

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CITY OF WESTWEGO

AI # 4857

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT

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

\* Settlement Tracking No.  
\* SA-WE-17-0020  
\*  
\* Enforcement Tracking No.  
\* WE-CN-03-0681  
\* WE-CN-03-0681A  
\* WE-CN-03-0681B  
\* WE-CN-03-0681C  
\* WE-CN-08-0350  
\* WE-CN-08-0350A  
\* WE-CN-12-00721  
\* WE-L-15-01328  
\*  
\* DOCKET NO. 2009-0900-EQ

SETTLEMENT

The following Settlement is hereby agreed to between City of Westwego (“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 that owns and/or operates a publicly owned treatment works facility located in Jefferson Parish, Louisiana (“the Facility”).

II

On August 19, 2004, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-03-0681**, attached as Exhibit A.

On February 21, 2005, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-03-0681A**, attached as Exhibit B.

On December 12, 2005, the Department issued to Respondent an Amended Consolidated

Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-03-0681B**, attached as Exhibit C.

On February 28, 2007, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-03-0681C**, attached as Exhibit D.

On November 7, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-08-0350**, attached as Exhibit E.

On January 11, 2012, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-08-0350A**, attached as Exhibit F.

On November 14, 2012, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-12-00721**, attached as Exhibit G.

On November 24, 2015, the Department issued to Respondent a Warning Letter, Enforcement No. **WE-L-15-01328**, attached as Exhibit H.

The following violations, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement.

- A. An inspection conducted by the Department on or about September 20, 2013, pursuant to a citizen's complaint, revealed that the Respondent failed to properly operate and maintain the facility. Specifically, the Respondent did cause or allow the following overflow of sewage to the ground:

DATE	VOLUME	LOCATION	CAUSE
06/05/2015	Unknown	10 WB Expressway	Broken 12-in force main
08/17/2014	Unknown	Avenue D	Broken underground pipe
05/21/2014	Unknown	WWTP	Contractor broke a force main
09/21/2013	Unknown	Victory Drive	Pump failure
09/06/2013	Unknown	WWTP	Foam
08/26/2013	Unknown	WWTP	Final electrical connection
06/21/2013	Unknown	WWTP	Release stayed in the plant
04/08/2013	Unknown	Louisiana St LS	Wastewater
03/31/2013	Unknown	Louisiana St LS	Overflow treated water
01/25/2013	Unknown	WWTP	Treated wastewater
12/25/2012	Unknown	WWTP	No sewage left the plant
06/19/2012	Unknown	# 1 primary clarifier to holding tank	Flow was Not diverted
04/03/2012	100000-gal	WWTP	Treated wastewater

The failure to properly operate and maintain the facility is a violation of LPDES Permit LA0038059 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E.

- B. An inspection conducted by the Department on or about September 20, 2013, pursuant to a citizen's complaint, and a subsequent file review conducted on or about September 10, 2015, revealed the following permit limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs):

Each exceedance of the permit limitations is a violation of LPDES permit LA0038059

Outfall	Date	Parameter	Value	Permit limit
001	11/2014	TSS	51 mg/L	45 mg/L
001	12/2013	TSS	58.50 mg/L	45 mg/L
001	09/2013	Fecal coliform	3286 col/100 mil	400 col/100 ml
001	06/2013	TSS	46.95 mg/L	45 mg/L
001	12/2012	BOD <sub>5</sub>	46.50 mg/L	45 mg/L
001	12/2012	TSS	53 mg/L	45 mg/L
001	12/2012	Fecal coliform	2983.96 col/100 mil	400 col/100 ml
001	07/2012	Fecal coliform	60000 col/100 mil	400 col/100 ml

(Part I and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-08-0350, Respondent made a timely request for a hearing.

IV

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

V

Nonetheless, 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 Three Thousand Five Hundred Forty-Three and 39/100 Dollars (\$3,543.39), which represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

VI

Respondent, in addition to the penalty amount specified in Paragraph V above and as part of this Settlement, agrees to expend the amount of \$150,653.00 to implement and/or perform the following beneficial environmental projects:

A. The Wetlands Harbor Activities Recreational Facility (WHARF) project is to provide accessible water based activities for seniors, youth and anglers with disabilities, while maintaining a more natural atmosphere. This initial phase of improvements will include the following items:

1. Mobilize a new classroom facility
2. Construct handicap ramp for classroom accessibility
3. Construct new handicap accessible restroom adjacent to the classroom facility
4. Improve the existing access road and project site

5. Install a new ornamental security fence along the levee right-of-way with roller gate
6. Install basic water and sewer utilities
7. Install electricity and communication utilities

Due to the close proximity of the existing topography to water means that much of the WHARF project site is within jurisdictional wetlands, and that any improvements will require avoidance, minimization or mitigation of any wetland impacts. The initial improvements are planned to stay within the non-wet areas of the City of Westwego's WHARF properly, thus avoiding any necessary mitigation.

The limited improvements listed above will allow the WHARF project to provide immediate public access, while planting the seed for the overall WHARF development. The classroom building will provide the necessary facility for educational gatherings in the middle of an active wetland environment as well as providing a meeting location for stakeholders to demonstrate the benefits of the WHARF project for the disabled members of the community. These public outreach opportunities will help build public support and help secure funding to complete the overall WHARF development.

The proposed planning and coordination costs of engineering is \$22,653.00, construction costs is estimated not to exceed \$128,000.00.

The proposed schedule is:

November 27 – NTP to Aptim, Inc. for Engineering and Coordination  
December 1 – NTP to J.A. Julius Jr., Inc.  
December 8 – Classroom facility ordered  
December 22 – Road improvements complete  
December 29 – Classroom facility mobilized and installed  
January 12 – Classroom facility mobilized and installed  
January 26 – Fence installed  
February 23 – Handicap restroom complete  
February 28 – Sewer and Water utilities installed

- B. Respondent shall submit monthly reports regarding its progress on the projects. The first shall be due on the 5<sup>th</sup> of the month following the date the Department signs this Settlement. Monthly reports shall be submitted on the 5<sup>th</sup> 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 \$150,653.00, 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 the Department 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).

## VII

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, the Amended Consolidated Compliance Order & Notice of Potential Penalty, the Warning Letter 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.

#### VIII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

#### IX

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

#### X

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to 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 Jefferson Parish, Louisiana. The advertisement, in form and wording 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 an original proof-of-publication affidavit and an original public notice 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.

XII

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 I).

XIII

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

XIV

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.



City of Westwego

BY: Joe Peoples  
(Signature)

Joe Peoples  
(Printed)

TITLE: MAYOR

THUS DONE AND SIGNED in duplicate original before me this 26 day of June, 20 18, at Westwego.

[Signature]  
NOTARY PUBLIC (ID # 1178 BN)

**Joel A. Levy**  
Notary Public of Jefferson,  
State of Louisiana  
~~My commission is issued for life.~~  
(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 20th day of July, 20 18, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary



State of Louisiana  
Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO  
GOVERNOR

August 19, 2004

MIKE D. McDANIEL, Ph.D.  
SECRETARY

CERTIFIED MAIL (7002 2030 0002 8908 2607)  
RETURN RECEIPT REQUESTED

**CITY OF WESTWEGO**  
c/o Honorable Robert Billiot, Mayor  
419 Avenue A  
Westwego, LA 70094

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-03-0681  
AGENCY INTEREST NO. 4857**

Dear Mayor:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on the **CITY OF WESTWEGO (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 **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or referral to the Department of Justice for appropriate legal actions.

Any questions concerning this action should be directed to Rudy Melon at (225) 219-3777.

Sincerely,

Peggy M. Hatch  
Administrator  
Enforcement Division

PMH/RVM/rvm  
Alt ID No. LA0038059  
Attachment



STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

CITY OF WESTWEGO  
JEFFERSON PARISH  
ALT ID NO. LA0038059

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

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\*  
\* ENFORCEMENT TRACKING NO.  
\*  
\* WE-CN-03-0681  
\*  
\* AGENCY INTEREST NO.  
\*  
\* 4857  
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CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to the **CITY OF WESTWEGO (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), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates a publicly owned treatment works that serves the City of Westwego, located at 100 Vic A. Pitre Drive in Westwego, Jefferson Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit

LA0038059, effective on February 1, 2001, and which expires on January 31, 2006. LPDES permit LA0038059 authorizes the Respondent to discharge treated sanitary wastewaters to the Westwego Drainage Canal, waters of the state.

II.

The Respondent was issued **COMPLIANCE ORDER WE-C-98-0030** on or about April 27, 1998, for operation and maintenance deficiencies, sampling deficiencies, and for violating the TSS permit limit. The Respondent submitted a response to **COMPLIANCE ORDER WE-C-98-0030** on or about June 8, 1998, which included revised operation and maintenance procedures adopted by the Respondent and resolutions to operational deficiencies noted in **COMPLIANCE ORDER WE-C-98-0030**. **COMPLIANCE ORDER WE-C-98-0030** is a final action of the Department and is not subject to further review.

III.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-00-0335** on or about April 24, 2001, for the violation of effluent limitations, operation and maintenance requirements, and for failure to use approved test methods. The Order required the Respondent to immediately cease unauthorized discharges to the waters of the state, submit a written report to include the circumstances of the cited violations, and submit a comprehensive plan for the elimination and prevention of such non-complying discharges. The Respondent submitted a written response on or about May 21, 2001. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-00-0335** is a final action of the Department and is not subject to further review.

IV.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0699** on or about August 29, 2002, and **AMENDED**

**CONSOLIDATED COMPLIANCE ORDER & NOTICE OF PONTENTIAL PENALTY WE-CN-02-0699A** on or about December 24, 2002, for the violation of effluent limitations, operation and maintenance requirements, reported overflows, and inadequate lab procedures. The Order required the Respondent to immediately cease unauthorized discharges to the waters of the state, submit a written report to include the circumstances of the cited violations, and to comply with a schedule of activities associated with the upgrade to the sewerage treatment plant. The Respondent submitted a written response to **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669** on or about September 27, 2002. **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669** and **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669A** are final actions of the Department and are not subject to further review.

V.

An inspection conducted by the Department on or about December 13, 2002, pursuant to a citizen's complaint, revealed that there was an excessive amount of foam in the receiving canal and intersecting keyhole canal from the Respondent's facility. The inspector also observed foam on the embankment of the canal that had been blown there by the wind. This operation and maintenance deficiency is in violation of **COMPLIANCE ORDER WE-C-98-0030**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-00-0335**, **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669**, LPDES permit LA0038059 (Part III, Sections A.2 and B.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

VI.

Inspections conducted by the Department on or about April 16, 2003, and May 12, 2004, revealed that the Respondent failed to meet the terms and conditions of LPDES permit LA0038059. Specifically, the following deficiencies were noted during these inspections:

Operation and Maintenance:

April 16, 2003:

- A. The #4 primary clarifier was down for repairs.
- B. The media in the bio-tower had plugged areas. Some of the parts were flowing slowly.
- C. Foaming problems occurred as the effluent exited the bio-tower and entered the aerators.

May 12, 2004:

- A. Primary clarifier #3 and #4 were out of service due to mechanical equipment failure. The clarifiers have been out for approximately 3 weeks. Clarifiers #1 and #2 had septic conditions.
- B. Approximately 20 distribution nozzles in the ABF tower were not operating properly. One nozzle was completely removed. Some clogging was occurring in the media of the ABF tower.
- C. Excessive foam was observed at the beginning of the extended aeration basin and was also overflowing the wall.
- D. Excessive algae growth on the secondary clarifier weir plates caused uneven flow over the weirs.

These operation and maintenance deficiencies are violations of **COMPLIANCE ORDER WE-C-98-0030, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-00-0335, and AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669A**, LPDES permit LA0038059 (Part III, Sections A.2 and B.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.

Inaccurate Discharge Monitoring Reports (DMRs):

April 16, 2003:

- A. The Respondent reported the arithmetic monthly average for Fecal Coliform instead of the geometric average during the monitoring periods of July 2002 through March 2003.

May 12, 2004:

- A. TSS samples were collected daily and analyzed, but only results for compliance sample days are reported.
- B. The Respondent reported the daily maximum instead of the weekly average.
- C. Fecal Coliforms were not reported as geometric averages.
- D. Frequencies of Analyses on the DMRs were not accurate. TSS, pH, and TRC are analyzed daily. The Respondent reported twice (2) /seven (7) days.
- E. Mercury and Dibromochloromethane results are not reported on DMRs as loadings.
- F. Monthly averages were not reported as flow-weighted averages.
- G. The Respondent reported a value of 400 col/100 ml for Fecal Coliform instead of the actual results. Specifically, in November 2003, the facility reported 400 col/100 ml for fecal coliform instead of 30,000 and 60,000 col/100 ml as reported by Acculab (outside laboratory). Facility also reported a value of 400 col/100 ml in January and February 2004 instead of 4,250 col/100 ml and 6,500 col/100 ml, respectively.
- H. The Respondent reported 29 daily maximum exceedances instead of the weekly average. When calculated as weekly average, the facility had 17 permit exceedances.

Each failure to submit an accurate DMR is in violation of **COMPLIANCE ORDER WE-C-98-0030, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-00-0335, and AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669A**, LPDES permit LA0038059 (Part II, Section A.10, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, LAC 33:IX.2355.L.4.a, and LAC 33:IX.2355.L.4.b.

Sampling Procedure:

May 12, 2004:

The Respondent failed to properly sample its effluent. Specifically, the Respondent is required to collect a 24-hour composite sample for testing biomonitoring, mercury, and dibromochloromethane. A 24-hour composite sample consists a minimum of 12 effluent

portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period. Instead, the Respondent was collecting 3 (three) aliquots samples every 8 (eight) hours. The Respondent failure to properly sample is in violation of LPDES permit LA0038059 (Part 1, Page 2 of 5, Part II, Section A.3.d, and Part III, Sections A.2, and C.5.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.J.1.

Laboratory Procedure:

May 12, 2004:

A. CBOD lab procedure:

1. Unseeded blanks consistently exceeded 0.2 mg/L.
2. Seed contacts has DO (Dissolved Oxygen) depletions greater than 50 % with seed factors exceeding the 1.0 mg/L dilution.
3. Glucose-Glutamic Acid checks were consistently out of range (198± 30.5).
4. Sample dilutions with <1.0 mg/L DO depletion were included in final sample averages.

B. TSS lab procedure:

1. Blank control standards were not analyzed with samples.
2. Weighing and drying were not done on individual planchet.
3. TSS sample filters were not weighed in individual aluminum dishes.
4. The balance was not checked against standard weights on a daily basis.

C. Fecal Coliform procedure:

1. In house samples were collected in the same non-sterile bottle.
2. In house lab used 100 mls as sample volume for filtration; method requires 0.1, 1.0, and 10 mls for wastewater for a 20-60 count per filter.
3. Lab did not analyze positive and negative standards with each sample batch.

D. Total Residual Chlorine (TRC):

1. The Respondent was using a continuous on-line chlorine monitor that is not an approved device for TRC analysis.

The Respondent's failure to follow approved laboratory methods is in violation of **COMPLIANCE ORDER WE-C-98-0030, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-00-0335, and AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**



WE-CN-02-0669A, LPDES permit LA0038059 (Part III, Sections A.2, and C.5.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.J.4.

VII.

An inspection conducted by the Department on or about May 13, 2004, revealed that the collection system experienced inflow and infiltration problems that caused hydraulic overloads at the plant. The flow at the plant increases in proportion to the rainfall that occurs. The failure to properly operate and maintain systems of treatment and control is in violation of **COMPLIANCE ORDER WE-C-98-0030, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-00-0335, and AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669A, LPDES permit LA0038059 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2355.A, and LAC 33:IX.2355.E.**

VIII.

A file review conducted by the Department on or about August 5, 2004, revealed the following effluent violations, as reported by the Respondent on DMRs:

DATE	PARAMETER	PERMIT LIMIT	REPORTED VALUE
7/02	Biomonitoring (original test)	Pass/Fail	Fail C.dubia (lethal) C.dubia (sub-lethal) P.promelas (lethal) P. promelas (sub-lethal)
08/02	TSS, weekly avg.	23 mg/L	25.5 mg/L
10/02	TSS, weekly avg.	23 mg/L	38.5 mg/L
	TRC, weekly avg.	0.099 mg/L	0.35 mg/L
1/03	TSS, weekly avg.	23 mg/L	25.4 mg/L
	Ammonia-Nitrogen, monthly avg.	75 lbs/day	145.27 lbs/day
	Ammonia-Nitrogen, monthly avg.	3 mg/L	8.90 mg/L
	Ammonia-Nitrogen, weekly avg.	6 mg/L	32.60 mg/L
	CBOD <sub>5</sub> , weekly avg.	15 mg/L	20.57 mg/L

2/03	TSS, weekly avg. CBOD <sub>5</sub> , weekly avg. Fecal Coliform, weekly avg.	23 mg/L 15 mg/L 400 col/100 ml	24 mg/L 22.08 mg/L 429.5 col/100 ml
3/03	TSS, weekly avg. Fecal Coliform, monthly avg. Fecal Coliform, weekly avg.	23 mg/L 200 col/100 ml 400 col/100 ml	33.7 mg/L 539.8 col/100 ml 3,600 col/100 ml
5/03	TSS, monthly avg. TSS, weekly avg. Fecal Coliform, weekly avg.	15 mg/L 23 mg/L 400 col/100 ml	16.25 mg/L 36.0 mg/L 627.75 col/100 ml
6/03	Fecal Coliform, monthly avg. Fecal Coliform, weekly avg.	200 col/100 ml 400 col/100 ml	962.1 col/100 ml 6,755 col/100 ml
7/03	Fecal Coliform, monthly avg. Fecal Coliform, weekly avg.	200 col/100 ml 400 col/100 ml	575.78 col/100 ml 2,920 col/100 ml
8/03	Fecal Coliform, weekly avg.	400 col/100 ml	735.75 col/100 ml
9/03	Fecal Coliform, monthly avg. Fecal Coliform, weekly avg.	200 col/100 ml 400 col/100 ml	211.06 col/100 ml 664.50 col/100 ml
10/03	TSS, weekly avg. Fecal Coliform, monthly avg. Fecal Coliform, weekly avg.	23 mg/L 200 col/100 ml 400 col/100 ml	30.3 mg/L 334 col/100 ml 1,721.25 col/100 ml
8/03-10/03	Biomonitoring (original test)	Pass/Fail	Fail C.dubia (lethal) C.dubia (sub-lethal)
11/03	Fecal Coliform, monthly avg.	200 col/100 ml	232.87 col/100 ml
12/03	Fecal Coliform, monthly avg. Fecal Coliform, weekly avg. Ammonia-Nitrogen, weekly avg. TRC, weekly avg.	200 col/100 ml 400 col/100 ml 6 mg/L 0.099 mg/L	7,880 col/100 ml 60,000 col/100 ml 6.22 mg/L 0.12 mg/L
1/04	TSS, weekly avg. Ammonia Nitrogen, weekly avg.	23 mg/L 6 mg/L	28.8 mg/L 6.83 mg/L
2/04	TRC, weekly avg.	0.099 mg/L	0.44 mg/L
3/04	TRC, weekly avg. Fecal Coliform, monthly avg. Fecal Coliform, weekly avg.	0.099 mg/L 200 col/100 ml 400 col/100 ml	0.18 mg/L 382.2 col/100 ml 1,950 col/100 ml
4/04	Fecal Coliform, weekly avg. TRC, weekly avg.	400 col/100 ml 0.099 mg/L	444.25 mg/L 1.28 mg/L
5/04	Fecal Coliform, weekly avg. TRC, weekly avg.	400 col/100 ml 0.099 mg/L	1,006.4 col/100 ml 0.35 mg/L
6/04	Fecal Coliform, weekly avg. TRC, weekly avg.	400 col/100 ml 0.099 mg/L	806.25 col/100 ml 1.12 mg/L

Each of the above-noted effluent excursions is a violation of **COMPLIANCE ORDER WE-C-98-0030, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY WE-CN-00-0335, CONSOLIDATED COMPLIANCE ORDER & NOTICE OF**

POTENTIAL PENALTY WE-CN-02-0669 and CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669A, LPDES permit LA0038059 (Part I, Section A and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2355.A.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with LPDES permit LA0038059.

II.

The Respondent shall accomplish the following tasks and comply with the following schedule of activities associated with the upgrade of the sewerage treatment plant as follows:

<u>ACTIVITY</u>	<u>DUE DATE</u>
1. Securing the funds	Completed
2. Availability of the funds for advertisement	September 30, 2004
3. Advertisement for Bid	October 31, 2004
4. Start of Construction	December 31, 2004
5. Completion of the Project	September 30, 2005

The Respondent shall submit construction progress reports quarterly until completion of the proposed improvements. The first progress report is due January 31, 2005. 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.

## III.

To submit to the Enforcement Division, within forty-five (45) days after receipt of this **COMPLIANCE ORDER**, properly calculated Discharge Monitoring Reports (DMRs) for the monitoring periods beginning July 2001 through June 2004. Also, the Respondent shall provide to the Department all of the outside laboratory data sheets and its monthly sample log sheets for the same monitoring periods.

## 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**.

**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-CN-03-0681**  
**Agency Interest No. 4857**

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. 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.

**NOTICE OF POTENTIAL PENALTY**

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Mr. Rudy Melon at (225) 219-3777 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

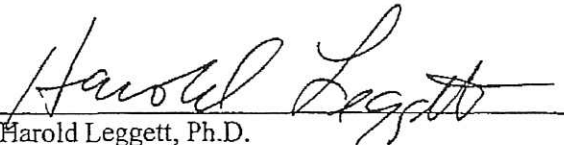
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 19 day of August, 2004.

  
Harold Leggett, Ph.D.  
Assistant Secretary

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: Ms. Celena Cage

c: Mr. Charles Faultry  
U.S. Environmental Protection Agency

Ma Jo McLean  
Department of Health and Hospitals





State of Louisiana  
Department of Environmental Quality

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

MIKE D. McDANIEL, Ph.D.  
SECRETARY

February 21, 2005

CERTIFIED MAIL (7003 2260 0001 2744 0109)  
RETURN RECEIPT REQUESTED

**CITY OF WESTWEGO**  
c/o Honorable Robert Billiot, Mayor  
419 Avenue A  
Westwego, LA 70094

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-03-0681A  
AGENCY INTEREST NO. 4857**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on the **CITY OF WESTWEGO (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Mr. Rudy Melon at (225) 219-3927.

Sincerely,

Peggy M. Hatch  
Administrator  
Enforcement Division

PMH/RVM/rvm  
Alt ID No. LA0038059  
Attachment

