



REGION 6
DALLAS, TX 75270

December 12, 2023

TRANSMITTED VIA E-MAIL

The Honorable Mark Kemp
Mayor, Town of Clinton
11209 Bank Street
Clinton, LA 70722
mayor@townofclintonla.com

Re: Administrative Order; Docket Number: CWA-06-2024-1703
LPDES Permit Number: LA0048445

Dear Mayor Kemp:

Enclosed is an Administrative Order (AO) issued to the Town of Clinton for violations of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.) and the Louisiana Pollutant Discharge Elimination System (LPDES) Permit (permit) conditions. Violations were identified during a review of the permit file and discharge monitoring reports submitted for the Clinton Wastewater Treatment Facility. The violations alleged are for failure to meet permit effluent limits. The EPA requests that you immediately confirm receipt of this e-mail and the attached order by a response e-mail to mcelroy.damon@epa.gov.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of the effective date of the AO. The Environmental Protection Agency is committed to ensuring compliance with the requirements of the NPDES program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2024-1703 and LPDES Permit Number LA0048445 on your response. If you have any questions, please contact Mr. Damon McElroy, P.E. of my staff, at (214) 665-7159 or mcelroy.damon@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl T. Seager".

Digitally signed by CHERYL
SEAGER
Date: 2023.12.12 11:01:16
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure(s)

ec: Naz Zanjani-Bachar
Water Enforcement Manager, LDEQ
naz.zanjani-bachar@la.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
FINDINGS IN THE NND C PLI NCE DE
Docket Number: CWA-06-2024-1703; NPDES Permit Number: LA0048445

u STATUTORY AUTHORITY
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The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA), Section 309(a) of the Clean Water Act (the Act), 33 U.S.C. § 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Enforcement and Compliance Assurance Division. u

FINDINGS u

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1. The Town of Clinton (Respondent) is a “person,” as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2. u

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2. At all times relevant to this Order (all relevant times), Respondent owned or operated the Clinton Wastewater Treatment Facility (facility) located on Roosevelt Street, Clinton, LA 70722 (30.854694 N, -91.024417 W), East Feliciana Parish, and was therefore an “owner or operator” within the meaning of 40 C.F.R. § 122.2. u

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3. At all relevant times, the facility acted as a “point source” of a “discharge” of “pollutants” with its final wastewater discharge to the receiving waters named Pretty Creek, thence into the Comite River (Subsegment 040102), which are “waters of the United States” within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2. u

4. Because Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System (NPDES) program. u

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. u

6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit. u

7. Section 402 of the Act, 33 U.S.C. § 1342, authorizes 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 to LDEQ in August 1996. Therefore, pursuant to the State’s permit program, the Louisiana Department on Environmental Quality (LDEQ) issued Louisiana Pollutant Discharge Elimination System (LPDES) permits. Violation of a LPDES permit is a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

8. Respondent applied for and was issued LPDES Permit No. LA0048445 (herein “the permit”) under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on September 1, 2018. At all relevant times, Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.

9. The permit includes “Monitoring and Reporting Requirements” that require Respondent to sample and test its effluent and monitor its compliance with permit conditions according to specific procedures, to determine the facility’s compliance or noncompliance with the permit and applicable regulations. The permit also requires Respondent to file with LDEQ certified Discharge Monitoring Reports (DMRs) of the results of monitoring, and Noncompliance Reports when appropriate.

10. The permit contains “Effluent Limitations and Monitoring Requirements” that place certain limitations on the quality and quantity of effluent discharged by Respondent. The relevant discharge limitations are specified in Attachment A, which is incorporated herein by reference.

11. Certified DMRs filed by Respondent with LDEQ in compliance with the permit show discharges of pollutants from the facility that exceed the permitted effluent limitations established in the permit, as specified in Attachment B, which is incorporated herein by reference.

12. On October 22, 2023, EPA informed the Respondent of the availability of assistance with all permit conditions, including Effluent Limitations and Monitoring and Reporting Requirements, and assistance with applying for available funding, from EPA Environmental Finance Center Network. This assistance is available through the Southwest Environmental u

Finance Center (SWEFC). For the information on the SWEFC is available on the web-address <https://swefc.unm.edu/home/>, or by email at swefc@unm.edu, or by phone at 505-277-0644.

13. Each instance in which Respondent discharged pollutants to waters of the United States in amounts exceeding the effluent limitations as contained in the permit is a violation of the permit and Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondent to take the following actions:

A. Take such measures as are necessary to comply with all permit conditions, including Effluent Limitations and Monitoring and Reporting Requirements, no later than thirty (30) days from the effective date of the Order.

B. Within thirty (30) days of the effective date of this Order, Respondent shall submit a list of the specific actions taken to correct the violations cited in this Order.

C. Within thirty (30) days of the effective date of this Order, Respondent shall provide written certification to EPA Region 6 that the violations cited herein have been corrected and the facility is compliant with the requirements of the permit.

D. In the event the Respondent believes complete correction of the violations cited herein is not possible within thirty (30) days of the effective date of this Order, Respondent shall, within thirty (30) days of the effective date of this Order, submit a comprehensive written plan for the elimination of the cited violations within the shortest possible time. Such plan shall describe in detail the specific corrective actions to be taken and why such actions are sufficient to correct the violations. The plan shall include a detailed schedule, relevant technical assistance and finance means, and any capital improvements for the elimination of the violations; as well as measures to prevent these or similar violations from recurring.

E. Any information or correspondence submitted by Respondent to EPA under this Order shall be submitted, via email, to the following:

M. Damon McElroy, P.E.
mcelroy.damon@epa.gov

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines or other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

This Order does not constitute a waiver or modification of the terms or conditions of Respondent's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with any applicable federal, state, or local law or regulation.

The effective date of this Order is the date it is received by Respondent.

December 13, 2023

Date

Digitally signed by CHERYL
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Cheyl T. Seage, Director
Enforcement and
Compliance Assurance Division

Attachment A

Town of Clinton Wastewater Treatment Facility Permit LA0048445

LAPDES Permit Limits Table, Outfall 001:

Effluent Characteristics	Discharge Limitations	
BOD, carbonaceous, 5-day (20° C)	Monthly Average	23 lbs/day
BOD, carbonaceous, 5-day (20° C)	Monthly Average	10 mg/L
BOD, carbonaceous, 5-day (20° C)	Weekly Average	15 mg/L
Fecal coliform. general	Monthly Average Geometric Mean	200 colonies/100 ml
Fecal coliform. general	Weekly Average Geometric Mean	400 colonies/100 ml
Nitrogen, Ammonia total (as N)	30 Day Average	12 lbs/day
Nitrogen, Ammonia total (as N)	Monthly Average	5 mg/L
Nitrogen, Ammonia total (as N)	Weekly Average	10 mg/L
pH	Instantaneous Maximum	6.0 S.U.
Total Suspended Solids	Monthly Average	35 lbs/day
Total Suspended Solids	Monthly Average	15 mg/L
Total Suspended Solids	Weekly Average	23 mg/L

Attachment B

Town of Clinton Wastewater Treatment Facility Permit LA0048445

Effluent Violations Table:

Monitoring Period End Date	Parameter Desc	Limit Parameter	Limit Unit	Limit Value	DMR Value
10/31/2018	BOD, carbonaceous	Mo Avg.	mg/L	10	13.2
10/31/2018	BOD, carbonaceous	Wkly. Avg.	mg/L	15	23.4
10/31/2018	Solids, total suspended	Mo. Avg.	mg/L	15	19.8
12/31/2018	Solids, total suspended	Mo. Avg.	mg/L	15	16.5
3/31/2019	BOD, carbonaceous	Mo. Avg.	lb/d	23	29.93
3/31/2019	BOD, carbonaceous	Mo. Avg.	mg/L	10	17.7
3/31/2019	BOD, carbonaceous	Wkly. Avg.	mg/L	15	25.1
3/31/2019	Solids, total suspended	Mo. Avg.	lb/d	35	58.63
3/31/2019	Solids, total suspended	Mo. Avg.	mg/L	15	22
3/31/2019	Solids, total suspended	Wkly. Avg.	mg/L	23	34
4/30/2019	Solids, total suspended	Mo. Avg.	lb/d	35	66.2
4/30/2019	Solids, total suspended	Mo. Avg.	mg/L	15	29.5
4/30/2019	Solids, total suspended	Wkly. Avg.	mg/L	23	32
5/31/2019	BOD, carbonaceous	Mo. Avg.	lb/d	23	23.98
5/31/2019	Solids, total suspended	Mo. Avg.	lb/d	35	51.75
5/31/2019	Solids, total suspended	Mo. Avg.	mg/L	15	17
6/30/2019	Solids, total suspended	Mo. Avg.	lb/d	35	41
7/31/2019	Solids, total suspended	Mo. Avg.	lb/d	35	40.7
8/31/2019	BOD, carbonaceous	Mo. Avg.	lb/d	23	60.88
8/31/2019	BOD, carbonaceous	Mo. Avg.	mg/L	10	11.7
8/31/2019	Solids, total suspended	Mo. Avg.	lb/d	35	91.1
8/31/2019	Solids, total suspended	Mo. Avg.	mg/L	15	17.5
9/30/2019	Solids, total suspended	Mo. Avg.	lb/d	35	50.5
9/30/2019	Solids, total suspended	Mo. Avg.	mg/L	15	19
10/31/2019	Nitrogen, ammonia total [as N]	Mo. Avg.	lb/d	12	12.3
10/31/2019	Solids, total suspended	Mo. Avg.	lb/d	35	42.8
11/30/2019	Nitrogen, ammonia total [as N]	Mo. Avg.	mg/L	5	5.1
12/31/2019	Nitrogen, ammonia total [as N]	Mo. Avg.	lb/d	12	14.1
12/31/2019	Nitrogen, ammonia total [as N]	Mo. Avg.	mg/L	5	6.3
2/29/2020	Solids, total suspended	Mo. Avg.	lb/d	35	60.9
2/29/2020	Solids, total suspended	Wkly. Avg.	mg/L	23	24
3/31/2020	Solids, total suspended	Mo. Avg.	lb/d	35	65.3
3/31/2020	Solids, total suspended	Mo. Avg.	mg/L	15	22
3/31/2020	Solids, total suspended	Wkly. Avg.	mg/L	23	25
4/30/2020	BOD, carbonaceous	Mo. Avg.	lb/d	23	31.9

Monitoring Period End Date	Parameter Desc	Limit Parameter	Limit Unit	Limit Value	DMR Value
4/30/2020	Solids, total suspended	Mo. Avg.	lb/d	35	137.6
4/30/2020	Solids, total suspended	Mo. Avg.	mg/L	15	25
4/30/2020	Solids, total suspended	Wkly. Avg.	mg/L	23	25
7/31/2020	Solids, total suspended	Mo. Avg.	lb/d	35	59.2
7/31/2020	Solids, total suspended	Mo. Avg.	mg/L	15	30
7/31/2020	Solids, total suspended	Wkly. Avg.	mg/L	23	32
8/31/2020	Solids, total suspended	Mo. Avg.	lb/d	35	70.4
8/31/2020	Solids, total suspended	Mo. Avg.	mg/L	15	24.5
8/31/2020	Solids, total suspended	Wkly. Avg.	mg/L	23	25
9/30/2020	Nitrogen, ammonia total [as N]	Mo. Avg.	lb/d	12	15.9
9/30/2020	Solids, total suspended	Mo. Avg.	lb/d	35	81.4
9/30/2020	Solids, total suspended	Mo. Avg.	mg/L	15	20.5
10/31/2020	Solids, total suspended	Mo. Avg.	lb/d	35	94.6
10/31/2020	Solids, total suspended	Mo. Avg.	mg/L	15	22
10/31/2020	Solids, total suspended	Wkly. Avg.	mg/L	23	25
11/30/2020	Coliform, fecal general	Wkly. Avg Geo.	#/100mL	400	870
11/30/2020	Solids, total suspended	Mo. Avg.	lb/d	35	88.2
11/30/2020	Solids, total suspended	Mo. Avg.	mg/L	15	27
11/30/2020	Solids, total suspended	Wkly. Avg.	mg/L	23	34
12/31/2020	Nitrogen, ammonia total [as N]	Mo. Avg.	lb/d	12	14.6
1/31/2021	Nitrogen, ammonia total [as N]	Mo. Avg.	lb/d	12	19.7
1/31/2021	Nitrogen, ammonia total [as N]	Mo. Avg.	mg/L	5	6.35
2/28/2021	Nitrogen, ammonia total [as N]	Mo. Avg.	lb/d	12	24.4
2/28/2021	Nitrogen, ammonia total [as N]	Mo. Avg.	mg/L	5	7.5
3/31/2021	Nitrogen, ammonia total [as N]	Mo. Avg.	lb/d	12	14.3
3/31/2021	Nitrogen, ammonia total [as N]	Mo. Avg.	mg/L	5	7.2
4/30/2021	BOD, carbonaceous	Mo. Avg.	lb/d	23	31.9
4/30/2021	Nitrogen, ammonia total [as N]	Mo. Avg.	mg/L	5	6.2
4/30/2021	Solids, total suspended	Mo. Avg.	lb/d	35	137.6
7/31/2021	Solids, total suspended	Mo. Avg.	lb/d	35	44.2
8/31/2021	Solids, total suspended	Mo. Avg.	lb/d	35	108.7
8/31/2021	Solids, total suspended	Mo. Avg.	mg/L	15	22
8/31/2021	Solids, total suspended	Wkly. Avg.	mg/L	23	24
9/30/2021	Solids, total suspended	Mo. Avg.	lb/d	35	54
9/30/2021	Solids, total suspended	Mo. Avg.	mg/L	15	26.5
9/30/2021	Solids, total suspended	Wkly. Avg.	mg/L	23	34
10/31/2021	BOD, carbonaceous	Mo. Avg.	lb/d	23	60
10/31/2021	BOD, carbonaceous	Mo. Avg.	mg/L	10	17
10/31/2021	BOD, carbonaceous	Wkly. Avg.	mg/L	15	25
10/31/2021	Solids, total suspended	Mo. Avg.	lb/d	35	103.8
10/31/2021	Solids, total suspended	Mo. Avg.	mg/L	15	40

Monitoring Period End Date	Parameter Desc	Limit Parameter	Limit Unit	Limit Value	DMR Value
10/31/2021	Solids, total suspended	Wkly. Avg.	mg/L	23	56
11/30/2021	Solids, total suspended	Mo. Avg.	mg/L	15	19.5
1/31/2022	Solids, total suspended	Mo. Avg.	mg/L	15	19
3/31/2022	Coliform, fecal general	Wkly. Avg Geo.	#/100mL	200	265
3/31/2022	Coliform, fecal general	Wkly. Avg Geo.	#/100mL	400	1,750
3/31/2022	Solids, total suspended	Mo. Avg.	lb/d	35	49.7
3/31/2022	Solids, total suspended	Mo. Avg.	mg/L	15	25.5
3/31/2022	Solids, total suspended	Wkly. Avg.	mg/L	23	26
4/30/2022	BOD, carbonaceous	Mo. Avg.	lb/d	23	50
4/30/2022	BOD, carbonaceous	Mo. Avg.	mg/L	10	11
4/30/2022	Solids, total suspended	Mo. Avg.	lb/d	35	98.9
4/30/2022	Solids, total suspended	Mo. Avg.	mg/L	15	21.5
5/31/2022	BOD, carbonaceous	Mo. Avg.	lb/d	23	42.9
5/31/2022	Solids, total suspended	Mo. Avg.	lb/d	35	113.3
5/31/2022	Solids, total suspended	Mo. Avg.	mg/L	15	20.5
5/31/2022	Solids, total suspended	Wkly. Avg.	mg/L	23	24
6/30/2022	BOD, carbonaceous	Mo. Avg.	mg/L	10	13
6/30/2022	BOD, carbonaceous	Wkly. Avg.	mg/L	15	17
6/30/2022	Coliform, fecal general	Wkly. Avg Geo.	#/100mL	400	1,050
6/30/2022	Solids, total suspended	Mo. Avg.	lb/d	35	43
6/30/2022	Solids, total suspended	Mo. Avg.	mg/L	15	32.5
6/30/2022	Solids, total suspended	Wkly. Avg.	mg/L	23	44
7/31/2022	BOD, carbonaceous	Mo. Avg.	lb/d	23	68.8
7/31/2022	BOD, carbonaceous	Mo. Avg.	mg/L	10	24
7/31/2022	BOD, carbonaceous	Wkly. Avg.	mg/L	15	34
7/31/2022	Solids, total suspended	Mo. Avg.	lb/d	35	122.3
7/31/2022	Solids, total suspended	Mo. Avg.	mg/L	15	35.5
7/31/2022	Solids, total suspended	Wkly. Avg.	mg/L	23	44
8/31/2022	BOD, carbonaceous	Mo. Avg.	lb/d	23	45.5
8/31/2022	Solids, total suspended	Mo. Avg.	lb/d	35	135.3
8/31/2022	Solids, total suspended	Mo. Avg.	mg/L	15	29
8/31/2022	Solids, total suspended	Wkly. Avg.	mg/L	23	32
9/30/2022	BOD, carbonaceous	Mo. Avg.	lb/d	23	24.4
9/30/2022	Solids, total suspended	Mo. Avg.	lb/d	35	42.7
9/30/2022	Solids, total suspended	Mo. Avg.	mg/L	15	17
10/31/2022	BOD, carbonaceous	Mo. Avg.	mg/L	10	12.5
10/31/2022	Solids, total suspended	Mo. Avg.	lb/d	35	70.1
10/31/2022	Solids, total suspended	Mo. Avg.	mg/L	15	40
10/31/2022	Solids, total suspended	Wkly. Avg.	mg/L	23	46
11/30/2022	BOD, carbonaceous	Mo. Avg.	lb/d	23	51.7
11/30/2022	BOD, carbonaceous	Mo. Avg.	mg/L	10	15

Monitoring Period End Date	Parameter Desc	Limit Parameter	Limit Unit	Limit Value	DMR Value
11/30/2022	BOD, carbonaceous	Wkly. Ave.	mg/L	15	24
11/30/2022	Coliform, fecal general	Mo. Ave. Geo.	#/100mL	200	270
11/30/2022	Coliform, fecal general	Wkly. Avg. Geo.	#/100mL	400	1,740
11/30/2022	Solids, total suspended	Mo. Avg.	lb/d	35	75.8
11/30/2022	Solids, total suspended	Mo. Avg.	mg/L	15	31.3
11/30/2022	Solids, total suspended	Wkly. Avg.	mg/L	23	41
12/31/2022	BOD, carbonaceous	Mo. Avg.	lb/d	23	57.8
12/31/2022	BOD, carbonaceous	Mo. Avg.	mg/L	10	19.5
12/31/2022	BOD, carbonaceous	Wkly. Avg.	mg/L	15	23
12/31/2022	pH	Inst Min	SU	6	5.32
12/31/2022	Solids, total suspended	Mo. Avg.	lb/d	35	105.1
12/31/2022	Solids, total suspended	Mo. Avg.	mg/L	15	45
12/31/2022	Solids, total suspended	Wkly. Avg.	mg/L	23	64
1/31/2023	BOD, carbonaceous	Mo. Avg.	lb/d	23	32.6
1/31/2023	BOD, carbonaceous	Mo. Avg.	mg/L	10	11
1/31/2023	Coliform, fecal general	Wkly. Avg Geo.	#/100mL	400	20,000
1/31/2023	Solids, total suspended	Mo. Avg.	lb/d	35	86.4
1/31/2023	Solids, total suspended	Mo. Avg.	mg/L	15	31.5
1/31/2023	Solids, total suspended	Wkly. Avg.	mg/L	23	40
2/28/2023	Solids, total suspended	Mo. Avg.	lb/d	35	44.1
2/28/2023	Solids, total suspended	Mo. Avg.	mg/L	15	30.5
2/28/2023	Solids, total suspended	Wkly. Avg.	mg/L	23	32
3/31/2023	Solids, total suspended	Mo. Avg.	lb/d	35	78
3/31/2023	Solids, total suspended	Mo. Avg.	mg/L	15	22
3/31/2023	Solids, total suspended	Wkly. Avg.	mg/L	23	27
4/30/2023	Solids, total suspended	Mo. Avg.	lb/d	35	56.77
4/30/2023	Solids, total suspended	Mo. Avg.	mg/L	15	24.5
4/30/2023	Solids, total suspended	Wkly. Avg.	mg/L	23	25
5/31/2023	Solids, total suspended	Mo. Avg.	mg/L	15	17
6/30/2023	BOD, carbonaceous	Mo. Avg.	mg/L	10	16.5
6/30/2023	BOD, carbonaceous	Wkly. Avg.	mg/L	15	17
6/30/2023	Solids, total suspended	Mo. Avg.	mg/L	15	33
6/30/2023	Solids, total suspended	Wkly. Avg.	mg/L	23	36