

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

<b>IN THE MATTER OF</b>	*
	*
<b>CITY OF RUSTON</b>	* <b>ENFORCEMENT TRACKING NOs.</b>
<b>LINCOLN PARISH</b>	*
	* <b>WE-CN-99-0062</b>
	* <b>WE-CN-01-0074</b>
<b>AGENCY INTEREST NO. 4666</b>	* <b>WE-CN-01-0074A</b>
	*
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*
<b>ENVIRONMENTAL QUALITY ACT,</b>	*
<b>LA. R.S. 30:2001, <u>ET SEQ.</u></b>	*

**SETTLEMENT AGREEMENT**

The following Settlement is hereby agreed to between the City of Ruston (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 Ruston who owns and/or operates a sewage treatment facility located at 1717 Goodwin Road that serves the residents and businesses of the City of Ruston, Lincoln Parish, Louisiana. Respondent is authorized to discharge certain quantities of treated sanitary wastewater into Colvin Creek under the terms and conditions of National Pollutant Discharge Elimination System (NPDES) permit LA0036323 issued by the United States Environmental Protection Agency (USEPA) on August 20, 1993, and effective on September 21, 1993, with an expiration date of September 20, 1998. In accordance with the assumption of the NPDES permit program by the state, NPDES

permit No. LA0036323 became a Louisiana Pollutant Discharge Elimination System (LPDES) permit with the same expiration date.

## II.

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

A. As set forth in the Consolidated Compliance Order and Notice of Potential Penalty Enforcement Tracking No. WE-CN-99-0062 issued to the Respondent on December 16, 1999, for the unauthorized discharge of wastewater into Choudrant Creek, waters of the state, in violation of LPDES Permit LA0036323 (Part III, Section A.2), La. R.S. 30:2076(A)(1)(b), La. R.S. 30:2076 (A)(1)(a), La. R.S. 30:2076 (A)(3), La. R.S. (A)(4), LAC 33:IX.501.A, LAC 33:IX.501.D, LAC 33:IX.2355.L.1.b, and LAC 33:IX.2767.A.5.

B. As set forth in the Consolidated Compliance Order and Notice of Potential Penalty Enforcement Tracking No. WE-CN-01-0074 issued to the Respondent dated May 31, 2001, and on or about the April 24, 2001, a review of the Department files for the Respondent was performed to determine the degree of compliance with the Act and the Water Quality Regulations. The following violations were noted during the review:

1. Respondent caused or allowed the unauthorized discharge of untreated wastewater into waters of the state during the following months: August 6, 2000, August 10, 2000, September 6, 2000, September 30, 2000, November 19, 2000, December 29, 2000, January 13, 2001, and March 5, 2001. These discharges constitute violations of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-99-0062, LPDES permit LA0036323, La. R.S. 30:2076(A)(1), La. R.S. 30:2076 (A)(4), LAC 33:IX.501.D., LAC 33:IX.2355.A, LAC 33:IX.2355.L.1.b, and LAC 33:IX.2767.A.5.
2. Respondent exceeded effluent limitations as established by LPDES permit LA0036323 for the following months: December 1999, June 2000, August 2000, September 2000, October 2000, November 2000, December 2000, January 2001, February 2001, and March 2001. These permit effluent limitation exceedences are violations of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-99-0062, LPDES permit LA0036323, La. R.S. 30:2076(A)(1), La. R.S. 30:2076 (A)(4), LAC 33:IX.501.D., LAC 33:IX.2355.A, LAC 33:IX.2355.L.1.b, and LAC 33:IX.2767.A.5.

C. As set forth in the Amended Consolidated Order and Notice of Potential Penalty Enforcement Tracking No. WE-CN-01-0074A issued to the Respondent dated November 29, 2001, on or about the November 1, 2001, a review of the Department files for Respondent was conducted and an inspection was performed on or about June 19, 2001, to determine the degree of compliance with the Act and the Water Quality Regulations. The following violations were noted during the Department's investigation:

1. Respondent did cause or allow the discharge of untreated wastewater into waters of the state during October 3, 2001 and October 6, 2001. These discharges constitute violations of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-99-0062, LPDES permit LA0036323, La. R.S. 30:2076(A)(1), La. R.S. 30:2076 (A)(4), LAC 33:IX.501.D, LAC 33:IX.2355.A, LAC 33:IX.2355.L.1.b, and LAC 33:IX.2767.A.5.
2. Respondent exceeded effluent limitations as established by LPDES permit LA0036323 for the following months: April 2001, May 2001, June 2001, July 2001, and September 2001. These permit effluent limitation exceedences are violations of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-99-0062, LPDES permit LA0036323, La. R.S. 30:2076(A)(1), La. R.S. 30:2076 (A)(4), LAC 33:IX.501.D., LAC 33:IX.2355.A, LAC 33:IX.2355.L.1.b, and LAC 33:IX.2767.A.5.
3. Respondent could not produce a copy of the calibration record of the auto-sampler. This is a violation of LPDES permit LA0036323, (Part III, Section A.2 and C.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.J.2, and LAC 33:IX.2767.A.5.
4. The bar screen was not functioning properly. There was a small amount of algae on the clarifier weirs. There was floating scum in all three clarifiers. These operation and maintenance deficiencies are violations of LPDES permit LA0036323, (Part III, Section 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.

### III.

In addition to the allegations cited in the above-referenced enforcement action, the Respondent also wishes to settle the following allegations, which have not been the basis of an enforcement action(s), as follows:

A. As set forth in an inspection report dated June 24, 2002, that noted several areas of concern, namely:

1. Records/Reports - Analytical results for NH-3N were not consistent with self-monitoring report date for the month of March 2002.
2. Effluent/Receiving Waters - The effluent was not consistently meeting the permit limits for NH3-N and TSS. The effluent appeared turbid and produced a moderate amount of foam that dissipated downstream. The effluent failed the toxicity portion of the Ceriodaphnia dubia biomonitoring test in July 2001, August 2001, September 2001, October 2001, November 2001, December 2001, and January 2002.

3. Operations and Maintenance - The facility had approximately 16 bypasses since the inspection of June 2001. The bar screen had been down for approximately 3 months and one aerator in the sludge digester was not operational. All three clarifiers contained floating sludge/scum and the center rings were clogged with a blanket of floating sludge. The clarifier weirs had a significant amount of algae at the time of inspection.

B. As set forth in the following table of effluent exceedences:

<b>PARAMETER</b>	<b>PERMIT LIMITS<sup>1</sup></b>	<b>REPORTED RESULTS<sup>1</sup></b>
<b>September 2002</b>		
TSS (avg.)	15	38.5
TSS (max.)	23	54
TSS (loading avg.)	500	872.16
NH <sub>3</sub> -N (avg.)	5	19.5
NH <sub>3</sub> -N (max.)	10	25.5
NH <sub>3</sub> -N (loading avg.)	167	439.8
<b>August 2002</b>		
TSS (avg.)	15	27.11
TSS (max.)	23	38
NH <sub>3</sub> -N (avg.)	5	16.96
NH <sub>3</sub> -N (max.)	10	19.75
<b>July 2002</b>		
TSS (avg.)	15	41.28
TSS (max.)	23	66.8
TSS (loading avg.)	500	899.78
NH <sub>3</sub> -N (avg.)	5	15.28
NH <sub>3</sub> -N (max.)	10	17.4
NH <sub>3</sub> -N (loading avg.)	167	312.78
<b>June 2002</b>		
TSS (avg.)	15	21.56

<b>PARAMETER</b>	<b>PERMIT LIMITS<sup>1</sup></b>	<b>REPORTED RESULTS<sup>1</sup></b>
TSS (max.)	23	33.0
NH <sub>3</sub> -N (avg.)	5	10.63
NH <sub>3</sub> -N (max.)	10	14.3
NH <sub>3</sub> -N (loading avg.)	167	214.02
TX1Q	PASS	FAIL
<b>May 2002</b>		
CBOD <sub>5</sub> (max.)	15	27.1
TSS (avg.)	15	23.39
TSS (max.)	23	35.5
TSS (loading avg.)	500	558.46
NH <sub>3</sub> -N (avg.)	5	12.07
NH <sub>3</sub> -N (max.)	10	14.0
NH <sub>3</sub> -N (loading avg.)	167	254.1
<b>April 2002</b>		
Fecal Coliform (max.)	400	9421.5
NH <sub>3</sub> -N (max.)	10	11.2
<b>January 2002</b>		
Fecal Coliform (max.)	400	3848.5
<b>October 2001</b>		
NH <sub>3</sub> -N (max.)	10	10.7

1 Units for the permit limits and reported values are as follows:  
CBOD<sub>5</sub>, TSS, and NH<sub>3</sub>-N, mg/L.  
Fecal Coliform, col./100ml.  
Loading, all parameters, lbs/day.

#### **IV.**

The City of Ruston has taken significant corrective actions in response to the violations noted by the Department. Specifically, in February 2002, ahead of the

compliance schedule imposed by the Department, the Respondent completely repaired and reengineered the Highway 80 East force main. This project has eliminated the causes for the unauthorized discharges of untreated wastewater resulting from the failure of the force main. The Respondent isolated a major industrial discharge contributor, and assisted them during the process of installing a pretreatment process to correct the harmful discharges, which directly contributed to the LPDES permit deviations. Further, the City of Ruston has identified several improvements, which will be made to the sanitary sewer collection system per the attached Compliance Schedule included in Attachment 1.

**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, the amount of FIFTY-ONE THOUSAND AND NO/100 DOLLARS (\$51,000.00) to resolve the claims set forth in this Settlement Agreement. Of that amount, ONE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$1,400.00) represents the costs to the Department for investigation and enforcement in connection with the above-described enforcement actions.

**VII.**

The Respondent and Department agree to the following administrative provisions:

- A. The terms of this agreement shall represent an enforceable obligation, which may be enforced by the Department through any of the enforcement procedures allowed under the Act, including but not limited to L.A.R.S. 30:2025, *et seq.*

- B. The Respondent shall promulgate rules designed to educate and inform its employees as to the correct means and methods available for reporting to the proper administrative agency future unauthorized discharges.

**VIII.**

Respondent further agrees that the Department may consider the inspection report(s), the Notices of Potential Penalty, the Administrative Order, 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. However, in any such future enforcement or permitting action, due consideration and weight shall be given to the Respondent's operational history after the date this Settlement Agreement is signed.

**IX.**

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.

**X.**

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 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 and in LA. Adm. Code 33:I. Chapter 7. The Department has also considered the information supplied

by Respondent in response to the allegations as set forth in Findings of Fact, Parts III, IV and V contained in Enforcement Tracking No. WE-CN-01-0074 and WE-CN-01-0074A, and concluded that the allegations contained therein have been adequately addressed by Respondent and warrant the assessment of the penalties set forth in this Settlement Agreement.

**XI.**

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Lincoln Parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of the 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 of this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since the publication of the notice.

**XII.**

Payment of the penalty described in Paragraph VI 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. 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.

**XIII.**

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

**XIV.**

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:

\_\_\_\_\_

\_\_\_\_\_

RESPONDENT

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

THUS DONE AND SIGNED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002,  
at \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

STATE OF LOUISIANA  
Hall Bohlinger, Secretary  
Department of Environmental Quality

BY: \_\_\_\_\_  
R. Bruce Hammatt  
Assistant Secretary  
Office of Environmental Services

THUS DONE AND SIGNED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, at

\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

Approved: R. Bruce Hammatt  
R. Bruce Hammatt  
Assistant Secretary  
Office of Environmental Compliance

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF**

**CITY OF RUSTON  
LINCOLN PARISH**

**AGENCY INTEREST NO. 4666**

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

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\* **ENFORCEMENT TRACKING NOS.**  
\*  
\* **WE-CN-99-0062**  
\* **WE-CN-01-0074**  
\* **WE-CN-01-0074A**  
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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: \_\_\_\_\_

BY: \_\_\_\_\_

## ATTACHMENT 1

**RESPONDENT** shall comply with the following repair and upgrade schedule:

January 15, 2002	Start repairs/replacement of U.S. Hwy. 80 E. force main.
June 15, 2002	Complete repairs/replacement of U.S. Hwy. 80 E. force main.
July 1, 2002	Start rehabilitation of clarifiers.
January 15, 2003	Complete rehabilitation of clarifiers.
March 15, 2003	Start design/construction of wastewater treatment facility/pump station/force main.
December 31, 2006	Complete construction of wastewater treatment facility/pump station/force main.

The Respondent shall submit quarterly progress reports to the Department commencing on April 15, 2002, concerning the above-referenced repairs.