STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-14-0014**
CITY OF CROWLEY	*	
	*	**Enforcement Tracking No.**
AI # 4689	*	**WE-CN-06-0271**
	*	**WE-CN-06-0271A**
PROCEEDINGS UNDER THE LOUISIANA	*	**WE-CN-06-0271B**
ENVIRONMENTAL QUALITY ACT	*	**WE-CN-06-0271C**
LA. R.S. 30:2001, ET SEQ.	*	**WE-C-10-01410**
	*	**WE-C-11-00789**
	*	
	*	**Docket No. 2008-6911-EQ**
	*	

SETTLEMENT

The following Settlement is hereby agreed to between the City of Crowley ("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 municipal sewerage collection and treatment facility located in Crowley, Acadia Parish, Louisiana ("the Facility").

II

On March 7, 2007, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-06-0271**, which was based upon the following findings of fact:

"The Respondent owns and/or operates a municipal sewage collection and treatment system located at 412 Conrad Road which serves the residences and businesses of the City of Crowley, Acadia Parish, Louisiana. The Respondent is authorized to discharge certain qualities and quantities

of wastewater into Bayou Plaquemine Brule, waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0041254 effective on April 1, 2002, and which expires on March 31, 2007. An application for the renewal of LPDES permit LA0041254 was submitted to the Department on or about October 1, 2006.

The Respondent was issued Compliance Order WE-C-04-0638 on or about November 30, 2004, for the following violations: various deficiencies found during a Pretreatment Program Audit performed in February 2003, operation and maintenance deficiencies found during an inspection performed in February 2004, and permit effluent violations. This Compliance Order mandated the Respondent to take any and all steps necessary to meet and maintain compliance with LPDES permit LA0041254 and to submit a written response. The Respondent did submit a written response to the above-referenced action on or about December 7, 2004, and a supplemental response on or about February 25, 2005. Compliance Order WE-C-04-0638 is a final action of the Department and not subject to further review.

Inspections by the Department on or about January 27, 2005, and March 21, 2006, and a subsequent file review conducted by the Department on February 22, 2007, revealed the following effluent violations from June 2005 through September 2006:

Date	**Outfall**	**Parameter**	**Permit Limit**	**Sample Value**
June 2005	001A	Ammonia, Mo Avg	103 lbs/day	104 lbs/day
	001A	Ammonia, Mo Avg	5 mg/L	7.2 mg/L
	001A	Fecal Coliform, Mo Avg	200 col/100 ml	568 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
	001A	CBOD, Wkly Avg	7.5 mg/L	15 mg/L
July 2005	001A	Ammonia, Mo Avg	5 mg/L	5.9 mg/L
	001A	Fecal Coliform, Mo Avg	200 col/100 ml	>1000 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
	001A	CBOD, Wkly Avg	7.5 mg/L	8 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
Aug 2005	001A	Ammonia, Mo Avg	5 mg/L	6 mg/L
	001A	Fecal Coliform, Mo Avg	200 col/100 ml	>1000 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
Sept 2005	001A	Fecal Coliform, Mo Avg	200 col/100 ml	887 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
Nov 2005	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	548 col/100 ml
Jan 2006	001A	TSS, Mo Avg	309 lbs/day	332 lbs/day
	001A	TSS, Mo Avg	15 mg/L	21 mg/L
	001A	TSS, Wkly Avg	23 mg/L	31 mg/L
June 2006	001A	TSS, Mo Avg	15 mg/L	26 mg/L
	001A	TSS, Wkly Avg	23 mg/L	32 mg/L
	001A	Ammonia, Mo Avg	5 mg/L	6.9 mg/L
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	735 col/100 ml
	001A	CBOD Wkly, Avg	7.5 mg/L	9 mg/L
July 2006	001A	TSS Wkly, Avg	23 mg/L	24 mg/L
	001A	Ammonia, Mo Avg	5 mg/L	7.2 mg/L
Sept 2006	001A	Fecal Coliform, Mo Avg	200 col/100 ml	565 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	735 col/100 ml
Oct 2006	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
	001A	Ammonia, Mo Avg	103 lbs/day	106 lbs/day

Each of the above-noted effluent excursions are in violation of Compliance Order WE-C-04-0638, LPDES permit LA0041254 (Part I and Part III, Section A.1), 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.

A Pretreatment Compliance inspection was conducted by the Department on or about June 21, 2005. This inspection revealed that the Respondent had yet to finalize the Pretreatment Program manual, had not categorized all industrial users, had failed to sample each industrial user, and had failed to have adequate staffing levels to meet the needs of the pretreatment program. The Pretreatment Program manual was submitted to the Department on or about July 27, 2006.

A file review conducted by the Department on or about February 22, 2007, revealed that the

Respondent failed to submit the Pretreatment Annual Report that was due on September 30, 2006. The failure to submit this annual report is in violation of Compliance Order WE-C-04-0638, LPDES permit LA0041254 (Part II, Section C.4, and Part III, Section A.1), La. R.S. 30:2076 (A)(1), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.6123.I.1."

On February 26, 2009, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-06-0271A**, which was based upon the following findings of fact:

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

The Respondent owns and/or operates a municipal sewage collection and treatment system located at 412 Conrad Road which serves the residences and businesses of the City of Crowley, Acadia Parish, Louisiana. The Respondent is authorized to discharge certain qualities and quantities of wastewater into Bayou Plaquemine Brule; thence into the Mermentau River, all waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0041254 effective on September 1, 2007, and which expires on August 31, 2012. Previously, the Respondent was authorized to discharge wastewater under LPDES permit LA0041254 that was effective on April 1, 2002, and which expired on March 31, 2007. The Respondent submitted an application for the renewal of LPDES permit LA0041254 on or about October 1, 2006; therefore, the permit was administratively continued.

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

Inspections by the Department on or about January 27, 2005, March 21, 2006, March 21, 2007, and March 11, 2008, and a subsequent file review conducted by the Department on January 20, 2009, revealed the following effluent violations from June 2005 through October 2008:

Date	Outfall	Parameter	Permit Limit	Sample Value
June 2005	001A	Ammonia Nitrogen, Mo Avg	103 lbs/day	104 lbs/day
	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	7.2 mg/L
	001A	Fecal Coliform, Mo Avg	200 col/100 ml	568 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
	001A	$CBOD_5$, Wkly Avg	7.5 mg/L	15 mg/L
July 2005	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	5.9 mg/L
	001A	Fecal Coliform, Mo Avg	200 col/100 ml	>1000 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
	001A	$CBOD_5$, Wkly Avg	7.5 mg/L	8 mg/L
Aug 2005	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	6 mg/L
	001A	Fecal Coliform, Mo Avg	200 col/100 ml	>1000 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
Sept 2005	001A	Fecal Coliform, Mo Avg	200 col/100 ml	887 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
Nov 2005	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	548 col/100 ml
Jan 2006	001A	TSS, Mo Avg	309 lbs/day	332 lbs/day
	001A	TSS, Mo Avg	15 mg/L	21 mg/L
	001A	TSS, Wkly Avg	23 mg/L	31 mg/L
June 2006	001A	TSS, Mo Avg	15 mg/L	26 mg/L
	001A	TSS, Wkly Avg	23 mg/L	32 mg/L
	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	6.9 mg/L
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	735 col/100 ml
	001A	$CBOD_5$, Wkly Avg	7.5 mg/L	9 mg/L
July 2006	001A	TSS, Wkly Avg	23 mg/L	24 mg/L
	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	7.2 mg/L
Sept 2006	001A	Fecal Coliform, Mo Avg	200 col/100 ml	565 col/100 ml
	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	735 col/100 ml
Oct 2006	001A	Fecal Coliform, Wkly Avg	400 col/100 ml	>1000 col/100 ml
	001A	Ammonia Nitrogen, Mo Avg	103 lbs/day	106 lbs/day
June 2007	001A	Ammonia Nitrogen Mo Avg	5 mg/L	5.8 mg/L
	001A	Fecal Coliform, Mo Avg	200 col/100ml	255 col/100ml
	001A	Fecal Coliform, Wkly Avg	400 col/100ml	>1000 col/100ml
July 2007	001A	Fecal Coliform, Mo Avg	200 col/100ml	695 col/100ml
	001A	Fecal Coliform, Wkly Avg	400 col/100ml	>1000 col/100ml
Aug 2007	001A	Fecal Coliform, Mo Avg	200 col/100ml	398 col/100ml
	001A	Fecal Coliform, Wkly Avg	400 col/100ml	>1000 col/100ml

Date	Outfall	Parameter	Permit Limit	Sample Value
Sept 2007	001A	Ammonia Nitrogen Mo, Avg	5 mg/L	5.6 mg/L
	001A	Fecal Coliform, Wkly Avg	400 col/100ml	>1000 col/100ml
Oct 2007	001A	$CBOD_5$, Wkly Avg	7.5 mg/L	8 mg/L
Dec 2007	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	5.2 mg/L
May 2008	001A	$CBOD_5$, Wkly Avg	7.5 mg/L	8 mg/L
June 2008	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	7.8 mg/L
July 2008	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	7.1 mg/L
	001A	$CBOD_5$, Wkly Avg	7.5 mg/L	11 mg/L
Aug 2008	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	6.2 mg/L
	001A	$CBOD_5$, Mo Avg	5 mg/L	6 mg/L
	001A	$CBOD_5$, Wkly Avg	7.5 mg/L	10 mg/L
Sept 2008	001A	TSS, Mo Avg	309 lbs/day	327 lbs/day
	001A	TSS, Mo Avg	15 mg/L	24 mg/L
	001A	TSS, Wkly Avg	23 mg/L	69 mg/L
	001A	$CBOD_5$, Mo Avg	103 lbs/day	158 lbs/day
	001A	$CBOD_5$, Mo Avg	5 mg/L	12 mg/L
	001A	$CBOD_5$ Wkly Avg	7.5 mg/L	28 mg/L
Oct 2008	001A	$CBOD_5$ Wkly Avg	7.5 mg/L	11 mg/L
Nov 2008	001A	Ammonia Nitrogen, Mo Avg	5 mg/L	5.6 mg/L
Dec 2008	001A	TSS, Mo Avg	15 mg/L	17 mg/L
	001A	TSS, Wkly Avg	23 mg/L	25 mg/L

Each of the above-noted effluent excursions are in violation of Compliance Order WE-C-04-0638, LPDES permit LA0041254 (Part I and Part III, Section A.1), 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 Department hereby inserts the following paragraph into the Findings of Fact to read as follows:

An inspection conducted by the Department on or about March 11, 2008, revealed that the Respondent caused and/or allowed an unauthorized discharge from a location not specified in LPDES permit LA0041254. Specifically, the north levee of the oxidation pond overflows during heavy rain events causing the wastewater to flow overland down the levee, through a wooded area

and would eventually flow into Bayou Plaquemine Brule, waters of the state. The unauthorized discharge of wastewater from a location not specified in a permit is in violation of Compliance Order WE-C-04-0638, La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.501.D."

On November 18, 2009, the Department issued to Respondent an Amended Compliance Order, Enforcement No. **WE-CN-06-0271B**, which was based upon the following findings of fact:

"The Department hereby amends the table in paragraph II of the Amended Consolidated Compliance Order & Notice of Potential Penalty by adding the following excursions:

Date	**Outfall**	**Parameter**	**Permit Limit**	**Sample Value**
Mar 2009	001A	$CBOD_5$ Mo Avg	5 mg/L	6 mg/L
	001A	$CBOD_5$ Wkly Avg	7.5 mg/L	10 mg/L
	001A	TSS Mo Avg	15 mg/L	18 mg/L
	001A	TSS Wkly Avg	23 mg/L	27 mg/L
Apr 2009	001A	$CBOD_5$ Mo Avg	103 lbs/day	270 lbs/day
	001A	$CBOD_5$ Mo Avg	5 mg/L	6 mg/L
	001A	TDS Mo Avg	5356 lbs/day	14919 lbs/day
	001A	TSS Mo Avg	15 mg/L	19 mg/L
	001A	TSS Mo Avg	309 lbs/day	833 lbs/day
	001A	TSS Wkly Avg	23 mg/L	24 mg/L
May 2009	001A	$CBOD_5$ Mo Avg	103 lbs/day	155 lbs/day
	001A	$CBOD_5$ Mo Avg	5 mg/L	7 mg/L
	001A	$CBOD_5$ Wkly Avg	7.5 mg/L	11 mg/L
	001A	TSS Mo Avg	15 mg/L	18 mg/L
	001A	TSS Mo Avg	309 lbs/day	426 lbs/day
	001A	TSS Wkly Avg	23 mg/L	30 mg/L
June 2009	001A	$CBOD_5$ Mo Avg	5 mg/L	6 mg/L
	001A	$CBOD_5$ Wkly Avg	7.5 mg/L	8 mg/L
	001A	Fecal Coliform Mo Avg	200 col/100ml	1119 col/100ml
	001A	Fecal Coliform Wkly Avg	400 col/100ml	1732 col/100ml
	001A	Ammonia-Nitrogen Mo Avg	5 mg/L	6.1 mg/L
	001A	TDS Mo Avg	5356 lbs/day	5649 lbs/day
	001A	TSS Wkly Avg	23 mg/L	24 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
July 2009	001A	Fecal Coliform Wkly Avg	400 col/100ml	434 col/100ml
	001A	Ammonia-Nitrogen Mo Avg	5 mg/L	7 mg/L
Aug 2009	001A	TDS Mo Avg	5356 lbs/day	5824 lbs/day
Sept 2009	001A	TDS Mo Avg	5356 lbs/day	5645 lbs/day

The Department hereby inserts the following paragraph in the Findings of Fact section:

A file review conducted by the Department on or about October 30, 2009, revealed that the Respondent did cause or allow the unauthorized discharge of wastewater from locations not specified in LPDES permit LA0041254. Specifically, there had been approximately eighteen (18) overflows for the period January 2009 through September 2009 from various locations in the collection system. Each unauthorized discharge of wastewater from a location not specified in a permit is in violation of LPDES permit LA0041254 (Part I and Part III, Section A.1), 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"

On May 12, 2010, the Department issued to Respondent an Amended Compliance Order, Enforcement No. **WE-CN-06-0271C**, which was based upon the following findings of fact:

"The Department hereby amends the table in paragraph II of the Amended Consolidated Compliance Order & Notice Of Potential Penalty by adding the following excursions:

Date	Outfall	Parameter	Permit Limit	Sample Value
Oct 2009	001A	CBOD Mo Avg	103 lbs/day	117 lbs/day
		TDS Mo Avg	5356 lbs/day	7114 lbs/day
Nov 2009	001A	CBOD Mo Avg	103 lbs/day	153 lbs/day
		TDS Mo Avg	5356 lbs/day	9581 lbs/day
		TSS Mo Avg	309 lbs/day	401 lbs/day
Dec 2009	001A	TDS Mo Avg	5356 lbs/day	5979 lbs/day
		TSS Mo Avg	309 lbs/day	405 lbs/day
		TSS Mo Avg	15 mg/L	18 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
Jan 2010	001A	TSS Mo Avg	309 lbs/day	412 lbs/day
		TSS Mo Avg	15 mg/L	20 mg/L
		TSS Wkly Avg	23 mg/L	24 mg/L
Feb 2010	001A	TSS Mo Avg	309 lbs/day	471 lbs/day
		TSS Wkly Avg	23 mg/L	24 mg/L
		TSS Mo Avg	15 mg/L	20 mg/L
		TDS Mo Avg	5356 lbs/day	6268 lbs/day
Mar 2010	001A	CBOD Mo Avg	103 lbs/day	168 lbs/day
		CBOD Mo Avg	5 mg/L	7 mg/L
		CBOD Wkly Avg	7.5 mg/L	8 mg/L
		TSS Mo Avg	309 lbs/day	612 lbs/day
		TSS Wkly Avg	23 mg/L	37 mg/L
		TSS Mo Avg	15 mg/L	27 mg/L
		TDS Mo Avg	5356 lbs/day	5890 lbs/day
	TX1-Q	WET Mo Avg Min	<25 % Surv.	60%
		WET Mo 7 Day Min	<25 % Surv.	60%

The Department hereby amends paragraph V in the Findings of Fact section to read as follows:

A file review conducted by the Department on or about April 30, 2010, revealed that the Respondent did cause or allow the unauthorized discharge of wastewater from locations not specified in LPDES permit LA0041254. Specifically, there had been approximately forty-seven (47) overflows for the period January 2009 through February 2010 from various locations in the collection system. Each unauthorized discharge of wastewater from a location not specified in a permit is in violation of LPDES permit LA0041254 (Part I and Part III, Section A.1), 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 Department hereby inserts the following paragraph in the Findings of Fact section:

In late-2009, the Respondent received American Reinvestment and Recovery Act (ARRA) and State Revolving Fund (SRF) monies in the amount of approximately $1,000,000 for the purpose of rehabilitating the existing rock-reed filter at the wastewater treatment facility. This project will increase the depth of the filter and restore the porosity existing rocks in order to improve treatment efficiencies. The Respondent feels that this project will improve its ability to meet and maintain compliance with LPDES permit LA0041254. This project is currently on-going."

On November 18, 2010, the Department issued to Respondent a Compliance Order, Enforcement No. **WE-C-10-01410**, which was based upon the following findings of fact:

"The Respondent owns and/or operates a municipal sewage collection and treatment system located at 412 Conrad Road which serves the residences and businesses of the City of Crowley, Acadia Parish, Louisiana. The Respondent is authorized to discharge certain qualities and quantities of wastewater into Bayou Plaquemine Brule; thence into the Mermentau River, all waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0041254 effective on September 1, 2007, and which expires on August 31, 2012.

A file review conducted by the Department on October 27, 2010, revealed the following effluent violations from May 2010 through September 2010:

Date	**Outfall**	**Parameter**	**Permit Limit**	**Sample Value**
May 2010	001A	TDS Mo Avg	5356 lbs/day	10900 lbs/day
June 2010	001A	TDS Mo Avg	5356 lbs/day	6249 lbs/day
	TX1-Q	WET Mo Avg Min	60% Survival	<25 % Survival
		WET Mo 7 Day Min	60% Survival	<25 % Survival
July 2010	001A	TDS Mo Avg	5356 lbs/day	6000 lbs/day
Sept 2010	001A	Fecal Coliform Wkly Avg	400 cols/100ml	620 cols/100ml

Each of the above-noted effluent excursions are in violation of LPDES permit LA0041254 (Part I and Part III, Section A.1), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

The file review conducted by the Department on or about October 27, 2010, also revealed that the Respondent did cause or allow the unauthorized discharge of wastewater from locations not specified in LPDES permit LA0041254. Specifically, there had been approximately nineteen (19) overflows for the period March 2010 through August 2010 from various locations in the collection system. Each unauthorized discharge of wastewater from a location not specified in a permit is in violation of LPDES permit LA0041254 (Part I and Part III, Section A.1), La. R.S. 30:2076 (A)(1)(a), and LAC 33:IX.501.D.

In late-2009, the Respondent received American Reinvestment and Recovery Act (ARRA) and State Revolving Fund (SRF) monies in the amount of approximately $1,000,000 for the purpose of rehabilitating the existing rock-reed filter at the wastewater treatment facility. This project will increase the depth of the filter and restore the porosity of the existing rocks in order to improve treatment efficiencies. This project commenced in December 2009 and was completed in April 2010."

On August 12, 2011, the Department issued to Respondent a Compliance Order, Enforcement No. **WE-C-11-00789**, which was based upon the following findings of fact:

"The Respondent owns and/or operates a municipal sewage collection and treatment system located at 412 Conrad Road which serves the residences and businesses of the City of Crowley, Acadia Parish, Louisiana. The Respondent is authorized to discharge certain qualities and quantities of wastewater into Bayou Plaquemine Brule; thence into the Mermentau River, all waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0041254 effective on September 1, 2007, and which expires on August 31, 2012.

A file review conducted by the Department on June 22, 2011, revealed the following effluent violations from January through March 2011:

Date	Outfall	Parameter	Permit Limit	Sample Value
01/31/2011	001A	TDS Monthly Average	5356 lb/d	6345 lb/d
		TSS Monthly Average	309 lb/d	451 lb/d
		TSS Monthly Average	15 mg/L	28 mg/L
		TSS Weekly Average	23 mg/L	32 mg/L
02/28/2011	001A	TDS Monthly Average	5356 lb/d	5671 lb/d
		TSS Monthly Average	309 lb/d	656 lb/d
		TSS Monthly Average	15 mg/L	34 mg/L
		TSS Weekly Average	23 mg/L	45 mg/L
03/31/2011	TX1Q	Whole effluent toxicity 7 Day Minimum	60 %	33 %
		Whole effluent toxicity Monthly Average Minimum	60 %	33 %

Each of the above-noted effluent excursions are in violation of LPDES permit LA0041254 (Part I and Part III, Section A.1), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

The file review conducted by the Department on or about June 22, 2011, also revealed that the Respondent failed to properly operate and maintain the systems of treatment and control (and related appurtenances) which did cause or allow the unauthorized discharge of wastewater from locations not specified in LPDES permit LA0041254. Specifically, there had been approximately sixteen (16) overflows reported to the Department for the period September 2010 through March 2011 from various locations in the collection system. Each unauthorized discharge of wastewater from a location not specified in a permit is in violation of LPDES permit LA0041254 (Part I and Part III, Section A.1), La. R.S. 30:2076 (A) (1)(a), and LAC 33:IX.501.D. Each failure to properly operate and maintain the systems of treatment and control (and related appurtenances) is a violation of LPDES permit LA0041254 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.E.

In early-2011, the Respondent commenced a project to address a sludge build-up issue in the lagoon. The length of this project is estimated to be approximately two (2) years. It is anticipated that at the completion of this project, the amount of sludge in the lagoon will be reduced by 40-60%."

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty and the Compliance Orders, 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 TWELVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($12,400.00), of which One Thousand Three Hundred Three and No/100 Dollars ($1,303.00) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Orders & Notices of Potential Penalty, the Compliance Orders 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.

VII

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.

VIII

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.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Acadia Parish, Louisiana. The advertisement, in form, wording, and size 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.

X

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 A).

XI

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

XII

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 CROWLEY

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch, Secretary

BY: _____

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

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____