

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, PH.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUL 20 2022

CERTIFIED MAIL (7021 2720 0002 7447 0052)  
RETURN RECEIPT REQUESTED

**SEWERAGE & WATER BOARD OF NEW ORLEANS**  
c/o Honorable LaToya Cantrell, Board President and Mayor  
1300 Perdido Street, 2nd floor West  
New Orleans, LA 70112

**RE: COMPLIANCE ORDER**  
**ENFORCEMENT TRACKING NO. HE-C-22-00472**  
**AGENCY INTEREST NO. 5673**

Dear Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **COMPLIANCE ORDER** is hereby served on the **SEWERAGE & WATER BOARD OF NEW ORLEANS (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation cited in the **COMPLIANCE ORDER** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Kelly O'Neal at (225) 219-3932 or [Kelly.O'Neal@la.gov](mailto:Kelly.O'Neal@la.gov).

Sincerely,

A handwritten signature in cursive script that reads "Angela Marse".

Angela Marse  
Administrator  
Enforcement Division

AM/KAO/kao  
Alt ID No. LAD981511850  
Attachment

c: Ghassan Korban, Executive Director  
Sewerage & Water Board of New Orleans  
625 St. Joseph St.  
New Orleans, LA 70165

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

**IN THE MATTER OF**

**SEWERAGE & WATER BOARD OF  
NEW ORLEANS  
ORLEANS PARISH  
ALT ID NO. LAD981511850**

**PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT,  
La. R.S. 30:2001, ET SEQ.**

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\*  
\* **ENFORCEMENT TRACKING NO.**  
\*  
\* **HE-C-22-00472**  
\*  
\* **AGENCY INTEREST NO.**  
\*  
\* **5673**  
\*

**COMPLIANCE ORDER**

The following **COMPLIANCE ORDER** is issued to the **SEWERAGE & WATER BOARD OF NEW ORLEANS (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C) and 30:2050.2.

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates the Carrollton Water Purification Plant, also known as the Main Water Purification Plant (MWPP), located at 8800 South Claiborne Avenue in New Orleans, Orleans Parish, Louisiana. The facility is responsible for purifying the drinking water for the portion of New Orleans that lies on the East Bank of the Mississippi River and for providing twenty-five (25) cycle electric power to the drainage pump stations. Six (6) steam boilers are used to drive three (3) steam turbines and generate electricity which drives a portion of the potable water inlet pumps and drainage pumping stations for the City of New Orleans. Additionally, the facility utilizes natural gas-fired turbines to provide backup power for major weather events. EPA ID number LAD981511850 has been assigned to the facility.

## II.

On or about March 4, 2022, the Department conducted an inspection of the facility. On or about April 18, 2022, the Department issued a Notice of Deficiency (NOD) to the Respondent for a violation noted during the inspection. The Respondent received the NOD via certified mail on or about April 22, 2022. On or about May 20, 2022, the Respondent submitted a response to the NOD. The response failed to adequately address the violation noted during the inspection.

## III.

On or about March 4, 2022, the Department conducted an inspection in response to a citizen's complaint of the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violation was noted during the course of the inspection:

The Respondent caused and/or allowed the discharge of used oil onto lands of the state and failed to clean up and/or properly manage released used oil, in violation of La. R.S. 30:2417.E(1)&(2), and LAC 33:V.4013.E.3. Specifically, according to a representative of the Respondent, oil from Turbine 5 has been releasing from the turbine's stack for weeks and the Respondent has been unsuccessful in determining the source of the leak within the turbine. Due to the leak, a clear, oily material is occasionally being flung from Turbine 5. The turbine was operational at the time of the inspection and no used oil was actively being released via the turbine's stack. Additionally, the Department's inspectors conducted a tour of the facility grounds and nearby residential areas. The used oil was observed splattered on concrete and metal surfaces on the facility grounds, and on roads and multiple vehicles parked on Spruce Street between Eagle Street and Leonidas Street in a nearby residential neighborhood. The affected surrounding properties include, but are not limited to roadways, vehicles, lawns, and residential homes. According to correspondence submitted to the Department on or about April 1, 2022 and May 17, 2022, the Respondent is conducting an internal investigation into the cause of any potential discharge of oily fluids, and has sought additional technical assistance to perform a full diagnostic evaluation.

## COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Hazardous Waste Regulations.

II.

To conduct and complete, within forty-five (45) days of receipt of this **COMPLIANCE ORDER**, an investigation to determine the cause of the used oil release from Turbine 5 and submit documentation of the investigation results to the Enforcement Division within fifteen (15) days of completion. Based on the findings of the investigation, the Respondent shall take steps to ensure any discharges from Turbine 5 are stopped.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violation and actions taken or to be taken to achieve compliance with the Order. Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance

Post Office Box 4312

Baton Rouge, Louisiana 70821-4312

**Attn: Kelly O'Neal**

**Re: Enforcement Tracking No. HE-C-22-00472**

**Agency Interest No. 5673**

### **THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. HE-C-22-00472**  
**Agency Interest No. 5673**

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law's (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in

an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

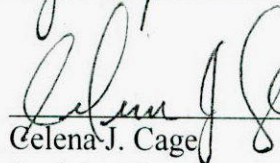
VIII.

To request closure of this **COMPLIANCE ORDER**, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**COMPLIANCE ORDER REQUEST TO CLOSE**" form and returning it to the address specified.

IX.

This **COMPLIANCE ORDER** is effective upon receipt.

Baton Rouge, Louisiana, this 20<sup>th</sup> day of July, 2022.



Celena J. Cage  
Assistant Secretary

Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Kelly O'Neal



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION  
 POST OFFICE BOX 4312  
 BATON ROUGE, LOUISIANA 70821-4312

**COMPLIANCE ORDER  
 REQUEST TO CLOSE**



Enforcement Tracking No.	HE-C-22-00472	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	5673	Contact Phone No.	(225) 219-3932
Alternate ID No.	LAD981511850		
Respondent:	<b>Sewerage &amp; Water Board of New Orleans</b>	<b>Facility Name:</b>	Carrollton Water Purification Plant
	c/o Honorable LaToya Cantrell, Board President and Mayor	<b>Physical Location:</b>	8800 South Claiborne Ave
	1300 Perdido Street, 2nd floor West		
	New Orleans, LA 70112	<b>City, State, Zip:</b>	New Orleans, LA 70118
	<b>Parish:</b>	Orleans	

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph III of the "Order" portion of the <b>COMPLIANCE ORDER</b> .		
All necessary documents were submitted to the Department within 45 days of receipt of the <b>COMPLIANCE ORDER</b> in accordance with Paragraph II of the "Order" portion of the <b>COMPLIANCE ORDER</b> .		
All items in the "Findings of Fact" portion of the <b>COMPLIANCE ORDER</b> were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the <b>COMPLIANCE ORDER</b> . Final compliance was achieved as of:		

**CERTIFICATION STATEMENT**

*I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.*

<b>Respondent's Signature</b>	<b>Respondent's Printed Name</b>	<b>Respondent's Title</b>
<b>Respondent's Physical Address</b>	<b>Respondent's Phone #</b>	<b>Date</b>

**MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:**

Louisiana Department of Environmental Quality  
 Office of Environmental Compliance  
 Enforcement Division  
 P.O. Box 4312  
 Baton Rouge, LA 70821  
 Attn: Kelly O'Neal