Section I
Collection System Remedial Program

CONSENT DECREE SECTION XV, PARAGRAPHS 33-49 CLEAN WATER ACT REMEDIAL MEASURES: COMPREHENSIVE COLLECTION SYSTEM REMEDIAL PROGRAM

Paragraph 33. This is an introduction to the requirements of Section XV. Any actions required are detailed in later paragraphs of this Section.

Paragraph 34. This paragraph requires the Board to conduct Collection System Evaluation Studies (CSES) in accordance with EPA-approved criteria, included as Exhibit 10 of the Decree.

Work Accomplished

- The Board has included the EPA-approved criteria in the Gentilly, Uptown, Mid-City, Lower Ninth Ward, Carrollton, New Orleans East and South Shore CSESs.

Paragraphs 35 and 36. These paragraphs describe the order in which the individual basin CSESs will be conducted, when they shall be completed, and the review schedule by EPA. **Table 1-1** summarizes the requirements and progress of the CSESs.

Table 1-1
CSES REPORT SCHEDULE

Basin	Due Date	Date Submitted	EPA Comments	Board Response	EPA Approval
Lakeview	Submitted	08/15/96	NCR	NA	NA
Central Business District/FQ	04/01/98	03/27/98	04/15/98	05/08/98	04/15/98
Gentilly	04/01/99	03/30/99	05/10/99	NRR	05/10/99
Uptown	04/01/00	03/30/00	05/15/00	NRR	05/15/00
Mid-City	04/01/01	03/29/01	04/23/01	NRR	04/23/01
Lower Ninth Ward	04/01/02	03/27/02	04/11/02	NRR	04/11/02
Carrollton	04/01/03	03/27/03	05/09/03	NRR	05/09/03
New Orleans East	04/01/04	03/24/04	07/22/04	NRR	07/22/04
South Shore	04/01/05	03/29/05	NCR	NA	05/18/05

NCR = No Comments Received
NA = Not Applicable
NRR = No Response Required

Work Accomplished

- The Board has met the requirements for Collection System Evaluation Studies in all nine basins, as set forth in Section XV, Paragraphs 34, 35 and 36, of the Consent Decree.

Paragraphs 37, 38, 39 and 40. These paragraphs describe the requirements for development of Remedial Measures Action Plans (RMAPs), when they shall be completed, and the review schedule by EPA. **Table 1-2** summarizes the requirements and progress of the RMAPs.

Table 1-2
RMAP REPORT SCHEDULE

Basin	Due Date	Date Submitted	EPA Comments	Board Response	EPA Approval
Lakeview	Submitted	01/02/97	03/01/98	07/11/98	NCR
Central Business District/FQ	08/18/98	08/07/98	NCR	NA	09/07/98
Gentilly	09/07/99	09/07/99	10/20/99	NA	10/20/99
Uptown	09/12/00	08/17/00	NCR	NA	09/12/00
Mid-City	08/19/01	08/15/01	09/06/01	NA	09/06/01
Lower Ninth Ward	08/09/02	07/30/02	02/04/03	NA	02/04/03
Carrollton	09/06/03	09/03/03	09/26/03	NA	09/26/03
New Orleans East	11/01/04	09/29/04	11/01/04	11/29/04	12/13/04
South Shore	04/01/06	04/06/06	NCR	NA	10/16/07

NCR = No Comments Received
NA = Not Applicable

Work Accomplished

- The Board has met the requirements for Remedial Measures Action Plans (RMAPs) in all nine basins, as set forth in Section XV, Paragraphs 37, 38, 39 and 40, of the Consent Decree.

Paragraphs 41, 42 and 43. These paragraphs describe the options for the Board to develop a Final Plan for Collection System Evaluation Studies, when it shall be completed, and the EPA approval schedule.

Work Accomplished

- This requirement was fulfilled in a prior quarter. There was no change in the order of basins to be studied following incorporation of data from the development of the Computerized Collection System Model.

Paragraphs 44 and 45. These paragraphs describe the schedule for implementation of the RMAPs and the requirement to submit interim milestone dates for construction in each basin. **Table 1-3** summarizes these requirements and the progress to date. Each basin has multiple construction contracts associated with implementation of its RMAP. The Actual Begin Construction Date shown in **Table 1-3** is the date that the first construction contract began. The Actual End Construction Date is the date that all RMAP construction in the basin is completed. The individual contracts within each basin are summarized in **Appendix A**, which also includes interim milestone dates.

Table 1-3
RMAP IMPLEMENTATION SCHEDULE

Basin/ Phase	Milestone to Begin Construction	Actual Begin Construction Date	Milestone to End Construction	Revised Milestone to End Construction+	Actual End Construction Date	Milestone to Resume Construction++	Actual Resume Construction Date++
Lakeview	12/15/98	10/19/98	12/14/01	N/A	11/21/01	N/A	N/A
Central Business District/FQ	01/01/01	10/30/00	11/01/06 *	N/A	10/23/06	N/A	N/A
Gentilly	01/01/02	07/23/01	12/31/04	N/A	12/06/04	N/A	N/A
Uptown	01/01/03	12/30/02	11/01/06 *	N/A	10/23/06	N/A	N/A
Mid-City	01/01/04	06/09/03	12/31/06**			11/15/08	08/18/08
Lower Ninth Ward	01/01/05	06/21/04	12/31/07**			11/15/08	08/21/08
Carrollton	01/01/06	04/04/05	12/31/08**			11/15/08	09/29/08
New Orleans East	01/01/07**	02/23/09	12/31/09			N/A	N/A
South Shore	01/01/08**		12/31/10			N/A	N/A
Phase 1 Capacity	N/A	04/14/03	12/31/10			N/A	N/A
Phase 2 Capacity	N/A		12/31/10			N/A	N/A
Phase 3 Capacity	N/A		12/31/10			N/A	N/A
Phase 4 Capacity	N/A		12/31/10			N/A	N/A
Phase 5 Capacity	N/A		12/31/10			N/A	N/A

* The original End Construction milestone for the Central Business District/FQ and Uptown Basins was 12/31/05. Following Hurricane Katrina, the Board invoked the force majeure provision of the Consent Decree and the EPA granted an extension until 11/01/06 for milestone compliance on these basins.

** The Board is diligently undertaking the work necessary to evaluate damages caused by Hurricane Katrina to the collection system. Following Hurricane Katrina, the Board invoked the force majeure provision of the Consent Decree and engaged with the EPA in re-negotiation of the remaining milestones, including completion of the Mid-City, Lower Ninth Ward and Carrollton Basins and initiation of construction in the New Orleans East and South Shore Basins.

+ The new milestones associated with end of construction in each basin will be updated when the Modified Consent Decree is officially lodged.

++ The "Resume Construction" milestones shown for the Mid-City, Lower Ninth Ward, and Carrollton Basins reflect the dates from the ongoing Modified Consent Decree negotiations.

Work Accomplished

Lakeview Basin

- All work in the Lakeview Basin as described in and included in the Lakeview Remedial Measures Action Plan has been completed.
- See **Appendix A** for details on the sewer rehabilitation contracts.

Central Business District/French Quarter Basin (CBD/FQ)

- All work in the CBD/FQ Basin as described in and included in the CBD/FQ Remedial Measures Action Plan has been completed.
- See **Appendix A** for details on the sewer rehabilitation contracts.

Gentilly Basin

- All work in the Gentilly Basin as described in and included in the Gentilly Remedial Measures Action Plan has been completed.
- See **Appendix A** for details on the sewer rehabilitation contracts.

Uptown Basin

- All work in the Uptown Basin as described in and included in the Uptown Remedial Measures Action Plan has been completed.
- See **Appendix A** for details on the sewer rehabilitation contracts.

Mid-City Basin

- Final design for the Mid-City Basin continued during the second quarter of 2009.

- The original End Construction milestone for the Mid-City Basin was December 31, 2006. Following Hurricane Katrina, the Board invoked the force majeure provision of the Consent Decree and engaged with the EPA in re-negotiation of the remaining milestones, including the completion of the Mid-City Basin.

- Construction activities for the following contracts were disrupted by Hurricane Katrina; work has been postponed per Board communication with the EPA pursuant to the Force Majeure extension:

  – Contract No. 3960, Mid-City Area Sewer Rehabilitation – Sewer Rehabilitation No. 4
  – Contract No. 3967, Mid-City Area Sewer Rehabilitation – Sewer Rehabilitation No. 9

- The Board reached the 33% milestone completion for work in the Mid-City Basin under Contract No. 3969, Mid-City Area Sewer Rehabilitation – Sewer Rehabilitation No. 11, ahead of schedule on June 12, 2009.

- The Board reached the 33% milestone completion for work in the Mid-City Basin under Contract No. 3970, Mid-City Area Sewer Rehabilitation – Sewer Rehabilitation No. 12, ahead of schedule on June 12, 2009.

- The Board reached the 33% milestone completion for work in the Mid-City Basin under Contract No. 3971, Mid-City Area Sewer Rehabilitation – Sewer Rehabilitation No. 13, ahead of schedule on June 5, 2009.

- See **Appendix A** for details on the sewer rehabilitation contracts.

Lower Ninth Ward Basin

- Final design for the Lower Ninth Ward Basin continued during the second quarter of 2009.

- Contract No. 3975, Lower Ninth Ward Area Sewer Rehabilitation – Point Repair No. 2, was awarded to Wallace C. Drennan, Inc. (Drennan) on July 20, 2005. The Board did not issue a Notice to Proceed due to the occurrence of Hurricane Katrina. The Board and Drennan are negotiating a change order for cost increases since the original bid. A successful negotiation will allow the Board to continue work without the delay of rebidding the project.

- The original End Construction milestone for the Lower Ninth Ward Basin was December 31, 2007. Following Hurricane Katrina, the Board invoked the force majeure provision of the Consent Decree and engaged with the EPA in re-negotiation of the remaining milestones, including the completion of the Lower Ninth Ward Basin.

- The Board reached the 33% milestone completion for work in the Lower Ninth Ward Basin under Contract No. 3974, Lower Ninth Ward Area Sewer Rehabilitation – Point Repair No. 1, ahead of schedule on May 29, 2009.

- The Board reached the 66% milestone completion for work in the Lower Ninth Ward Basin under Contract No. 3974, Lower Ninth Ward Area Sewer Rehabilitation – Point Repair No. 1, ahead of schedule on June 26, 2009.

- See **Appendix A** for details on the sewer rehabilitation contracts.

Carrollton Basin

- Final design for the Carrollton Basin continued during the second quarter of 2009.

- The original End Construction milestone for the Carrollton Basin was December 31, 2008. Following Hurricane Katrina, the Board invoked the force majeure provision of the Consent Decree and engaged with the EPA in re-negotiation of the remaining milestones, including the completion of the Carrollton Basin.

- See **Appendix A** for details on the sewer rehabilitation contracts.

New Orleans East Basin

- Final design for the New Orleans East Basin was initiated during the second quarter of 2009.

- The original Begin Construction milestone for the New Orleans East Basin was January 1, 2007. Following Hurricane Katrina, the Board invoked the force majeure provision of the Consent Decree and engaged with the EPA in re-negotiation of the remaining milestones, including initiation of construction in the New Orleans East Basin.

- The Board reached the 66% milestone completion for work in the New Orleans East Basin under Contract No. 3708, New Orleans East Area Sewer Rehabilitation – Manhole Rehabilitation No. 1, ahead of schedule on April 3, 2009.

- See **Appendix A** for details on the sewer rehabilitation contracts.

South Shore Basin

- Preliminary design for the South Shore Basin continued during the second quarter of 2009.

- The original Begin Construction milestone for the South Shore Basin was January 1, 2008. Following Hurricane Katrina, the Board invoked the force majeure provision of the Consent Decree and engaged with the EPA in re-negotiation of the remaining milestones, including initiation of construction in the South Shore Basin.

Capacity

- Design, bid and award activities for the following contracts were disrupted by Hurricane Katrina; work has been postponed per Board communication with the EPA:

  – Phase 1 Capacity Contract No. 3829, Force Main in Read Boulevard from Dwyer Road to Almonaster Avenue, Force Main in Old Gentilly Road from SPS McCoy to Read Boulevard, and Force Main in Michoud Boulevard from Willowbrook Drive to Chef Menteur Highway
  – Phase 1 Capacity Contract No. 3871, East Bank Pump Stations Physical Improvements No. 5
  – Phase 1, 2, 3, 4, and 5 Capacity projects

- Construction activities for Phase 1 Capacity Contract No. 3870, East Bank Pump Stations Physical Improvements No. 6, were disrupted by Hurricane Katrina; work has been postponed per Board communication with the EPA pursuant to the Force Majeure extension.

- See **Appendix A** for details on the Capacity contracts.

Paragraphs 46, 47 and 48. These paragraphs describe the requirements to develop a Computerized Collection System Model in accordance with the EPA approved Model Plan.

<u>Work Accomplished</u>

- By letter of December 22, 1998, the Board certified to EPA that the Computerized Collection System Model had been developed and was in use.

- The Computerized Collection System Model continues to be utilized in the development of capacity related projects.

Paragraph 49. This paragraph states that all remedial measures must be completed by December 31, 2010. See **Table 1-3** for program progress.