

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF  
  
CITY OF WESTWEGO  
JEFFERSON PARISH  
ALT ID NO. LA0038059

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\* ENFORCEMENT TRACKING NO.  
\*  
\* WE-CN-03-0681A  
\*  
\* AGENCY INTEREST NO.  
\*  
\* 4857  
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PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT,  
La. R.S. 30:2001, ET SEQ.

AMENDED  
CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** issued to the **CITY OF WESTWEGO (RESPONDENT)** on August 19, 2004, in the above-captioned matter as follows:

I.

The Department hereby amends paragraph VIII of the Findings of Fact to read as follows:

“VIII.

A file review conducted by the Department on or about January 18, 2005, 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. TRC, weekly avg.	23 mg/L 0.099 mg/L	38.5 mg/L 0.35 mg/L
1/03	TSS, weekly avg. Ammonia-Nitrogen, monthly avg. Ammonia-Nitrogen, monthly avg. Ammonia-Nitrogen, weekly avg. CBOD <sub>5</sub> , weekly avg.	23 mg/L 75 lbs/day 3 mg/L 6 mg/L 15 mg/L	25.4 mg/L 145.27 lbs/day 8.90 mg/L 32.60 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
7/04	TRC, weekly avg. Fecal Coliform, weekly avg.	0.099 mg/L 400 col/100 ml	2.10 mg/L 714.75 col/100 ml
8/04	TRC, weekly avg.	0.099 mg/L	0.47 mg/L
9/04	Fecal Coliform, weekly avg.	400 col/100 ml	406.75 col/100 ml
10/04	TRC, weekly avg.	0.099 mg/L	0.10 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.2701.A.”

## II.

The Department hereby adds paragraph IX of the Findings of Fact to read as follows:

### “IX.

A file review conducted by the Department on or about January 19, 2005, of the Respondent’s September 2004 DMR revealed that during the 1<sup>st</sup> week of the month only one Fecal Coliform sample was taken. LPDES permit LA0038058 requires that two (2) Fecal Coliform samples be collected per week. The failure to sample as required by the permit is in

violation of LPDES permit LA0038058 (Part I and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC33:IX.2701.A.”

III.

The Department hereby amends the Compliance Order Section, Paragraph II to read as follows:

“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	Completed
3. Advertisement for Bid	Completed
4. Start of Construction	February 1, 2005
5. Completion of the Project	November 30, 2005

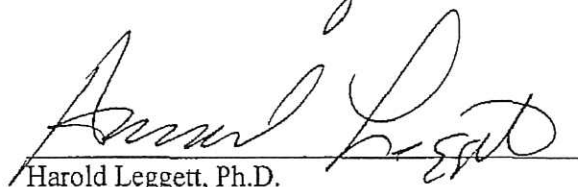
The Respondent shall submit construction progress reports quarterly until completion of the proposed improvements. The first progress report is due March 31, 2005. Within 15 days of any due date specified in the schedule above, the Respondent shall submit a certification of compliance or non-compliance 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.”

IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-03-0681** and **AGENCY INTEREST NO. 4857** as if reiterated herein.

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

Baton Rouge, Louisiana, this 21 day of February, 2005.



Harold Leggett, Ph.D.  
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: Ms. Celena Cage

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

Mr. Jo McLean  
Department of Health and Hospitals



State of Louisiana  
Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO  
GOVERNOR

MIKE D. McDANIEL, Ph.D.  
SECRETARY

December 12, 2005

CERTIFIED MAIL (7003 2260 0001 2744 1175)  
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-03-0681B  
AGENCY INTEREST NO. 4857**

Dear Sir:

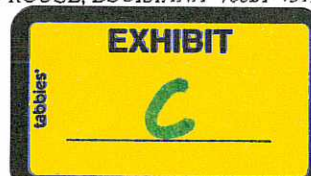
Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on the **CITY OF WESTWEGO (RESPONDENT)** for the violations described therein.

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



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

The Louisiana Department of Environmental Quality (the Department) hereby amends the **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** issued to the **CITY OF WESTWEGO (RESPONDENT)** on February 21, 2005, in the above-captioned matter as follows:

I.

The Department hereby amends paragraph VIII of the Findings of Fact to read as follows:

“VIII.

A file review conducted by the Department on or about August 25, 2005, 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. TRC, weekly avg.	23 mg/L 0.099 mg/L	38.5 mg/L 0.35 mg/L
1/03	TSS, weekly avg. Ammonia-Nitrogen, monthly avg. Ammonia-Nitrogen, monthly avg. Ammonia-Nitrogen, weekly avg. CBOD <sub>5</sub> , weekly avg.	23 mg/L 75 lbs/day 3 mg/L 6 mg/L 15 mg/L	25.4 mg/L 145.27 lbs/day 8.90 mg/L 32.60 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
7/04	TRC, weekly avg. Fecal Coliform, weekly avg.	0.099 mg/L 400 col/100 ml	2.10 mg/L 714.75 col/100 ml
8/04	TRC, weekly avg.	0.099 mg/L	0.47 mg/L
9/04	Fecal Coliform, weekly avg.	400 col/100 ml	406.75 col/100 ml
10/04	TRC, weekly avg.	0.099 mg/L	0.10 mg/L
6/05	TRC, weekly avg.	0.099 mg/L	0.30 mg/L
9/05	Ammonia-Nitrogen, monthly avg.	3 mg/L	4.49 mg/L
10/05	Fecal Coliform, weekly avg.	400 col/100 ml	1,684.87 col/100 ml

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.2701.A.”

II.

The Department hereby amends the Compliance Order Section, Paragraph II to read as follows:

“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:

ACTIVITY

1. Receive approval from LADEQ-SRF
2. Advertisement for Bid

DUE DATE

- January 31, 2006  
February 28, 2006

- |  |                |
|--|----------------|
| 3. Receive Bids                                  | March 31, 2006 |
| 4. Award Contract                                | April 30, 2006 |
| 5. Start of Construction                         | May 31, 2006   |
| 6. Completion of the Project (300 calendar days) | March 31, 2007 |

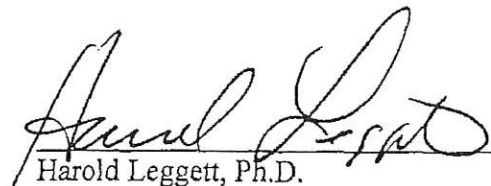
The Respondent shall submit construction progress reports quarterly until completion of the proposed improvements. The first progress report is due December 31, 2005. Within 15 days of any due date specified in the schedule above, the Respondent shall submit a certification of compliance or non-compliance 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.

The Department incorporates all of the remainder of the original **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-03-0681A** and **AGENCY INTEREST NO. 4857** as if reiterated herein.

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

Baton Rouge, Louisiana, this 12 day of December, 2005.

  
\_\_\_\_\_  
Harold Leggett, Ph.D.  
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: Ms. Celena Cage

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

Mr. Jo McLean  
Department of Health and Hospitals



**DEPARTMENT OF ENVIRONMENTAL QUALITY**

KATHLEEN BABINEAUX BLANCO

GOVERNOR

MIKE D. McDANIEL, Ph.D.

SECRETARY

February 28, 2007

CERTIFIED MAIL (7004 1160 0000 3795 3426)  
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-03-0681C  
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



**ENVIRONMENTAL COMPLIANCE**

: PO BOX 4312, BATON ROUGE, LA 70821-4312

P:225-219-3700 F:225-219-3708

WWW.DEQ.LOUISIANA.GOV

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

The Louisiana Department of Environmental Quality (the Department) hereby amends the **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** issued to the **CITY OF WESTWEGO (RESPONDENT)** on February 21, 2005, in the above-captioned matter as follows:

I.

The Department hereby amends paragraph I of the Findings of Fact to read as follows:

"I.

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. A permit renewal application was submitted to the Department on or about May 19, 2006. Since a permit renewal application was not submitted by the Respondent 180 days prior to the expiration of LPDES permit LA0038059, LPDES permit LA0038059 was not administratively extended. Therefore, the Respondent does not have any authority to discharge sanitary wastewater to waters of the state.”

## II.

The Department hereby amends paragraph VIII of the Findings of Fact to read as follows:

### “VIII.

A file review conducted by the Department on or about February 26, 2007, 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. TRC, weekly avg.	23 mg/L 0.099 mg/L	38.5 mg/L 0.35 mg/L
1/03	TSS, weekly avg. Ammonia-Nitrogen, monthly avg. Ammonia-Nitrogen, monthly avg. Ammonia-Nitrogen, weekly avg. CBOD <sub>5</sub> , weekly avg.	23 mg/L 75 lbs/day 3 mg/L 6 mg/L 15 mg/L	25.4 mg/L 145.27 lbs/day 8.90 mg/L 32.60 mg/L 20.57 mg/L
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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
7/04	TRC, weekly avg. Fecal Coliform, weekly avg.	0.099 mg/L 400 col/100 ml	2.10 mg/L 714.75 col/100 ml
8/04	TRC, weekly avg.	0.099 mg/L	0.47 mg/L
9/04	Fecal Coliform, weekly avg.	400 col/100 ml	406.75 col/100 ml
10/04	TRC, weekly avg.	0.099 mg/L	0.10 mg/L
6/05	TRC, weekly avg.	0.099 mg/L	0.30 mg/L
9/05	Ammonia-Nitrogen, monthly avg.	3 mg/L	4.49 mg/L
10/05	Fecal Coliform, weekly avg.	400 col/100 ml	1,684.87 col/100 ml
11/05	Ammonia-Nitrogen, monthly avg. Ammonia-Nitrogen, weekly avg.	3 mg/L 6 mg/L	4.72 mg/L 6.01 mg/L
12/05	Ammonia-Nitrogen, monthly avg. Ammonia-Nitrogen, weekly avg.	3 mg/L 6 mg/L	3.99 mg/L 7.20 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, CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669A, and CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0669B, 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.2701.A.”

III.

The Department hereby adds to the Findings of Facts, Paragraph IX to read as follows:

“IX.

A file review conducted by the Department on or about February 26, 2007, revealed that the Respondent failed to submit an application for the renewal of its LPDES permit 180 days prior to the expiration date. A Louisiana Pollutant Discharge Elimination System (LPDES) permit application was received by the Department on or about May 19, 2006. The Respondent’s failure to submit its permit application in a timely manner constitutes a violation of LPDES permit LA0038059 (Part III, Section A.2 and A.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2501.D.1, and LAC 33:IX.2701.B.”

IV.

The Department hereby adds to the Findings of Facts, Paragraph X to read as follows:

“X.

A file review conducted by the Department on or about February 26, 2007, revealed that the Respondent continued submitting DMRs after the expiration of its LPDES permit, which indicated that discharges continued from this facility to the waters of the state. Each unauthorized discharge from February 1, 2006 to January 2007 is a violation of La. R.S.

30:2075, La. R.S. 30:2076 (A) (1) (a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1.”

V.

The Department hereby amends the Compliance Order Section, Paragraph II to read as follows:

“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. Receive approval from LADEQ-SRF	January 31, 2007
2. Advertisement for Bid	February 28, 2007
3. Receive Bids	March 31, 2007
4. Award Contract	May 31, 2007
5. Start of Construction	June 30, 2007
6. Completion of the Project (300 calendar days)	May 31, 2008
7. Achieve Full Compliance	July 31, 2008

The Respondent shall submit construction progress reports quarterly until completion of the proposed improvements. The first progress report is due April 1, 2007. 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 a 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.”

VI.

The Department hereby adds Paragraph V to the Compliance Order Section to read as follows:

“V.

To protect water quality, the Respondent is required to comply with the following:

**If the Respondent chooses to discharge to waters of the state, the following limitations shall apply:**

The discharge from this facility’s operation shall be monitored at the point of discharge from the last treatment unit prior to entering waters of the state of Louisiana. The Respondent shall monitor and report all discharges from its facility under the effluent limitations and monitoring requirements and all other permit conditions described in its expired LPDES permit LA0038059 until a final LPDES permit is re-issued by the Department or until Respondent is otherwise notified in writing by the Department.”

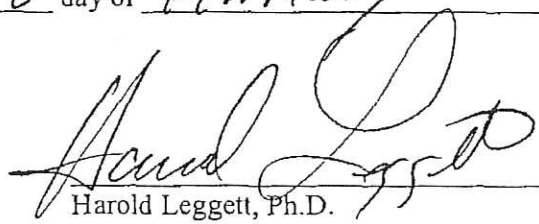
VII.

The Department incorporates all of the remainder of the original **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-03-0681B** and **AGENCY INTEREST NO. 4857** as if reiterated herein.

VIII.

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

Baton Rouge, Louisiana, this 26 day of February, 2007.

  
Harold Leggett, Ph.D.  
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: Ms. Gwendolyn Berthelot

c: Ms. Carol Peters-Wagnon  
U.S. Environmental Protection Agency

Mr. Jo McLean  
Department of Health and Hospitals



BOBBY JINDAL  
GOVERNOR

HAROLD LEGGETT, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE  
November 7, 2008

CERTIFIED MAIL (7004 2510 0005 5768 8806)  
RETURN RECEIPT REQUESTED

**CITY OF WESTWEGO**  
c/o Honorable Daniel Alario, Mayor  
419 Avenue A  
Westwego, LA 70094-3644

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. WE-CN-08-0350  
AGENCY INTEREST NO. 4857**

Dear Sir:

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 other appropriate legal actions.

Any questions concerning this action should be directed to Naz Zanjani-Bachar at (225) 219-3778.

Sincerely,  
  
Lourdes Iturza  
Administrator  
Enforcement Division

LINZB/nzb  
Alt ID No. LA0038059  
Attachment



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

Jo McLean, Regional 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

CITY OF WESTWEGO  
JEFFERSON PARISH  
ALT ID NO. LA0038059

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

\*  
\*  
\* ENFORCEMENT TRACKING NO.  
\*  
\* WE-CN-08-0350  
\*  
\* AGENCY INTEREST NO.  
\*  
\* 4857  
\*  
\*

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 an existing Publicly Owned Treatment Works serving 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 on January 11, 2001, with an effective date of February 1, 2001, which expired on January 31, 2006. LPDES permit LA0038059 authorized the Respondent to discharge treated sanitary wastewater into the Westwego Drainage Canal, waters of the state. A permit renewal application was submitted to the Department on or about May 19, 2006. Since a permit renewal application was not submitted by the Respondent 180 days prior to the expiration of LPDES permit LA0038059, the permit was not administratively extended. The Department re-issued LPDES permit LA0038059 to the Respondent on March 28, 2007, with an effective date of May 1, 2007. LPDES permit LA0038059 will expire on April 30, 2012. The Respondent is authorized to discharge treated sanitary wastewater from the current outfall into the Vic-A-Pitre Canal, thence into Bayou Segnette, all waters of the state. The Respondent is also authorized to discharge treated sanitary wastewater from a proposed outfall, via effluent pipe into the Mississippi River, upon completion of the upgrade to the wastewater treatment system,

## II.

The Respondent was issued **COMPLIANCE ORDER WE-C-98-0030** on or about April 27, 1998. The areas of concern addressed in the Orders were: operation and maintenance deficiencies, sampling deficiencies, I & I overloading and bypassing the treatment system during heavy rain events, and for a TSS exceedance. The requirements of the order were: to cease all unauthorized discharges to waters of the state, to meet and maintain compliance with LPDES permit LA0038059, to submit a comprehensive plan, and to submit a written report. 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.

III.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-00-0335** on or about April 24, 2001. The areas of concern addressed in the Orders were: failure to meet the effluent limits, failure to operate and maintain the treatment system, failure to use approved test methods, and failure to conduct a semiannual biomonitoring testing, and exceedances of permit limits. The requirements of the Order were: to immediately cease all unauthorized discharges to waters of the state, to maintain compliance with LPDES permit LA0038059, to submit a written report to include the circumstances of the cited violations, and to 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.

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 POTENTIAL PENALTY WE-CN-02-0699A** on or about December 24, 2002. The areas of concern addressed in the Orders were: effluent limitations, operation and maintenance requirements, reported overflows, and inadequate lab procedures. The requirements of the Order were: to immediately cease all unauthorized discharges to waters of the state, to maintain compliance with LPDES permit LA0038059, to submit a written report to include the circumstances of the cited violations, and to comply with a schedule of activities associated with upgrading the sewage treatment plant.

The Respondent submitted a written response to **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-02-0699** on or about September 27, 2002.

V.

The Respondent was issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-03-0681** on or about August 19, 2004, and **AMENDED CONSOLIDATED COMPLIANCE ORDERS & NOTICE OF POTENTIAL PENALTIES WE-CN-03-0681A, WE-CN-03-0681B, and WE-CN-03-0681C** on or about February 21, 2005, December 12, 2005 and February 28, 2007, respectively. The areas of concern addressed in the Orders were: operation and maintenance deficiencies, submitting inaccurate DMRs, failure to properly sample the effluent, I & I overloading, failure to follow approved laboratory methods, failure to meet effluent limitations, failure to sample, failure to submit an application in a timely manner, and unauthorized discharges. The requirements of the Order were: to take any and all steps necessary to meet and maintain compliance with LPDES permit LA0038059, to follow and comply with the scheduled activities associated with the upgrade of the sewage treatment plant, to submit properly calculated DMRs, and to submit a written report that included a detailed description of the circumstances surrounding the cited violations and actions taken to achieve compliance. The Respondent failed to submit a written report to the Department for enforcement actions **WE-CN-03-0681, WE-CN-03-0681A, and WE-CN-03-0681B**. The Department received a response to the **AMENDED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-03-0681BC** on or about March 20, 2007.