

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LOUISIANA ENVIRONMENTAL)
ACTION NETWORK,)
)
Plaintiff,)
)
v.)
)
SUN DRILLING PRODUCTS)
CORPORATION,)
)
Defendant.)
)

Case No.
Judge:
Magistrate:

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, AND FOR
CIVIL PENALTIES UNDER THE CLEAN WATER ACT**

For its Complaint, Plaintiff Louisiana Environmental Action Network (“LEAN”) makes the following allegations against the Defendant Sun Drilling Products Corporation:

NATURE OF THE CASE

1. LEAN brings this civil suit under the citizen enforcement provisions of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* (the “Clean Water Act” or “the Act”) seeking relief for Defendant’s discharges of pollutants into the Mississippi River from its manufacturing facility in Belle Chasse, Louisiana that violate the Act and Defendant’s Louisiana Pollution Discharge Elimination System (“LPDES”) Permit No. LA0087327. Defendant’s violations of the Clean Water Act and its Permit are ongoing and continuous.

JURISDICTION

2. This Court has subject matter jurisdiction over the parties and the subject matter of this action pursuant to section 505(a)(1) of the Act, 33 U.S.C. § 1365(a)(1) (allowing citizen suits to enforce Clean Water Act effluent standards in federal district court) and 28 U.S.C. § 1331 (an action arising under the laws of the United States). The relief requested is authorized pursuant to 28 U.S.C. §§ 2201-02 (power to issue declaratory relief in case of actual controversy and further necessary relief based on such a declaration); 33 U.S.C. §§ 1319(b), 1365(a) (power to issue permanent or temporary injunctive relief); and 33 U.S.C. §§ 1319(d), 1365(a) (power to impose civil penalties).

VENUE

3. Defendant's continuing violations occur at its manufacturing facility at 503 Main Street, Belle Chasse, Louisiana, which is within the Eastern District of Louisiana. Therefore, venue is proper in this Court pursuant to § 505(c)(1) of the Clean Water Act, 33 U.S.C. § 1365(c)(1) (actions regarding effluent standards must be brought in the judicial district in which the source is located).

NOTICE

4. On July 23, 2009, LEAN sent a notice letter ("Notice") to Defendant detailing the company's Clean Water Act violations at issue in this suit, and of LEAN's intention to file suit against Defendant for these violations as required by § 505 of the Act, 33 U.S.C. § 1365(b) and 40 C.F.R. § 135.3(a). LEAN sent the notice to the following people: Kristina C. van Haagen, HSE Manager Sun Drilling Products Corporation; Michael P. Cook, CFO, COO, Sun Drilling Products Corporation; Stewart F. Peck, Registered Agent Sun Drilling Products Corporation;

Lisa P. Jackson, Administrator of EPA; Lawrence Starfield, Acting Regional Administrator of EPA Region 6; and Dr. Harold Leggett, Secretary of LDEQ,

5. More than sixty days have passed since LEAN sent its Notice to Defendant, EPA, and LDEQ. *See* Clean Water Act § 505, 33 U.S.C. § 1365(b)(1)(A) (requiring plaintiff to wait sixty days after valid notice before filing suit).

6. Neither EPA nor the state has commenced or is diligently prosecuting a court action to redress the violations alleged in this complaint. *See* Clean Water Act § 505, 33 U.S.C. § 1365(b)(1)(B).

7. Fewer than 120 days have passed since LEAN gave its Notice to EPA, LDEQ, and Defendant. *See* Clean Water Act § 309, 33 U.S.C. § 1319(g)(6)(B)(ii).

PARTIES

A. Plaintiff

8. LEAN is a non-profit community organization incorporated and operating under the laws of Louisiana. As such, LEAN is a “person” under § 502(5) of the Clean Water Act, 33 U.S.C. § 1362(5). In addition, LEAN is a “citizen” as defined by § 505(g) of the Clean Water Act, 33 U.S.C. § 1365(g) (defining “citizen” as a person having an interest which is or may be adversely affected). Any citizen is entitled to bring a citizen suit under § 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a).

9. LEAN’s purpose is to preserve and protect Louisiana’s land, air, water, and other natural resources, as well as to protect the organization’s members from the harms of pollution. LEAN has a particular interest in the preservation and restoration of the water quality of the Mississippi River. The Waterkeeper Alliance, a national alliance of grassroots organizations aimed at protecting the ecological integrity of America’s waters, has designated LEAN as the

Lower Mississippi Riverkeeper. As Lower Mississippi Riverkeeper, LEAN acts to protect, preserve, and restore the ecological integrity of the Mississippi River Basin from Baton Rouge to the Gulf of Mexico.

10. LEAN interests are adversely affected by Defendant's violations of the Clean Water Act and the Permit.

11. The Defendant's violations injure LEAN's members. These injuries are actual, concrete and fairly traceable to the Defendant's violations. For example, LEAN has members whose drinking water comes from a municipal intake approximately 1/4 mile downstream from the outfall where Defendant discharges illegal amounts of pollutants into the Mississippi River. LEAN members who rely on the Mississippi River for their drinking water are concerned that Defendant's illegal discharges of pollutants into the Mississippi River threaten to impair the use of the river as their public drinking water supply. These members avoid drinking the water supplied to them by Plaquemines Parish because they are concerned that the pollutants Defendant illegally discharges into the Mississippi River may threaten to impair or contaminate their drinking water.

12. LEAN has members who fish, work, and recreate in the Barataria Basin, an area that receives water diverted from the Mississippi River below the point where Defendant discharges illegal amounts of pollutants into the river. These members are concerned that Defendant's illegal discharges of pollutants threaten to impair the water that the state pumps into the Barataria Basin from the Mississippi River. These members are concerned that these pollutants threaten to impede the state's diversion project designed to restore wetlands and improve water quality in the Barataria Basin. These members are concerned that Defendant's

illegal discharges pollutants negatively affect the health of the Barataria Basin water quality and marshes, and therefore threaten to impair their use and enjoyment of the Barataria Basin.

13. Defendant's failure to comply with the Clean Water Act and the Permit adversely affects LEAN's members' interests, and will continue to adversely affect their interests. The relief sought herein will redress the harms to LEAN's members caused by Defendant's activities.

B. Defendant

14. Defendant is a registered Louisiana corporation, which owns and operates a facility in Belle Chasse, Louisiana that manufactures synthetic lubricants for oil drilling activities worldwide ("facility").

15. Defendant is a "person" as defined under § 502(5) of the Clean Water Act. 33 U.S.C. § 1362(5).

LEGAL BACKGROUND

16. The purpose of the Clean Water Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Clean Water Act § 101(a), 33 U.S.C. § 1251(a).

17. To achieve its purposes, section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the "discharge of any pollutant by any person" into waters of the United States except in compliance with the terms of a permit, such as a National Pollution Discharge Elimination System ("NPDES") Permit issued by the United States Environmental Protection Agency or an authorized state pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

18. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the permitting authority may issue a NPDES Permit that authorizes the discharge of any pollutant directly into waters of the United States, upon the condition that such discharge will meet all applicable

requirements of the CWA and such other conditions as the permitting authority determines necessary to carry out the provisions of the CWA.

19. Under §§ 502(12) and (16) of the Clean Water Act, a “discharge” includes “any addition of any pollutant to navigable waters from any point source.” 33 U.S.C. § 1362(12) and (16). *See also* 40 C.F.R. § 122.2.

20. The Clean Water Act defines “pollutant” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.” Clean Water Act § 502(6), 33 U.S.C. § 1362(6).

21. A “point source” means “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.” Clean Water Act § 502(14), 33 U.S.C. § 1362(14).

22. Section 402 of the CWA, 33 U.S.C. § 1342, directs the Administrator of EPA to prescribe conditions for NPDES permits to ensure compliance with the requirements of the CWA.

23. NPDES permits establish "effluent limitations" that restrict the "quantities, rates, and concentrations" of pollutants that a permittee can legally discharge from a point source into navigable waters. Clean Water Act § 502(11), 33 U.S.C. § 1362(11).

24. At all times relevant to this complaint, the EPA has authorized the State of Louisiana to administer a NPDES program called the Louisiana Pollutant Discharge Elimination

System (“LPDES”) Program for regulating the discharges of pollutants into the waters of Louisiana. The State of Louisiana, through Louisiana Department of Environmental Quality, issues permits under the LPDES Program, which it calls LPDES permits.

25. The Clean Water Act and LPDES Program regulations require anyone who holds a LPDES permit to monitor their discharges and report their average monthly discharges and maximum daily discharges to LDEQ in “Discharge Monitoring Reports” or “DMRs.” CWA § 308, 33 U.S.C. § 1318(a); La. Admin. Code tit. 33, pt. IX, § 2701.J-L.

26. The LPDES Program requires anyone who holds a LPDES permit to report within 24-hours “any noncompliance that may endanger health or the environment,” and provide a written report of such noncompliance within five days. La. Admin. Code tit. 33, pt. IX, § 2701.L.6. This regulation requires a permittee to report within 24-hours any violation of a maximum daily discharge limitation for a toxic or hazardous pollutant.

27. Section 505(a)(1) of the Clean Water Act provides that “any citizen may commence a civil action on his own behalf . . . against any person who is alleged to be in violation of (A) an effluent standard or limitation under this Act or (B) an order issued by . . . a State with respect to such standard or limitation. . . .” Clean Water Act § 505(a)(1), 33 U.S.C. § 1365(a)(1).

FACTS

28. At all times relevant to this suit, Defendant has held LPDES Permit No. LA0087327 to regulate the wastewater pollution from its facility through a point source (Outfall 001) directly into subsegment 070301 of the Mississippi River.

29. Pursuant to the Clean Water Act, the state has classified subsegment 070301 of the Mississippi River for primary and secondary contact recreation, propagation of fish and wildlife, and public drinking water supply.

30. LPDES Permit No. LA0087327 places limits on the amount of pollutants that Defendant can discharge from Outfall 001 into subsegment 070301 of the Mississippi River by setting effluent limits for ethylbenzene, biochemical oxygen demand, total suspended solids, and chemical oxygen demand as follows:

- daily maximum limit for ethylbenzene is 108ug/L
- monthly average limit for ethylbenzene is 32ug/L
- daily maximum limit for total suspended solids is 183mg/L
- monthly average limit for total suspended solids is 57mg/L
- daily maximum limit for biological oxygen demand is 120mg/L
- monthly average limit for biological oxygen demand is 45mg/L
- daily maximum limit for chemical oxygen demand is 300mg/L
- monthly average limit for chemical oxygen demand is 200mg/L

31. Defendant's Permit (Part III, Section A.2) states that Defendant has a duty to comply with all conditions of the Permit, and that noncompliance constitutes a violation of the Clean Water Act. *See also* 40 C.F.R. 122.41(a) (any permit noncompliance is grounds for enforcement action).

32. Ethylbenzene is a pollutant and a "toxic pollutant" according to § 502(6) of the Clean Water Act, 33 U.S.C. § 1362(13), and under La. Admin. Code tit. 33, pt. IX, § 1113.

33. Exposure to ethylbenzene can cause "death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions . . . in organisms or their offspring." 40

C.F.R. § 401.15. It has an odor that is similar to gasoline, and testing can detect its presence in water at concentrations as low as 0.3 and 0.14 ppm. EPA set the Maximum Contaminant Level for public drinking water systems at 700 ppb, and warns against consuming fish from water bodies containing more than 0.53 ppm of ethylbenzene. When people drink water that contains ethylbenzene at levels above the Maximum Contaminant Levels for short periods, they may experience drowsiness, fatigue, headache, and mild eye and respiratory irritation can occur. If people experience chronic exposure to ethylbenzene at high levels, the toxin may damage the liver, kidneys, eyes, and central nervous system. The half-life for ethylbenzene discharged into a “model stream” (a 1m deep river with a flow of 1m/s) is 1.1 hours. When discharged into a larger and slower moving water body such as a model lake, the half-life of ethylbenzene is nearly 100 hours. The acute toxicity of ethylbenzene to algae, aquatic invertebrates and fish is moderate.

34. Total suspended solids is a “pollutant” as defined by § 502(6) of the Clean Water Act, 33 U.S.C. § 1362(6).

35. High concentrations of total suspended solids in a river diminish water quality. Other pollutants and pathogens can adhere to total suspended solids and be transported to other areas downstream. Total suspended solids negatively affect water clarity. High levels of total suspended solids blocks light from reaching submerged vegetation, which slows down photosynthesis, thereby decreasing the amount of oxygen released by these plants into the environment. If light is completely blocked, then plants will stop producing oxygen and die. Decomposing plants use up even more oxygen. Low dissolved oxygen can kill marine life. Total suspended solids also cause surface water temperature to rise, since the suspended particles in the water absorb heat from sunlight. In sum, high levels of total suspended solids can reduce

the transmission of sun light, change the temperature of the water, contribute to the depletion of oxygen, and make river water murky, visually unpleasant, and ultimately unfit for certain life forms.

36. Biological oxygen demand is a “pollutant” as defined by § 502(6) of the Clean Water Act, 33 U.S.C. § 1362(6).

37. Biological oxygen demand is directly related to the amount of dissolved oxygen in rivers and streams. The greater the biological oxygen demand, the faster oxygen is depleted in the stream, so less oxygen is available. As previously discussed, low or no availability of oxygen will cause aquatic organisms to become stressed and die.

38. Chemical oxygen demand is a “pollutant” as defined by § 502(6) of the Clean Water Act, 33 U.S.C. § 1362(6).

39. Chemical oxygen demand measures the amount of organic compounds in water. When organic compounds are discharged into a river, bacteria begin to feed on the material and break it down. To digest the compounds and convert them to energy, however, requires that the bacteria use large amounts of dissolved oxygen that is present in the water. If the chemical oxygen demand levels are high, the amount of dissolved oxygen in the water will be reduced greatly and the health of aquatic organisms suffers. This process contributes to the “dead zone” that is observed at the mouth of the Mississippi River in the Gulf of Mexico.

40. The Discharge Monitoring Reports that Defendant has submitted to LDEQ reveal that Defendant has violated LPDES Permit No. LA0087327 effluent limitations for ethylbenzene, biochemical oxygen demand, total suspended solids, and chemical oxygen demand at Outfall 001 numerous times. LEAN lists these violations in Attachment A of this Complaint.

41. The reports that Defendant has submitted to LDEQ pursuant to La. Admin Code tit. 33, pt. IX, § 2706.L.6 (reporting requirements for illegal toxic pollutant discharges) reveal that Defendant has violated LPDES Permit No. LA0087327 effluent limitations for ethylbenzene at Outfall 001 numerous times. LEAN lists these violations in Attachment A of this Complaint.

42. When Defendant discharges more pollutants into the Mississippi River than its Permit allows, it violates § 301 of the Clean Water Act. 33 U.S.C. § 1311(a).

THE NEED FOR COURT ACTION

43. Defendant continues to violate the Clean Water Act. Defendant's Discharge Monitoring Reports and reports of illegal toxic pollutant discharges that it submits pursuant to La. Admin Code tit. 33, pt. IX, § 2706.L.6 show Defendant's pattern of effluent limitation exceedances has not diminished since LEAN sent its Notice to Defendant on July 23, 2009.

44. Without the issuance of injunctive relief and the assessment of civil penalties, Defendant will continue to discharge harmful pollutants into the Mississippi River in excess of quantities permitted by LDEQ and the Clean Water Act, thereby causing further injury to LEAN, its members, the public, and the environment.

45. The issuance of injunctive relief and the imposition of civil penalties are necessary to encourage Defendant to discontinue violating Permit No. LA0087327 now, deter it from violating the Permit in the future, and to redress the injuries already caused by its ongoing violations to the Permit.

46. Defendant's violations cause irreparable harm to LEAN. There is no adequate remedy at law for the irreparable injury caused to LEAN and its members.

CAUSE OF ACTION

47. The Mississippi River, including without limitation subsegment 070301 of the Mississippi River, is navigable water of the United States.

48. Outfall 001 is a point source.

49. Defendant's wastewater discharges identified in the paragraphs above are discharges from a point source into navigable waters of the United States within the meaning of § 301 of the Clean Water Act, which prohibits the discharge of any pollutant by any person except in compliance with a permit. 33 U.S.C. § 1311.

50. Defendant discharges pollutants from a point source into navigable waters of the United States without complying with the terms of a permit issued in compliance with the Clean Water Act and in violation of effluent standards and limitations.

51. The ethylbenzene, biochemical oxygen demand, total suspended solids, and chemical oxygen demand limits in Permit No. LA0087327 are "effluent standards or limitations" for purposes of § 505(a)(1) of the Clean Water Act because they are a condition of a permit issued under § 402 of the Act. 33 U.S.C. § 1365(f).

52. Each of Defendant's discharges that are in excess of effluent limitations set in Permit No. LA0087327 is actionable under § 505(a)(1) of the Clean Water Act. 33 U.S.C. § 1365(a)(1).

53. Since at least April 2008, Defendant has exceeded the daily maximum effluent limit for ethylbenzene at least 289 times, with concentrations as high as 54,000 ug/L, or 500 times the Permit limit; exceeded the daily maximum effluent limit for chemical oxygen demand at least 249 times, with concentrations as high as 79,000 ug/L, or more than 263 times the Permit limit; exceeded the daily maximum effluent limit for total suspended solids at least 237 times the

Permit, with concentrations as high as 17,600 ug/L, or 96 times the Permit limit; and exceeded the daily maximum effluent limit for biological oxygen demand at least 235 times, with concentrations as high as 34,600 ug/L, or more than 288 times the Permit limit.

54. Defendant also violates the average monthly effluent limitations set in Permit No. LA0087327, and by doing so, Defendant violates the Clean Water Act each day that month.

55. On information and belief, Defendant continues to violate the Clean Water Act by discharging into the Mississippi River ethylbenzene, biochemical oxygen demand, total suspended solids, and chemical oxygen demand from Outfall 001 in amounts that exceed the effluent limitations set in Permit No. LA0087327, and Defendant will continue its violations until enjoined by this Court.

56. Pursuant to § 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), Defendant is liability for civil penalties of up to \$37,500 per day of violation for its violations of ethylbenzene, biochemical oxygen demand, total suspended solids, and chemical oxygen demand effluent limits set in Permit No. LA0087327.

PRAYER FOR RELIEF

WHEREFORE, LEAN prays that the Court award the following relief:

A. Declare that Defendant is in violation of the Clean Water Act and Permit No. LA0087327.

B. Enjoin Defendant from discharging pollutants from its facility into the Mississippi River unless authorized by Permit No. LA0087327.

C. Order Defendant to pay civil penalties of up to \$37,500 per day per violation for each violation of the Act pursuant to Clean Water Act § 309(d), 33 U.S.C. 1319(d); 40 C.F.R. § 122.41(a)(2); 40 C.F.R. § 19.4.

D. Award LEAN's costs including attorney fees and expert witness fees, and reasonable litigation expenses incurred in this case.

E. Award any other relief as this Court may deem appropriate.

Respectfully submitted this 19th day of November, 2009,

/s/ Corinne Van Dalen

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Date Sampled	COD	TSS	BODs	Ethylbenzene
Mothly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
4/29/2005	866	244	105	
5/25/2005	532	92		
6/29/2005	249			
7/28/2005	297			
10/26/2005	377	68		
11/30/2005	589			
5/31/2006				56.7
8/31/2006		72		52.6
10/30/2006				
12/29/2006	510		184	46.5
8/29/2007				104
11/16/2007	356			
1/31/2008	412			
2/29/2008	284		155	85.7
4/10/2008	1140	220	599	173
4/11/2008	2060	408	708	280
4/17/2008	1790	276	134	293
4/21/2008	4000	818	1050	128
4/23/2008	4670	650		528
4/25/2008	1890	269	261	140
4/26/2008	3460	872	928	138
4/28/2008	1130	292	303	
4/29/2008	4110	800	785	
4/30/2008	1420	234	353	
5/1/2008	1090		187	
5/2/2008	2220	653	753	132
5/3/2008	1850	383	637	123
5/5/2008	818		231	
5/6/2008	1090	221	263	
5/7/2008	1670	252	353	
5/8/2008	1650	810	307	117
5/9/2008	1310	1600	231	
5/10/2008	1290	485	274	

Date Sampled	COD	TSS	BODs	Ethylbenzene
Mothly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
5/20/2008	1510	350	166	
5/22/2008	2520		207	208
5/23/2008	932	926		843
5/23/2008	744	616		396
5/29/2008	922		174	
6/3/2008	1470			
6/6/2008	1650	247	183	
6/9/2008	9610	498		587
6/10/2008	7720	328		320
6/12/2008	5470	406	1940	
6/13/2008	2610	312	806	
6/15/2008	1930	700	506	119
6/16/2008	825	302	351	
6/17/2008	1420	220	581	
6/20/2008	1500		329	
6/23/2008	2590	2400	510	350
6/25/2008	1720	372	133	
6/26/2008	959	260	245	
6/27/2008	575		136	
6/29/2008	1810	3760	199	1960
6/30/2008	380	192		
7/1/2008	1400	484		
7/3/2008	4000	3980	374	
7/7/2008	666	208		
7/9/2008	2810	760	300	381
7/10/2008	9440	4750	738	11600
7/11/2008	3800	1070	512	147
7/18/2008	1050	336	170	
7/22/2008	1790	560		300
7/25/2008	3730	747	695	4180
7/29/2008	3740	5050	303	9150
7/30/2008	3740	1510	653	6040
8/3/2008	2590	567	828	5170
8/4/2008	1850	388	519	1570
8/5/2008	4830	1170	1360	3360
8/7/2008	1500	453	123	
8/8/2008	3030	860	434	648

Date Sampled	COD	TSS	BODs	Ethylbenzene
Mothly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
8/15/2008	2030	620	189	167
8/18/2008	6980	413	1110	
8/19/2008	4150	760	814	743
8/20/2008	2300	493	254	244
8/22/2008	1520	320	126	134
8/24/2008	1490	380	87	1890
8/25/2008	2330	787	391	2010
8/27/2008	3240	960	323	197
8/28/2008	3790	767	203	16000
8/28/2008	3020	680	515	3730
9/5/2008	1350	484	359	27500
9/6/2008	662		208	296
9/8/2008	542		128	
9/10/2008	1140	208	205	
9/11/2008	3240	600	500	2360
9/13/2008	3060	500	515	9490
9/16/2008	1990	444	480	5030
9/17/2008	2030	440	472	1790
9/18/2008	4030	1170	780	29500
9/19/2008	2900	600	477	13500
9/22/2008	1760	490	216	
9/22/2008	3190	665	701	5950
9/23/2008	1980	325	677	1740
9/24/2008	583	390	603	1420
9/25/2008	2740	560	617	6010
9/26/2008	1840	408	465	1270
9/28/2008	1730	425	468	13600
9/28/2008	1730	555	578	3700
9/30/2008	1220	254	203	1150
10/1/2008	1860	325	572	3050
10/3/2008	1610	508	518	2580
10/3/2008	2705	448	771	3761
10/8/2008	2730	540	677	8060
10/9/2008	1550	408	355	3030
10/14/2008	1110	270		
10/20/2008	1410	456	124	733
10/21/2008	1830	452	318	6770

Date Sampled	COD	TSS	BODs	Ethylbenzene
Mothly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
10/28/2008	5190	725	2060	7780
10/31/2008	5300	484	2030	8960
11/2/2008	25900	4600	12700	54500
11/5/2008	11700	2050	9180	21200
11/6/2008	27500	1120	1880	3950
11/7/2008	79000	17600	34600	52300
11/11/2008	47000	6350	23600	13700
11/12/2008	20600	2590	9500	17900
11/14/2008	3950	1170	1190	4230
11/17/2008	2920	238	1100	3550
11/20/2008	5500	1750	770	3920
11/23/2008	5480	1350	1110	6890
11/24/2008	4500	1120	763	4340
11/26/2008	5660	1810	573	8200
12/1/2008	25900	1350	970	7850
12/2/2008	11700	520	224	2100
12/3/2008	27500	433	590	1900
12/4/2008	79000		548	4210
12/5/2008	47000	980	433	2820
12/8/2008	20600	833	365	3820
12/9/2008	2810	740	407	3030
12/12/2008	1640	340	287	2310
12/14/2008	2770	620	492	6700
12/15/2008	4410	1110	600	6030
12/17/2008	2250	607	322	7840
12/19/2008	1880	500	179	1660
12/21/2008	2710	515	558	4930
12/22/2008	2380	525	305	4770
12/24/2008	3120	700	585	11500
12/26/2008	3410	1530	635	9530
12/29/2008	2920	1040	146	2830
12/31/2008	1630	390	346	5420
1/2/2009	3140	685	419	8940
1/4/2009	2200	765	124	5140
1/5/2009	1940	705	190	821
1/5/2009	1640	430	226	2880
1/6/2009	1220	400	122	445

Date Sampled	COD	TSS	BODs	Ethylbenzene
Mothly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
1/9/2009	1450	420	148	
1/12/2009	1990	536	256	5550
1/13/2009	1070	253		1990
1/14/2009	1720	385	291	2090
1/16/2009	1810	420	273	5950
1/16/2009	3480	873	450	1830
1/18/2009	2860	627	463	9110
1/21/2009	3630	953	794	18400
1/23/2009	4230	950	905	8170
1/25/2009	5300	1700	414	11200
1/26/2009	6600	1100	1790	4990
1/28/2009	6100	1300	1340	8620
1/29/2009	7300	2100	1430	17600
1/30/2009	6000	1700	1100	14800
2/1/2009	5100	1200	1080	9360
2/2/2009	4500	720	960	3370
2/4/2009	3700	520	608	1610
2/4/2009	3100	510	184	891
2/5/2009	1600	270	315	383
2/5/2009	4400	600	1360	573
2/6/2009	5700	530	1740	557
2/8/2009	12000	750	1959	896
2/9/2009	9200	1400	1580	917
2/9/2009	12000	3000	2930	5570
2/11/2009	5300	1200	921	266
2/13/2009	7000	1200	1090	519
2/13/2009	8300	1700	1540	709
2/14/2009	8000	1000	1370	2130
2/16/2009	4800	1300	663	146
2/17/2009	4900	1200	619	147
2/18/2009	6200	950	503	655
2/19/2009	9900	550	2820	712
2/20/2009	10000	770	2740	723
2/25/2009	7900	690	1400	1400
2/26/2009	6700	750	978	631
2/28/2009	8300	1400	633	475
3/3/2009	7600	1500	396	341

Date Sampled	COD	TSS	BODs	Ethylbenzene
Mothly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
3/10/2009	8800	1500	900	2480
3/16/2009	3800	900	222	203
3/17/2009	2500	520		148
3/18/2009	1800	430	188	257
3/20/2009	2700	700	199	245
3/24/2009	4600	300	249	220
3/25/2009	2900	300	333	1950
3/27/2009	1300	620		687
4/13/2009				126
4/15/2009				198
4/16/2009				191
4/17/2009				916
4/22/2009				442
4/23/2009				520
4/24/2009				513
4/27/2009				1330
4/29/2009				1010
5/1/2009				389
5/4/2009				11000
5/6/2009				13000
5/7/2009				10600
5/8/2009				1780
5/11/2009				5470
5/13/2009				2980
5/15/2009				3000
5/16/2009				1170
5/18/2009				2440
5/19/2009				1180
5/19/2009				1540
5/21/2009				1470
5/21/2009				1270
5/22/2009				687
5/24/2009				664
5/26/2009				112
5/26/2009				566
5/28/2009				175
5/29/2009				276

Date Sampled	COD	TSS	BODs	Ethylbenzene
Mothly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
6/4/2009				1020
6/5/2009				2680
6/7/2009				1880
6/8/2009				3320
6/9/2009				2170
6/10/2009				3570
6/11/2009				2900
6/12/2009				1930
6/12/2009				3930
6/17/2009				6740
6/18/2009				3820
6/19/2009				961
6/22/2009				1370
6/23/2009				2400
6/24/2009				3200
6/25/2009				1370
6/26/2009				1480
6/27/2009				161
6/29/2009				255
6/30/2009				263
6/30/2009				236
7/1/2009				463
7/2/2009				386
7/2/2009				813
7/6/2009				1880
7/7/2009				3950
7/8/2009				4120
7/9/2009				5160
7/10/2009				5000
7/13/2009				8420
7/14/2009				11400
7/16/2009				4920
7/16/2009				3190
7/17/2009				4390
7/20/2009				4910
7/22/2009				3570
7/22/2009				3020

Date Sampled	COD	TSS	BODs	Ethylbenzene
Mothly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
7/27/2009				3750
7/27/2009				3220
7/28/2009				3180
7/29/2009				3120
7/30/2009				4710
7/31/2009				3110
8/4/2009				2270
8/5/2009				1980
8/7/2009				1990
8/10/2009				2730
8/10/2009				1000
8/11/2009				1030
8/11/2009				972
8/13/2009				1120
8/13/2009				1230
8/14/2009				1150
8/14/2009				913
8/16/2009				1180
8/16/2009				1150
8/17/2009				643
8/18/2009				947
8/19/2009				1570
8/21/2009				2790
8/24/2009				1410
8/25/2009				1020
8/26/2009				1610
8/28/2009				1180
8/28/2009				1260
8/31/2009				1430
9/2/2009				1320
9/3/2009				926
9/4/2009				1090
9/5/2009				906
9/8/2009				811
9/9/2009				982
9/9/2009				745
9/10/2009				899
9/11/2009				1030

Date Sampled	COD	TSS	BODs	Ethylbenzene
Monthly Avg.	200mg/L	57mg/L	45mg/L	32ug/L
Daily Max	300mg/L	183mg/L	120mg/L	108ug/L
9/13/2009				830
9/13/2009				881
9/14/2009				342
9/14/2009				284
9/15/2009				673
9/17/2009				1400
9/18/2009				1410
9/21/2009				1510
9/21/2009				2860
9/22/2009				1560
9/23/2009				2660
9/23/2009				1370
9/24/2009				1530
9/25/2009				2470
9/30/3009				3210
10/1/2009				1550
10/5/2009				997
10/5/2009				1640
10/6/2009				1620
10/7/2009				1430
10/7/1009				722
10/8/2009				898
10/9/1009				984