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Grimmer vetoes sewer exceptions

By Alice Dowty

LIVINGSTON - Parish President Mike Grimmer has vetoed an ordinance that would have allowed sewer effluent from homes in subdivisions with up to 125 large lots to drain into open ditches.

Councilmen voted 5-3 to adopt the ordinance allowing backyard sewage treatment tanks to substitute for a community treatment system in subdivisions with 31 to 125 lots, each lot being at least one acre.

Subdivisions with fewer than 31 lots are already exempted from having a community sewer treatment plant.

"It was an attempt to help developers get around the need for a discharge permit," said Councilman Marshall Harris. "Permits are harder to get when a developer wants his effluent to drain into a stream that's been classified as polluted. But backyard tanks can slip under the radar."

State authorities can monitor effluent from subdivision treatment plants, but backyard tanks are not checked, Harris said.

Eventually raw sewerage will be discharged from home systems that are not property maintained, Harris said.

"And it might drain into the subdivision's detention pond," Harris said. "It has to drain off somewhere."

Harris, Cindy Wale and Albert "Buddy" Mincey voted against Ordinance 09-34 on Jan. 14. Randy Rushing was absent.

Mincey said he thought that adopting the ordinance would mean "we're going backwards."

People buying homes in a subdivision without a sewer system would regret their decision in 10 years, Mincey said.

In his veto message, Grimmer said Ordinance 09-34 violated three provisions of state law.

Such an exemption (for allowing effluent to drain into open ditches from one-acre lots in subdivisions with up to 125 lots) cannot be granted without state approval of "a comprehensive drainage plan and restrictive

covenants for perpetual maintenance of drainage," according to Grimmer's veto.

The state also requires minimum lot width at the road of 125 feet, and the ordinance specifies a minimum of 100 feet, according to the veto.

Although the ordinance specifies that its sewer exemption applies to lots of at least one acre, "it has no provisions for a development or subdivision having 31 or more lots with less than an acre," according to the veto.

Grimmer also addressed "items of concern on the parish level."

The Department of Environmental Quality has already restricted discharge into miles of Livingston Parish waterways due to pollution.

Poorly maintained backyard sewer tanks in areas with no centralized sewer system contribute to the pollution problem, according to DEQ.

"Additional individual treatment will increase impairment of these streams and contribute to impairing additional streams," according to the veto. "These impairments could result in no discharges being allowed to the streams in the future."

Effluent standards are harder to meet when the receiving stream is impaired. Subdivisions south of Denham Springs discharging effluent into Gray's Creek (an impaired stream) were faced with the prospect of making very expensive improvements to their treatment plants.

The City of Denham Springs made re-building subdivision plants unnecessary by constructing an \$18.8 million, state of the art treatment plant with enough capacity to treat sewage from these subdivisions.

Grimmer has a policy of making loan and grant applications to finance centralized sewer treatment plants that replace backyard tanks.

Councilman Thomas Watson, who backed Ordinance 09-34, has questioned Grimmer's utility policies because parish systems are not generating sufficient revenue.

"Are we going down the right road?" Watson asked at the January 11 Finance Committee meeting.

"No," said Don Wheat, now council chairman.

Wheat said that investing more money in parish utilities was like putting money "into a sinking boat."

"If we decide we don't want to go down this road, we will need an exit strategy," Watson said.

Ordinance 09-34 was introduced on Dec. 10, 2009, and adopted Jan. 14.