

Each discharge of sanitary wastewater from a location not authorized in the permit is a violation of La. R.S. 30:2076(A)(1)(a), and LAC 33:IX.501.D. In addition, the file review revealed that the Respondent failed to report the discharge from a location not authorized by the permit, which occurred on May 14, 2012. The failure to report a discharge from a location not authorized by the permit is a violation of LPDES Permit LA0038059 (Part III, Sections A.2 and D.7) La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.7.

VII.

An inspection conducted by the Department on or about December 6, 2011, revealed that the Respondent had operations and maintenance deficiencies. Specifically, the number four (4) clarifier was down at the time of the inspection. Floating solids were observed in the other three (3) clarifiers. Floating solids were observed in the chlorine contact chamber. Algae were observed in the weirs in the second aeration basin. The failure to properly operate and maintain the treatment system 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.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the Respondent's facility to waters of the state.

II.

To immediately take, upon receipt of the **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with permit limitations and conditions contained in LPDES permits LA0038059 including, but not limited to, properly operating and maintaining the facility and notifying the Department of overflows.

III.

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	Completed
Receive of Bids	Completed
Construction Contract award	Completed
Start of Construction	Completed
Construction Completion Date	July 10, 2013
Final Acceptance Resolution by the City	August 12, 2013

The above-mentioned compliance schedule shall supersede the previous compliance schedule issued under **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY WE-CN-08-0350A**. 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 no later than thirty (30) days following the end of the calendar quarter. The first progress report is due January 30, 2013. 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.

IV.

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

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Scott B. Pierce
Re: Enforcement Tracking No. WE-CN-12-00721
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-12-00721
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 than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

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 Scott B. Pierce at (225) 219-3723 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

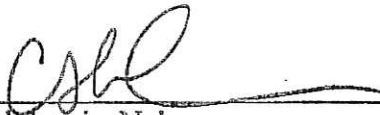
III.

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 14 day of Nov, 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
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Scott B. Pierce

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 24, 2015

Honorable John T. Shaddinger, Jr., Mayor
c/o City of Westwego
419 Avenue A
Westwego, LA 70094

RE: WASTEWATER TREATMENT PLANT & MAINTENANCE SHOP
WARNING LETTER
ENFORCEMENT TRACKING NO. WE-L-15-01328
Activity Tracking No. ENF20150001
AI No. 4857

Dear Sir:

On or about September 20, 2013, an inspection of the above referenced facility was conducted to determine compliance with the Louisiana Environmental Quality Act and supporting regulations. The inspection report, noting areas of concern, has been forwarded to the Enforcement Division. All violations at your facility will be taken into consideration in determining what further actions this office will take.

We strongly encourage you to review the findings of our most recent inspection and immediately take any and all steps to ensure compliance with all environmental regulations at your facility. We request that you review the area(s) of concern noted and submit a written response within 30 days of receipt of this letter to Mr. Scott Pierce at the address below. In your response, please include any action(s) you have taken to correct the area(s) of concern at your facility.

If you have any questions regarding this potential civil enforcement matter, please contact Mr. Scott Pierce at (225) 219-3723.

Sincerely,

Angela Marse
Manager
Water Enforcement Section

AWM/SP/sp
Alt ID.:LA0038059

