, 2010. LPDES permit LA0042048 authorizes the Respondent to discharge certain quantities and qualities of treated wastewater into the Mississippi River, waters of the state.

A file review conducted by the Department on or about March 4, 2005, revealed the following permit exceedances for the period of October, 2004, through January, 2005, as reported by the Respondent on its Discharge Monitoring Reports (DMRs) and Noncompliance Reports (NCRs):

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
10/31/04	001A	BOD Monthly Average	2,402 lbs/day	2,660 lbs/day
		BOD Monthly Average	30 mg/L	33 mg/L
		BOD Weekly Average	45 mg/L	49 mg/L
		TSS Monthly Average	2,402 lbs/day	2,918 lbs/day
		TSS Monthly Average	30 mg/L	37 mg/L
		TSS Weekly Average	45 mg/L	52 mg/L
11/30/04	001A	BOD Monthly Average	34 mg/L	35 mg/L
		TSS Monthly Average	34 mg/L	36 mg/L
12/31/04	001A	TSS Monthly Average	3,757 lbs/day	4,127 lbs/day
		TSS Monthly Average	34 mg/L	37 mg/L
1/31/05	001A	BOD Monthly Average	3,757 lbs/day	4,097 lbs/day
		BOD Monthly Average	34 mg/L	45 mg/L
		TSS Monthly Average	3,757 lbs/day	4,404 lbs/day
		TSS Monthly Average	34 mg/L	48 mg/L
		TSS Weekly Average	48 mg/L	53 mg/L

The above noted permit exceedances as reported by the Respondent are in violation of Consolidated Compliance Order and Notice of Potential Penalty Enforcement Tracking Number

WE-CN-03-0860A, La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(b), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

On July 5, 2006, the Department issued a Compliance Order, WE-C-06-0217, to Respondent, which was based on the following findings of fact:

The Respondent owns and/or operates an existing publicly owned treatment works (POTW) which serves the residences and businesses of the City of Marrero. The facility is located at 6250 Lapalco Boulevard in Marrero, Jefferson Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0042048 on or about December 29, 2004, with an effective date of February 1, 2005, and an expiration date of January 31, 2010. LPDES permit LA0042048 authorizes the Respondent to discharge certain quantities and qualities of treated wastewater into the Mississippi River, waters of the state.

A file review conducted by the Department on or about June 7, 2006, revealed the following permit exceedances for the period of October, 2004, through April, 2006, as reported by the Respondent on its Discharge Monitoring Reports (DMRs):

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
02/2005	001A	BOD Monthly Average	3,757 lbs/day	5,856 lbs/day
		BOD Monthly Average	34 mg/L	42 mg/L
		BOD Weekly Average	48 mg/L	51 mg/L
		TSS Monthly Average	3,757 lbs/day	7,643 lbs/day
		TSS Monthly Average	34 mg/L	50 mg/L
		TSS Weekly Average	48 mg/L	69 mg/L
03/2005	001A	BOD Monthly Average	3,757 lbs/day	4,386 lbs/day
		BOD Monthly Average	34 mg/L	38 mg/L

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
		TSS Monthly Average	3,757 lbs/day	4,655 lbs/day
		TSS Monthly Average	34 mg/L	38 mg/L
04/2005	001A	BOD Monthly Average	3,757 lbs/day	4,498 lbs/day
		BOD Monthly Average	34 mg/L	46 mg/L
		BOD Weekly Average	48 mg/L	56 mg/L
		TSS Monthly Average	3,757 lbs/day	4,026 lbs/day
		TSS Monthly Average	34 mg/L	38 mg/L
		TSS Weekly Average	48 mg/L	50 mg/L
05/2005	001A	BOD Monthly Average	34 mg/L	40 mg/L
		BOD Weekly Average	48 mg/L	51 mg/L
06/2005	001A	BOD Monthly Average	3,757 lbs/day	4,447 lbs/day
		BOD Monthly Average	34 mg/L	43 mg/L
		BOD Weekly Average	48 mg/L	52 mg/L
		TSS Monthly Average	3,757 lbs/day	5,276 lbs/day
		TSS Monthly Average	34 mg/L	46 mg/L
		TSS Weekly Average	48 mg/L	53 mg/L
07/2005	001A	BOD Monthly Average	3,757 lbs/day	4,128 lbs/day
		BOD Monthly Average	34 mg/L	39 mg/L
		TSS Monthly Average	3,757 lbs/day	3,958 lbs/day
		TSS Monthly Average	34 mg/L	35 mg/L
		TSS Weekly Average	48 mg/L	50 mg/L
10/2005	001A	BOD Monthly Average	34 mg/L	54 mg/L
		BOD Weekly Average	48 mg/L	68 mg/L

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
		TSS Monthly Average	34 mg/L	42 mg/L
		TSS Weekly Average	48 mg/L	50 mg/L
11/2005	001A	BOD Monthly Average	3,757 lbs/day	5,245 lbs/day
		BOD Monthly Average	34 mg/L	81 mg/L
		BOD Weekly Average	48 mg/L	93 mg/L
		TSS Monthly Average	34 mg/L	54 mg/L
		TSS Weekly Average	48 mg/L	64 mg/L
12/2005	001A	BOD Monthly Average	3,757 lbs/day	4,257 lbs/day
		BOD Monthly Average	34 mg/L	57 mg/L
		BOD Weekly Average	48 mg/L	89 mg/L
		TSS Monthly Average	34 mg/L	45 mg/L
		TSS Weekly Average	48 mg/L	52 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	1765 cols/100ml
1/2006	001A	BOD Monthly Average	3,757 lbs/day	6,489 lbs/day
		BOD Monthly Average	34 mg/L	81 mg/L
		BOD Weekly Average	48 mg/L	91 mg/L
		TSS Monthly Average	3,757 lbs/day	5,243 lbs/day
		TSS Monthly Average	34 mg/L	62 mg/L
		TSS Weekly Average	48 mg/L	71 mg/L
02/2006	001A	BOD Monthly Average	3,757 lbs/day	7,395 lbs/day
		BOD Monthly Average	34 mg/L	84 mg/L
		BOD Weekly Average	48 mg/L	98 mg/L
		TSS Monthly Average	3,757 lbs/day	6,934 lbs/day

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
		TSS Monthly Average	34 mg/L	82 mg/L
		TSS Weekly Average	48 mg/L	117 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	4082 cols/100ml
03/2006	001A	BOD Monthly Average	3,757 lbs/day	6,036 lbs/day
		BOD Monthly Average	34 mg/L	68 mg/L
		BOD Weekly Average	48 mg/L	107 mg/L
		TSS Monthly Average	3,757 lbs/day	5,749 lbs/day
		TSS Monthly Average	34 mg/L	65 mg/L
		TSS Weekly Average	48 mg/L	102 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100 ml	2051 cols/100 ml
04/2006	001A	BOD Monthly Average	3,757 lbs/day	7,539 lbs/day
		BOD Monthly Average	34 mg/L	109 mg/L
		BOD Weekly Average	48 mg/L	122 mg/L
		TSS Monthly Average	3,757 lbs/day	6,740 lbs/day
		TSS Monthly Average	34 mg/L	96 mg/L
		TSS Weekly Average	48 mg/L	146 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100 ml	1292 cols/100ml

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
05/2006	001A	BOD Monthly Average	3,757 lbs/day	7,921 lbs/day
		BOD Monthly Average	34 mg/L	110 mg/L
		BOD Weekly Average	48 mg/L	138 mg/L
		TSS Monthly Average	3,757 lbs/day	6,475 lbs/day
		TSS Monthly Average	34 mg/L	90 mg/L
		TSS Weekly Average	48 mg/L	128 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	718 cols/100ml

The above noted permit exceedances as reported by the Respondent are in violation of LPDES Permit LA 0042048 (Part I, Page 2 of 5, 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.2701.A.

On February 28, 2007, the Department issued an Amended Compliance Order WE-C-06-0217A, to Respondent, which was based on the following findings of fact:

A file review conducted by the Department on or about February 22, 2007, revealed the following permit exceedances for the period of February, 2005, through January, 2007, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-compliance Reports (NCRs).

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
02/2005	001A	BOD Monthly Average	3,757 lbs/day	5,856 lbs/day
		BOD Monthly Average	34 mg/L	42 mg/L
		BOD Weekly Average	48 mg/L	51 mg/L
		TSS Monthly Average	3,757 lbs/day	7,643 lbs/day

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
		TSS Monthly Average	34 mg/L	50 mg/L
		TSS Weekly Average	48 mg/L	69 mg/L
03/2005	001A	BOD Monthly Average	3,757 lbs/day	4,386 lbs/day
		BOD Monthly Average	34 mg/L	38 mg/L
		TSS Monthly Average	3,757 lbs/day	4,655 lbs/day
		TSS Monthly Average	34 mg/L	38 mg/L
04/2005	001A	BOD Monthly Average	3,757 lbs/day	4,498 lbs/day
		BOD Monthly Average	34 mg/L	46 mg/L
		BOD Weekly Average	48 mg/L	56 mg/L
		TSS Monthly Average	3,757 lbs/day	4,026 lbs/day
		TSS Monthly Average	34 mg/L	38 mg/L
		TSS Weekly Average	48 mg/L	50 mg/L
05/2005	001A	BOD Monthly Average	34 mg/L	40 mg/L
		BOD Weekly Average	48 mg/L	51 mg/L
06/2005	001A	BOD Monthly Average	3,757 lbs/day	4,447 lbs/day
		BOD Monthly Average	34 mg/L	43 mg/L
		BOD Weekly Average	48 mg/L	52 mg/L
		TSS Monthly Average	3,757 lbs/day	5,276 lbs/day
		TSS Monthly Average	34 mg/L	46 mg/L
		TSS Weekly Average	48 mg/L	53 mg/L
07/2005	001A	BOD Monthly Average	3,757 lbs/day	4,128 lbs/day
		BOD Monthly Average	34 mg/L	39 mg/L
		TSS Monthly Average	3,757 lbs/day	3,958 lbs/day

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
		TSS Monthly Average	34 mg/L	35 mg/L
		TSS Weekly Average	48 mg/L	50 mg/L
10/2005	001A	BOD Monthly Average	34 mg/L	54 mg/L
		BOD Weekly Average	48 mg/L	68 mg/L
		TSS Monthly Average	34 mg/L	42 mg/L
		TSS Weekly Average	48 mg/L	50 mg/L
11/2005	001A	BOD Monthly Average	3,757 lbs/day	5,245 lbs/day
		BOD Monthly Average	34 mg/L	81 mg/L
		BOD Weekly Average	48 mg/L	93 mg/L
		TSS Monthly Average	34 mg/L	54 mg/L
		TSS Weekly Average	48 mg/L	64 mg/L
12/2005	001A	BOD Monthly Average	3,757 lbs/day	4,257 lbs/day
		BOD Monthly Average	34 mg/L	57 mg/L
		BOD Weekly Average	48 mg/L	89 mg/L
		TSS Monthly Average	34 mg/L	45 mg/L
		TSS Weekly Average	48 mg/L	52 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	1765 cols/100ml
1/2006	001A	BOD Monthly Average	3,757 lbs/day	6,489 lbs/day
		BOD Monthly Average	34 mg/L	81 mg/L
		BOD Weekly Average	48 mg/L	91 mg/L
		TSS Monthly Average	3,757 lbs/day	5,243 lbs/day
		TSS Monthly Average	34 mg/L	62 mg/L
		TSS Weekly Average	48 mg/L	71 mg/L

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
02/2006	001A	BOD Monthly Average	3,757 lbs/day	7,395 lbs/day
		BOD Monthly Average	34 mg/L	84 mg/L
		BOD Weekly Average	48 mg/L	98 mg/L
		TSS Monthly Average	3,757 lbs/day	6,934 lbs/day
		TSS Monthly Average	34 mg/L	82 mg/L
		TSS Weekly Average	48 mg/L	117 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	4082 cols/100ml
03/2006	001A	BOD Monthly Average	3,757 lbs/day	6,036 lbs/day
		BOD Monthly Average	34 mg/L	68 mg/L
		BOD Weekly Average	48 mg/L	107 mg/L
		TSS Monthly Average	3,757 lbs/day	5,749 lbs/day
		TSS Monthly Average	34 mg/L	65 mg/L
		TSS Weekly Average	48 mg/L	102 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	2051 cols/100ml
Week of 3/26/006	001A	BOD Weekly Average	48 mg/L	67 mg/L
04/2006	001A	BOD Monthly Average	3,757 lbs/day	7,539 lbs/day
		BOD Monthly Average	34 mg/L	109 mg/L
		BOD Weekly Average	48 mg/L	122 mg/L
		TSS Monthly Average	3,757 lbs/day	6,740 lbs/day
		TSS Monthly Average	34 mg/L	96 mg/L
		TSS Weekly Average	48 mg/L	146 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	1292 cols/100ml

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
Week of 4/9/2006	001A	BOD Weekly Average	48 mg/L	114 mg/L
Week of 4/16/06	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	112 mg/L 68 mg/L
Week of 4/23/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	100 mg/L 79 mg/L
Week of 4/30/2006	001A1	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	65 mg/L 58 mg/L
05/2006	001A	BOD Monthly Average	3,757 lbs/day	7,921 lbs/day
		BOD Monthly Average	34 mg/L	110 mg/L
		BOD Weekly Average	48 mg/L	138 mg/L
		TSS Monthly Average	3,757 lbs/day	6,475 lbs/day
		TSS Monthly Average	34 mg/L	90 mg/L
		TSS Weekly Average	48 mg/L	128 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	718 cols/100ml
Week of 5/7/2006	001A	BOD Weekly Average	48 mg/L	123 mg/L
Week of 5/21/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	92 mg/L 78 mg/L
Week of 5/28/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	127 mg/L 70 mg/L 2203 cols/100ml

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
06/2006	001A	BOD Monthly Average	3,757 lbs/day	8,257 lbs/day
		BOD Monthly Average	34 mg/L	131 mg/L
		BOD Weekly Average	48 mg/L	164 mg/L
		TSS Monthly Average	3,757 lbs/day	6,095 lbs/day
		TSS Monthly Average	34 mg/L	96 mg/L
		TSS Weekly Average	48 mg/L	160 mg/L
		Fecal Coliform Wkly. Avg.	400 cols/100ml	2412 cols/100ml
Week of 6/4/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	110 mg/L 69 mg/L
Week of 6/11/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	116 mg/L 79 mg/L
Week of 6/25/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	134 mg/L 82 mg/L
07/2006	001A	BOD Monthly Average	3,757 lbs/day	7,161 lbs/day
		BOD Monthly Average	34 mg/L	90 mg/L
		BOD Weekly Average	48 mg/L	134 mg/L
		TSS Monthly Average	3,757 lbs/day	7,082 lbs/day
		TSS Monthly Average	34 mg/L	87 mg/L
		TSS Weekly Average	48 mg/L	124 mg/L
		Fecal Coliform Mntly Avg.	200 cols/100ml	4522 cols/100ml
		Fecal Coliform Wkly. Avg.	400 cols/100ml	995094 col/100ml
Week of 7/2/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	78 mg/L 60 mg/L 37857 col/100ml

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
Week of 7/9/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	64 mg/L 64 mg/L 95094 col/100ml
Week of 7/16/2006	001A	BOD Weekly Average	48 mg/L	84 mg/L
Week of 7/23/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	91 mg/L 106 mg/L 23886 col/100ml
Week of 7/30/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	101 mg/L 77 mg/L
08/2006	001A	BOD Monthly Average	3,757 lbs/day	8,734 lbs/day
		BOD Monthly Average	34 mg/L	108 mg/L
		BOD Weekly Average	48 mg/L	101 mg/L
		TSS Monthly Average	3,757 lbs/day	14,548 lbs/day
		TSS Monthly Average	34 mg/L	179 mg/L
		TSS Weekly Average	48 mg/L	122 mg/L
		Fecal Coliform Mntly Avg.	200 cols/100ml	494 cols/100ml
		Fecal Coliform Wkly. Avg.	400 cols/100ml	60000 col/100ml
Week of 8/6/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	100 mg/L 86 mg/L
Week of 8/13/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	82 mg/L 78 mg/L 761 cols/100ml
Week of 8/20/2006	001A	BOD Weekly Average	48 mg/L	98 mg/L
Week of 8/27/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	157 mg/L 488 mg/L 40298 col/100ml

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
09/2006	001A	BOD Monthly Average	3,757 lbs/day	5,734 lbs/day
		BOD Monthly Average	34 mg/L	67 mg/L
		BOD Weekly Average	48 mg/L	157 mg/L
		TSS Monthly Average	3,757 lbs/day	7,701 lbs/day
		TSS Monthly Average	34 mg/L	94 mg/L
		TSS Weekly Average	48 mg/L	488 mg/L
		Fecal Coliform Mntly Avg.	200 cols/100ml	2784 cols/100ml
		Fecal Coliform Wkly. Avg.	400 cols/100 ml	40298 col/100ml
Week of 9/3/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	101 mg/L 178 mg/L 15071 col/100ml
Week of 9/10/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	57 mg/L 59 mg/L
Week of 9/17/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	53 mg/L 72 mg/L 60000 col/100ml
Week of 9/24/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	57 mg/L 67 mg/L 8991 cols/100ml

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
10/2006	001A	BOD Monthly Average	3,757 lbs/day	5,796 lbs/day
		BOD Monthly Average	34 mg/L	78 mg/L
		BOD Weekly Average	48 mg/L	98 mg/L
		TSS Monthly Average	3,757 lbs/day	6,438 lbs/day
		TSS Monthly Average	34 mg/L	86 mg/L
		TSS Weekly Average	48 mg/L	112 mg/L
		Fecal Coliform Mntly Avg.	200 cols/100ml	2078 cols/100ml
		Fecal Coliform Wkly. Avg.	400 cols/100ml	60000 col/100ml
Week of 10/1/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	83 mg/L 73 mg/L
Week of 10/15/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	83 mg/L 92 mg/L
Week of 10/22/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	57 mg/L 81 mg/L 1750 cols/100ml
Week of 10/29/2006	001A	TSS Weekly Average	48 mg/L	75 mg/L
11/2006	001A	BOD Monthly Average	3,757 lbs/day	7,735 lbs/day
		BOD Monthly Average	34 mg/L	93 mg/L
		BOD Weekly Average	48 mg/L	117 mg/L
		TSS Monthly Average	3,757 lbs/day	11,042 lbs/day
		TSS Monthly Average	34 mg/L	130 mg/L
		TSS Weekly Average	48 mg/L	172 mg/L
		Fecal Coliform Mntly Avg.	200 cols/100ml	2251 col/100ml
		Fecal Coliform Wkly. Avg.	400 cols/100 ml	60000 col/100ml

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
Week of 11/5/2006	001A	TSS Weekly Average	48 mg/L	134 mg/L
Week of 11/12/2006	001A	TSS Weekly Average	48 mg/L	124 mg/L
Week of 11/26/2006	001A	BOD Weekly Average TSS Weekly Average	48 mg/L 48 mg/L	78 mg/L 107 mg/L
12/2006	001A	BOD Monthly Average	3,757 lbs/day	6,452 lbs/day
		BOD Monthly Average	34 mg/L	68 mg/L
		BOD Weekly Average	48 mg/L	100 mg/L
		TSS Monthly Average	3,757 lbs/day	10,806 lbs/day
		TSS Monthly Average	34 mg/L	103 mg/L
		TSS Weekly Average	48 mg/L	136 mg/L
		Fecal Coliform Mntly Avg.	200 cols/100ml	427 col/100ml
		Fecal Coliform Wkly. Avg.	400 cols/100ml	60000 col/100ml
Week of 12/3/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 col/100ml	73 mg/L 109 mg/L 4136 col/100ml
Week of 12/17/2006	001A	BOD Weekly Average TSS Weekly Average Fecal Coliform Wkly. Avg.	48 mg/L 48 mg/L 400 cols/100ml	63 mg/L 107 mg/L 6314 col/100ml
Week of 12/24/2006	001A	TSS Weekly Average	48 mg/L	71 mg/L
Week of 12/31/2006	001A	TSS Weekly Average	48 mg/L	64 mg/L

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
01/2007	001A	BOD Monthly Average	3,757 lbs/day	5,301 lbs/day
		BOD Monthly Average	34 mg/L	47 mg/L
		BOD Weekly Average	48 mg/L	62 mg/L
		TSS Monthly Average	3,757 lbs/day	7,793 lbs/day
		TSS Monthly Average	34 mg/L	66 mg/L
		TSS Weekly Average	48 mg/L	76 mg/L
		Fecal Coliform Mntly Avg.	200 cols/100 ml	451 col/100ml
		Fecal Coliform Wkly. Avg.	400 cols/100ml	24920 col/100ml
Week of 1/14/2006 [sic]	001A	TSS Monthly Average	48 mg/L	72 mg/L

The above noted permit exceedances are in violation of LPDES permit LA0042048 (Part I, Page 2 of 5, 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.2701.A.

The Department hereby inserts the following paragraph into the Findings of Fact as follows:

A file review conducted by the Department on or about January 4, 2007, revealed that the Respondent failed to sample outfall 001 for phosphorous and total Kjeldahl nitrogen (TKN) for the third quarter of 2006. Each failure to sample is in violation of LPDES permit LA0042048 (Part I, Page 2 of 5, 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 and LAC 33:IX.2701.A.

A file review conducted by the Department on or about January 4, 2007, revealed that the Respondent did cause or allow the unauthorized discharge of wastewater from a location not

specified in LDPES permit LA0042048. Specifically, there have been more than seventeen (17) unauthorized discharges from January, 2004, to December, 2006, since (*) represents several from the collection system at various locations around the parish into local drainage as noted below:

Date of Discharge	Amount of Discharge (gallons)
2004	
01/27	40,550*
04/15	100
08/01	100
08/18	200
09/16	1,500
11/13	200
11/21	100
12/07	1,200
2005	
02/07	100
02/16	200
06/06	1,000
10/24	500
2006	
09/07	200
12/22	1,500
12/24	600
12/30	940

Date of Discharge	Amount of Discharge (gallons)
2007	
01/27	1,450

* Multiple locations

Each unauthorized discharge of wastewater from a location not specified in a permit is in violation of LPDES permit LA0042048 (Part I; Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(b), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D and LAC 33:IX.2701.A.

A file review conducted by the Department on or about October 17, 2007, revealed that the Respondent did cause or allow the unauthorized discharge of waste water from a location not specified in LPDES permit LA0042048. Specifically, there have been five (5) unauthorized discharges from January 27, 2007, to date, from the collection system at 3720 Westbank Expressway, the intersection of Bayou Estates Boulevard and Caddy Drive, Medical Center Boulevard and West Jefferson Hospital, Rue Louis Phillippe and Waters Dr., and Alpaca and Ventura into local drainage as noted below:

Date of Discharge	Amount of Discharge (Gallons)
4/7/07	Unknown
5/4/07	52,200
5/30/07	940
8/14/07	1,500
9/24/07	2,274

Each unauthorized discharge of waste water from a location not specified in a permit is in violation of LPDES permit LA0042048 (Part I, Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(b), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2071.A.

A file review conducted by the Department on or about October 17, 2007, revealed that the following permit exceedances for the period January, 2007, to September, 2007, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Non-Compliance Reports (NCRs).

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
02/07	001A	TSS concentration	48 mg/L	Seven-day Average of 66 mg/L
		TSS concentration	34 mg/L	Thirty-day Average of 37 mg/L
03/07	001A	TSS concentration	34 mg/L	Seven-day Average of 38 mg/L
		TSS loading	3,757 lbs/day	4,501 lbs/day
Week of 4/1/07	001A	TSS concentration	48 mg/L	Seven-day Average of 66 mg/L
04/07	001A	TSS concentration	34 mg/L	Thirty-day Average of 44 mg/L
05/07	001A	Fecal coliform wkly avg.	400 cols/100ml	14,532 cols/100ml

The above noted permit exceedances are in violation of LPDES permit LA 0042048 (Part I, page 2 of 5, 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.2701.A.

A file review conducted by the Department on or about October 17, 2007, revealed that the Respondent failed to sample Outfall 001 for fecal coliform on July 1, 2007. Each failure to sample is in violation of LPDES permit LA 0042048 (Part I, page 2 of 5, 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 and LAC 33:IX.2701.A.

III.

In response to the Compliance Orders, Enforcement No. WE-C-00-0041; WE-C-05-0101; WE-C-06-0217; and WE-C-06-0217A, and to the Consolidated Compliance Orders and Notices of Potential Penalty, WE-CN-03-0860 and WE-CN-03-0860A, Respondent made a timely request for a hearing.

IV.

Through DEQ enforcement actions, Respondent agreed with the DEQ to comply voluntarily with the compliance orders requiring comprehensive plans to upgrade the facility. The construction schedule currently completed required the facility to be fully operational by April 1, 2007, and to be in compliance with final permit limits by July 1, 2007. Despite the recent 2005 hurricanes (Katrina and Rita), the construction remained on schedule and was completed in advance of that deadline. The facility expansion and construction cost Respondent and taxpayers over fourteen million dollars (\$14,000,000.00). This includes expansion and upgrade of the facility and the construction for new projects, including two related projects – rehabilitation of the headwaters facility and a 4.85 million-gallon per day plant expansion. The

facility's disinfection system (for fecal coliform), a third upgrade consisting of a safer but more expensive chemical (sodium hypochlorite), walls, pads, pumps, piping, and tanks (costing over \$80,000.00), was also completed in 2006. As such, Jefferson Parish remained steadfast in its good faith attempts to comply with the DEQ regulations under the Louisiana Environmental Quality Act and has been committed to timely completion of the plant expansion and compliance with final water discharge permit limits effective in July, 2007. Respondent agrees to continue its compliance efforts and to operate and maintain the facility and its three upgrades as required by law.

V.

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

VI.

Nonetheless, 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 FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$45,000.00), of which One Thousand Three Hundred and No/100 Dollars (\$1,300.00) represents DEQ's enforcement costs, in full settlement, discharge, and release of the alleged LPDES permit violations and 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).

VII.

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order and Notice of Potential Penalty and other original and amended Compliance Orders, 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 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. Respondent may urge any mitigating factors it believes applicable in any such future proceedings.

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 claim 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 La. 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 Jefferson Parish, Louisiana. 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 ten (10) 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. Payments are to be made by check, payable to the to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

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.

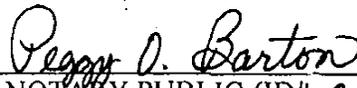
JEFFERSON PARISH GOVERNMENT

BY: 
(Signature)

Thomas G. Wilkinson
(Print)

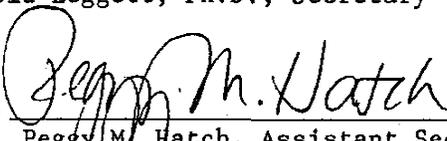
TITLE: Parish Attorney, Parish of Jefferson

THUS DONE AND SIGNED in duplicate original before me this 17th day of December, 20 07, at Gretna, LA.

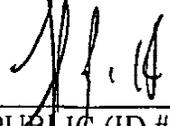

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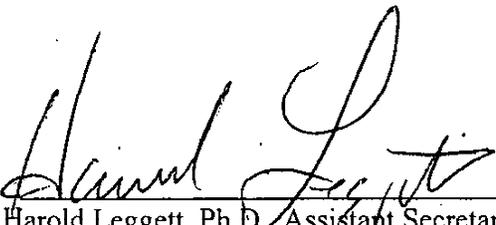
PEGGY O. BARTON
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Harold Leggett, Ph.D., Secretary

BY: 
Peggy M. Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 3rd day of April, 20 08, at Baton Rouge, Louisiana.


NOTARY PUBLIC (ID # 70535)
Paul H. Broyer, Jr.
(Print)

Approved: 
Harold Leggett, Ph.D., Assistant Secretary