

# City of Baton Rouge/Parish of East Baton Rouge Department of Public Works Consent Decree Fact Sheet

## What is the Clean Water Act (CWA)?

The CWA is the cornerstone of surface water protection in the United States. The statute employs a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways to support “the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water.”

The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the CWA, cities are required to meet their wastewater treatment plant National Pollution Discharge Elimination System (NPDES) permit requirements, as well as to eliminate or reduce the number of Sanitary Sewer Overflows (SSOs) from wastewater collection systems. These requirements apply to every wastewater collection and treatment systems in the country, including the City of Baton Rouge and East Baton Rouge Parish (City/Parish). Because of the importance of protecting the public health from pollutant discharges into the nations’ waterways, and the extensive investment that cities must make to improve their wastewater collection and treatment systems, the federal government has entered into Consent Decrees with municipalities across the United States.

## What is a CWA Consent Decree?

A CWA Consent Decree is a legally binding document filed in court on behalf of environmental regulators that outlines an accelerated program of activities designed to further improve water quality and ensure compliance with the CWA. Typically the court will maintain jurisdiction and oversight of Consent Decrees to make sure the terms of the agreement are executed. These Consent Decrees outline the short and long term activities that cities must undertake to comply with their NPDES permits and with the CWA. Most Consent Decrees also include a payment of civil penalties to the U.S. government for past CWA violations, in addition to addressing the possibility for the accrual of stipulated penalties if project deadlines and specific terms of the Consent Decree can not be met.

## City/Parish Consent Decree Objectives

- Achieve and maintain compliance with its NPDES permits and the CWA.
- Perform work required by the Consent Decree in compliance with the applicable schedules.
- Further the goals and objectives of the CWA.

## City/Parish Consent Decree History

In 1988, the City/Parish entered into a Consent Decree with the United States Department of Justice (DOJ), Environmental Protection Agency (EPA), and the State of Louisiana (State), thereby agreeing to make improvements to the North, Central and South Wastewater Treatment Plants (WWTPs), which had been violating NPDES permit requirements and water quality regulations under the CWA. In 2002 an amended Consent Decree was negotiated (replacing the original Consent Decree) that further required the City/Parish to improve its wastewater collection system (sewers and related facilities) specifically to address SSOs in order to help ensure compliance with the CWA.



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More recently in April 2009, an Agreement and Order Regarding the Modification of the Consent Decree was approved by the DOJ, EPA, and LDEQ, which specifically adopts the City/Parish's September 2008 Second Remedial Measures Action Plan (RMAP2). This plan was a result from over a year of study and assessment including, sanitary sewer overflow (SSO) analysis, technical wastewater hydraulic modeling of the sewer system, engineering and study of the wastewater collection/transmission system and WWTPs throughout the City/Parish. There are three (3) types of projects that are being executed as a part of this plan: comprehensive rehabilitation projects, capacity improvement projects, and wastewater treatment and storage improvement projects. These projects will reduce the number of SSOs throughout the City/Parish, reduce the amount of rainfall dependent inflow and infiltration (I&I) into the wastewater collection system, provide capacity to convey existing and future flows to be treated at the WWTPs, and also meet required NPDES permit limits at the WWTPs. This plan also includes projects addressing the consolidation of the Central Wastewater Treatment Plant (CWWTP) and South Wastewater Treatment Plant (SWWTP). The Central and South WWTP consolidation projects will eliminate wastewater treatment at the CWWTP and route the wastewater flows from that area to the SWWTP for treatment. These projects will improve efficiencies by maintaining a more constant flow throughout the system and should position the City/Parish for millions of dollars of fiscal savings through the 25-year planning period. In addition, the consolidation projects will eliminate the existing sewer line that runs underneath University Lake thereby reducing the risk of potential overflows entering the lake.

Since the date of entry into the Consent Decree, the City/Parish has continued to implement and complete comprehensive remedial measures to correct the wastewater collection and conveyance system overflows, and discharge permit violations cited at its WWTPs and is committed to doing so until the terms of the Consent Decree are fully achieved.

### Key Components of the City/Parish Consent Decree

The City/Parish's Consent Decree is multi-dimensional, encompassing the following key components:

- Elimination of cross connections
- Development and implementation of a Collection System Preventative Maintenance Program Plan to ensure proper daily operation and maintenance of the North, Central and South collection systems on a day to day basis in compliance with the CWA and NPDES permits .
- Development and implementation of a Treatment Plant Preventative Maintenance Program Plan to ensure proper daily operation and maintenance of the North, Central and South WWTPs on a day to day basis in compliance with the CWA and NPDES permits.
- Development and implementation of a Sanitary Sewer Overflow (SSO) Response Plan which identifies the processes that City/Parish staff are to follow when an SSO is reported or encountered.
- Reporting all unauthorized discharges to EPA and Louisiana Department of Environmental Quality (LDEQ).
- Development and implementation of a comprehensive Collection System Remedial Program that identifies projects to help minimize and prevent unauthorized discharges from the collection systems (projects are broken up into first and second remedial measures action plan projects - RMAP1 and RMAP2).
- Spend at least \$3 million/year for sewer repairs, rehabilitation and other minor capital needs related to Inflow/Infiltration (I/I) reduction.
- Develop a Treatment Facility Assessment Report that assesses the treatment capabilities of the North, Central and South WWTPs.
- Implement an Environmental Results Monitoring Plan to assess the environmental benefits of the work performed.
- Develop and implement an effective Outreach and Public Awareness Plan that advises the steps they can take to minimize impact on the collection system, improve environmental compliance, and educates local groups.
- Submit quarterly and annual progress reports to EPA and LDEQ.



BATON ROUGE SSO  
Program



### Other communities across the nation have faced similar enforcement actions

The following are some of the cities have entered into multi-year consent decrees from federal CWA enforcement actions which include civil penalties and supplemental environmental projects (SEPs):

Louisville & Jefferson County, Kentucky  
Miami & Dade County, Florida  
Atlanta, Georgia  
Knoxville, Tennessee  
Sanitation District No. 1 of Northern Kentucky  
Washington D.C. Water and Sewer Authority  
Allegheny County Sanitary Authority, Pittsburg, Pennsylvania  
Toledo, Ohio  
Indianapolis, Indiana  
Baltimore County, Maryland  
Youngstown, Ohio  
Cincinnati and the Board of County Commissioners of Hamilton County, Ohio  
Board of Water and Sewer Commissioners of the City of Mobile, Alabama

### Fines and Penalties are Elements of all Consent Decrees

Consent Decrees are the result of enforcement actions taken by environmental regulatory agencies to ensure compliance with the CWA. It is typical that monetary fines are a part of the settlement claim. The City/Parish is required to pay a total of civil penalties in the amount of \$945,000 (\$216,000 from the initial 1988 Consent Decree settlement of claims, and an additional \$729,000 from the 2002 Consent Decree). In addition, the City/Parish is required to perform proposed Supplemental Environmental Projects (SEPs) with a value of at least \$1,125,000. In addition, stipulated penalties in the Consent Decree provide for fines and penalties for missed deadlines, failure to submit required reports, unauthorized discharges, elimination of cross connections, and WWTP violations ranging from \$500 to \$15,000 per day per violation.

### What are Supplemental Environmental Projects?

Supplemental Environmental Projects (SEPs) are environmentally beneficial projects that will benefit the Baton Rouge community. They must improve, protect, or reduce risks to public health or the environment and can fit into categories, such as public health, pollution prevention, pollution reduction, environmental restoration and protection, and emergency planning and preparedness.

The City/Parish's SEPs address pollution reduction and consist of four (4) projects that connect and redirect septic tank effluent in certain areas of the City/Parish to the WWTPs for proper treatment and disposal. The City/Parish spent more than \$1,125,000 of City/Parish revenues on the SEPs. These projects were completed by the required deadlines.

### Progress Update

At this time, significant progress has been made to achieve Consent Decree Compliance. The City/Parish has met all deadlines, submitted all reports, is implementing all associated plans, and is following all requirements outlined in the Consent Decree and Modification. The City/Parish continues to aggressively move forward with associated projects in order to achieve Consent Decree objectives. Of the 90+ projects to be executed, there are approximately fifty (50) projects underway, with fourteen (14) projects under construction as of August 2009. Monthly Progress Reports are developed and posted on the website each month that provide a detailed



description of progress that has been made with these projects up to this point and also highlights a look forward into what is planned to be done in the upcoming months ahead.

For more details please see the most current Monthly Progress Report which is available at the following link:

[http://brprojects.com/sewer/documents/2009-08\\_Monthly-Report.pdf](http://brprojects.com/sewer/documents/2009-08_Monthly-Report.pdf)

### Additional Information

Links to additional Consent Decree documents and additional information about the City/Parish SSO Control and Wastewater Facilities Program is available from the following website:

<http://brprojects.com/sewer/pages/Sewer.htm>

If you are experiencing emergency sewer problems, please call the Department of Public Works 24 hours 7 days a week at the following numbers:

- **From your residence or cell phone:** **Call 311 anytime of day/night**
- **Monday – Friday 8:00AM – 5:00PM:** **Call (225) 389-3090**
- **Monday – Friday after 5:00PM:** **Call (225) 389-2070**
- **Saturday – Sunday:** **Call (225) 389-2070**
- **Holidays:** **Call (225) 389-2070**

