Comprehensive Collection System Remedial Measures

Planning Activities

- 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.

Design Activities

- 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 negotiated a change order for cost increases since the original bid. The change order and possible restart date are currently under consideration.

- Design, Advertisement, or Execution Phase for the following contracts was 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

- Final design for the Mid-City, Lower Ninth Ward, Carrollton, and New Orleans East Basins continued during the third quarter of 2009.

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

- Contract No. 3982, Lower Ninth Ward Area Sewer Rehabilitation – Sewer Rehabilitation No. 1, was awarded to BLD Services, LLC on July 15, 2009. Contract execution procedures are underway.

- Contract No. 3983, Lower Ninth Ward Area Sewer Rehabilitation – Sewer Rehabilitation No. 2, was awarded to BLD Services, LLC on July 15, 2009. Contract execution procedures are underway.

- Contract No. 3995, Carrollton Area Sewer Rehabilitation – Point Repair No. 5, advertised for bids starting on July 23, 2009. Bids were received and opened on August 21, 2009. The contract was awarded to Fleming Construction Co., LLC on September 16, 2009. Contract execution procedures are underway.

- Contract No. 3721, South Shore Area Sewer Rehabilitation – Manhole Rehabilitation No. 1, advertised for bids starting on July 23, 2009. Bids were received and opened on August 21, 2009. The contract was awarded to BLD Services, LLC on September 16, 2009. Contract execution procedures are underway.

Construction Activities

- 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.

- Contract No. 3960, Mid-City Area Sewer Rehabilitation – Sewer Rehabilitation No. 4, achieved final completion on August 31, 2009. Contract closeout procedures are underway.

- Construction for Contract No. 3967, Mid-City Area Sewer Rehabilitation – Sewer Rehabilitation No. 9, was disrupted by Hurricane Katrina; work has been postponed per Board communication with the EPA pursuant to the Force Majeure extension.

- The Board reached the 66% 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 July 24, 2009.

- The Board reached the 66% 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 August 7, 2009.

- The Board reached the 66% 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 July 24, 2009.

- 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.

- Construction continued on Contract No. 3974, Lower Ninth Ward Area Sewer Rehabilitation – Point Repair No. 1.

- 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.

- Contract No. 3708, New Orleans East Area Sewer Rehabilitation – Manhole Rehabilitation No. 1, achieved final completion on August 3, 2009. Contract closeout procedures are underway.

- 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. The notice to proceed for Contract No. 3721, South Shore Area Sewer Rehabilitation – Manhole Rehabilitation No. 1, is anticipated to be issued by March 16, 2010. This action is part of the Board's continuing good faith effort to complete the necessary work expeditiously regardless of enforcement deadlines as proposed in the ongoing Modified Consent Decree negotiations.

- Contract No. 3870, Phase 1 Capacity – East Bank Pump Stations Physical Improvements No. 6, achieved final completion on July 10, 2009. Contract closeout procedures are underway.

Supplemental Environmental Project

- The Consent Decree requirements for completion of the Supplemental Environmental Project (SEP) were completed during the second quarter of 2003.

- The Consent Decree requirements for completion of the Supplemental Environmental Project (SEP) were completed during the second quarter of 2003. The Department of Justice "confirmed" the SEP completion report in a March 11, 2008 letter from Arnold Rosenthal to Henry Diamond, which stated: "[t]he Consent Decree does not provide that the United States approve your completion report for the SEP. That said, the United States finds your report satisfactory and, as we've said before, is very pleased that the project was a success."

Total Retained Cross Connections	**112**
• **Retained Cross Connections inspected and secure**	**89**
• **Retained Cross Connections permanently sealed prior to the third quarter of 2009**	**18**
• **Retained Cross Connections permanently sealed in the third quarter of 2009**	**0**
• **Connections - Drain-to-drain, thus not requiring inspection**	**3**
• **Connections - Sewer-to-sewer, thus not requiring inspection**	**2**
• **Retained Cross connections not secured or inspected**	**0**
Total Retained Cross Connections	**112**

Cross Connections Discovered

• **Cross Connections discovered**	**9**[+]
• **Cross Connections sealed**	**9**

[+] During the third quarter of 2009, the Board identified nine (9) new Cross Connections, each of which were discovered valved and closed.

Cross Connections Opened	**0**

Operation and Maintenance of the Fluidized Bed Incinerator

- The supplemental report on the operation and maintenance of the Fluidized Bed Incinerator (Appendix D, tab 5) addresses the items specific to the Consent Decree, Paragraph 61 c:

    1. Periodic Inspection of Monitoring Devices
    2. Periodic Calibration of Monitoring Devices
    3. Inspection of the Wet Scrubber
    4. Verification of Operation in Accordance with the Approved O&M Plan
    5. Continuous Emissions Monitoring Equipment (CEM) On-line Reliability

The FBI was severely damaged during the flooding and devastating winds associated with Hurricane Katrina. The FBI repair work began on September 24, 2007 and returned to service on August 8, 2008, well ahead of the established December 15, 2008 deadline. An initial 180-day start up period is allowed under our existing air permit #2140-00089-02 general condition VIII and IX.

A successful Emission Compliance Test (FBI stack test) was completed on January 27, 2009 satisfying all conditions of the Louisiana Department of Environmental Quality's air permit #2140-00089-02. The test was conducted using EPA methods 1-5, 6C, 7E, 10, 25A & 29.

DEQ has not finished evaluating these results, but the Board's consultants are engaged with DEQ on this issue and have reported that only slight revisions to the Title V permit might be made.

The Board submitted the Interim Fluidized Bed Incinerator Operation & Maintenance Plan on July 31, 2009.

Consent Decree Accomplishments

During the Third Quarter, 2009 the following actions occurred under Consent Decree – Civil Action No. 93-3212. All Consent Decree accomplishments are listed in Appendix E of this report.

Paragraph 21

Cross Connection Discovery and Sealing

Location	Claiborne and Laharpe Aves.
District:	
Discovery:	07/14/09
Sealing	
Scheduled Date:	08/13/09
Actual Date:	07/14/09

(Cross Connection was found valved and closed.)

Cross Connection Discovery and Sealing

Location	Piety St. and Florida Ave.
District:	
Discovery:	07/15/09
Sealing	
Scheduled Date:	08/14/09
Actual Date:	07/15/09

(Cross Connection was found valved and closed.)

Cross Connection Discovery and Sealing

Location	Alvar St. and Florida Ave.
District:	
Discovery:	07/15/09
Sealing	
Scheduled Date:	08/14/09
Actual Date:	07/15/09

(Cross Connection was found valved and closed.)

Cross Connection Discovery and Sealing

Location	East side of RR Tracks near Florida Ave.
District:	
Discovery:	07/20/09
Sealing	
Scheduled Date:	08/19/09
Actual Date:	07/20/09

(Cross Connection was found valved and closed.)

Consent Decree Accomplishments

Cross Connection Discovery and Sealing
Location N Miro St. and Elysian Fields (Fire Station)
District:
Discovery: 07/21/09
Sealing
Scheduled Date: 08/20/09
Actual Date: 07/21/09

(Cross Connection was found valved and closed.)

Cross Connection Discovery and Sealing
Location Feliciana and Florida
District:
Discovery: 07/30/09
Sealing
Scheduled Date: 08/29/09
Actual Date: 07/30/09

(Cross Connection was found valved and closed.)

Cross Connection Discovery and Sealing
Location Press and Florida, ditch on north side of RR Tracks
District:
Discovery: 07/31/09
Sealing
Scheduled Date: 08/30/09
Actual Date: 07/31/09

(Cross Connection was found valved and closed.)

Cross Connection Discovery and Sealing
Location Peoples and Florida Ave.
District:
Discovery: 08/06/09
Sealing
Scheduled Date: 09/05/09
Actual Date: 08/06/09

(Cross Connection was found valved and closed.)

Cross Connection Discovery and Sealing
Location Kentucky and Florida Ave
District:
Discovery: 08/14/09
Sealing
Scheduled Date: 09/13/09
Actual Date: 08/14/09

(Cross Connection was found valved and closed.)

Consent Decree Accomplishments

Paragraph 45

66% Completion: Contract 3971

Contract 3971	Mid City Area Sewer Rehabilitation-Sewer Rehabilitation #13
District:	A, B, C, D
Scheduled Date:	12/22/09
Actual Date:	07/24/09

66% Completion: Contract 3969

Contract 3969	Mid City Area Sewer Rehabilitation-Sewer Rehabilitation #11
District:	A, B, C, D
Scheduled Date:	12/22/09
Actual Date:	07/24/09

Set 33% / 66% Milestones: Contract 3982

Contract 3982	Lower Ninth Ward Area Sewer Rehabilitation-Sewer Rehabilitation #1
District:	D & E
Scheduled Date:	08/14/09
Actual Date:	07/31/09

Set 33% / 66% Milestones: Contract 3983

Contract 3983	Lower Ninth Ward Area Sewer Rehabilitation-Sewer Rehabilitation #2
District:	D & E
Scheduled Date:	08/14/09
Actual Date:	07/31/09

66% Completion: Contract 3970

Contract 3970	Mid City Area Sewer Rehabilitation-Sewer Rehabilitation #12
District:	A, B, C, D
Scheduled Date:	01/11/10
Actual Date:	08/07/09

Consent Decree Accomplishments

Set 33% / 66% Milestones: Contract 3721

Contract 3721	South Shore Area Sewer Rehabilitation-Manhole Rehabilitation #1
District:	E
Scheduled Date:	10/16/09
Actual Date:	09/29/09

Set 33% / 66% Milestones: Contract 3995

Contract 3995	Carrollton Area Sewer Rehabilitation-Point Repair Rehabilitation #5
District:	D & E
Scheduled Date:	10/16/09
Actual Date:	09/29/09

Paragraph 61

2nd Quarter Consent Decree Report

District:	Citywide
Scheduled Date:	08/01/09
Actual Date:	07/31/09

Paragraph 65

Milestone Completion Report: 66% Completion Contract 3971

Contract 3971	Mid City Area Sewer Rehabilitation-Sewer Rehabilitation #13
District:	A, B, C, D
Scheduled Date:	08/14/09
Actual Date:	07/31/09

Milestone Completion Report: 66% Completion Contract 3969
33% Completion: Contract 3969

Contract 3971	Mid City Area Sewer Rehabilitation-Sewer Rehabilitation #11
District:	A, B, C, D
Scheduled Date:	08/14/09
Actual Date:	07/31/09

Consent Decree Accomplishments

Milestone Completion Report: 66% Completion Contract 3970
66% Completion: Contract 3970

Contract 3970	Mid City Area Sewer Rehabilitation-Sewer Rehabilitation #12
District:	A, B, C, D
Scheduled Date:	08/28/09
Actual Date:	08/07/09