"RE-BUILDING THE CITY'S WATER SYSTEMS FOR THE 21ST CENTURY"

Sewerage & Water Board OF NEW ORLEANS

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C. RAY NAGIN, President
TOMMIE A. VASSEL, President Pro-Tem

February 27, 2009

Chief, Water Enforcement Branch (6EN-W)
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency -- Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Chief, Environmental Enforcement Section
Environmental & Natural Resources Division
United States Department of Justice
1425 New York Avenue, N.W.
Washington, D.C. 20045

Reference: DOJ Case No. 90-5-1-4032

Re: *United States v. Sewerage and Water Board of New Orleans*
Consent Decree: Civil Action No. 93-3212
NPDES Permit No. LA0038091 - EBSTP
Paragraph 62: Annual Report for the Period Ending December 31, 2008

Gentlemen:

Pursuant to Paragraph 62 of the above-referenced Consent Decree, the Sewerage and Water Board hereby submits the Annual Report for the period ending December 31, 2008. In 2008, the Board was in compliance with the provisions of the Decree which this report is required to address, taking into account the application of the approved *force majeure* requests. As required by the Decree, the report contains summaries of compliance with any activities related to:

- Paragraph 62a - Sewer Overflow Action Plan Activities/Unauthorized Discharge Tracking and Reporting Plan (Consent Decree Sections XIII and XIV)

- Paragraph 62b - Preventive Maintenance Plan Activities (Consent Decree Section XII);

- Paragraph 62c - Storm Sewer Monitoring Program Activities (Consent Decree Section XVI); and

Members of the Board: ALAN ARNOLD • JACQUELYN B. CLARKSON • BENJAMIN L. EDWARDS, SR. • ARNIE FIELKOW • KAREN HENLEY-RAYMOND • C. RAY NAGIN • FLORENCE W. SCHORNSTEIN • TOMMIE A VASSEL • CYNTHIA WILLARD-LEWIS • GERALD WILLIAMS, PHD • LOYCE P. WRIGHT
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- Paragraph 58d, 58e, and 58f (Section XIX) of the Draft Modified Consent Decree (as of 2/1/09) – 100 Year Flood Protection Progress at the EBSTP, Progress of ESSA Repairs, and Population Changes and Projections.

The report also contains an Executive Summary that provides a synopsis of the Board's compliance with the Consent Decree requirements under the Sewer Overflow Action Plan, the Preventive Maintenance Plan, and the Storm Sewer Monitoring Program. Additional information and documentation is provided in the appendices to the report.

We have also included a number of appendices that describe work completed for calendar year 2008, as well as a description of our cumulative work with respect to sewer main cleaning, sewer main inspection, and sewer manhole inspection. In Appendix 32, the Board sets out specific tasks that have been accomplished since the inception of the Consent Decree.

I certify that the information contained in or accompanying this document is true, accurate and complete. As to those identified portions of this document for which I cannot personally verify their truth and accuracy, I certify as the official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification, that this is true, accurate and complete.

The continuing cooperation and assistance of EPA and many of its personnel in this difficult time for the people of New Orleans and our Agency is very important to our progress and very much appreciated. We look forward to discussing this report at our meeting in Dallas on March 9, 2009.

Sincerely,

Marcia A. St. Martin
Executive Director

cc: Ted Palit, U.S. Environmental Protection Agency
Henry L. Diamond, Beveridge & Diamond, P.C.
Benjamin F. Wilson, Beveridge & Diamond, P.C.

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