

VI.

A file review conducted by the Department on or about June 17, 2008, revealed that the Respondent continued submitting Discharge Monitoring Reports (DMRs) after the expiration date of LPDES permit LA0038059. Specifically, the Respondent continued submitting DMRs from January 1, 2006, indicating that unauthorized discharges continued from this facility to waters of the state, until the reissuance of LPDES permit LA0038059 on May 1, 2007. Each unauthorized discharge from February 1, 2006 through May 1, 2007 constitutes 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.

VII.

Inspections conducted by the Department on or about June 29, 2007, and December 12, 2007, and a subsequent file review conducted by the Department on or about June 17, 2008, revealed that the Respondent had submitted incomplete and/or inaccurate Discharge Monitoring Reports (DMRs) for the following periods:

Period	Comments
04/01/08-06/30/08	Incorrect geometric mean for Fecal Coliform is reported
07/31/08-09/30/08	Incorrect geometric mean for Fecal Coliform is reported
10/01/2007-12/31/2007	Incorrect geometric mean for Fecal Coliform is reported
	Outfall 001Q had incorrect monitoring period
	7 day minimum TX1Q parameter TOP3B was not reported
01/01/2008	Reported TSS results for the month of November on the DMR for the month of December pH minimum was not reported on 001A DMR

Each submittal of incomplete and/or inaccurate DMRs constitutes a violation of LPDES permit LA0038059 (Part II, Section A.9 and Part III, Section A.2), La R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, LAC 33:IX.2701.L.4.a, LAC 33:IX.2701.L.4.b.

VIII.

A file review conducted on or about June 17, 2008, revealed that the Respondent failed to submit a Discharge Monitoring Report (DMR) as required by LPDES permit LA0038059. Specifically, the Respondent failed to submit a quarterly DMR for the 1st quarter of 2008 for 001Q. The failure to submit a DMR constitutes a violation of LPDES permit LA0038059 (Part II, Section A.9, and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a. The file review also revealed the Respondent had submitted incomplete and/or inaccurate Discharge Monitoring Reports (DMRs) to the Department. Specifically, the DMR 1st quarter of 2008 for Outfall TX1Q had the wrong date on the second page and the DMR for the 2nd quarter of 2008 for Outfall TX1Q had incorrect date for the whole DMR. The Respondent's submittal of incomplete and/or inaccurate DMRs is in violation of LPDES permit LA0038059 (Part II, Section A.9, and Part III, Section A.2), and also in violation of La R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

IX.

An inspection conducted by the Department on or about December 12, 2007, and a subsequent file review conducted by the Department on or about June 17, 2008, revealed that the Respondent failed to submit the summary sheets for valid biomonitoring tests as required by LPDES permit LA0038059 for the following monitoring periods: June, September, and December of 2007, and March of 2008. Each failure to submit the required summary sheets constitutes a violation of LPDES permit LA0038059 (Part II, Section E.4.a and E.4.b, Part III, Sections A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.

X.

A file review conducted by the Department on or about June 17, 2008, revealed that the Respondent failed to submit the quarterly progress reports and certification of compliance or non-compliance as Ordered in **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-03-0681C** for activities associated with the upgrade of the sewage treatment plant. Specifically, the Respondent failed to submit the progress reports for January, April and July of 2008, and to submit certification of compliance or non-compliance of the 'Completion of the Project' activity that was due within 15 days of May 31, 2008. Each failure to submit the required quarterly construction progress reports and certification of compliance or non-compliance constitutes a violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-03-0681C**, La. R.S. 30:2076(A)(3), LAC 33:IX.501.A.

XI.

A file review conducted by the Department on or about June 29, 2008, revealed that the Respondent failed to submit Mercury Minimization Program Plan (MMPP) to the Department. Specifically, the MMPP was due on May 1, 2008. The failure to submit an MMPP constitutes a violation of LPDES permit LA0038059 (Part II, Section A.11 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

XII.

Inspections conducted by the Department on or about June 29, 2007, and December 12, 2007, 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 & Maintenance:

June 29, 2007:

The bar screen, grit chamber, ABF tower, four primary clarifiers, and the flock tank were not operational during the facility tour.

December 12, 2007:

- A. Excessive algae, floating vegetation and floating floc were noted in the secondary clarifiers.
- B. The number 1 & 2 primary clarifiers and the activated biofiltration (BF) tower were not in service.

These operations and maintenance deficiencies constitutes a violation of 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.2701.A, and 33:IX.2701.E.

XIII.

Inspections conducted by the Department on or about June 29, 2007 and December 12, 2007, and a subsequent file review conducted by the Department on or about June 17, 2008, revealed the Respondent exceeded effluent limitations. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
October 2005	001A	Ammonia Nitrogen monthly avg.	3 mg/L	3.56 mg/L
May 2007	TX1Q	Biomonitoring (re-test)	Pass/Fail	Failed C.dubia (lethal) C.dubia (sub-lethal)
June 2007	TX1Q	Biomonitoring (re-test)	Pass/Fail	Failed C.dubia (lethal) C.dubia (sub-lethal)
July 2007	001A	Fecal Coliform weekly avg.	400 col/100 ml	597.91 col/100 ml
	TX1Q	Biomonitoring (original)	Pass/Fail	Failed C.dubia (lethal) C.dubia (sub-lethal)
October 2007	001A	Fecal Coliform weekly avg.	400 col/100 ml	669.49 col/100 ml
December 2007	001A	TSS weekly avg.	23 mg/L	23.55 mg/L
January 2007	001A	Fecal Coliform weekly avg.	400 col/100 ml	526.78 col/100 ml

Each effluent exceedance constitutes a violation of LPDES permit LA0038059 (Part I, 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.

XIV.

An inspection conducted by the Department on or about December 12, 2007, and a subsequent file review conducted by the Department on or about June, 17, 2008, revealed that the Respondent failed to submit a non-compliance report (NCR) to the Department for the monitoring period of July 2007 for a Fecal Coliform exceedance. The failure to submit a non-compliance report (NCR) constitutes a violation of LPDES permit LA0038059 (Part III, Sections A.2 and D.7), La. R.S. 30:2025 (J)(2), La. R.S. 30:2076 (A)(3), La. R.S. 30:2076 (D), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

XV.

Inspections conducted by the Department on or about June 29, 2007, and December 17, 2007, revealed that the Respondent failed to follow approved sampling and testing methods:

- A. Sampling location is not adequate for a representative sample. The effluent leaves the plant entering a pipe which flows underground to a 3 foot drop, then joins another pipe in a T-junction. The samples are collected through a tube which is located in a manhole and not visible from ground level. The sample then travels through approximately 50 feet of tubing. It enters the laboratory, flows to the automated sampler, and the overflow is collected to perform analysis for pH, Total Residual Chlorine (TRC), Dissolved Oxygen (DO), and Fecal Coliform.
- B. D.O., pH, TRC, and Fecal Coliform are required by the permit to be grab samples. The time it takes for the sample to travel through the tubing, the indirect nature of the sampling, and the inclusion of turns and curvature in the tubing disqualifies the sample from being a grab sample.
- C. Samples collected for biomonitoring WET testing are not flow proportionate. The samples are not combined based on flow at the moment of collection; rather it is combined based on the eight (8) hour flow. The Respondent is required to collect four (4) effluent portions over a 24-hour operating day. The Respondent is only collecting three (3) effluent portions.

- D. In-house laboratory does not conform to test procedures approved under 40 CFR Part 136 for fecal coliform and CBOD₅ analyses.
- It was noted with the diluted water checks for the CBOD₅ testing that the D.O. uptake is consistently greater than 0.2 mg/L. In addition, some negative D.O. uptakes were recorded for some of the dilution water checks.
 - The facility is averaging the GGA Standard results for 2 ml, 4 ml, and 6 ml of the sample. The approved test method for the BOD₅ test requires that only 6 ml of sample be used.
 - The approved test method for Fecal Coliform requires filtration of 3 different sample volumes. The in-house laboratory uses only one sample volume (100 ml).

Each failure to follow approved sampling and testing methods constitutes a violation of LPDES permit LA0038059 (Part III, Sections A.2, and C.5), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.J.4.

XVI.

An inspection conducted by the Department on or about June 29, 2007, revealed that the flow was not being measured in the approved manner. Specifically, the Respondent was not measuring flow in the correct location. The totalizer was located in a closed pipe between the chlorination chamber and the de-chlorination chamber, not at the weir as required. The facility has never performed a manual calibration check. In addition, the head is not measured behind the weir and there is no gauge at the weir. The failure to measure flow in the approved manner constitutes a violation of LPDES permit LA0038059 (Part I, Page 2 & 3 of 7, Part III, Sections A.2 and C.6), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.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, including, but not limited to submitting complete and/or accurate DMRs, submitting summary sheets for biomonitoring, submitting quarterly progress reports and certification of compliance and non-compliance, operating and maintaining systems of control, meeting permit limitations, submitting non-compliance reports (NCRs), following approved sampling and testing methods, utilizing the correct method for measuring flow, and submitting annual MMPP.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Reports (DMRs) for the monitoring periods mentioned in Paragraphs VII and VIII of the Findings of Fact portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed summary sheets as mentioned in Paragraph IX of the Findings of Fact portion of this document.

IV.

To develop and implement, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a Mercury Minimization Program Plan (MMPP) as mentioned in Paragraph XI of the Findings of Fact portion of this document. In addition, a copy of the SWPPP shall also be submitted to the Enforcement Division.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, all quarterly progress reports as mentioned in Paragraph X of the Findings of Fact portion of this document.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the non-compliance report as mentioned in Paragraph XIV of the Findings of Fact portion of this document.

VII.

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: Naz Zanjani-Bachar
Enforcement Tracking No. WE-CN-08-0350
Agency Interest No. 4857

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-08-0350
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. For violations which occurred on August 15, 2004, or after, civil penalties of not more that 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.

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 Naz Zanjani-Bachar at (225) 219-3778 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

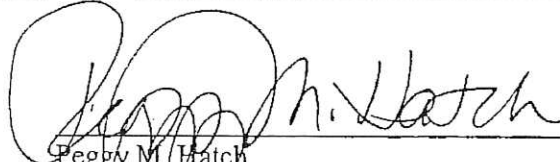
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current

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 7th day of November, 2008.



Peggy M. Hatch
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: Joette Kenaley

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

EDMS
Naz
Dawn

January 11, 2012

CERTIFIED MAIL (7004 2510 0005 5763 8450)
RETURN RECEIPT REQUESTED

CITY OF WESTWEGO

c/o Honorable John I. Shaddinger, Jr., Mayor
419 Avenue A
Westwego, LA 70094-3644

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-08-0350A
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 Naz Zanjani-Bachar at (225) 219-3722.

Sincerely,

Celerina J. Cage
Administrator
Enforcement Division

CJC/NZB/nzb
Alt ID No. LA0038059
Attachment

c: George Robichaux, DHH



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-08-0350A
*
* AGENCY INTEREST NO.
*
* 4857
*
*

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 November 7, 2008, in the above-captioned matter as follows:

I.

The Department hereby amends paragraphs X, XI, XII, XIII, and XIV of the **FINDINGS OF FACTS** to read as follows:

“X.

A file review conducted by the Department on or about December 8, 2011, revealed that the Respondent failed to submit the quarterly progress reports and certification of compliance or non-compliance as required in the ORDER section of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-03-0681C** for activities associated with the upgrade of the sewage treatment plant. Specifically, the Respondent failed to submit the progress reports for January, April and July of 2008, and to submit certification of

compliance or non-compliance of the 'Completion of the Project' activity that was due within 15 days of May 31, 2008. The Department received a status report on August 17, 2010, via e-mail as to completion of the force main project. Each failure to submit the required quarterly construction progress reports and certification of compliance or non-compliance in a timely manner is a violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-03-0681C**, La. R.S. 30:2076(A)(3), LAC 33:IX.501.A.

XI.

A file review conducted by the Department on or about December 8, 2011, revealed that the Respondent failed to submit a Mercury Minimization Program Plan (MMPP) to the Department in a timely manner. Specifically, the MMPP was due on May 1, 2008, and the Department received the MMPP on June 10, 2010. The failure to submit a MMPP in a timely manner is a violation of LPDES permit LA0038059 (Part II, Section A.11 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

XII.

Inspections conducted by the Department on or about June 29, 2007, December 12, 2007, and December 6, 2011, 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 & Maintenance:

June 29, 2007:

The bar screen, grit chamber, ABF tower, four primary clarifiers, and the flock tank were not operational during the facility tour.

December 12, 2007:

- A. Excessive algae, floating vegetation and floating floc were noted in the secondary clarifiers.
- B. The number 1 & 2 primary clarifiers and the activated biofiltration (BF) tower were not in service.

December 6, 2011:

- A. Number four (4) clarifier was not in operation.
- B. Floating solids were observed in the other three (3) clarifiers and in the chlorine contact chamber.
- C. Biofiltration tower is not in operation due to Tornado damage.

D. Algae were present in the weirs in the second aeration basin.

Failure to properly operate and maintain the facility constitutes a violation of LPDES permit LA0038059 (Part III, Sections 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.

XIII.

Inspections conducted by the Department on or about June 29, 2007 and December 12, 2007, and December 15, 2009, and a subsequent file review conducted by the Department on or about December 8, 2011, revealed the Respondent exceeded effluent limitations. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
October 2005	001A	Ammonia Nitrogen mon avg	3 mg/L	3.56 mg/L
July 2007	001A	Fecal Coliform weekly avg	400 col/100 ml	597.91 col/100 ml
October 2007	001A	Fecal Coliform weekly avg	400 col/100 ml	669.49 col/100 ml
December 2007	001A	TSS weekly avg	23 mg/L	23.55 mg/L
January 2008	001A	Fecal Coliform wkly avg	400 col/100 ml	526.78 col/100 ml
October 2008	001A	Fecal Coliform wkly avg	400 col/100 ml	1,293.04 col/100 ml
November 2008	001A	Ammonia Nitrogen mon avg.	3 mg/L	3.75 mg/L
		wkly avg	6 mg/L	7.06 mg/L
December 2008	001A	TSS weekly avg.	23 mg/L	26.05 mg/L
December 2009	001A	Fecal Coliform wkly avg	400 col/100 mL	869.95 col/100 mL
September 2011	001A	Fecal Coliform wkly avg	400 col/100 mL	400.46 col/100 mL

Each effluent exceedance constitutes a violation of LPDES permit LA0038059 (Part I, 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.

XIV.

An inspection conducted by the Department on or about December 12, 2007, and a subsequent file review conducted by the Department on or about December 8, 2011, revealed that the Respondent failed to submit a complete non-compliance report (NCR) to the Department for the monitoring period of July 2007 for a Fecal Coliform exceedance. The failure to submit a complete non-compliance report (NCR) constitutes a violation of LPDES permit LA0038059 (Part III, Sections A.2 and D.7), La. R.S. 30:2025 (J)(2), La. R.S. 30:2076 (A)(3), La. R.S.

30:2076 (D), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.”

II.

The Department hereby adds paragraph XVII of the **FINDINGS OF FACT** to read as follows:

“XVII.

A file review conducted by the Department on or about December 8, 2011, revealed the following results for biomonitoring:

April 1, 2007- June 30, 2007	TX1Q	Biomonitoring	Pass/Fail	Failed C.dubia (lethal)
July 1-September 30, 2007	TX1Q	Biomonitoring	Pass/Fail	Failed C.dubia (lethal)

Each effluent exceedance constitutes a violation of LPDES permit LA0038059 (Part I, 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. The file review also revealed the Respondent failed to submit the Table I summery sheets with the submittal of DMRs. Specifically, the Respondent failed to submit the summery sheets for all monitoring periods of 2007, 2008, 2009, and 2010. Each failure to submit the summery sheets associated with toxicity reports is a violation of LPDES permit LA0038059 (Part II, section E.4.b, 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 adds paragraph XVIII to the **FINDINGS OF FACT** to read as follows:

“XVIII.

An inspection conducted by the Department on or about December 15, 2009, revealed the following:

- a. The Respondent submitted an inaccurate DMR to the Department for the monitoring period of November 2009. Specifically, BOD₅ reported results did not agree with the calculated BOD₅. The data produced by the in-house laboratory did not meet quality control criteria. The data produced by the contract lab, Acculab, was used instead. This is in violation of LPDES permit (Part III, Section A.2), and also in violation of La R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.
- b. The Respondent experienced operations and maintenance deficiencies. Specifically, the number 4 clarifier was out of service because of mechanical problems with the sludge scraper. The other three clarifiers had pieces of floating sludge. The biotower was damage by a tornado and was out of service. There is no alternative source of power for the plant. Lastly, the collection system suffers from Inflow and Infiltration problems.
- c. The Respondent failed to follow approved test procedures. Specifically, a review of laboratory bench sheets for 2009 revealed that the BOD data produced by the in-

house laboratory on 3/2/09 and 8/13/09 were the only data that met quality control criteria.

- 1) The Glucose-Glutamic Acid sample results were not within the 198 +/- 30.5 mg/L range any of the sample days except for 3/2/2009 and 8/13/09. The laboratory data from Acculab only should have been used on those days when the in-house data was not acceptable.
- 2) Duplicate samples for BOD are not being analyzed by the same person; one operator sets up a set of three dilution samples and another operator sets up another set.
- 3) An arithmetic average is being reported for Fecal Coliform results instead of the required geometric average. The failure to follow approved test procedures is a violation of LPDES permit LA0038059 (Part III, Sections A.2 and C.5.a), LAG 33:IX.501.A, LAG 33:IX.2701.J.4.”

IV.

The Department hereby adds paragraph XIX to the **FINDINGS OF FACT** section to read as follows:

“XIX.

A file review conducted by the Department on or about December 8, 2011, revealed the Respondent failed to sample the effluent as required by LPDES permit. Specifically, the Respondent failed to sample for priority pollutants for June-December of 2010 monitoring period. Each failure to sample the effluent is a violation of LPDES permit LA0038059 (Part I, page 6 of 7, Part II, Section A.10, and Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.”

V.

The Department hereby adds paragraph VIII to the Order section to read as follows:

“VIII.

The Respondent shall accomplish the following tasks and comply with the following schedule of activities associated with its sewer rehabilitation project referenced in the Respondent’s letter dated December 9, 2011.

Milestone	Completion Date
Advertisement for Bid	February 15, 2012
Construction Contract award	March 19, 2012
Start of Construction	April 16, 2012
Construction Completion Date	December 17, 2012
Final Acceptance Resolution by the City	January 14, 2013

The Respondent shall submit construction progress reports following each calendar quarter until the completion of the aforementioned proposed improvements. The Respondent shall submit the next progress report thirty (30) days following the end of the calendar quarter. The first progress report is due April 30, 2012. Within 15 days of any completion 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.”

VI.

The Department hereby adds paragraph IX to the Order section to read as follows:

“IX.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Report (DMR) for the monitoring period mentioned in Paragraphs XVIII of the Findings of Fact portion of this Order. If you are submitting copy of the DMR, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for “Comment and Explanation of Any Violations.”

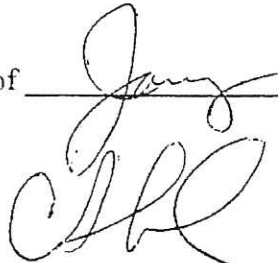
VII.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-08-0350** and **AGENCY INTEREST NO. 4857** as if reiterated herein.

VIII.

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

Baton Rouge, Louisiana, this 11 day of January, 2012.



Cheryl Sonnier Nolan
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
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Naz Zanjani-Bachar

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 14, 2012

CERTIFIED MAIL (7004 2510 0005 5753 5537)
RETURN RECEIPT REQUESTED

CITY OF WESTWEGO
c/o Honorable John I. Shaddinger, Jr., Mayor
419 Avenue A
Westwego, LA 70094-3644

RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-12-00721
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 Scott B. Pierce at (225) 219-3723.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
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.

*
*
* ENFORCEMENT TRACKING NO.
*
* WE-CN-12-00721
*
* 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 419 Avenue A, in Westwego, Jefferson Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0038059, effective on February 1, 2001, and which expired on January 31, 2006. LPDES permit LA0038059 authorized the Respondent to discharge treated sanitary wastewater 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 prior to the expiration of LPDES permit LA0038059, LPDES permit LA0038059 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 expired on June 30, 2012, and was administratively continued. The Department

issued the new LPDES permit LA0038059 to the Respondent on September 5, 2012, with an effective date of October 1, 2012. The permit will expire on September 30, 2017. The Respondent is authorized to discharge treated sanitary wastewater from Outfall 001 into the Mississippi River, waters of the state.

II.

The Respondent was issued **AMENDED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0350A** on or about January 11, 2012, for the following violations: failure to submit quarterly progress report and certification of compliance or non-compliance, failure to submit a Mercury Minimization Program Plan (MMPP) in a timely manner, operations and maintenance deficiencies, effluent exceedances, failure to submit non-compliance report, biomonitoring failure, failure to submit the summery sheets associated with toxicity reports, submitting inaccurate DMR for BOD, failure to follow approved test methods (for BOD₅) and geometric average (for Fecal Coliform), and failure to sample for priority pollutant. The Order required the Respondent to accomplish tasks and comply with schedule of activities associated with its sewer rehabilitation project, and submit properly completed DMRs. **AMENDED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0350A** is a final action of the Department.

III.

A file review conducted by the Department on or about September 18, 2012, revealed that the Respondent failed to submit the quarterly progress reports and certification of compliance or non-compliance as required in the ORDER section of **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0350A** for activities associated with the upgrade of the sewage treatment plant. Specifically, the Respondent failed to submit the progress reports due to the Department by April 30, 2012, and July 30, 2012, and to submit certification of compliance or non-compliance of the 'Completion of the Project' activity that was due within 15 days of specified due date of an activity. The Department received a status report via e-mail as to completion of the first milestone (Advertisement for Bid) on June 18, 2012. Each failure to submit the required quarterly construction progress reports and certification of compliance or non-compliance in a timely manner is a violation of **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0350A**, La. R.S. 30:2076(A)(3), LAC 33:IX.501.A.

IV.

A file review conducted by the Department on October 5, 2012, revealed that the Respondent failed to meet the due date set for construction schedule milestones. Specifically, the due dates for 'Advertisement for Bid', 'Construction Contract Award', and 'Start of Construction' milestones were February 15, 2012, March 19, 2012, and April 16, 2012, respectively. However, according to the progress reports received on June 18, 2012, and September 6, 2012, the Respondent completed these tasks in April 2012, July 2012, and September 2012, respectively. On June 18, 2012, the Department received a revised construction schedule from the Respondent, which was then updated via letter dated September 6, 2012. Failure to meet the deadlines set in the construction schedule is a violation of **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0350A**, La. R.S. 30:2076(A)(3), LAC 33:IX.501.A.

V.

An inspection conducted by the Department from March 02, 2012, 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 of Incident	Location	Cause	Amount
02/28/2012	100 Vic A Pitre Dr.	Pipes between the primary digester and the secondary digester became plugged.	Unknown*

* Failed to Notify the Department.

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. In addition, the inspection as well as a subsequent file review conducted on or about October 5, 2012, revealed that the Respondent failed to notify the Department verbally (within 24 hours) as well as provide written notification within five (5) days of becoming aware of the overflow as required by LPDES Permit LA0038059 for overflows occurring outside of the collection system. The failure to notify the Department of an overflow outside of the collection system in accordance with LPDES Permit LA0038059 is a violation of LPDES permit LA0038059 (Part II, Section A.6, and Part III, Sections A.2 and D.6), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

VI.

An inspection conducted by the Department on or about June 21, 2012, pursuant to a citizen's complaint, and a subsequent file review conducted on or about October 5, 2012, revealed that the Respondent did cause or allow the following discharges of sanitary wastewater from a location not authorized by LPDES Permit LA0038059 into waters of the state:

Date of Incident	Unauthorized discharge Location	Cause of unauthorized discharge	Amount
03/22/2012	Westwego STP	Valve was opened due to I & I problem because of heavy rain event. The Respondent discharged through interim outfall 001 that discharges to Vic-a-Pitre canal. The facility is not authorized to discharge through this outfall as of 4/30/2010.	Unknown
03/23/2012	Westwego STP	Valve was opened due to I & I problem because of heavy rain event. The Respondent discharged through interim outfall 001 that discharges to Vic-a-Pitre canal. The facility is not authorized to discharge through this outfall as of 4/30/2010.	Unknown
04/04/2012	Westwego STP	Valve was opened due to I & I problem because of heavy rain event. The Respondent discharged through interim outfall 001 that discharges to Vic-a-Pitre canal. The facility is not authorized to discharge through this outfall as of 4/30/2010.	Unknown
04/18/2012	Westwego STP	Valve was opened due to I & I problem because of heavy rain event. The Respondent discharged through interim outfall 001 that discharges to Vic-a-Pitre canal. The facility is not authorized to discharge through this outfall as of 4/30/2010.	Unknown
05/14/2012	Westwego STP	Valve was opened due to I & I problem because of heavy rain event. The Respondent discharged through interim outfall 001 that discharges to Vic-a-Pitre canal. The facility is not authorized to discharge through this outfall as of 4/30/2010.	Unknown*

* Failed to Notify the Department.