

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA and)	
STATE OF LOUISIANA,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	01-978-B-M3
CITY OF BATON ROUGE and)	
PARISH OF EAST BATON ROUGE,)	
)	
Defendants.)	

**NOTICE OF LODGING OF AGREEMENT AND ORDER REGARDING
MODIFICATION OF THE CONSENT DECREE**

Plaintiffs the United States of America, by and through the authority of the Attorney General of the United States and through the undersigned attorneys and acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), and the Louisiana Department of Environmental Quality (“LDEQ”) provide notice that the attached *Agreement and Order Regarding Modification of the Consent Decree* (“Agreement and Order”) (Exhibit A) is hereby lodged with the Court. The proposed Agreement and Order would, if entered by the Court, amend the Consent Decree entered by the Court on March 14, 2002 (“the 2002 Consent Decree”). Paragraph 119 of the 2002 Consent Decree provides that material modifications may be made only with written notification to and written approval of each of the Parties and the Court and with an opportunity for public notice and comment in a manner consistent with the requirements specified in the 2002 Consent Decree.

Paragraphs 6 and 7 of the Agreement and Order describe the requirements applicable to the United States and LDEQ regarding solicitation of public comment. With regard to the

United States, Paragraph 6 of the Agreement and Order provides that the United States reserves the right to withdraw or withhold its consent if comments by the public regarding the Agreement and Order disclose facts or considerations which indicate that the Agreement and Order is inappropriate, improper, or inadequate. The U.S. Department of Justice will publish in the Federal Register a notice that the proposed Agreement and Order has been lodged with the Court and soliciting public comment for a period of thirty (30) days. With regard to LDEQ, Paragraph 7 of the Agreement and order provides that final approval by LDEQ, and entry of the Agreement and Order is subject to the requirements of La. R.S. 30:2050.7, which provides for public notice in newspapers of general circulation and the official journals of the Parish of East Baton Rouge, and opportunity for public comment, consideration of any comments, and concurrence by the State Attorney General. The City of Baton Rouge and the Parish of East Baton Rouge (“City/Parish”) published a notice soliciting public comment for period of forty-five (45) days in *The Advocate* on October 29, 2008. After the close of the comment periods, the United States and LDEQ will evaluate any comments received, determine whether any comments disclose facts or considerations which indicate that the proposed Agreement and Order is inappropriate, inadequate, or improper, and advise the Court whether the Agreement and Order should be entered.

Therefore, the United States and LDEQ respectfully request that the Court not sign the lodged Agreement and Order unless and until Plaintiffs move for entry of the Consent Decree.

FOR THE UNITED STATES OF AMERICA:

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Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

/s/ Michael T. Donnellan

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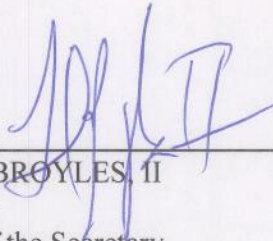
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1445 Ross Avenue
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FOR THE STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF ENVIRONMENTAL QUALITY:



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CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the NOTICE OF LODGING OF AGREEMENT AND ORDER REGARDING MODIFICATION OF THE CONSENT DECREE, including the attached Exhibit A (*Agreement and Order Regarding Modification of the Consent Decree*) to be served upon counsel for the City of Baton Rouge and the Parish of East Baton Rouge by the method indicated below on this 10th day of November 2008.

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA and)	
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Defendants.)	

**NOTICE OF LODGING OF AGREEMENT AND ORDER REGARDING
MODIFICATION OF THE CONSENT DECREE**

EXHIBIT A

Agreement and Order Regarding Modification of the Consent Decree

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

_____)	
UNITED STATES OF AMERICA and)	
STATE OF LOUISIANA,)	
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Plaintiffs,)	
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v.)	CIVIL ACTION NO.
)	01-978-B-M3
CITY OF BATON ROUGE and)	
PARISH OF EAST BATON ROUGE,)	
)	
Defendants.)	
_____)	

**AGREEMENT AND ORDER REGARDING MODIFICATION
OF THE CONSENT DECREE**

Pursuant to the terms of the Consent Decree entered by the Court on March 14, 2002 (“the 2002 Consent Decree”), the Parties have agreed to modify certain provisions of the 2002 Consent Decree. As required by the terms of the 2002 Consent Decree, the parties request the approval of the Court for the proposed modifications.

BACKGROUND

A. On November 19, 2002, pursuant to Paragraph 31 of the 2002 Consent Decree, the City of Baton Rouge and the Parish of East Baton Rouge (“the City/Parish”) submitted a proposed Second Remedial Measures Action Plan (“the 2002 Second RMAP proposal”) in which it selected a remedial measure for the collection system. Subsequently, there were discussions between the Parties, and the City/Parish submitted several revisions to the pending Second RMAP proposal. In general, the revisions submitted by the City/Parish shifted the main focus of the remedial action away from storage of excess flows prior to treatment towards a more aggressive and comprehensive sewer rehabilitation program. In the 2002 Second RMAP

proposal and in all subsequent revisions, the City/Parish proposed to complete all construction and achieve fully operational status by January 1, 2015. The City/Parish submitted a final version of its proposed Second RMAP in a report to EPA and LDEQ dated November 21, 2006 and titled *Sewer System Model Verification and Revised Second Remedial Action Plan* (“the 2006 Second RMAP proposal”).

B. Pursuant to Paragraph 40(a) of the 2002 Consent Decree, EPA and LDEQ approved the 2006 Second RMAP proposal as the Second RMAP on July 10, 2007.

C. In July 2008, the City/Parish informed EPA and LDEQ that it had been evaluating the possibility of closing one of its wastewater treatment plants and rerouting the sewage to one of the remaining plants. At a meeting in Dallas in August 2008, the City/Parish informed EPA and LDEQ that it proposed to decommission the Central Wastewater Treatment plant located at 2443 River Road in East Baton Rouge Parish, Louisiana (“the Central Plant”) and the redirect the flows to the South Wastewater Treatment Plant located at 2850 Gardere Lane in East Baton Rouge Parish, Louisiana (the South Plant”). The City/Parish informed EPA and LDEQ that it had determined that this change would allow more efficient operation of the wastewater system in all weather conditions and better provide for future needs.

D. The City/Parish submitted a request to modify the approved Second RMAP consistent with its proposal at the August 2008 meeting dated September 2008 and titled “*Second Remedial Measures Action Plan [RMAP2] Submittal for the Baton Rouge Sanitary Sewer Overflow [SSO] Control and Wastewater Facilities Program*” (“the 2008 Second RMAP modification proposal”). The 2008 Second RMAP modification proposal is attached hereto as Exhibit 1.

E. EPA and LDEQ have reviewed the City/Parish's request to modify the approved Second RMAP as set forth in the 2008 Second RMAP modification proposal and determined that the proposed changes are consistent with the objectives set forth in Section V (Objectives) of the 2002 Consent Decree, consistent with current industry standards, and provide for completion of all construction and fully operational status achieved by the same deadline set in the approved Second RMAP (i.e. January 1, 2015).

F. The United States, the State of Louisiana, and the City/Parish have also agreed to various technical modifications to Paragraphs 10, 13, 49, and 117 of the 2002 Consent Decree. Appropriate changes to those Paragraph are proposed in this Agreement and Order Regarding Modification of Consent Decree.

G. Paragraph 33 of the 2002 Consent Decree provides:

33. At any time after the Second RMAP is approved by EPA and/or LDEQ pursuant to Section XVII (Review of Submittals), the City/Parish may submit for review and approval pursuant to Section XVII (Review of Submittals) a proposal to modify the remedial measure selected in the Second RMAP. Any proposal to modify the Second RMAP shall be evaluated by EPA and LDEQ for consistency with this Consent Decree, including Section V (Objectives), and industry standards current at the time the proposal is submitted.

.....

B. Any proposed modification of the Second RMAP which would extend the schedule for completion of the work or materially alter the selected remedial measure shall require the approval of the Court.

H. Paragraph 119 of the 2002 Consent Decree provides, "Material modifications may be made to this Consent Decree only with written notification to and written approval of each of the Parties and the Court and with an opportunity for public notice and comment in a manner consistent with Paragraphs 122 and 123."

I. The United States and LDEQ have determined that the modifications set forth in the 2008 Second RMAP modification proposal would materially alter the selected remedial measure within the meaning of Paragraph 33(B) of the 2002 Consent Decree and constitute material modifications requiring “written approval of each of the Parties and the Court and with an opportunity for public notice and comment” within the meaning of Paragraph 119 of the 2002 Consent Decree.

J. The Assistant Attorney General on behalf of the United States and the undersigned representatives of the City/Parish and the State of Louisiana certify that they are fully authorized to enter into the terms and conditions of this Agreement and Order Regarding Modification of the Consent Decree and to execute and legally bind such party to this document.

By the signatures of their representatives to this document, the Parties to the 2002 Consent Decree hereby approve the modifications set forth below.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Except as specifically modified herein, all provisions of the 2002 Consent Decree shall remain in full force and effect.

2. The Second RMAP approved by EPA and LDEQ on July 10, 2007 is hereby modified as set forth in the 2008 Second RMAP modification (Exhibit 1).

3. Paragraph 10 of the 2002 Consent Decree is hereby modified to read as follows:

10. The City/Parish shall provide a copy of this Consent Decree to each engineering, consulting and contracting firm to be retained to perform Work within ten (10) days after entry of this Consent Decree or, for Work commenced after such date, upon execution of any contract relating to such Work. The

City/Parish shall also provide a copy of any material modifications to the Consent Decree to each contractor or consultant within ten (10) days after Entry of such material modifications by the Court. The City/Parish shall condition all contracts entered into to perform Work upon conformity with the terms of this Consent Decree. Any action taken by any contractor or consultant retained by the City/Parish to implement the City/Parish's obligations under this Consent Decree shall be considered an action of the City/Parish for purposes of determining compliance with this Modified Consent Decree. In any action against the City/Parish to enforce this Consent Decree, no act or failure to act by any officer, director, employee, agent, servant, contractor, subcontractor, successor, or assign of the City/Parish shall excuse any failure to comply with the requirements of this Consent Decree.

4. In Paragraph 13 of the 2002 Consent Decree, the definitions of "Consent Decree" and "Infiltration and Inflow" are modified to read as set forth below and the definitions of "Infiltration" and "Inflow" set forth below are added to the Consent Decree:

- "Consent Decree" means this Decree, all attachments and exhibits to this Decree, all items approved by EPA and LDEQ pursuant to Section XVII (Review of Submittals), and any modifications to the Consent Decree approved by the Court pursuant to Section XXXIV. In the event of any conflict between this Decree and any attachment, exhibit, or approved item, this Decree shall control.
- "Infiltration and Inflow" or "I & I" means Infiltration and Inflow into the North, Central, and South Plant Collection Systems.
- "Infiltration" means the water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

- “Inflow” means the water discharged to a sewer system, including service connections, from such sources as, but not limited to, roof leaders; cellar, yard, and area drains; crushed laterals; foundation drains; cooling water discharge; drains from springs and swampy areas; manhole covers; cross-connections from storm sewers; catch basin laterals; stormwater; surface runoff; street wash water; or drainage.

5. The addresses for notice to LDEQ and the City/Parish pursuant to Paragraphs 49

and 117 of the 2002 Consent Decree are hereby modified to read as follows:

As to LDEQ:

Administrator
Office of Environmental Compliance
Louisiana Department of Environmental Quality
P.O. Box 4312
Baton Rouge, LA 70821-4312

Street Address

602 N. Fifth Street
Galvez Building
Baton Rouge, LA 70802

As to the City/Parish:

Director
Department of Public Works
City of Baton Rouge:
Parish of East Baton Rouge
Post Office Box 1471
Baton Rouge, Louisiana 70821

Street Address

300 North Boulevard, Rm. 208
Old Municipal Building
Baton Rouge, Louisiana 70802

At any time after the Court approves this Agreement and Order Regarding Modification of the Consent Decree, any Party may modify the address set forth in Paragraphs 49 and 117 of the 2002 Consent Decree by sending written notice to all other Parties.

6. This Agreement and Order Regarding Modification of the Consent Decree shall be lodged with the Court for a period of not less than thirty (30) days for public notice and comment in accordance with Department of Justice policy and described at 28 C.F.R. § 50.7.

The United States reserves the right to withdraw or withhold its consent if comments by the public regarding the Agreement and Order Regarding Modification of the Consent Decree disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper, or inadequate. This Paragraph does not create any rights exercisable by the City/Parish.

7. The Parties agree and acknowledge that final approval by Plaintiff the State of Louisiana, Department of Environmental Quality, and entry of this Agreement and Order Regarding Modification of the Consent Decree is subject to the requirements of La. R.S. 30:2050.7, which provides for public notice in newspapers of general circulation and the official journals of the Parish of East Baton Rouge, and opportunity for public comment, consideration of any comments, and concurrence by the State Attorney General. This Paragraph does not create any rights exercisable by the City/Parish.

8. The Court shall retain jurisdiction of this case until termination of the 2002 Consent Decree, for the purpose of enabling any of the Parties to apply to the Court for such further order, direction, or relief as may be necessary or appropriate for the construction or modification of this Consent Decree, or to effectuate or enforce compliance with its terms as modified by this Agreement and Order Regarding Modification of the Consent Decree, or to resolve disputes in accordance with Section XXIV of the 2002 Consent Decree (Dispute Resolution).

Entered this _____ day of _____ 200____,

Honorable Frank J. Polozola
United States District Judge

Agreement and Order Regarding
Modification of the Consent Decree

- 8 -

U.S. & LA v. Baton Rouge,
No. 01-978-B-M3 (M.D. La.)

Agreement and Order Regarding
Modification of the Consent Decree

Case 3:01-cv-00978-FJP

Document 14-2

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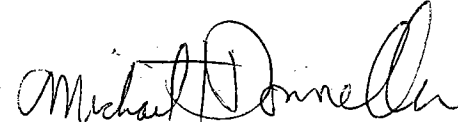
U.S. & LA v. Baton Rouge,
No. 01-978-B-M3 (M.D. La.)

FOR THE UNITED STATES OF AMERICA:

10 November 2008
Date


RONALD J. TEMPAS
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

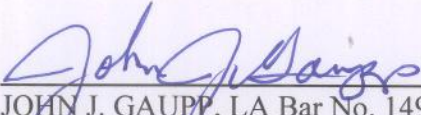
10-22-2008
Date


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FOR THE UNITED STATES OF AMERICA:

DAVID R. DUGAS
United States Attorney
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10/23/2008
Date



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Agreement and Order Regarding
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- 10 -

U.S. & LA v. Baton Rouge,
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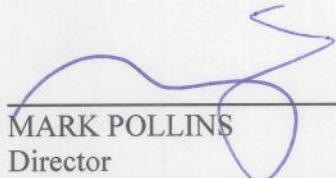
Agreement and Order Regarding
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10 of 36

U.S. & LA v. Baton Rouge,
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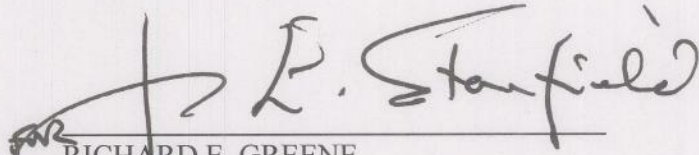
FOR THE UNITED STATES OF AMERICA:

10/23/08
Date

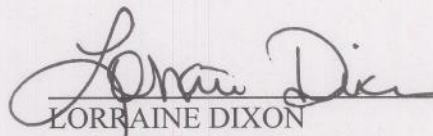

MARK POLLINS
Director
Water Enforcement Divisions
Office of Enforcement and Compliance Assurance
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Washington, D.C. 20006

FOR THE UNITED STATES OF AMERICA:

10/27/08
Date


RICHARD E. GREENE
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, Texas 75202

10-22-08
Date

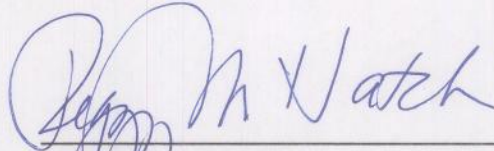

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OF COUNSEL:
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FOR THE STATE OF LOUISIANA, THROUGH THE DEPARTMENT OF ENVIRONMENTAL QUALITY:

10/23/08

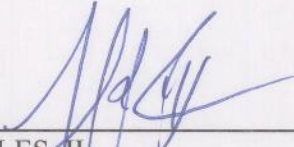
Date



PEGGY M. HATCH
Assistant Secretary
Office of Environmental Compliance
Louisiana Department of Environmental Quality

10-23-08

Date

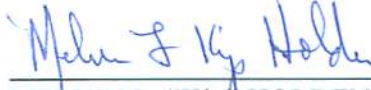


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FOR THE CITY OF BATON ROUGE AND THE PARISH OF EAST BATON ROUGE:

October 23, 2008

Date



MELVIN L. "Kip" HOLDEN
Mayor-President
City of Baton Rouge, Louisiana
Parish of East Baton Rouge, Louisiana
222 St. Louis Street
Baton Rouge, Louisiana 70802

October 23, 2008

Date



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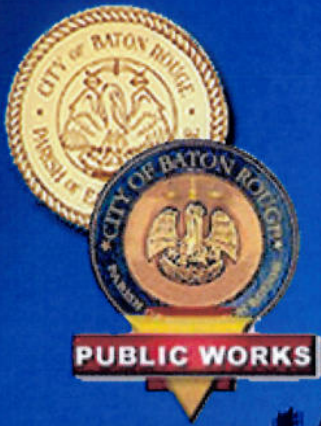
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

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PARISH OF EAST BATON ROUGE,)	
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Defendants.)	
_____)	

**AGREEMENT AND ORDER REGARDING MODIFICATION
OF THE CONSENT DECREE**

Exhibit 1

Second Remedial Measures Action Plan [RMAP2] Submittal
for the Baton Rouge Sanitary Sewer Overflow [SSO] Control
and Wastewater Facilities Program
(The 2008 Second RMAP modification proposal”)



Second Remedial Measures Action Plan (RMAP2) Submittal for the Baton Rouge Sanitary Sewer Overflow (SSO) Control and Wastewater Facilities Program

Prepared for
City of Baton Rouge/East Baton Rouge Parish
Department of Public Works
September 2008



Prepared by
CH2MHILL

in association with Sigma Consulting Group, Inc.



Department of Public Works

City of Baton Rouge
Parish of East Baton Rouge

Post Office Box 1471
Baton Rouge, Louisiana
70821

September 1, 2008

CERTIFIED – RETURN RECEIPT REQUESTED

Mr. Michael T. Donnellan
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611

Ms. Mona Tates (6EN-WM)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Mr. Ted R. Broyles II
Louisiana Department of Environmental Quality
602 N. Fifth Street
Baton Rouge, LA 70802

Re: City of Baton Rouge \East Baton Rouge Parish
Consent Decree-Civil Action No. 01-978-B-M3
Request for Modification to the Approved RMAP2 Submittal - Consent Decree
Section XII-Paragraph 33 and also Section XXXIV- Paragraph 118 and 119

Dear Sirs and Madame:

The City of Baton Rouge/East Baton Rouge Parish (City/Parish) hereby requests a non-material modification to the approved Second Remedial Measures Action Plan (RMAP2) titled *Sewer System Model Verification and Revised Second Remedial Action Plan* that was submitted by the City/Parish in November 2006, and formally approved by the U.S. Environmental Protection Agency (EPA) and Louisiana Department of Environmental Quality (LDEQ) in writing on July 10, 2007.

This non-material modification to the approved RMAP2 is in line with Consent Decree Section XII - Paragraph 33, which states the following:

“33. At any time after the Second RMAP is approved by the EPA and/or LDEQ pursuant to Section XVII (Review of Submittals), the City/Parish may submit for review and approval pursuant to Section XVII (Review of Submittals) a proposal to modify the remedial measure selected in the Second RMAP. Any proposal to modify the Second RMAP shall be evaluated by the EPA and LDEQ for consistency with this Consent Decree, including Section V (Objectives), and industry standards current at the time the proposal is submitted.”

In addition, this RMAP2 submittal also adheres to Section XXXIV Modification – Paragraph 118 and the second sentence of Paragraph 119 of the Consent Decree as follows:

“118. Schedules for completion of the Work, except the deadline for completion of the Collection System Remedial Program set pursuant to Paragraph 34(D), may be modified by the agreement of EPA, LDEQ, and the City/Parish. All such modifications shall be made in writing.”

“119. Modifications to attachments or exhibits to this Consent Decree that do not materially alter that document may be made by written agreement between the United States, LDEQ, and the City/Parish.”

This requested non-material modification to the already approved RMAP2 will not extend the final compliance date beyond the January 1, 2015 deadline noted in the Consent Decree and will not change the objectives of the Consent Decree as stated in Section V – Objectives, outlined below:

- “It is the express purpose of the Parties entering into this Consent Decree:
- To require the City/Parish to achieve and maintain compliance with its NPDES permits and CWA;
 - To require the City/Parish to perform the Work required by this Consent Decree in compliance with the applicable schedules; and
 - To further the goals and objectives of the CWA, particularly Sections 101, 301 and 307, 33 U.S.C. §§ 1251, 1311, and 1317.”

The intent is for this RMAP2 submittal to meet the reporting requirements set forth in Section XII – Paragraph 31, 32, and 34 of the Consent Decree.

This RMAP2 submittal includes the following:

- Cover Letter
 - Summary
 - Submittal History Overview
 - Personnel and Training
 - Funding
 - Discussion
- Revised Second Remedial Action Plan (RMAP2) Projects

Note that since no formal approval has been granted at this time from the EPA or LDEQ for the RMAP1 projects outstanding, that the City/Parish would also like at this time to request formal approval of the RMAP1 project milestones attached.

Summary

The City/Parish has made schedule and project scope adjustments to reflect new information resulting from more sophisticated modeling and engineering that occurred during the past year. This new information will allow us to more expeditiously construct the projects and continue to meet the objectives of Section V of the Consent Decree, mentioned earlier.

As a result of these planning and engineering efforts, modifications to the configuration of the conveyance system are included that are well within normal engineering adjustments.

These revisions will result in more efficient operation of the wastewater system in all weather conditions and will also better provide for future plant needs. The products of these efforts are depicted in the RMAP2 milestones identified by category in the attached document.

Additional wet weather storage at the South WWTP will allow phasing out of the Central WWTP. A meeting was held in Dallas, Texas on August 6, 2008 with representatives from the City/Parish, the Department of Justice (DOJ) (by teleconference), EPA, LDEQ (by teleconference), and CH2M HILL in order to propose the South WWTP and Central WWTP consolidation plan, which entails closing the Central WWTP and routing flows from the Central area basin to the South WWTP for treatment and storage. During which it was requested by LDEQ that CH2M HILL meet with them to discuss the plan in more detail, as well as to specifically address how the South WWTP performance will be affected as a result of the plan. As requested, a meeting was held with CH2M HILL and LDEQ, on August 28, 2008 to discuss the proposed South WWTP and Central WWTP consolidation plan. During the meeting LDEQ concurred with the proposed South WWTP and Central WWTP consolidation plan.

Submittal History Overview

A summary of regulatory submittals to date provided by the City/Parish to the EPA and LDEQ is presented in Table 1.

TABLE 1
EPA and LDEQ Submittal History

Name	Date Submitted	Additional Information
Sewer System Model Verification and Revised Second Remedial Action Plan	November 2006	Submittal of CDM's 2005 RMAP2 Report with changes in the South WWTP Projects
Addressing Existing Noncompliance Issues and Future Wet Weather Flow Management Requirements at the South WWTP	January 2007	Summary of findings/ recommendations for the South WWTP
EPA RMAP2 Approval Letter	July 2007	EPA Letter Approving November 2006 Submittal and South WWTP recommendations. Disapproved interim limits and left for further discussion the time extension request due to hurricanes
South WWTP Summary of Immediate Action Plan Projects	October 2007	Summary of IAP projects to date, per EPA phone request on October 12, 2008
EPA RMAP1 Project Status Report	December 2007	Summary of RMAP1 projects to date, including request for time extension
EPA Prioritization Submittal	April 2008	Summary of program/RMAP2 prioritization, maps, draft milestones, per EPA phone request on February 12, 2008
EPA Memorandum - Consolidation of South and Central Wastewater Treatment Plants in Baton Rouge, Louisiana	August 2008	City/Parish request "no objection" for the retirement of the Central WWTP
Request for Modification to the Approved RMAP2 Submittal	September 2008	City/Parish formal RMAP2 Submittal

Personnel/Training

As presented in the *Draft Wastewater Master Plan (May 2008)*, CH2M HILL evaluated system staffing requirements and determined that with the closure of the Central WWTP there is adequate staffing to maintain the system as planned. Under this proposed plan, the City/Parish's expanded wastewater system can be managed by a reassignment of existing staff from the Central WWTP once closed.

The City/Parish intends to provide training through the use of the Program Manager (CH2M HILL) through training manuals and other instruction as projects come online.

Funding

The City/Parish is currently able to fund the projects outlined in this RMAP submittal based on their funding model. All RMAP projects have been estimated using cost estimating tools developed by CH2M HILL. The estimates are presented in the supplemental documents mentioned throughout this submittal. The City/Parish Department of Public Works Financial Director incorporates the cost information into a funding model that is regularly updated as project scopes are modified as well as to consider inflation, and construction costs.

Discussion

As previously mentioned, the City/Parish hereby requests a non-material modification to the approved RMAP2 titled *Sewer System Model Verification and Revised Second Remedial Action Plan* that was submitted by the City/Parish in November 2006, and formally approved by the EPA and LDEQ in writing on July 10, 2007.

The City/Parish and CH2M HILL are actively moving forward with the execution of these RMAP2 projects included herein, anticipating the approval of this *RMAP2 Submittal September 2008* by the EPA and LDEQ. The City/Parish has advised the EPA and LDEQ that an expeditious review and approval of this submission is needed in order to maintain compliance schedules for dozens of projects that are dependent on each other in the critical path project schedule. Many of these RMAP2 projects are currently underway due to the tight schedule required by the Consent Decree. As presented in this submittal, the RMAP2 project milestone schedules presented in this communication are extremely compressed. To this end, given that it takes approximately 2 to 4 years for a typical project to be completed through the pre-design, design, and construction phases, most projects are being worked on simultaneously.

The City/Parish and CH2M HILL will continually refine and perform quality control reviews of the hydraulic model of the sewer system, incorporating new information as it becomes available. These refinements may alter the RMAP2 projects. However, with the EPA and LDEQ approval, the City/Parish plans to regularly document all RMAP2 project changes (scope changes, project additions, and project deletions) in the quarterly and annual reports to the EPA.

I certify that the information contained in or accompanying this document is true, accurate, and complete. As to the identified portions of this document for which I cannot personally verify their truth and accuracy, I certify as the official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification, that this is true, accurate and complete.

Sincerely,



Peter T. Newkirk
Director of Public Works

DOJ	1 copy
EPA	3 copies
LDEQ	3 copies

Cc: Honorable Melvin L. "Kip" Holden, Mayor-President
Mr. Walter Monsour, Chief Administrative Officer
Mr. Mike Futrell, Assistant Chief Administrative Officer
Mr. Michael Donnellan, Environmental Enforcement Section, U.S. DOJ
Ms. Mona Bates, USEPA Region 6 (6EN-WM)
Mr. Ted Broyles, LDEQ
Mr. Wade Shows, City of Baton Rouge/East Baton Rouge Parish Attorney
Mr. Bob Abbott, City of Baton Rouge/East Baton Rouge Parish Attorney's Office
Mr. Bryan Harmon, DPW
Mr. Mark LeBlanc, DPW
Mr. Richard Wright, DPW
Ms. Amy Schulze, DPW
Ms. Cheryl Berry, DPW
Mr. Greg Wiley, DPW
Mr. Jim Hawley, CH2M HILL
Mr. Michael Ellis, CH2M HILL
Mr. Gordon Garner, CH2M HILL
Ms. Karen Johnson, CH2M HILL

Consent Decree

Collection System Remedial Program

Revised Second Remedial Action Plan

(RMAP2) Projects

Revision September 1, 2008

This RMAP2 revision updates the approved submittal dated November 2006. The updates are based on results from continuing studies conducted by the City/Parish and the Program Manager, CH2M HILL. Following is the introductory paragraph from the 2006 submittal.

“These descriptions are to provide general information about the type of work to be completed for each project, as identified through hydraulic computer modeling. It is anticipated that, during engineering and design, the project details may change due to site constraints or optimization of the design, however, the overall program objectives will be met and the final consent decree deadline will be achieved. Particular basins are identified herein based upon best available flow monitoring and modeling information available at time of Revised RMAP2 development. As additional data become available and field conditions are confirmed, the specific basins for rehabilitation and pipe and pump size changes may be updated.”

The City/Parish submits this document as the most current description of projects required to meet the terms of the Consent Decree.

EPA Consent Decree RMAP Milestones

The tables presented in this submittal reflect the proposed milestone schedules for the Remedial Measures Action Plan (RMAP) projects, pursuant to Consent Decree Section XII Remedial Measures Collection System Remedial Program. The First Remedial Measures Action Plan (RMAP1) and Second Remedial Measures Action Plan (RMAP2) projects are included.

The Consent Decree states that construction completion of the RMAP1 projects shall occur by May 4, 2007. However, in the *EPA RMAP1 Status Report* submitted to the EPA/LDEQ in December 2007, the City/Parish requested a time extension for those projects that have not yet been completed due to change in planned engineering technical approach from tunnels to rehabilitation and the ramifications of Hurricane Katrina and Rita (refer to the *EPA RMAP1 Status Report – CH2M HILL*, December 2007 for more details). The EPA has verbally approved the request for time extension for the RMAP1 projects mentioned in the report during a conference call in March 2008. However, since no written approval has been granted by the EPA or LDEQ, the proposed RMAP1 milestone schedules and status summary are attached for formal written approval at this time.

Also, in accordance with the Consent Decree, there are four construction milestone dates for RMAP2 projects that are also depicted in schedule format: design completion and 33%, 66%, and 100% completion of all projects. To define the 33% and 66% milestones, specific projects must have been functionally completed with construction by some time period. These RMAP2 projects have been redefined through digital modeling, engineering, and planning efforts of the program and are described in more detail in the Program Delivery Plan (PDP) Update available in September 2008.

The milestone schedules for each individual RMAP1 and RMAP2 project are identified in the tables included in this submittal. Additionally, a milestone bar chart is also included for each classification type of RMAP2 project, specifically comprehensive sewer rehabilitation, pump station and transmission capacity improvements, and wastewater treatment and storage improvements.

TABLE 1

EPA Consent Decree Summary and Proposed RMAP1 Milestones

		RMAP1 Projects Completed	RMAP1 Projects Completed	Project Status Summary
Milestone Date		May 4, 2007	Proposed on September 1, 2008	
Construction Status		Complete	Complete	
Consent Decree Projects	Corresponding City/Parish Projects			
RMAP1 Projects				
N-05 PS 24 Area Upgrades	*PS 24/43 Area Upgrade (01-RMP-N05)	✓		
N-06 PS 43 Area Upgrades				
N-09 PS 44/46 Area Upgrades	PS 44/46 Area Upgrades (01-RMP-N09)	✓		
N-10 PS 240 Area Upgrades	PS 240 Area Upgrades (01-RMP-N10)	✓		
***N-99 North Further Investigations	NTSN SS Eval. Study (99-RMP-N-99)	✓		
	**Bellingrath Rehab. (03-RMP-N14) (NSRP)	✓		
	**Frenchtown Road Sewer Rehab. (03-RMP-N15)	✓		
	**North Area Comprehensive Rehab. (03-RMP-N23)	✓		
	**PS 45 Area Rehab. (00-RMP-N31)	✓		
C-03 PS 2 Area Rehabilitation	PS 2 Area Upgrades (01-RMP-C03)	✓		
S-01B SWWTP Influent PS	SSO SWWTP Infl. PS Upgrade (99-RMP-SO1B)	✓		
S-11 PS 40 Area Rehabilitation	S-11 PS 40 Area Rehabilitation	✓		
***S-99 South Further Investigations	SSO Engr-South (99-RMP-S99)	✓		
	PS 944 Area Upgrade Grv Sewer (99-RMP-S99)	✓		
	PS 944 Area Upgrade (99-RMP-S99)	✓		
	PS 177 Area Upgrade (99-RMP-S99)	✓		
	**PS 211 Area Upgrades (99-RMP-S11)	✓		

TABLE 1

EPA Consent Decree Summary and Proposed RMAP1 Milestones

		RMAP1 Projects Completed	RMAP1 Projects Completed	Project Status Summary
Milestone Date		May 4, 2007	Proposed on September 1, 2008	
Construction Status		Complete	Complete	
Consent Decree Projects	Corresponding City/Parish Projects			
RMAP1 Projects				
N-01 Choctaw Basin Return System	Choctaw Area Storage (04-RMP-N22)			Project suspended. Evaluating for inclusion in RMAP2 Plan. Project is included as RMAP2: Choctaw Storage.
N-13 North Choctaw Basin System	S-05 PS 58B Area Upgrades MWH RMAP2			Project suspended. Evaluating for inclusion in RMAP2 Plan. Project is included as RMAP2: Choctaw Storage PS.
N-04 PS 47 Area Upgrades	N-04 PS 47 Area Upgrades			Project suspended. Evaluating for inclusion in RMAP2 Plan. Project is included as RMAP2: Group Project 1B – Veterans Memorial Parkway PS FM.
N-07 PS 39/55 Area Upgrades	N-07 PS 39/55 Area Upgrades			Project suspended. Evaluating for inclusion in RMAP2 Plan. Project is included as RMAP2: Group Project 1B – Veterans Memorial Parkway PS FM.
N-11 PS 65 Area Upgrades	PS 65 and 65A Area Upgrades (01-RMP-N11)			Project suspended. Evaluated for inclusion in RMAP2 and Master Plan. Project proposed as a part of the Master Plan.
N-02 PS 49/52 Area Upgrades	PS 49/52 Area Upgrade (01-RMP-N02)		Date TBD	80% complete with construction. Project in dispute.
N-12 North Sewer Rehab Projects	North Sewer Rehab Projects (03-RMP-N12)		Completed 4 th quarter 2007	Project completed.
S-08 Industriplex Area Upgrades	Industriplex Area PS 355 and FM Upgrades (99-RMP-S08)		2 nd Quarter 2010	Design finalized. Advertising for bids in 1 st quarter 2009.
S-14 Kleinpeter Area Upgrades	Kleinpeter Area Upgrades (03-RMP-S14)		2 nd Quarter 2010	Design finalized. Advertised for bids in July 2008. Bid opening expected 3 rd quarter 2008.
S-16 PS 136 Area Upgrades	PS 136 Area Upgrades (99-RMP-S16)		2 nd Quarter 2010	Final design submitted to DPW for review. Advertise for bids expected in 4 th quarter 2008.
*Notes: This project was executed as a combination of two RMAP1 projects				
**Notes: These projects were added as RMAP1 projects by the City/Parish after entry into the Consent Decree				
***Notes: This RMAP1 project was split up into multiple projects for better execution				

RMAP2 Project Descriptions and Schedule for Completion

The RMAP2 projects are separated into three categories with descriptions and schedules provided for all projects.

Category 1: Comprehensive Sewer Basin Rehabilitation

Based on sewer system digital model analysis and flow monitoring, 26 sub-basins within the collection system require comprehensive rehabilitation. The areas requiring comprehensive rehabilitation are described herein in more detail than was available in the November 2006 RMAP2 submittal. Design and analysis of the first five sub-basins is currently in progress. Rehabilitation is the primary method of removing excessive Infiltration/Inflow from the collection system.

Table 2 presents the 26 category 1 comprehensive rehabilitation sub-basin projects and anticipated delivery milestone schedules. Status summaries are also provided for those projects already underway.

Note that pump station improvements are included in the projects listed in Category 2, Pump Station and Transmission Improvements on the following pages.

TABLE 2
EPA Consent Decree RMAP2 Milestones for Category 1 Projects

	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4th QTR 2012	1st QTR 2014	4th QTR 2014	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Jefferson Hwy – HooShooToo Road	✓			Construction contract awarded by DPW. Awaiting EPA grants approval. Construction expected to begin 4 th quarter 2008.
Staring Lane - Boone Drive	✓			Contractor finalized and completed cleaning and physical inspection (CCTV, smoke testing, manhole inspection, etc.) of sewers. Contractor submitted physical inspection data. Field reconnaissance and basin observations are completed. Data analysis is ongoing.
Gardere Lane - Burbank Road	✓			Field inspection (CCTV, smoke testing, manhole inspection, etc.) completed/submitted by contractor. Field inspection data review and analysis is complete. Basin characterization report submitted. Design consultant selected. Design contract negotiated. Design notice to proceed was issued. Design ongoing.
Oak Villa Blvd - Choctaw Street	✓			Work order issued for cleaning and inspection (CCTV, smoke testing, manhole inspection, etc.) work. Contractor cleaning and inspection field work is ongoing. Basin observations and field reconnaissance is ongoing. Data analysis is expected next quarter.
Scotland Avenue - Progress Road	✓			Cleaning and inspection (CCTV, smoke testing, manhole inspection, etc.) is ongoing.
Elm Grove Garden Road - Harding Blvd	✓			
Sharp Road - Florida Blvd	✓			
Kenilworth Blvd - Boone Drive	✓			
Foster Drive - Government Street	✓			
Silverleaf Road - Ford Street	✓			
Brookstown Road - Evangeline Street	✓			
Bluebonnet Blvd - Jefferson Hwy		✓		
Highland Road - Washington Street	✓			
Stanford Avenue - Morning Glory Road	✓			
Airline Highway - Goodwood Blvd		✓		
Acadian Thruway - Claycut Road	✓			

TABLE 2
EPA Consent Decree RMAP2 Milestones for Category 1 Projects

	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4th QTR 2012	1st QTR 2014	4th QTR 2014	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Acadian Thruway - Perkins Road	✓			
Antioch Road - Chadsford Drive		✓		
Jones Creek Road - Tiger Bend Road		✓		
Scenic Highway - Spanish Town Road			✓	
Siegen Lane - Interstate 10		✓		
Interstate 110 - Hollywood Street		✓		
Ardenwood Drive - Winbourne Street			✓	
Flannery Road - Florida Blvd			✓	
East Boulevard - Government Street			✓	
North 38th Street - Gus Young Avenue			✓	

Category 2: Pump Station and Transmission Improvements

The Infoworks digital model was used to identify necessary increases in capacity of existing gravity trunk sewers, pump stations, and transmission mains in order to accommodate peak wastewater flows remaining in the rehabilitated collection system.

Table 3 presents a list of category 2 projects with project delivery milestone schedules. Project status summaries are provided for those projects already underway.

TABLE 3

EPA Consent Decree RMAP Milestones for Category 2 Projects
 All RMAP2 Projects Will Have Milestone Completion Design Dates - 3rd Quarter 2013

	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4th QTR 2012	1st QTR 2014	4th QTR 2014	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Capital Lake Drive - Gayosa Street	✓			Design consultant selected. Notice to Proceed for design issued to the consultant in July 2008. Preliminary design has begun.
Gurney Road - Joor Road	✓			90% design submitted and reviewed. Design is ongoing and is scheduled to be completed 3 rd quarter 2008.
Multiple Pump Stations - Lovett Road Area	✓			90% design submitted and reviewed. Design is ongoing and is scheduled to be completed 3 rd quarter 2008.
Comite Road - Foster Road	✓			Design is ongoing and is expected to be finalized 4 th quarter 2008.
Foster Road - Hooper Road	✓			Design is ongoing and is expected to be finalized 4 th quarter 2008.
Red Mud Lakes		✓		Design Consultant selected. Design Notice to Proceed is expected to be issued in 3 rd quarter 2008.
South Boulevard - St. Joseph Street	✓			Design Consultant selected. Notice to Proceed for design is expected 3 rd quarter 2008.
Downtown Area - PS59 Improvements	✓			Draft project definition completed. Design Consultant selection and Notice to Proceed for design expected 4 th quarter 2008.
Downtown Area - PS15, PS19 & PS60 Improvements	✓			Draft project definition completed. Design Consultant selection and Notice to Proceed for design expected 4 th quarter 2008.
Highland Road - Buchanan Street	✓			Design Consultant selected. Notice to Proceed for design expected 3 rd quarter 2008.
Citiplace/Essen Area - PS119 & Forcemain Improvements	✓			Design Consultant selected. Design Consultant Notice to Proceed expected to be issued in 3 rd quarter 2008. Design schedule to begin 3rd quarter 2008.
Group 1A - Veterans Memorial Parkway - Gravity Mains		✓		Design consultant selection expected 3 rd quarter 2008.
Group 1B - Veterans Memorial Parkway - PS FM		✓		Design consultant selection anticipated 3 rd quarter 2008.
Perkins/Old Perkins Area - Booster PS 514 Improvements		✓		Design consultant selection anticipated 3 rd quarter 2008.
Group 2 - Small Pump Stations	✓			Draft project definition completed. Design consultant selection anticipated 3 rd quarter 2008.

TABLE 3

EPA Consent Decree RMAP Milestones for Category 2 Projects
 All RMAP2 Projects Will Have Milestone Completion Design Dates - 3rd Quarter 2013

	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4th QTR 2012	1st QTR 2014	4th QTR 2014	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Highland Road - Burbank Drive	✓			Design Consultant selected. Notice to Proceed for design expected in 3 rd quarter 2008. Design scheduled to begin 3 rd quarter 2008.
Nicholson Dr - Highland Rd - Perkins Rd		✓		
Perkins Road - Dahlia Street		✓		
25th Street - North Acadian Thruway	✓			
Government St - South Acadian Thruway		✓		
Plank Road - Kleinpeter Road		✓		
O'Neal Lane - Jones Creek Road		✓		
O'Neal Lane - Tiger Bend Road		✓		
Multiple PS - Nicholson Dr - Brightside Dr		✓		
PS 58A Overflow Pump Station		✓		
Staring Lane FM A - Burbank to Highland	✓			Design completed and is expected to advertise 4 th quarter 2008.
Staring Lane FM B - Highland to Perkins	✓			Design ongoing.
Staring Lane FM C - Perkins to PS 58		✓		Survey completed.
Multiple PS - Jefferson Hwy - Park Forest Dr		✓		
Airline Highway - Jefferson Highway		✓		
Essen Lane - Interstate 12			✓	
Multiple PS - Highland Road - Kenilworth Parkway			✓	
Multiple PS - Florida Blvd - Sherwood Forest Blvd			✓	

TABLE 3

EPA Consent Decree RMAP Milestones for Category 2 Projects
All RMAP2 Projects Will Have Milestone Completion Design Dates - 3rd Quarter 2013

	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4th QTR 2012	1st QTR 2014	4th QTR 2014	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Multiple PS - Plank Road - Thomas Road			✓	
Multiple PS - Plank Road - Harding Boulevard			✓	
Multiple PS - Highway 61 - Plank Road			✓	
Multiple PS - Jones Creek Rd - Tiger Bend Rd			✓	
Airline Highway - Interstate 12			✓	
Florida Boulevard - Sherwood Forest Boulevard			✓	
Goodwood Boulevard - South Flannery Road			✓	
Joor Road - Greenwell Springs Road			✓	
Plank Road - Port Hudson Pride Road			✓	
Essen Lane - Highland Road			✓	
Oak Villa Boulevard - Monterey Boulevard			✓	
Lovett Road - Greenwell Springs Road			✓	
Highland Road - Lee Drive			✓	
Multiple PS - Hooper Rd - Greenwell Springs Rd			✓	
Multiple Booster PS - Hooper Rd - Lovett Rd			✓	
Multiple PS - Prescott Rd - Greenwell Springs Rd			✓	
Multiple PS - O'Neal Ln - S. Harrells Ferry Rd			✓	
Multiple PS - O'Neal Ln - S. Harrells Ferry Rd			✓	

TABLE 3

EPA Consent Decree RMAP Milestones for Category 2 Projects
All RMAP2 Projects Will Have Milestone Completion Design Dates - 3rd Quarter 2013

	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4th QTR 2012	1st QTR 2014	4th QTR 2014	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Airline/Florida Boulevard Area - PS30 Improvements & New PS			✓	
Multiple PS - Burbank Drive - Siegen Lane			✓	
New Central WWTP PS, PS 2, 3, 4, 5, 6, 7, & 10		✓		
New Central WWTP FM		✓		
FM from PS 2, 3, 7, 10, & 5		✓		

Category 3: Wastewater Treatment and Storage

This category of projects includes improvements at the City/Parish WWTP's, as well as storage facilities throughout the service area.

Presently, there are not any RMAP2 projects that have been identified at the North WWTP. Also, the existing Central WWTP has insufficient flows to justify the cost of renovation and upgrading for future requirements, and will be retired when the RMAP2 projects are completed at the South WWTP. Flows predicted for the current central service area will be diverted to the South WWTP.

Wastewater Treatment Projects that are part of RMAP2 submittal are summarized below and their corresponding milestone schedules are shown in Table 4:

- Immediate Action Plan (IAP) South WWTP Project that includes screening, trickling filter recirculation pumping, primary treatment improvements, and bio-solids thickening improvements. Design is completed for this project and is currently in the construction bidding phase with bids opened on August 19, 2008 and currently under review.
- Phase 1 Improvements at the South WWTP for Wet Weather Flow including influent pumping, screening and grit removal for a predicted flow of 345 MGD. Phase 1 also includes 64 million gallons of equalization storage at the South WWTP.
- Phase 2 Improvements at the South WWTP include wet weather flow treatment with a peak capacity of 200 MGD (as previously approved in the November 2006 RMAP2).

In addition, there are two storage projects sized to reduce peak flows to existing treatment plants that are also a part of this RMAP2 submittal, and are listed below and depicted as well in Table 4:

- South - Choctaw Storage Facility
- North – Hooper Storage Facility

These storage projects are part of the transmission system which permits retainage of wet weather peak flows.

TABLE 4

EPA Consent Decree RMAP Milestones for Category 3 Projects
All RMAP2 Projects Will Have Milestone Completion Design Dates - 3rd Quarter 2013

	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4th QTR 2012	1st QTR 2014	4th QTR 2014	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Choctaw Storage, PS 52A, PS 51A, PS 51AA, & FMs, & Return Pipe	✓			Ongoing project definition.
Hooper Storage	✓			
South WWTP IAP Consolidated – Screening, Primary Treatment, Trickling Filter Recirculation, Sludge Handling	✓			Bids opened August 19, 2008. Notice to Proceed expected to be delivered for construction in 3 rd quarter 2008.
South WWTP IAP- Effluent Pumping Improvements	✓			Project completed.
South WWTP - Phase 1		✓		
South WWTP - Phase 2 - PDP			✓	

Project Delivery Schedule

The attached delivery schedule for all projects is divided into design, 33%, 66%, and 100% completion of the required work under the consent agreement. Progress with respect to the attached schedule will be reported quarterly and annually as required. Variance from the submitted individual project schedules is anticipated based on weather, business conditions, and variability of construction contract compliance. Completion of the entire program on the attached schedule is feasible and the City-Parish intends to pursue the work as planned.

