

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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UNITED STATES OF AMERICA and	)	
STATE OF LOUISIANA,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.
	)	
CITY OF BATON ROUGE and	)	
PARISH OF EAST BATON ROUGE,	)	
	)	
Defendants.	)	

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**COMPLAINT**

This Complaint is brought by two sovereign governments: the United States of America, by authority of the Attorney General and through the undersigned attorneys, acting at the request and on the behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), and the State of Louisiana, by and through the Secretary of the Louisiana Department of Environmental Quality (“LDEQ”). The Complaint alleges as follows:

1. This is a civil action for injunctive relief and civil penalties brought under Section 309 of the Clean Water Act (“the Act”), 33 U.S.C. § 1319, against defendants the City of Baton Rouge and the Parish of East Baton Rouge (“the City/Parish”) for the violation of the Act and three National Pollutant Discharge Elimination System (“NPDES”) permits issued to the City of Baton Rouge pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

2. The State of Louisiana is a plaintiff in this action and is joined as a party under Section 309(e) of the Act, 33 U.S.C. § 1319(e). Whenever a municipality is a party to a civil action brought by the United States under section 309, the Act requires the State in which the municipality is located to be joined as a party.

### **JURISDICTION, VENUE, AND NOTICE**

3. This Court has jurisdiction of the subject matter and of the parties pursuant to Section 309 of the Act, 33 U.S.C. § 1319 and under to 28 U.S.C. §§ 1331, 1345, and 1355.

4. Venue is proper in this judicial district pursuant to Section 309 of the Act, 33 U.S.C. § 1319 and 28 U.S.C. § 1391, because this is the district where the City/Parish is located and the district in which the violations occurred.

5. The United States has the authority to bring this action on behalf of the Administrator of the EPA (“Administrator”) under Section 506 of the Act, 33 U.S.C. § 1366 and 28 U.S.C. §§ 516 and 519.

6. Notice of the commencement of this action has been given to the State of Louisiana in accordance with Section 309 of the Act, 33 U.S.C. § 1319.

### **PARTIES**

7. Plaintiff United States of America is acting at the request and on behalf of the Administrator of the EPA. The United States has the authority to bring this action on behalf of the Administrator of the EPA (“Administrator”) under Section 506 of the Act, 33 U.S.C. § 1366 and 28 U.S.C. §§ 516 and 519.

8. Plaintiff State of Louisiana is acting at the request and on behalf of the Secretary of LDEQ. Since August 27, 1996, Louisiana has shared with EPA responsibility for implementation

of the CWA permitting program in Louisiana. Louisiana is also a party to this action pursuant to Section 309(e) of the Act, 33 U.S.C. § 1319(e).

9. Defendant City of Baton Rouge is a political subdivision created by the State of Louisiana, and a municipality within the meaning of Section 502 (4) of the Act, 33 U.S.C. § 1362 (4).

10. Defendant Parish of East Baton Rouge is a political subdivision created by the State of Louisiana, and a municipality within the meaning of Section 502 (4) of the Act, 33 U.S.C. § 1362 (4).

11. Defendant City of Baton Rouge, a municipality, is a person as defined in Section 502 (5) of the Act, 33 U.S.C. § 1362 (5) and in regulations promulgated under the Act at 40 C.F.R. § 122.2.

12. Defendant Parish of East Baton Rouge, a municipality, is a person as defined in Section 502 (5) of the Act, 33 U.S.C. § 1362 (5) and in regulations promulgated under the Act at 40 C.F.R. § 122.2.

#### **NPDES PERMITTING SCHEME**

13. Section 301 of the Act, 33 U.S.C. § 1311, prohibits the discharge of a pollutant by any person, except as authorized by and in compliance with certain enumerated sections of the Act, including Section 402 of the Act, 33 U.S.C. § 1342.

14. Section 502 of the Act, 33 U.S.C. § 1362, defines the term “discharge of a pollutant” as: “[A]ny addition of any pollutant to navigable waters from any point source . . . .”

15. Section 502 of the Act, 33 U.S.C. § 1362, defines the term “pollutant” to include sewage, biological materials, and municipal waste.

16. Section 502 of the Act, 33 U.S.C. § 1362, defines the term “navigable waters” as the waters of the United States, including its territorial seas.

17. Section 502 of the Act, 33 U.S.C. § 1362, defines the term “point source” as any discernible, confined and discrete conveyance, including, but not limited to, any ditch, channel, tunnel, conduit, well, or discrete fissure from which pollutants may be discharged.

18. Pursuant to Section 402 of the Act, 33 U.S.C. § 1342, the EPA Administrator (“Administrator”) may issue a permit, known as the National Pollutant Discharge Elimination System (“NPDES”) permit, that authorizes the discharge of a pollutant, upon the condition that such discharge meet the requirements of the Act or other conditions that the Administrator may find are necessary. Typically such permits include effluent limitations, monitoring and reporting requirements, as well as operating and maintenance requirements.

19. Pursuant to Section 301 of the Act, 33 U.S.C. § 1311, and Section 402 of the Act, 33 U.S.C. § 1342, the Administrator is authorized to specify effluent limitations in NPDES permits. Effluent limitations include -- but are not limited to -- restrictions on the quantity, rate, and concentration of chemical, physical, biological, and other constituents of wastewater discharges, as defined in Section 502(11) of the Act, 33 U.S.C. § 1362(11).

20. Pursuant to 40 C.F.R. § 122.41(e), promulgated under the Act, a standard condition in all NPDES permits states that the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit.

21. Pursuant to 40 C.F.R. § 133.102, promulgated under the Act, a standard condition in all NPDES permits issued to publically owned treatment works (“POTW”) requires that the

permit holder 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 wastewater discharged from the plant is at least eighty-five percent (85%) less than the amount of BOD and TSS in the sewage entering into the plant. This requirement is commonly known as the Eighty-Five Percent Rule.

22. Pursuant to 40 C.F.R. § 403.3, promulgated under the Act, the term “publically owned treatment works” (“POTW”) is defined as a treatment works, (as that term is defined under Section 212 of the Act, 33 U.S.C. § 1292), that treats municipal sewage and is owned by a State or municipality. This definition includes the sewers, pipes and other conveyances which convey sewage to the sewage plants.

23. Pursuant to Section 308 of the Act, 33 U.S.C. § 1318, the Administrator may require the holder of a NPDES permit to monitor and report the pollutant levels in its discharged wastewater. Such reports are referred to as Discharge Monitoring Reports (“DMRs”).

24. Pursuant to 40 C.F.R. § 122.41, promulgated under the Act, DMRs are required to be submitted to the EPA according to the time intervals specified in the NPDES permit. Typically, DMRs are submitted to the EPA on a monthly basis.

25. Pursuant to 40 C.F.R. § 122.41 promulgated under the Act, a standard condition of all NPDES permits requires that the permit holder report to the EPA any non-compliance that may endanger health or the environment.

26. Pursuant to 40 C.F.R. § 122.41 (k)(1) and 40 C.F.R. § 122.22 (3)(a) and (b), promulgated under the Act, a standard condition of all NPDES permits requires that all DMRs and non-compliance reports submitted to the Administrator be signed by a responsible executor or

authorized agent of the organization that controls the point source -- who certifies that the reports are accurate.

27. Pursuant to regulations at 40 C.F.R. § 122.6, a permittee may continue to discharge in accordance with the conditions of an expired permit until the effective date of a new permit if the permittee timely submits an application for a new permit and EPA, through no fault of the permittee, does not issue a new permit on or before the expiration date of the previous permit. A permit continued under this regulation remains fully effective and enforceable.

28. Pursuant to regulations at 40 C.F.R. § 122.61(b), any NPDES permit may be automatically transferred to a new permittee if the current permittee submits a notification at least 30 days in advance of the transfer date and the regulatory agency does not issue an objection.

29. Section 402 of the Act, 33 U.S.C. § 1342, authorizes the states to request approval from EPA to administer their own permit programs for discharges into navigable waters within their jurisdiction. Pursuant to this provision, the State of Louisiana requested approval from EPA to administer its own permit program for discharges into navigable waters within Louisiana, and such approval was granted by EPA on August 27, 1996.

30. Section 309 of the Act, 33 U.S.C. § 1319, authorizes the Administrator to commence a civil action for injunctive relief and civil penalties, whenever any person is in violation of Section 301 of the Act, 33 U.S.C. § 1311, or has violated any permit condition or limitation in a permit issued under Section 402 of the Act, 33 U.S.C. § 1342. Such person is subject to a civil penalty of up to \$25,000 per day for each such violation that occurred prior to January 31, 1997, and a civil penalty of \$27,500 per day for each such violation occurring after January 31, 1997.

## HISTORY OF ENFORCEMENT ACTIONS

31. A 1988 enforcement action by the United States against the City/Parish and the State of Louisiana, United States v. Baton Rouge, Civil Action No. 88-191A (M.D. La.), resulted in the *Modified Consent Decree* entered by the Court on December 23, 1988 (“the 1988 Consent Decree”).

32. The 1988 Consent Decree required, inter alia, that the City/Parish abandon numerous small sewage treatment plants and consolidate sewage treatment in the North, South, and Central plants. The 1988 Consent Decree required the City/Parish to complete all necessary construction at the North, South, and Central plants and attain compliance with final effluent limitations at those plants by December 31, 1996.

33. The 1988 Consent Decree set forth interim effluent limitations that expired on December 31, 1996.

34. The 1988 Consent Decree set forth stipulated penalties for violations of effluent limitations and construction schedules.

35. On several occasions, the United States has demanded stipulated penalties pursuant to the 1988 Consent Decree.

36. On July 23, 1997, the Court entered an Agreement and Order Regarding the Modification of the December 23, 1988 Modified Consent Decree. This agreement modified the 1988 Consent Decree to provide additional time for the City/Parish to complete construction at the North Waste Treatment plant (the “North plant”) as required by the 1988 Consent Decree, increased stipulated penalties for violations of effluent limitations at the North plant, and required

that the City/Parish comply with the effluent limitations specified in the NPDES permit for the North plant.

**ALLEGATIONS RELATED TO CLEAN WATER ACT VIOLATIONS**

**A. GENERAL ALLEGATIONS**

37. Effective January 1, 1949, the City of Baton Rouge and the Parish of East Baton Rouge (“the City/Parish”) consolidated their governments as provided in The Plan of Government of the Parish of East Baton Rouge and the City of Baton Rouge. As subsequently amended, the Plan of Government provides that the City of Baton Rouge and the Parish of East Baton Rouge will both be governed by a single Metropolitan Council and establishes a unified Department of Public Works for the City/Parish.

38. The Waste Water Treatment and Disposal Division of the City/Parish Department of Public Works operates, controls, and supervises three POTWs known as the North Waste Treatment (“the “North plant”) located at 55 Mills Avenue, in East Baton Rouge; the South Waste Treatment plant (“the South plant”) located at 2850 Gardere Lane, in East Baton Rouge; and the Central Waste Treatment plant (“the Central plant”) located at 2443 River Road, in East Baton Rouge, Louisiana.

39. The North, South, and Central plants are jointly owned and operated by the City of Baton Rouge and the Parish of East Baton Rouge.

**(i) General Allegations Related to the North Plant**

40. On or about May 30, 1974, the Environmental Protection Agency (“EPA”) issued NPDES permit number LA0036439 to the City of Baton Rouge (“the North plant NPDES permit”). Since 1974, the North plant NPDES permit has been renewed on several occasions, and

the current North plant NPDES permit was issued by EPA and became effective on or about December 1, 1993. A modification to the current North plant NPDES permit was issued by EPA on or about September 27, 1996 and became effective on or about November 1, 1996.

41. By letter dated February 19, 2001, the City/Parish Department of Public Works requested pursuant to 40 C.F.R. § 122.61 that the Parish of East Baton Rouge be added as a named permittee on the North plant NPDES permit.

42. The current North plant NPDES permit was set to expire under its own terms on November 30, 1998. Pursuant to Part III(A)(4) of the North plant NPDES permit, the permittee was required to apply for a new permit at least 180 days before November 30, 1998. An application for a new NPDES permit for the North plant was timely received from the City of Baton Rouge and the Parish of East Baton Rouge on June 3, 1998. Through no fault of the City of Baton Rouge or the Parish of East Baton Rouge, a new NPDES permit for the North plant has not yet been issued.

43. The North plant NPDES permit authorizes discharge of treated wastewater from the North plant through Outfall 001 to the Mississippi River.

44. At all relevant times, the City/Parish discharged wastewater from its North plant, through a pipe or system of pipes, designated Outfall 001, into the Mississippi River.

45. At all relevant times, the City/Parish discharged wastewater from the North plant through Outfall 001 which contained substances including, but not necessarily limited to, sewage, biological materials, and/or municipal waste.

**(ii) General Allegations Related to the South Plant**

46. On or about May 30, 1974, EPA issued NPDES permit number LA0036412 to the City of Baton Rouge (“the South plant NPDES permit”). Since 1974, the South plant NPDES permit has been renewed on several occasions, and the current South plant NPDES permit was issued by EPA and became effective on or about December 1, 1993. A modification to the current South plant NPDES permit was issued by EPA on or about September 27, 1996 and became effective on or about November 1, 1996.

47. By letter dated February 19, 2001, the City/Parish Department of Public Works requested pursuant to 40 C.F.R. § 122.61 that the Parish of East Baton Rouge be added as a named permittee on the South plant NPDES permit.

48. The current South plant NPDES permit was set to expire under its own terms on November 30, 1998. Pursuant to Part III(A)(4) of the South plant NPDES permit, the permittee was required to apply for a new permit at least 180 days before November 30, 1998. An application for a new NPDES permit for the South plant was timely received from the City of Baton Rouge and the Parish of East Baton Rouge on June 3, 1998. Through no fault of the City of Baton Rouge or the Parish of East Baton Rouge, a new NPDES permit for the South plant has not yet been issued.

49. The South plant NPDES permit authorizes discharge of treated wastewater from the South plant through Outfall 001 to the Mississippi River.

50. At all relevant times, the City/Parish discharged wastewater from its South plant, through a pipe or system of pipes, designated Outfall 001, into the Mississippi River.

51. At all relevant times, the City/Parish discharged wastewater from the South plant through Outfall 001 which contained substances including, but not necessarily limited to, sewage, biological materials, and/or municipal waste.

**(iii) General Allegations Related to the Central Plant**

52. On or about November 21, 1974, EPA issued NPDES permit number LA0036421 to the City of Baton Rouge (“the Central plant NPDES permit”). Since 1974, the Central plant NPDES permit has been renewed on several occasions, and the current Central plant NPDES permit was issued by EPA and became effective on or about December 1, 1993. A modification to the current Central plant NPDES permit was issued by EPA on or about September 27, 1996 and became effective on or about November 1, 1996.

53. By letter dated February 19, 2001, the City/Parish Department of Public Works requested pursuant to 40 C.F.R. § 122.61 that the Parish of East Baton Rouge be added as a named permittee on the Central plant NPDES permit.

54. The current Central plant NPDES permit was set to expire under its own terms on November 30, 1998. Pursuant to Part III(A)(4) of the Central plant NPDES permit, the permittee was required to apply for a new permit at least 180 days before November 30, 1998. An application for a new NPDES permit for the Central plant was timely received from the City of Baton Rouge and the Parish of East Baton Rouge on June 3, 1998. Through no fault of the City of Baton Rouge or the Parish of East Baton Rouge, a new NPDES permit for the Central plant has not yet been issued.

55. The Central plant NPDES permit authorizes discharge of treated wastewater from the Central plant through Outfall 001 to the Mississippi River.

56. At all relevant times, the City/Parish discharged wastewater from the Central plant through a pipe or system of pipes, designated Outfall 001, into the Mississippi River.

57. At all relevant times, the City/Parish discharged wastewater from the Central plant through Outfall 001 which contained substances including, but not necessarily limited to, sewage, biological materials, and/or municipal waste.

**B. Failure to Comply with Solids Reduction Requirements at the North South and Central Plants.**

58. Part III(B)(7) of the North, South, and Central NPDES permits state that the permittee shall 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 wastewater discharged from the plant is at least eighty-five percent (85%) less than the amount of BOD and TSS in the sewage entering the plant. As stated above, this requirement is known as the “Eighty-Five Percent Rule.”

59. On numerous occasions during the five years preceding the filing of this Complaint, the thirty day average amount of BOD and TSS in the wastewater discharged from Outfall 001 at the North, South and Central Plants exceeded the amount allowed by the Eighty-Five Percent Rule.

60. The City/Parish monitors the level of pollutants in the wastewater discharged from Outfall 001 at the North, South, and Central plants and the results are reported to the EPA in monthly DMRs signed by Mr. Robert Groht, an authorized agent for the City/Parish, who certifies that the DMRs are true and accurate.

61. Numerous occasions on which the City/Parish failed to comply with the eighty-five percent (85%) rule at the North, South, and Central plants are reported in the DMRs submitted by the City/Parish.

**C. Overflows of Untreated Sewage from the Sewage Collection Systems for the North, South, and Central Plants**

62. Section III (B)(3) of the North, South, and Central NPDES permits states that the permit holder shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the permittee as efficiently as possible and in a manner that will minimize upsets and discharges of excessive pollutants and will achieve compliance with the conditions of the permit.

63. The City/Parish maintains sewage collection systems that convey sewage through a system of underground pipes and pump stations from its source to the North, South, and Central sewage treatment plants.

64. During the five years preceding the filing of this Complaint, the City/Parish maintained the sewage collection systems for the North, South, and Central plants in a condition such that groundwater and rainwater seep into in the sewage collection systems.

65. On numerous occasions during the five years preceding the filing of this Complaint, the quantity of groundwater and rainwater that seeped into the sewage collection systems for the North, South, and Central plants was sufficient to cause the sewage collection systems to overflow. Such overflows are often referred to as Sanitary Sewer Overflows (“SSOs”).

66. During the five years preceding the filing of this Complaint, the City/Parish maintained the sewage collection systems for the North, South, and Central plants in a condition such that blockages and other failures in the sewage lines occurred.

67. On numerous occasions during the five years preceding the filing of this Complaint, the blockages and other failures in the sewage lines caused SSOs from the sewage collection systems for the North, South, and Central plants.

68. The above referenced SSOs from the sewage collection systems for the North, South, and Central plants allow raw sewage to discharge from, inter alia, manholes, drainage ditches, basement toilets and residential homes.

69. Raw sewage discharged from the the sewage collection systems for the North, South, and Central plants as a result of the above referenced SSOs reached navigable waters.

70. On numerous occasions the City/Parish submitted to the EPA non-compliance reports documenting SSOs from the collection system for the North, South, and Central plants.

71. All non-compliance reports submitted to the EPA by the City/Parish for the North, South and Central plants sewer collection systems were signed by a responsible and authorized agent for the City/Parish.

72. On January 30, 1998, EPA issued Administrative Orders No. VI-98-2500, VI-98-2501, and VI-98-2502 (“the January 1998 Administrative Orders”) to the City/Parish. In the January 1998 Administrative Orders, EPA found that the City/Parish had violated its NPDES permits and the Act by discharging untreated sewage on numerous occasions from numerous locations in the collection systems for the North, South and Central plants. The January 1998 Administrative Orders required the City/Parish either to cease all such violations within thirty (30)

days or to submit within thirty (30) days a comprehensive written plan for the elimination of all such violations.

73. Pursuant to the January 1998 Administrative Orders, the City/Parish has submitted to EPA a written plan for the elimination of SSOs.

### **FIRST CLAIM FOR RELIEF**

74. Paragraphs 1 through 56 are realleged and incorporated here by reference.

75. Each instance during the five years preceding the filing of this Complaint that the City of Baton Rouge failed to reduce the BOD and TSS of the wastewater discharged from Outfall 001 of the North, South, and Central plants as required by the Eighty-Five Percent Rule constitutes a violation of the North, South, and Central plant NPDES permits and Section 301 of the Act, 33 U.S.C. § 1311.

76. The City/Parish will continue to discharge BOD and TSS in amounts which exceed the Eighty-Five Percent Rule at the North, South, and Central plant unless ordered by the Court to cease.

77. The City of Baton Rouge is liable under Section 309 (d) of the Act, 33 U.S.C. § 1319 (d), for a civil penalty of up to \$25,000 per day for each violation of the Eighty-Five Percent Rule at the North, South, and Central plants that occurred prior to January 31, 1997, and a civil penalty of \$27,500 per day for each such violation occurring after January 31, 1997.

### **SECOND CLAIM FOR RELIEF**

78. Paragraphs 1 through 52 and 57 through 68 are realleged and incorporated here by reference.

79. SSOs during the five years preceding the filing of this Complaint from the North, South or Central sewage collection system constitute a discharge of pollutants in violation of Section 301 (a) of the Act, 33 U.S.C. § 1311 (a).

80. SSOs from the sewage collection systems for the North, South, Central plants will continue to occur unless this Court orders the City/Parish to cease such overflows.

81. The City/Parish is liable under Section 309 of the Act, 33 U.S.C. § 1319, for a civil penalty up to \$25,000 per day for each such violation of Section 301 of the Act, 33 U.S.C. § 1311, that occurred prior to January 31, 1997, and a civil penalty of \$27,500 per day for each such violation that occurred after January 31, 1997.

### **THIRD CLAIM FOR RELIEF**

82. Paragraphs 1 through 52 and 57 through 63 and 65 through 68 are realleged and incorporated herein by reference.

83. Any SSOs during the five years preceding the filing of this Complaint from the North, South, and Central plants which did not reach navigable waters were caused by a failure to properly operate and maintain the sewage collection systems for the North, South, and Central plants as required by the North, South, and Central plant NPDES permits. Consequently, such SSOs from the North, South, and Central plant collection systems constitute violations of Section III(B)(3) of the applicable NPDES permit.

84. SSOs from the North, South, and Central plant sewage collection systems will continue to occur unless this Court orders the City/Parish to properly operate and maintain the sewage collection systems as required by the applicable NPDES permits.

85. The City of Baton Rouge is liable under Section 309 of the Act, 33 U.S.C. § 1319, for a civil penalty up to \$25,000 per day for each SSO that occurred prior to January 31, 1997 from the North, South, and Central plant collection systems which violated the North, South, and Central plant NPDES permits, and a civil penalty of \$27,500 per day for each such violation that occurred after January 31, 1997.

#### **FOURTH CLAIM FOR RELIEF**

86. Paragraphs 1 through 15, 27, and 34 through 52 are realleged and incorporated herein by reference.

87. The Parish of East Baton Rouge, through the City/Parish Department of Public Works, is a co-owner and/or operator of the North, South, and Central Plants. As a co-owner and/or operator of a POTW which discharges pollutants to navigable waters, the Parish of East Baton Rouge is required by Section 301 of the Act, 33 U.S.C. § 1311, to have an NPDES permit for each of these plants. Since the Parish of East Baton Rouge was not named on the NPDES permits for the North, South, and Central plants at any time before February 19, 2001, each discharge of a pollutant from the North, South, and Central plants prior to February 19, 2001 constitutes a violation of Section 301 of the Act, 33 U.S.C. § 1311 by the Parish of East Baton Rouge.

88. The Parish of East Baton Rouge is liable under Section 309 of the Act, 33 U.S.C. § 1319, for a civil penalty up to 25,000 per day for each discharge of a pollutant in violation of Section 301 of the Act, 33 U.S.C. § 1311, that occurred prior to January 31, 1997, and a civil penalty of \$27,500 per day for each such violation that occurred after January 31, 1997.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff respectfully requests that the Court:

1. Pursuant to Section 309 of the Act, 33 U.S.C. § 1319, enjoin the City/Parish from any and all on-going future violations of the Act, by ordering compliance with the Act and all NPDES permits.
2. Order the City/Parish to improve the sewage collection systems for the North, South, and Central plants such that they eliminate violations of the Act and the North, South, and Central plant NPDES permits, including SSOs and violations of the Eighty-Five Percent Rule.
3. Pursuant to Section 309 of the Act, 33 U.S.C. § 1319, assess civil penalties against the City/Parish, as permitted by law, up to the date of judgement herein.
4. Award such other and further relief as the Court may deem just and proper.

Respectfully submitted,

**FOR THE UNITED STATES OF AMERICA**

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**JOHN C. CRUDEN**  
Acting Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice

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**MICHAEL T. DONNELLAN**

Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
United States Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
(202) 514-4226

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**DAVID R. DUGAS**

United States Attorney  
**JOHN J. GAUPP**, La. Bar No. 14976  
Assistant United States Attorney  
United States Attorney's Office  
Middle District of Louisiana  
777 Florida St., Room 208  
Baton Rouge, Louisiana 70801  
(225) 389-0443

Of Counsel

**CARLOS A. ZEQUEIRA**

Assistant Regional Counsel (6EN-LW)  
Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202

**FOR THE STATE OF LOUISIANA:**

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LINDA KORN LEVY  
Assistant Secretary  
Office of Environmental Compliance  
Louisiana Department of Environmental Quality

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JOHN B. KING  
Chief Attorney  
Legal Division  
Louisiana Department of Environmental Quality  
P.O. Box 82282  
Baton Rouge, Louisiana 70884-2282