

Charlotte A. Randolph, Parish President

September 21, 2007

Ms. Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

RE: CWA-06-2007-2725

Dear Ms. Vaughn:

The Lafourche Parish Government submits its Answer to the Administrative Complaint as referenced above.

The Certificate of Service signed by Donna Mullins shows that the Complaint was mailed certified to our office on August 20, 2007. The complaint was received at the Lafourche Parish Government office on August 23, 2007. In accordance with the 30 day deadline, Lafourche Parish has submitted its answer within 30 days of receipt.

Sincerely,

LAFORCHE PARISH GOVERNMENT



Cullen Curole, JD
Parish Administrator
Bar Roll No. 24064

cdc

cc: Donna Mullins

Charlotte A. Randolph	Parish President
Tyrone Williams	District 1
Michael Delatte	District 2
Michael Matherne	District 3
Tommy Lasseigne	District 4

Mark Atzenhoffer	District 5
Lindel Toups	District 6
Phillip Gouaux	District 7
Brent Callais	District 8
Daniel Lorraine	District 9

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
07 SEP 24 PM 3:14
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of

Docket No. CWA-06-2007-2725

Lafourche Parish

Proceeding to Assess a
Civil Penalty Under Section 309(g)
Of the Clean Water Act

Respondent.

Answer to Administrative Complaint

I. STATUTORY AUTHORITY

1. On behalf of the Lafourche Parish Government (Parish), the Parish President, Charlotte Randolph does hereby acknowledge the Statutory Authority of the United States Environmental Protection Agency and its Administrator and recognizes its delegation of Director of the Water Quality Protection Division of EPA Region 6 in this complaint.

Again on behalf of the Parish, President Randolph does designate its Parish Administrator, Cullen Curole, JD, to prepare this answer and to receive service relating to these proceedings in accordance with 40 CFE Ch. 1 Section 22.5(c) (4). Mr. Cullen Curole may be called at (985) 446-8427 (office), cell (985) 665-7324 mailed to Post Office Drawer 5548, Thibodaux, LA 70302 and served at 402 Green Street, Thibodaux, LA 70301.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

2. Lafourche Parish does admit that at all times relevant to this action and the violations alleged herein, the Parish is a political subdivision of the State of Louisiana and a "person" as defined by Section 502(5) of the Act, 33 U.S.C. Section 1362(5).

3. Lafourche Parish does Admit the relevant law (Section 301 (a) of the Act, 33 U.S.C. Section 1311(a)) during the relevant time period.

4. Lafourche Parish does Admit the relevant law (Section 404 of the Act, 33 U.S.C Section 1344 and recognizes the authority of the Secretary of the Army to issue permits.

5 & 6. Lafourche Parish does Deny the actions alleged in Paragraph 5 & 6 to the degree that it raises the question about whether the area in question should be considered

jurisdictional wetlands in accordance with the Act. Maps utilized by the parish in preparation for the activity did not indicate jurisdictional wetlands. (Exhibit A & B)

7. Lafourche Parish does Admit that its activity included dredging a drainage outfall canal and placing the material adjacent to said outfall canal.

8. Lafourche Parish does Admit that equipment utilized by the parish in said activity might be considered a "point source" in accordance with the Act.

9. Lafourche Parish does Deny the statements made in paragraph 9 again to the degree that we raise the question about whether the area in question should be considered jurisdictional wetlands in accordance with the Act. Admittedly maps located at the parish's Department of Public Works are old and perhaps outdated; the maps utilized by the parish in preparation for the activity did not indicate jurisdictional wetlands. (Exhibit A & B)

10. Lafourche Parish does Admit that with regard to the activities referenced in paragraphs 5 & 6, the parish did not and does not have a permit authorizing the dredge works.

11. Lafourche Parish does Admit and acknowledge the relevant law with regard to "each unauthorized discharge" being recognized as a separate violation.

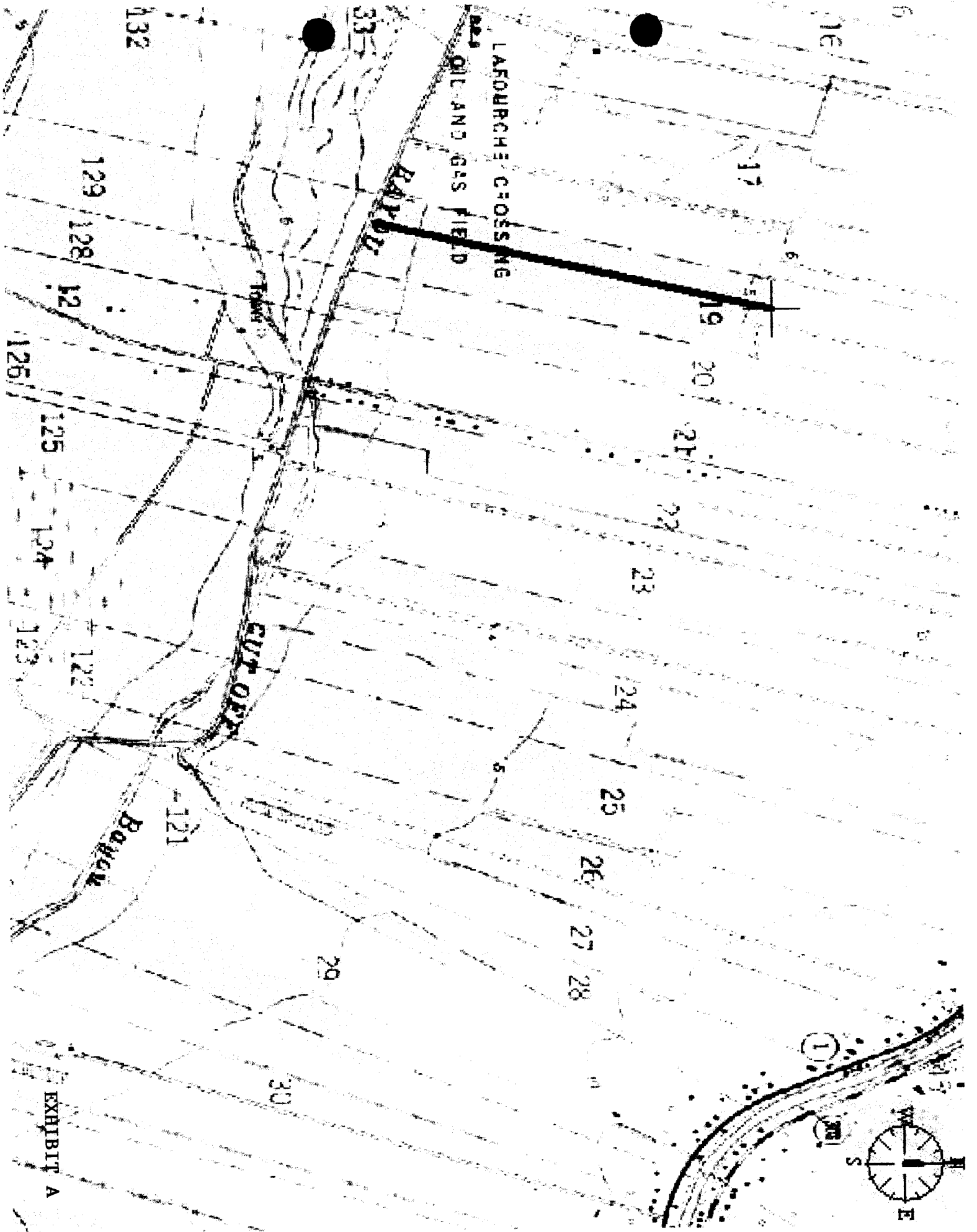
12. Lafourche Parish does Admit and/or acknowledge the relevant law with regard to the administrative penalties available in this sort of action. While recognizing that the penalty could be higher, the parish would like to take this opportunity to seek injunctive relief and request a reduction of the \$40,000 proposed fee. The current administration of the parish has attempted to cure and improve the ways and actions of the parish relevant to activity in wetlands. With this violation parish administrative officials are learning more about the degree and dimension of the problem within staff and reference material used in preparation for public works activities. The parish is updating mapping resources and the Parish President and I have directed staff to seek review and application any time activities are planned in areas that are even questionable with regard to jurisdictional wetlands.

* * * * *

I hereby certify that the above and foregoing information is true to the best of my knowledge, information and belief, and that it is not interposed for delay.



CULLEN CUROLE, JD
LAFOURCHE PARISH ADMINISTRATOR
Bar Roll No. 24064



132

33

LAFOURCHE CROSSING
OIL AND GAS FIELD

16

17

ROAD

129

128

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126

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ROAD

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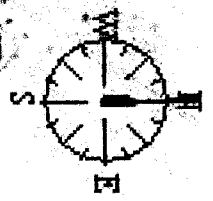
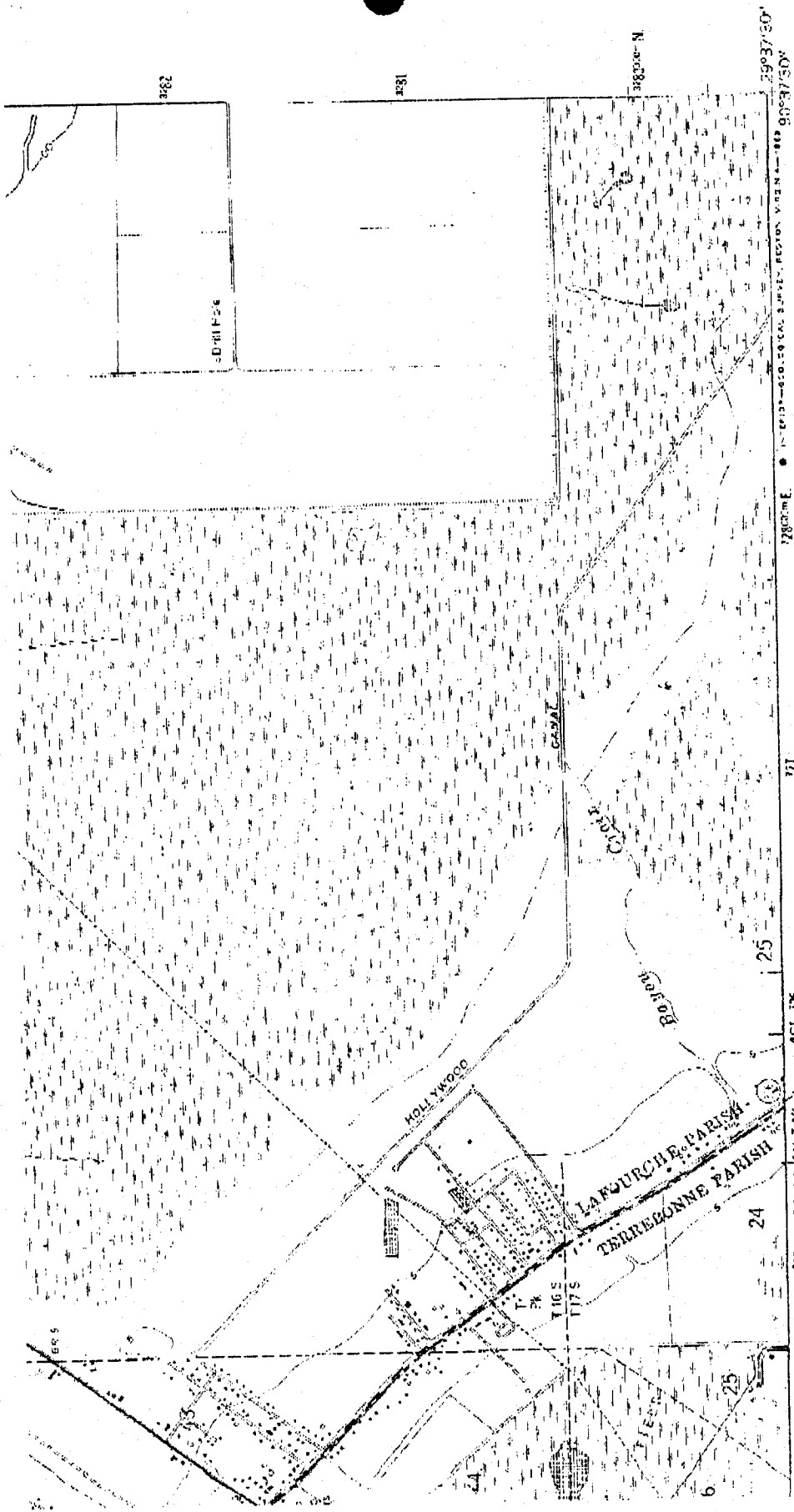


EXHIBIT A

1-7-81



(BOUR) 7803 II BE

ROAD CLASSIFICATION

- Heavy duty
- Medium duty
- Light duty
- Unimproved
- US Route
- State Route

SAVOIE, LA.

NW 1/4 HOLMA 15' 9 JACRANOLE
N2937.5—W9037.5/7.5

1963
PHOTO REVISSED 1974 AND 1980
DMA 7843 II NW—SERIES Y855



REVISIONS SHOWN IN PURPLE COMPILED IN COOPERATION WITH
STATE OF LOUISIANA AGENCIES FROM AERIAL PHOTOGRAPHS TAKEN
1974 AND 1978. MAP DATED 1980
THIS INFORMATION NOT FIELD CHECKED

MAP ACCURACY STANDARDS
4 COLORADO 80225, OR RESTON, VIRGINIA 22092
F PUBLIC WORKS, BATON ROUGE, LOUISIANA 70804
FAD SYMBOLS IS AVAILABLE ON REQUEST