

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 24, 2010

CERTIFIED MAIL (7004 2510 0005 5768 6512)
RETURN RECEIPT REQUESTED

JEFFERSON PARISH GOVERNMENT
c/o Honorable Steve J. Theriot, Parish President
200 Derbigny Street, Suite 6100
Gretna, LA 70053

**RE: AMENDED COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. WE-C-09-0173A
AGENCY INTEREST NO. 4668**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED COMPLIANCE ORDER** is hereby served on **JEFFERSON PARISH GOVERNMENT (RESPONDENT)** for the violations described therein.

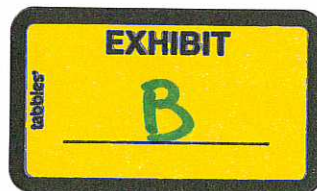
Any questions concerning this action should be directed to Suzanne Gardner at (225) 219-3769.

Sincerely,

A handwritten signature in black ink, appearing to read "Lourdes Iturralde".

Lourdes Iturralde
Administrator
Enforcement Division

LI/SDG/sdg
Alt ID No. LA0042081
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF JEFFERSON PARISH GOVERNMENT JEFFERSON PARISH ALT ID NO. LA0042081, LAR05M266 PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, <u>ET SEQ.</u>	* * * * * * * * * * *	ENFORCEMENT TRACKING NO. WE-C-09-0173A AGENCY INTEREST NO. 4668
---	---	--

AMENDED COMPLIANCE ORDER

The Louisiana Department of Environmental Quality (the Department) hereby amends the **COMPLIANCE ORDER** issued to **JEFFERSON PARISH GOVERNMENT (RESPONDENT)** on August 24, 2009 in the above-captioned matter as follows:

I.

The Department hereby amends Paragraph II of the Findings of Fact portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

"II.

An inspection conducted by the Department on or about March 12, 2009, and a subsequent file review conducted by the Department on or about February 17, 2010, revealed the following effluent limitation exceedances as reported by the Respondent on its Discharge Monitoring Reports (DMRs):

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
07/2005	001 A	TSS Monthly Average	3,428 lbs/day	3,839 lbs/day
09/2005	001 A	BOD Weekly Average	45 mg/L	54 mg/L

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
09/2005	001A	TSS Weekly Average	45 mg/L	60 mg/L
12/2008	001A	BOD Monthly Average	30 mg/L	56 mg/L
	001A	BOD Weekly Average	45 mg/L	64 mg/L*
	001A	BOD Weekly Average	45 mg/L	83 mg/L
01/2009	001A	BOD Monthly Average	3,428 lbs/day	5,328 lbs/day
		BOD Monthly Average	30 mg/L	86 mg/L
		BOD Weekly Average	45 mg/L	75 mg/L*
		BOD Weekly Average	45 mg/L	102 mg/L
		TSS Weekly Average	45 mg/L	48 mg/L
		BOD Weekly Average	45 mg/L	84 mg/L*
		BOD Weekly Average	45 mg/L	93 mg/L*
		BOD Weekly Average	45 mg/L	69 mg/L*
02/2009	001A	BOD Monthly Average	30 mg/L	67 mg/L
		BOD Weekly Average	45 mg/L	77 mg/L
		BOD Weekly Average	45 mg/L	74 mg/L*
04/2009	001A	BOD Monthly Average	30 mg/L	38 mg/L
		BOD Weekly Average	45 mg/L	58 mg/L
06/2009	001A	BOD Monthly Average	30 mg/L	33 mg/L
07/2009	001A	BOD Monthly Average	30 mg/L	41 mg/L
		BOD Weekly Average	45 mg/L	50 mg/L
09/2009	001A	BOD Monthly Average	30 mg/L	34 mg/L
10/2009	001A	BOD Monthly Average	3,428 lbs/day	3,633 lbs/day
		BOD Monthly Average	30 mg/L	41 mg/L
		BOD Weekly Average	45 mg/L	49 mg/L
11/09	001A	BOD Monthly Average	30 mg/L	56 mg/L
		BOD Weekly Average	45 mg/L	71 mg/L
		BOD Weekly Average	45 mg/L	53 mg/L*
		BOD Weekly Average	45 mg/L	46 mg/L*
		BOD Weekly Average	45 mg/L	53 mg/L*
12/09	001A	BOD Monthly Average	3,428 lbs/day	4,542 lbs/day
		BOD Monthly Average	30 mg/L	41 mg/L
		BOD Weekly Average	45 mg/L	62 mg/L
		TSS Monthly Average	3,428 lbs/day	4,654 lbs/day
		TSS Monthly Average	30 mg/L	42 mg/L
		TSS Weekly Average	45 mg/L	76 mg/L

* As reported by the Respondent on non-compliance reports

Each exceedance of the effluent limitations is a violation of LPDES permit LA0042081 (Part I, Page 2 and Part III, Section A.2), 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.D, and LAC 33:IX.2701.A.”

II.

The Department hereby amends Paragraph III of the Findings of Fact portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

"III.

Inspections conducted by the Department on or about March 12, 2009, and April 18, 2007, and a subsequent file review conducted by the Department on or about February 17, 2010, revealed that the Respondent failed to sample its discharge in accordance with its LPDES permit LA0042081. Specifically, the Respondent failed to sample the following:

DATE	OUTFALL	PARAMETER	SAMPLING
02/28/2004	001	Fecal Coliform (weekly avg.) 400 col./100 ml	Failed To Sample
		Fecal Coliform (monthly avg) 200 col./100 ml	Failed To Sample
05/2006 -07/2006	001	Kjeldahl Nitrogen	Failed To Sample
		Phosphorus	Failed To Sample
		Mercury	Failed To Sample
11/2006 - 01/2007	001	Kjeldahl Nitrogen	Failed To Sample
		Phosphorus	Failed To Sample
		Mercury	Failed To Sample
03/30/2008	001	Fecal Coliform (weekly avg.) 400 col./100 ml	Failed To Sample
		Fecal Coliform (monthly avg.) 200 col./100 ml	Failed To Sample
		BOD ₅	Failed To Sample
		TSS	Failed To Sample
		pH	Failed To Sample

Each failure to sample is a violation of LPDES permit LA0042081 (Part I, Page 2 of 3, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A."

III.

The Department hereby amends Paragraph IV of the Findings of Fact portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

"IV.

An inspection conducted by the Department on or about April, 18, 2007, and a subsequent file review conducted by the Department on or about February 17, 2010, revealed that the Respondent had notified the Department that bypasses of sanitary wastewater had occurred. Specifically, the following three (3) bypasses were reported:

Date of Occurrence	Amount Discharged	Reason for Bypass	Receiving Stream
3/2/06 – 3/3/06	6,000,000 gals (fully treated)	Repair crack in discharge line leading to Mississippi River	Gardere Canal
1/13/10 (spill to ground); 1/15/10 – 1/16/10 (estimated due to rainfall event)	84,000 gals (to ground); estimated 2,500 gals (partially treated) discharged to water	Cap to final clarifier clean out line broken by employee's lawnmower	Gardere Canal
1/13/10	5,000 gals (from Meadowbrook Pump Station)	Repair work to 36" force main at Lapalco Blvd. & Verret Canal	Fortado Canal

Each bypass is a violation of LPDES permit LA0042081 (Part III, Sections A.2 and B.4.d), 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.D, LAC 33:IX.2701.A, and LAC 33:IX.2701.M.4.”

IV.

The Department hereby amends Paragraph VII of the Findings of Fact portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

“VII.

Inspections conducted by the Department on or about April 17, 2001, May 29, 2002, May 6, 2003, May 6, 2004, April 1, 2005, April 18, 2007, and March 12, 2009; and a subsequent file review conducted by the Department on or about February 17, 2010, revealed that the Respondent did cause or allow the unauthorized discharge of raw sewage. Specifically, there were numerous overflows from various locations in the collection system throughout the period of April 2001 through October 2009. There were one hundred and eleven (111) overflows into Bayou Barataria, thirty (30) overflows into the Lake Pontchartrain, seven (5) overflows to various other waters of the state (i.e., Murphy Canal, Fortado Canal, Gardere Canal, and Trapp Canal). Each unauthorized discharge of raw sewage is a violation of LPDES permit LA0042081 (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.C, and LAC 33:IX.2701.A.”

IV.

The Department hereby amends Paragraph VIII of the Findings of Fact portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

“VIII.

Inspections conducted by the Department on or about May 6, 2003 and March 12, 2009, and a subsequent file review conducted by the Department on or about February 17, 2010, revealed that the Respondent failed to continuously record flow and properly calculate loadings

as required by LPDES permit LA0042081. Specifically, the Respondent failed to properly calculate loadings on its DMRs as a result of the Respondent's usage of flow measurements in the calculation that were not continuously recorded for the monitoring periods of February 2003, March 2003, January 2008, and September 2009. Each failure to properly calculate loadings is a violation of LPDES permit LA0042081 (Part I, and Part III, Section A.2 and F.17), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.J.4, and LAC 33:IX.2701.L.4.d. Each failure to continuously record flow as specified in the permit is a violation of LPDES permit LA0042081 (Part I, Page 2, and Part III, Section A.1 and C.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A."

V.

The Department hereby amends Paragraph IX of the Findings of Fact portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

"IX.

Inspections conducted by the Department on or about May 20, 2008, and March 12, 2009, revealed that the Respondent did cause or allowed the unauthorized discharges of raw sewage which resulted in the following fish kills:

- A. On or about May 18, 2008, approximately 910,000 gallons of raw sewage discharged from the Meadowbrook Pumping Station into the Fortado Canal. The overflow into the Fortado Canal resulted in a fish kill of approximately fifty-five (55) fish. The water color was noted in the inspection to be dark brown in color with a distinct sewage odor.
- B. On or about May 29, 2008, approximately 450,000 gallons of raw sewage discharged from the lift station at Meadowbrook Pumping Station into Fortado Canal. The overflow into the Fortado Canal resulted in a fish kill of approximately four (4) fish.
- C. On or about May 30, 2008, approximately 600,000 gallons of raw sewage discharged from the force main into Weyerauch Canal. The overflow into the Weyerauch Canal resulted in a fish kill of approximately seven (7) fish.
- D. On or about July 14, 2009, approximately 4,300 gallons of raw sewage discharged from the lift station into the Fortado Canal. The overflow into the Weyerauch Canal resulted in a fish kill of approximately twenty-five to thirty (25-30) fish.

The destruction of fish and wildlife is a violation of La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.1113.B.1.d, LAC 33:IX.1113.B.2, and LAC 33:IX.1113.B.5.”

VI.

The Department hereby adds Paragraph X of the Findings of Fact portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

“X.

An inspection conducted by the Department on or about March 12, 2009, revealed that the Respondent failed to produce the annual Municipal Water Pollution Prevention (MWPP) report the permit and permit related records as required by LPDES permit LA0042081. The failure to maintain the Annual MWPP report with the permit and permit related documents is a violation of LPDES permit LA0042081 (Part II, Section C.3, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.”

VII.

The Department hereby amends Paragraph II of the Order portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

“II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the permit limitations and conditions contained in LPDES permit LA004208 including, but not limited to, properly operating and maintaining the facility, preventing bypasses and overflows, continuously recording flow, properly calculating loading values on DMRs, sampling the effluent, and preventing the destruction of fish and wildlife.”

VIII.

The Department hereby adds Paragraph IV of the Order portion of **COMPLIANCE ORDER WE-C-09-0173**, to read as follows:

“IV.

“To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, annual MWPP reports as required by LPDES permit LA0042081.”

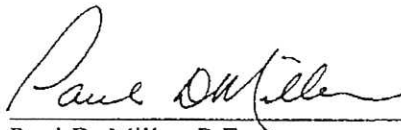
IX.

The Department incorporates all of the remainder of the original **COMPLIANCE ORDER WE-C-09-0173** and **AGENCY INTEREST NO. 4668** as if reiterated herein.

X.

This **AMENDED COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 24th day of February, 2010.



Paul D. Miller, P.E.
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Scott Pierce

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 18, 2010

EDMS
Suzanne
Dawn
EPA

CERTIFIED MAIL (7004 2510 0005 5768 4082)
RETURN RECEIPT REQUESTED

JEFFERSON PARISH GOVERNMENT
c/o Honorable Steven J. Theriot, President
200 Derbigny St., Ste. 6100
Gretna, LA 70053

RE: COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. WE-C-10-01412.
AGENCY INTEREST NO. 4668

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **COMPLIANCE ORDER** is hereby served on **JEFFERSON PARISH GOVERNMENT (RESPONDENT)** for the violations described therein.

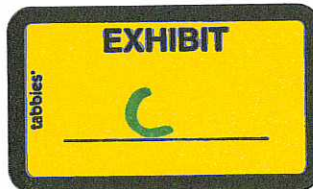
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **COMPLIANCE ORDER** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Suzanne Gardner at (225) 219-3769.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/SDG/sdg
Alt ID No. LA0042081
Attachment



Ms. Carol Peters-Wagnon
U.S. Environmental Protection Agency, Region 6

Erroll Farness, Sanitarian Regional Director
Lenette Cunningham, Float Sanitarian
1010 Common St. Suite 700
New Orleans, LA 70112

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
JEFFERSON PARISH GOVERNMENT	*	ENFORCEMENT TRACKING NO.
JEFFERSON PARISH	*	
ALT ID NO. LA0042081	*	WE-C-10-01412
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	4668
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

COMPLIANCE ORDER

The following **COMPLIANCE ORDER** is issued to **JEFFERSON PARISH GOVERNMENT (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Harvey Wastewater Treatment Plant located at 2342 Paillet Street in Harvey, Jefferson Parish, Louisiana. The Respondent was issued Louisiana Water Discharge Pollutant System (LWDPS) permit WP0774 on May 16, 1991, with an expiration date of May 15, 1996. The Respondent was issued National Pollutant Discharge Elimination System (NPDES) permit LA0042081, with an effective date of February 1, 1994, and an expiration date of December 17, 1998. In accordance with the Department's assumption of the NPDES program by the state of Louisiana, NPDES permit LA0042081 became Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0042081 with the same expiration date of December 17, 1998, and was administratively continued. The Department received an

application on or about June 17, 1998, from the Respondent to renew LPDES permit LA0042081. Upon issuance, the LPDES permit LA0042081 replaced the previously issued NPDES permit and LWDPSP permit WP0774. The Respondent was issued LPDES permit LA0042081, with an effective date of May 1, 2002, and an expiration date of April 30, 2007, and was administratively continued. The Respondent was re-issued LPDES permit LA0042081 with an effective date of July 1, 2007, and an expiration date of June 30, 2012. LPDES permit LA0042081 authorizes the Respondent to discharge treated sanitary wastewater into the Mississippi River, waters of the state.

II.

The Respondent was issued **COMPLIANCE ORDER WE-C-09-0173** on or about August 24, 2009. The relevant violations of the Findings of Fact were:

- A. The unauthorized discharge of wastewater from a location not specified in the permit;
- B. Discharges exceeding permitted limits;
- C. Failing to submit non-compliance reports;
- D. Failing to sample the discharge;
- E. Bypassing treatment;
- F. Failing to properly operate and maintain the facility;
- G. Numerous overflows;
- H. Failing to continuously record flow and properly calculate loadings; and
- I. The destruction of fish and wildlife.

The relevant requirements of the **COMPLIANCE ORDER** were to:

- A. Immediately cease all unauthorized discharges;
- B. Immediately take any and all steps necessary to meet and maintain compliance with LPDES permit LA0042081;
- C. Properly operate and maintain the facility, preventing bypasses and overflows, continuously recording flow, properly calculating loading values on DMRs, sampling the effluent, submitting NCRs, and preventing the destruction of fish and wildlife; and to
- D. Submit a written response, within thirty (30) days of receipt of the **COMPLIANCE ORDER**.

A written response was received by the Department on or about March 10, 2010.

III.

The Respondent was issued **AMENDED COMPLIANCE ORDER WE-C-09-0173A** on or about February 24, 2010, to include the following violations: additional effluent violations, additional bypasses, additional overflows, additional fish kills, and the failure to produce the annual Municipal Water Pollution Prevention (MWPP) report, as well as to include reference to

the inspection on or about March 12, 2009, for various violations. **AMENDED COMPLIANCE ORDER WE-C-09-0173A** required the Respondent to submit annual MWPP reports. The Department also incorporated all of the original **COMPLIANCE ORDER WE-C-09-0173**. The Department received a written response from the Respondent on or about March 23, 2010. On or about March 31, 2010, the Department received a request for an Adjudicatory Hearing from the Respondent for **AMENDED COMPLIANCE ORDER WE-C-09-0173A**. The Department and the Respondent entered into a Dispute Resolution Agreement on or about April 20, 2010.

IV.

A file review conducted by the Department on or about September 8, 2010, revealed the following effluent limitation exceedances as reported by the Respondent on its Discharge Monitoring Reports (DMRs):

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
01/2010	001 A	BOD Monthly Average	30 mg/L	33 mg/L
04/2010	001 A	BOD Monthly Average	30 mg/L	43 mg/L
		BOD Weekly Average	45 mg/L	48 mg/L
04/25/2010	001 A	BOD Weekly Average	45 mg/L	67 mg/L*
05/2010	001 A	BOD Monthly Average	3,428 lbs/day	4,499 lbs/day
		BOD Monthly Average	30 mg/L	50 mg/L
		BOD Weekly Average	45 mg/L	70 mg/L
05/09/2010	001 A	BOD Weekly Average	45 mg/L	48 mg/L*
06/2010	001 A	BOD Monthly Average	30 mg/L	34 mg/L
07/2010	001 A	BOD Monthly Average	30 mg/L	31 mg/L
		TSS Monthly Average	30 mg/L	42 mg/L
		TSS Weekly Average	45 mg/L	65 mg/L
07/18/2010	001 A	TSS Weekly Average	45 mg/L	49 mg/L*

* As reported by the Respondent on non-compliance Reports

Each exceedance of the effluent limitations is a violation of LPDES permit LA0042081 (Part I, Page 2 and Part III, Section A.2), 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.D, and LAC 33:IX.2701.A.

V.

A file review conducted by the Department on or about September 8, 2010, revealed that the Respondent did cause or allow the unauthorized discharge of raw sewage. Specifically, the following overflows from various locations in the collection system were reported by the Respondent on its Collection Overflow Summary:

DATE	AMOUNT DISCHARGED	LOCATION OF OVERFLOW	REASON
01/4/2010	Approx. 400 gallons (Gals.)	Force main at the intersection of 673 Wright Ave. & Concord St.	Broken force main
01/13/2010	Approx. 5,000 Gals.	Lift station wet well at Meadowbrook Sewerage Pump Station	Broken force main
	Approx. 2,500 Gals.	Clean out line for return sludge line of #2 Final Clarifier at Harvey STP	Broken clean out cap
01/14/2010	Approx. 200 Gals.	Force main at 605 Lapalco Blvd.	Broken force Main
02/12/2010	Approx. 208,800 Gals.	Lift station wet well at the intersection of Diplomat St. & Stumpf Blvd.	Excessive rain
	Approx. 239,250 Gals.	Manhole at the intersection of Brown Lane & Cranberry Dr.	Excessive rain
	Approx. 43,500 Gals.	Manhole at 3828 Clover Lane	Excessive rain
	Approx. 130,500 Gals.	Manhole at the intersection of Lake Aspen Dr. & Lake Timberlane Dr.	Excessive rain
	Approx. 65,050 Gals.	Manhole at 2264 S. Friendship Dr.	Excessive rain
	Approx. 2,700 Gals.	Manhole at intersection of Deerfield Rd. and Emerson St.	Excessive rain
02/28/2010	Approx. 1,157 Gals.	Force main at the intersection of Lapalco Blvd. & Fairfield Ave.	Broken force main
03/05/2010	Approx. 4,900 Gals.	Fore main at the intersection of Honeysuckle PL. & Industry Canal	Broken force main
03/12/2010	Approx. 3,952 Gals.	Lift station wet well at Meadowbrook Sewerage Pump Station.	Electrical failure
03/21/2010	Approx. 200 Gals.	Force main at the intersection of 149 Commerce St. & Timberlane Dr.	Broken force main
05/12/2010	Approx. 87,000 Gals.	Manhole at 400 block of Fairfield Dr.	Excessive rain
07/06/2010	Approx. 435,000 Gals.	Manhole at the intersection of Deerfield Rd. & Emerson St.	Excessive rain
	Approx. 174,000 Gals.	Lift station wet well at the intersection of Harvard Ave. & Glencove Lane	Excessive rain
	Approx. 69,600 Gals.	Manhole at the intersection of 8 th St. & Olive Ave.	Excessive rain
07/15/2010	Approx. 200 Gals.	Force main at 509 Bannerwood Dr.	Broken force main
07/22/2010	Approx. 300 Gals.	Force main at the intersection of Greenleaf Dr. & Westbank Expressway.	Broken force main

Each unauthorized discharge of raw sewage is a violation of LPDES permit LA0042081 (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.C, and LAC 33:IX.2701.A. The failure to properly operate and maintain the facility is a violation of LPDES permit LA0042081 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E.

VI.

A file review conducted by the Department on or about September 8, 2010, revealed that the Respondent had notified the Department that a bypass of approximately 4,900 gallons of wastewater from the treatment plant into the Industry Canal had occurred on March 5, 2010. The

bypass was discovered during routine maintenance of the Terrytown II Sewerage Pump Station. The station was shut down for repairs which took longer than expected. As a result, the Terrytown II Sewerage Pump Station began bypassing the wastewater into the Industry Canal. The bypass is a violation of LPDES permit LA0042081 (Part III, Sections A.2 and B.4.d), 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.D, LAC 33:IX.2701.A, and LAC 33:IX.2701.M.4.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility into waters of the state and comply with the Water Quality Regulations.

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the permit limitations and conditions contained in LPDES permit LA0042081 including, but not limited to, properly operating and maintaining the facility, and preventing bypasses and overflows.

III.

The Respondent shall accomplish the following tasks and comply with the following schedule of activities associated with the improvements at the Harvey Wastewater Treatment Plant:

PROJECT 3114A - PRIMARY CLARIFIER NO.1 IMPROVEMENTS AT THE HARVEY WASTEWATER TREATMENT PLANT

MILESTONE	COMPLETION DATE
Begin and Evaluate Design	May 31, 2011
Finish Design	September 30, 2011
Advertise for Bids	October 31, 2011
Receive Bids	January 31, 2012
Award Contract	February 28, 2012
Begin Construction	April, 30, 2012
End Construction	March 31, 2013
Achieve and Maintain Compliance	June 30, 2013

**PROJECT 3112 - INSTALLATION OF BACK-UP GENERATORS
AT THE HARVEY WASTEWATER TREATMENT PLANT**

MILESTONE	COMPLETION DATE
Begin Design	Completed
End Design	Completed
Advertise for Bids	July 31, 2011
Receive Bids	September 30, 2011
Award Contract	November 30, 2011
Begin Construction	January 31, 2012
End Construction	January 31, 2013

**PROJECT 3115 - EFFLUENT PUMP STATION IMPROVEMENTS
AT THE HARVEY WASTEWATER TREATMENT PLANT**

MILESTONE	COMPLETION DATE
Begin Design	Completed
End Design	Completed
Advertise for Bids	Completed
Receive Bids	Completed
Award Contract	Completed
Begin Construction	November 30, 2010
End Construction	May 31, 2012
Achieve and Maintain Compliance	August 31, 2012

The Respondent shall submit progress reports quarterly until completion of the proposed improvements. The first progress report is due December 31, 2010. Within 15 days of any due date specified in the schedule above, the Respondent shall submit a certification of compliance or non-compliance with that activity. If the Respondent reports non-compliance with a schedule event, the certification shall include a discussion of the cause of the delay, an anticipated date of completion and a discussion of any impairment of a subsequent due date.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Suzanne Gardner
Enforcement Tracking No. WE-C-10-01412
Agency Interest No. 4668

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-C-10-01412
Agency Interest No. 4668

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, *et seq.*), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

VIII.

This **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 18 day of November, 2010.



Beau James Brock
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or
related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Suzanne Gardner



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 18, 2010

EDMS
Suzanne
Dawn
EPA

CERTIFIED MAIL (7004 2510 0005 5768 4099)
RETURN RECEIPT REQUESTED

JEFFERSON PARISH GOVERNMENT
c/o Honorable Steven J. Theriot, President
200 Derbigny St., Ste. 6100
Gretna, LA 70053

RE: COMPLIANCE ORDER
ENFORCEMENT TRACKING NO. WE-C-10-01413
AGENCY INTEREST NO. 2918

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **COMPLIANCE ORDER** is hereby served on the **JEFFERSON PARISH GOVERNMENT (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **COMPLIANCE ORDER** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Suzanne Gardner at (225) 219-3769.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/SDG/sdg
Alt ID No. LA0042048
Attachment



c: Jefferson Parish Department of Sewerage
Brett Todd, Director
1221 Elmwood Park Blvd., Ste. 803
Jefferson, LA 70123

Ms. Carol Peters-Wagnon
U.S. Environmental Protection Agency, Region 6

Erroll Farness, Regional Sanitarian
New Orleans Metro Region I

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
JEFFERSON PARISH GOVERNMENT	*	
	*	ENFORCEMENT TRACKING NO.
JEFFERSON PARISH	*	
ALT ID NO. LA0042048	*	WE-C-10-01413
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	2918
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

COMPLIANCE ORDER

The following **COMPLIANCE ORDER** is issued to the **JEFFERSON PARISH GOVERNMENT (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates an existing publicly owned treatment works known as the Marrero Wastewater Treatment Plant that serves the residents 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 December 29, 2004, with an effective date of February 1, 2005, and an expiration date of January 31, 2010, and was administratively continued. The Respondent was re-issued LPDES permit LA0042048 on March 10, 2010, with an effective date

of April 1, 2010, and an expiration date of March 31, 2015. LPDES permit LA0042048 authorizes the Respondent to discharge certain quantities and qualities of treated sanitary wastewater to the Mississippi River, waters of the state.

II.

An inspection conducted by the Department on or about September 29, 2009, revealed that the Respondent failed to maintain and/or produce the following reports and/or documentation at the time of the inspection as required by LPDES permit LA0042048:

- A. Municipal Water Pollution Prevention Annual Environmental Audit Reports at the time of inspection;
- B. Stormwater discharge annual inspection reports; and
- C. Stormwater Training Records.

The failure to maintain or produce reports and/or documentation at the time of inspection prior to April 1, 2010, is a violation of LPDES permit LA0042048 (Part II, Sections B.3, and D.4; and Part III, Sections A.2, and C.3) and beginning April 1, 2010, each failure to maintain or produce reports and/or documentation at the time of inspection is a violation of LPDES permit LA0042048 (Part II, Sections B.4.d and C.3; and Part III, Sections A.2, and C.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

III.

On or about September 22, 2010, the Department conducted a file review in order to determine compliance with LPDES permit LA0042048 and the Water Quality Regulations. The file review revealed the following violations:

- A. The facility experienced overflows as reported by the Respondent. The overflows are listed as follows:

DATE OF OVERFLOW	OVERFLOW LOCATION	OVERFLOW AMOUNT
12/08/2009	Lift station wet well at the intersection of Farrington Dr. & 13 th St.	243,000 Gals.
	Manhole at the intersection of 7 th St. & Rebenstich St.	174,000 Gals.
12/13/2009	Manhole at the intersection of 6 th St. & Rebenstich St.	87,000 Gals.
12/15/2009	Lift station wet well at the intersection of 6 th & Rebenstich St.	313,200 Gals.
	Manhole at the intersection of Patriot St. & Curtis St.	365,400 Gals.
12/18/2009	Manhole at the intersection of 6 th & Rebenstich St.	130,500 Gals.
01/15/2010	Force main at Bayou Des Familles	300 Gals.
02/12/2010	Manhole at intersection of Rebenstich Dr. & Patrick Pl.	156,600 Gals.

DATE OF OVERFLOW	OVERFLOW LOCATION	OVERFLOW AMOUNT
02/23/2010	Force main at 2900 Destrehan Ave.	1,000 Gals.
05/15-17/2010	Force main near the intersection of Barataria Blvd. & Cousins Blvd.	97,875 Gals.
06/17/2010	Force main at 529 Wright Ave.	300 Gals.
06/29/2010	Force main near 2100 Lincolnshire Dr.	500 Gals.
07/01/2010	Manhole at the intersection of Ames Blvd. & Happy St.	62,500 Gals.
07/06/2010	Manhole at 3900 Hillcrest Dr.	21,750 Gals.
	Lift Station wet well at the intersection Rebenstich St. & 6 th St.	139,200 Gals.

Each unauthorized discharge of wastewater from a location not specified in a permit is a violation of LPDES permit LA0042048 (Part III, Section A.2), La. R.S. 30:2076 (A) (1) (a), and LAC 33:IX.501.D. The failure to properly operate and maintain the facility is a violation of LPDES permit LA0042048 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E.

- B. The discharge exceeded permit limitations as reported by the Respondent on Discharge Monitoring Reports. The reported exceedances are as follows:

MONITORING PERIOD	OUTFALL	PARAMETER	PERMIT LIMIT	REPORTED VALUE
03/2010	001A	TSS (monthly loading avg.)	2815 lbs/day	3188 lbs/day
		TSS (monthly avg.)	30 mg/L	39 mg/L
		TSS (monthly avg.)	45 mg/L	56 mg/L*
		BOD (weekly avg.)	45 mg/L	48 mg/L*
04/2010	001A	BOD (monthly avg.)	30 mg/L	44 mg/L
		BOD (weekly avg.)	45 mg/L	65 mg/L
		TSS (monthly avg.)	2815 lbs/day	5670 lbs/day
		TSS (monthly avg.)	30 mg/L	97 mg/L
		TSS (weekly avg.)	45 mg/L	264 mg/L
05/2010	001A	BOD (monthly avg.)	45 mg/L	56 mg/L
		TSS (monthly avg.)	30 mg/L	38 mg/L
		TSS (monthly avg.)	2815 lbs./day	3279 lbs./day
		TSS (weekly avg.)	45 mg/L	96 mg/L
		TSS (weekly avg.)	45 mg/L	53 mg/L*
06/2010	001A	TSS (weekly avg.)	45 mg/L	50 mg/L
07/2010	001A	Fecal Coliform (weekly avg.)	400 col./100ml	909 col./100ml*
		TSS (monthly avg.)	30 mg/L	35 mg/L
		TSS (monthly loading avg.)	2815 lbs./day	3191 lbs./day
		TSS (weekly avg.)	45 mg/L	57 mg/L
		Fecal Coliform (weekly avg.)	400 col./100ml	1395 col./100ml

* As reported by the Respondent on non-compliance Reports

Each effluent exceedance prior to April 1, 2010, is a violation of LPDES permit LA0042048 (Part I, Page 4 of 5, and Part III, Section A.2), and after April 1, 2010, each effluent exceedance is a violation of LPDES permit LA0042048 (Part I, Page 2 of 3, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

- C. The Respondent failed to sample the effluent according to LPDES permit LA0042048 as reported by the Respondent on a non-compliance report (NCR). Specifically, the Respondent failed to sample the effluent for the first quarter (January through March) of 2010 for Phosphorus at Outfall 001A in accordance with the LPDES permit LA0042048. Each failure to sample the effluent as specified in the permit is a violation of LPDES permit LA0042048 (Part I, Page 4 of 5, and Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.2701.J, and LAC 33:IX.501.A.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, all unauthorized discharges from the Respondent's facility into waters of the state and comply with the Water Quality Regulations.

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the permit limitations and conditions contained in LPDES permit LA0042048 including, but not limited to, properly maintaining required records, preventing overflows, and properly operating and maintaining the facility.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Suzanne Gardner
Enforcement Tracking No. WE-C-10-01413
Agency Interest No. 2918

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. WE-C-10-01413
Agency Interest No. 2918

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

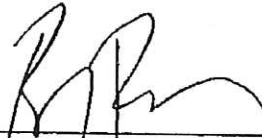
VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

VIII.

This **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 18 day of November, 2010.



Beau James Brock
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Suzanne Gardner