

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* **Settlement Tracking No.**
* **SA-WE-07-0042**

TOWN OF STERLINGTON

*
* **Enforcement Tracking No.**

AI # 43424

* **WE-CN-01-0165**
* **WE-CN-05-0475**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT**

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LA. R.S. 30:2001, ET SEQ.

SETTLEMENT

The following Settlement is hereby agreed to between the Town Of Sterlington ("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 sanitary wastewater treatment plant in Sterlington, Ouachita Parish, Louisiana ("the Facility").

II

On or about August 31, 2001, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-01-0165, former Agency Interest No. 33055, to Respondent, which was based upon the following findings of fact:

Respondent owns and/or operates a sanitary wastewater treatment plant located off La. Hwy. 2 in Sterlington, Ouachita Parish, Louisiana. Respondent was authorized to discharge

certain quantities and/or qualities of treated sanitary wastewater to the Ouachita River, waters of the state, under the terms and conditions of National Pollutant Discharge Elimination System (NPDES) permit LA0046809 which was effective on July 1, 1994, and expired on June 30, 1999.

In accordance with the assumption of the NPDES program by the state, the NPDES permit became a Louisiana Pollutant Discharge Elimination system (LPDES) permit with the same expiration date. Respondent was also authorized to discharge under the terms and conditions of Louisiana Water Discharge Permit System (LWDPS) permit WP2385 which was issued on March 20, 1995, and expired on March 19, 2000. Respondent submitted an LPDES permit application on December 7, 1999. Compliance Order WE-C-99-0065 stated that LWDPS permit WP2385 had been administratively continued, which was incorrect; however, Respondent was ordered in Compliance Order WE-C-99-0065 to meet and maintain compliance with LWDPS permit WP2385. Respondent was issued LPDES permit LA0046809 effective June 1, 2001, and which expires May 31, 2006.

Respondent was issued Compliance Order WE-C-98-0025 on August 7, 1998, for improper operation and maintenance, effluent violations for the period of February 1996 to April 1998, failure to increase monitoring, and failure to submit Noncompliance Reports (NCRs). Respondent was ordered to: cease all unauthorized discharges to waters of the state; meet and maintain compliance with LPDES permit LA0046809 and LWDPS permit WP2385; and prepare and submit to the Department a written report describing the violations and the actions taken to achieve compliance with the Compliance Order. Respondent submitted a response to Compliance

Order WE-C-98-0025 on October 21, 1998, describing the cited violations and corrective actions taken by Respondent. Compliance Order WE-C-98-0025 is a final action of the Department and not subject to further review.

Respondent was issued Compliance Order WE-C-99-0065 on July 10, 2000, for failure to increase sampling, improper operation and maintenance, record and reporting deficiencies, unauthorized discharge, effluent violations, failure to submit NCRs, submittal of untimely and incorrect discharge Monitoring Reports (DMRs), improper flow measurement, and failure to submit a timely permit renewal application. Respondent was ordered to: cease all unauthorized discharges to waters of the state; meet and maintain compliance with LWDPS permit WP2385, including, but not limited to, submittal of NCRs, increasing sampling frequency when excursions occur, proper operation and maintenance, proper records and reporting, submittal of timely and correct DMRs, proper flow measurement; and to prepare and submit to the Office of Environmental Compliance a written report describing the violations and the actions taken to achieve compliance with the Compliance Order. Respondent submitted a response to Compliance Order WE-C-99-0065 on August 21, 2000. Compliance Order WE-C-99-0065 is a final action of the Department and not subject to further review.

An inspection conducted by the Department on October 24, 2000, in response to a complaint, indicated that Respondent did cause and/or allow an unauthorized bypass of sewage. Specifically, the bypass occurred when there was a sewage overflow from the manhole at the corner of Bayou Drive and Paige Circle into Bayou Bartholomew, waters of the state. This

unauthorized bypass is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2075, La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.2355.A, and LAC 33:IX.2355.M.4.

A file review conducted by the Department on June 22, 2001, indicated that Respondent failed to report the sewage overflow referenced in Findings of Fact paragraph IV. Respondent's failure to report is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2025 (J) (2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.M.3.b.

An inspection conducted by the Department on May 21, 2001, and a subsequent file review conducted by the Department on or about June 22, 2001, indicated that Respondent had not submitted annual Environmental Audit Reports since the issuance of LWDPs permit WP2385. Respondent's insufficient reporting is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, LWDPs permit WP2385 (Part II, Item 10 and Part III, Sections A.1 and C.11.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

An inspection conducted by the Department on May 21, 2001, indicated that Respondent had insufficient recordkeeping. Specifically, Respondent did not maintain a pH meter calibration log book. Respondent's insufficient recordkeeping is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.J.2.

An inspection conducted by the Department on May 21, 2001, indicated that the facility had improper operation and maintenance. Specifically, the levee between the second and third oxidation ponds was eroded at one location and the aerator in the pond was not operational.

Respondent's improper operation and maintenance is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, 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 May 21, 2001, and a subsequent file review conducted by the Department on June 22, 2001, indicated that Respondent did not increase monitoring frequency when a permit excursion occurred. Specifically, for the monitoring periods of September through December 2000 and January through March 2001, the monitoring frequency was not increased. Respondent's failure to increase the monitoring frequency as required by its permit is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2771.

An inspection conducted by the Department on May 21, 2001, and a subsequent file review conducted by the Department on June 22, 2001, indicated that the facility had failed to sample its effluent in accordance with its LWDPs permit and Compliance Order WE-C-99-0065. Specifically, Respondent only sampled the effluent once in January 2001. The permit requires that effluent be sampled twice per month. Respondent's failure to sample its effluent as required by its permit is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2355.A.

An inspection conducted by the Department on May 21, 2001, indicated that Respondent failed to follow approved laboratory procedures. Specifically, the pH buffers had a range of 4.0 to 7.0 S.U. and the sample measurements taken are usually between 7.0 and 10.0 S.U. Also, the pH buffers did not have an expiration date on the bottle. Respondent's failure to follow approved

laboratory procedures is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.J.4.

A file review conducted by the Department on June 22, 2001, disclosed that following permit excursions for the monitoring periods of June 2000 through June 2001 as reported by Respondent to the Department on DMRs:

Monitoring Period	Outfall	Parameter	Permit Limit	Sample Result
June 2000	001	pH	6.0-9/0 S.U.	9.46 S.U.
August 2000	001	pH	6.0-9.0 S.U.	9.98 S.U.
September 2000	001	BOD	30 mg/L (avg)	30.2 mg/L
		pH	6.0-9.0 S.U.	10.3 S.U.
		TSS	90 mg/L (avg)	130.5 mg/L
			135 mg/L (max)	146 mg/L
October 2000	001	pH	6.0-9.0 S.U.	9.75 S.U.
		TSS	90 mg/L (avg)	138.5 mg/L
			135 mg/L (max)	140 mg/L
November 2000	001	BOD	30 mg/L (avg)	40.4 mg/L
		pH	6.0-9.0 S.U.	9.23 S.U.
			TSS	90 mg/L (avg)
December 2000	001	BOD	30 mg/L (avg)	32.8 mg/L
			45 mg/L (max)	54.5 mg/L
		Fecal Coliform	400/100 col/ml (max)	2,160/100 col/ml
		TSS	90 mg/L (avg)	163 mg/L
			135 mg/L (max)	229 mg/L
January 2001	001	BOD	30 mg/L (avg)	41/8 mg/L
		Fecal Coliform	200/100 col/ml (avg)	383/100 col/ml
		pH	6.0-9.0 S.U.	9.38 S.U.
		TSS	90 mg/L (avg)	122 mg/L
February 2001	001	pH	6.0-9.0 S.U.	9.69 S.U.
March 2001	001	BOD	45 mg/L (max)	45.1 mg/L
		Fecal Coliform	400/100 col/ml (max)	1,052/100 col/ml
		pH	6.0-9.0 S.U.	9.26 S.U.
April 2001	001	BOD	30 mg/L (avg)	33.55 mg/L
			45 mg/L (max)	39.8 mg/L
		pH	6.0-9.0 S.U.	9.61 S.U.
		TSS	90 mg/L (avg)	122.7 mg/L

Monitoring Period	Outfall	Parameter	Permit Limit	Sample Result
May 2001	001	pH	6.0-9.0 S.U.	9.48 S.U.
		TSS	90 mg/L (avg)	148.35 mg/L
			135 mg/L (max)	184. mg/L
June 2001	001	BOD	30 mg/L (monthly avg)	31.2 mg/L
			45 mg/L (weekly avg)	45.3 mg/L
		pH	6.0-9.0 S.U.	9.46 S.U.
		TSS	90 mg/L (monthly avg)	262.6 mg/L
			135 mg/L (weekly avg)	432.5 mg/L

Respondent's permit excursions for the months of June 2000 through May 2001 are in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, 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. Respondent's permit excursions for the month of June 2001 are in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, LPDES permit LA0046809 (Part I, Page 2 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.

A file review conducted by the Department on June 22, 2001, indicated that Respondent did not submit Non-Compliance Reports (NCRs) for the above-referenced excursions. Respondent's failure to submit NCRs for the monitoring periods of June 2000 through May 2001 is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.6. Respondent's failure to submit NCRs for the monitoring period of June 2001 is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, LPDES permit LA0046809 (Part III, Section A.2 and La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.6.

A file review conducted by the Department on June 22, 2001, indicated that Respondent did not submit the DMR for the monitoring period of July 2000. Respondent's failure to submit a DMR is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.

A file review conducted by the Department on June 22, 2001, indicated that Respondent submitted untimely DMRs for the months of: August through December 2000, January through March 2001, and June 2001. Respondent's failure to submit timely DMRs for the months of August through December 2000 and January through March 2001, is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4. Respondent's failure to submit timely DMRs for the month of June 2001 is in violation of Compliance Order WE-C-98-0025, Compliance Order WE-C-99-0065, LPDES permit LA0046809 (Part II, Item 10 and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.L.4.

On June 11, 2007, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. WE-CN-05-0475, to Respondent, which was based upon the following findings of fact:

The Respondent owns and/or operates a publicly owned treatment works (POTW) serving the Bartholomew Sewer District #1, the Sterlington Sewer District #1, and the Ouachita Sewer District #10 which is located south of La. Highway 2 in Sterlington, Ouachita Parish, Louisiana. The Respondent was issued National Pollutant Discharge Elimination System (NPDES) permit LA0046809 which became effective on or about July 1, 1994, and which expired on June 30,

1999. In accordance with the Department's assumption of the NPDES program on or about August 27, 1996, NPDES permit LA0046809 became a Louisiana Pollutant Discharge Elimination System (LPDES) permit. The Respondent submitted an LPDES permit application on or about December 7, 1999. The Respondent was issued LPDES permit LA0046809 on or about May 30, 2001, with an effective date of June 1, 2001, and which expired on or about May 31, 2006. The Respondent submitted an LPDES permit renewal application on December 12, 2005, and LPDES permit LA0046809 has been administratively continued. Under the terms and conditions of LPDES permit LA0046809, the Respondent is authorized to discharge treated sanitary wastewater into the Ouachita River, waters of the state.

The Respondent was issued Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0165 on August 31, 2001. The relevant violations of the Findings of Fact were:

- A. The unauthorized bypass of sewage.
- B. Failure to report sewage overflows.
- C. Failure to submit annual Environmental Audit Reports.
- D. Failure to maintain a pH calibration log book.
- E. Failure to properly operate and maintain its sewage treatment plant.
- F. Failure to increase its monitoring frequency as required.
- G. Failure to sample as required by its Louisiana Water Discharge Permit System (LWDPS) permit.
- H. Failure to follow approved laboratory procedures
- I. Effluent violations as reported on Discharge Monitoring Reports (DMRs).
- J. Failure to submit noncompliance reports.

- K. Failure to submit a DMR, and
- L. Failure to submit timely DMRs.

The relevant requirements of the Consolidated Compliance Order and Notice of Potential Penalty were to:

- A. Immediately cease any and all unauthorized discharges to waters of the state and to take any and all steps necessary to meet and maintain compliance with permit limitations and conditions contained in LPDES permit LA0046809.
- B. Submit the DMR for the monitoring period of July 2000.
- C. To submit a complete written report including a detailed description of the circumstances of the cited violations, the actions taken to achieve compliance, and corrective or remedial actions taken to mitigate any damages resulting from the violations.

The Respondent submitted a written response to Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0165 on January 7, 2002. Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0165 is a final action and not subject to further review.

An inspection conducted by the Department on May 6, 2002, revealed that the treatment plant operator was not certified. The Respondent's failure to provide an adequate operating staff is in violation of LPDES permit LA0046809 (Part III, Sections A.2, and B.3.b), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on May 6, 2002, revealed that the Respondent failed to ensure adequate laboratory controls and quality assurance procedures were being used as required LPDES permit LA0046809. Specifically, the Department's inspection revealed that the Respondent did not have lot numbers or expiration dates on its pH buffers. The Respondent's failure to ensure adequate laboratory controls and quality assurance procedures is in violation of

Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0165 and LPDES permit LA0046809 (Part III, Sections A.2, and C.5.c), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.J.4.

Inspections conducted by the Department on May 6, 2002, March 6, 2003, and January 30, 2007, revealed deficiencies in operations and maintenance. Specifically, the Department's inspection on May 6, 2002, revealed that the secondary pond aerator was not operational. The Department's inspection on March 6, 2003, revealed that the chlorination system was not operational, and a bucket of chlorine tablets had been placed in the wet well to provide disinfection. The Department's inspection conducted on March 16, 2004, revealed that the Respondent's flow meter was inoperable. In addition, the Department's inspection on January 30, 2007, revealed the Respondent's flow meter was inoperable during July 2006. The Respondent's failure to properly operate and maintain its sewage treatment plant are in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0165, and LPDES permit LA0046809 (Part III, Sections A.2, and B.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. A new chlorination system was being installed during the Department's inspection on or about March 6, 2003.

Inspections conducted by the Department on March 6, 2003, and March 16, 2004, revealed that the Respondent failed to complete annual Environmental Audit Reports as required by LPDES permit LA0046809. LPDES permit LA0046809 became effective on June 1, 2001. Part II, Section B.1, of LPDES permit LA0046809 requires the Respondent to complete an audit report annually. The Respondent's failure to complete an annual Environmental Audit Report is in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0165,

and LPDES permit LA0072001 (Part II, Section B.1, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

Inspections conducted by the Department on May 6, 2002, March 16, 2004, and January 30, 2007, and a subsequent file review conducted by the Department on May 22, 2007, revealed that the Respondent failed to continuously monitor flow. The aforementioned inspections conducted by the Department revealed that the Respondent's flow meter was not consistently operational. The Department's file review revealed that on each monthly DMR for the monitoring periods of July 2001 through February 2007 the Respondent reported flow measurement frequencies that ranged from one (1) to twenty three (23) times per month. LPDES permit LA0046809 requires that flow be monitored continuously. The Respondent's failure to continuously monitor flow is in violation of LPDES permit LA0046809 (Part I, Page 2 of 2, Part III, Sections A.2, and C.6), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on June 22, 2005, and a subsequent file review conducted by the Department on May 22, 2007, revealed that the Respondent was not sampling as required by LPDES permit LA0046809. Specifically, LPDES permit LA046809 requires the parameters BOD₅, TSS, Fecal Coliform, and pH, to be sampled twice per month and the Respondent failed to perform the required sampling, as indicated in the following table:

Date	Parameter	Sampling Frequency Requirement	Number of Samples Taken
07/01	BOD ₅	2	1
	Fecal Coliform	2	1
	TSS	2	1

Date	Parameter	Sampling Frequency Requirement	Number of Samples Taken
11/01	BOD ₅	2	1
	Fecal Coliform	2	1
	TSS	2	1
02/04	BOD ₅	2	1
	Fecal Coliform	2	1
	TSS	2	1
05/04	BOD ₅	2	1
	Fecal Coliform	2	1
	TSS	2	1
06/04	BOD ₅	2	1
	Fecal Coliform	2	1
	TSS	2	1
07/04	BOD ₅	2	1
	Fecal Coliform	2	1
	TSS	2	1
08/04	BOD ₅	2	1
	Fecal Coliform	2	1
	TSS	2	1
09/04	BOD ₅	2	0
	Fecal Coliform	2	0
	pH	2	0
	TSS	2	0
10/04	BOD ₅	2	1
	Fecal Coliform	2	1
	pH	2	1
	TSS	2	1
12/04	BOD ₅	2	1
	Fecal Coliform	2	1
	pH	2	1
	TSS	2	1

Date	Parameter	Sampling Frequency Requirement	Number of Samples Taken
03/05	BOD ₅	2	1
09/05	BOD ₅	2	1
05/06	BOD ₅	2	1

Each failure by the Respondent to monitor as required is in violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0165, and LPDES permit LA0046809 (Part I, Page 2 of 2, Part II, Section A.8, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

Inspections conducted by the Department on or about May 6, 2002, March 6, 2003, March 16, 2004, June 22, 2005, January 9, 2006, January 30, 2007, and a subsequent file review conducted by the Department on or about May 22, 2007, revealed the following effluent limit violations, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Monitoring Period	Parameter	Permit Limit	Sample Value
07/01	BOD ₅ (Monthly Avg.)	30 mg/L	73.5 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	73.5 mg/L
	Fecal Coliform (Monthly Avg.)	200 col/100 ml	940 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	940 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.31 S.U.
	TSS (Monthly Avg.)	90 mg/L	138.7 mg/L
	TSS (Weekly Avg.)	135 mg/L	138.7 mg/L
08/01	BOD ₅ (Monthly Avg.)	30 mg/L	45.85 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	50.3 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.8 S.U.
	TSS (Monthly Avg.)	90 mg/L	149 mg/L
	TSS (Weekly Avg.)	135 mg/L	176 mg/L
09/01	pH Standard Units (SU)	9.0 (Max.)	9.73 S.U.
	TSS (Monthly Avg.)	90 mg/L	103.5 mg/L

Monitoring Period	Parameter	Permit Limit	Sample Value
10/01	BOD ₅ (Monthly Avg.)	30 mg/L	52.5 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	55.4 mg/L
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	4,523 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.51 S.U.
	TSS (Monthly Avg.)	90 mg/L	125 mg/L
	TSS (Weekly Avg.)	135 mg/L	164 mg/L
11/01	BOD ₅ (Monthly Avg.)	30 mg/L	70.8 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	70.8 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.7 S.U.
	TSS (Monthly Avg.)	90 mg/L	205 mg/L
	TSS (Weekly Avg.)	135 mg/L	205 mg/L
12/01	BOD ₅ (Monthly Avg.)	30 mg/L	44.85 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	50 mg/L
	Fecal Coliform (Monthly Avg.)	200 col/100 ml	4,552 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	4,809 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.11 S.U.
	TSS (Monthly Avg.)	90 mg/L	111.5 mg/L
01/02	BOD ₅ (Monthly Avg.)	30 mg/L	33 mg/L
	Fecal Coliform (Monthly Avg.)	200 col/100 ml	729 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	839 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.46 S.U.
	TSS (Monthly Avg.)	90 mg/L	111 mg/L
02/02	BOD ₅ (Monthly Avg.)	30 mg/L	58.05 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	62.8 mg/L
	Fecal Coliform (Monthly Avg.)	200 col/100 ml	887 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	1,614 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.06 S.U.
	TSS (Monthly Avg.)	90 mg/L	151.5 mg/L
	TSS (Weekly Avg.)	135 mg/L	165 mg/L
03/02	BOD ₅ (Monthly Avg.)	30 mg/L	45.25 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	52.4 mg/L
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	970 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.3 S.U.
	TSS (Monthly Avg.)	90 mg/L	96 mg/L
04/02	Fecal Coliform (Monthly Avg.)	200 col/100 ml	238 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	1,000 col/100 ml
	pH (Max.)	9.0 S.U.	9.4 S.U.
	TSS (Monthly Avg.)	90 mg/L	112 mg/L

Monitoring Period	Parameter	Permit Limit	Sample Value
05/02	pH Standard Units (SU)	9.0 (Max.)	9.39 S.U.
	TSS (Monthly Avg.)	90 mg/L	117 mg/L
	TSS (Weekly Avg.)	135 mg/L	162 mg/L
06/02	pH Standard Units (SU)	9.0 (Max.)	10.07 S.U.
07/02	Fecal Coliform (Monthly Avg.)	200 col/100 ml	325 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	1,957 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.42 S.U.
	TSS (Monthly Avg.)	90 mg/L	106 mg/L
08/02	Fecal Coliform (Weekly Avg.)	400 col/100 ml	2,510 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.18 S.U.
	TSS (Monthly Avg.)	90 mg/L	118 mg/L
	TSS (Weekly Avg.)	135 mg/L	138 mg/L
09/02	Fecal Coliform (Monthly Avg.)	200 col/100 ml	379 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	144,000 col/100 ml
11/02	pH Standard Units (SU)	9.0 (Max.)	9.1 S.U.
12/02	TSS (Monthly Avg.)	90 mg/L	102 mg/L
01/03	BOD ₅ (Monthly Avg.)	38 lbs/day	90.72 lbs/day
	BOD ₅ (Monthly Avg.)	30 mg/L	31.05 mg/L
	Fecal Coliform (Monthly Avg.)	200 col/100 ml	293 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	442 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.15 S.U.
	TSS (Monthly Avg.)	113 lbs/day	180.38 lbs/day
02/03	BOD ₅ (Monthly Avg.)	30 mg/L	40.75 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	52.5 mg/L
	TSS (Monthly Avg.)	90 mg/L	100 mg/L
03/03	BOD ₅ (Monthly Avg.)	30 mg/L	42.7 mg/L
	Fecal Coliform (Monthly Avg.)	200 col/100 ml	645 col/100 ml
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	1,044 col/100 ml
	pH Standard Units (SU)	9.0 (Max.)	9.47 S.U.
04/03	BOD ₅ (Monthly Avg.)	30 mg/L	39.93 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	45.4 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.69 S.U.
	TSS (Monthly Avg.)	90 mg/L	128.33 mg/L
	TSS (Weekly Avg.)	135 mg/L	141 mg/L
05/03	BOD ₅ (Monthly Avg.)	30 mg/L	30.7 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.54 S.U.
	TSS (Monthly Avg.)	90 mg/L	104.5 mg/L

Monitoring Period	Parameter	Permit Limit	Sample Value
06/03	BOD ₅ (Monthly Avg.)	30 mg/L	44.35 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	47.3 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.41 S.U.
07/03	BOD ₅ (Monthly Avg.)	30 mg/L	52.55 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	66.4 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.79 S.U.
	TSS (Monthly Avg.)	90 mg/L	147 mg/L
	TSS (Weekly Avg.)	135 mg/L	179 mg/L
08/03	BOD ₅ (Monthly Avg.)	30 mg/L	59.26 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	59.9 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.84 S.U.
	TSS (Monthly Avg.)	90 mg/L	136.36 mg/L
	TSS (Weekly Avg.)	135 mg/L	155 mg/L
09/03	BOD ₅ (Monthly Avg.)	30 mg/L	34.7 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.52 S.U.
10/03	BOD ₅ (Monthly Avg.)	30 mg/L	39.5 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	48 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.52 S.U.
	TSS (Monthly Avg.)	90 mg/L	99.5 mg/L
11/03	BOD ₅ (Monthly Avg.)	30 mg/L	62.6 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	67.1 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.09 S.U.
	TSS (Monthly Avg.)	90 mg/L	130 mg/L
	TSS (Weekly Avg.)	135 mg/L	164 mg/L
12/03	BOD ₅ (Monthly Avg.)	30 mg/L	51.45 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	56.20 mg/L
	TSS (Monthly Avg.)	90 mg/L	138 mg/L
	TSS (Weekly Avg.)	135 mg/L	146 mg/L
01/04	pH Standard Units (SU)	6.0 (Min.)	0.00 S.U.
	pH Standard Units (SU)	9.0 (Max.)	9.37 S.U.
	TSS (Monthly Avg.)	90 mg/L	113 mg/L
02/04	BOD ₅ (Monthly Avg.)	30 mg/L	35.2 mg/L
	pH Standard Units (SU)	9.0 (Max.)	9.63 S.U.
	TSS (Monthly Avg.)	90 mg/L	110 mg/L
03/04	pH Standard Units (SU)	9.0 (Max.)	9.54 S.U.
	TSS (Monthly Avg.)	90 mg/L	125.5 mg/L
	TSS (Weekly Avg.)	135 mg/L	148 mg/L

Monitoring Period	Parameter	Permit Limit	Sample Value
04/04	pH Standard Units (SU)	9.0 (Max.)	9.44 S.U.
	TSS (Monthly Avg.)	90 mg/L	167 mg/L
	TSS (Weekly Avg.)	135 mg/L	278 mg/L
05/04	BOD ₅ (Monthly Avg.)	30 mg/L	31.6 mg/L
10/04	BOD ₅ (Monthly Avg.)	38 lbs/day	91.77 lbs/day
	pH Standard Units (SU)	9.0 (Max.)	9.03 S.U.
	TSS (Monthly Avg.)	113 lbs/day	316.84 lbs/day
11/04	TSS (Monthly Avg.)	113 lbs/day	129.23 lbs/day
12/04	TSS (Monthly Avg.)	113 lbs/day	185.8 lbs/day
01/05	BOD ₅ (Monthly Avg.)	38 lbs/day	58.01 lbs/day
	TSS (Monthly Avg.)	113 lbs/day	152.13 lbs/day
02/05	BOD ₅ (Monthly Avg.)	38 lbs/day	59.77 lbs/day
	Fecal Coliform (Weekly Avg.)	400 col/100 ml	576 col/100 ml
	TSS (Monthly Avg.)	113 lbs/day	144.37 lbs/day
03/05	BOD ₅ (Monthly Avg.)	38 lbs/day	49.85 lbs/day
	TSS (Monthly Avg.)	113 lbs/day	142.97 lbs/day
09/05	BOD ₅ (Monthly Avg.)	30 mg/L	41.28 mg/L
	TSS (Monthly Avg.)	90 mg/L	126.25 mg/L
	TSS (Weekly Avg.)	135 mg/L	155.5 mg/L
10/05	BOD ₅ (Monthly Avg.)	38 lbs/day	44.36 lbs/day
	BOD ₅ (Monthly Avg.)	30 mg/L	72.93 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	79 mg/L
	TSS (Monthly Avg.)	90 mg/L	127 mg/L
11/05	BOD ₅ (Monthly Avg.)	30 mg/L	51.6 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	55.05 mg/L
	TSS (Monthly Avg.)	90 mg/L	99 mg/L
12/05	BOD ₅ (Monthly Avg.)	30 mg/L	41.58 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	54.6 mg/L
01/06	BOD ₅ (Monthly Avg.)	38 lbs/day	38.9 lbs/day
	BOD ₅ (Monthly Avg.)	30 mg/L	66.7 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	86.5 mg/L
	TSS (Monthly Avg.)	90 mg/L	118.75 mg/L
	TSS (Weekly Avg.)	135 mg/L	144 mg/L
02/06	BOD ₅ (Monthly Avg.)	30 mg/L	34.58 mg/L
	TSS (Monthly Avg.)	90 mg/L	143.25 mg/L
	TSS (Weekly Avg.)	135 mg/L	146 mg/L
03/06	BOD ₅ (Monthly Avg.)	30 mg/L	31.56 mg/L
	TSS (Monthly Avg.)	90 mg/L	134 mg/L
	TSS (Weekly Avg.)	135 mg/L	138 mg/L

Monitoring Period	Parameter	Permit Limit	Sample Value
05/06	BOD ₅ (Monthly Avg.)	30 mg/L	39.35 mg/L
	TSS (Monthly Avg.)	113 lbs/day	130.59 lbs/day
	TSS (Monthly Avg.)	90 mg/L	206.75 mg/L
	TSS (Weekly Avg.)	135 mg/L	227 mg/L
05/06	BOD ₅ (Monthly Avg.)	30 mg/L	48.1 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	48.1 mg/L
	TSS (Monthly Avg.)	90 mg/L	177.5 mg/L
	TSS (Weekly Avg.)	135 mg/L	199 mg/L
06/06	TSS (Monthly Avg.)	113 lbs/day	140.22 lbs/day
	TSS (Monthly Avg.)	90 mg/L	261 mg/L
	TSS (Weekly Avg.)	135 mg/L	290 mg/L
07/06	TSS (Monthly Avg.)	90 mg/L	327.5 mg/L
	TSS (Weekly Avg.)	135 mg/L	394 mg/L
08/06	TSS (Monthly Avg.)	90 mg/L	104.5 mg/L
09/06	TSS (Monthly Avg.)	90 mg/L	98 mg/L
11/06	BOD ₅ (Monthly Avg.)	38 lbs/day	51.55 lbs/day
	BOD ₅ (Monthly Avg.)	30 mg/L	39.15 mg/L
	TSS (Monthly Avg.)	113 lbs/day	150.43 lbs/day
	TSS (Monthly Avg.)	90 mg/L	113 mg/L
12/06	BOD ₅ (Monthly Avg.)	38 lbs/day	51.19 lbs/day
	BOD ₅ (Monthly Avg.)	30 mg/L	40.7 mg/L
	BOD ₅ (Weekly Avg.)	45 mg/L	55.2 mg/L
	TSS (Monthly Avg.)	113 lbs/day	179.62 lbs/day
	TSS (Monthly Avg.)	90 mg/L	116 mg/L
01/07	BOD ₅ (Monthly Avg.)	38 lbs/day	52.72 lbs/day
	TSS (Monthly Avg.)	113 lbs/day	199.60 lbs/day
03/07	TSS (Monthly Avg.)	90 mg/L	132.5 mg/L
	TSS (Weekly Avg.)	135 mg/L	142 mg/L

Each exceedance of the effluent limitation constitutes a violation of Consolidated Compliance Order and Notice of Potential Penalty WE-CN-01-0165 and LPDES permit LA0046809 (Part I, Page 2 of 2, 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.

An inspection conducted by the Department on or about January 30, 2007, and a subsequent file review conducted by the Department on or about May 22, 2007, revealed that the

Respondent failed to report as required by LPDES permit LA0046809. Specifically, the Department's aforementioned inspection and file review revealed that monthly average concentration calculations on were not flow-weighted as required by Part III, Section F.16 of LPDES permit LA0046809. The Respondent reported arithmetic means for the monthly average concentration calculations on its DMRs. In addition, the Department's file review revealed that the Respondent failed to report the monthly average and weekly average flow and loading values for TSS and BOD₅ for the monitoring period of July 2006. Each failure by the Respondent to report as required is in violation of LPDES permit LA0046809 (Part I, Page 2 of 2, Part II, Section A.10, and Part III, Sections A.2 and D.4), 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 May 22, 2007, revealed that the Respondent failed to submit a DMR for the April 2006 monitoring period. The Respondent's failure to submit a DMR for the April 2006 monitoring period is in violation of LPDES permit LA0046809 (Part II, Section A.10, and Part III, Sections A.2 and D.4) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.

A file review conducted by the Department on or about May 22, 2007, revealed the Respondent failed to submit its monitoring data on pre-printed DMRs provided by the Department.

An inspection conducted by the Department on or about January 30, 2007, and a subsequent file review conducted by the Department on or about May 10, 2007, revealed that the Respondent was exceeding its design capacity. A review of the Respondent's DMRs on or about February 15, 2007, revealed the following flow exceedances:

Monitoring Period	Design Capacity	Reported Flow
11/02	0.15 MGD (Monthly Avg.)	0.183 MGD
	0.15 MGD (Weekly Avg.)	1.548 MGD
12/02	0.15 MGD (Weekly Avg.)	0.393 MGD
01/03	0.15 MGD (Weekly Avg.)	1.018 MGD
10/04	0.15 MGD (Monthly Avg.)	0.655 MGD
	0.15 MGD (Weekly Avg.)	0.655 MGD
11/04	0.15 MGD (Monthly Avg.)	0.2505 MGD
	0.15 MGD (Weekly Avg.)	0.288 MGD
12/04	0.15 MGD (Monthly Avg.)	0.282 MGD
	0.15 MGD (Weekly Avg.)	0.282 MGD
01/05	0.15 MGD (Monthly Avg.)	0.276 MGD
	0.15 MGD (Weekly Avg.)	0.291 MGD
02/05	0.15 MGD (Monthly Avg.)	0.30667 MGD
	0.15 MGD (Weekly Avg.)	0.333 MGD
03/05	0.15 MGD (Monthly Avg.)	0.243 MGD
	0.15 MGD (Weekly Avg.)	0.271 MGD
04/05	0.15 MGD (Monthly Avg.)	0.185 MGD
	0.15 MGD (Weekly Avg.)	0.220 MGD
05/05	0.15 MGD (Weekly Avg.)	0.17062 MGD
08/06	0.15 MGD (Weekly Avg.)	0.1779 MGD
10/06	0.15 MGD (Monthly Avg.)	0.20815 MGD
	0.15 MGD (Weekly Avg.)	0.35862 MGD
11/06	0.15 MGD (Monthly Avg.)	0.16318 MGD
	0.15 MGD (Weekly Avg.)	0.20781 MGD
12/06	0.15 MGD (Monthly Avg.)	0.18259 MGD
	0.15 MGD (Weekly Avg.)	0.27176 MGD
01/07	0.15 MGD (Monthly Avg.)	0.27974 MGD
	0.15 MGD (Weekly Avg.)	0.33120 MGD

Each exceedance of the design capacity is in violation of LPDES permit LA0046809 (Part I, Page 2 of 2, 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.

III

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

IV

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 TWENTY-TWO THOUSAND FIVE HUNDRED TWENTY-FIVE AND NO/100 DOLLARS (\$22,525.00), of which One Thousand One Hundred Fifty-two and 46/100 Dollars (\$1,152.46) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement.

V

Respondent, in addition to the penalty amount specified in Paragraph IV above and as part of this Settlement, agrees to expend the amount of THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$300,000.00) to implement and/or perform the following beneficial environmental projects:

- A. The Town of Sterlington shall contribute \$300,000.00 toward the design/construction of a new sanitary sewer collection system along U.S. Highway 165 as a match toward the total system funding of the project in concert with the Louisiana Capital Outlay. The Design & Projected Construction Schedule is as follows:

<u>Activity</u>	<u>Estimated Completion Date</u>
1. Additional Surveying – Location of New Utilities, etc.	Completed October 1, 2007
2. Detailed Engineering	Completed February 1, 2008
3. Advance Review Documents Issued to Louisiana Facilities Planning and Control (FP&C)	Completed February 18, 2008

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| 4. | Review by Facilities Planning
And Control (FP&C) | Completed March 17, 2008 |
| 5. | Final "Pick-Ups" After Review
By Facilities Planning and Control
(FP&C) | Completed April 14, 2008 |
| 6. | Issue "Approved for Construction"
Bid Documents | Completed April 30, 2008 |
| 7. | Advertisement and Bidding | Completed June 16, 2008 |
| 8. | Award of Contract/Finalization
Of Contract Language, etc. | Completed June 30, 2008 |
| 9. | Contractor Notice to Proceed | Completed July 14, 2008 |
| 10. | Mobilization | Completed July 30, 2008 |
| 11. | Construction | Completed January 31, 2009 |
| 12. | Start-Up Operations
(Lift Stations, etc.) | Completed February 16, 2009 |
| 13. | Substantial Completion and Cleanup | Completed February 23, 2009 |
| 14. | Construction Complete | Completed February 27, 2009 |

- B. Respondent shall submit monthly reports regarding its progress on the projects. The first shall be due on the 5th of the month following the date the Department signs this Settlement. Monthly reports shall be submitted on the 5th of every month thereafter until the project is completed. Each such monthly report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Upon completion of all projects required under this Settlement,

Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the projects listed above. It shall also contain a certification that the projects were completed as described.

- C. If Respondent does not spend the amount of \$300,000.00, then it shall, in its final report, propose additional projects for the Department's approval [or pay to the Department] in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.
- D. The total amount of money expended by Respondent on cash payments to DEQ and on beneficial environmental projects, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30: 2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Orders and Notices of Potential Penalty 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.

VII

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.

VIII

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

IX

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

X

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 Department of Environmental Quality, and mailed or delivered 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).

XI

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

XII

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.

TOWN OF STERLINGTON

BY: Vern Breland
(Signature)

Vern Breland
(Print)

TITLE: Mayor

THUS DONE AND SIGNED in duplicate original before me this 11th day of January, 20 08, at Sterlington, Louisiana.

Todd G. Newman
NOTARY PUBLIC (ID # 20310)

Todd G. Newman
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
HAROLD LEGGETT, PH.D., SECRETARY

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

THUS DONE AND SIGNED in duplicate original before me this 22nd day of April, 20 08, at Baton Rouge, Louisiana.

Ted R. Boyle, II
NOTARY PUBLIC (ID # 210539)

Ted R. Boyle, II
(Print)

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