

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA and
STATE OF LOUISIANA,

Plaintiffs,

v.

CITY OF BATON ROUGE and
PARISH OF EAST BATON ROUGE,

Defendants.

Civil Action 01-978-B-M3

**SECOND 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 set forth in this Second Agreement and Order Regarding Modification of the Consent Decree (“Second Consent Decree Modification”). 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 13, 2001, the United States and the State of Louisiana filed their Complaint in this action. In the Complaint, Plaintiffs sought injunctive relief and civil penalties pursuant to Clean Water Act (“CWA”) Sections 301 and 309, 33 U.S.C. §§ 1311 and 1319, for violations of the CWA and National Pollution Discharge Elimination System (“NPDES”) permits issued to the City/Parish for its sewage treatment plants. As set forth in the 2002 Consent Decree, the key violations at issue in the Complaint were:

- i. Violation of NPDES permit requirements which require the permittee to reduce the amount of biochemical oxygen demand (“BOD”) and total suspended solids (“TSS”) such that the thirty (30) day average amount of BOD and TSS in the waste water discharged from the North, Central, and South [sewage treatment] plants is at least eighty-five percent (85%) less than the amount of BOD and TSS in the sewage entering the plant. This requirement is known as the “Eight-Five Percent Rule;”
- ii. Violation of CWA Section 301, 33 U.S.C. § 1311, by discharging untreated sewage to navigable waters from the North, Central, and South plant sewage collection systems. Such overflows are often referred to as “sanitary sewer overflows” or “SSOs;” and
- iii. Violation of NPDES permit requirements related to operation and maintenance by maintaining the North, Central, and South plant sewage collection systems in a condition such that blockages and other failures in the sewage lines caused SSOs.

2002 Consent Decree at page 2.

- B. The stated purposes of the 2002 Consent Decree were:
 - A. To require the City/Parish to achieve and maintain compliance with its NPDES permits and the CWA;
 - B. To require the City/Parish to perform the Work required by this Consent Decree in compliance with the applicable schedules; and
 - C. To further the goals and objectives of the CWA, particularly Sections 101, 301 and 307, 33 U.S.C. §§ 1251, 1311, and 1317.

2002 Consent Decree at ¶ 11.

C. The mechanism by which these purposes were to be attained was implementation by the City/Parish of remedial measures specified in the 2002 Consent Decree. These Remedial Measures were designed, among other things, to bring the City/Parish into compliance with the Eighty-Five Percent Rule and to prevent sanitary sewer overflows. The remedial measures specified in the 2002 Consent Decree included:

Section XII. Collection System Remedial Program: The City/Parish was required to undertake a comprehensive collection system remedial action program. The purpose of this program was to minimize and prevent Unauthorized Discharges from the Collection Systems for the North, Central, and South Plants. At the time the 2002 Consent Decree

was entered, the City/Parish had not made a final decision regarding the program it would implement. Measures common to all the plans under consideration were set forth in a First Remedial Measures Action Plan (“the First RMAP”) attached to the 2002 Consent Decree as Exhibit F. The City/Parish was then required to submit a Second Remedial Measures Action Plan (“the Second RMAP”). In the Second RMAP, the City/Parish was to select a remedial measure to be implemented and provide a detailed analysis of how the selected measure will minimize and prevent Unauthorized Discharges and thereby accomplish the objectives of this Consent Decree. 2002 Consent Decree at ¶ 31. The full remedial program is required to be completed by the deadline specified in Paragraph 34(D).

D. The City/Parish timely submitted a proposed Second Remedial Measures Action Plan (“the 2002 Second RMAP proposal”) on November 19, 2002 in accordance with the requirements of Paragraph 31 of the 2002 Consent Decree. In the 2002 Second RMAP proposal, the City/Parish selected a remedial measure for the collection system that relied upon storage of excess flows prior to treatment. Subsequently, there were discussions between the Parties, and the City/Parish submitted several revisions to the pending Second RMAP proposal. 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”). 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. The approved Second RMAP required the City/Parish proposed to complete all construction and achieve fully operational status by January 1, 2015.

E. In July 2008, the City/Parish contacted EPA and LDEQ regarding a potential modification of the approved Second RMAP which would involve decommissioning the Central Wastewater Treatment Plant and rerouting the flow to the South Wastewater Treatment Plant. The Environmental Protection Agency (“EPA”) and the Louisiana Department of Environmental Quality (“LDEQ”) reviewed the City/Parish’s proposal and determined that the proposed

changes were consistent with the objectives of the 2002 Consent Decree, consistent with current industry standards, and provided 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). On November 10, 2008, the United States and Louisiana lodged, pending solicitation of public comment, a proposed Agreement and Order Regarding Modification of the Consent Decree (Dkt. No. 14) which proposed to modify the Second RMAP to incorporate the changes proposed by the City/Parish. After Plaintiffs filed a Joint Motion to Enter (Dkt. No. 15), the Court entered the Agreement and Order Regarding Modification of the Consent Decree on April 22, 2009 (Dkt. No. 19) (“the First Consent Decree Modification”).

F. By letter dated July 1, 2011, the City/Parish requested an extension of the schedule for completing the work required by the Second RMAP to January 1, 2018. The City/Parish stated that its proposed schedule revisions would defer the lower priority rehabilitation projects and certain capacity projects in the upper reaches of the system while accelerating certain projects at the North Wastewater Treatment Plant and maintaining the schedule for major South Wastewater Treatment Plant projects and critical capacity projects that would effectively reduce sanitary sewer overflows and ensure wastewater treatment plant permit compliance. In addition to modifying the schedule for work required by the Second RMAP, the City/Parish also proposed to add certain projects beyond those required by the 2002 Consent Decree. The additional projects proposed by the City/Parish included implementation of a supervisory control and data acquisition (“SCADA”) system and installation of emergency generators at over 400 pump stations used in the sewage collection system. The modifications proposed by the City/Parish were more fully described in an attachment to the July 1, 2011 letter

titled *Proposed EPA Compliance Schedule and Status Update* (“2011 Second RMAP Modification”) (Attachment 1 to this document).

G. EPA and LDEQ have reviewed the 2011 Second RMAP Modification proposed by the City/Parish. EPA and LDEQ determined:

- i. That the proposal maintains the schedule for those projects most critical for reducing SSOs;
- ii. That implementation of work in addition to current requirements of the 2002 Consent Decree, specifically implementation of a SCADA system and installation of emergency generators at pump stations, has the potential to significantly reduce SSOs beyond the reductions that would be achieved under the Second RMAP as amended by the First Consent Decree Modification.

After considering the proposal, EPA and LDEQ determined that they supported the City/Parish’s proposal to modify the Consent Decree as set forth in the 2011 Second RMAP Modification.

H. 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.

I. 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.”

J. The United States and LDEQ have determined that the modifications set forth in the 2011 Second RMAP Modification 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 schedule for completing the work required by the Second RMAP (as amended by the First Consent Decree Modification) and the scope of the work to be completed shall be modified as set forth in the 2011 Second RMAP Modification, attached hereto as Attachment 1.

3. This Second Consent Decree Modification 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.

4. 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 the official journal 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.

5. 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 _____ 2012,

Honorable
United States District Judge

FOR THE UNITED STATES OF AMERICA:

Date

IGNACIA S. MORENO
Acting Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

Date

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FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:

Date

JOHN BLEVINS
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Date

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

Date

CHERYL S. NOLAN
Assistant Secretary
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Date

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

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**SECOND AGREEMENT AND ORDER REGARDING MODIFICATION
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Attachment 1

2011 Second RMAP Modification

Attachment 1
Proposed EPA Compliance Schedule and Status Update

Attachment 1 – Proposed EPA Compliance Schedule and Status Update

This attachment is proposed to replace the City/Parish's compliance schedule submitted by the City/Parish in September 2008 [report titled - *Second Remedial Measures Action Plan (RMAP2) Submittal for the Baton Rouge Sanitary Sewer Overflow Control and Wastewater Facilities Program*] which was adopted in the *Agreement and Order Regarding the Modification of Consent Decree* (April 2009) by DOJ, EPA, and LDEQ. This revised EPA milestone compliance schedule including project status updates through the end of the 3rd quarter 2011 ending September 30, 2011 are depicted in Tables 1, 2, and 3.

The revised milestone schedule includes significant project scope additions to the RMAP2 program which were not included in, or required by the Consent Decree, or mentioned in the approved RMAP2 projects submitted in the *Second Remedial Measures Action Plan (RMAP2) Submittal for the Baton Rouge Sanitary Sewer Overflow Control and Wastewater Facilities Program* (September 2008). These "additional" projects are highlighted in blue in the tables below. Note that all of the original projects included in the previously approved RMAP2 will still be completed. Only the lower priority projects will extend beyond their original deadlines.

The City/Parish is proposing compliance schedule project adjustments to defer lower priority rehabilitation projects and those capacity projects in the upper/outer reaches of the system, while accelerating the needed additional North Wastewater Treatment Plant Master Plan projects, and thereby maintaining the original compliance schedules for the major wastewater treatment plant projects and critical capacity projects that should most effectively reduce overflows and ensure wastewater treatment plant permit compliance. Note that only those projects that have compliance schedule adjustments are highlighted in yellow in the tables below.

Category 1: Comprehensive Sewer Basin Rehabilitation

Based on sewer system digital model analysis and flow monitoring, several sub-basins within the collection system require comprehensive rehabilitation. Sewer system comprehensive rehabilitation projects will be implemented to repair or replace components of the system that are defective and permit excessive infiltration and inflow.

Overall, all of the rehabilitation projects were prioritized by working first in the outer areas of the City/Parish and then moving in. However at the same time those areas with a greater frequency of SSO's were started in advance of those areas with less frequency, so in some cases projects were started closer to the WWTP first if they have high frequencies of SSOs. This logic was continued with the first draft of extension schedule, so those projects that are being adjusted with the extension will be in areas with a lesser frequency of SSO's.

Table 1 presents the Category 1 comprehensive rehabilitation projects and anticipated delivery milestone schedules and project status updates through September 30, 2011. Note that any pump station improvements are included in the projects listed in Category 2, Pump Station and Transmission Improvements on the following pages.

TABLE 1				
Updated EPA Consent Decree RMAP Milestones for Category 1 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Jefferson Hwy – HooShooToo Road	✓			Project completed – 3 rd quarter 2009.
Staring Lane – Boone Drive Area Rehabilitation Project	✓			Project completed – 2 nd quarter 2010.
Burbank Drive – Gardere Lane Area Rehabilitation Project	✓			Project completed – 4 th quarter 2010.
Oak Villa – Choctaw Street Area Rehabilitation Project	✓			Waiting on contract close-out paperwork. Project completed – 3 rd quarter 2011.
Scotland Avenue – Progress Road Area Rehabilitation Project	✓			Project completed – 2 nd quarter 2011.
Elm Grove Garden Road – Harding Boulevard Area Rehabilitation Project	✓			Waiting on contract close-out paperwork. Project completed – 3 rd quarter 2011.
Sharp Road – Florida Boulevard Area Rehabilitation Project	✓			Construction approximately 60% complete and on-going.
Kenilworth Boulevard – Boone Drive Area Rehabilitation Project	✓			Construction approximately 41% complete and on-going.
Foster Drive - Government Street Area Rehabilitation Project Phase A and B	✓			Phase A – Waiting on contract close-out paperwork. Project completed – 3 rd quarter 2011. Phase B – Construction approximately 66% complete and on-going.
Silverleaf Road – Ford Street Area Rehabilitation Project	✓			Construction approximately 12% complete and on-going.
Brookstown Road - Evangeline Street Phase I Area Rehabilitation Project	✓			Construction approximately 74% complete and on-going.
Brookstown Road – Evangeline Street Phase II Area Rehabilitation Project	✓			Construction approximately 26% complete and on-going.
Bluebonnet Blvd – Jefferson Hwy Phase I Area Rehabilitation Project		✓		Advertisement for bids completed. Construction NTP issued. Construction approximately 5% complete and on-going.

TABLE 1				
Updated EPA Consent Decree RMAP Milestones for Category 1 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4th QTR 2012	4th QTR 2014	4th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Bluebonnet Blvd – Jefferson Hwy Phase II Area Rehabilitation Project		✓		Advertisement for bids completed. Construction NTP expected early 4 th quarter 2011.
Highland Road – Washington Street Area Rehabilitation Project		✓		90% design and final design submitted and reviewed. Advertisement for bids underway. Construction NTP expected 1 st quarter 2012.
Standford Avenue – Morning Glory Road Area Rehabilitation Project	✓			Final design submitted and reviewed. Bids opened. Construction NTP expected 4 th quarter 2011.
Airline Highway – Goodwood Blvd Phase I Area Rehabilitation Project		✓		Data analysis and report completed. Survey 75% complete. Design NTP expected to be issued and design expected to begin 4 th quarter 2011.
Airline Highway – Goodwood Blvd Phase II Area Rehabilitation Project		✓		Data analysis and report expected to be completed 4 th quarter 2011. Design NTP expected to be issued 4 th quarter 2011.
Acadian Thruway – Claycut Road Area Rehabilitation Project		✓		Bids opened. Construction NTP expected to be issued 4 th quarter 2011.
Acadian Thruway – Perkins Road Area Rehabilitation Project	✓			Bids opened. Construction NTP expected 4 th quarter 2011.
Antioch Road – Chadsford Drive Area Rehabilitation Project		✓		Physical inspection underway. Data analysis and report expected to be completed 4 th quarter 2011.
Jones Creek Road – Tiger Bend Road Area Rehabilitation Project			✓	Physical inspection underway. Data analysis and report expected to be completed 1st quarter 2012.
Scenic Highway – Spanish Town Road Phase I Area Rehabilitation Project			✓	Project has not yet begun.
Scenic Highway – Spanish Town Road Phase II Area Rehabilitation Project			✓	Expected to begin 4 th quarter 2011.
Siegen Lane – Interstate 10 Area Rehabilitation Project			✓	Project has not yet begun.

TABLE 1				
Updated EPA Consent Decree RMAP Milestones for Category 1 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	Project Status Summary
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Interstate 110 – Hollywood Street Area Rehabilitation Project			✓	Project has not yet begun.
Ardenwood Drive – Winbourne Street Area Rehabilitation Project			✓	Project has not yet begun.
Flannery Road – Florida Boulevard Area Rehabilitation Project			✓	Project has not yet begun.
East Boulevard – Government Street Area Rehabilitation Project			✓	Project has not yet begun.
North 38th Street – Gus Young Avenue Area Rehabilitation Project			✓	Project has not yet begun.
*Note that the column and corresponding check-marks highlighted in yellow depict those projects whose milestone schedules will be completed outside of the current January 1, 2015 100% milestone.				

Category 2: Pump Station and Transmission Improvements

The Infoworks™ digital wastewater model was used to identify necessary increases in capacity of existing gravity trunk sewers, pump stations, and force mains in order to accommodate peak wastewater flows remaining in the rehabilitated collection system. Table 2 presents a list of Category 2 projects with corresponding milestone schedules and project status updates through September 30, 2011.

TABLE 2 Updated EPA Consent Decree RMAP Milestones for Category 2 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Capitol Lake – Gayosa Street Area Capacity Improvements	✓			A portion of 25 th and North Acadian Thruway Project is included in this project to eliminate construction conflicts. Construction approximately 62% complete and on-going.
Gurney Road - Joor Road	✓			Project completed – 4 th quarter 2009.
Sullivan Rd./Lovett Rd./Wax Rd. Sewer Upgrades	✓			Project completed – 1 st quarter 2011.
Comite Road – Foster Road Sewer Area Upgrades - Phase I	✓			Project completed – 2 nd quarter 2010
Comite –Foster Road Sewer Area Upgrades - Phase II	✓			Project completed – 1 st quarter 2011.
Foster Road – Hooper Road Sewer Area Upgrade	✓			Project completed – 4 th quarter 2010.
Zachary Area Transmission Network Improvements Phase I - 3 Pump Stations and Equalization Basin		✓		Construction approximately 17% complete and on-going.
Zachary Area Transmission Network Improvements Phase II – Red Mud Lakes Forcemain to NWWTP		✓		Final design completed, though advertisement for bids on hold due to land acquisition issues. Advertisement for bids expected to begin 1 st quarter 2012.

TABLE 2				
Updated EPA Consent Decree RMAP Milestones for Category 2 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Zachary Area Transmission Network Improvements Phase III – Forcemain to Highway 964 to Red Mud Lakes		✓		Contractor having difficulty with pipe delivery of large diameter ductile iron pipe, however project still on schedule. Construction approximately 1% complete and on-going.
Zachary Area Transmission Network Improvements Phase IV – Zachary Improvements		✓		Construction approximately 85% complete and on-going.
South Boulevard – St. Joseph Street Sewer Area Upgrades	✓			Note that a portion of the 25 th and North Acadian Thruway Project is included in this project to eliminate construction conflicts. Construction approximately 54 % completed and is on-going.
Downtown Area Pump Station Improvements		✓		Significant scope addition to project during design. Construction approximately 35% complete and on-going.
Highland Road – Buchanan Street Sewer Area Upgrades	✓			Construction approximately 91% completed and is on-going.
Citiplace/Essen Area - PS119 & Forcemain Improvements	✓			Construction approximately 65% complete and on-going.
Group Project 1A (Metro Airport Sewer Upgrades)		✓		Construction approximately 8% complete and on-going.
Group Project 1B (Metro Airport Sewer Area Pump Station & Forcemain Upgrades)".		✓		Project has experienced minor delays due to PS relocation. The City/Parish will take necessary steps in cooperation with the contractor to meet the planned completion date. Final design submitted. Land acquisition underway. Advertisement for bidding expected to begin 4 th quarter 2011.

TABLE 2				
Updated EPA Consent Decree RMAP Milestones for Category 2 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Perkins/Old Perkins Area - Booster PS 514 Improvements		✓		Construction contract awarded. Construction NTP issued. Construction approximately 1% complete and on-going.
Group Project 2 (Old Perkins – Highland Road Area Upgrades)	✓			Construction approximately 90% completed and on-going.
Highland Road – Burbank Drive Capacity Improvements		✓		Land acquisition underway. Project has experienced minor delays at this time due to utility relocation and land acquisition issues. However, the City/Parish will take necessary steps in cooperation with the construction contractor to meet the planned completion date. Contractor considering bringing in more crews. Construction is approximately 9% complete and on-going.
Nicholson Drive – Highland Road – Perkins Road Capacity Improvements Phase A		✓		Construction approximately 93% complete and on-going.
Nicholson Drive – Highland Road – Perkins Road Capacity Improvements Phase B		✓		Final design submitted. Advertisement for bids expected to be underway 4 th quarter 2011. LSU portion of project moved into the Multiple PS – Nicholson – Brightside Project due to land acquisition delays with LSU.
Bayou Duplantier Area Sewer Upgrades		✓		Final design completed. Land acquisition on-going. Advertisement underway. Construction NTP expected 4 th quarter 2011.

TABLE 2				
Updated EPA Consent Decree RMAP Milestones for Category 2 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
25th Street - North Acadian Thruway	✓			Final design submitted and reviewed. NOTE: Portions of this project were bid with both the Capital Lake – Gayosa Drive Project, and the South Blvd. – St. Joseph Street Project to eliminate construction conflicts. Since design of 25 th – North Acadian Thruway is completed and construction work was combined with these two separate projects, this project has been closed. Please see status construction updates for the two projects mentioned above.
Government St - South Acadian Thruway Sewer Area Upgrades		✓		Final design submitted and reviewed. Land acquisition on-going. Advertisement for bids expected to be underway 4 th quarter 2011.
Plank Road – Kleinpeter Road Sewer Area Upgrades		✓		Final design submitted. Land acquisition underway. Advertisement for bidding expected to be underway 1 st quarter 2012.
O’Neal Lane Pipeline Improvements – Group A		✓		60% design submitted and reviewed. 90% design underway. 90% design expected to be submitted and reviewed 4 th quarter 2011. Design on-going.
O’Neal Lane Pipeline Improvements – Group B		✓		60% design submitted and reviewed. 90% design underway. 90% design expected to be submitted and reviewed 4 th quarter 2011. Design on-going.

TABLE 2				
Updated EPA Consent Decree RMAP Milestones for Category 2 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Multiple PS - Nicholson Dr - Brightside Dr		✓		Final design submitted and under review. Design on-going. Project has experienced minor delays at this time due to LSU land acquisition issues. However, the City/Parish will take necessary steps in cooperation with the construction contractor to meet the planned completion date. Advertisement for bids expected 4 th quarter 2011.
Pump Station 58 Capacity Improvements		✓		Final design submitted and under review. Land acquisition underway, though there have been issues with obtaining LSU land which could potentially cause delays. Design on-going. Advertisement for bidding expected to be underway 4 th quarter 2011.
Staring Lane FM (Phase I - Burbank Drive to Highland Road)	✓			Project completed – 2nd quarter 2010.
Staring Lane FM (Phase II - Highland road to Perkins Road)		✓		Project experiencing minor delays at this time, though the City/Parish is working with the contractor to minimize the delay and meet the planned completion date. Project is to be constructed with City's Green Light Program project to eliminate potential constructability issues arising in that area which is the main cause of the delay. The anticipated construction completion date is 3 rd quarter 2013. Issues with utility relocation during construction phase. Construction approximately 3% complete and on-going.

TABLE 2				
Updated EPA Consent Decree RMAP Milestones for Category 2 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Staring Lane FM (Phase III - Perkins to PS58)		✓		Final design reviewed. Land acquisition underway. Construction contractor selected. Construction NTP expected 4 th quarter 2011.
Multiple PS - Jefferson Hwy - Park Forest Dr		✓		Construction approximately 7% complete and on-going.
Airline Highway Pipeline Improvements			✓	60% design submitted and reviewed. 90% design expected to be submitted 4 th quarter 2011. Design on-going.
Multiple PS - Highland Road - Kenilworth Parkway			✓	30% design submitted and reviewed. 60% design expected to be submitted 4 th quarter 2011.
Florida Boulevard Pump Station Improvements			✓	Design NTP issued. 30% design underway and expected to be submitted 4 th quarter 2011. Design on-going.
Plank Road Pump Station Improvements			✓	Design consultant selected. Design NTP expected 1 st quarter 2012.
Multiple PS - Highway 61 - Plank Road			✓	Project definition underway. Design consultant expected to be selected 4 th quarter 2011.
O'Neal Lane Pump Station Improvements – Group A			✓	30% design submitted and reviewed. 60% design expected to be submitted 4 th quarter 2011. Design on-going.
O'Neal Lane Pump Station Improvements – Group B			✓	30% design submitted and reviewed. 60% design expected to be submitted 4 th quarter 2011. Design on-going.

TABLE 2				
Updated EPA Consent Decree RMAP Milestones for Category 2 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Sherwood Forest Blvd – Goodwood Blvd Pipeline Improvements			✓	Design NTP issued. 15% design underway and expected to be submitted 4 th quarter 2011. Design on-going.
Joor Road - Greenwell Springs Road Sewer Area Upgrades			✓	Project definition underway. Design consultant selected. Design NTP expected 4 th quarter 2011.
Plank Road - Port Hudson Pride Road Sewer Area Upgrades			✓	Project definition underway. Design consultant expected to be selected 4 th quarter 2011.
Highland Road Pipeline Improvements - Group A			✓	Design NTP issued. 15% design expected to be completed 4 th quarter 2011. Design on-going.
Highland Road Pipeline Improvements - Group B			✓	Design NTP issued. 15% design expected to be completed 4 th quarter 2011.
Oak Villa Boulevard - Monterey Boulevard Sewer Area Upgrades			✓	Project definition underway. Design consultant selected. Design NTP expected 4 th quarter 2011.
Lovett Road – Greenwell Springs Road Sewer Area Upgrades – Group A			✓	15 % design submitted and reviewed. 30% design expected to be submitted 4 th quarter 2011. Design on-going.
Lovett Road – Greenwell Springs Road Sewer Area Upgrades – Group B			✓	15 % design submitted and reviewed. 30% design expected to be submitted 4 th quarter 2011. Design on-going.
Hooper Road Pump Station Improvements			✓	30% design submitted and reviewed. 60% design expected to be submitted 4 th quarter 2011. Design on-going.
Multiple PS - Prescott Rd - Greenwell Springs Rd			✓	Project definition underway. Design consultant selection expected 4 th quarter 2011.

TABLE 2				
Updated EPA Consent Decree RMAP Milestones for Category 2 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Multiple PS - Burbank Drive - Siegen Lane			✓	Project definition underway. Design consultant selected. Design NTP expected 1 st quarter 2012.
Pump Station 42		✓		Final design submitted and advertisement for bids expected to be underway 4 th quarter 2011. Design on-going.
Pump Station 42 Forcemain - Phase I		✓		Construction contractor selected. Land acquisition underway. Construction NTP expected 4 th quarter 2011.
Pump Station 42 Forcemain - Phase II		✓		Additional scope added to project (FM from PS1). Final design submitted and reviewed. Land acquisition underway. Waiting on LSU. Advertisement for bids expected to begin 4 th quarter 2011.
Central Consolidated Pump Stations		✓		Final design submitted and under review. Construction contractor selected. Construction NTP expected 4 th quarter 2011.
Central Consolidated Forcemain – Phase I		✓		Advertisement for bids and land acquisition underway. Construction NTP expected 2 nd quarter 2012.
Central Consolidated Forcemain – Phase II		✓		Advertisement for bids and land acquisition underway. Construction NTP expected 2 nd quarter 2012.
<p>*Note that the column and corresponding check-marks highlighted in yellow depict those projects whose milestone schedules will be completed outside of the current January 1, 2015 100% milestone.</p> <p>**Those projects that are highlighted in blue are those that the City/Parish is proposing to add to the Consent Decree, above and beyond what is required, The City/Parish is including compliance deadlines for each project as well.</p>				

Category 3: Wastewater Treatment, Storage and Other

This category of projects includes wet weather improvements at the City/Parish wastewater treatment plants (WWTP's), as well as storage facilities throughout the service area. In addition, this category of projects now includes several additional projects not required by the Consent Decree that will greatly improve the operation and maintenance of the wastewater collection system, WWTP's, and storage facilities. The Wastewater Treatment Projects that are part of this updated RMAP2 submittal are summarized below:

- Immediate Action Plan (IAP) South WWTP Project that includes screening, trickling filter recirculation pumping, primary treatment improvements, and bio-solids thickening improvements.
- 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).
- SWWTP Wet Weather Improvements – Phase II (Master Plan portion) includes:
 - Secondary electrical source consisting of on-site engine/generators
 - Improvements to the existing solids thickening and dewatering facilities including new thickened sludge mixing tanks
 - Repair and improvements to existing anaerobic digesters including a new sludge heating system utilizing digester gas and hot water boilers
 - Rehabilitation of existing buildings
 - Construction of a plant SCADA system
 - Construction of new laboratory and administration buildings
- North WWTP Odor Control Project is designed to minimize odors from the North WWTP.
- North WWTP Master Plan Project includes various upgrades to the North WWTP identified in the Wastewater Master Plan, such as:
 - New raw sewage pumping station
 - New preliminary treatment
 - Comprehensive odor control
 - Plant SCADA system
 - Replace gaseous chlorine with sodium hypochlorite
 - General plant rehabilitation (electrical, mechanical, structural)
 - Standby electrical generators
 - Sludge digestion rehabilitation with gas utilization

In addition, there are two storage projects included in this category that are sized to reduce peak flows to existing North WWTP which are listed below and depicted as well in Table 3. These storage projects are part of the transmission system which permits storage of wet weather peak flows.

- Choctaw Storage Facility
- Hooper Storage Facility

Additionally, the Supervisory Control and Data Acquisition (SCADA) project and Standby Power Program projects should both help to greatly improve the overall operation of the treatment facilities and pump stations, while minimizing risks associated with SSOs.

Finally, the Choctaw Collection System Maintenance Facility will consolidate several separate City/Parish facilities to one location. The facility will house the wastewater collections staff, provide warehouse and equipment storage, house the electrical and pump maintenance shops, and include a fueling station for use by City/Parish employees. The site is centrally located in the parish, so the maintenance facility will allow staff to be efficiently deployed to all areas of DPW's sewer network. The pump maintenance shop will include a pump testing pit, which allows the City/Parish to test pumps at the shop rather than testing once installed at the pump station.

TABLE 3				
Updated EPA Consent Decree RMAP Milestones for Category 3 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
Project Descriptions RMAP2 Projects				
Choctaw Storage and Pump Station Facility		✓		Project has experienced minor delays in processing contracts and is projected to be delayed at this time. However, the City/Parish will take necessary steps in cooperation with the construction contractor to meet the planned completion date. At this time the construction contractor is projecting the project to be functionally complete prior to the EPA milestone deadline. Construction NTP issued. Construction approximately 6% complete and on-going.
Hooper Storage Facility		✓		The project has experienced delays at this time due to concerns of the residents in this North area of the City/Parish, which resulted in choosing a new location on the BTR Regional Airport land. This land acquisition issue has resulted in significant delays resulting in revised design contracts. Location has changed 3 times due to these unforeseen circumstances beyond control of the City/Parish. The City/Parish is making every effort to expedite the re-design and construction and is currently planning on meeting the completion date. The City/Parish is currently, negotiating a design supplement with the design consultant. 60% design Submitted and reviewed. 90% design expected to be completed and reviewed 4 th quarter 2011. Design on-going.
South WWTP IAP (Consolidated – Screening, Primary Treatment, Trickling Filter Recirculation, Sludge Handling)	✓			Project completed – 2nd quarter 2011.

TABLE 3				
Updated EPA Consent Decree RMAP Milestones for Category 3 Projects				
	33% Construction Milestone	66% Construction Milestone	100% Construction Milestone	
Milestone Date	4 th QTR 2012	4 th QTR 2014	4 th QTR 2017	
Construction Status	Construction Functionally Complete	Construction Functionally Complete	Construction Functionally Complete	
South WWTP IAP (Effluent Pumping Improvements)	✓			Project completed – 1 st quarter 2008.
SWWTP Wet Weather Improvements -Phase I		✓		Construction is approximately 35% complete and is on-going.
SWWTP Wet Weather Improvements - Phase II (RMAP2/PDP portion)		✓		Advertisement for bids completed. Construction NTP expected late 4 th quarter 2011.
SWWTP Wet Weather Improvements – Phase II (Master Plan portion)			✓	Advertisement for bids completed. Construction NTP expected late 4 th quarter 2011.
NWWTP Odor Control Project	✓			Project completed – 4 th quarter 2010
NWWTP Master Plan Projects			✓	Project has not yet begun.
Sewer System and WWTP Stand-by Power Program			✓	Generator purchasing began in 2010, and generator installation began in 2011. Program will continue for the duration of SSO Program.
SCADA (Collection System, Operations Data and Control Center)			✓	Approximately 75% complete with design and is on-going. Project is expected to advertise for construction in 1 st quarter 2012. Project is expected to continue for the duration of SSO Program.
Choctaw Sewer Collection Maintenance Facility			✓	60% design submitted and reviewed. 90% design expected to be completed 4 th quarter 2011.
*Those projects that are highlighted in blue are those that the City/Parish is proposing to add to the Consent Decree, above and beyond what is required, The City/Parish is including compliance deadlines for each project as well.				