



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

October 31, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7011 0110 0001 3590 5677

William B. Daniel, IV
Acting Director of Public Works
City of Baton Rouge
Parish of East Baton Rouge
222 St. Louis Street
Post Office Box 1471
Baton Rouge, Louisiana 70821

**ATTORNEY-CLIENT PRIVILEGED
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Re: United States et al. v. City of Baton Rouge and Parish of East Baton Rouge
Civil Action No. 01-97B-M3
NPDES Permit Nos. LA0036412, LA0036421 and LA0036439
Request for Time Extension Modification of the Compliance Schedule in the Approved
RMAP2 Submittal – Consent Decree Section XII (Remedial Measures – Collection
System Remedial Program) Paragraph 34-D-iii and Section XXII (Force Majeure)

Dear Mr. Daniel:

This letter is in response to your correspondence dated July 1, 2011, submitted to the Environmental Protection Agency, Region 6 (EPA) on behalf of the City of Baton Rouge and Parish of East Baton Rouge (collectively “the City/Parish”), requesting a modification to the compliance schedule in the above referenced Consent Decree. Specifically, the City/Parish requests a three (3) year schedule extension and corresponding modification to the approved Second Remedial Measures Action Plan (RMAP2) compliance schedule which was adopted by the U.S. District Court in the April 2009 *Agreement and Order Regarding the Modification of Consent Decree*. In the request for extension, the City/Parish proposes significant project scope additions to the RMAP2 that primarily include “projects at the North Wastewater Treatment Plant (WWTP), implementation of supervisory control and data acquisition (SCDA) remote monitoring and telemetry systems, and installation of emergency generators at over 400 pump stations throughout the City/Parish, et.al”.

As an initial matter, I note that an extension of the compliance schedule requires the approval of the U.S. Department of Justice, the State of Louisiana, and the U.S. District Court. As with any other significant modification to a Consent Decree entered by the District Court, it shall also be necessary to provide notice of the extension to the public and an opportunity to comment.

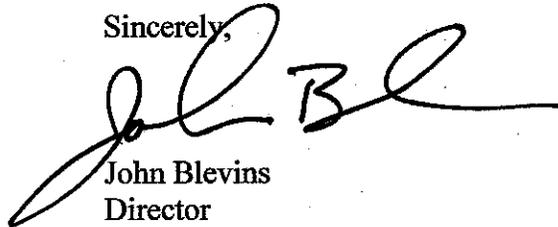
Re: United States et al. v. City of Baton Rouge and Parish of East Baton Rouge
Request for Time Extension Modification of the Compliance Schedule

After an initial review of the City/Parish's request for extension of the compliance schedule, EPA supports granting the requested Extension/Modification to the compliance schedule. EPA has considered your detailed request for Extension/Modification, along with all supplemental information provided in the September 22, 2011, letter from the City of Baton Rouge - Department of Public Works, which responded to outstanding concerns expressed by EPA relating to the proposed Extension/Modification of the compliance schedule. EPA recognizes that the City/Parish has not changed or altered its core plan for projects approved under the Consent Decree Amendment of April 2009. In its request for Extension/Modification, the City/Parish proposes to voluntarily add several projects to the existing remedial plan. The majority of these projects will improve operation and maintenance of the City/Parish's wastewater treatment system and serve to reduce sanitary sewer overflows, while only extending the schedules of lower priority and non-critical capacity projects. The proposed Extension/Modification will allow for acceleration of needed priority projects at the North and South Wastewater Treatment Plants such as inflow and infiltration rehabilitation and critical capacity expansion which will reduce sewer overflows and permit violations.

Scott McDonald and Jerry Saunders have discussed with the City additional material that needs to be submitted to support the requested modification. It is important that all supporting information be submitted to EPA in order for the U.S. Department of Justice to justify a motion to amend the Consent Decree that it may lodge with the U.S. District Court; thus, we are asking you to submit the requested information by November 4, 2011.

Thank you for your correspondence. If you should have any questions or comments regarding these matters or would like to meet, please contact Mr. Jerry Saunders of my staff at (214) 665-6471.

Sincerely,



John Blevins
Director
Compliance Assurance and
Enforcement Division

cc: Celena Cage
Louisiana Department of Environmental Quality

Michael Donnellan
U. S. Department of Justice

Robert H. Abbott III
Sr. Special Assistant Parish Attorney