



Over the past two (2) years, City representatives have engaged in extensive discussion with representatives of the United States and the State in an attempt resolve the violations and eliminate the SSOs. These discussions have resulted in an agreement to settle the issues. This resolution would authorize the Mayor to execute a Consent Decree and other documents with the United States of America and the State of Louisiana containing the terms and conditions of the settlement.

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#### TIMETABLE

Introduction - July 23, 2013  
Final Passage - August 13, 2013

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#### SPECIAL PROCEDURAL REQUIREMENTS

None

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#### FINANCES

The cost to complete all repairs and other work required by the Consent Decree is estimated at \$350,000,000.

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#### ALTERNATIVES

1. Adopt the Resolution as submitted.
2. Amend the Resolution.
3. Deny the Resolution.

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#### CONCLUSION

Adoption of the resolution is recommended

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FACT SHEET PREPARED BY: Terri Anderson-Scott  
City Attorney

RESOLUTION NO. \_\_\_\_\_ OF 2013

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSENT DECREE AND OTHER DOCUMENTS WITH THE UNITED STATES OF AMERICA AND THE STATE OF LOUISIANA TO RESOLVE VIOLATIONS OF THE CLEAN WATER ACT, THE LOUISIANA WATER CONTROL LAW AND OTHER PROVISIONS OF FEDERAL AND/OR STATE LAW IN REGARD TO THE OPERATION OF THE CITY OF SHREVEPORT WASTEWATER COLLECTION, RETENTION AND TRANSMISSION SYSTEMS AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY:

WHEREAS, the City of Shreveport's old and continually aging wastewater infrastructure (over 1,100 miles and 120 pumping stations) has resulted in (and continues to result in) Sanitary Sewer Overflows (SSOs) that are prohibited under the Clean Water Act (the "Act"); and

WHEREAS, the City has reported to the United States Environmental Protection Agency ("EPA") and the Louisiana Department of Environmental Quality ("LDEQ") numerous SSOs from its wastewater collection, retention and transmission systems ("WCTS") as a part of its Discharge Permit; and

WHEREAS, because of the City's history and record of SSOs, the United States of America ("United States"), through the United States Department of Justice ("DOJ"), acting at the request and on behalf of EPA and the State of Louisiana ("State"), through LDEQ have expressed their intention to seek injunctive relief and civil penalties against the City for violation of the Act and to require the City to eliminate SSOs; and

WHEREAS, the City, the United States and the State have reached a settlement of the issues regarding the violations and elimination of SSOs which agreement includes, but is not limited to, system testing and evaluation requirements, City's development, submission, and implementation of plans for the continued improvement of the WCTS, stipulated penalties and fines, a timeline for completion of repairs to the system to eliminate SSOs and other matters;

WHEREAS, the terms of the settlement will be contained in a Consent Decree to be executed by and between the City, the United States and the State subject to approval by the Court and the governing authority of the City of Shreveport.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Shreveport, in due, regular, and legal session convened that the Mayor is authorized to execute a Consent Decree and other documents with the United States of American and the State of Louisiana to resolve violations of the Clean Water Act, the Louisiana Water Control law and other provisions of federal and/or state law in regard to the operation of the City's wastewater collection, treatment and disposal systems, substantially in accord with the draft thereof which was filed for public inspection with the original of this resolution in the Office of the Clerk of Council on July 23, 2013.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all ordinances or resolutions or parts thereof in conflict herewith are hereby declared repealed.

APPROVED AS TO LEGAL FORM:

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City Attorney's Office