STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-20-0033**
CITY OF RAYNE	*	
	*	**Enforcement Tracking Nos.**
AI # 86928	*	**WE-CN-13-01063**
	*	**WE-CN-13-01063A**
	*	**WE-CN-13-01063B**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	**Docket No. 2015-4273-EQ**
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between City of Rayne ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a governmental entity that owns and/or operates a publicly owned treatment works located in Rayne, Acadia Parish, Louisiana ("the Facility").

II

On January 15, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-13-01063 (Exhibit 1).

On March 9, 2014, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-13-01063A (Exhibit 2).

On February 8, 2017, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-13-01063B (Exhibit 3).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, 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 FOURTEEN THOUSAND EIGHT HUNDRED EIGHTY AND NO/100 DOLLARS ($14,880.00), of which One Thousand Five Hundred Thirty-Five and 04/100 Dollars ($1,535.04) 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), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty, the Amended Consolidated Compliance Orders & Notices of Potential Penalty 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

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

X

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 and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

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).

XII

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

XIII

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 RAYNE

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
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

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

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 15, 2014

CERTIFIED MAIL (7004 2510 0006 3852 8618)
RETURN RECEIPT REQUESTED

CITY OF RAYNE
c/o Honorable Roland Boudreaux, Mayor
P.O. Box 69
Rayne, LA 70578-0069

RE: **CONSOLIDATED COMPLIANCE ORDER**
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-13-01063
AGENCY INTEREST NO. 86928

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 RAYNE (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,

Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
Alt ID No. LA0039055
Attachment

EXHIBIT
tabbies
1

Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708
www.deq.louisiana.gov

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CITY OF RAYNE	*	ENFORCEMENT TRACKING NO.
ACADIA PARISH	*	
ALT ID NO. LA0039055	*	WE-CN-13-01063
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	86928
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

COMPLIANCE ORDER

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates a publically owned treatment works (POTW) which serves the City of Rayne. The facility is located at 1301 West Jefferson Davis Avenue in Rayne, Acadia Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0039055 on May 6, 2009, with an effective date of June 1, 2009, and an expiration date of May 31, 2014. LPDES permit LA0039055 authorizes the Respondent to discharge treated sanitary wastewater into Bayou Blanc, thence into Bayou Plaquemine Brule, all waters of the state.

II.

On June 12, 2013, an inspection conducted by the Department and a subsequent file review conducted by the Department on January 6, 2014, revealed the following permit limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Noncompliance Reports (NCRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
December 2012	001C	TSS monthly avg	15 mg/L	31 mg/L
		TSS weekly avg	23 mg/L	35 mg/L
January 2013	001C	TSS monthly avg	15 mg/L	37 mg/L
		TSS weekly avg	23 mg/L	48 mg/L
		TSS weekly avg	23 mg/L	46 mg/L*
		TSS weekly avg	23 mg/L	27mg/L*
February 2013	001C	TSS monthly avg	15 mg/L	19 mg/L
		TSS weekly avg	23 mg/L	25 mg/L
		TSS weekly avg	23 mg/L	24 mg/L*

* additional exceedance reported on NCR

Each exceedance of the permit limitations is a violation of LPDES permit LA0039055 (Part I and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

III.

On June 12, 2013, an inspection conducted by the Department revealed that the Respondent failed to use an appropriate flow measurement device. Specifically, a flow calculation check conducted during the inspection revealed an error of 39% which is exceeds the maximum deviation of less than 10% as allowed by the permit. The failure to use an appropriate flow measurement device is a violation of LPDES Permit LA0039055 (Part III, Sections A.2 and C.6), La. R.S. La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

IV.

On June 12, 2013, an inspection conducted by the Department and a subsequent file review on January 6, 2014, revealed that the Respondent caused and/or allowed unauthorized discharges to occur. Specifically, during the period of January 2010 through October 2013, the Respondent self-reported four hundred and forty (440) overflows to the Department. These overflows reported by the Respondent occurred at various locations throughout the Respondent's collection system. Each unauthorized discharge is a violation of La. R.S. 30:2076 (A)(1), and LAC 33:IX.501.D. Each failure by the Respondent to properly operate and maintain its sewerage system is a violation of LPDES permit LA0039055 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.E.

V.

On June 12, 2013, an inspection conducted by the Department and a subsequent file review on January 6, 2014, revealed that the Respondent caused and/or allowed the failure of both lethal and sub-lethal biomonitoring tests for Pimephales promelas during the 1st quarter 2010 and 1st quarter 2013 monitoring periods. A retest was conducted for the failed result experienced during the 1st quarter of 2013 monitoring period which also resulted in a failure. After the 1st quarter 2010 test failure, the Respondent failed to increase the monitoring period frequency to monthly until three (3) consecutive months of compliance could be demonstrated as required by the permit, but did increase the monitoring frequency to monthly after the 1st quarter 2013 test failure. The Respondent experienced sub-lethal test failures for both Ceriodaphnia dubia and Pimephales promelas and a lethal test failure for Pimephales promelas during April 2013. Each failure of a lethal and/or sub-lethal biomonitoring test is a violation of LPDES permit LA0039055 (Part I, Part II, Section E.1.d, and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A. The failure to increase the monitoring period frequency to monthly until three (3) consecutive months of compliance can be demonstrated after a sublethal and/or lethal test failure is a violation of LPDES Permit LA0039055 (Part II, Section E.1.d, and Part III, Section A.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.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 the Water Quality Regulations and the permit limitations and conditions contained in LPDES permit LA0039055 including, but not limited to, properly operating and maintaining the facility and systems of treatment and control.

II.

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-13-01063
Agency Interest No. 86928

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-13-01063
Agency Interest No. 86928

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 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 **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 15 day of January, 2014.

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

March 9, 2014

CERTIFIED MAIL (7004 2510 0006 3852 8762)
RETURN RECEIPT REQUESTED

CITY OF RAYNE
c/o Honorable Roland Boudreaux, Mayor
P.O. Box 69
Rayne, LA 70578-0069

RE: AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-13-01063A
AGENCY INTEREST NO. 86928

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 RAYNE (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Scott B. Pierce at (225) 219-3723.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
Alt ID No. LA0039055
Attachment

e-copy: DHH/Office of Public Health

EXHIBIT
2

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CITY OF RAYNE	*	ENFORCEMENT TRACKING NO.
ACADIA PARISH	*	
ALT ID NO. LA0039055	*	WE-CN-13-01063A
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	86928
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, ENFORCEMENT TRACKING NO. WE-CN-13-01063** issued to the **CITY OF RAYNE (RESPONDENT)** on January 15, 2014, in the above-captioned matter as follows:

I.

The Department hereby amends Paragraph II of the Findings of Fact to read as follows:

"II.

On June 12, 2013, an inspection conducted by the Department and a subsequent file review conducted by the Department on January 31, 2014, revealed the following permit limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Noncompliance Reports (NCRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
December 2011	001A	TSS monthly avg	15 mg/L	31 mg/L
		TSS weekly avg	23 mg/L	35 mg/L
January 2012	001A	TSS monthly avg	188 lb/d	230 lb/d
		TSS monthly avg	15 mg/L	37 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
January 2012	001A	TSS weekly avg	23 mg/L	48 mg/L
		TSS weekly avg	23 mg/L	46 mg/L*
		TSS weekly avg	23 mg/L	46 mg/L*
February 2012	001A	TSS monthly avg	15 mg/L	19 mg/L
		TSS weekly avg	23 mg/L	25 mg/L
		TSS weekly avg	23 mg/L	24 mg/L*
1st Quarter 2013	001Q	TDS monthly avg	3253 lb/d	3699 lb/d

* additional exceedance reported on NCR

Each exceedance of the permit limitations is a violation of LPDES permit LA0039055 (Part I and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A."

II.

The Department hereby amends Paragraph IV of the Findings of Fact to read as follows:

"IV.

On June 12, 2013, an inspection conducted by the Department and a subsequent file review on January 31, 2014, revealed that the Respondent caused and/or allowed unauthorized discharges to occur. Specifically, during the period of January 2010 through November 2013, the Respondent self-reported two hundred and forty-nine (249) overflows to the Department. These overflows reported by the Respondent occurred at various locations throughout the Respondent's collection system. Each unauthorized discharge is a violation of La. R.S. 30:2076 (A)(1), and LAC 33:IX.501.D. Each failure by the Respondent to properly operate and maintain its sewerage system is a violation of LPDES permit LA0039055 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.E."

III.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-13-01063** and **AGENCY INTEREST NO. 86928** as if reiterated herein.

IV.

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

Baton Rouge, Louisiana, this 09 day of March, 2014.

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
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Scott B. Pierce

JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 8, 2017

CERTIFIED MAIL (7016 0910 0000 2672 7125)
RETURN RECEIPT REQUESTED

CITY OF RAYNE
c/o Honorable Charles E. Robichaux, Mayor
P.O. Box 69
Rayne, LA 70578-0069

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. WE-CN-13-01063B
AGENCY INTEREST NO. 86928**

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 RAYNE (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Scott B. Pierce at (225) 219-3723.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/SBP/sbp
Alt ID No. LA0039055
Attachment

e-copy: DHH/Office of Public Health

EXHIBIT
3

Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
CITY OF RAYNE	*	**ENFORCEMENT TRACKING NO.**
ACADIA PARISH	*	
ALT ID NO. LA0039055	*	**WE-CN-13-01063B**
	*	
	*	**AGENCY INTEREST NO.**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	**86928**
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 **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-13-01063A** issued to the **CITY OF RAYNE (RESPONDENT)** on January 15, 2014, in the above-captioned matter as follows:

I.

The Department hereby amends Paragraph II of the Findings of Fact to read as follows:

"II.

On June 12, 2013, an inspection conducted by the Department and a subsequent file review conducted by the Department on January 31, 2014, and January 17, 2017, revealed the following permit limitation exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs) and Noncompliance Reports (NCRs):

Date	Outfall	Parameter	Permit Limit	Sample Value
December 2011	001A	TSS monthly avg	15 mg/L	31 mg/L
		TSS weekly avg	23 mg/L	35 mg/L
January 2012	001A	TSS monthly avg	188 lb/d	230 lb/d
		TSS monthly avg	15 mg/L	37 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
January 2012	001A	TSS weekly avg	23 mg/L	48 mg/L
		TSS weekly avg	23 mg/L	46 mg/L*
		TSS weekly avg	23 mg/L	46 mg/L*
February 2012	001A	TSS monthly avg	15 mg/L	19 mg/L
		TSS weekly avg	23 mg/L	25 mg/L
		TSS weekly avg	23 mg/L	24 mg/L*
1st Quarter 2013	001Q	TDS monthly avg	3253 lb/d	3699 lb/d
4th Quarter 2013	001Q	TDS monthly avg	3253 lb/d	3692 lb/d
1st Quarter 2014	001Q	TDS monthly avg	3253 lb/d	3807 lb/d
3rd Quarter 2014	001Q	TDS monthly avg	3253 lb/d	3540 lb/d
August 2016	001A	Nitrogen, ammonia total [as N] Monthly Average	67 lb/d	94 lb/d

* additional exceedance reported on NCR

Each exceedance of the permit limitations is a violation of LPDES permit LA0039055 (Part I and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A."

II.

The Department hereby amends Paragraph IV of the Findings of Fact to read as follows:

"IV.

On June 12, 2013, an inspection conducted by the Department and a subsequent file review on January 31, 2014, and January 17, 2017, revealed that the Respondent caused and/or allowed unauthorized discharges to occur. Specifically, during the period of January 2010 through December 2016, the Respondent self-reported six hundred and fifty-five (655) overflows to the Department. These overflows reported by the Respondent occurred at various locations throughout the Respondent's collection system. Each unauthorized discharge is a violation of La. R.S. 30:2076 (A)(1), and LAC 33:IX.501.D. Each failure by the Respondent to properly operate and maintain its sewerage system is a violation of LPDES permit LA0039055 (Part III, Sections A.2 and B.3.a), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.E."

III.

The Department hereby adds Paragraph III of the Order section to read as follows:

"III.

The Respondent shall accomplish the following tasks and comply with the following schedule of activities, or any amendment of that schedule approved in writing by the Department:

Milestone	Completion Date
Submit proposed engineering contract to LDEQ for approval under SRF Program	Completed
Receive LDEQ approval of proposed contract and execute contract	Completed
Begin preparation of plans and specifications	Completed
Complete plans and specification and submit to LDEQ and LDHH from approval	April 30, 2017
Notify LDEQ's Enforcement Division regarding status of plans and specification approval	June 30, 2017
Notify LDEQ's Enforcement Division regarding status of receiving Notice of Award of LCDBG FY 2016-2017 grant	July 31, 2017
Notify LDEQ's Enforcement Division regarding status of receiving clearance of LCDBG Contract Conditions, as applicable	January 31, 2018
Bid Project	March 31, 2018
Begin Construction	April 30, 2018
End Construction	January 31, 2019
Complete system startup operations	March 31, 2019
Achieve full compliance with LPDES Permit LA0039055	April 15, 2019

The Respondent shall submit progress reports to the Enforcement Division following each calendar quarter until the completion of the aforementioned schedule. The Respondent shall submit each progress report within fifteen (15) days following the end of the calendar quarter. The next progress report is due on April 15, 2017. Additionally, if an activity cannot be completed by the due date specified in the schedule, the Respondent shall submit a certification of non-compliance to the Department within fifteen (15) days after the scheduled due date. If the Respondent reports non-compliance with a scheduled 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. Upon completion of all scheduled events, the Respondent shall submit a final certification stating that all activities have been achieved."

IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. WE-CN-13-01063A** and **AGENCY INTEREST NO. 86928** as if reiterated herein.

V.

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

Baton Rouge, Louisiana, this 8th day of February, 2017.

Lourdes Iturralde
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
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Scott B. Pierce