

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**ST. LANDRY PARISH SOLID WASTE
DISPOSAL DISTRICT**

AI # 19220

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.**

* **Settlement Tracking No.**
* **SA-MM-23-0057**
*
*
* **Enforcement Tracking Nos.**
* **MM-PP-19-00250**
* **SE-CN-20-00311**
*
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*
*
*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between St. Landry Parish Solid Waste Disposal District (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a governmental entity that owns and/or operates a landfill located in Washington, St. Landry Parish, Louisiana (“the Facility”).

II

On September 13, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. MM-PP-19-00250 (Exhibit 1).

On August 25, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-20-00311(Exhibit 2).

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of SIX THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$6,200.00), of which One Thousand Eight Hundred Sixty and 36/100 Dollars (\$1,860.36) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), the Notice of Potential Penalty, Consolidated Compliance Order & Notice of Potential Penalty and this Settlement Agreement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This Settlement Agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such

review as may be required for interpretation of this Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and Settlement Agreement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Landry Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental

Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement Agreement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

**ST. LANDRY PARISH SOLID WASTE
DISPOSAL DISTRICT**

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Roger W. Gingles, Secretary

BY: _____
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved:  _____
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 13, 2019



CERTIFIED MAIL 7018 0360 0001 5039 0119
RETURN RECEIPT REQUESTED

ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT
c/o Bill Fontenot Jr, President
417 Solid Waste Rd
Washington, LA 70589

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-PP-19-00250
AGENCY INTEREST NO. 19220**

Dear Sir:

On or about December 4, 2018, an inspection of **ST. LANDRY PARISH SANITRAY LANDFILL**, a type II/III landfill, owned and/or operated by **ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste and Water Quality Regulations. The facility is located at 417 Solid Waste Rd in Washington, St. Landry Parish, Louisiana. The facility is permitted under Solid Waste Permit No. P-0043-R2. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0066176 on or about April 23, 2010, with an effective date of June 1, 2010, and expiration date of April 30, 2015. LPDES permit LA0066176 was modified and reissued on or about April 21, 2011, with an effective date of June 1, 2011 and an expiration date of April 30, 2015. The Respondent submitted a permit renewal application on or about January 7, 2015, and LPDES Permit LA0066176 was administratively continued until it was reissued on June 7, 2016, with an effective date of July 1, 2016. The Respondent submitted a permit modification application on December 21, 2018. LPDES Permit LA0066176 was modified effective September 1, 2019, and will expire on June 30, 2021. Under the terms and conditions of LPDES Permit LA0066176, the Respondent is permitted to discharge treated leachate, treated sanitary wastewater, treated washwater and non-contact stormwater into an unnamed ditch, thence into Bayou Boeuf, all waters of the state.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to prevent the migration of leachate outside the facility, as specified in Part III Section 9.3 of the approved Solid Waste Permit Application, in

St. Landry Parish Solid Waste Disposal District

SE-PP-19-00250

Page 2

- violation of Standard Permit P-0043-R2 Conditions 1 and 2, LAC 33.VII.711.B.4.e, and LAC 33.VII.901.A. Specifically, leachate was observed to be co-mingling with non-contact stormwater and flowing outside the facility on the North Side of Cell #1 and draining to Outfall 002, an unlined ditch outside of the permitted landfill. On or about April 1, 2019, the Respondent submitted a response to the Warning Letter MM-L-19-00250 detailing how the leachate breakouts had been repaired, along with photo evidence.
- B. The Respondent failed to maintain the interim cover, as specified in Part II Attachment 32 of the approved Solid Waste Permit Application, in violation of Standard Permit P-0043-R2 Conditions 1 and 2, LAC 33.VII.711.B.2.f, and LAC 33.VII.901.A. Specifically, Cell #2 was observed to have areas of erosion with exposed waste. Additionally, a berm which was constructed to convey contact stormwater was observed to be breached due to erosion. A leachate seep was observed to be channeling through this erosion channel and going to areas of interim compacted cover. On or about April 1, 2019, the Respondent submitted a response to the Warning Letter MM-L-19-00250 detailing how the erosion areas had been repaired, along with photo evidence.
 - C. The Respondent caused and/or allowed the discharge of non-contact stormwater from an unpermitted outfall. The unpermitted outfall is located on the south side of the facility and the discharge is to local drainage thence to Bayou Boeuf. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D) The Department received an LPDES permit modification application on December 21, 2018, to include the additional non-contact storm water discharge. LPDES Permit LA0066176 was modified effective September 1, 2019.
 - D. The Respondent caused and/or allowed the discharge of pollutants. Specifically, leachate was noted coming out of the ground on the north side of the facility and draining into the discharge area for Outfall 002 (non-contact storm water) resulting in an unauthorized discharge. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D) The Department received correspondence from the Respondent dated April 1, 2019, that included corrective actions taken by the Respondent to address the leachate discharge.
 - E. The Respondent failed to comply with LPDES permit LA0066176. Specifically, between September 2018 and March 2019, the Respondent reported exceedances of permit effluent limitations. *{See Table I}* (LA0066176 (Effluent Limitations and Monitoring Requirements, pages 1 – 4 of 6 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)
 - F. A file review conducted by the Department on August 9, 2019, revealed that the Respondent failed to timely reapply for a permit 180 days before the expiration date of the permit. Specifically, LPDES permit LA0066176 expired on April 30, 2015. The Department received a permit renewal application on January 7, 2015. (LPDES permit LA0066176 (Standard Conditions, Section A.2 & A.5.a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2501.D)

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

St. Landry Parish Solid Waste Disposal District

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Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Sydnie Sacco at 225-219-1423 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

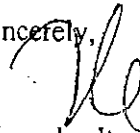
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde

Assistant Secretary

Office of Environmental Compliance

LI/sms/

Alt ID No.

c: ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT
c/o Velton Stelly
Agent for Service of Process
417 Solid Waste Rd
Washington, LA 70589

St. Landry Parish Solid Waste Commission- St. Landry Parish Sanitary Landfill-LA0066176

| NPDES Date | Outlet | Parameter | Limit | DMR Value | Units |
|------------|--------|---|-------|-----------|---------|
| 11/30/2018 | 001-A | Nitrogen, ammonia total [as N] -- MO AVG | 4.9 | 8.43 | mg/L |
| 11/30/2018 | 001-A | Coliform, fecal general --- MOAV GEO | 200 | 261 | #/100mL |
| 12/31/2018 | 001-Q | Priority pollutants scan [yes/no] --- MINIMUM | 1 | 0 | N=0,Y=1 |
| 03/31/2019 | 001-A | Nitrogen, ammonia total [as N] --- MO AVG | 4.9 | 34.3 | mg/L |
| 03/31/2019 | 001-A | Nitrogen, ammonia total [as N] --- DAILY MX | 10 | 34.3 | mg/L |
| 03/31/2019 | 001-A | Coliform, fecal general -- MOAV GEO | 200 | >2410 | #/100mL |
| 03/31/2019 | 001-A | Coliform, fecal general --- DAILY MX | 400 | >2410 | #/100mL |
| 03/31/2019 | 001-Q | Priority pollutants scan [yes/no] --- MINIMUM | 1 | 0 | N=0,Y=1 |

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

ENFORCEMENT DIVISION

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)**



| | | | |
|--------------------------|---|--------------------|-------------------------------------|
| Enforcement Tracking No. | MM-P-19-00250 | Contact Name | Sydnie Sacco |
| Agency Interest (AI) No. | 19220 | Contact Phone No. | 225-219-1423 |
| Alternate ID No. | | | |
| Respondent: | St. Landry Parish Solid Waste Disposal District | Facility Name: | St. Landry Parish Sanitary Landfill |
| | c/o Velton Stelly | Physical Location: | 417 Solid Waste Rd |
| | Agent for Service of Process | | |
| | 417 Solid Waste Rd Washington, LA 70589 | City, State, Zip: | Washington, LA 70589 |
| | Parish: | St. Landry | |

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

| | |
|--------------------------|---|
| <input type="checkbox"/> | The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY («Tracking_»), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY («Tracking_»), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. |
| <input type="checkbox"/> | The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY («Tracking_») and has attached a justification of its offer and a description of any BEPs if included in settlement offer. |

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

| | | |
|--------------------------------------|----------------------------------|---------------------------|
| | | |
| Respondent's Signature | Respondent's Printed Name | Respondent's Title |
| | | |
| Respondent's Physical Address | Respondent's Phone # | Date |

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Sydnie Sacco

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

AUG 25 2020



CERTIFIED MAIL (7003 2260 0000 5825 2895)
RETURN RECEIPT REQUESTED

ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT
c/o Gardie McManus, Chairman
417 Solid Waste Rd.
Washington, LA 70589

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-20-00311
AGENCY INTEREST NO. 19220**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on the **ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Kelly O'Neal at (225) 219-3932.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. P-0043-R2-M3
Attachment

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

| | | |
|--|---|---------------------------------|
| IN THE MATTER OF | * | |
| | * | |
| ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT ST. LANDRY PARISH ALT ID NO. P-0043-R2-M3 | * | ENFORCEMENT TRACKING NO. |
| | * | SE-CN-20-00311 |
| | * | |
| PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ. | * | AGENCY INTEREST NO. |
| | * | 19220 |
| | * | |

**CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to the **ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type II/III landfill known as the St. Landry Parish Solid Waste Disposal Facility located at 417 Solid Waste Road in Washington, St. Landry Parish, Louisiana. The facility is permitted under Solid Waste Permit No. P-0043-R2-M3.

II.

The Department issued **WARNING LETTER SE-L-20-00311** on or about April 27, 2020, for violations discovered during an inspection conducted on or about March 12, 2020. A response to the Warning Letter was submitted by the Respondent on or about May 4, 2020.

III.

On or about March 12, 2020, the Department conducted an inspection of the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to maintain the interim cover, as specified in Volume III, Attachment 32 of the approved Solid Waste Permit Application, in violation of Standard Permit P-0043-R2-M3 Conditions 1 and 2, LAC 33:VII.711.B.2.f, and LAC 33.VII.901.A. Specifically, areas of erosion channels, exposed waste, and leachate were observed on the south facing slope of cell 13, and the south and east facing slopes of cells 14 and 15. Additionally, two (2) additional areas of exposed waste were observed in or near cell 8 located toward the northern end of cells 14 and 15. One (1) of the areas was approximately 30' long, 4' high, and 6' wide. According to a representative of the Respondent, the waste was exposed when a ditch was dug to help divert stormwater runoff. The second area was located east of the first area and was approximately 50' by 50'. Photographs submitted via email on March 18, 2020, March 30, 2020, and May 6, 2020, show the Respondent began adding cover to the areas of erosion and exposed waste and repairing the leachate seeps. According to a response and photographs submitted by the Respondent on or about May 4, 2020, the areas of erosion, exposed waste, and leachate breakouts in cells 13, 14 and 15 have been repaired.
- B. The Respondent failed to ensure leachate discharges into the oxidation pond via lines in the leachate collection system, in accordance with Volume III, Attachment 35, Section 9.3 of the approved Solid Waste Permit Application, in violation of Conditions 1 and 2 of Standard Permit P-0043-R2-M3, and LAC 33:VII.901.A. Specifically, leachate seeps were observed downhill from the areas lacking cover in cells 13, 14 and 15. Leachate was actively flowing from the seeps, downhill, along a berm and into the contact stormwater retention area. The retention area is routinely pumped out via pipe to the oxidation pond; however, the contact stormwater retention area is not part of the leachate collection system as described in the approved permit application.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations and Standard Permit P-0043-R2-M3.

II.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, applying cover material sufficient to control leachate generation by minimizing external-moisture infiltration and minimizing erosion, in accordance with LAC 33:VII.711.B.2.a.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure leachate is discharged as described in Attachment 35 of the approved Solid Waste Permit Application.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Kelly O'Neal
Re: Enforcement Tracking No. SE-CN-20-00311
Agency Interest No. 19220

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. SE-CN-20-00311
Agency Interest No. 19220

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on

August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kelly O'Neal at (225) 219-3932 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 20th day of August, 2020.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Kelly O'Neal

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



| | | | |
|--------------------------|---|--------------------|---|
| Enforcement Tracking No. | SE-CN-20-00311 | Contact Name | Kelly O'Neal |
| Agency Interest (AI) No. | 19220 | Contact Phone No. | (225) 219-3932 |
| Alternate ID No. | P-0043-R2-M3 | | |
| Respondent: | ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT | Facility Name: | St. Landry Parish Solid Waste Disposal Facility |
| | c/o Gardie McManus, Chairman | Physical Location: | 417 Solid Waste Rd. |
| | 417 Solid Waste Rd. | | |
| | Washington, LA 70589 | City, State, Zip: | Washington, LA 70589 |
| | | Parish: | ST. LANDRY |

STATEMENT OF COMPLIANCE

| STATEMENT OF COMPLIANCE | Date Completed | Copy Attached? |
|--|----------------|----------------|
| A written report was submitted in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER. | | |
| All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of: | | |

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

- The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-20-00311), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-20-00311)the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.
 - Monetary component = \$ _____
 - Beneficial Environmental Project (BEP)component (optional)= \$ _____
 - **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.**
- The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-CN-20-00311) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

| | | |
|---|----------------------------------|---------------------------|
| | | |
| Respondent's Signature | Respondent's Printed Name | Respondent's Title |
| | | |
| Respondent's Physical Address | Respondent's Phone # | Date |
| MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW: | | |
| Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Kelly O'Neal | | |

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

| | | NATURE AND GRAVITY OF THE VIOLATION | | |
|--|----------|-------------------------------------|----------------------------|----------------------------|
| | | MAJOR | MODERATE | MINOR |
| DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY | MAJOR | \$32,500 to \$20,000 | \$20,000 to \$15,000 | \$15,000 to \$11,000 |
| | MODERATE | \$11,000 to \$8,000 | \$8,000 to \$5,000 | \$5,000 to \$3,000 |
| | MINOR | \$3,000 to \$1,500 | \$1,500 to \$500 | \$500 to \$100 |

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation, and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times (\text{Penalty Event Maximum} - \text{Penalty Event Minimum}))$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

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|---|---|
| Settlement Offers | searchable in EDMS using the following filters Media Air Quality, Function Enforcement, Description Settlement |
| Settlement Agreements | Enforcement Division's website specific examples can be provided upon request |
| Penalty Determination Method | LAC 331 Chapter 7 |
| Beneficial Environmental Projects | LAC 331 Chapter 25 EACs |
| Judicial Interest..... | provided by the Louisiana State Bar Association |

