

**PUBLIC NOTICE**  
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY (LDEQ)**  
**GORDON'S DISPOSAL, LLC**  
**GORDON DOERLE TYPE III CONSTRUCTION AND DEMOLITION DEBRIS/WOOD WASTE**  
**LANDFILL**  
**AND SEPARATION FACILITY**

**PUBLIC HEARING AND REQUEST FOR PUBLIC COMMENT**

**ON A TECHNICALLY COMPLETE TYPE III SOLID WASTE PERMIT RENEWAL APPLICATION &  
THE ASSOCIATED ENVIRONMENTAL ASSESSMENT STATEMENT (EAS)**

The LDEQ, Office of Environmental Services, will conduct a public hearing to receive comments on a technically complete Type III solid waste permit renewal application and the associated Environmental Assessment Statement (EAS) for Gordon's Disposal, LLC, 614 Coteau Road, New Iberia, Louisiana 70560 for the Construction and Demolition Debris/Wood Waste Landfill and the Separation Facility. **The facility is located in both Iberia and St. Martin Parishes. The front gate of the facility is located at 614 Coteau Road, New Iberia, Iberia Parish, approximately 0.3 miles northwest of Burke along LA Highway 182 in St. Martin and Iberia Parishes.**

**The hearing will be held on Thursday, August 2, 2007, beginning at 6:00 p.m., at the Iberia Parish Courthouse, Courtroom A, 2<sup>nd</sup> Floor, 300 Iberia Street, Suite, 210, New Iberia, LA 70560.** During the hearing all interested persons will have an opportunity to comment on the technically complete Type III solid waste permit renewal application and the associated EAS.

Gordon's Disposal, LLC requested to renew their solid waste permit for the Construction and Demolition Debris / Wood Waste Landfill and the Separation Facility. Gordon's Disposal, LLC is an existing facility that is permitted to dispose of construction and demolition debris, woodwaste, and yard trash. The function of the Separation Facility is to provide an area to separate recyclables and other unacceptable materials from being placed in the landfill.

All interested persons will be afforded the opportunity to comment on the proposed technically complete solid waste permit renewal application and the associated EAS.

The EAS submitted by the applicant addresses avoidance of potential and real environmental effects, balancing of social and economic benefits against environmental impact costs, and alternative sites, projects, and mitigative measures.

Written comments or written requests for notification of the final permit decision regarding this permitting action may also be submitted to Ms. Soumaya Ghosn at LDEQ, Public Participation Group, P.O. Box 4313, Baton Rouge, LA 70821-4313. **Written comments and/or written requests for notification must be received by 12:30 p.m., Tuesday, September 4, 2007.** Written comments will be considered prior to a final permit decision.

LDEQ will send notification of the final permit decision to the applicant and to each person who has submitted written comments or a written request for notification of the final decision.

The technically complete Type III solid waste permit renewal application and the associated Environmental Assessment Statement (EAS) are available for review at the LDEQ, Public Records Center, Room 127, 602 North 5<sup>th</sup>

Street, Baton Rouge, LA. Viewing hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday (except holidays). **The available information can also be accessed electronically on the Electronic Document Management System (EDMS) on the DEQ public website at [www.deq.louisiana.gov](http://www.deq.louisiana.gov).**

Additional copies may be reviewed at the Iberia Parish Library, Coteau Branch, 6308 Coteau Park, New Iberia, LA 70560, Saint Martin Parish Library, Headquarters, 201 Porter Street, Saint Martinville, LA, 70582, St. Martin Parish Government, 301 West Port Street, St. Martinville, LA, Iberia Parish Council, 300 Iberia Street, Suite 410, New Iberia, LA and LDEQ Acadiana Regional Office, 111 New Center Drive, Lafayette, LA.,

Individuals with a disability, who need an accommodation in order to participate in the public hearings, should contact Laura Ambeau at the above address or by phone at (225) 219-3277.

Inquiries or requests for additional information regarding this permit action should be directed to Curt A. Auzenne, LDEQ, Waste Permits Division, P.O. Box 4313, Baton Rouge, LA 70821-4313, phone (225) 219-3060.

Persons wishing to be included on the LDEQ permit public notice mailing list or for other public participation related questions should contact the Public Participation Group in writing at LDEQ, P.O. Box 4313, Baton Rouge, LA 70821-4313, by email at [deqmaillistrequest@la.gov](mailto:deqmaillistrequest@la.gov) or contact the LDEQ Customer Service Center at (225) 219-LDEQ (219-5337).

**Permit public notices including electronic access to general information from the technically complete solid waste permit renewal application** can be viewed at the LDEQ permits public notice webpage at [www.deq.louisiana.gov/apps/pubNotice/default.asp](http://www.deq.louisiana.gov/apps/pubNotice/default.asp) and general information related to the public participation in permitting activities can be viewed at [www.deq.louisiana.gov/portal/tabid/2198/Default.aspx](http://www.deq.louisiana.gov/portal/tabid/2198/Default.aspx).

Alternatively, individuals may elect to receive the permit public notices via email by subscribing to the LDEQ permits public notice List Server at [www.doa.louisiana.gov/oes/listservpage/ldeq\\_pn\\_listserv.htm](http://www.doa.louisiana.gov/oes/listservpage/ldeq_pn_listserv.htm)

**All correspondence should specify AI Number 30245, Permit Number P-0287, and Activity Number PER20040001.**

Scheduled Publication Date: July 11, 2007 in The Advocate and The Teche News  
July 12, 2007 in The Daily Iberian.



# DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

JUL 03 2007

MIKE D. McDANIEL, Ph.D.  
SECRETARY

**CERTIFIED MAIL 7003 2260 0005 9323 1508**  
**RETURN SERVICE REQUESTED**

Mr. Gordon Doerle  
Gordon's Disposal, L.L.C.  
614 Coteau Road  
New Iberia, Louisiana 70560

RE: Notice of Technical Completeness  
Gordon's Disposal, L.L.C.  
Type III Construction and Demolition Debris Landfill and Separation Facility  
AI # 30245/D-099-6708/P-0287/ PER20040001  
St. Martin Parish

Dear Mr. Doerle:

The Waste Permits Division is in receipt of the final copies of your submittal dated May 23, 2007. After review of this submittal, it has been determined that your permit renewal is technically complete and ready for public review.

The Environmental Assistance Division will distribute copies of your application for public review and place public notices in the appropriate newspapers in accordance with LAC 33:VII.513.F.3. Please contact Ms. Soumaya Ghosn at (225) 219-3276 for the date of publication and the dates for the comment period. At the conclusion of the comment period, the Waste Permits Division will consider all comments and a decision will be made regarding your application.

Please reference Agency Interest Number 30245, Permit Number P-0287, Permit Activity Number PER20040001 and Site Identification Number D-099-6708 on all future correspondence pertaining to this facility. If you have any questions concerning this matter, please contact Mr. Curt A. Auzenne of the Waste Permits Division at (225) 219-3060.

Sincerely,

Bijan Sharafkhani, P.E.  
Administrator  
Waste Permits Division

ca

c: Acadiana Regional Office

**ENVIRONMENTAL SERVICES**  
: PO BOX 4313, BATON ROUGE, LA 70821-4313  
P:225-219-3181 F:225-219-3309  
WWW.DEQ.LOUISIANA.GOV

MAIL FILE

original to EDSW  
JBT  
copy to SW/GIT/Troncel  
AVG



LDEQ RECEIPT

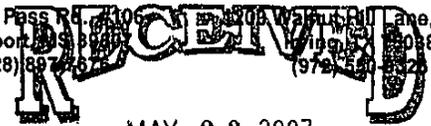
2007 MAY 23 PM 5 09

# PROVIDENCE

1201 Main Street  
Baton Rouge, LA 70802  
(225) 766-7400

P.O. Box 31  
Sulphur, LA 70664  
(337) 528-0066

450 E. Pass Rd. #100  
Gulfport, LA 70703  
(228) 897-7672



MAY 23 2007

May 23, 2007

Louisiana Department of Environmental Quality  
Office of Environmental Services  
P.O. Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attn: Bijan Sharafkhani, Administrator

LDEQ

Ref: Gordon's Disposal, LLC  
Type III Construction and Demolition Debris Landfill  
D-099-6708/P-0287  
Agency Interest No. 30245  
St. Martin Parish and Iberia Parish  
Providence Engineering Project No. 133-003

Dear Mr. Sharafkhani:

Providence Engineering and Environmental Group LLC on behalf of Gordon's Disposal, LLC (Gordon's Disposal) hereby submits to the Louisiana Department of Environmental Quality (LDEQ), Permits Division six copies of the technically complete permit renewal application for the Type III construction and demolition debris landfill.

Thank you for your consideration of this matter. Please call me at (225) 766-7400 or Mr. Gordon Doerle at (337) 365-9034 if you have any questions or if you need any additional information.

Sincerely,

Yolunda M. Righteous  
Environmental Science Project Manager

YMR/epv

cc: Gordon Doerle, Gordon's Disposal, LLC.

**GORDON'S DISPOSAL, LLC.**

**CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL  
AND  
SEPARATION FACILITY  
NEW IBERIA, LOUISIANA  
ST. MARTIN AND IBERIA PARISHES**

**TYPE III  
SOLID WASTE PERMIT RENEWAL APPLICATION**

**AGENCY INTEREST NUMBER 30245**

**MAY 2007**

**PREPARED BY:**



---

**PROVIDENCE**

**PROVIDENCE ENGINEERING AND ENVIRONMENTAL GROUP LLC  
1201 MAIN STREET  
BATON ROUGE, LOUISIANA 70802  
(225) 766-7400**

**PROVIDENCE PROJECT NO. 133-003**

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**Exhibits**

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**INTRODUCTION**

Gordon's Disposal, LLC. (Gordon's Disposal) operates a Type III construction and demolition debris landfill and separation facility. The facility is located at 614 Coteau Road on company-owned land in New Iberia, Louisiana, in Iberia Parish and St. Martin Parish. Access to the site is via Louisiana Highway 88. The primary function of the landfill is to manage construction and demolition debris, woodwaste and yard waste in an environmentally safe manner. The separation facility and activities related to the separation of recyclables occur in the staging area of the facility prior to waste being transferred to the working face of the landfill. The recyclables are separated and placed in appropriate containers for future use. After being inspected, trucks are directed to the staging area for off-loading. Landfill personnel sort and separate recyclables and unacceptable materials after the materials are off-loaded in the staging area. The resulting construction and demolition debris and other permitted waste streams are then transferred to the landfill for disposal.

The construction and demolition debris landfill is an existing facility that operates in accordance with an approved solid waste standard permit (P-0287) issued by the Louisiana Department of Environmental Quality (LDEQ) on August 29, 1994. The landfill has been in operation since 1995.

The landfill is permitted to dispose of construction and demolition debris, woodwaste, and yard trash.

Construction and demolition debris is defined in LAC 33:VII.115 as nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing shingles (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber.

Woodwaste is defined in LAC 33:VII.115 as types of waste typically generated by sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, and wood-fired boiler ash.

Yard trash is defined in LAC 33:VII.115 as vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers.

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***GORDON'S DISPOSAL, LLC.***

**LAC 33:VII.519**

**PART I: PERMIT APPLICATION FORM**

**SOLID WASTE STANDARD PERMIT APPLICATION – PART I**

(The form shall be completed in accordance with the instructions found in LAC 33:VII.513.A.1)

- A. **Applicant (Permit Holder):** Gordon's Disposal, LLC.
- B. **Facility Name:** Type III Construction and Demolition Debris Landfill and Separation Facility.
- C. **Facility Location/Description:** From Burke approximately 0.3 miles northwest along LA Highway 182, then approximately 0.5 miles southwest to the site.
- D. **Location**      **Section** 28 **Township** 11 S      **Range** 6 E
- Parish:** St. Martin
- Coordinates: Latitude**      **Degrees** 30°      **Minutes** 03' **Seconds** 36''
- Longitude** **Degrees** 91°      **Minutes** 53' **Seconds** 28''
- E. **Mailing Address:** 614 Coteau Road, New Iberia, Louisiana 70560
- F. **Contact:** Gordon Doerle
- G. **Telephone:** (337) 365-9034
- H. **Type and Purpose of Operation: (check each applicable line)**

**Type I**

**Industrial Landfill** \_\_\_\_

**Industrial Surface Impoundment** \_\_\_\_

**Industrial Landfarm** \_\_\_\_

**Type I-A**

**Industrial Incinerator Waste Handling Facility** \_\_\_\_

**Industrial Shredder/Compactor/Baler** \_\_\_\_

**Industrial Transfer Station** \_\_\_\_

**Type II**

**Sanitary Landfill** \_\_\_\_

**Residential/Commercial Surface Impoundment** \_\_\_\_

**Residential/Commercial Landfarm** \_\_\_\_

**Type II-A**

**Residential/Commercial Waste Handling Facility** \_\_\_\_

**Residential/Commercial Shredder/Compactor/Baler** \_\_\_\_

**Residential/Commercial Transfer Station** \_\_\_\_

**Residential/Commercial Refuse-Derived Fuel** \_\_\_\_

Residential/Commercial Autoclave Waste Handling Facility \_\_\_  
 Type III  
 Construction/Demolition-Debris Landfill   
 Woodwaste Landfill   
 Compost Facility \_\_\_  
 Resource Recovery/Recycling Facility \_\_\_

**Other**Describe: Separation FacilityI. Site Status: Owned  Leased \_\_\_ Lease Term \_\_\_

(Note: If leased, provide copy of lease agreement)

J. Operation Status: Existing  Proposed \_\_\_K. Total Acreage 67 Processing Acreage \_\_\_ Disposal Acreage 62.2L. Environmental Permits: (List)  
LPDES Permit LA009788 (See Appendix A).

M. Conformity with regional plans. Attach letter from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the facility is an acceptable part of the statewide program.

(NOTE: In accordance with R. S. 30:2307.B, LRRDA authority does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry, or business which generates such solid waste.)

N/A. This section is no longer a requirement of the Louisiana Revised Statute.

N. Zoned: Yes \_\_\_ No  Zoning Requested**Zone Classification:**

(NOTE: If zoned, include zoning affidavit and/or other documentation, stating that the proposed use does not violate existing land-use requirements.)

\*The permit for this facility was issued in 1994. At that time, no parish-wide zoning ordinance existed in St. Martin Parish. However, a parish-wide zoning ordinance was instituted in 1995. As such, the facility falls under the non-conforming zoning ordinance because it was an existing facility in 1995.

**GORDON'S DISPOSAL, LLC.**

**O. Types, Quantities, and Sources of Waste:**

	Processing		Disposal	
	On-site	Off-site	On-site	Off-site
Residential		9		21
Industrial				
Commercial		210		573
Other				

P. Service Area: N/A  
 List of Parishes: Unlimited

Q. Proof of Operator's Public Notice – Attach proof of publication of the notice regarding the permit application submittal as required by LAC 33:VII.513.A.

Proof of Public Notice is included as Appendix B.

R. Certification: I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information is true, accurate, and complete to the best of my knowledge. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

Signature 

Date 5-28-07

Typed Name and Title Gordon Doerle, Owner

(NOTE: Attach proof of the legal authority of the signee to sign for the applicant.)

Proof of the signatory legal authority to sign for the applicant is provided as Exhibit 1.

***GORDON'S DISPOSAL, LLC.***

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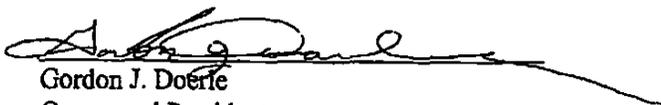
**EXHIBIT 1**  
**PROOF OF SIGNATORY LEGAL AUTHORITY**

**DELEGATION OF AUTHORITY  
FOR ENVIRONMENTAL APPLICATIONS, CERTIFICATIONS, REPORTS  
AND CONSENT ORDERS**

As Owner and President of Gordon's Disposal LLC, I hereby ratify and confirm the authority of the Owner/President of this facility, to execute and submit all required or appropriate environmental applications, certifications, reports, and consent orders for the facility. This delegation of authority includes without limitation the authority of each facility Owner/President to act as the "responsible official" for the facility, within the Title V of the Federal Clean Air Act Amendments of 1990 and the implementing federal, state, and local agency regulations.

To the extent allowed by applicable regulation, the Owner/President may reddelegate this authority, in writing, to the facility's acting environmental coordinator or other appropriate facility personnel.

This delegation has no expiration date.



Gordon J. Doerle  
Owner and President  
Gordon's Disposal, LLC

**LAC 33:VII.520 (LAC 33:I.1701)**  
**COMPLIANCE INFORMATION**

Media Type (check one)

Hazardous Waste  Air   
 Solid Waste  Water   
 Radiation Licensin

Agency Interest Number: 30245

Is this a copy of a previously submitted form? Yes  No

If yes, indicate the original submittal date: \_\_\_\_\_

If yes, indicate the original permit number: \_\_\_\_\_

Department of Environmental Quality Permits Division P.O. Box 4312 Baton Rouge, LA 70821-4312 (225) 219-3041		<b>Addendum to Permit Applications                  per                  LAC 33:I.1701</b>		
Please Type Or Print	Company Name Gordon's Disposal, LLC	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Operator	<b>For Permits Division Use                  Only</b>	
	Parent Company (if Company Name given above is a division) N/A			
	Plant name (if any) N/A			
	Nearest town New Iberia	Parish where located Iberia Parish and St. Martin Parish		

1. Does the company or owner have federal or state environmental permits identical to, or of a similar nature to, the permit for which you are applying in other states? (This requirement applies to all individuals, partnerships, corporations, or other entities who own a controlling interest of 50% or more in your company, or who participate in the environmental management of the facility for an entity applying for the permit or an ownership interest in the permit.)

Permits in Louisiana. List Permit Numbers: N/A

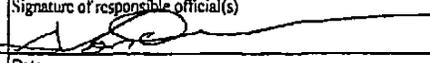
Permits in other states (list states): N/A

2. Do you owe any outstanding fees or final penalties to the Department? No  Yes   
 If yes, please explain. \_\_\_\_\_

3. Is your company a corporation or limited liability company? No  Yes  If yes, attach a copy of your company's Certificate of Registration and/or Certificate of Good Standing from the Secretary of State. See Attachment 1.

**Certification:**

I certify, under provisions in Louisiana and United States law which provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information contained in this Addendum to the Permit Application, including all attachments thereto are true, accurate, and complete.

Responsible Official			
Name Gordon Doerle	City New Iberia	State LA	Zip 70560
Title Owner	Business phone 337-365-9034		
Company Gordon's Disposal, LLC	Signature of responsible official(s) 		
Suite, mail drop, or division	Date 5-28-7		
Street or P.O. Box 614 Coteau Road			

***GORDON'S DISPOSAL, LLC.***

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**ATTACHMENT 1**  
**CERTIFICATE OF REGISTRATION**



# Louisiana Secretary of State COMMERCIAL DIVISION Corporations Database



## *Louisiana Secretary of State Detailed Record*

Charter/Organization ID: 35822470K

Name: GORDON'S DISPOSAL, LLC.

Type Entity: Limited Liability Company

Status: Active

Annual Report Status: In Good Standing

**Add Certificate of Good Standing to Shopping Cart**

Last Report Filed on 12/08/2006

Mailing Address: C/O GORDON DOERLE, 614 COTEAU RD., NEW IBERIA, LA 70562

Domicile Address: 614 COTEAU RD., NEW IBERIA, LA 70562

File Date: 11/24/2004

Registered Agent (Appointed 11/24/2004): GORDON DOERLE, 614 COTEAU RD., NEW IBERIA, LA 70562

Manager: GORDON J. DOERLE, 614 COTEAU RD., NEW IBERIA, LA 70562

Amendments on File  
MERGER (01/27/2005)  
MERGER (11/24/2004)

[New Search](#)

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**LAC 33:VII.521**

**PART II: SUPPLEMENTARY INFORMATION,  
ALL PROCESSING AND DISPOSAL FACILITIES**

**§521. Part II: Supplementary Information, All Processing and Disposal Facilities**

The following information is required in the permit application for solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation. Additionally, all applicable sections of LAC 33:VII.Chapter 7 must be addressed and incorporated into the application responses. If a section does not apply, the applicant must state that it does not apply and explain why.

**A. Location Characteristics.** Standards pertaining to location characteristics are contained in LAC 33:VII.709.A (Type I and II facilities), LAC 33:VII.717.A (Type I-A and II-A facilities), and LAC 33.719.A (Type III facilities).

**1. The following information on location characteristics is required for all facilities:**

- a. Area Master Plans - a location map showing the facility, road network, major drainage systems, drainage-flow patterns, location of closest population center(s), location of the public-use airport(s) used by turbojet aircraft or piston-type aircraft, proof of notification of affected airport and Federal Aviation Administration as provided in LAC 33:VII.709.A.2, location of the 100-year flood plain, and other pertinent information. The scale of the maps and drawings must be legible, and engineering drawings are required.**

Gordon's Disposal, LLC (Gordon's Disposal) construction and demolition debris landfill and separation facility (facility) is located in New Iberia, in St. Martin Parish and Iberia Parish, Louisiana. Primary access to the facility is generally available from Louisiana Highway 182. The location of the facility and access roads are identified on the site location map (**Figure 1**). As required by LAC 33:VII.719.A.1, access to the facility is by all-weather roads that meet the demands of the facility and are designed to avoid, to the extent practical, congestion, sharp turns, obstructions, or other hazards conducive to accidents. The surface roadways are adequate to withstand the weight of transportation vehicles.

**Figure 1** also depicts the nearest population centers and the drainage patterns for the area.

The site will not handle putrescible solid waste; therefore, evaluation of public use airports is not applicable.

The location of the 100-year floodplain is shown on **Figure 2**.

- b. A letter from the appropriate agency or agencies regarding those facilities receiving waste generated off-site, stating that the facility will not have a significant adverse impact on the traffic flow of area roadways and that the construction, maintenance, or proposed upgrading of such roads is adequate to withstand the weight of the vehicles.**

Access to the facility is from Louisiana State Highway 182. The location of the site entrance is along a straight portion of Louisiana Highway 182, providing traffic entering or leaving the site with a good view of approaching traffic. As stated, access to the site is by all-weather roads that meet the demands of the facility and are designed to avoid, to the extent practical, congestion, sharp turns, obstructions, or other hazards conducive to accidents. The surface roadways are adequate to withstand the weight of transportation vehicles. Evidence of this is included in **Appendix C** (State Letter, Louisiana Department of Transportation and Development).

- c. Existing Land Use - a description of the total existing land use within three miles of the facility (by approximate percentage) including, but not limited to:**

The existing land use within three miles of the facility is summarized as follows:

i.	residential	6.8%
ii.	health-care facilities and schools	0.3%
iii.	agricultural	65.2%
iv.	industrial and manufacturing	1.0%
v.	other commercial	12.4%
vi.	recreational	7.3%
vii.	undeveloped	7.0%

- d. Aerial Photograph. A current aerial photograph, representative of the current land use, of a one-mile radius surrounding the facility. The aerial photograph shall be of sufficient scale to depict all pertinent features. (The administrative authority may waive the requirement for an aerial photograph for Type III facilities.)**

The Gordon Disposal is a Type III facility. See **Figure 3** for the aerial photograph.

**e. Environmental Characteristics-the following information on environmental characteristics:**

- i. a list of all known historic sites, recreation areas, archaeological sites, designated wildlife-management areas, swamps and marshes, wetlands, habitats for endangered species, and other sensitive ecologic areas with 1,000 feet of the facility perimeter or as otherwise appropriate;**

Based on correspondence (**Appendix C**) from the Louisiana Department of Wildlife and Fisheries, the United States Fish and Wildlife, and the United States Army Corps of Engineers regarding this site, there are no known historic sites, recreation areas, archaeological sites, designated wildlife-management areas, swamps and marshes, woodlands, or other sensitive ecologic areas within 1,000 feet of the facility perimeter.

- ii. documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeological sites, designated wildlife-management areas, wetlands, habitats for endangered species, and other sensitive ecologic areas with 1,000 feet of the facility; and**

A request for a determination regarding the above-noted environmentally sensitive areas has been made as it relates to this permit application. The documentation is available in **Appendix C**.

- iii. a description of the measures planned to protect the areas listed from the adverse impact of operation at the facility;**

Not applicable. There are no known historic sites, recreation areas, archaeological sites, designated wildlife-management areas, swamps and marshes, woodlands, habitats for endangered species, or other sensitive ecologic areas within 1,000 feet of the facility perimeter that will be adversely impacted by the operations of the proposed facility.

- f. **A wetlands demonstration, if applicable, as provided in LAC 33:VII.709.A.4.**

Included in **Appendix C** is correspondence from the United States Army Corps of Engineers verifying that the site is not a wetlands.

- g. **Demographic Information - the estimated population density within a three-mile radius of the facility boundary, based on the latest census figures.**

The estimated population within a three-mile radius of the facility, based upon the U.S. Census Bureau 2000 Census information is listed below. The following table provides a comparison of the estimated total population and population density within a 1, 2, and 3 mile radius of the facility.

Radius in Miles from Facility	Estimated Total Population	Estimated Housing Units	Estimated Population Density (persons/mi <sup>2</sup> )
1.0	194	69	46.2
2.0	2219	940	153.0
3.0	4986	1775	159.8

The estimated population and housing count for the area surrounding the facility is based upon LandView Census 2000 Population Estimator. The population estimator uses Census 2000 block points to provide the most precise estimate for small areas (*i.e.*, radii of 1-3 miles). The estimate is created by tallying Census 2000 block data for those block centroids (*i.e.*, calculated centers) whose coordinates fall within the circle defined by the radius. The demographic data is based upon the Census 2000 Population and Housing Summary File 1 (SF1) data.

2. **The following information regarding wells, faults and utilities is required for Type I and II facilities:**
- a. **Wells. Map showing the locations of all known or recorded shot holes and seismic lines, private water wells, oil and/or gas wells, operating or abandoned, within the facility and within 2,000 feet of the facility perimeter and the locations of all locations of all public water systems, industrial water wells and irrigation wells within one mile of the facility. A plan shall be provided to prevent adverse effects on the environment from the wells and shot holes located on the facility.**

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**GORDON'S DISPOSAL, LLC.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**b. Faults**

- i. **scaled map showing the locations of all recorded faults within the facility and within one mile of the perimeter of the facility; and**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirement is not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

- ii. **demonstration, if applicable, of alternative fault set-back distance as provided in LAC 33:VII.709.A.5.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirement is not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

- c. **Utilities. Scaled map showing the location of all pipelines, power lines, and right-of-ways within the site.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirement is not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**B. Facility Characteristics. Standards concerning facility characteristics are contained in LAC 33:VII.709.B (Type I and II facilities), LAC 33:VII.717.B (Type I-A and II-A facilities), and LAC 33:VII.719.B (Type III facilities). A facility plan, including drawings and a narrative, describing the information required below must be provided.**

**1. The following information is required for all facilities:**

- a. elements of the process or disposal system employed, including, as applicable, property lines, original contours (shown at not greater than five-foot intervals), buildings, units of the facility, drainage, ditches and roads;**

The facility is located in Section 28, Township 11, Range 6E, St. Martin and Iberia Parishes, Louisiana at 614 Coteau Road. A map showing general facility layout, property lines, and the facility location is provided as **Figure 4**.

Access to the facility is by Louisiana Highway 182. All trucks transporting waste to the site will enter through this entrance and proceed to the receiving office. After the waste is inspected and documented in accordance with the operational plan, trucks proceed to the staging area to be off-loaded, sorted, and separated. Afterwards, the construction and demolition debris is then transferred to the working face for final disposal. Water is drained/pumped from the disposal area to the oxidation pond. The site is graded so that drainage outside of the waste disposal area is by sheet flow away from the disposal area or excavation.

Phase I of the landfill includes the initial disposal area, Cells 11 (original oxidation pond), and 11A (the former wood storage area). Phase II of the facility is the expansion area. In addition, the roadway area between the original borrow pits will be constructed as a valley fill. An oxidation pond will receive and treat contact storm water prior to discharge.

Holding areas will be provided and the facility has areas for the storage of white goods, tires, other recyclable items and wood chips, as well as a tub grinder. The drainage from this facility shall be into the disposal area, then into the oxidation pond, then into the parish drainage ditch. As the facility is closed out, the drainage from the completed final cap will be directly into the parish drainage ditch. Discharge from the oxidation pond will be tested prior to release and will be

accomplished in accordance with applicable discharge permits.

**Figure 4** through **Figure 7** and **Figure 9** depict the property lines, the original contours, buildings, units of the facility, drainage patterns, ditches, roads, cross-sections and excavations. All excavations shall have side slopes of (1) vertical to (1 ½) horizontal and will be no deeper than the existing deepest part of the disposal area. The existing disposal has not experienced any soil stability problems.

**b. the perimeter barrier and other control measures;**

The area is only accessible by the main road. The gate to the facility is locked during non-operating hours. The gate can only be opened by employees of the facility. The gate and the perimeter barrier around the facility (fence) prevent unauthorized ingress or egress, except by willful entry.

A sign listing the types of waste disposed by the facility will be posted at the entrance to the facility.

**c. a buffer zone;**

A minimum 50-foot buffer zone is maintained on the north, south, east and west sides of the facility. The buffer zone around the facility is outlined on **Figure 4**. No storage, processing, or disposal of solid waste shall occur within the buffer zone.

**d. fire-protection measures;**

Although the possibility of fire or other emergencies from the operation of the facility is unlikely, the facility has emergency procedures in place to respond to any type of emergency that might arise at the facility. Employees are trained in the use of hand held fire extinguishers; however, employees will not attempt to extinguish large fires that are unlikely to occur. Additionally, cover soil may be used to smother a fire within the disposal area.

Plans are also in place to transport seriously injured personnel to a local hospital. The emergency procedures will be reviewed annually or more often as needed.

As stated, the facility does not present a fire hazard. Nevertheless, fire protection and medical care services are available locally.

Furthermore, documentation from the local fire department and hospital are included in **Appendix D**. The documentation will address the ability of these facilities to meet the requirement of R.S. 30:2157.

**e. landscaping and other beautification efforts;**

The facility is mowed to present a trimmed, neat appearance. Any trees will be maintained to provide a visual barrier between the disposal area limits and adjoining property owners and roads.

As the landfill closure progresses, the completed areas will be seeded and a barrier hedge will be planted along the perimeter of the disposal area.

**f. devices or methods to determine, record, and monitor incoming waste;**

No hazardous waste or otherwise unacceptable waste will be disposed at the facility. The manager at the facility will have the authority to accept or reject waste at the entrance gate in accordance with the Operational Plan (**Appendix E**).

Waste entry to the site will be controlled by visual inspections at the receiving office to determine the nature and quantity of waste in order to prevent the entry of unrecorded or unauthorized deliverables (*i.e.*, hazardous, unauthorized, or unpermitted solid waste). Readable signs will be posted listing the types of wastes that can be received at the facility.

During operating hours, the facility entrance will be continuously monitored, manned or locked. The quantity of waste entering the facility will be measured based on volume. The volume of waste will be converted to wet tons using density conversion factors established for each type of waste. The waste disposed of in the landfill will be measured by volume and then converted to weight by the appropriate conversion factor.

A central control and recordkeeping system for tabulating required information will be maintained in the office at the site.

**g. NPDES discharge points (existing and proposed); and**

Water discharge from the facility will be controlled through the State LPDES Permit (LA009788) discharge point shown on **Figure 4**.

**h. other features, as appropriate.**

A tub grinder is used to reduce yard waste, trees, and other wood products to wood chips. The plan is to locate the tub grinder at the site (*i.e.*, on top of closed portions of the landfill and other available areas of the landfill) and stockpile the wood chips at an area within the site as well. Any runoff from the area will be managed accordingly. Bins are available for the collection, storage, and recycling of white goods and metals. The tub grinder and the woodwaste are managed in accordance with a Best Management Plan (BMP) approved by the Louisiana Department of Wildlife and Fisheries.

**2. The following information is required for Type I and II facilities;**

**a. areas for isolating nonputrescible waste or incinerator ash, and borrow areas; and**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**b. location of leachate collection/processing/removal system.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**C. Facility Surface Hydrology. Standards governing facility surface hydrology are contained in LAC 33:VII.711.A (Type I and II landfills), LAC:VII.713.A (Type I and II surface impoundments), LAC 33:VII.715.A (Type I and II landfarms), LAC 33:VII.717 (Type I-A and II-A facilities), and LAC 33:VII.719.C (Type III facilities).**

**1. The following information regarding surface hydrology is required for all facilities:**

**a. a description of the method to be used to prevent surface drainage through the operating areas of the facility;**

The area surrounding the waste disposal limits will be graded so that non-contact storm water drainage is by sheet-flow, away from the disposal limits and will prevent surface drainage through the operating areas of the site.

Cell construction typically consists of a small levee along the perimeter of the active cell. This levee will create a holding area for both surface runoff from the remainder of the disposal area and any rainfall pumped from the active cell. When the holding area nears capacity, it will be pumped into the oxidation pond. When water elevations and water quality reach acceptable limits in the oxidation pond, it will be discharged into the St. Martin Parish drainage system. This method will prevent surface drainage water from entering the active cell. The active cell will be kept dry at all times to prevent waste from being deposited into standing water.

**b. a description of the facility runoff/run-on collection system;**

Due to the topography of the site, all runoff from the disposal area, staging area or internal access roads will drain either into the disposal area and then be pumped into the oxidation pond or directly into the oxidation pond. The drainage of the office area will be directly into the St. Martin Parish drainage system. The active cell will be kept dry at all times to prevent waste from being deposited into standing water. The closure of the facility will be done in stages as each cell is filled. As the facility is closed out, the drainage from the complete final cap or areas with interim compacted cover will be diverted away from the oxidation pond and routed directly into the parish drainage system. **Figure 4** shows the drainage of the facility. Included in **Appendix C** is correspondence from the United States Soil Conservation Service verifying that the

drainage from this facility will not adversely affect the St. Martin Parish Drainage System.

- c. the maximum rainfall from a 24-hour/25-year storm event;**

The maximum 24-hour, 25-year rainfall is approximately 10 inches (see **Appendix F**).

- d. the location of aquifer recharge areas in the site or within 1,000 feet of the site perimeter, along with a description of the measures planned to protect those areas from the adverse impact of operations at the facility; and**

The facility is located in the Chicot/Terraces (low recharge). See **Figure 8**.

- e. if the facility is located in a flood plain, a plan to ensure that the facility does not restrict the flow of the 100-year base flood or significantly reduce the temporary water-storage capacity of the flood plain, and documentation indicating that the design of the facility is such that the flooding does not affect the integrity of the facility or result in the washout of solid waste.**

The facility is not located in a flood plain.

**D. Facility Geology. Standards governing facility geology are contained in LAC 33:VII.709.C (Type I and II facilities), LAC 33:VII.719 D (Type I-A and II-A facilities), and LAC 33:VII.717.D (Type I-A and II-A facilities), and LAC 33:VII.719.D (Type III facilities).**

- 1. The following information regarding geology is required for Type I and Type II facilities:**
  - a. isometric profile and cross-sections of soils, by type, thickness, and permeability;**
  - b. logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings;**
  - c. results of tests for classifying soils (moisture contents, Atterberg limits, gradation, etc.), measuring soil strength, and determining the coefficients of permeability, and other applicable geotechnical tests;**
  - d. geologic cross-section from available published information depicting the stratigraphy to a depth of at least 200 feet below the ground surface;**
  - e. for faults mapped as existing through the facility, verification of their presence by geophysical mapping or stratigraphic correlation of boring logs. If the plane of the fault is verified within the facility's boundaries, a discussion of measures that will be taken to mitigate adverse effects on the facility and the environment;**
  - f. for a facility located in a seismic impact zone, a report with calculations demonstrating that the facility will be designed and operated so that it can withstand the stresses caused by the maximum ground motion, as provided in LAC 33:VII.709.C.2; and**
  - g. for a facility located in an unstable area, a demonstration of facility design as provided in LAC 33:VII.709.C.3.**

The facility is a Type III construction and demolition debris landfill and separation facility.

- 2. The following information regarding geology is required by Type III woodwaste, and construction/demolition-debris facilities:**

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- a. **general description of the soils provided by a qualified professional (a geotechnical engineer, soil scientist, or geologist) along with a description of the method used to determine soil characteristics; and**

The soils at this site are silty clays to approximately twenty feet, then sandy clays to approximately thirty feet, then silty sand. For Phase I, this information was obtained from three soil borings taken at the site. These borings were conducted by Mr. Robert Evans, a soil technician employed by Louisiana Testing and Inspection, Inc. A resume of Mr. Evans' qualifications and experience is included in **Appendix G**. Additional soil borings were conducted in Phase II (expansion area) by Site Engineering, Inc.

The excavation at this site for the existing disposal area, Cell 11, Cell 11A, and potential subsequent cells will provide for a minimum three-foot thick layer of natural soil above any sand strata, as indicated by the borings.

- b. **Logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings.**

The logs of the soil borings are shown in **Appendix H**. The boring holes were grouted upon completion.

**E. Facility Subsurface Hydrology. tandards governing facility subsurface hydrology are contained in LAC 33:VII.715.A (Type I and II landfarms).**

**1. The following information on subsurface hydrology is required for all Type I facilities and Type II landfills and surface impoundments:**

**a. delineation of the following information for the water table and all permeable zones from the ground surface to a depth of at least 30 feet below the base of excavation:**

- i. areal extent beneath the facility;**
- ii. thickness and depth of the permeable zones and fluctuations;**
- iii. direction(s) and rate(s) of groundwater flow based on information obtained from piezometers and shown on potentiometric maps; and**
- iii. any change in groundwater flow direction anticipated to result from any facility activities.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II disposal facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**b. delineation of the following, from all available information, for all recognized aquifers which have their upper surfaces within 200 feet of the ground surface:**

- i. aerial extent;**
- ii. thickness and depth to the upper surface;**
- iii. any interconnection of aquifers; and**
- iv. direction(s) and rate(s) of groundwater flow shown on potentiometric maps.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II disposal facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

- 2. The following information on subsurface hydrology is required for Type II landfarms. Delineation of the following information for the water table and all permeable zones from the ground surface to a depth of at least 30 feet below the zone of incorporation:**
- a. aerial extent beneath the facility;**
  - b. thickness and depth of the permeable zones and fluctuations;**
  - c. direction(s) and rate(s) of groundwater flow based on information obtained from piezometers and shown on potentiometric maps; and**
  - d. any change in groundwater flow direction anticipated to result from any facilities activities.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type II landfarm and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**F. Facility Plans and Specifications. Standards governing facility plans and specifications are contained in LAC 33:VII.711.B (Type I and II landfills), LCA 33:VII.713.B (Type I and II surface impoundments), LAC 33:VII.715.B (Type I and II landfarms), LAC 33:717.E (Type I-A and II-A facilities), LAC 33:VII.721.A (Type III construction and demolition debris and woodwaste landfills), LCA 33:VII.723.A (Type III composting facilities), LAC 33:VII.725.A (Type III separation facilities). Standards for groundwater monitoring are contained in LAC 33:VII.709.E (Type I and II facilities).**

**1. Certification-The person who prepared the permit application must provide the following certification:**

**"I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit renewal application and that the facility as described in this permit renewal application meets the requirements of the Solid Waste Rules and Regulations. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."**

The required certification statement for the information provided in this permit renewal application is included in **Appendix I.**

**2. Type following information on plans and specifications is required for Type I and Type II facilities:**

- a. detailed plan-view drawing(s) showing original contours, proposed elevations of the base of units prior to installation of the liner system, and boring locations;**
- b. detailed drawings of slopes, levees, and other pertinent features; and**
- c. the type of material and its source for levee construction. Calculations shall be submitted demonstrating that an adequate volume of material is available for the required levee construction.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**3. The following information on plans and specifications is required for Type I, II, and III landfills:**

**a. approximate dimensions of daily fill and cover; and**

Daily fill dimensions may vary greatly depending upon seasonal and weather related influences on construction activities and yard waste generation. Based on an approximate quantity of 4,340 cubic yards per month or 175 cubic yards per day material, an average compaction factor of 50%, the estimated daily dimensions are approximately 600 ft<sup>2</sup> and a lift thickness of approximately 8-10 feet. Waste will be covered with silty clays, a minimum of 12 inches thick, at least every 30 days.

**b. the type of cover material and its source for daily, interim, and final cover. Calculations shall be submitted demonstrating that an adequate volume of material is available for daily, interim, and final cover.**

The existing silty clays on the site will be used for cover until the supply of soils at the site has been exhausted. After the supply of suitable materials at the site has been exhausted, suitable cover material will be obtained from an off-site source. Alternative daily covers may be used with prior approval from the administrative authority.

**4. The following information on plans and specifications for the prevention of groundwater contamination must be submitted for Type I and II facilities:**

**a. representative cross-sections and geologic cross-sections showing original and final grades, approximate dimensions of daily fill and cover, drainage, the water table, groundwater conditions, the location and type of liner, and other pertinent information;**

**b. a description of the liner system, which shall include: calculations of anticipated leachate volumes, rationale for particular designs of such systems, and drawings; and**

**c. a description of the leachate collection and removal system, which shall include calculations of anticipated leachate volumes, rationale for particular designs of such systems, and drawings.**

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Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**5. The following information on plans and specifications for groundwater monitoring must be provided for Type I and II facilities:**

- a. a minimum of three piezometers or monitoring wells in the same zone must be provided in order to determine groundwater flow direction;
- b. for groundwater monitoring wells, cross-sections illustrating construction of wells, a scaled map indicating well locations and the relevant point of compliance, and pertinent data on each well, presented in tabular form, including drilled depth, the depth to which the well is cased, screen interval, slot size, elevations of the top and bottom of the screen, casing size, type of grout, ground surface elevation, etc.;
- c. a groundwater monitoring program including a sampling and analysis plan that includes consistent sampling and analysis procedures that ensure that monitoring results provide reliable indications of groundwater quality;
- d. for an existing facility, all data on samples taken from monitoring wells in place at the time of the permit application must be included. (If this data exists in the Solid Waste Division records, the administrative authority may allow references to the data in the permit application.) For an existing facility with no wells, groundwater data shall be submitted within 90 days after the installation of monitoring wells. For a new facility, groundwater data (one sampling event) shall be submitted before waste is accepted;
- e. a plan for detecting, reporting, and verifying changes in groundwater; and
- f. the method for plugging and abandonment of groundwater monitoring systems.

Gordon's Disposal acknowledges the above citation; however, the facility is a Type I or Type II facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

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- 6. The facility plans and specifications for Type I and II landfills and surface impoundments (surface impoundments with on-site closure and a potential to produce gases) must provide a gas collection and processing or removal system.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II landfill or surface impoundment and the above requirement is not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**G. Facility Administrative Procedures.** Standards governing facility administration procedures are contained in LAC 33:VII.711.C (Type I and Type II landfills), LAC 33:VII.713.C (Type I and II surface impoundments), LAC 33:VII.715.C (Type I and II landfarms), LAC 33:VII.717.F (Type I-A and II-A facilities), LAC 33:VII.721.B (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.B (Type III composting facilities), and LAC 33:VII.725.B (Type III separation facilities).

**1. The following information on administrative procedures is required for all facilities:**

**a. recordkeeping system; types of records to be kept; and the use of records by management to control operations;**

All applicable recordkeeping requirements of the federal, state, and local governments will be met and all records maintained for the required period of time.

The Manager will prepare and sign all regulatory reports. These reports will be submitted to all appropriate agencies by the required deadline.

The following records shall also be maintained by the facility:

- Copies of the current Louisiana Solid Waste Rules and Regulations
- The solid waste permit
- The solid waste permit application
- Solid waste permit modifications
- Annual solid waste reports
- Manifest records
- Transporter identification numbers
- Any other applicable or required data deemed necessary by the administrative authority

The facility will maintain a copy of all applicable environmental permits, annual reports, records, and other documents specified in the permit application as necessary for the effective management of the facility and for preparing the required reports. These records will also be used to ensure compliance with state and federal regulations. The records shall be maintained for the life of the facility and shall be kept on file for at least 3 years after closure. In the event that the facility is involved in an enforcement action by the LDEQ, the records will be maintained until written

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release has been obtained from the LDEQ. The records will be utilized to ensure that the facility is operated in accordance with all applicable permits. The records will also be used as the foundation for all reports required by the LDEQ and for the management of information for control of facility operations.

An annual report will be submitted to the Office of Environmental Services, Environmental Assistance Division (OES-EAD) and Permits Division indicating quantities (expressed in wet-weight tons per year) and types and sources of material received during the reporting period. All calculations used to determine the amounts of waste received for processing or disposal during the annual reporting period will be submitted to the LDEQ. The form used for this purpose is included in **Appendix J** and will be obtained from the LDEQ. This form will be updated if changed by the administrative authority.

The records of the transport vehicles transporting waste to the facility will also be kept. The records will include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the administrative authority or by an administrative authority of an out-of-state generator.

The reporting period for the annual report shall be from July 1 through June 30, and terminating upon closure of the facility in accordance with the permit. The annual report will be submitted by August 1 of each reporting year.

**b. an estimate of the minimum personnel, listed by general job classification, required to operate the facility; and**

The facility will have adequate personnel necessary to safely and effectively achieve the operational requirements of the facility.

The facility will have a level "A" operator in charge of the overall facility, and either a level "A" or level "B" operator who is present at the facility during hours of operation and in direct charge of day-to-day operations.

Additional personnel will be available, if necessary, to properly manage the facility.

- c. **maximum days of operation week and per facility operating day (maximum hours of operation within a 24-hour period).**

Maximum hours of operation will be ten hours per day, six days a week (Monday through Saturday). The facility may accept waste outside of these operating hours with prior verbal notification to the LDEQ. Additionally, the facility may choose to restrict operating hours to less than the maximum hours of operation.

2. **Administrative procedures for Type II facilities shall include the number of facility operators certified by the Louisiana Solid Waste Operator Certification and Training Program (R.S. 37:3151 et seq.).**

In accordance with LAC 33:VII.721.B.3, the facility will have the number and levels of certified operators employed at the facility as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates will be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Permits Division will be notified within 30 days of any changes in the employment status of certified operators.

**H. Facility Operational Plans. Standards governing facility operational plans are contained in LAC 33:VII.711.D (Type I and II landfills), LAC 33:VII.713.D (Type I and II surface impoundments), LAC 33:VII.715.D (Type I and II landfarms), LAC 33:VII.717.G (Type I-A and II-A facilities), LAC 33:VII.721.C (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.C (Type III composting facilities), and LAC 33:VII.725.C (Type III separation facilities).**

**1. The following information on operational plans is required for all facilities:**

- a. types of waste (including chemical, physical and biological characteristics of industrial wastes generated on-site), maximum quantities of wastes per year, and sources of waste to be processed or disposed of at the facility;**

The Operational Plan (**Appendix E**) provides a detailed discussion of the types, quantities and sources of solid waste disposed at the facility.

The following types of waste will be accepted at the site:

- Construction and demolition debris
- Woodwaste
- Yardwaste
- White goods (appliances, air conditioners hot water heaters, stoves, *etc.*)

The following activities will be prohibited/prevented:

- Receipt/disposal of hazardous waste or any other wastes that present special handling or disposal problems as excluded by the LDEQ
- Open burning, unless authorization is first obtained from the LDEQ and other applicable federal, state, and local authorities
- Disposal of liquid waste, infectious waste, industrial waste; friable asbestos; and putrescible waste
- Scavenging will be prevented
- Salvaging will be limited to recyclables (*i.e.*, white goods, metals, wood chips, *etc.*) during the separation activities conducted in the staging area of the facility

The maximum quantity of waste that will be accepted per year is approximately 76,000 cubic yards of material per year.

The waste to be received by the facility is expected to come from commercial, governmental, and private sectors within the service area.

- b. waste-handling procedures from entry to final disposition, which could include shipment of recovered materials to a user;**

The layout of the facility is shown on **Figure 4**. Waste entering the facility shall be first inspected and logged-in as previously described. Vehicles will then travel via the on-site access road to the staging area. Waste off-loaded in the staging area is sorted, separated and placed in appropriate bins for recycling. Waste that is not permitted to be disposed in the landfill will be placed in an appropriate container for off-site disposal. Construction and demolition debris will then be transferred to the landfill for disposal. Vehicles carrying debris to be processed by the tub grinder shall deposit their loads at the tub grinder.

Shipments of recycled materials will be shipped to users or processors. Shipment schedules will depend on the amount of incoming material; however, the recyclable bins will be emptied at least every thirty days. Any unacceptable waste inadvertently received at this facility will be stored in a closed container and removed from this facility within seven days in accordance with LAC 33:VII.721.C.4.

Tires are removed from the site once a roll-off container is filled. All waste to be recycled and all wood to be processed through the tub grinder will enter the facility via the access road and undergo an inspection. The waste is then logged in at the landfill entrance. Afterwards, the waste is transferred to either the recyclable storage area or the tub grinder.

White goods and metal will be deposited into the appropriate bin. All suitable woodwaste will be stockpiled until enough material is available for a continuous period of tub grinder operation. After grinding, the wood chips will be stockpiled. The wood chips will be removed based on demand. All records pertaining to the inflow and outflow of recyclable materials and wood chips will be maintained.

**c. minimum equipment to be furnished at the facility;**

Sufficient equipment will be provided and maintained at the facility to meet operational needs. At a minimum, the equipment needed will include a dozer and/or excavator and one pump. Since there may be periods when the facility does not receive waste, and cover may not be placed for up to 30 days, these pieces of equipment may not always be located at the site. Equipment will be available at the site or immediately brought to the site as required.

**d. plan to segregate wastes, if applicable;**

Wastes that, for unforeseen reasons, are accepted at the site, but are not permitted for disposal, will be removed from the facility. The waste will be removed from the site within seven days. These wastes will be stored in a manner that prevents vector and odor problems, and a log of dates and volumes of waste removed from the facility will be maintained.

The facility plans to segregate wood and yard waste that will be processed into wood chips by the tub grinder, and white goods and metal that will be recycled. Tires will also be collected and stored until such time that they are picked up and hauled off-site. The City of New Iberia has requested that the facility be designated an authorized collection center for the City of New Iberia.

**e. procedures planned in case of breakdowns, inclement weather, and other abnormal conditions (including detailed plans for wet-weather access and operations);**

The facility will have access to additional equipment. In case of equipment breakdown, substitute equipment will either be rented or moved in from other active projects.

The facility design is such that the access roads are designed to drain quickly by sheet flow. This design provides adequate access to all facility areas during wet weather. The road is constructed and maintained to provide all-weather operation.

Should other abnormal conditions exist that cannot be overcome by replacement equipment or all-weather roads, the landfill will be temporarily closed until the condition is alleviated.

- f. **procedures, equipment, and contingency plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for emergency care should an accident occur (including proximity to a hospital, fire or emergency services, and training programs); and**

The waste stream is not explosive nor is it flammable so fire protection equipment is minimal. The facility is an existing facility and presents no hazards to the general public. Given the nature of the material and the type of operation of the facility, the likelihood of any impact to the general public or employees from fires, explosions, etc., is extremely remote.

A plan outlining facility operations and emergency procedures to be followed in case of an accident, fire, explosion, or other emergency is included in **Appendix K** and will be filed with the local fire department and the closest hospital. The plan will be updated annually or when implementation demonstrates that a revision is needed.

An annual training session will be required for all employees working at the facility. At a minimum, the program for the training session will consist of:

- Contingency plan review
- Discussions to clarify any emergencies not covered by the plan or identify any areas of the plan that require updating
- Forms documenting those employees receiving training

A copy of the safety and training program is included in **Appendix L**.

- g. **provisions for controlling vectors, dust, litter, and odors.**

The wastes accepted by the facility have a low potential of causing vector, dust, litter, or odor problems. The use of cover soils or alternate covers should effectively minimize vector, litter, and odor problems.

Dust control procedures may include, but are not limited to:

- Spreading gravel on access roads

- Wetting access roads with water or other dust inhibitors
- Planting grass

Litter will be collected and stored in an on-site container until it can be disposed of properly.

**2. The following information on operational plans is required for Type I and II facilities:**

- a. **comprehensive operational plan describing the total operation including (but not limited to) inspection of incoming waste to ensure that only permitted wastes are accepted (Type II landfills must provide a plan for random inspection of incoming waste loads to ensure that hazardous wastes or regulated PCB wastes are not disposed of in the facility.); traffic control; support facilities; equipment operation, personnel involvement; and day-to-day activities. A quality-assurance/quality-control [QA/QC] plan shall be provided for facilities receiving industrial waste; domestic sewage sludge; incinerator ash; friable asbestos; nonhazardous petroleum-contaminated media; and debris generated from underground storage tanks [UST], corrective action, or other special wastes as determined by the administrative authority. The QA/QC plan shall include (but shall not be limited to) the necessary methodologies; analytical personnel; preacceptance and delivery restrictions; and appropriate responsibilities of the generator, transportator, processor, and disposer. The QA/QC plan shall ensure that only permitted, nonhazardous wastes are accepted;**
- b. **salvaging procedures and control, of applicable; and**
- c. **scavenging control.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility. Therefore, the above citation is not applicable.

- 3. The following information on operational plans is required for Type I and II landfarms:**
- a. items to be submitted regardless of land use:**
    - i. a detailed analysis of waste, including (but not limited to) pH, phosphorus, nitrogen, potassium, sodium, calcium, magnesium, sodium- adsorption ratio, and total metals (as listed in LAC 33:VII.715.D.3.b);**
    - ii. soil classification, cation-exchange capacity, organic matter, content in soil, soil pH, nitrogen, phosphorus, metals (as listed in LAC 33:VII.715.D.3.b), salts, sodium, calcium, magnesium, sodium-adsorption ratio, and PCB concentrations of the processing zone;**
    - iii. annual application rate (dry tons per acre) and weekly hydraulic loading (inches per acre); and**
    - iv. an evaluation of the potential for nitrogen to enter the groundwater.**
  - b. items to be submitted in order for landfarms to be used for food-chain cropland:**
    - i. a description of the pathogen-reduction method for septage, domestic sewage sludges, and other sludges subject to pathogen production;**
    - ii. crops to be grown and the dates for planting;**
    - iii. PCB concentration in waste;**
    - iv. annual application rates of cadmium and PCBs; and**
    - v. cumulative applications of cadmium and PCBs;**
  - c. items to be submitted for landfarms to be used for nonfoodchain purposes:**
  - h. description of the pathogen-reduction method in septage, domestic sewage sludges, and other sludges subject to pathogen production; and**
    - i.**
      - ii. description of control of public and livestock access.**

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Gordon's Disposal acknowledges the above citations; however, the facility is a not a landfarm and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**4. The following information on operational plans is required for Type I-A and II-A incinerator waste-handling facilities and refuse-derived energy facilities:**

- a. a description of the method used to handle process waters and other water discharges which are subject to NPDES permit and state water discharge permit requirements and regulations; and
- b. a plan for the disposal and periodic testing of ash (all ash and residue must be disposed of in a permitted facility).

Gordon's Disposal acknowledges the above citations; however, the facility is not an incinerator and the above requirement is not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**5. The following information on operational plans is required for Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities:**

- a. description of the testing to be performed on the fuel or compost, and
- b. a description of the uses for and the types of fuel/compost to be produced.

Gordon's Disposal acknowledges the above citations; however, the facility is not a refuse derived fuel facility and the above requirements are not applicable to the operations of this facility.

**6. The operational plans for Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities must include a description of marketing procedures and control.**

The facility is classified as a Type III construction and demolition debris landfill and separation facility. As part of the separation facility operations, landfill personnel sort and segregate the waste after it is off loaded in the staging area. Containers are available for recyclable materials and unacceptable waste streams that are removed from the waste and off loaded in the staging area. The

recyclables are separated and placed in appropriate containers for future use or the material is sold.

Recyclable material is placed in containers that provide containment of the waste and control litter, odor, and other pollution to adjoining areas. The recyclable bins are emptied at least every 30 days and wood chip removal is removed based on demand.

Waste determined not acceptable at the landfill is removed from the facility at least every seven days. Storage of this waste shall be in a container that prevents vector and odor problems.

Tarps or similar covers are placed over the containers at the end of each working day.

The facility maintains a log of dates and volumes of waste removed from the facility.

The waste handling procedures are detailed in the Operational Plan (**Appendix F**).

7. **The operational plans for Type I and II facilities receiving waste with a potential to produce gases must include a comprehensive air monitoring plan.**

Gordon's Disposal acknowledges the above citation; however, the facility is not a Type I or Type II facility and the above requirement is not required by LAC 33:VII.719 or 721.

**I. Implementation Plan. Standards governing implementation plans are contained in LAC 33:VII.709.D (Type I and II facilities), LAC 33:VII.717.H (Type I-A and II-A facilities), and LAC 33:VII.719.E (Type III facilities).**

**1. The implementation plans for all facilities must include the following;**

- a. a construction schedule for existing facilities which shall include beginning and ending time-frames and time-frames for the installation of all major features such as monitoring wells and liners. (Time-frames must be specified in days, with day one being the date of standard permit issuance); and**

This permit application is for an existing facility. All major features were installed in accordance with the permit. Documentation regarding the installation of these features will be maintained on-site.

- b. details on phased implementation if any proposed facility is to be constructed in phases.**

Development (excavation, filling and covering) of the site will proceed as a continuous operation. The cap will be constructed as the facility is filled. The exact final cap placement schedule will be a function of maintenance concerns and the area of the facility ready for final cap installation.

This facility is to be constructed in phases with the individual cells typically running in an east-west direction starting from the south end progressing in a northerly direction for Phase I. In Phase II the cells will be oriented in a north south direction starting from the east and progressing to the west. Each cell will begin with the bottom of the cell being excavated to an elevation of no greater than -2.0 feet, facility datum, with a six-foot high levee built along the perimeter of the cell. Each lift will be compacted approximately eight to ten feet thick. On 30-day intervals, a one-foot thick earth cover will be placed over all exposed waste. Each cell will be brought to final grade before proceeding to the next cell. As each cell is completed it will be closed out with final cover, shaping, drainage swales, seeding and landscaping.

In addition, the roadway between the original borrow pits will be constructed as a valley fill. The operation would continue

as discussed until the cell reaches capacity and is closed in accordance with the closure plan.

2. **The implementation plans for Type I and II facilities must include a plan for closing and upgrading existing operating areas if the application is for expansion of a facility or construction of a replacement facility.**

Gordon's Disposal acknowledges the above citation; the facility is not a Type I or Type II facility and the above requirement is not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**J. Facility Closure. Standards governing facility closure are contained in LAC 33:VII.711.E (Type I and II landfills), LAC 33:VII.713.E (Type I and II surface impoundments), LAC 33:VII.715.E (Type I and II landfarms), LAC 33:VII.717.I (Type I-A and II-A facilities), LAC 33:VII.721.D (construction and demolition debris and woodwaste landfills), LAC 33:VII.723.D (Type III composting facilities), and LAC 33:VII.725.D (Type III separation facilities):**

**1. The closure plan for all facilities must include the following:**

**a. the date of final closure:**

The LDEQ will be notified in writing at least 90 days before closure or intention to close or abandon the facility. At that time, the date of planned closure and closure schedule, estimated cost and any changes in the approved closure plan will be submitted to the LDEQ.

**b. the method to be used and steps necessary for closing the facility; and**

The closure of the facility will be done in stages as each cell is filled. The facility closure method will be capping with a 24-inch silty clay cover with 6 inches of topsoil. Final cover will be applied within 30 days after final grades are reached. This deadline may be extended by the LDEQ if necessary due to inclement weather or other circumstances. Side slopes will be no steeper than 3 (horizontal):1 (vertical), and will have a minimum four percent slope on the top of the cap.

The steps required to achieve closure will be as follows:

- standing water will be solidified or removed
- maintain the runoff diversion system until the final cover is installed
- complete/document an insect and rodent inspection before final cover installation, and exterminate vectors if required according to the facility inspection
- compact and grade wastes to desired final contours
- place a 24-inch silty clay cap
- place a 6-inch topsoil layer
- request a closure inspection by the LDEQ
- plant a vegetative cover or other suitable cover approved by the LDEQ to prevent erosion and return the facility to a more natural appearance

After closure is approved, a request will be made to the LDEQ to release the closure fund, if applicable.

As the facility is closed out, the drainage from the complete final cap or areas with interim compacted cover will be diverted away from the oxidation pond and routed directly into the parish drainage ditch.

- c. **the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive.**

The closure cost reflects a current cost estimate for closing the facility and will be updated annually.

The cost estimate will be adjusted within 30 days following each anniversary of the date on which the initial cost estimate was prepared.

In addition, Gordon's Disposal will revise the cost estimate whenever a change in the closure plan increases or decreases the cost of the closure plan and will submit a written notice of any such adjustment to the LDEQ within 15 days following reasonable determination of the adjustment.

The closure cost estimate is included in **Appendix M**.

2. **The closure plan for Type I and II landfills and surface impoundments must include:**

- a. **a description of the final cover and the methods and procedures used to install the cover;**
- b. **an estimate of the largest area of the facility ever requiring a final cover at any time during the active life;**
- c. **an estimate of the minimum inventory of solid waste ever on-site over the active life of the facility; and;**
- d. **a schedule for completing all activities necessary for closure.**

Gordon's Disposal acknowledges the above citations; however, the facility is not a Type I or Type II landfill or surface impoundment and the above requirements are not

required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**3. The closure plan for all Type I and II facilities and Type III woodwaste and construction/demolition debris facilities shall include the following:**

**a. the sequence of final closure of each unit of the facility, as applicable;**

At the time the facility approaches final closure, capping should be substantially complete with the exception of a very small portion of the landfill where waste was last placed. The last facility portion will be graded, capped, and seeded or otherwise protected from erosion as described in the closure plan (521.J.1.b).

It is anticipated that this facility will be continuously closed out as each cell is filled to capacity. Final cover will be applied within thirty days of reaching final grade in each cell.

The existing disposal area and future cells will be closed as they reach capacity, thereby limiting the exposed operational area and the quantity of water that is managed as contact storm water in the oxidation pond.

**b. a drawing showing final contours of the facility; and**

The final contours are shown on **Figure 9**.

**c. a copy of the document that will be filed upon closure of the facility with the official parish recordkeeper indicating the location and use of the property for solid waste disposal, unless the closure plan specifies a clean closure.**

The document that will be filed upon facility closure with the official parish recordkeeper is included in **Appendix N**. The document will update the parish mortgage and conveyance records by entering the specific facility location and specifying that the property was used for solid waste disposal. The document will also identify the name and address of a person with knowledge of the facility contents. The LDEQ will be provided with a true copy of the document filed and certified by the parish clerk of court.

**K. Facility Post-Closure.** Standards governing post-closure requirements are contained in LAC 33:VII.711.F (Type I and II landfills), LAC 33:VII.713.F (Type I and II surface impoundments), LAC 33:VII.715.F (Type I and II landfarms), and LAC 33:VII.721.E (Type III construction and demolition debris and woodwaste landfills).

**1. The post-closure plan for all facilities must include the following:**

**a. specification of the long-term use of the facility after closure, as anticipated; and**

The long-term use of the facility has not been determined although Gordon's Disposal intends to retain possession of the property.

**b. the cost of conducting post-closure of the facility, based on the estimated cost of hiring a third party to conduct post closure activities in accordance with the closure plan.**

The post-closure costs are included in **Appendix M.**

The 3-year post-closure care will include:

- maintaining the cap integrity and grade
- storage of facility records
- preparing and submitting annual reports concerning the cap integrity to the LDEQ

**2. The post-closure plan for Type I and II facilities must include the following:**

**a. the method for conducting post-closure activities, including a description of the monitoring and maintenance activities and the frequency at which they will be performed;**

**b. the method for abandonment of monitoring systems, leachate collection systems, gas-collection systems, etc.;**

**c. measures planned to ensure public safety, including access control and gas control; and**

**d. a description of the planned uses of the facility during the post-closure period.**

***GORDON'S DISPOSAL, LLC.***

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Gordon's Disposal acknowledges the above citations; however, the facility is not a Type I or Type II facility and the above requirements are not required by LAC 33:VII.719 or 721. Therefore, the above citation is not applicable.

**L. Financial Responsibility. Standards governing financial responsibility are contained in LAC 33:VII.727. A section documenting financial responsibility according to LAC 33:VII.727 which contains the following information must be included for all facilities:**

1. **The name and address of the person who currently owns the land and the name and address of the person who will own the land if the standard permit is granted (if different from the permit holder, provide a copy of the lease or document which evidences the permit holder's authority to occupy the property); or**

The site is owned by Gordon's Disposal, LLC., 614 Coteau Road, New Iberia, Louisiana 70560. The owner of Gordon's Disposal, LLC. is Gordon Doerle.

2. **the name of the agency or other public body that is requesting the standard permit; or, if the agency is a public corporation, its published annual report; or, if otherwise, the names of the principal owners, stockholders, general partners, or officers:**

Not applicable, Gordon's Disposal, LLC. is not an agency, public body, or public corporation.

3. **evidence of liability coverage, including:**
  - a. **personal injury, employees, and the public (coverage, carriers, and any exclusions or limitations);**
  - b. **property damage (coverage and carrier);**
  - c. **environmental risks; and**

Gordon's Disposal will maintain liability coverage acceptable to the LDEQ. Evidence of this coverage will be updated annually and provided to the Office of Management and Finance, Financial Services Division.

The financial mechanism for liability coverage is included in Appendix O.

4. **evidence of a financial assurance mechanism for closure and/or post-closure care and corrective action for known releases when needed.**

Gordon's Disposal will maintain financial assurance for closure and post-closure by means of a mechanism that meets the requirements in LAC 33:VII.727 and adequate liability insurance

coverage. The amount of the financial assurance mechanism will be equal to the cost estimate for closure of the facility.

The financial mechanism for closure is included in **Appendix O**.

Cost estimates for the closure and post-closure care are included in **Appendix M**. The total amount for both estimates is \$32,219.

The applicant will re-estimate the cost for closure and post-closure on an annual basis and submit this information to LDEQ within thirty days of the permit anniversary.

**M. Special Requirements**

**The administrative authority may require additional information for special processes or systems and for supplementary environmental analysis.**

Gordon's Disposal acknowledges that the administrative authority may require additional information for special purposes or systems and for supplementary environmental analysis.

***GORDON'S DISPOSAL, LLC.***

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**LAC 33:VII.523**

**PART III: ADDITIONAL SUPPLEMENTARY INFORMATION**

**523. Part III: Additional Supplementary Information****OVERVIEW**

Environmental permit applicants are required to provide relevant information in response to questions, commonly referred to as "IT Questions" that address the potential for facilities to adversely impact the human and natural environment in the vicinity of the proposed facility. These responses must be considered by the LDEQ during the decision-making process on environmental permits pursuant to the Louisiana Supreme decision in the case of Save Ourselves, Inc. vs. Louisiana Control Commission. The following responses clearly demonstrate the following: the potential adverse environmental impacts resulting from the continued operation of the facility have been avoided to the maximum extent possible; a cost-benefit analysis demonstrates that the social and economic benefits of the facility outweigh the environmental-impact costs; there are no possible alternative projects that would offer more protection to the environment than the facility without unduly curtailing non-environmental benefits; there are no alternative sites that would offer more protection to the environment than the facility without unduly curtailing non-environmental benefits; and there are no mitigating measures that would offer more protection to the environment than the facility without unduly curtailing non-environmental benefits.

**INTRODUCTION**

Gordon's Disposal, LLC. (Gordon's Disposal) currently operates a Type III construction and demolition debris landfill and separation facility at 614 Coteau Road, New Iberia, Louisiana. The facility is approximately 0.3 miles northwest of Burke, Louisiana along Louisiana State Highway 182, then approximately 0.5 miles southwest of the site.

**A. A discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible:**

The Gordon Disposal is an existing facility that operates in accordance with an approved solid waste standard permit (P-0287). The landfill has been in operation since 1995. This permit application is for the renewal of the permit for the facility located at 614 Coteau Road New Iberia, Louisiana. Gordon's Disposal has operated and continues to operate the landfill to avoid all potential and real environmental impacts to the maximum extent reasonably possible. The design of the facility meets all applicable state and federal regulations of the solid waste permit. The principal objectives of the facility design is to minimize the potential for adverse environmental effects and to avoid, to the maximum extent possible, any adverse environmental effects. The design for the facility incorporates safeguards, engineering controls, operations and maintenance programs that provide for minimal environmental impact. No known, measurable adverse environmental impacts of an enduring nature have been demonstrated during the operation of the landfill and no measurable adverse environmental impacts are anticipated to result from the renewal of the standard permit. Therefore, the

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**GORDON'S DISPOSAL, LLC.**

potential and real adverse environmental effects of landfill have been avoided to the maximum extent possible.

Consideration has been given to location characteristics, facility characteristics, surface hydrology, runoff, geology, and other factors in order to avoid and/or minimize to the greatest extent possible any adverse environmental effects. Operation of the facility in accordance with the standards of the solid waste regulations assures that real and potential adverse environmental effects of the facility will continue to be avoided to the maximum extent possible.

The facility is contained within property owned by Gordon Doerle and is constructed to minimize any potential pathways for the release of contaminants. All storm water is directed through permitted outfalls, sampled and reported per permit requirements. The landfill is permitted to accept construction and demolition debris, woodwastes, and yardwastes, as defined by LAC 33:VII.115, for disposal. It is intended that all waste placed into the landfill will remain on-site permanently.

The facility is designed and constructed to minimize any potential pathways for the release of waste materials. The operation of the solid waste facility is designed to provide convenience, safety and environmental compliance. Employees will verify that the incoming waste is permitted for acceptance at the facility. Sufficient equipment will be provided and maintained at the facility to meet operational needs. All equipment involved in facility operations is periodically inspected and maintained to prevent breakdowns and ensure proper operation.

The potential adverse environmental effects from the proposed facility include impacts associated with litter, air contamination (odor, dust, etc.), groundwater contamination, surface water run-off, fires, explosions, and adverse effects associated with noise and adverse effects on adjoining properties. However, real adverse environmental effects of the facility are minimal. There are no endangered species, recreational areas, wildlife management areas, or sensitive ecological areas within 1,000 feet of the facility. Approximately 72% of the existing land use within three miles of the facility is agricultural and undeveloped land. Additionally, the site is located outside of the 100-year floodplain, as determined by the U.S. Army Corps of Engineers (USACE).

Listed hazardous wastes will not be received by the facility for disposal. Hazardous wastes are wastes defined as a hazardous waste in the current Louisiana Hazardous Waste Regulations (LAC 33:V.) and/or by the Federal government under the Resource Conservation and Recovery Act and subsequent amendments.

The original design and current facility operations of the landfill minimize the potential for impacts to the air, surface water and groundwater. During the initial permitting stage, considerations were given to using criteria for location characteristics, facility characteristics, surface hydrology and storm water

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management, geology, and other factors that will not result in primary adverse environmental effects. The facility is located in an area with sufficient clayey soils to form migration barriers and isolate the landfill from the surrounding environment. Additionally, the waste is contained within secure disposal cells. The existing and future disposal areas will be closed as they reach capacity thereby limiting the exposed operational areas and the quantity of water that is managed as contact storm water in the oxidation pond. Additionally, the facility continues to implement environmentally sound operational procedures to ensure that the potential adverse effects of the facility are minimized and all applicable permit requirements are followed.

The major objective of the overall facility design is to minimize the potential for adverse environmental effects. Specifically, the permit renewal application affects the current permitted disposal capacity (life span) of the facility and a proposed expansion area.

The existing area of the facility used for waste disposal, as well as the area to be used through the approval of this permit application have been adequately investigated and characterized by the installation of soil borings. The boring logs confirm that soils at the site are silty clays to approximately twenty feet, then sandy clays to approximately thirty feet, then silty sand. The proposed excavation for landfill cells will provide for a minimum three-foot thick layer of natural soil above any sand strata, as indicated by the borings. Therefore, low permeability clays will be maintained beneath the proposed expansion. Additionally, two feet of low permeability clays will be placed over the waste during closure and contaminated storm water will be routed to the oxidation pond for treatment prior to discharge.

The application will allow Gordon's Disposal to maximize the disposal capacity by utilizing areas within the existing permitted boundary of the facility and the expansion area of the facility in accordance with good engineering practices. This additional airspace would allow for an environmentally sound and cost-effective method of solid waste disposal while pursuing a long-term solid waste disposal site.

The construction and operational procedures outlined in the approved permit have enabled the facility to conduct daily operations with minimal effects on the surrounding environment. The increase in disposal capacity will extend the useful life of the landfill that has served the disposal needs associated with Gordon Doerle's construction, collection and hauling businesses, as well as the needs of the local community and surrounding parishes in an environmentally safe and secure manner.

As stated, the facility is currently permitted as a Type III construction and demolition debris landfill. The application will allow Gordon Doerle to increase landfill capacity by expanding the existing footprint, and to continue operating the landfill in an environmentally sound manner. The structurally and environmentally

sound qualities utilized to construct and operate the landfill, as described above, will not be compromised by the modification of the facility.

Waste handling procedures will be a high priority at the facility. The safety of workers, the public, and the environment will be ensured by procedures at each stage of facility operations. The facility is equipped with a device or method to determine quantity (by wet-weight); sources; and types of incoming waste.

The facility is accessible by a main road. The road is gated and remains closed and locked during non-operating hours. The gate can only be opened by employees of the facility. The gate and the fence that surrounds the facility prevent unauthorized ingress or egress, except by willful entry. A sign listing the types of waste accepted by the facility is posted at the entrance to the facility.

There are no organic vapors, gases or odors emitted from the facility that would endanger local residents or other living organisms. For these reasons, as well as the operational controls in place, there will be no impacts to the environment as a result of odor, vectors, dust or litter. The facility is an environmentally sound disposal facility with no toxic emissions or effluents.

Dust, litter, odors, pathogens, and vectors are not expected to be problems because of the nature of the material and the facility operations. All containers will provide containment of the wastes and thereby control litter, odor, and other pollution of adjoining areas. In addition, provisions will be made for at least daily cleanup of the facility.

Given the nature of the material being utilized, the operations of the facility, and the safety and training programs, the likelihood of any impact to the general public or employees from fires, explosions, etc., is extremely remote. Although the possibility of fire or other emergencies from the operation of the facility is unlikely, emergency procedures will be in place to respond to any type of emergency that might arise at the facility. Additionally, fire protection and medical care services will also be available locally. Plans are also in place to transport seriously injured personnel to a local hospital. The emergency procedures will be reviewed annually or more often as needed.

In conclusion, no measurable adverse environmental impacts are anticipated to result from the operation of the facility. Therefore, the potential and real adverse environmental effects of facility have been avoided to the maximum extent possible.

**B. A cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental impact costs;**

In as much as no measurable adverse environmental impacts of an enduring nature have been demonstrated during the operation of the landfill and no measurable environmental impacts are anticipated to result from the continued operation through the renewal of the standard permit, no specific or formal cost

benefit analysis has been made, or is considered warranted, in connection with this permit renewal application. Nevertheless, it is obvious that social and economic benefits outweigh the environmental impact costs. The facility is specifically designed and operated to minimize environmental impacts in a cost-effective manner.

In order to identify environmentally sensitive areas that could be influenced by the continued operation of the landfill, correspondence was sent to several state and federal offices listed below requesting a file review for environmentally sensitive areas near the project area:

- Louisiana Department of Wildlife and Fisheries
- U.S. Army Corps of Engineers
- Louisiana Office of Cultural Development

There are no known historical sites, recreational areas, archaeological sites, designated wildlife management areas, or habitat for endangered species within 1,000 feet of the landfill site. There are no known threatened or endangered species within 1,000 feet of the landfill site. Additionally, the facility has a water discharge permit covering discharges from the oxidation pond.

The economic viability of Gordon Doerle's construction and hauling business is dependent upon the ability to continue the operation of the construction and demolition debris disposal facility in an environmentally sound and cost-effective manner. The potential environmental impacts from the disposal facility were carefully considered in the design and development of the operational procedures for the site during the initial permitting process. The design of the landfill meets or exceeds the standards developed by the LDEQ and the facility operates in accordance with an approved solid waste permit. The landfill is integral to the viable operation of Gordon Doerle's construction, collection, and hauling related businesses. In addition, the landfill provides an environmentally sound and cost effective disposal option for Iberia Parish and other surrounding parishes. The City of New Iberia executed a contract with Gordon Doerle for the weekly collection and disposal of yard waste and construction and demolition debris from residential households with the City of New Iberia. As such, the landfill provides the local community with an affordable option for the lawful disposal of wastes that would otherwise likely be burned or illegally dumped. Local businesses and surrounding parishes depend on Gordon Doerle's ability to continue to operate the Type III disposal facility in an environmentally sound manner.

The landfill is established and the renewal application will not provide a negative economic impact on the facility or the community. The renewal application will allow Gordon Doerle to increase capacity of the landfill by utilizing additional areas for waste disposal. In addition, the oxidation pond will be utilized to meet the requirements of all applicable regulations and the landfill will continue the positive economic benefit to the local community, the parish, and the state as a whole.

The design provides the most cost effective and environmentally sound option for solid waste management for Gordon's Disposal and surrounding areas. The responsibility for the operation, maintenance, monitoring, and closure will remain with Gordon's Disposal. Financial assurances will be provided on an annual basis to the LDEQ in accordance with the Solid Waste Regulations.

In summary, businesses, individual citizens within the local community and surrounding parishes, and the business and construction related activities of Gordon's Disposal are dependent on Gordon Doerle's ability to construct and utilize a Type III disposal facility that meets all applicable state and federal regulations. In addition, the social and economic benefits of the proposed modification and the continued use of the existing landfill outweigh any adverse environmental impacts and environmental impact costs.

**C. A discussion and description of possible alternative projects that would offer more protection to the environment without unduly curtailing non-environmental benefits;**

The Gordon Doerle Landfill was constructed primarily to service the disposal needs of Gordon's Disposal. Nevertheless, the facility directly impacts the local community and surrounding parishes by providing an environmentally sound and cost-effective method of solid waste disposal. The permit renewal application will allow Gordon's Disposal to continue facility operations and to increase the disposal capacity of the landfill and meet current state and federal regulations governing waste disposal.

The renewal of the permit will allow the useful life of the facility to be extended by maximizing the permitted boundary of the facility. The proposed design of the facility creates additional air space for the placement of solid waste with minimal effect on the surrounding environment as the expansion occurs within the operational boundaries of the facility. The landfill has more than adequately served the waste disposal needs of the Gordon's Disposal, the local community and surrounding parishes in an efficient and environmentally safe manner.

The use of a commercial construction and demolition debris and woodwaste landfill for the disposal of waste collected and hauled by Gordon's Disposal would result in a significant increase in waste transportation and disposal costs to Gordon's Disposal in comparison to the continued utilization of the existing landfill. Also, use of a public landfill would use up landfill capacity that could otherwise be available to other businesses that do not have the ability to develop their own Type III landfill. The existing landfill is considered to be superior to this alternative because it provides Gordon's Disposal with complete control of landfill operations and prevention of potential environmental impacts.

Any alternative waste handling or disposal method is not economically feasible and is not warranted at this time from an environmental protection standpoint. Any alternative project would unduly curtail non-environmental benefits (cost-effective Type III solid waste disposal) and will consume a public resource (public landfill capacity). Therefore, a more in-depth consideration of alternative projects

is not considered necessary or appropriate since this is an existing facility and no measurable adverse environmental impacts of an enduring nature have been demonstrated and no measurable adverse environmental impacts are anticipated to result with continuing operation of the landfill by increasing the capacity of the landfill.

Gordon's Disposal is proposing to continue the operation of the existing landfill by renewing the existing solid waste permit to allow for the continued operation of the facility and an increase in disposal capacity. Considering this is an existing facility for the disposal of Type III waste streams constructed in accordance with all applicable permits, there are no other activities that could provide more protection without unduly curtailing nonenvironmental benefits. Additionally, no commercial facility offers the level of control over both immediate and long-term risks, which Gordon's Disposal provides with its own design and operation because the handling, transport, and disposal of the waste disposed in the landfill are under the direct supervision of Gordon's Disposal personnel.

In conclusion, because no measurable adverse environmental impacts of an enduring nature have been demonstrated and no measurable adverse environmental impacts are anticipated to result from the increased capacity of the landfill, no alternative projects are considered necessary.

**D. A discussion of possible alternative facilities which would offer more protection to the environment without unduly curtailing non-environmental benefits; and**

A traditional sites analysis was not conducted in this particular case because this permit application is for an existing facility. Gordon's Disposal has access to an existing infrastructure and the continued operation of the facility meets the needs of Gordon's Disposal in terms of an improved, environmentally sound cost-effective solid waste management program.

Location in an established area is the most satisfactory buffer against any potential impacts on residential or public-use areas. There are no alternative sites that would offer more protection to the environment than the existing facility without unduly curtailing non-environmental benefits.

Finally, no commercial facility offers the level of control over both immediate and long-term risks, which Gordon's Disposal could provide with its own design and operation.

Additionally, environmental factors, social factors, and cost-related factors were critical issues in the initial site selection process.

In conclusion, because no measurable adverse environmental impacts of an enduring nature are anticipated to result from the continued operation of the facility, no alternative locations are considered necessary. Hence, there are no alternative

sites that would offer more protection to the environment than the existing facility without unduly curtailing non-environmental benefits.

**E. A discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing non-environmental benefits.**

Gordon's Disposal has chosen the most environmentally sound and cost effective method to manage the incoming waste stream to the disposal facility. The facility has a management plan and the controls and monitoring necessary to ensure optimum safe operation and provide the most environmentally-sound approach to waste disposal at the facility.

Procedures are a high priority at the facility. The safety of workers, the public, and the environment will be ensured by procedures at each stage facility operations.

Planned development training, maintenance, and emergency procedures for the facility will ensure that all operating personnel perform safe and sound operating tasks, perform required equipment maintenance and be well-trained to deal with the event of a fire or other contingency.

Gordon's Disposal maintains routine management and administrative records and documentation necessary for the preparation of reports required by the LDEQ as outlined in the Solid Waste Rules and Regulations. These records will be maintained throughout the operational life of the facility and kept on file for at least three years after closure.

Gordon's Disposal record-keeping system will contain the following, at a minimum:

- Copies of the current Louisiana Solid Waste Rules and Regulations
- The solid waste permit
- The solid waste permit application
- Solid waste permit modifications
- Any other applicable or required data deemed necessary by the administrative authority

The facility will maintain a copy of all applicable environmental permits, annual reports, records, and other documents specified in the permit application as necessary for the effective management of the facility and for preparing the required reports. These records will also be used to ensure compliance with state and federal regulations.

The records will be utilized to ensure that the facility is operated in accordance with all applicable permits. The records will also be used as the foundation for all reports required by the LDEQ and for the management of information for control of facility operations.

---

*GORDON'S DISPOSAL, LLC.*

---

An annual report will be submitted to the Office of Management and Finance, Financial Services Division and Permits Division indicating quantities (expressed in wet-weight tons per year) and types and sources of material disposed at the facility during the reporting period. This form will be updated if changed by the LDEQ. The reporting period for the annual report will be from July 1 through June 30 and will be submitted to the LDEQ by August 1 of each reporting year.

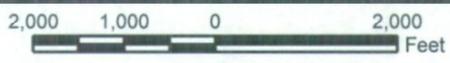
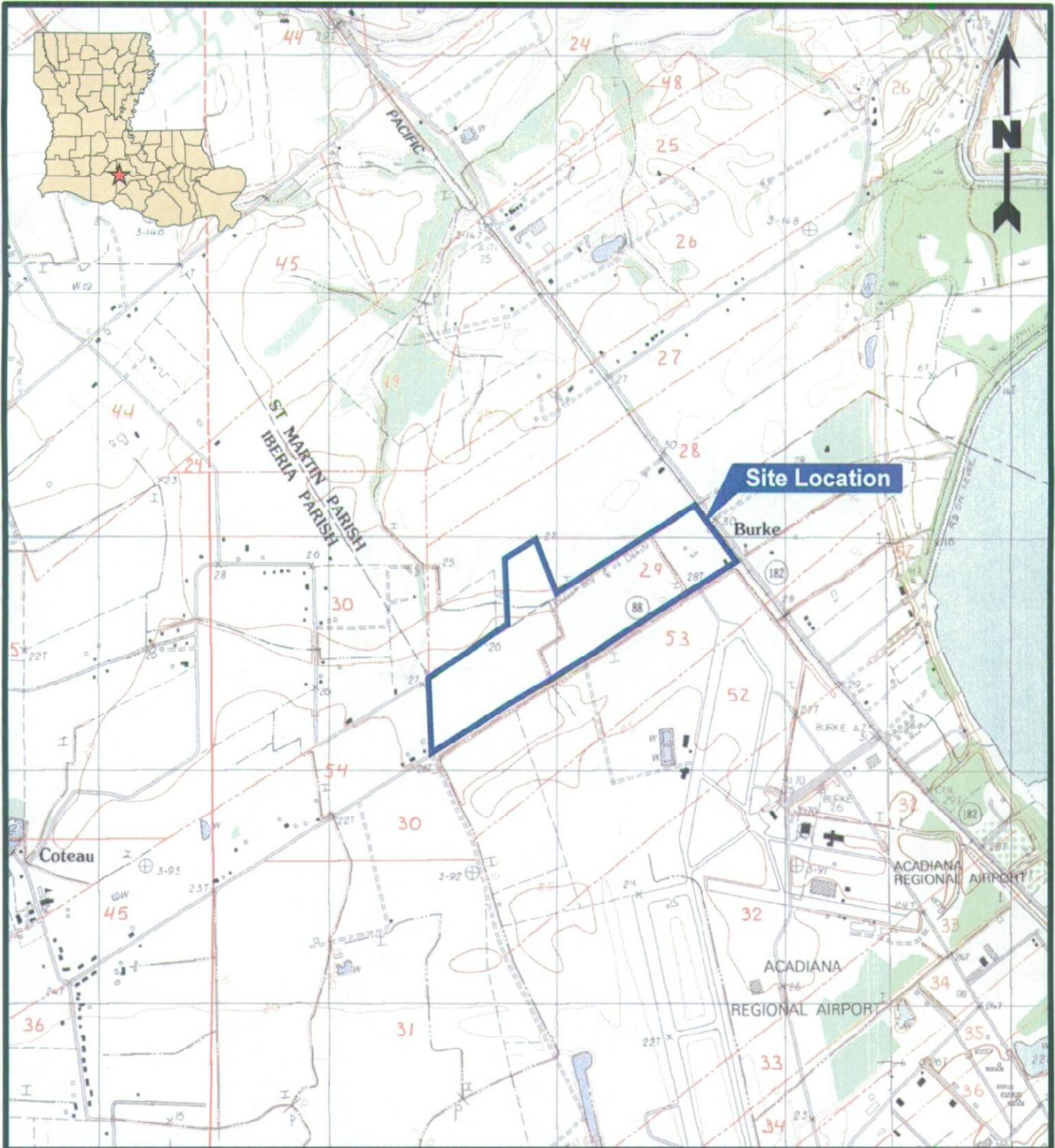
The Manager will have the responsibility of seeing that the facility's practices and processes are engineered, constructed, maintained and operated to provide safe and healthy conditions at all times. The Manager will ensure that a designated facility personnel will supervise all activities to ensure the safety of all persons at the facility through inspection, training, and instruction. Safety will be the primary consideration during all operating activities.

Each employee will receive initial and periodic on-going training through Safety Meetings supervised by the facility's manager or designee. Such meetings will cover basic subjects such as: (1) personal protective equipment; (2) waste handling procedures; (3) operation of equipment; and (4) contingency operations.

As discussed in the response to LAC 33:VII.523.A, the potential and real adverse environmental impacts of the proposed facility have been avoided to the maximum extent possible. This is a result of the design and operational measures that are incorporated into the facility to protect the environment.

In conclusion, the facility is designed and operated to meet or exceed all applicable environmental, industry, and company standards. No measurable adverse environmental impacts of an enduring nature are anticipated to result from the operation of the facility; therefore, no additional mitigating measures are deemed necessary. Should applicable environmental standards and limitations be redefined in the future, appropriate environmental controls and mitigating measures will be designed and implemented as necessary to achieve the revised standards and limitations. Gordon's Disposal knows of no other mitigation measures, in terms of site selection, project design, project operations, or waste reduction/recycling that would offer more protection to the environment than the continued utilization of the facility without unduly curtailing non-environmental benefits.

**FIGURE 1**  
**SITE LOCATION MAP**



**Legend**

Property Boundary

**Reference**

Base map comprised of U.S.G.S. 7.5 minute topographic maps, "Youngsville, LA" and "New Iberia North, LA" provisional edition 1983. Image is referenced to UTM NAD 27 Zone 15.

**Site Location Map**

Solid Waste Permit Renewal Application  
St. Martin and Iberia Parishes

**Gordon's Disposal, LLC**  
New Iberia, Louisiana



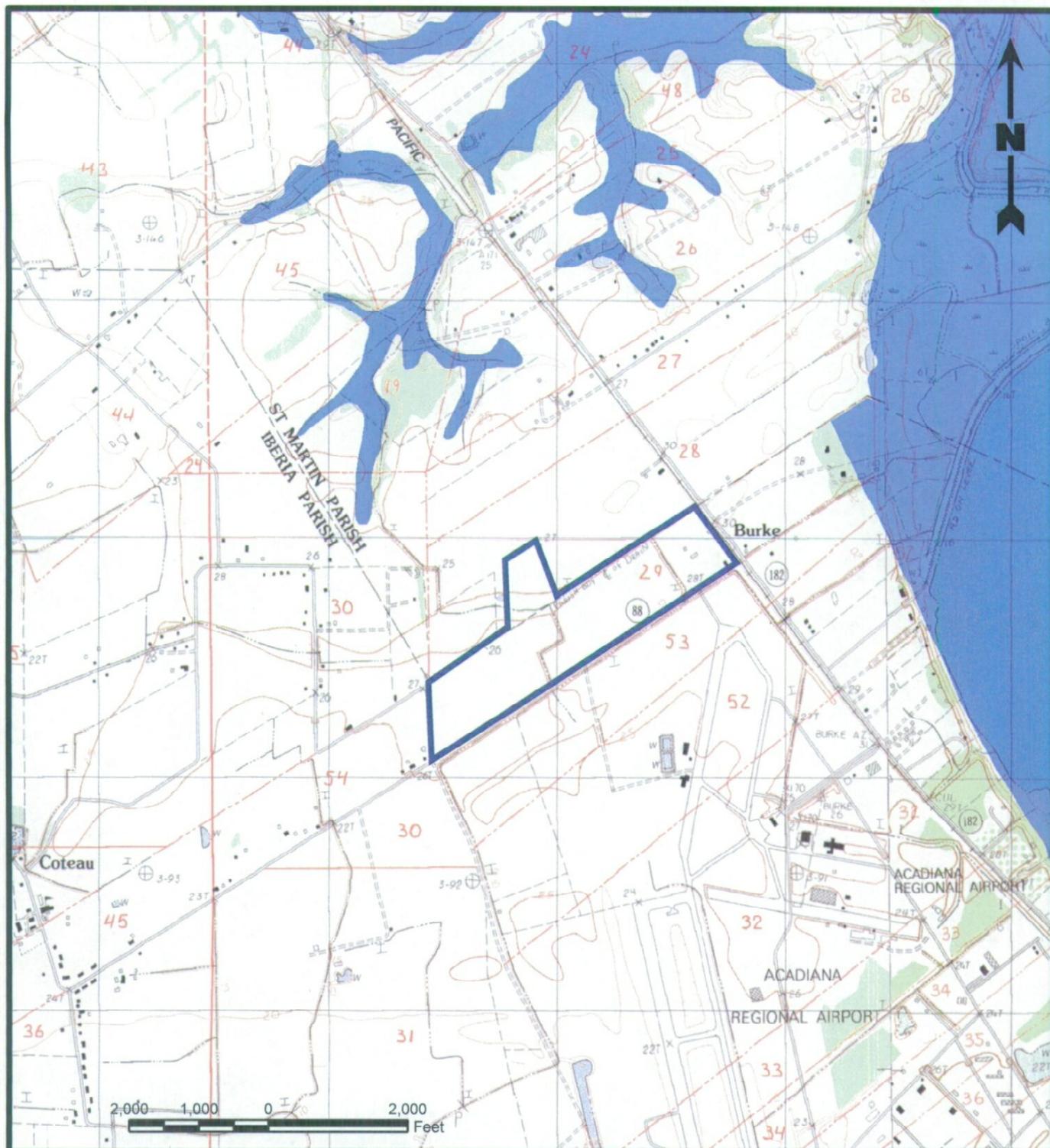
**PROVIDENCE**  
ENGINEERING & ENVIRONMENTAL GROUP LLC

Doc. Code:	133-003
Dwg. No.:	133-003-A036

Drawn:	LMH
Checked:	
Approved:	
Date:	05/02/07

**1**  
Figure

**FIGURE 2**  
**FLOOD ZONE MAP**



**Legend**

-  Property Boundary
-  Zone A = 100 Year Flood Plain (No Elevation)
-  Zone X = Area of Minimal Flood Hazard

**Reference**

Base map comprised of U.S.G.S. 7.5 minute topographic maps, "Youngsville, LA" and "New Iberia North, LA" provisional edition 1983. Flood Zone data compiled from Louisiana Oil Spill Coordinator's Office (LOSCO) 1999 dataset. Image is referenced to UTM NAD 27 Zone 15.

**Flood Zone Map**

Solid Waste Permit Renewal Application  
St. Martin and Iberia Parishes

**Gordon's Disposal, LLC**  
New Iberia, Louisiana



**PROVIDENCE**  
ENGINEERING & ENVIRONMENTAL GROUP LLC

Doc. Code: 133-003  
Dwg. No.: 133-003-A037

Drawn: LMH  
Checked:  
Approved:  
Date: 05/02/07

**2**  
Figure

**FIGURE 3**  
**AERIAL PHOTOGRAPH**



**Legend**

-  Existing Landfill
-  Proposed Expansion Area
-  One Mile Radius

**Reference**

Base map comprised of 2004 aerial photograph.

**2004 Aerial Photograph**  
 Solid Waste Permit Renewal Application  
 St. Martin and Iberia Parishes

**Gordon's Disposal, LLC**  
 New Iberia, Louisiana

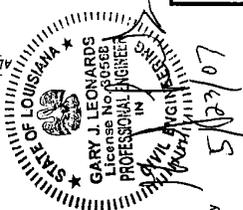
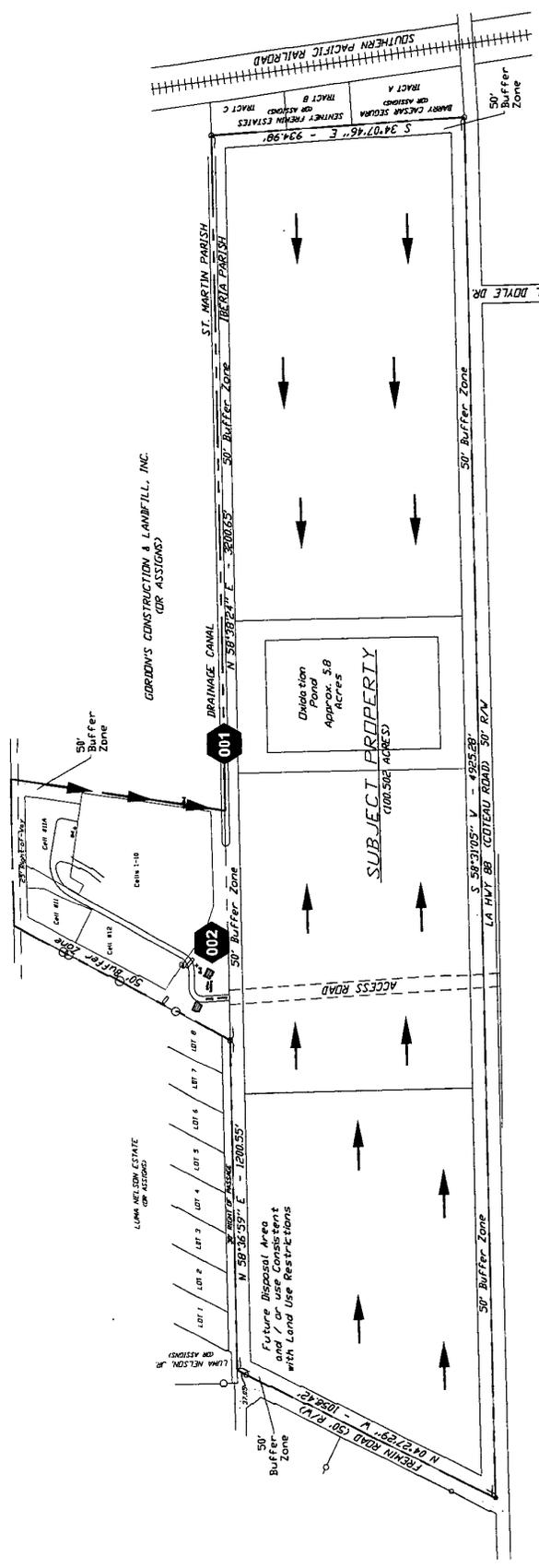
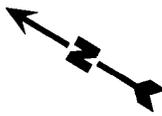


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Doc. Code:	133-003	Drawn:	LMH
Dwg. No.:	133-003-A038	Checked:	
		Approved:	
		Date:	06/27/07

**3**  
 Figure

**FIGURE 4**  
**SITE PLAN**



**Legend**

- Property Boundary
- Flow Direction
- 001 Outfall Location

**Reference:**

Base map provided by Wayne M. LaBiche & Associates, LLC, titled: Plat of Survey Showing Property Owned by Teche Realty and Investments Co., Inc. dated: 11/29/04.

**Site Plan**

Solid Waste Permit Renewal Application  
St. Martin and Iberia Parishes

**Gordon's Disposal, LLC**  
New Iberia, Louisiana



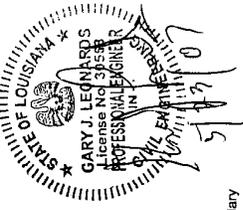
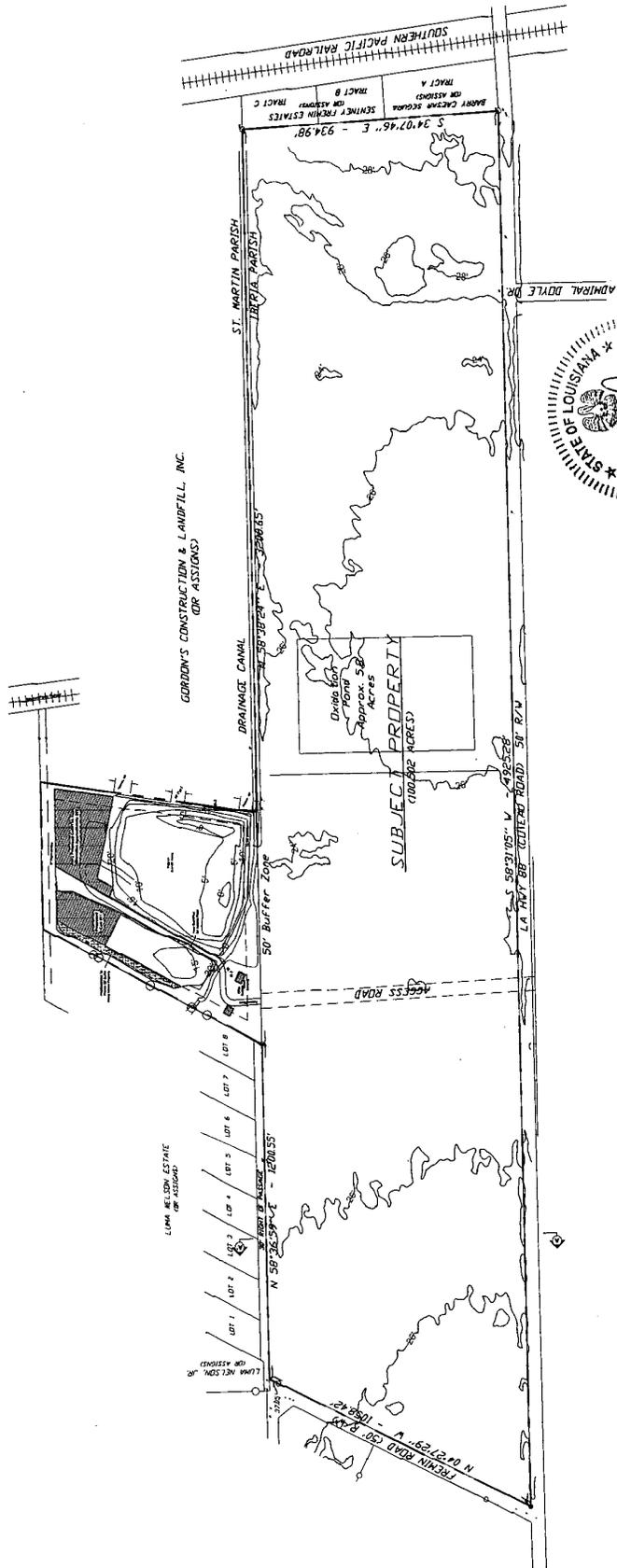
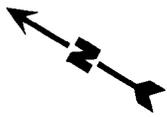
Doc Code	133-003
Dwg. No.:	133-003-B056
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Date:	05/23/07

4  
Figure

**FIGURE 5**  
**EXCAVATION PLAN**



**FIGURE 6**  
**ORIGINAL CONTOURS**



**Legend**

--- Property Boundary

**Reference:**

Base map provided by Wayne M. LeBlanche & Associates, LLC, (filed: Plat of Survey Showing Property Owned by Telle Realty and Investments Co., Inc. dated: 1/12/04).

**Original Contours**

Solid Waste Permit Renewal Application  
St. Martin and Iberville Parishes

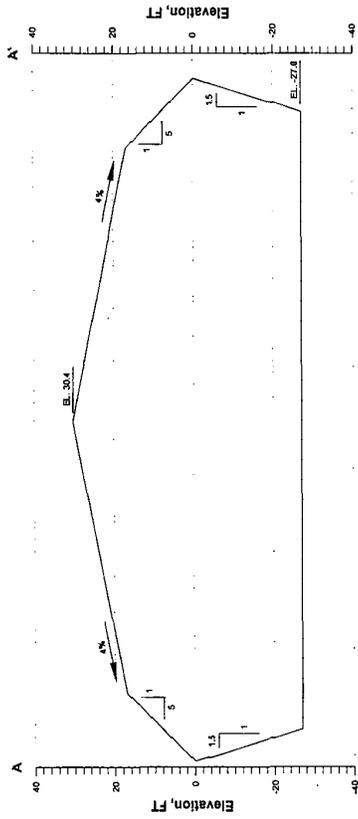
Gordon's Disposal, LLC  
New Iberia, Louisiana



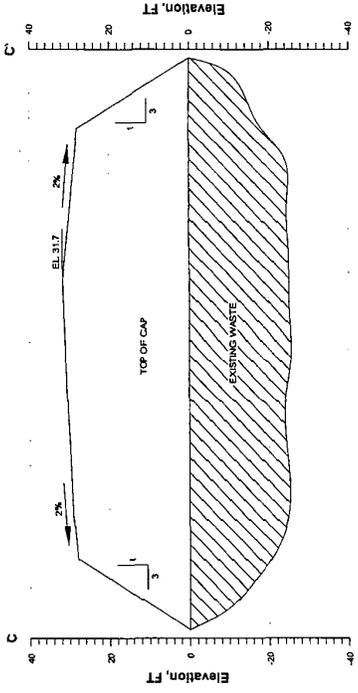
Doc Code	193-003
Dwg. No.	133-003-B057
Drawn:	LMH
Checked:	
Approved:	
Date:	06/01/07

**6**  
Figure

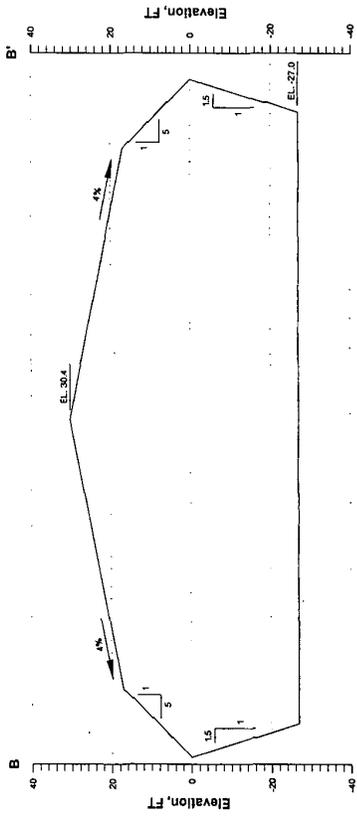
**FIGURE 7**  
**CROSS SECTIONS**



**Section A-A'**  
Horizontal Scale: 1" = 100'  
Vertical Scale: 1" = 20'



**Section C-C'**  
Horizontal Scale: 1" = 100'  
Vertical Scale: 1" = 20'



**Section B-B'**  
Horizontal Scale: 1" = 100'  
Vertical Scale: 1" = 20'

**Notes:**  
1. Elevation 0.00 indicates existing ground surface.

**Cross - Sections**

Solid Waste Permit Renewal Application  
St. Martin and Iberia Parishes

**Gordon's Disposal, LLC**  
New Iberia, Louisiana

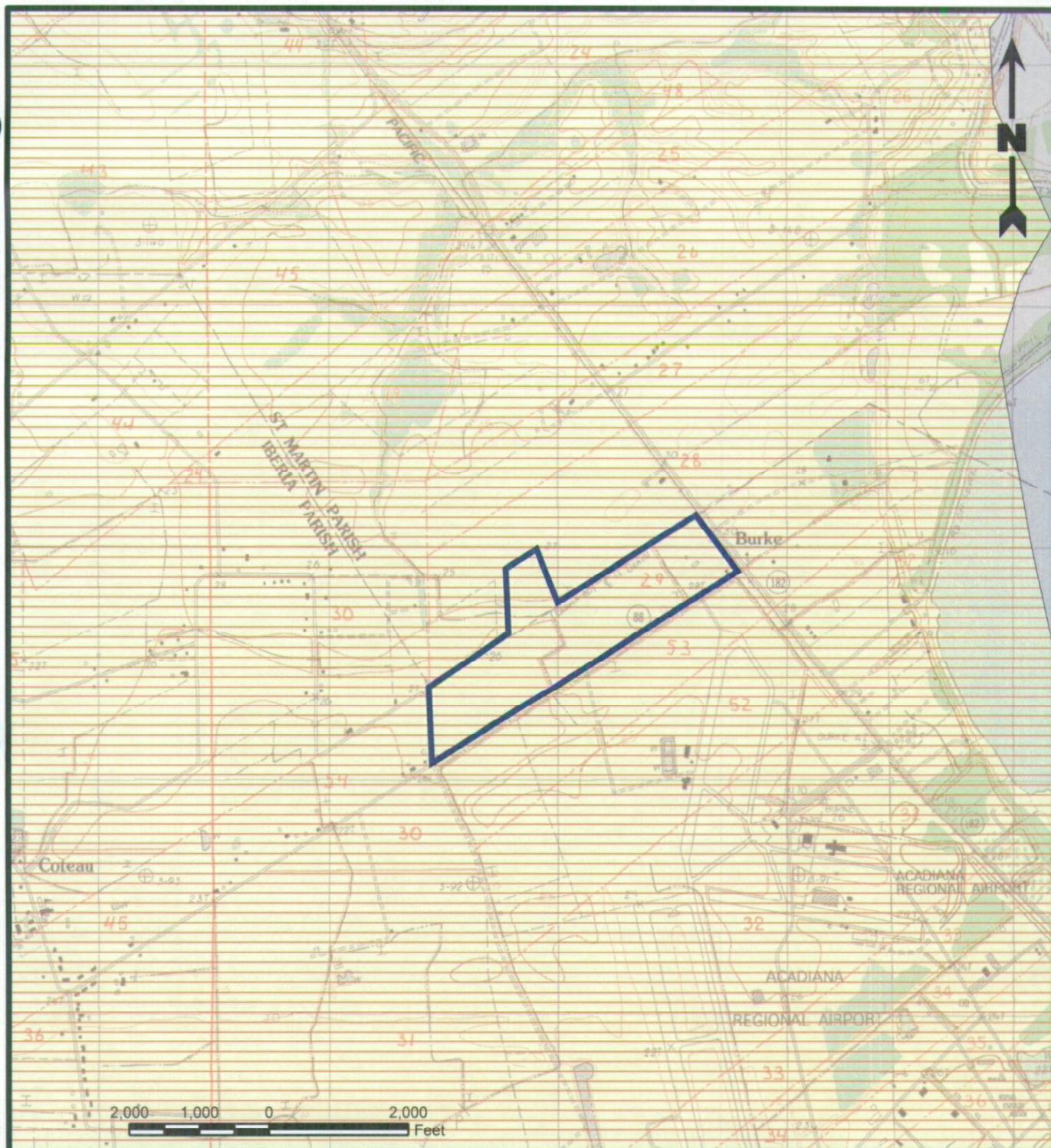


**PROVIDENCE**  
ENGINEERS & ENVIRONMENTAL GROUP LLC  
SUITE 3000L, LOUISIANA

Doc Code	133-003	Drawn:	LMH
Dwg. No.:	133-003-B053	Checked:	
		Approved:	
		Date:	06/27/07

**7**  
Page

**FIGURE 8**  
**AQUIFER RECHARGE MAP**



**Legend**

-  Property Boundary
-  Alluvial
-  Chicot/Terraces
- Recharge
-  No Recharge
-  Low Recharge

**Reference**

Base map comprised of U.S.G.S. 7.5 minute topographic maps, "Youngsville, LA" and "New Iberia North, LA" provisional edition 1983. Aquifer data compiled from Louisiana Oil Spill Coordinator's Office (LOSCO) 1999 dataset. Image is referenced to UTM NAD 27 Zone 15.

**Aquifer Recharge Map**  
 Solid Waste Permit Renewal Application  
 St. Martin and Iberia Parishes

**Gordon's Disposal, LLC**  
 New Iberia, Louisiana



**PROVIDENCE**  
 ENGINEERING & ENVIRONMENTAL GROUP LLC

Doc. Code: 133-003

Drawn: AMW

Dwg. No.: 133-003-A054

Checked:

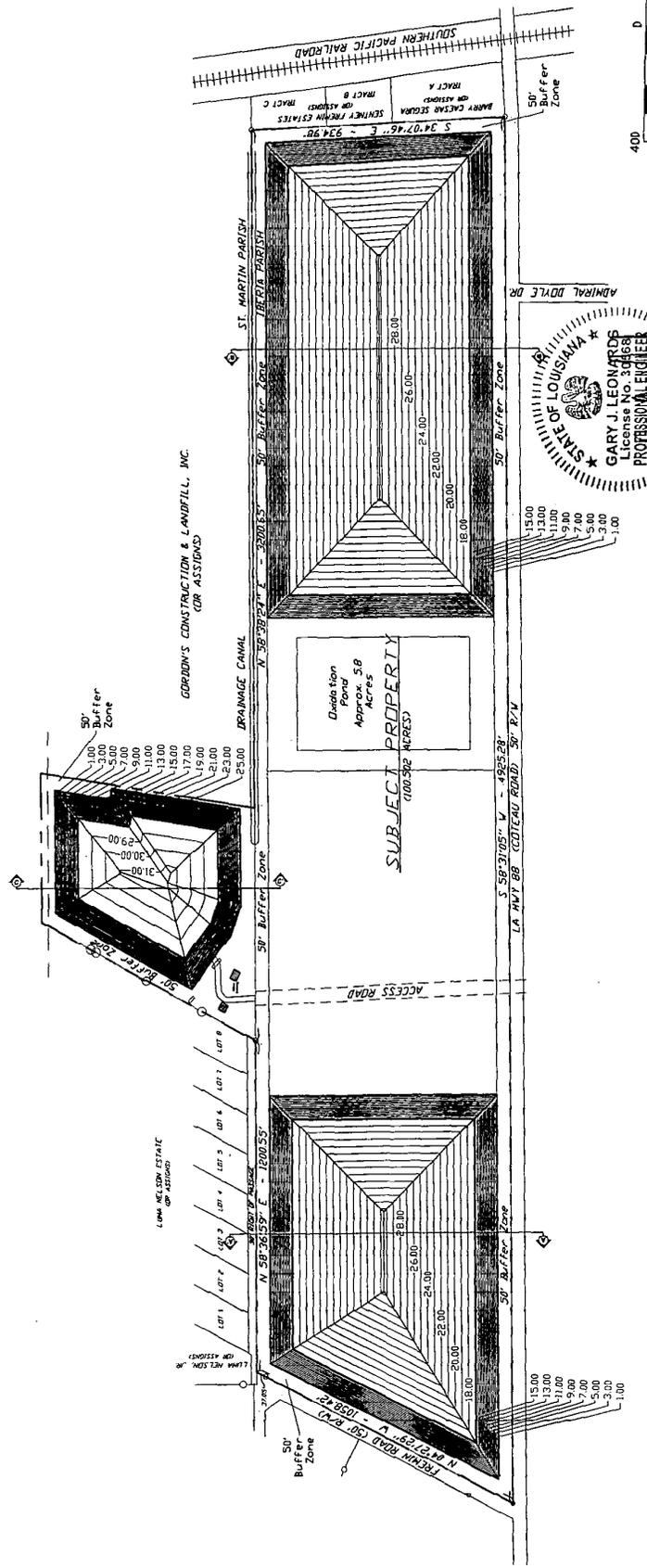
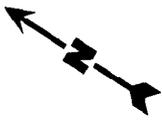
Approved:

Date: 05/23/07

**8**

Figure

**FIGURE 9**  
**FINAL GRADE**



Scale: 1" = 400'

**Legend**

--- Property Boundary

**Notes:**

1. Elevation 0.00 indicates existing ground surface.

**Reference:**

Base map provided by Wayne M. LaBiche & Associates, LLC, titled: Plat of Survey Showing Property Owned by Teche Realty and Investments Co., Inc. dated: 11/29/04.

**Final Contours**

Solid Waste Permit Renewal Application  
St. Martin and Iberia Parishes

Gordon's Disposal, LLC  
New Iberia, Louisiana



Doc Code	133-003	Drawn:	AMV
Dwg. No.:	133-003-B055	Checked:	
		Approved:	
		Date:	08/27/07

**9**

Figure



**APPENDIX A**  
**ENVIRONMENTAL PERMIT**



# State of Louisiana

## Department of Environmental Quality



KATHLEEN BABINEAUX BLANCO  
GOVERNOR

JUL 27 2004

MIKE D. McDANIEL, Ph.D.  
SECRETARY

CERTIFIED MAIL NUMBER: 7003 3110 0004 4046 9590

EPA CERTIFIED MAIL 7003 3110 0004 4046 9606

FILE NUMBER: LA0097888

AGENCY INTEREST NUMBER: AI 30245

ACTIVITY NUMBER: PER19990003

Gordon's Construction & Landfill, Inc.  
Gordon Doerle Type III C & D Debris Landfill  
614 Coteau Road  
New Iberia, Louisiana 70560

# MAIN FILE COPY

Attention: Mr. Gordon Doerle, Owner

Subject: Louisiana Pollutant Discharge Elimination System (LPDES) permit to discharge sanitary and stormwater runoff from the active fill area into an unnamed ditch, thence into Bayou Tortue in segment 060908 of the Vermilion-Teche River Basin from an existing construction/demolition debris and woodwaste landfill.

Dear Mr. Doerle:

The Department has not received comments from either the general public or Gordon's Construction & Landfill, Inc. in response to the public notice published in the *Daily Iberian* on June 2, 2004 and the Department of Environmental Quality Public Notice List on May 28, 2004.

Pursuant to the Clean Water Act (33 U.S.C. 1251 *et seq.*), and the Louisiana Environmental Quality Act (La. R.S. 30:2001, *et seq.*), the attached Louisiana Pollutant Discharge Elimination System (LPDES) permit has been issued. Provisions of this permit may be appealed in writing pursuant to La. R.S. 2040 (A) within 30 days of receipt of this permit. Only those provisions specifically appealed will be suspended by a request for a hearing unless the secretary or the assistant secretary elects to suspend other permit conditions as well. All other provisions of this permit will remain in effect. A request for a hearing must be sent to the following:

Louisiana Department of Environmental Quality  
Office of the Secretary  
Attention: Hearings Clerk, Legal Affairs Division  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302

Please reference your Agency Interest Number, AI 30245, and your Louisiana Pollutant Discharge Elimination System Number, LA0097888, on all future correspondence to the Department.

In accordance with Part II, Section A, Paragraph 6 of the permit, monitoring results should be reported on a Discharge Monitoring Report (DMR) form as per the schedule specified. A copy of the form to be used is attached for your convenience.



Gordon Doerle Type III C & D Landfill

LA0097888, AI 30245, PER19990003

Page two (2)

Should you have any questions, please contact Ms. Gwendolyn LeBlanc Berthelot, Environmental Scientist 3, Office of Environmental Services, Permits Division, Level 2 ~ Minor Industrial and Municipal Permits Section, Post Office Box 4313, Baton Rouge, Louisiana 70821-4313 or (225) 219-3057.

Sincerely,



Karen Gautreaux  
Deputy Secretary

gib

c: cover letter, permit, and all attachments

BY CERTIFIED MAIL

Ms. Evelyn Rosborough

U. S. Environmental Protection Agency

Region VI

1445 Ross Avenue

Dallas, Texas 75202-2733

/10-W

c: cover letter and permit (Part I & II)

Ms. Joette Kenaley

Office of Environmental Compliance

Permit Compliance Unit

Ms. Gwendolyn LeBlanc Berthelot

Office of Environmental Services

Permits Division

Level 2 ~ Minor Industrial & Municipal Permits Section

c: cover letter and title page

Mr. Ronnie Bean

Office of Environmental Services

Permits Division

Level 2 ~ Minor Industrial & Municipal Permits Section

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Return Receipt Fee (Endorsee)

Postmark

Restrictor (Endorsee) **GORDON'S CONSTRUCTION & LANDF**

**Gordon Doerle Type III C & D**

Total Po **614 Coteau Road**

**New Iberia, LA 70560**

Sent To

Street, Apt or PO Box

City, State

PS Form 3800, June 2002 See Reverse for Instructions

7003 3110 0004 4046 9590

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Return Receipt Fee (Endorsee)

Postmark

Restrictor (Endorsee) **Ms. Evelyn Rosborough (WQ-CA)**

**U. S. EPA, REGION VI**

Total Po **1445 Ross Avenue, Suite 1200**

**Dallas, TX 75202-2733**

Sent To

Street, Apt or PO Box

City, State

PS Form 3800, June 2002 See Reverse for Instructions

7003 3110 0004 4046 9506



LPDES PERMIT  
NUMBER: LA0097888  
AGENCY INTEREST  
NUMBER: AI 30245  
ACTIVITY NUMBER:  
PER19990003

OFFICE OF ENVIRONMENTAL SERVICES

# Water Discharge Permit

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System permit is issued authorizing

Gordon's Construction & Landfill, Inc.  
Gordon Doerle Type III Construction & Demolition Debris Landfill  
614 Coteau Road  
New Iberia, Louisiana 70560

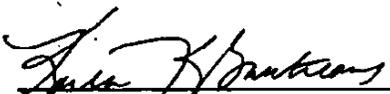
**Type Facility:** construction and demolition debris and wood waste landfill  
**Location:** front gate is located at 614 Coteau Road in New Iberia  
The actual facility and outfalls are located in St. Martin Parish  
**Receiving Waters:** unnamed ditch; thence into Bayou Tortue

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III attached hereto.

This permit shall become effective on *August 1, 2004*

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

Issued on *July 23, 2004*

  
\_\_\_\_\_  
Karen Gautreaux  
Deputy Secretary

**FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning the effective date of the permit and lasting through the expiration date of the permit the permittee is authorized to discharge from:

Outfall 001, located at Lat. 30° 03' 36" & Long. 91° 53' 33", stormwater runoff from the active fill area (varies with rainfall).

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	Storet <u>Code</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
		(lbs/day)	other units (specify)		Measurement <u>Frequency</u> <sup>1/</sup>	Sample <u>Type</u>
		<u>Monthly Avg.</u>	<u>Monthly Avg.</u>	<u>Daily Max.</u>		
Flow-MGD	50050	—	Report	Report	1/discharge	Estimate
CBOD <sub>5</sub>	00310	—	37 mg/l	140 mg/l	1/discharge	Grab
TSS	00530	—	27 mg/l	88 mg/l	1/discharge	Grab
TOC	00680	—	—	50 mg/l	1/discharge	Grab
Oil & Grease	00556	—	—	15 mg/l	1/discharge	Grab
Ammonia-Nitrogen	00610	—	4.9 mg/l	10 mg/l	1/discharge	Grab
Alpha Terpineol	51045	—	0.016 mg/l	0.033 mg/l	1/discharge	Grab
Benzoic Acid	77247	—	0.071 mg/l	0.12 mg/l	1/discharge	Grab
p-Cresol	77146	—	0.014 mg/l	0.025 mg/l	1/discharge	Grab
Phenol	34694	—	0.015 mg/l	0.026 mg/l	1/discharge	Grab
Zinc (Total)	01092	—	0.11 mg/l	0.20 mg/l	1/discharge	Grab
pH (Standard Units)*	00400	—	—	—	1/discharge	Grab

<sup>1/</sup> Testing will occur prior to discharge to assure permit compliance. Once/discharge (1/discharge) is defined as a batch discharge, which occurs when the oxidation pond is pumped out approximately every 1½ to 2 months. A batch discharge must be totally discharged within seventy-two (72) hours of discharge commencement or a second sample must be pulled and analyzed to assure compliance with permit limitations.

\* The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured. If the pH is below 6.0 standard units or above 9.0 standard units, then the monitoring frequency shall increase to 1/ week. This increased frequency shall continue until a sample demonstrates a value between 6.0 and 9.0 standard units.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location:

**Outfall 001, shall be monitored at the point of discharge prior to mixing with other waters.**

Part I

Page 3 of 3

LA0097888/AI 30245/PER19980003**FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning the effective date of the permit and lasting through the expiration date of the permit the permittee is authorized to discharge from:

Outfall 002, located at Lat. 30° 03' 31" & Long. 91° 53' 31", treated sanitary wastewater

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	Storet <u>Code</u>	<u>Discharge Limitations</u>			<u>Monitoring Requirements</u>	
		(lbs/day)	other units (specify)		Measurement <u>Frequency</u>	Sample <u>Type</u>
		<u>Monthly Avg.</u>	<u>Monthly Avg.</u> Report	<u>Daily Max.</u> Report		
Flow-MGD	50050	---	---	---	1/6 months	Estimate
BOD <sub>5</sub>	00310	---	---	45 mg/l	1/6 months	Grab
TSS	00530	---	---	45 mg/l	1/6 months	Grab
Fecal Coliform						
Colonies/100 ml	74055	---	---	400	1/6 months	Grab
pH (Standard Units)*	00400	---	---	---	1/6 months	Grab

\* The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units. The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured. **If the pH is below 6.0 standard units or above 9.0 standard units, then the monitoring frequency shall increase to 1/ week. This increased frequency shall continue until a sample demonstrates a value between 6.0 and 9.0 standard units.**

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location:

**Outfall 002, sanitary wastewater will not be reported as a combined outfall. It shall be monitored at the point of discharge from the treatment prior to mixing with other waters.**

LA0097888/AI 30245/PER19990003**PART II****OTHER REQUIREMENTS**

In addition to the standard conditions required in all permits and listed in Part III, the office has established the following additional requirements in accordance with the Louisiana Water Quality Regulations.

**SECTION A. GENERAL STATEMENTS**

The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies.

1. This permit does not in any way authorize the permittee to discharge a pollutant not listed or quantified in the application or limited or monitored for in the permit.
2. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.
3. For definitions of monitoring and sampling terminology see Part III, Section F.

**4. 24-hour Oral Reporting: Daily Maximum Limitation Violations**

Under the provisions of Part III Section D.6.b.3 of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

Pollutants: None

5. **Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 TOC, 15 mg/l Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit.** Any discharge in excess of these limitations, which is attributable to offsite contamination shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually.
6. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). All monitoring reports must be retained for a period of at least three (3) years from the date of the sample measurement. The permittee shall make available to this Department, upon request, copies of all monitoring data required by this permit.

If there is a no discharge event at any of the monitored outfall(s) during the sampling period, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.

Monitoring results for each month shall be summarized on a Discharge Monitoring Report (DMR) Form (one DMR Form per month) and submitted to the Office of Environmental Compliance on a quarterly basis. The schedule for quarterly DMR submission is as follows:

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**OTHER REQUIREMENTS (continued)**

<u>Monitoring Period</u>	<u>DMR Due Date</u>
January, February, March	April 28th
April, May, June	July 28th
July, August, September	October 28th
October, November, December	January 28th

The original DMR signed and certified as required by LAC 33:IX.2503.B, and all other reports required by this permit shall be submitted to the Permits Compliance Unit, and a copy of the DMR and all other reports required by this permit shall also be submitted to the appropriate LDEQ regional office at the following addresses:

Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attention: Permit Compliance Unit

Acadiana Regional Office  
Office of Environmental Compliance  
Surveillance Division  
111 New Center Drive  
Lafayette, Louisiana 70508

**OTHER REQUIREMENTS (continued)**

**SECTION B. STORMWATER PROVISIONS FOR STORMWATER DISCHARGES**

- A. This section applies to all storm water discharges from the facility, either through permitted outfalls or through outfalls, which are not listed in the permit or as sheet flow.
- B. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.
- C. The permittee shall prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. The terms and conditions of the SWP3 shall be an enforceable Part of the permit. EPA document 833-R-92-002 (Storm Water Management for Industrial Activities) may be used as a guidance and may be obtained by writing to the U.S. Environmental Protection Agency, Office of Water Resources (RC-4100), 401 M Street, S.W., Washington D.C. 20460 or by calling (202) 260-7786.
- D. The following conditions are applicable to all facilities and shall be included in the SWP3 for the facility.
1. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed.
  2. The permittee shall develop a site map, which includes all areas where storm water may contact potential pollutants or substances, which can cause pollution. Any location where reportable quantities leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure storm water precipitation will not directly contact the substances and result in contaminated runoff.
  3. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters, the SWP3 should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

**OTHER REQUIREMENTS (continued)**

4. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWP3 and the permit, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWP3.
5. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2333. The summary report is to be attached to the SWP3 and provided to the Department upon request.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signatory requirements for the certification may be found in Part III, Section D.10 of this permit.

6. The permittee shall make available to the Department, upon request, a copy of the SWP3 and any supporting documentation.
- E. The following shall be included in the SWP3, if applicable.
1. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:
    - a. maintaining adequate roads and driveway surfaces;
    - b. removing debris and accumulated solids from the drainage system; and
    - c. cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.
  2. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface). In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

**OTHER REQUIREMENTS (continued)**

3. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.
4. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials exposed to storm water shall be maintained in a manner which prevents contamination of storm water by pollutants.
5. All storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.
6. All diked areas surrounding storage tanks or storm water collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves, which shall be kept in the closed condition except during periods of supervised discharge.
7. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.
8. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (L.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWP3.
9. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility, which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.
10. If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.

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LA0097888/AI 30245/PER19990003**OTHER REQUIREMENTS (continued)****F. Facility specific SWP3 Conditions:**

1. **Drainage Area Site Map.** Identify locations of the following activities where such activities are exposed to precipitation / runoff: active and closed landfill cells or trenches, active and closed land application areas, locations where open dumping is occurring or has occurred, locations of any known leachate springs or other areas where uncontrolled leachate may commingle with runoff, leachate collection and handling systems.
2. **Summary of Potential Pollutant Sources.** A narrative description of the potential pollutant associated with any of the following: fertilizer, herbicide and pesticide application; earth/soil moving; waste hauling and loading/unloading; outdoor storage of significant materials including daily, interim and final cover material stockpiles as well as temporary waste storage areas; exposure of active and inactive landfill and land application areas; uncontrolled leachate flows; failure or leaks from leachate collection and treatment systems.
3. **Good Housekeeping Measures.** As part of your good housekeeping program, consider providing protected materials storage areas for pesticides, herbicides, fertilizer, and other significant materials.
4. **Preventative Maintenance Program.** This program must also maintain: 1) containers used for outdoor chemical and significant materials storage to prevent leaking or rupture; 2) all elements of leachate collection and treatment systems to prevent commingling of leachate with storm water; 3) the integrity and effectiveness of any intermediate or final cover (including repairing the cover as necessary to minimize the effects of settlement, sinking and erosion).
5. **Inspections of Active Sites:** for operating landfills, open dumps, and land application sites, inspections must be conducted at least once every 7 days. Qualified personnel must inspect areas of landfills that have not yet been finally stabilized, active land application areas, areas used for storage of material / wastes that are exposed to precipitation, stabilization and structural control measures, leachate collection and treatment systems, and locations where equipment and waste trucks enter and exit the site. Ensure that sediment and erosion control measures are operating properly. For stabilized sites and areas where land application has been completed, conduct inspections at least once every month.
6. **Sediment and Erosion Control Plan:** Provide temporary stabilization (e.g., consider temporary seeding, mulching, and placing geotextiles on the inactive portions of stockpiles); for materials stockpiled for daily, intermediate and final cover; inactive areas of the landfill or open dump; any landfill or open dump area that has received a final cover until vegetation has established itself; and where waste application has been completed at land application sites but final vegetation has not yet been established.

**PART III  
STANDARD CONDITIONS FOR LPDES PERMITS**

**SECTION A. GENERAL CONDITIONS**

**1. Introduction**

In accordance with the provisions of LAC 33:IX.2701, et. seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES) set forth in the Louisiana Environmental Quality Act (LEQA), as amended, as well as ALL applicable regulations.

**2. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**3. Penalties for Violation of Permit Conditions**

a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

**4. Toxic Pollutants**

a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

**5. Duty to Reapply**

a. Individual Permits. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments.

b. General Permits. General permits expire five years after the effective date. Unless otherwise specified in the general permit, or notified by the Secretary or his designee, a permittee must submit a NOI/application for the permitted activity.

**6. Permit Action**

This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105, and 6509. The causes may include, but are not limited to, the following:

- a. Noncompliance by the permittee with any condition of the permit;
- b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant acts, or the permittee's misrepresentation of any relevant facts at any time;
- c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge; or
- e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13;
- f. Change of ownership or operational control;

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to Provide Information

The permittee shall furnish to the state administrative authority, within a reasonable time, any information which the state administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025.

10. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability

If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution

A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

**SECTION B. PROPER OPERATION AND MAINTENANCE**

**1. Need to Halt or Reduce not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**2. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**3. Proper Operation and Maintenance**

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

**4. Bypass of Treatment Facilities**

a. Bypass. The intentional diversion of waste streams from any portion of a treatment facility.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.

**c. Notice**

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Permits Division, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2701.L.6, (24-hour notice) and Section D.6.e. of these standard conditions.

**d. Prohibition of bypass**

(1) Bypass is prohibited, and the state administrative authority may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Section B.4.c of these standard conditions.

- (2) The state administrative authority may approve an anticipated bypass after considering its adverse effects, if the state administrative authority determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

5. Upset Conditions

- a. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
- (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
  - (2) The permitted facility was at the time being properly operated; and
  - (3) The permittee submitted notice of the upset as required by LAC 33:IX.2701.L.6.b.ii. and Section D.6.e.(2) of these standard conditions; and
  - (4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.
- d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
6. Removed Substances  
Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be properly disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state and in accordance with environmental regulations.
7. Percent Removal  
For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.5905.A.3. and B.3.

**SECTION C. MONITORING AND RECORDS**

**1. Inspection and Entry**

The permittee shall allow the state administrative authority, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

- b. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

**e. Sample Collection**

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.

- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

- f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provisions of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) will be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2903.

3. Retention of Records

Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority at any time.

4. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The time(s) analyses were begun and ended
- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used;
- g. The results of such analyses; and
- h. The results of all quality control procedures.

5. Monitoring Procedures

a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in this permit. This includes procedures contained in the latest EPA approved edition of the following publications:

(1) "Standard Methods for the Examination of Water and Waste Water". This publication is available from the American Public Health Association, Publication Sales, P. O. Box 753, Waldorf, MD 20604-0573, Phone number (301) 893-1894, Fax number (301) 843-0159.

(2) "Annual Book of Standards, Vols 1101-1103, Water I, Water II, and Atmospheric Analysis". This publication is available from the American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Phone number (610) 832-9500.

(3) "Methods for Chemical Analysis of Water and Wastes, Revised, March 1983," U.S. Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-84-128677.

b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

- c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982" U.S. Environmental Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503. General laboratory procedures including glassware cleaning, etc. can be found in the "Handbook for Analytical Quality Control in Water and Wastewater Laboratories, 1979," U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. This publication is available from the Environmental Protection Agency, Phone number (513) 569-7562. Order by EPA publication number EPA-600/4-79-019.
6. **Flow Measurements**  
Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:
- a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.
- b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA, 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.
- c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.
7. **Prohibition for Tampering: Penalties**  
a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.
- b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.
8. **Additional Monitoring by the Permittee**  
If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.4901) or, in the case of sludge use and disposal, approved under 40 CFR part 136 (See LAC 33:IX.4901) unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.
9. **Averaging of Measurements**  
Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

**10. Laboratory Accreditation**

a. LAC 33:1.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

- (1) Submitted on behalf of any facility, as defined in R.S.30:2004;
- (2) Required as part of any permit application;
- (3) Required by order of the department;
- (4) Required to be included on any monitoring reports submitted to the department;
- (5) Required to be submitted by contractor
- (6) Otherwise required by department regulations.

b. The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

c. Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation, are available on the department website located at:

**<http://www.deq.state.la.us/laboratory/index.htm>**

Questions concerning the program may be directed to (225) 765-0582.

**SECTION D. REPORTING REQUIREMENTS****1. Facility Changes**

The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2703.A.1.
- c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

**2. Anticipated Noncompliance**

The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**3. Transfers**

This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2901; in some cases, modification or revocation and reissuance is mandatory.)

- a. Transfers by modification. Except as provided in LAC 33: IX.2901.B, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2903. A.2.b), or a minor modification made (under LAC 33:IX.2905) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.
- b. Automatic transfers. As an alternative to transfers under LAC 33:IX.2901.A, any LPDES permit may be automatically transferred to a new permittee if:
  - (1) The current permittee notifies the state administrative authority at least 30 days in advance of the proposed transfer date in Section D.3.b.(2) below;
  - (2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;
  - (3) The state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subsection may also be a minor modification under LAC 33:IX.2905. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section D.3.b.(2) of these standard conditions.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Part I or Part II of this permit.

The permittee shall submit properly completed Discharge Monitoring Reports (DMRs) on the form specified in the permit. Preprinted DMRs are provided to majors/92-500's and other designated facilities. Please contact the Permit Compliance Unit concerning preprints. Self-generated DMRs must be pre-approved by the Permit Compliance Unit prior to submittal. Self-generated DMRs are approved on an individual basis. Requests for approval of self-generated DMRs should be submitted to:

Supervisor, Permit Compliance Unit  
Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, LA 70821-4312

Copies of blank DMR templates, plus instructions for completing them, and EPA's LPDES Reporting Handbook are available at the department website located at:

<http://www.deq.state.la.us/enforcement/index.htm>

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification

a. Emergency Notification

As required by LAC 33:I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Verbal Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the telephone notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

b. Prompt Notification

As required by LAC 33:I.3917, in the event of an unauthorized discharge which exceeds reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by e-mail utilizing the Incident Report Form and procedures found at [www.deq.state.la.us/surveillance](http://www.deq.state.la.us/surveillance) or by telephone within 24 hours after learning of the discharge. Otherwise, verbal notification should be made to the Office of Environmental Compliance at (225) 219-3640 during office hours or (225) 342-1234 after hours, weekends, and holidays.

c. Information for Verbal Notifications. The following guidelines will be utilized as appropriate, based on the conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

- (1) name of person making the notification and telephone number where any return calls from response agencies can be placed;
- (2) name and location of facility or site where the unauthorized discharge is imminent or has occurred using common landmarks. In the event of an incident involving transport, include the name and address of transporter and generator;
- (3) date and time the incident began and ended, or estimated time of continuation if discharge is continuing;
- (4) extent of any injuries and identification of any known personnel hazards which response agencies may face;
- (5) common or scientific chemical name, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharged pollutants;
- (6) brief description of the incident sufficient to allow response agencies to formulate level and extent of response activity.

d. Written Notification Procedures. Written reports for any unauthorized discharge that requires verbal notification under Section D.6.a. or 6.b., or that requires written notification under LAC 33:1.3925, will be submitted by the discharger to the department in accordance with this section within seven calendar days after the telephone notification. Written notification reports will include, but are not limited to, the following information:

- (1) name of person, company, or other party who is filing the written report;
- (2) time and date of verbal notification, name of person making the notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;
- (3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;
- (4) details of the circumstances and events leading to any emergency condition, including incidents of loss of sources of radiation;
- (5) common or scientific chemical name, the CAS number, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharge pollutants, including methodology for calculations and estimates;
- (6) statement of actual or probable fate or disposition of the pollutant or source of radiation;
- (7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Please see LAC 33:1.3925.B for additional written notification procedures.

e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger human health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as information which must be reported within 24 hours:

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2701.M.3.b.);
- (2) Any upset which exceeds any effluent limitation in the permit;
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the state administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2707.G.).

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances

In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Permits Division as soon as they know or have reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:
  - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (1) One hundred micrograms per liter (100 µg/L);
    - (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micro-grams per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2501.G.7; or
    - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F.; or
  - ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:
  - i. listed at LAC 33:IX.7107, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - (1) Five hundred micrograms per liter (500 µg/L);
    - (2) One milligram per liter (1 mg/L) for antimony;
    - (3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2501.G.7; or
    - (4) The level established by the state administrative authority in accordance with LAC 33:IX.2707.F.; or

- ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

10. Signatory Requirements

All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

a. All permit applications shall be signed as follows:

(1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,
- (b) The manager of one or more manufacturing, production, or operating facilities, provided: the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

**NOTE:** DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a.(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a.(1)(b). rather than to specific individuals.

(2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

- (a) The chief executive officer of the agency, or
- (b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits and other information requested by the state administrative authority shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
- (3) The written authorization is submitted to the state administrative authority.

c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**11. Availability of Reports**

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323 and LAC 33:IX.6503) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

- a. The name and address of any permit applicant or permittee;
- b. Permit applications, permits, and effluent data.
- c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2501 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

**SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION**

**1. Criminal**

**a. Negligent Violations**

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.

**b. Knowing Violations**

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

**c. Knowing Endangerment**

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any of such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

**d. False Statements**

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than \$20,000 per day of violation, or imprisonment of not more than 4 years, or both.

**2. Civil Penalties**

The Louisiana Revised Statutes LA. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$27,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

**(PLEASE NOTE: These penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)**

**SECTION F. DEFINITIONS**

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Clean Water Act" (CWA) means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).
2. "Accreditation" means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.
3. "Administrator" means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.
4. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Clean Water Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.
5. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Clean Water Act.
6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
7. "Commercial Laboratory" means any laboratory that performs analyses or tests for third parties for a fee or other compensation, except those commercial laboratories accredited by the Department of Health and Hospitals in accordance with R.S.49:1001 et seq.
8. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.
9. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.
10. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.
11. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.
12. "Grab sample" means an individual sample collected in less than 15 minutes.
13. "Industrial user" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.
14. "LEQA" means the Louisiana Environmental Quality Act.

15. "Louisiana Pollutant Discharge Elimination System (LPDES)" means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

16. "Monthly Average" (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, and flow is measured as a continuous record, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1E_1 + C_2E_2 + \dots + C_nE_n}{F_1 + F_2 + \dots + F_n}$$

The monthly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

17. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.

18. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

19. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

20. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.

21. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

22. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.

23. The term "MGD" shall mean million gallons per day.

24. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).

25. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).

26. "Weekly average", other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The weekly average for fecal coliform bacteria is the geometric mean of the daily discharges over a calendar week.
27. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.
28. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
29. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.
30. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.

GORDON'S DISPOSAL, LLC.

**APPENDIX B**  
**PROOF OF PUBLIC NOTICE**

# Public Notice of Intent to Submit Permit Application

Gordon's Construction and Landfill, Inc.  
614 Coteau Road, St. Martin Parish, Louisiana

Notice is hereby given that Gordon's Construction and Landfill, Inc. does intend to submit to the Department of Environmental Quality, Office of Environmental Services, Permits Division, a renewal application for a permit to operate a Type III Construction and Demolition Debris Landfill and Separation Facility in St. Martin Parish, Range 6, Township 11, Section 28, which is approximately (from Burke) 0.3 miles northwest along LA Highway 182 at 614 Coteau Road.

Comments concerning the facility may be filed with the secretary of the Louisiana Department of Environmental Quality at the following address:

Louisiana Department of Environmental Quality  
Office of Environmental Services  
Permits Division  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

2888346-Jun 18-11



(225) 383-1111

**CAPITAL CITY PRESS**  
**PO BOX 588**  
**BATON ROUGE, LA 70821-0588**

FED ID NO 72-0146160

DATE: 6-18-04

ACCOUNT NUMBER: 700978

**LEGAL ADVERTISING INVOICE**

GORDONS CONST & LANDFILL

\*\*\* ORIGINAL INVOICE \*\*\*

614 COTEAU RD  
NEW IBERIA LA 70560

*permits*

**POSTED**

PMT/CREDITS

INVOICE NUMBER	TAG / DESCRIPTION	START DATE	STOP DATE	TIMES	SIZE	AMOUNT DUE
T0286834606	TYPE III CONST & DEMO DEBRIS	06/18/04	06/18/04	1	210.0	399.50

LEGAL ADVERTISING INVOICE AFFIDAVITS WILL BE SENT SEPARATELY

**LEGAL ADVERTISING INVOICE**  
THE ADVOCATE / SATURDAY / SUNDAY ADVOCATE

\* PLEASE RETURN THIS PORTION WITH REMITTANCE \*

**ACCOUNT NUMBER** 700978

INVOICE NUMBER	AMOUNT DUE
T0286834606	399.50

DO NOT FOLD STAPLE OR MUTILATE

REMIT AMOUNT \$ \_\_\_\_\_

CHECK NO \_\_\_\_\_

GORDONS CONST & LANDFILL

614 COTEAU RD  
NEW IBERIA LA 70560

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**PO BOX 588**  
**BATON ROUGE, LA 70821-0588**

**APPENDIX C**  
**CORRESPONDENCE**

***GORDON'S DISPOSAL, LLC.***

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**LOUISIANA DEPARTMENT OF TRANSPORTATION AND  
DEVELOPMENT**



STATE OF LOUISIANA  
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
P. O. BOX 3648  
LAFAYETTE, LOUISIANA 70502

(318) 262-6100 FAX (318) 262-5101

May 3, 1994

EDWIN W. EDWARDS  
GOVERNOR



JUDE W. P. PATIN  
SECRETARY

TYPE III LANDFILL PERMITS  
U.S. 90 AT FREETOWN ROAD  
CONTROL 424 SECTION 04  
IBERIA PARISH  
LA. 89 AT DAVID TRAHAN LANDFILL  
CONTROL 397 SECTION 05  
IBERIA PARISH  
LA. 88 AT GORDON DOYLE LANDFILL  
CONTROL 397 SECTION 05  
ST. MARTIN PARISH  
DISTRICT 03

Mr. Simon Freyou  
Simon Freyou & Associates, Inc.  
2007 Freyou Road  
New Iberia, Louisiana 70560

Dear Mr. Freyou:

The District 03 Traffic Engineering staff has reviewed access to the subject landfills from U.S. 90, La. 88 and La. 89 and have no objection.

Based on an anticipated average of 15-20 vehicles per day to each site and all vehicles within legal weight limits, it is felt that the proposed facilities will not have a significant adverse impact on the traffic flow of the area roadways.

Accordingly, this office finds no objection with the proposed permitting of these facilities.

If you have any question or require any further information, please contact my office at your earliest convenience.

Yours very truly,

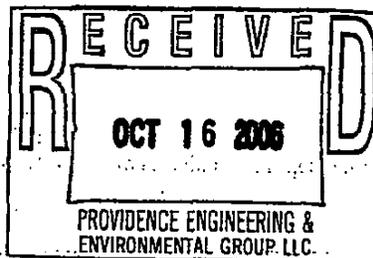
WILLIAM K. FONTENOT, JR.  
DISTRICT ENGINEER ADMINISTRATOR

WKF/LCH/vh  
pc: Mr. L. C. Harry  
Reading Files  
Z.C.W.

GORDON'S DISPOSAL, LLC.

---

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**



**Kathleen Babineaux Blanco**  
Governor

**State of Louisiana**  
Department of Wildlife & Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898-9000  
(225) 765-2800

**Janice A. Lansing**  
Acting Secretary

**Date** October 12, 2006

**Name** Yolunda Righteous

**Company** Providence Engineering

**Street Address** P.O. Box 84380

**City, State, Zip** Baton Rouge, LA 70884

**Project** Gordon's Disposal, Inc.: Solid Waste Permit Renewal Application  
Providence Engineering Project No. 133-003

**Invoice Number** 06101204

Personnel of the Habitat Section of the Fur and Refuge Division have reviewed the preliminary data for the captioned project. After careful review of our database, no impacts to rare, threatened, or endangered species or critical habitats are anticipated for the proposed project. No state or federal parks, wildlife refuges, scenic streams, or wildlife management areas are known at the specified site within Louisiana's boundaries.

The Louisiana Natural Heritage Program (LNHP) has compiled data on rare, endangered, or otherwise significant plant and animal species, plant communities, and other natural features throughout the state of Louisiana. Heritage reports summarize the existing information known at the time of the request regarding the location in question. The quantity and quality of data collected by the LNHP are dependent on the research and observations of many individuals. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in Louisiana have not been surveyed. This report does not address the occurrence of wetlands at the site in question. Heritage reports should not be considered final statements on the biological elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments. LNHP requires that this office be acknowledged in all reports as the source of all data provided here. If at any time Heritage tracked species are encountered within the project area, please contact the LNHP Data Manager at 225-765-2643. If you have any questions, or need additional information, please call 225-765-2357.

Sincerely,  
*Nicole Lester for*  
Gary Lester, Coordinator  
Natural Heritage Program

*GORDON'S DISPOSAL, LLC.*

---

**UNITED STATES ARMY CORPS OF ENGINEERS**



**DEPARTMENT OF THE ARMY**

VICKSBURG DISTRICT, CORPS OF ENGINEERS  
4155 CLAY STREET  
VICKSBURG, MISSISSIPPI 39183-3435

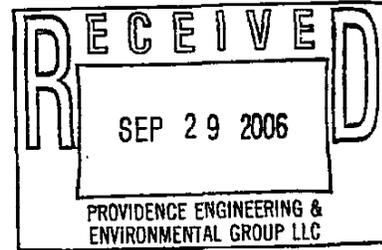
REPLY TO  
ATTENTION OF:

September 26, 2006

Operations Division

SUBJECT: Gordon's Disposal, Inc. Solid Waste Permit Renewal  
Application

Ms. Yolunda M. Righteous  
Providence Engineering  
Post Office Box 84380  
Baton Rouge, Louisiana 70884-4380



Dear Ms. Righteous:

Your recent correspondence, subject as above, has been forwarded for action to the New Orleans District, Corps of Engineers, since the proposed project falls within the geographic boundaries of their District.

Their contact information is:

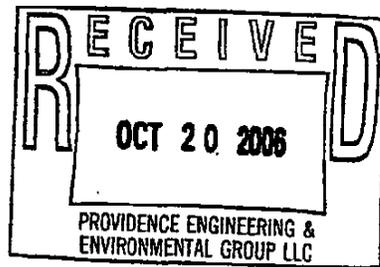
U.S. Army Engineer District, New Orleans  
Attention: Regulatory Branch  
Post Office Box 60267  
New Orleans, Louisiana 70160  
Telephone: 504-862-2255

Sincerely,

Elizabeth S. Guynes  
Chief, Regulatory Branch



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267



OCT 17 2006

REPLY TO  
ATTENTION OF

Operations Division  
Operations Manager  
Completed Works

Ms. Yolunda M. Righteous  
Providence Engineering  
Post Office Box 84380  
Baton Rouge, Louisiana 70884-4380

Dear Ms. Righteous:

This is in response to your Solicitation of Views request dated September 20, 2006, on behalf of Gordon's Disposal, Inc., concerning the operation of a Type III Construction and Demolition Debris Landfill and Separation Facility at New Iberia, Louisiana, in Iberia Parish.

We have reviewed your request for potential Department of the Army regulatory requirements and impacts on any Department of the Army projects.

We do not anticipate any adverse impacts to any Corps of Engineers projects.

Based on review of maps, aerial photography, and soils data, we have determined that there are no jurisdictional wetlands within 1,000 feet of the subject site. However, Waters of the United States subject to Corps of Engineers jurisdiction under Section 404 of the Clean Water Act do occur within 1000 feet of the subject site.

Off-site locations of activities such as borrow, disposals, haul-and detour-roads and work mobilization site developments may be subject to Department of the Army regulatory requirements and may have an impact on a Department of the Army project.

Should you contemplate work for which a permit is required, you should apply for said permit well in advance of the work to be performed. The application should include sufficiently detailed maps, drawings, photographs, and descriptive text for accurate evaluation of the proposal. The permit application should be addressed to our Western Evaluation Section of Regulatory Branch, organization code CEMVN-OD-SW.

This determination of permit requirements is valid for a period of five years from the date of this letter unless new information warrants a revision prior to the expiration date. In addition, any changes or modifications to the proposed project may require a revised determination.

Please contact Dr. John Bruza, of our Regulatory Branch by telephone at (504) 862-1288, or by e-mail at [John.D.Bruza@mvn02.usace.army.mil](mailto:John.D.Bruza@mvn02.usace.army.mil) for questions concerning wetlands determinations or need for on-site evaluations. Questions concerning regulatory permit requirements may be addressed to Mr. Ronnie Duke by telephone at (504) 862-2261 or by e-mail at [Ronnie.W.Duke@mvn02.usace.army.mil](mailto:Ronnie.W.Duke@mvn02.usace.army.mil).

Future correspondence concerning this matter should reference our account number MVN-2006-3751-SU. This will allow us to more easily locate records of previous correspondence, and thus provide a quicker response.

Sincerely,

  
Amy E. Powell  
Solicitation of Views Manager

*GORDON'S DISPOSAL, LLC.*

---

**UNITED STATES DEPARTMENT OF AGRICULTURE (SOIL  
CONSERVATION SERVICE)**

12.5-4



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

P. O. Box 5250  
Lafayette, LA 70502-5250  
(318) 262-6601/FAX 262-6608

April 28, 1994

Gerald Durand  
Chief Administrative Officer  
St. Martin Parish Police Jury  
P. O. Box 9  
St. Martinville, Louisiana 70582

Dear Mr. Durand:

As requested, the Soil Conservation Service reviewed the correspondence dated March 22, 1994 regarding drainage impacts. According to the information from Simon Freyou and Associates, Inc., the public drainage system should have the carrying capacity to handle the quantity of water, if operated in accordance to the stated conditions. However, the downstream receiving waters' quality should be addressed by those related agencies.

As a reminder, necessary permits should be obtained from the appropriate regulatory federal, state, and local agencies.

*Rose D. Shuff*  
Rose D. Shuff  
District Conservationist

cc: Simon Freyou and Associates, Inc.  
Bruce Lehto, Area Conservationist, SCS, Crowley, La.

*GORDON'S DISPOSAL, LLC.*

---

**LOUISIANA DEPARTMENT OF  
CULTURE RECREATION AND TOURISM**



MITCHELL J. LANDRIEU  
LIEUTENANT GOVERNOR

**State of Louisiana**  
OFFICE OF THE LIEUTENANT GOVERNOR  
DEPARTMENT OF CULTURE, RECREATION & TOURISM  
OFFICE OF STATE PARKS

ANGÈLE DAVIS  
SECRETARY  
STUART JOHNSON, PH.D.  
ASSISTANT SECRETARY

September 25, 2006

Ms. Yolunda M. Righteous  
Project Manager  
Providence Engineering  
P.O. Box 84380-4380  
Baton Rouge, LA 70884-4380

Re: Providence Engineering Project No. 133-003

Dear Ms. Righteous,

I am in receipt of your solicitation of views request regarding proximity of recreational facilities for the project for Gordon's Disposal, Inc., solid waste permit renewal application in Providence Engineering Project No. 133-003.

The Division of Outdoor Recreation in the Louisiana Office of State Parks administers the Land and Water Conservation Fund program for Louisiana. In this capacity we compile an inventory of recreational sites within the state for publication in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) published periodically. The most recent SCORP was published for the period of 2003-2008 with an inventory developed in 2003.

Based on the information provided, there does not appear to be any conflict regarding this proposed project with existing recreational facilities identified in the most recent SCORP.

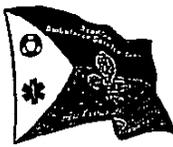
Sincerely,

A handwritten signature in cursive script, appearing to read "Cleve Hardman".

Cleve Hardman  
Director of Outdoor Recreation

**APPENDIX D**

**R.S. 30:2157 CERTIFICATION**



# Acadian

Ambulance Service



NATIONALLY ACCREDITED

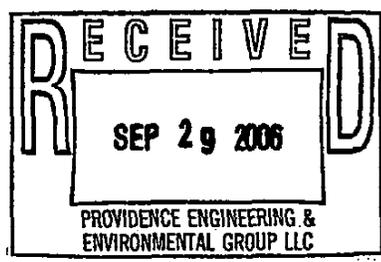
P.O. Box 98000 • LAFAYETTE, LA • 70509-8000

EMPLOYEE OWNED

AMBULANCE DISPATCH  
511  
800-259-1111

ADMINISTRATION  
337-291-3333  
800-259-3333

BILLING  
800-259-2222



September 26, 2006

Ms. Yolunda M. Righteous  
P. O. Box 84380  
Baton Rouge, LA 70884-4380

Dear Ms. Righteous:

We understand that your company is in the process of applying for a renewal permit for solid waste with Louisiana Department of Environmental Quality for Gordon's Disposal, Inc. located at 614 Coteau Rd. in Iberia Parish.

Acadian Ambulance Service provides emergency ambulance service in Iberia Parish as well as the bordering parishes. We are capable of providing ground and air medical support in the event of an incident at your facility. We are also capable of responding and providing support in hazardous materials situation in accordance with Acadian Ambulance Service's Safety Department guidelines.

Should you need additional information, please let me know.

Sincerely,

Jerry Romero  
Vice President, Operations

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

*[Faint, illegible text, likely bleed-through from the reverse side of the page]*



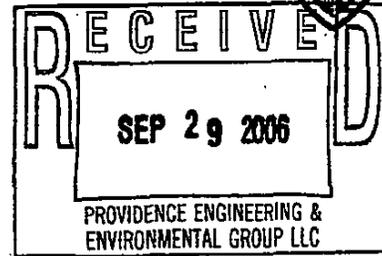
# Iberia Parish Fire Protection District #1

2309 Avery Island Road, New Iberia, LA. 70560

Phone: (337)365-5872

Fax: (337)367-5060

Fire Chief Samuel F. Bird



Reference: Gordon's Disposal, Inc.  
614 Coteau Road  
New Iberia, LA

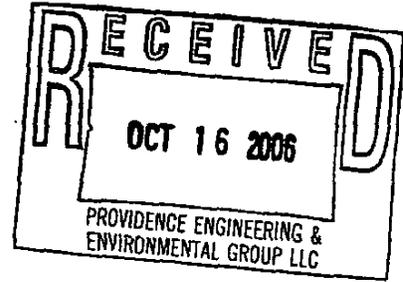
### Response Requirements of Section 472 (NFPA)

The Coteau Volunteer Fire Department is the first due in Fire Department to the location stated above and then the Iberia Parish Fire Protection District #1 is the paid department responding to that location both departments meet and exceed the requirements of N.F.P.A. 472 Standards and will respond as needed to the Gordon's Disposal Inc. Site located at 614 Coteau Road, New Iberia, LA.

If you should have other questions please contact me.

Yours in Fire Safety

Samuel F. Bird



October 13, 2006

Mrs. Yolunda M. Righteous  
Providence Engineering  
P.O. Box 84380  
Baton Rouge, La 70884-4380  
(225-766-7400)

Dear Mrs. Yolunda M. Righteous:

Iberia Medical Center does have the ability to handle moderate emergency/decontamination situations. Our facility does have the capability to decontaminate patients from Gordon's Disposal, Inc. who are contaminated w/hazardous materials. We have a decon shower and tent on site for emergency situations.

Sincerely,

Trent Hebert  
Plant Operations Supervisor, Safety Officer  
Iberia Medical Center

IBERIA MEDICAL CENTER  
2315 E MAIN STREET  
NEW IBERIA, LA 70560

**APPENDIX E**  
**OPERATIONAL PLAN**

GORDON'S DISPOSAL, LLC.

---

**GORDON'S DISPOSAL, LLC.**

**TYPE III CONSTRUCTION & DEMOLITION DEBRIS  
LANDFILL**

**OPERATIONAL PLAN**

**MAY 2007**

**PROVIDENCE ENGINEERING AND ENVIRONMENTAL GROUP LLC  
1201 MAIN STREET  
BATON ROUGE, LOUISIANA 70802  
(225) 766-7400**

**PROVIDENCE ENGINEERING PROJECT NO. 133-003**

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**Attachment**

- 1 Tire Log
- 2 Daily Housekeeping Log
- 3 Inspection Log

## **1.0 INTRODUCTION**

Gordon's Disposal, LLC (Gordon's Disposal) operates a Type III construction and demolition debris landfill and separation facility. The primary function of the landfill is to manage construction and demolition debris, woodwaste and yard waste in an environmentally safe manner. The separation facility and activities related to the separation of recyclables occur in the staging area of the facility prior to waste being transferred to the working face of the landfill. The recyclables are separated and placed in appropriate containers for future use. After being inspected at the front office, trucks are directed to the staging area for off-loading. Landfill personnel sort and separate recyclables and unacceptable materials after the materials are off-loaded in the staging area. The resulting construction and demolition debris and other permitted waste streams are then transferred to the landfill for disposal.

The construction and demolition debris landfill is an existing facility that operates in accordance with an approved solid waste standard permit (P-0287) issued by the Louisiana Department of Environmental Quality (LDEQ) on August 29, 1994. The landfill has been in operation since 1995.

The facility is contained within property owned by Gordon Doerle and is constructed to minimize any potential pathways for the release of contaminants. All storm water is directed through permitted outfalls, sampled and reported per permit requirements.

## **2.0 BACKGROUND**

The facility is located at 614 Coteau Road on company -owned land in New Iberia, Louisiana, in Iberia Parish and St. Martin Parish. Access to the site is via Louisiana Highway 182. Access to the facility is by all-weather roads that meet the demands of the facility. The roads are designed to avoid, to the extent practicable, congestion, sharp turns, obstructions, or other hazards conducive to accidents.

## **3.0 PURPOSE**

The Operational Plan allows for the safe and efficient use of the landfill for the disposal of permitted waste streams. Following these guidelines and associated permits will ensure compliance and discharge of storm water in an environmentally sound manner.

## **4.0 REQUIREMENTS**

Proper records are maintained to ensure that proper control is maintained over the landfill in accordance with the facility's permit as well as LDEQ Solid Waste Rules and Regulations and water discharge requirements.

## **5.0 OVERVIEW OF FACILITY**

### **5.1 Design**

The solid waste facility consists of an on-site landfill and an oxidation pond that is designed for on-site storm water control. The landfill is designed, constructed, maintained, and operated in accordance with applicable permits and the oxidation pond is designed to prevent overtopping, and the pond level is checked periodically to prevent overflow.

### **5.2 Operations**

Access to the facility is provided by the access road from LA Highway 182 to the inspection area near the office.

The facility has areas for the storage of white goods, tires, other recyclable items and wood chips, as well as a tub grinder. Storm water runoff from the landfill and the storage area drains to the oxidation pond and then into the St. Martin Parish drainage ditch.

### **5.3 Equipment, Associated Units, and Personnel**

Minimum equipment to be furnished at the facility includes one dozer and/or one excavator and one pump.

The facility maintains the personnel necessary to achieve the operational requirements of the facility. At a minimum, the personnel required to operate the facility consist of one secretary, one inspector/gatekeeper and one equipment operator.

The landfill manager manages landfill operations. Mechanics perform routine maintenance. A laborer may be used to sort and segregate material once it is off loaded in the staging area, to control litter, and to handle other housekeeping tasks (*i.e.*, removal of excessive vegetative growth that prevents proper access, inspection, or operation).

Key personnel responsible for landfill operations are certified by the LDEQ.

## **6.0 GENERAL PROCEDURES**

### **6.1 Waste Approval**

As the waste is brought to the landfill, it is inspected and logged in at the entrance gate by a trained employee. The following information is provided for each load and recorded in the recordkeeping system on-site:

- Date
- Time
- Type of material
- Source of waste
- Volume of waste
- Delivery vehicle identification
- Delivery vehicle owner
- Delivery vehicle driver
- Transporter identification number

Each incoming waste shipment is evaluated by a trained landfill employee at the entrance to the facility. The permitted waste streams consist of the following:

**Construction and demolition debris**

Defined in LAC 33:VII.115 as non-hazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing shingles (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber.

**Woodwaste**

Defined in LAC 33:VII.115 as types of waste typically generated by sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, and wood-fired boiler ash.

**Yard trash**

Defined in LAC 33:VII.115 as vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers. In addition, the facility is permitted for wood/wood chip storage.

The disposal of liquid waste, infectious waste, residential waste, industrial waste, commercial waste, friable asbestos, and putrescible waste is not permitted for disposal in the landfill.

**6.2 Traffic Flow and Unloading**

After being inspected, the incoming vehicles travel the access road to the staging area. Exit travel is by the same path. Holding areas are also provided.

**6.3 Waste Handling**

Since the facility operates as a separation facility as well as a construction and demolition debris landfill, the incoming loads are inspected at the entrance to the facility and off loaded in the staging area of the landfill prior to being transferred to the working face of the facility for final disposal. As part of the separation facility operations, landfill personnel sort and segregate the waste after it is off loaded in the staging area. Containers are available for recyclable materials and unacceptable waste streams that are removed from the waste that is off loaded in the staging area. Waste streams acceptable for disposal are transferred to the working face of the landfill for disposal.

Recyclable material is placed in containers that provide containment of the waste and control litter, odor, and other pollution to adjoining areas. The recyclable bins are emptied at least every 30 days and wood chip removal is removed based on demand.

Waste determined not acceptable at the landfill is removed from the facility at least every seven days. Storage of this waste shall be in a container that prevents vector and odor problems.

Tarps or similar covers are placed over the containers at the end of each working day.

The facility maintains a log of dates and volumes of waste removed from the facility.

#### **6.4 Placement of Cover**

The waste is deposited in the smallest practical area each day and compacted. The waste is also covered with appropriate cover material applied a minimum of 12 inches thick at least every 30 days.

A log is maintained that indicates the dates that cover is applied at the facility.

### **7.0 STORM WATER MANAGEMENT**

There is no runoff from the landfill and storage area. Storm water from the disposal area and the woodwaste storage area is directed to the oxidation pond. The containment levees prevent any unintentional run-on from entering the facility.

The surface drainage controls for the collection of run-off from the site are integral with the facility drainage controls. Storm water from each area of the site is collected and sent to the pond and discharged in accordance with the water discharge permit requirements.

The facility is protected from run-on by levees that serve the dual purpose of retaining storm water and excluding standing or running storm water. The berms will be inspected for severe erosion or other occurrences that may affect its capacity to manage run-on and run-off of storm water. The oxidation pond and berms shall also be inspected after storms to insure proper freeboard, operation and erosion protection.

Rainwater that falls inside the active portions of the landfill and comes in contact with waste material is contained within the area and diverted to the oxidation pond. Run-off from areas of the facility with two feet of compacted cover will be managed as uncontaminated storm water.

## **8.0 DIKES**

The material used for levee construction was the soils taken from the excavation of landfill cells.

The landfill cells are individually protected by a levee or dike. There is no runoff from the facility. The effluent from the oxidation pond is monitored in accordance with the water discharge permit.

## **9.0 WASTES TO BE MANAGED IN THE DISPOSAL FACILITY**

The facility is permitted to dispose of construction and demolition debris, woodwaste, and yard trash. Construction and demolition debris is defined as nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing shingles (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. Woodwaste is defined in LAC 33:VII.115 as types of waste typically generated by sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, and wood-fired boiler ash. Yard trash is defined as vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers. In addition, the facility is permitted for wood/wood chip storage.

## **10.0 RESPONSIBLE PERSONS**

General supervision is provided by the Landfill Manager.

## **11.0 HOURS OF OPERATION**

The facility is operated ten hours per day, six days per week. The hours of operation may be extended with prior verbal notification to the department.

## **12.0 SURVEILLANCE PROCEDURES**

This section addresses the surveillance and maintenance procedures for the impoundments.

- Landfill personnel will visually inspect the levee berms and surrounding area for leaks, rills, outbreaks, and indications of erosion loss.
- Excessive vegetative growth that prevents proper access, inspection, or operation will be removed.
- Landfill personnel will monitor the water level of the oxidation pond to insure proper storage requirements associated with storage and freeboard.
- Landfill personnel will monitor the water level of the oxidation pond prior to hurricane surge events to ensure maximum storage.
- Landfill personnel will utilize the discharge permit for meeting discharge requirements from the oxidation pond.
- The perimeter facilities are inspected on a regular basis. The exterior and interior ditches, diversion berms and security fence are inspected at least monthly. Any problems are reported to the landfill manager.
- A log of these inspections will be maintained on-site. If unusual conditions are found, the office manager or designee will be notified immediately.

## **13.0 QA/QC PROCEDURES**

An analysis of the water is required to ensure proper operation of the facility and compliance with environmental permits.

### **13.1 Water Sampling and Analysis**

A laboratory will perform water permit analysis in accordance with water discharge permits. Landfill personnel will monitor appropriate outfall analytical data and notify the appropriate person immediately of any data that is not within the normal operating range.

### **13.2 Waste Acceptance Procedures**

Inspections of incoming waste loads will be performed in accordance with the permit application.

#### **14.0 CONSTRUCTION QA/QC PLAN**

Future maintenance, construction and/or modification of the facility will be made to ensure compliance with permit conditions and to meet the operational needs of the facility with regards to solid waste and storm water management. Selection of materials utilized for maintenance, construction, etc. will be accomplished utilizing established industry practices.

#### **15.0 EMERGENCY PROCEDURES**

This section addresses the emergency procedures for the facility.

The site is approximately five miles from the Coteau Volunteer Fire Department and approximately 10 miles from Dauterive Hospital and Iberia General Medical Center.

Access to the facility is by all-weather roads that are maintained to avoid hazardous conditions. The operation of the facility will continue through most minor weather conditions with no change in procedure.

All equipment involved in facility operations is periodically inspected and maintained to prevent breakdowns and ensure proper operation.

Severe weather conditions, such as in hurricanes or other violent storms, may result in the closing of the facility, depending on the location and severity of such weather and the likelihood of direct impact on the facility. Decisions to close the facility in inclement weather are made by management personnel.

#### **16.0 RECORDKEEPING**

The facility maintains routine management and administrative records and documentation necessary for the preparation of reports required by the LDEQ as outlined in the Solid Waste Rules and Regulations. These records will be maintained throughout the operational life of the facility and kept on file for at least three years after closure.

The facility's recordkeeping system will contain the following, at a minimum:

- A copy of the current Solid Waste Rules and Regulations
- A copy of the permit application
- A copy of the permit
- A copy of any permit modification
- Any other documents received from/submitted to the LDEQ

The facility will maintain a copy of all applicable environmental permits, annual reports, records, and other documents specified in the permit application as necessary for the effective management of the facility and for preparing the required reports. These records will also be used to ensure compliance with all

applicable regulations. The records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

The records will be utilized to ensure that the facility is operated in accordance with all applicable permits. The records will also be used as the foundation for all reports required by the LDEQ and for the management of information for control of facility operations.

An annual report will be submitted to the Office of Environmental Services, Environmental Assistance Division (OES-EAD) and Permits Division indicating quantities (expressed in wet-weight tons per year) and types and sources of material disposed during the reporting period. All calculations used to determine the amounts of waste disposed during the annual reporting period will be submitted to the OES-EAD and the Permits Division. This form will be updated if changed by the administrative authority. The reporting period for the annual report will be from July 1 through June 30 and will be submitted to the administrative authority by August 1 of each reporting year.

The records of inspections and annual solid waste report records will be maintained and kept on file at the facility.

## **17.0 TRAINING AND SAFETY PROCEDURES**

All personnel employed at the landfill will receive the Basis Red Cross First Aid Course with annual updates on the CPR portion of the course and biannual updates on the basic course.

Safety training sessions will be held for all employees on an annual basis. Records of the training sessions, as well as the first aid courses are to be forwarded to the LDEQ.

## **18.0 INSPECTION LOGS/DOCUMENTATION**

The following documentation/inspection logs shall be maintained on-site:

- Removal of recyclable materials at least every 30 days
- Removal of unacceptable materials at least every 7 days
- Waste Refusal Log (Manifest, if necessary)
- Cover material applied at least every 30 days
- All loads of twenty (20) or fewer waste tires kept on site (**Exhibit 1**)
- Daily clean up inspection log/checklist (**Exhibit 2**)
- Weekly inspection log (**Exhibit 3**)
- Training logs
- Safety logs

## **19.0 REVIEW**

This section outlines the review procedures for this Operational Plan.

***GORDON'S DISPOSAL, LLC.***

---

- The plan shall be reviewed annually by landfill personnel to verify that the operating procedures set forth in this plan are current and continue to reflect good engineering judgment for the operation of the facility.
- The plan shall be modified and updated as deemed appropriate by landfill personnel.

***GORDON'S DISPOSAL, LLC.***

---

**EXHIBIT 1**  
**TIRE LOG**

***GORDON'S DISPOSAL, LLC.***

**TIRE LOG**

**MONTH:** \_\_\_\_\_ **YEAR:** \_\_\_\_\_

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY

**TOTAL TIRES FOR THE MONTH:** \_\_\_\_\_

**Note: Inspector should initial at the end of each day.**

**EXHIBIT 2**  
**DAILY HOUSEKEEPING LOG**

**DAILY HOUSEKEEPING LOG**

**DATE:** \_\_\_\_\_

**TIME:** \_\_\_\_\_

**INSPECTOR:** \_\_\_\_\_

HOUSEKEEPING ACTIVITIES		IF NO, WHAT PROBLEMS NOTED?
HAS LITTER BEEN PICKED UP?	YES/NO	
IS THE AREA AROUND RECYCLING BINS MAINTAINED PROPERLY?	YES/NO	
HAVE TARPS BEEN PLACED ON CONTAINERS?	YES/NO	

**Additional Comments**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**If problems are detected, notify landfill manager.**

***GORDON'S DISPOSAL, LLC.***

---

**EXHIBIT 3  
INSPECTION LOG**

**SITE INSPECTION LOG**

**DATE:** \_\_\_\_\_

**TIME:** \_\_\_\_\_

**INSPECTOR:** \_\_\_\_\_

**1. Drainage Ditch**

- a. Any signs of erosion? \_\_\_\_\_
- b. Any flow restrictions? \_\_\_\_\_

**2. Diversion Berm**

- a. Any signs of erosion? \_\_\_\_\_
- b. Any signs of settling? \_\_\_\_\_

**3. Security Fence**

- a. Proper signs posted? \_\_\_\_\_
- b. Any breaks? \_\_\_\_\_

**4. Comments**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**If problems are detected, notify landfill manager immediately.**

**APPENDIX F**  
**RAINFALL INFORMATION**

BEST COPY OF THE NEXT 02 PAGES

**UNITED STATES**  
**DEPARTMENT OF AGRICULTURE**  
 Miscellaneous Publication No. 204  
 Washington, D. C. August 1935

### RAINFALL INTENSITY-FREQUENCY DATA <sup>1</sup>

By DAVID L. YARNALL, *senior drainage engineer, Division of Drainage, Bureau of Agricultural Engineering* <sup>2</sup>

#### CONTENTS

	Page		Page
Introduction.....	1	Precipitation rates and frequencies.....	6
Method of investigation.....	2	Use of the data.....	7

#### INTRODUCTION

The purpose of this investigation was to determine the frequency at which excessive rates of precipitation occur in different sections of the United States, and the intensity and duration of those rates. Such data are fundamental for the adequate and economical design of farm-terrace systems, farm-drainage systems, highway and railway culverts, municipal storm-sewer systems, and other engineering works that must care for storm run-off. It is believed that this study has developed data sufficient for predicting with reasonable accuracy the period of recurrence of intense precipitations in any part of the United States. The methods followed and the results obtained differ considerably from those of the Miami Conservancy District.<sup>3</sup>

From a detailed study of the records of excessive short-time precipitations at the Weather Bureau stations in continental United States having recording rain gages (see fig. 1), tables have been prepared showing for each station the short-interval record of the most intense storm and the maximum short-period precipitations that have occurred, and charts have been prepared showing the maximum precipitations in periods of 5 minutes to 2 hours that may be expected to occur with average frequencies of 2 to 100 years. From the same records and those of 24-hour precipitations at all Weather Bureau stations in continental United States, similar charts have been prepared showing the maximum 4-hour to 24-hour precipitations of

<sup>1</sup>The compilation, analysis, and publication of the data presented comprise a research project financed by funds provided by the Civil Works Administration, and carried out by temporary employees of the Bureau of Agricultural Engineering under the direction of the author.

<sup>2</sup>To Adolph F. Meyer, professor of hydraulic engineering, University of Iowa, the author is deeply indebted for extended advice and assistance in preparation of the rainfall charts. The preparation also of Frederick Theodore Meyer, associate director in charge of the Laboratory of Hydraulic Research, University of Iowa, is gratefully acknowledged. Also the cooperation was given by engineers J. Milton Fisher, Walter Valentine, Edward Swack, L. W. Garrett, Charles W. Kinney, Chester Kumpkover, G. A. Keller, F. W. Farber, G. R. Miller, J. W. Blasing, R. B. Day, and J. B. Taylor.

<sup>3</sup>Miami Conservancy District, *ESSENTIALS OF STORM RAINFALL OF EASTERN UNITED STATES*, Miami Conserv. Dist., 1st Rept., pt. 2, 200 pp., 1917.

RAINFALL INTENSITY-FREQUENCY DATA

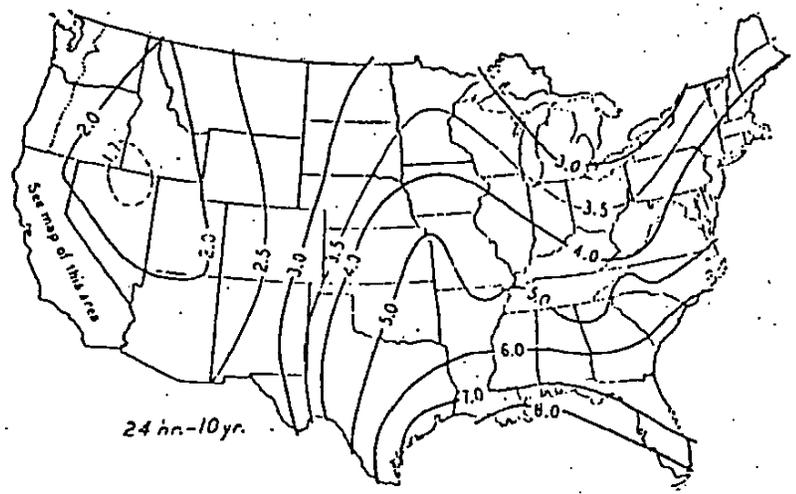


FIGURE 56.—Twenty-four-hour rainfall, in inches, to be expected once in 10 years. (Data for Pacific Coast area are given in fig. 60.)

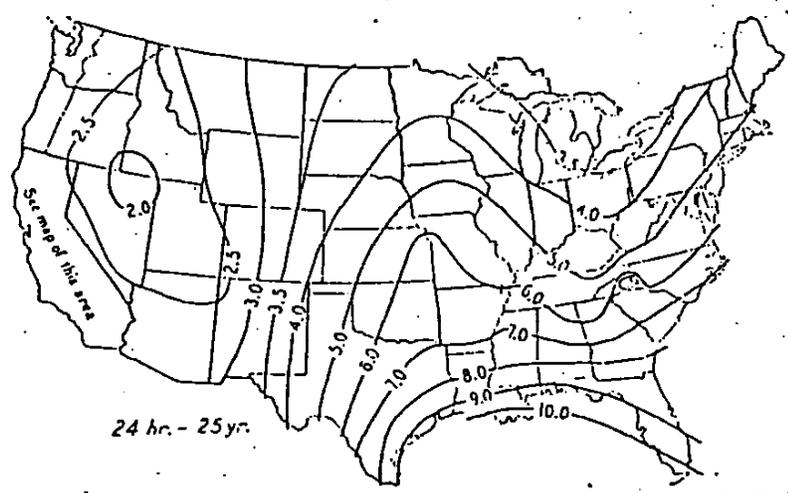


FIGURE 57.—Twenty-four-hour rainfall, in inches, to be expected once in 25 years. (Data for Pacific Coast area are given in fig. 61.)

**APPENDIX G**  
**RESUME**

TEL :

Jun 20, 94 11:10 No.001 P.01

Brief Resume of Key Persons

No. 14-1

a. Name & Title	ROBERT EVANS, INSPECTOR	
b. Project Assignment:	VARIOUS PROJECTS: SOIL, CONCRETE AND ASPHALT INSPECTION	
c. Name of Firm with which associated:	LOUISIANA TESTING & INSPECTION, INC.	
d. Years experience:	With This Firm <u>10</u>	With Other Firms <u>2 1/2</u>
e. Education:	Degree(s)/Year/Specialization 2 YRS. OF COLLEGE - ECONOMICS	
f. Active Registration:	Year First Registered/Discipline	
g. Other Experience and Qualifications relevant to the proposed project:	<p>DOTD (STATE) QUALIFIED CONCRETE TECHNICIAN</p> <p>ACI CONCRETE FIELD TESTING TECHNICIAN, GRADE 1</p> <p>CERTIFIED BY DOTD (STATE) FOR ASPHALT PLANT TESTING &amp; INSPECTION</p> <p>CERTIFIED BY TROXLER ELECTRONIC LABORATORIES, INC. FOR THE USE OF NUCLEAR TESTING EQUIPMENT</p> <p>HAS 12 1/2 YEARS EXPERIENCE IN CONSTRUCTION, SOIL, ASPHALT, AND CONCRETE TESTING AND INSPECTION</p> <p>SPECIALTIES: SOIL BORINGS, CONCRETE CORING, LOGGING OF PILES AND LOAD TESTING OF PILES</p>	



<b>FAX</b>		DATE <u>6-20-94</u>	# PAGES <u>9</u>
TO <u>Simon</u>	FROM <u>Christie</u>		
CO. <u>Freeman Assoc.</u>	CO. <u>LA Testing</u>		
FAX # <u>3678131</u>	FAX # <u>318-232-9362</u>		

MESSAGE

**APPENDIX H**  
**BORING LOGS**

No. 15-1

# Louisiana Testing & Inspection, Inc.

2216 W. Willow St.  
Scott, La. 70583

P. O. Box 2934  
Lafayette, La. 70502



DESCRIPTION: SOIL BORINGS

ORDER NO.: 2532-80

PROJECT: PROPOSED LANDFILL FOR GORDON DOYLE  
HWY. 88 @ HWY. 182, IBERIA PARISH, NEW IBERIA LOUISIANA

DATE: 03-22-94

CLIENT: GORDON DOYLE  
C/O SIMON FREYOU  
2007 FREYOU ROAD  
NEW IBERIA LOUISIANA 70560

INSPECTOR: ROB EVANS

REPORTED TO: GORDON DOYLE  
C/O SIMON FREYOU  
2007 FREYOU ROAD  
NEW IBERIA LOUISIANA 70560



ON THIS DATE (3) THREE SOIL BORINGS WERE TAKEN ON THIS PROJECT. THE PURPOSE OF THE BORINGS WAS TO DETERMINE THE DEPTH OF CLAY STRATA. LOCATIONS FOR THE BORINGS WERE STAKED OUT BY SIMON FREYOU.

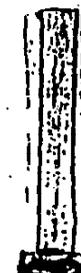


THE SITE IS AN EXISTING BORROW PIT CLOSE TO THE ACADIANA REGIONAL AIRPORT. THE PIT DEPTH EXTENDS TO APPROXIMATELY 30' AT THE DEEPEST POINT.

AUGER SAMPLES WERE OBTAINED TO A DEPTH OF 20'. SAMPLES TAKEN BELOW THAT DEPTH WERE UNDISTURBED SHELBY TUBE SAMPLES.



- (1) ONE BORING WAS DONE TO A DEPTH OF 30 FEET
- (2) TWO BORINGS WERE DONE TO A DEPTH OF 35 FEET



ICC: GORDON DOYLE C/O SIMON FREYOU  
ICC: FILE

RESPECTFULLY SUBMITTED BY:

*Joseph H. Guilbeaux*  
JOSEPH H. GUILBEAUX, PRESIDENT



LOG OF BORING

BORING B-1  
 FILE  
 DATE 03-22-94

PROJECT : PROPOSED LANDFILL FOR GORDON DOYLE  
 HWY. 88 @ HWY. 182, IBERIA PARISH, LA

LOCATION: HWY. 88 @ HWY. 182, NEW IBERIA LOUISIANA

CLIENT : GORDON DOYLE, C/O SIMON FREYDU, 2007 FREYDU ROAD, NEW IBERIA LOUISIANA 70560

DEPTH (FEET)	SAMPLER	DATA ACQUIRED					DESCRIPTION OF STRATUM
		S.P.T. (BLTS) OR PAS. PUL. (TSP)	COMPRESSION STRENGTH (PSF)	WATER CONTENT (%)	WET DENSITY (PCF)	L.L. (%)	
0							LIGHT TAN SILTY CLAY
5							LIGHT BROWN SILTY CLAY
10							WATER AT 15 FEET
15							
20							
25							LIGHT GREY AND BROWN SANDY CLAY
30							LIGHT BROWN SILTY SAND
35							BORING TERMINATED
40							

RESPECTFULLY SUBMITTED BY:

ICC: GORDON DOYLE, C/O SIMON FREYDU  
 ICC: FILE

JOSEPH H. CUILBEAUX, PRESIDENT  
 LOUISIANA TESTING & INSPECTION INC  
 LAFAYETTE LOUISIANA

15-2

LOG OF BORING

BORING B-2  
 FILE  
 DATE 03-22-94

PROJECT : PROPOSED LANDFILL FOR GORDON DOYLE  
 HWY. 88 @ HWY. 182, IBERIA PARISH, LA

LOCATION: HWY. 88 @ HWY. 182, NEW IBERIA LOUISIANA

CLIENT : GORDON DOYLE, C/O SIMON FREYOU, 2007 FREYOU ROAD, NEW IBERIA LOUISIANA 70560

DEPTH (FEET)	SAMPLE	DRY AUGMENT					DESCRIPTION OF STRATUM
		W.P.T. (LTV) OR P.W. (HVT)	COMPRESSION DIMENSION (LTV)	MOISTURE CONTENT (%)	GRAIN DENSITY (PCG)	L.L. (%)	
0							BLACK SILTY CLAY
5							MEDIUM BROWN SILTY CLAY
10							
15							LIGHT GREY AND BROWN SILTY CLAY
20							LIGHT TAN AND BROWN SILTY CLAY
25							LIGHT BROWN AND GREY SANDY CLAY
30							
35							LIGHT GREY SILTY SAND
40							BORING TERMINATED

RESPECTFULLY SUBMITTED BY:

1CC: GORDON DOYLE, C/O SIMON FREYOU  
 1CC: FILE

JOSEPH H. GUILBEAUX, PRESIDENT  
 LOUISIANA TESTING & INSPECTION INC  
 LAFAYETTE LOUISIANA

LOG OF BORING

BORING B-3  
 FILE  
 DATE 03-22-94

PROJECT : PROPOSED LANDFILL FOR GORDON DOYLE  
 HWY. 88 @ HWY. 182, IBERIA PARISH, LA

LOCATION: HWY. 88 @ HWY. 182, NEW IBERIA LOUISIANA

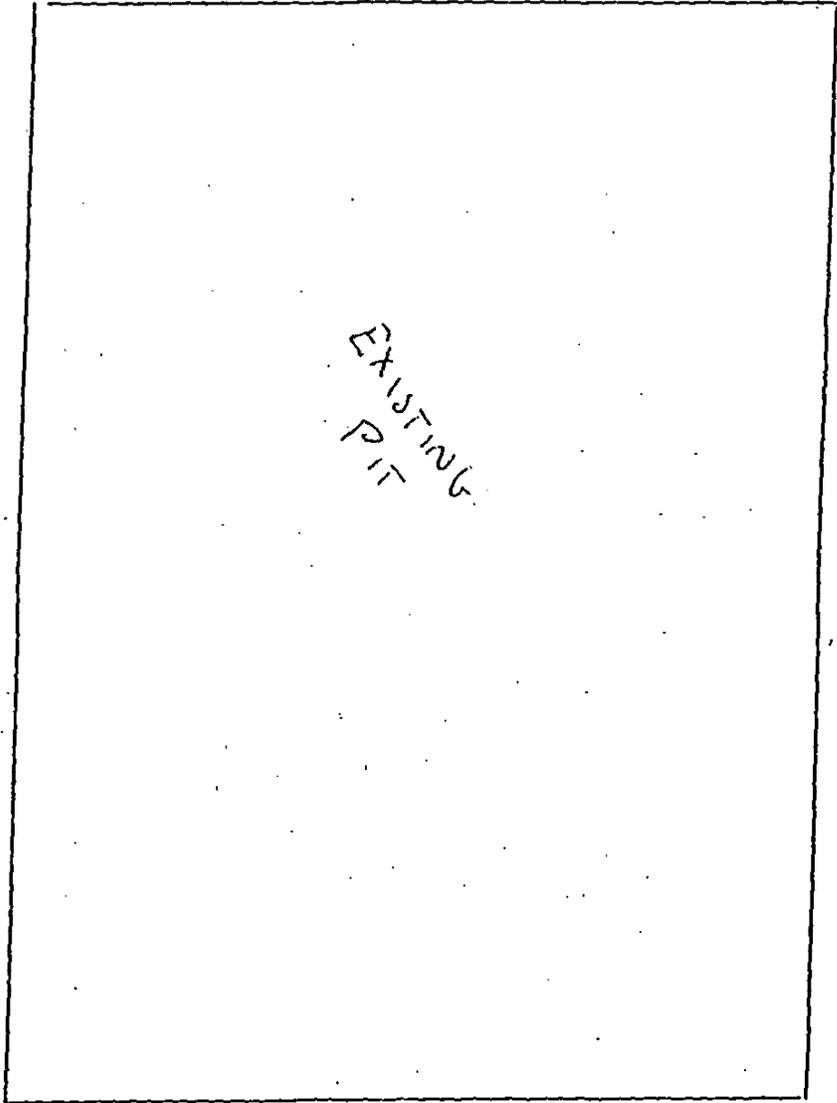
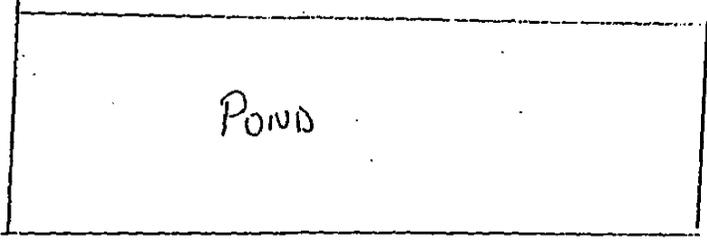
CLIENT : GORDON DOYLE, C/O SIMON FREYOU, 2007 FREYOU ROAD, NEW IBERIA LOUISIANA 70560

DEPTH (FEET)	SAMPLE	TESTS						DESCRIPTION OF STRATUM
		T.C. (Lb/ft <sup>3</sup> ) (ASTM D153)	COMPRESSION INDEX (ASTM D4800)	MOISTURE CONTENT (%)	SAT. DENSITY (PCF)	L.L. (%)	P.L. (%)	
0								DRY AUGERED
0								BLACK SILTY CLAY
5								DARK GREY AND BROWN SILTY CLAY
10								LIGHT BROWN SILTY CLAY
15								LIGHT TAN SILTY CLAY
20								LIGHT GREY AND TAN SANDY CLAY W/ SAND LAYERS
25								LIGHT GREY AND BROWN SILTY SAND
30								BORING TERMINATED
35								
40								

RESPECTFULLY SUBMITTED BY:

ICC: GORDON DOYLE, C/O SIMON FREYOU  
 ICC: FILE

JOSEPH H. GUILDEAUX, PRESIDENT  
 LOUISIANA TESTING & INSPECTION INC  
 LAFAYETTE LOUISIANA



⊕ B-2

DRAINAGE DITCH

⊕ B-1

⊕ B-3

TO BE DETERMINED BY  
FREYOUT ASSOCIATES

LA. Hwy 88

LA. Hwy 182



**SITE ENGINEERING, INC.**

SELECTION • INVESTIGATION • TESTING • ENGINEERING

4205 S. LEWIS STREET • NEW IBERIA, LA 70560

PHONE (337) 981-1414

FAX (337) 981-1402

May 23, 2005

Ms. Yolunda M. Righteous  
Providence Engineering & Environmental Group, LLC  
6160 Perkins Road, Suite 100  
Baton Rouge, Louisiana 70808

RE: Transmittal of Boring Logs  
Gordon's Construction & Landfill, Inc.  
614 Coteau Road (LA Highway 88)  
New Iberia, Louisiana  
SITE Engineering Project Number: 05-0102-01

Dear Ms. Righteous,

Please find attached the requested boring logs B-1 through B-8 for the above referenced project. As requested, the boring logs include a visual description of the soil encountered in the eight (8) soil borings drilled to a depth of 30 feet below the existing ground surface. The soil borings were performed with a GeoSpace drilling rig mounted on a Gemco all-terrain vehicle buggy.

Undisturbed samples of cohesive soils were obtained using thin-wall tube sampling procedures in general accordance with the procedures for "Thin-Walled Tube Geotechnical Sampling of Soils" (ASTM D 1587). The samples were extruded in the field with a hydraulic ram, identified according to boring number and depth, wrapped in plastic wrap and aluminum foil, placed in polyethylene plastic bags to protect against moisture loss, and transported to the laboratory in special containers to prevent disturbance. Upon completion of the drilling operations, the borings were grouted with a cement-bentonite grout mixture in accordance with LDEQ requirements.

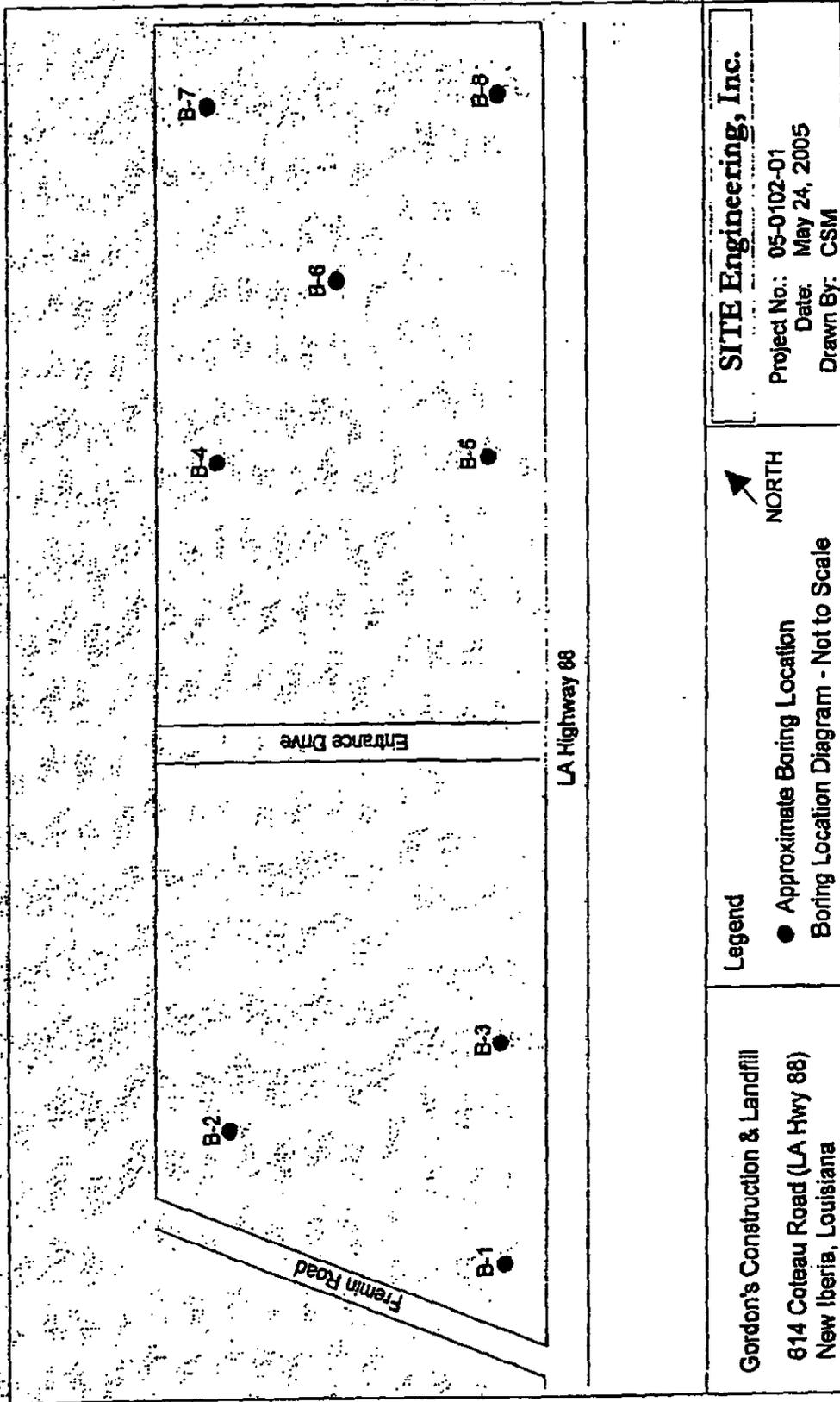
The boring logs include soil descriptions, stratifications, and locations of the samples. The stratifications shown on the boring logs represent the conditions only at the actual boring locations. Variations may occur and should be expected between boring locations. The stratifications represent our interpretation of the approximate boundary between subsurface materials and the actual transition may be gradual. Water level information obtained during field operations is also shown on these boring logs. The samples will be retained for 60 days from the date of this report and then discarded.

Should you have any questions concerning the boring logs or if we may be of any other assistance, please do not hesitate to contact our office.

Sincerely,  
SITE ENGINEERING, INC.

Clint S. McDowell, P.E.  
President

Attachments: Boring Location Diagram  
Key to Terms and Symbols Used On Logs  
Logs of Borings (B-1 through B-8)



**SITE Engineering, Inc.**  
 Project No.: 05-0102-01  
 Date: May 24, 2005  
 Drawn By: CSM

**Legend**  
 ● Approximate Boring Location  
 Boring Location Diagram - Not to Scale

**NORTH** ↗

**Gordon's Construction & Landfill**  
 614 Coteau Road (LA Hwy 88)  
 New Iberia, Louisiana

## KEY TO TERMS AND SYMBOLS USED ON LOGS

**SOIL TYPE**



ROCK



GRAVEL



SAND



SILT



CLAY



PEAT

**SAMPLE TYPE**



NO SAMPLE



AUGER SAMPLE



SHELBY TUBE



SPLIT SPOON

**MODIFIERS**



STONE  
or CONCRETE



GRAVELLY



SANDY



SILTY



CLAYEY



FILL  
or TOPSOIL



NO RECOVERY



ROCK CORE



2" SHELBY TUBE



TxDOT CONE

**UNIFIED SOIL CLASSIFICATION SYSTEM - ASTM D 2487-88**

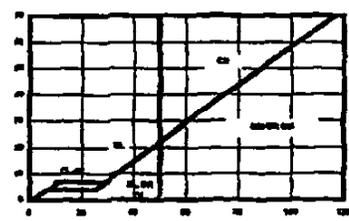
MAJOR DIVISIONS			LETTER SYMBOL	TYPICAL DESCRIPTIONS	
COARSE GRADED SOILS (LESS THAN NO. 200 SIEVE)	GRAVEL & GRAVELLY*	CLEAN GRAVEL	GW	WELL GRADED GRAVEL, GRAVEL-SAND MIXTURES WITH LITTLE OR NO FINES	
		LITTLE OR NO FINES	GP	POORLY GRADED GRAVEL, GRAVEL-SAND MIXTURES WITH LITTLE OR NO FINES	
	75% PASSING NO. 40 SIEVE	W/ APPROX. 5% FINES	GM	SILTY GRAVEL, GRAVEL-SAND-CLAY MIXTURES	
		CLAYEY GRAVELS, GRAVEL-SAND-CLAY MIXTURES	GC		
	50% PASSING NO. 200 SIEVE	CLEAN SANDS	SW	WELL GRADED SAND, GRAVELY SAND (LITTLE FINES)	
		LITTLE FINES	SP	POORLY GRADED SAND, GRAVELY SAND (L.FINES)	
	APPROX. 5% FINES	SANDS WITH APPROX. FINES	SM	SILTY SANDS, SAND-CLAY MIXTURES	
		CLAYEY SANDS, SAND-CLAY MIXTURES	SC		
	FINE GRADED SOILS (MORE THAN NO. 200 SIEVE)	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50		ML	ORGANIC SILTS & VERY FINE SAND/ROCK FLOUR SILTY OR CLAYEY FINE SANDS OR CLAYEY SILT W/ LOW PI
				CL	ORGANIC CLAY OF LOW TO MEDIUM PI LEAN CLAY GRAVELY CLAYS, SANDY CLAYS, SILTY CLAYS
			OL	ORGANIC SILTS & ORGANIC SILTY CLAYS OF LOW PI	
SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50			MH	ORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SILTS, ELASTIC SILTS	
			CH	ORGANIC CLAYS OF HIGH PLASTICITY FAT CLAYS	
		OH	ORGANIC CLAYS OF MED TO HIGH PI, ORGANIC SILT		
HIGHLY ORGANIC SOIL			PT	PEAT AND OTHER HIGHLY ORGANIC SOILS	
UNCLASSIFIED FILL MATERIALS				ARTIFICIALLY DEPOSITED AND OTHER UNCLASSIFIED SOILS AND MAN-MADE SOIL MIXTURES	

**CONSISTENCY OF COHESIVE SOILS**

CONSISTENCY	UNCONFINED COMPRESSIVE STRENGTH IN TONS/FT <sup>2</sup>
VERY SOFT	0.0 TO 0.25
SOFT	0.25 TO 0.50
FIRM	0.50 TO 1.0
STIFF	1.0 TO 2.0
VERY STIFF	2.0 TO 4.0
HARD	> 4.0 OR 4.5+

**RELATIVE DENSITY - GRANULAR SOILS**

CONSISTENCY	D <sub>r</sub> VALUE (BLOWFOOT)
VERY LOOSE	0-4
LOOSE	4-8
MEDIUM DENSE	10-20
DENSE	20-40
VERY DENSE	> 50 OR 50+



**ABBREVIATIONS**

- Qp - HAND PENETROMETER
- Q1 - TORVANE
- MV - MINIATURE VANE
- Qu - UNCONFINED COMPRESSION TEST
- UU - UNCONSOLIDATED UNDRAINED TRIAXIAL
- CU - CONSOLIDATED UNDRAINED

-  GROUNDWATER FIRST ENCOUNTERED
-  DELAYED GROUNDWATER READING W/ ELAPSED TIME

**CLASSIFICATION OF GRANULAR SOILS**

U.S. STANDARD SIEVE SIZE(S)								
BOUL- DERS	COBBLES	GRAVEL		SAND			SILT OR CLAY	CLAY
		COARSE	FINE	COARSE	MEDIUM	FINE		
	152	75.2	19.1	4.75	2.0	0.42	0.075	0.002
				GRAIN SIZE IN MM				

<p align="center"><b>BORING NUMBER: B-1</b>                      Gordon's Construction &amp; Landfill, Inc.                      614 Coteau Road (LA Highway 88)                      New Iberia, Louisiana</p>												
TYPE OF BORING:		Solid Flight Auger				SITE Engineering Project #: 05-0102						
DEPTH, FT.	SOIL TYPE	SAMPLE TYPE	SOIL DESCRIPTION	N-VALUE, blows per foot	UNCONFINED COMPRESSIVE STRENGTH (qu), lbf	HAND PENETROMETER (op), lbf	TORVANE (Qi), lbf	UNIT DRY WEIGHT pcf	MOISTURE CONTENT, %	LIQUID LIMIT	PLASTICITY INDEX	% PASSING #200 SIEVE
			SURFACE ELEV.: Existing Grade									
			Dark brown SILT with organics									
			Gray and brown lean CLAY with ferrous nodules									
5												
			Dark brown, light brown and gray clayey SILT									
10												
			- becoming gray and light brown at 13 feet									
15												
			Light brown and gray, slightly slickensided, fat CLAY with ferrous staining and traces of sand									
20												
25												
			Reddish brown and gray sandy fat CLAY									
30			Boring Terminated at 30 Feet Below Grade									
35												
40												
45												
50												

DEPTH OF BORING: 30 feet below existing grade      DEPTH TO GROUNDWATER: First Encountered at 13 Feet  
 DATE OF BORING: April 15, 2005

<p align="center"><b>BORING NUMBER: B-2</b>                      Gordon's Construction &amp; Landfill, Inc.                      614 Coteau Road (LA Highway 88)                      New Iberia, Louisiana</p>												
TYPE OF BORING:			Solid Flight Auger				SITE Engineering Project #: 05-0102					
DEPTH, FT.	SOIL TYPE	SAMPLE TYPE	SOIL DESCRIPTION	N-VALUE, blows per foot	UNCONFINED COMPRESSIVE STRENGTH (QU), tsf	HAND PENETROMETER (Qp), tsf	TORVANE (ct), tsf	UNIT DRY WEIGHT pcf	MOISTURE CONTENT, %	LIQUID LIMIT	PLASTICITY INDEX	% PASSING #200 SIEVE
			SURFACE ELEV.: Existing Grade									
			Brown SILT with organics									
			Dark brown and brown lean CLAY with ferrous nodules									
5			- dark brown and gray with some silt, 4 to 6 feet									
10			Dark brown, light brown and gray clayey SILT									
15			Light brown lean CLAY with silt seams									
20			Light brown and gray slightly slickensided fat CLAY with ferrous staining and trace sand									
25												
30			Reddish brown, gray and light brown sandy fat CLAY									
			Boring Terminated at 30 Feet Below Grade									
35												
40												
45												
50												

DEPTH OF BORING: 30 feet below existing grade      DEPTH TO GROUNDWATER: First Encountered at 13 Feet  
 DATE OF BORING: April 15, 2005

<b>BORING NUMBER: B-3</b> <b>Gordon's Construction &amp; Landfill, Inc.</b> <b>614 Coteau Road (LA Highway 88)</b> <b>New Iberia, Louisiana</b>												
TYPE OF BORING:		Solid Flight Auger				SITE Engineering Project #: 05-0102						
DEPTH, FT.	SOIL TYPE	SAMPLE TYPE	SOIL DESCRIPTION	N-VALUE, blows per foot	UNCONFINED COMPRESSIVE STRENGTH (Cu), tsf	HAND PENETROMETER (Qp), tsf	TORVANE (w), tsf	UNIT DRY WEIGHT pcf	MOISTURE CONTENT, %	LIQUID LIMIT	PLASTICITY INDEX	% PASSING #200 SIEVE
			SURFACE ELEV.: Existing Grade									
			Dark brown SILT with organics									
5			Brown and gray silty CLAY									
10			Dark brown and light brown clayey SILT									
15												
20			Light brown and gray slightly slickensided fat CLAY with ferrous staining and trace sand									
25												
30			Light gray sandy CLAY with ferrous staining and nodules									
			Boring Terminated at 30 Feet Below Grade									
35												
40												
45												
50												

DEPTH OF BORING: 30 feet below existing grade      DEPTH TO GROUNDWATER: First Encountered at 13 Feet  
 DATE OF BORING: April 15, 2005

<p align="center"><b>BORING NUMBER: B-4</b>  <b>Gordon's Construction &amp; Landfill, Inc.</b>  <b>614 Coteau Road (LA Highway 88)</b>  <b>New Iberia, Louisiana</b></p>												
TYPE OF BORING:		Solid Flight Auger				SITE Engineering Project #: 05-0102						
DEPTH, FT.	SOIL TYPE	SAMPLE TYPE	SOIL DESCRIPTION	N-VALUE, blows per foot	UNCONFINED COMPRESSIVE STRENGTH (QU), 1st	HAND PENETROMETER (Qp), 1st	TORVANE (O), 1st	UNIT DRY WEIGHT pcf	MOISTURE CONTENT, %	LIQUID LIMIT	PLASTICITY INDEX	% PASSING #200 SIEVE
			SURFACE ELEV.: Existing Grade									
			Brown SILT with organics									
			Brown and gray lean CLAY with silt and ferrous staining									
5												
			Dark brown and gray clayey SILT									
10												
			- becoming light brown with ferrous nodules									
15												
			Light brown and gray fat CLAY with ferrous nodules and trace sand									
20												
			- becoming reddish brown and light gray									
25												
			Reddish brown and gray clayey SAND									
30			Boring Terminated at 30 Feet Below Grade									
35												
40												
45												
50												

DEPTH OF BORING: 30 feet below existing grade  
 DATE OF BORING: April 16, 2005

DEPTH TO GROUNDWATER: First Encountered at 12 Feet

<b>BORING NUMBER: B-5</b> <b>Gordon's Construction &amp; Landfill, Inc.</b> <b>614 Coteau Road (LA Highway 88)</b> <b>New Iberia, Louisiana</b>											
TYPE OF BORING:		Solid Flight Auger						SITE Engineering Project #: 05-0102			
DEPTH, FT.	SOIL TYPE	SOL. DESCRIPTION	N-VALUE, blows per foot	UNCONFINED COMPRESSIVE STRENGTH (QU), lb/ft <sup>2</sup>	HAND PENETROMETER (QP), lb/ft <sup>2</sup>	TORVANE (QV), lb/ft <sup>2</sup>	UNIT DRY WEIGHT pcf	MOISTURE CONTENT, %	LIQUID LIMIT	PLASTICITY INDEX	% PASSING #200 SIEVE
		SURFACE ELEV.: Existing Grade									
		Dark brown SILT with organics									
		Gray medium CLAY with ferrous nodules									
5											
		Brown and gray silty CLAY with ferrous staining									
10											
		Brown and gray clayey SILT with ferrous staining									
15											
		Light brown and gray fat CLAY with ferrous nodules and trace sand									
20											
25											
		Light gray sandy fat CLAY									
30		Boring Terminated at 30 Feet Below Grade									
35											
40											
45											
50											
DEPTH OF BORING: 30 feet below existing grade			DEPTH TO GROUNDWATER: First Encountered at 13 Feet								
DATE OF BORING: April 16, 2005			SITE Engineering, Inc.								

<b>BORING NUMBER: B-6</b> Gordon's Construction & Landfill, Inc. 614 Coteau Road (LA Highway 88) New Iberia, Louisiana												
TYPE OF BORING:		Solid Flight Auger					SITE Engineering Project #: 05-0102					
DEPTH, FT.	SOIL TYPE	BORING TYPE	SOIL DESCRIPTION	N-VALUE, blows per foot	UNCONFINED COMPRESSIVE STRENGTH (QU), tsf	HAND PENETROMETER (QP), tsf	TORVANE (QI), tsf	UNIT DRY WEIGHT pcf	MOISTURE CONTENT, %	LIQUID LIMIT	PLASTICITY INDEX	% PASSING #200 SIEVE
			SURFACE ELEV.: Existing Grade									
			Brown SILT with organics									
			Light brown and brown lean CLAY with some silt and ferrous staining									
5			Dark brown and light brown clayey SILT									
10												
			Light brown lean CLAY with silt and ferrous nodules									
15												
			Light brown fat CLAY with calcareous nodules and ferrous staining									
20												
			Reddish brown and light gray sandy fat CLAY									
25												
			Reddish brown fat CLAY									
30			Boring Terminated at 30 Feet Below Grade									
35												
40												
45												
50												

DEPTH OF BORING: 30 feet below existing grade  
 DATE OF BORING: April 16, 2005

DEPTH TO GROUNDWATER: First Encountered at 10 Feet

<p align="center"><b>BORING NUMBER: B-7</b>  <b>Gordon's Construction &amp; Landfill, Inc.</b>  <b>614 Coteau Road (LA Highway 88)</b>  <b>New Iberia, Louisiana</b></p>												
TYPE OF BORING:		Solid Flight Auger				SITE Engineering Project #: 05-0102						
DEPTH, FT.	SOIL TYPE	SAMPLE TYPE	SOIL DESCRIPTION	N-VALUE, blows per foot	UNCONFINED COMPRESSIVE STRENGTH (C <sub>u</sub> ), tsf	HAND PENETROMETER (Q <sub>p</sub> ), tsf	TORVANE (C <sub>d</sub> ), tsf	UNIT DRY WEIGHT pcf	MOISTURE CONTENT, %	LIQUID LIMIT	PLASTICITY INDEX	% PASSING #200 SIEVE
			SURFACE ELEV.: Existing Grade									
			Dark gray SILT with organics									
5			Dark gray and light gray fat CLAY									
10			Gray and light brown clayey SILT with ferrous nodule									
15			Gray and light brown lean CLAY with silt									
20			Light brown and light gray fat CLAY with ferrous staining									
25			- becoming light brown and with sand seams									
30			- with sand layers, 28 to 30 feet									
			Boring Terminated at 30 Feet Below Grade									
35												
40												
45												
50												

DEPTH OF BORING: 30 feet below existing grade  
 DATE OF BORING: April 18, 2005

DEPTH TO GROUNDWATER: First Encountered at 10 Feet

<p align="center"><b>BORING NUMBER: B-8</b>  <b>Gordon's Construction &amp; Landfill, Inc.</b>  <b>614 Coteau Road (LA Highway 88)</b>  <b>New Iberia, Louisiana</b></p>												
TYPE OF BORING:		Solid Flight Auger				SITE Engineering Project #: 05-0102						
DEPTH, FT.	SOIL TYPE	SAMPLE TYPE	SOIL DESCRIPTION	N-VALUE, blows per foot	UNCONFINED COMPRESSIVE STRENGTH (qu), tsf	HAND PENETROMETER (qp), tsf	TORVANE (O), tsf	UNIT DRY WEIGHT pcf	MOISTURE CONTENT, %	LIQUID LIMIT	PLASTICITY INDEX	% PASSING #200 SIEVE
			SURFACE ELEV.: Existing Grade									
			Brown SILT with organics									
5			Light brown and gray lean CLAY with ferrous nodules									
10			Dark brown, light brown, and gray clayey SILT									
15												
20			Light brown and light gray fat CLAY with ferrous nodules and trace sand									
25			- with calcareous nodules, 23 to 25 feet									
30			- becoming reddish brown and gray with sand layers at 28 feet									
			Boring Terminated at 30 Feet Below Grade									
35												
40												
45												
50												

DEPTH OF BORING: 30 feet below existing grade      DEPTH TO GROUNDWATER: First Encountered at 11 Feet  
 DATE OF BORING: April 16, 2005

# STE

## TRANSMITTAL

*Soil Testing Engineers, Inc.*

To: Providence Engineering & Environmental Group  
6160 Perkins Rd, Suite 100  
Baton Rouge, LA 70808

Date: 6-6-05

Job No.: 05-7080

Project: 133-003 (1.0)

Gordon's Const. St.-Martin Parish

Attention: Phillip Parker

From: George L. Perkins, C.E.T.

*GLP* *YAR*

COPIES	DESCRIPTION
1	Chain of Custody
1	Table 1

**THESE ARE TRANSMITTED:**

- FOR YOUR USE   
 FOR REVIEW & COMMENT   
 AS REQUESTED  
 REVISE AS NOTED   
 TO BE DISTRIBUTED

**REMARKS:**

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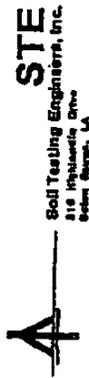


LELAP Certificate No.: 020052

PROVIDENCE ENGINEERING & ENVIRONMENTAL GROUP PROJECT #133-003(1.0)  
 LABORATORY TEST RESULTS  
 TABLE 1

Date Tested	Sample ID	Depth (feet)	ASTM D2930 Moisture Content (%)	ASTM D2930 Dry Density (pcf)	ASTM D2930 Volumetric Moisture Content (decimal)	ASTM D2930 Volumetric Air Content (decimal)	ASTM D2930 Total Porosity (decimal)	ASTM D2930 Specific Gravity	ASTM D2930 Permeability (cm/sec)	ASTM D2930 Soil pH	ASTM D2930 Organic Content (%)	ASTM D418			ASTM D2922 Particle Size Analysis	ASTM D2927 CLASSIFICATION
												ASTM D418 PL (%)	ASTM D418 PI (%)	ASTM D418 LL (%)		
1-Jun	B-2	23-25	27.1	99.0					3.17E-09							Light Gray & Tan clay with organic siltine Tan & Light Gray silty clay w/sand pockets
1-Jun	B-2	28-30	24.7	101.6					1.59E-08							Tan & Light Gray silty clay w/sand pockets
1-Jun	B-6	23-25	19.4	109.79					9.64E-08							Tan & Light Gray clay w/sand pockets
1-Jun	B-6	28-30	21.8	93.0					7.17E-09							Tan & Light Gray clay w/sand pockets & ferrous traces

NOTE: See attached graphs  
 (1)POC = Organic content divided by 174  
 (2)Any optional tests methods used  yes  no



STE File:05-7080  
6/3/05



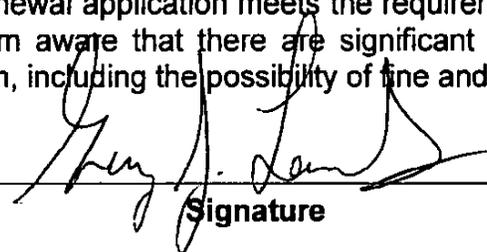
**APPENDIX I**  
**CERTIFICATION STATEMENT**

**CERTIFICATION**

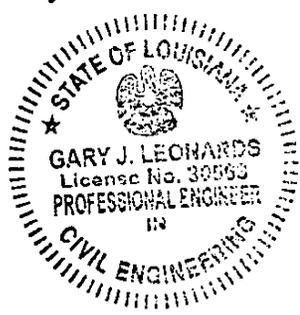
**LAC 33:VII.521.F. Facility Plans and Specifications, Certification.**

The person who prepared the permit application must provide the following certification:

"I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit renewal application and that the facility as described in this permit renewal application meets the requirements of the solid waste rules and regulations. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

  
\_\_\_\_\_  
Signature

5/23/07  
\_\_\_\_\_  
Date



**APPENDIX J**  
**ANNUAL REPORT FORM**







July 1, \_\_\_\_ thru June 30, \_\_\_\_

Page \_\_\_\_ of \_\_\_\_

Site Identification Number \_\_\_\_\_

Permit Number \_\_\_\_\_

14. **All Facilities:** Provide all calculations used to compute the quantity (expressed in wet-weight tons) of solid waste received at the facility. Landfarm facilities must provide the calculations used to compute the quantity (in dry-weight tons) of solid waste received at the facility. Surface impoundments must provide all calculations used to compute the quantity of total suspended solid disposed in the facility.

DETAILED INSTRUCTIONS FOR TYPE I AND II FACILITIES  
LANDFILLS, LANDFARMS, SURFACE IMPOUNDMENTS AND CLASS III  
CONSTRUCTION DEMOLITION DEBRIS AND WOODWASTE DISPOSER ANNUAL REPORT

1. Identification Number: Indicate the identification number that has been assigned to the site by the administrative authority. Also, enter the year in which the report applies.
2. Permit Number: Enter the permit number for the facility in which this report applies. **Each individual permitted facility is to be reported on a separate form.**
3. Name of the Permit Holder: Enter the name of which the permit has been issued.
4. Name of Facility: Enter the name of the facility for which this report applies.
5. Mailing Address: Enter the mailing address for the facility, and the parish location.
6. Contact: Enter the name of the person knowledgeable of the information submitted on the report and his/her telephone number.
7. Type of Facility: Place a check by the type of facility being reported.
8. This section applies only to Surface Impoundments.
  - A. Indicate the quantity of waste removed from the surface impoundment(s).
  - B. Provide the identification number and permit number of the facility used to dispose of the waste removed from the surface impoundment(s).  
NOTE: Permit holders of surface impoundments shall report the quantity (expressed in wet-weight tons) of total suspended solids received by the facility.
9. This section applies only to Type I and II Landfills, Landfarms and Surface Impoundments.
  - A. Estimated remaining permitted capacity. Enter the amount of remaining permitted capacity for the facility in wet-weight tons.
  - B. Estimated life of facility. Enter the life of the facility in months and based on the permitted capacity of the facility.
10. This section applies only to construction/demolition debris and woodwaste facilities only. Place a check by the appropriate statement(s).

Summary of non-industrial waste disposed.

(A) Enter the two digit waste number that applies.

01 Residential	06 Incinerator Ash	10 Stable
02 Commercial	07 Domestic Sewage Sludge	11 Infectious Waste
03 Trash	08 Underground Storage Tank	12 Friable Asbestos
04 Woodwaste	Corrective Action Waste	13 Other, also specify name
05 Construction/Demolition Debris	09 Agricultural Waste	

- (B) Enter the amounts of non-industrial waste received in wet-weight tons. No other methods of reporting will be accepted.
- (C) This section applies only to landfarms. Enter the quantity of waste received in dry-weight tons.
- (D) Total: Enter the totals of wet-weight tons and dry-weight tons (landfarms must also enter dry-weight).
- (E) Quantity of Waste (In-State): Enter the total amount of waste received from in-state sources in wet-weight tons.
- (F) Quantity of Waste (Out-of-State): Enter the total amount of waste received from out-of-state sources in wet-weight tons.

12. Certification: The facility's legally authorized representative for the site operations should sign the form. Enter the date, name and the title of the person signing this form.
13. This section applies to Type I facilities. Provide a summary of all industrial solid waste received for disposal.
  - (A) Industrial Waste Number: Enter the seven-digit number assigned to each waste stream by the administrative authority.
  - (B) Quantity of Waste Received: Enter the quantity of waste received in wet-weight tons.
  - (C) Quantity Dry-Weight Tons: This section applies only to landfarm facilities. Enter the quantity of waste received in dry-weight tons.
  - (D) Subtotal of Like Industrial Wastes: Enter the subtotals of each like industrial waste received by the facility.
  - (E) Subtotal: Enter the subtotals for each page of this section of the report. Subtotals of the amounts received by the facility in wet-weight tons (Column B) and dry-weight tons must be provided.
  - (F) Total: Enter the total of waste received by the facility in wet-weight tons and dry-weight tons.
  - (G) Quantity of Waste Received (In-State): Enter the total amount of waste received from in-state sources.
  - (H) Quantity of Waste Received (Out-of-State): Enter the total amount of waste received from out-of-state sources.
14. Provide all calculations used to compute the quantity of solid waste received at the facility.

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE ANNUAL REPORT FOR TYPE III FACILITIES  
SEPARATION AND COMPOSTING FACILITIES  
(Please Refer to the Detailed Instructions)

1. Site Identification Number \_\_\_\_\_ July 1, \_\_\_\_\_ thru June 30, \_\_\_\_\_
2. Permit Number \_\_\_\_\_
3. Name of Permit Holder \_\_\_\_\_
4. Name of Facility \_\_\_\_\_
5. Mailing Address \_\_\_\_\_ Parish \_\_\_\_\_
6. Contact \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_
7. Type of Facility:      Composting Facility            Separation Facility

8. SUMMARY OF SOLID WASTE RECEIVED:

**ALL QUANTITIES ARE TO BE SHOWN IN WET-WEIGHT TONS**

(A) Waste Number	(B) Quantity of Waste Received	(C) Quantity Re-used or Recycled	(D) Quantity Shipped Off-Site for Processing/Disposal	*(E) Transporter Number	(F) Disposer/Processor ID Number
<b>TOTAL:</b>					
(G) Quantity of Waste Received (In-State)					
(H) Quantity of Waste Received (Out-of-State)					

This form is to be returned to the Financial Services Division at the following address **no later than August 1** of each reporting year. Questions regarding the form may be directed to the Financial Services Division at (225) 219-3863.

Financial Services Division  
Attn: SW Reports  
Post Office Box 4303  
Baton Rouge, LA 70821-4303

July 1, \_\_\_\_\_ thru June 30, \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

Site Identification Number \_\_\_\_\_

Permit Number \_\_\_\_\_

9. SUMMARY OF PRODUCT USE: COPY THIS FORM AS NECESSARY

Quantity of Material Shipped Off-Site			Persons Receiving Material Shipped Off-Site for Reuse/Recycling
Recycle		Re-Use	
			Name:
			Address:
			Contact Person: Telephone:
			Received for: <input type="checkbox"/> Reuse <input type="checkbox"/> Recycling
Quantity of Material Shipped Off-Site			Persons Receiving Material Shipped Off-Site for Reuse/Recycling
Recycle		Re-Use	
			Name:
			Address:
			Contact Person: Telephone:
			Received for: <input type="checkbox"/> Reuse <input type="checkbox"/> Recycling
Quantity of Material Shipped Off-Site			Persons Receiving Material Shipped Off-Site for Reuse/Recycling
Recycle		Re-Use	
			Name:
			Address:
			Contact Person: Telephone:
			Received for: <input type="checkbox"/> Reuse <input type="checkbox"/> Recycling
Quantity of Material Shipped Off-Site			Persons Receiving Material Shipped Off-Site for Reuse/Recycling
Recycle		Re-Use	
			Name:
			Address:
			Contact Person: Telephone:
			Received for: <input type="checkbox"/> Reuse <input type="checkbox"/> Recycling
Quantity of Material Shipped Off-Site			Persons Receiving Material Shipped Off-Site for Reuse/Recycling
Recycle		Re-Use	
			Name:
			Address:
			Contact Person: Telephone:
			Received for: <input type="checkbox"/> Reuse <input type="checkbox"/> Recycling

July 1, \_\_\_\_\_ thru June 30, \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

Site Identification Number \_\_\_\_\_

Permit Number \_\_\_\_\_

10. This section must be completed only by Separation Facilities:

What percentage of the total waste stream received by the facility has been reduced?

11. Provide all calculations used to compute the quantity (expressed in wet-weight tons) of solid waste received and shipped off-site.

12. CERTIFICATION: I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and based on my inquiry of those individuals immediately responsible for obtaining the information. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name and Title \_\_\_\_\_  
(Type the name and title of the person signing the form)

DETAILED INSTRUCTIONS FOR THE ANNUAL REPORT FOR TYPE III FACILITIES  
(SEPARATION AND COMPOSTING)

The annual report for Type III – separation and composting facilities covers activities for the period beginning July 1<sup>st</sup> and ending June 30<sup>th</sup> of each year. This report shall be submitted by August 1<sup>st</sup> of each year.

1. Side Identification Number: Indicate the identification number that has been assigned to the site by the Administrative Authority. Also, enter the year in which the report applies.
2. Permit Number: Enter the permit number for the facility in which this report applies. Each individual permitted facility is to be reported on a separate form.
3. Name of Permit Holder: Enter the name in which the permit has been issued.
4. Name of Facility: Enter the name of the facility for which this report applies.
5. Mailing Address: Enter the mailing address for the facility, and the parish location.
6. Contact: Enter the name of the person knowledgeable of the information submitted on the report and his/her telephone number.
7. Type of Facility: Place a check by the type(s) of facility(ies) being reported.
8. Summary of Solid Waste received: Amounts expressed in this report must be done so in wet-weight tons/year. No other methods of reporting will be accepted.
  - (A) Waste Number: Enter the two-digit number that applies.

01 Residential	07 Domestic Sewage Sludge
02 Commercial	08 Underground Storage Tank/Corrective Action Wastes
03 Trash	09 Agricultural Waste
04 Woodwaste	10 Stable
05 Construction/Demolition Debris	11 Infectious Waste
	12 Friable Asbestos
06 Incinerator Ash	13 Other, specify name

- (B) Quantity of Waste Received: Enter amounts of waste received. Total all wastes received and enter the total at the bottom of the column.
- (C) Quantity Re-used or Recycled: Enter the quantity of wastes received that were re-used or recycled.
- (D) Quantity Disposed: Enter amount of waste disposed off-site.
- (E) Transporter ID Number: Enter the solid waste identification number of the transporter that transported the waste off-site.
- (F) Disposer/Processor ID Number: Enter the identification number of the disposer/processor that received the waste shipped off-site.
- (G) Quantity of Waste In-State: Enter the amount of waste received at the facility that came from in-state sources.
- (H) Quantity of Waste Out-of-State: Enter the amount of waste received at the facility that came from out-of-state sources.

9. Summary of Product Use: Enter the amount (wet-weight tons) of material shipped off-site for recycling/re-use.
  - (A) Enter the number that applies.

SEPARATION FACILITIES

COMPOSTING FACILITIES

- 01-A Glass
- 01-B Metals
- 01-C Paper
- 01-D Plastic
- 01-E White Goods
- 01-F Batteries
- 01-G Waste Oil
- 01-H Other, Specify

- M1 Class M1 Compost
- M2 Class MC Compost
- S1 Class S1 Compost
- S2 Class S2 Compost
- YW Class YW Compost

- (B) Indicate if the material was shipped off-site for reuse or recycling. Check appropriate box.
- (C) Enter the name of the person receiving the material for reuse, recycling or resale. Also, enter the mailing address, telephone number and the name of a contact person.

10. This section applies only to separation facilities. Indicate what percentage of the total waste stream received by the facility has been reduced.
11. Provide all calculations used to compute the quantity of solid waste received at the facility.
12. Certification for Signature: The facility's legally authorized representative for the site operations should sign the form. Enter the date, the name and the title of the person signing the form.

**APPENDIX K**  
**CONTINGENCY PLAN**

### CONTINGENCY PLAN

The information contained in this section of the permit application is submitted for Gordon's Disposal, LLC. for the Type III solid waste facility. The purpose of this Contingency Plan (plan) is to minimize hazards to human health and the environment from fires, explosions, or unplanned releases of waste or waste constituents to air, soil, or water. The provisions of this plan will be carried out immediately whenever there is a fire, explosion, or release of waste or waste constituents that could threaten human health or the environment.

This plan will also be implemented whenever any situation involving the imminent, or probable spillage, leakage, or release of a waste substance onto land, water, or the atmosphere could create an immediate or potential danger to the public health or safety because of its quantity, strength, and toxicity; its mobility in the environment; or its persistence. Routine cleanup operations will be performed by operating personnel without implementing this plan.

In the event that there is an incident that requires further assistance, the local fire department will respond. First aid and other equipment required to respond to emergencies is maintained at the company office. Arrangements have been made for health and accident emergency cases to be received at the local hospital.

In the event of an emergency, the facility manager will be responsible for assessing the extent of the emergency. Earth moving equipment will be available to assist with extinguishing fires, blowing litter, or the release of waste materials. Should the landfill manager assess that the available resources are inadequate to handle the emergency, the local fire department will respond.

**APPENDIX L**  
**TRAINING PROGRAM**

## PERSONNEL TRAINING PLAN

### 1.0 Introduction

Gordon's Disposal, LLC. is committed to providing a safe working environment for all workers within the facility. Through continuing training, facility workers can be prepared to perform their job tasks in a safe manner that will protect both personal health and the environment.

### 2.0 Purpose

The purpose of this plan is to provide guidance for the procedures and training implemented at the facility that protects workers and the environment.

### 3.0 Scope

This plan specifically gives guidance as a tool to address training given through various plans and procedures within the facility.

### 4.0 Plans and Procedures

#### 4.1 Solid Waste Facility Contingency Plan and Emergency Procedure

The facility maintains a facility contingency plan and emergency procedures that are revised as necessary to reflect current operations and maintain regulatory guidance. The purpose of this plan is to minimize hazards to human health or the environment from any sudden or non-sudden release of waste materials to the soil or surface waters. Training is given annually to employees at the facility and with the operations staff on the contents of this plan. The plans also ensure the best possible prevention, preparedness, response, and recovery in the event of an on-site emergency.

#### 4.2 Safety

Workers at the solid waste facility receive orientation training and job specific training. Safety meetings are held onsite with workers to address attention to safety issues as they arise.

### 5.0 Responsibilities

The facility manager is responsible for review, procedure amendment or revision, and training. Training will be administered on the differing plans listed as necessary to achieve the proper guidance of employees and operational staff who work at the facility.

**APPENDIX M**  
**CLOSURE AND POST-CLOSURE COST ESTIMATES**

**GORDON'S DISPOSAL, LLC.**

**CLOSURE COST ESTIMATE**

Reshaping Waste (Assumes 1.4 acre) D-8 Dozer, 30 hours @ \$75/hour	\$2,250
Excavate and Place Earth Cover 60984 x 2/27 = 4517 c.y. @ \$2.00	\$9034
Topsoil 60984 x 0.5/27 = 1129 c.y. @ \$8.00	\$9,035
Seeding, Fertilizer 1.4 acre @ \$1,000	\$1,400
Equipment Removal	\$1,000
<b>Total</b>	<b>\$22,719</b>

**POST CLOSURE COST ESTMATE**

Erosion and Vegetation Repairs	
First Year	\$5,000
Second Year	\$2,000
Third Year	\$1,000
Engineering Inspections and Reports	\$1,500
<b>Total</b>	<b>\$9,500</b>

**APPENDIX N**  
**CLOSURE DOCUMENT**

Appendices

APPENDIX F

DOCUMENT TO BE FILED IN THE PARISH RECORDS UPON FINAL  
CLOSURE OF A SOLID WASTE DISPOSAL FACILITY

(Name of permit holder) hereby notifies the public that the following described property was used for the disposal of solid waste. This site was closed on (date facility was closed) in accordance with the Louisiana Administrative Code, Title 33, Part VII. Inquiries regarding the contents of (the facility) may be directed to (name of person with knowledge of the contents of the facility) at (address of person with knowledge of the content of the facility).

Property Description

(Provide the specific description of the location of the facility)

\_\_\_\_\_  
Signature of Person Filing Parish Record

\_\_\_\_\_  
Typed Name and Title of Person Filing Parish Record

\_\_\_\_\_  
Date

(A true copy of the document certified by the parish clerk of court must be sent to the Solid Waste Division, Post Office Box 82178, Baton Rouge, Louisiana 70884-2178.)

**APPENDIX O**  
**FINANCIAL ASSURANCE (LAC 33:VII.727)**

**§727. Financial Assurance****A. Financial Responsibility during Operation and for Closure and Post-Closure Care**

1. **Financial Responsibility during Operation.** Permit holders or applicants for standard permits of Type I, I-A, II, II-A, and III facilities have the following financial responsibilities while the facility is in operation.

- a. Permit holders or applicants for Type I and II facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$1 million per occurrence and \$1 million annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services, Water and Waste Permits Division.

**The facility is a Type III facility.**

- b. Permit holders or applicants for Type I-A and II-A facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$500,000 per occurrence, and \$500,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services, Water and Waste Permits Division.

**The facility is a Type III facility.**

- c. Permit holders or applicants for Type III facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$250,000 per occurrence, and \$250,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services, Water and Waste Permits Division.

**The facility maintains liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of \$250,000 per occurrence, and \$250,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage is updated annually and provided to the Office of Environmental Services, Water and Waste Permits Division.**

- d. The financial responsibility may be established by any one or a combination of the following.

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*GORDON'S DISPOSAL, LLC.*

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- i. Evidence of liability insurance may consist of either a signed duplicate original of a solid waste liability endorsement, or a certificate of insurance. All liability endorsements and certificates of insurance must include:
  - (a). a statement of coverage relative to environmental risks;
  - (b). a statement of all exclusions to the policy; and
  - (c). a certification by the insurer that the insurance afforded with respect to such sudden accidental occurrences is subject to all of the terms and conditions of the policy, provided, however, that any provisions of the policy inconsistent with the following Clauses (i) through (vi) are amended to conform with said clauses:
    - (i). bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy;
    - (ii). the insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in Clause A.1.d.ii, iii, or iv of this Section;
    - (iii). whenever requested by the administrative authority, the insurer agrees to furnish to the administrative authority a signed duplicate original of the policy and all endorsements;
    - (iv). cancellation of the policy, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the Office of Environmental Services, Water and Waste Permits Division;
    - (v). any other termination of the policy will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the Office of Environmental Services, Water and Waste Permits Division;
    - (vi). the insurer is admitted, authorized, or eligible to conduct insurance business in Louisiana.  
**The facility maintains liability insurance through a certificate of insurance. The Certificate of Insurance complies with LAC 33:VII.727.A.1.d.i.a-c.(i.-vi.).**
- (d). The wording of the liability endorsement shall be identical to the wording that follows, except that the instructions in

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brackets are to be replaced with the relevant information and the brackets deleted.

**The facility acknowledges that the wording of the liability endorsement will be identical to the wording following LAC 33:VII.727.A.1.d.i.d.**

**SOLID WASTE FACILITY  
LIABILITY ENDORSEMENT**

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering bodily injury and property damage in connection with [name of the insured, which must be either the permit holder, the applicant, or the operator. (NOTE: The operator will provide the liability-insurance documentation only when the permit holder/applicant is a public governing body and the public governing body is not the operator.)) The insured's obligation to demonstrate financial responsibility is required in accordance with LAC 33:VII.727.A.1. The coverage applies at [list the site identification number, site name, facility name, facility permit number and facility address] for sudden and accidental occurrences. The limits of liability are per occurrence, and annual aggregate, per site, exclusive of legal-defense costs.
2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with Subclauses (a) through (e) below are hereby amended to conform with Subclauses (a) through (e) below:
  - (a). Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this endorsement is attached.
  - (b). The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in LAC 33:VII.727.A.1.d.ii, iii, or iv.
  - (c). Whenever requested by the administrative authority, the insurer agrees to furnish to the administrative authority a signed duplicate original of the policy and all endorsements.
  - (d). Cancellation of this endorsement, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the administrative authority.

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(e). Any other termination of this endorsement will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the administrative authority..

3. Attached is the endorsement which forms part of the policy [policy number] issued by [name of insurer], herein called the insurer, of [address of the insurer] to [name of the insured] of [address of the insured], this [date]. The effective date of said policy is [date].
  
4. I hereby certify that the wording of this endorsement is identical to the wording specified in LAC 33:VII.727.A.1.d.i.(d), effective on the date first written above and that insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and is admitted, authorized, or eligible to conduct insurance business in the state of Louisiana.

[Signature of authorized representative of insurer]

[Typed name of authorized representative of insurer]

[Title of authorized representative of insurer]

[Address of authorized representative of insurer]

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- (e). The wording of the certificate of insurance shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**The facility acknowledges that the wording of the certificate of insurance will be identical to the wording following LAC 33:VII.727.A.1.d.ii.e.**

**SOLID WASTE FACILITY  
CERTIFICATE OF LIABILITY INSURANCE**

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

1. [Name of insurer], the "insurer" of [address of insurer] hereby certifies that it has issued liability insurance covering bodily injury and property damage to [name of insured, which must be either the permit holder or applicant of the facility], the "insured", of [address of insured] in connection with the insured's obligation to demonstrate financial responsibility under LAC 33:VII.727.A.1. The coverage applies at [list solid waste identification number, site name, facility name, facility permit number, and site address] for sudden and accidental occurrences. The limits of liability are each occurrence and annual aggregate, per site, exclusive of legal-defense costs. The coverage is provided under policy number [policy number], issued on [date]. The effective date of said policy is [date].
2. The insurer further certifies the following with respect to the insurance described in Paragraph 1:
  - (a). Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy.
  - (b). The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in LAC 33:VII.727.A.1.d.ii, iii, or iv.
  - (c). Whenever requested by the administrative authority, the insurer agrees to furnish to him a signed duplicate original of the policy and all endorsements.
  - (d). Cancellation of the insurance, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the administrative authority.
  - (e). Any other termination of the insurance will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the administrative authority.

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3. I hereby certify that the wording of this certificate is identical to the wording specified in LAC 33:VII.727.A.1.d.i.(e) as such regulations were constituted on the date first written above, and that the insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and is admitted, authorized, or eligible to conduct insurance business in the state of Louisiana.

[Signature of authorized representative of insurer]

[Typed name of authorized representative of insurer]

[Title of authorized representative of insurer]

[Address of authorized representative of insurer]

ii. Letter of Credit. A permit holder or applicant may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the following requirements, and by submitting the letter to the administrative authority.

(a). The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

(b). A permit holder or applicant who uses a letter of credit to satisfy the requirements of this Section must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund. The wording of the standby trust fund agreement shall be as specified in Clause A.2.d.ix of this Section.

(c). The letter of credit must be accompanied by a letter from the permit holder or applicant referring to the letter of credit by number, name of issuing institution, and date, and providing the following information: solid waste identification number, site name, facility name, facility permit number, and the amount of funds assured for liability coverage of the facility by the letter of credit.

(d). The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the Office of Environmental Services, Water and Waste Permits Division, receive the notice, as evidenced by the return receipts.

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- (e). The wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**SOLID WASTE FACILITY  
IRREVOCABLE LETTER OF CREDIT**

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. [ ] at the request and for the account of [permit holder's or applicant's name and address] for its [list site identification number, site name, facility name, and facility permit number] at [location], Louisiana, in favor of any governmental body, person, or other entity for any sum or sums up to the aggregate amount of U.S. dollars [ ] upon presentation of:

1. A final judgment issued by a competent court of law in favor of a governmental body, person, or other entity and against [permit holder's or applicant's name] for sudden and accidental occurrences for claims arising out of injury to persons or property due to the operation of the solid waste site at the [name of permit holder or applicant] at [ site location] as set forth in the LAC 33:VII.727.A.1.
2. A sight draft bearing reference to the Letter of Credit No. [ ] drawn by the governmental body, person, or other entity, in whose favor the judgment has been rendered as evidenced by documentary requirement in Paragraph 1.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least 1 year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder/applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

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Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:VII.727.A.1.d.ii.(e), effective on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution(s)]  
[date]

### iii. Financial Test

- (a). To meet this test, the applicant, permit holder, parent corporation of the applicant (corporate guarantor), or permit holder must submit to the Office of Environmental Services, Water and Waste Permits Division, the documents required by Paragraph A.2 of this Section demonstrating that the requirements of that Subsection have been met. Use of the financial test may be disallowed on the basis of the accessibility of the assets of the permit holder, applicant, or parent corporation (corporate guarantor). If the applicant, permit holder, or parent corporation is using the financial test to demonstrate liability coverage and closure and post-closure care, only one letter from the chief financial officer is required.
- (b). The assets of the parent corporation of the applicant or permit holder shall not be used to determine whether the applicant or permit holder satisfies the financial test, unless the parent corporation has supplied a corporate guarantee as authorized in Clause A.1.d.iv of this Section.
- (c). The wording of the financial test shall be as specified in Subclause A.2.i.iv.(e) of this Section.

**Not applicable. The facility maintains a certificate of insurance for liability.**

### iv. Corporate Guarantee

- (a). A permit holder or applicant may meet the requirements of Paragraph A.1 of this Section for liability coverage by obtaining a written guarantee, hereafter referred to as a "corporate guarantee." The guarantor must demonstrate to the administrative authority that the guarantor meets the requirements in Subparagraph A.2.i of this Section and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Clauses A.2.i.ii and iv of this Section. The terms of the corporate guarantee must be in an authentic act signed and sworn to by an authorized officer of the corporation before a notary public and must provide that:
  - (i). the guarantor meets or exceeds the financial-test criteria and agrees to comply with the reporting requirements for guarantors as specified in Subparagraph A.2.i of this Section;
  - (ii). the guarantor is the parent corporation of the permit holder or applicant of the solid waste facility or facilities to be covered by the guarantee, and the guarantee extends to certain facilities;
  - (iii). if the permit holder or applicant fails to satisfy a judgment based on a determination of liability for bodily injury or property damage

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to third parties caused by sudden and accidental occurrences (or both as the case may be), arising from the operation of facilities covered by the corporate guarantee, or fails to pay an amount agreed to in settlement of the claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage;

- (iv). the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the *financial-test criteria*, the guarantor shall send within 90 days, by certified mail, notice to the Office of Environmental Services, Water and Waste Permits Division, and to the permit holder or applicant, that he intends to provide alternative financial assurance as specified in Paragraph A.1 of this Section, in the name of the permit holder or applicant, and that within 120 days after the end of said fiscal year the guarantor shall establish such financial assurance, unless the permit holder or applicant has done so;
- (v). the guarantor agrees to notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;
- (vi). the guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial-test criteria or that he or she is disallowed from continuing as a guarantor of closure or post-closure care, he or she shall establish alternate financial assurance as specified in Paragraph A.1 of this Section in the name of the permit holder or applicant unless the permit holder or applicant has done so;
- (vii). the guarantor agrees to remain bound under the guarantee notwithstanding any or all of the following: amendment or modification of the permit, or any other modification or alteration of an obligation of the permit holder or applicant pursuant to these regulations;
- (viii). the guarantor agrees to remain bound under the guarantee for as long as the permit holder or applicant must comply with the applicable financial assurance requirements of Paragraph A.2 of this Section for the above-listed facilities, except that the guarantor may cancel this guarantee by sending notice by certified mail to the administrative authority and the permit holder or applicant. Such cancellation will become effective no earlier than 90 days after receipt of such notice by both the

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administrative authority and the permit holder, as evidenced by the return receipts;

- (ix). the guarantor agrees that if the permit holder or applicant fails to provide alternate financial assurance, as specified in Paragraph A.1 of this Section, and obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the permit holder or applicant;
- (x). the guarantor expressly waives notice of acceptance of the guarantee by the administrative authority or by the permit holder or applicant. Guarantor also expressly waives notice of amendments or modifications of the facility permit(s);
- (xi). the wording of the corporate guarantee shall be as specified in Subclause A.2.i.ix.(l) of this Section.

(b). A corporate guarantee may be used to satisfy the requirements of this Section only if the attorney general(s) or insurance commissioner(s) of the state in which the guarantor is incorporated, and the state in which the facility covered by the guarantee is located, has submitted a written statement to the Office of Environmental Services, Water and Waste Permits Division, that a corporate guarantee is a legally valid and enforceable obligation in that state.

**Not applicable. The facility maintains a certificate of insurance for liability.**

- e. The use of a particular financial responsibility mechanism is subject to the approval of the administrative authority.

**Acknowledged. It is understood that a particular financial responsibility mechanism is subject to the approval of the administrative authority.**

- f. Permit holders of existing facilities must submit, on or before February 20, 1995, financial responsibility documentation that complies with the requirements of Paragraph A.1 of this Section. Applicants for permits for new facilities must submit evidence of financial assurance in accordance with this Section at least 60 days before the date on which solid waste is first received for processing or disposal.

**Acknowledged.**

2. Financial Responsibility for Closure and Post-Closure Care. Permit holders or applicants of Type I, I-A, II, II-A, and III facilities have the following financial responsibilities for closure and post-closure care.

- a. Permit holders or applicants for processing or disposal facilities shall establish and maintain financial assurance for closure and post-closure care.

**Acknowledged.**

- b. The applicant or permit holder shall submit to the Office of Environmental Services, Water and Waste Permits Division, the estimated closure date and the estimated cost of closure and post-closure care in accordance with the following procedures.

**Acknowledged. See Appendix M and the response to LAC 33:VII.521.J.1.**

- i. The applicant or permit holder must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in these rules. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by the closure plan, and shall be based on the cost of hiring a third party to close the facility in accordance with the closure plan.

**Acknowledged. The closure cost estimate is included in Appendix M.**

- ii. The applicant or permit holder of a facility subject to post-closure monitoring or maintenance requirements must have a written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the provisions of these rules. The estimate of post-closure costs is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required and shall be based on the cost of hiring a third party to conduct post-closure activities in accordance with the closure plan.

**Acknowledged. The closure cost estimate is included in Appendix M.**

- iii. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared on the basis of either the inflation factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business* or a reestimation of the closure and post-closure costs in accordance with Clauses A.2.b.i and ii of this Section. The permit holder or applicant must revise the cost estimate whenever a change in the closure/post-closure plans increases or decreases the cost of the closure plan. The permit holder or applicant must submit a written notice of any such adjustment to the Office of Environmental Services, Water and Waste Permits Division, within 15 days following such adjustment.

**Acknowledged.**

- iv. For trust funds, the first payment must be at least equal to the current closure and post-closure cost estimate, divided by the number of years in the pay-in

period. Subsequent payments must be made no later than 30 days after each annual anniversary of the date of the first payment. The amount of each subsequent payment must be determined by subtracting the current value of the trust fund from the current closure and post-closure cost estimates and dividing the result by the number of years remaining in the pay-in period. The initial pay-in period is based on the estimated life of the facility.

**Not applicable. The facility maintains a Letter of Credit for closure and post-closure.**

- c. Financial Assurance Mechanisms. The financial assurance mechanism must be one or a combination of the following: a trust fund, a financial guarantee bond ensuring closure funding, a performance bond, a letter of credit, an insurance policy, or the financial test. The financial assurance mechanism is subject to the approval of the administrative authority and must fulfill the following criteria.

**Acknowledged. The facility maintains a Letter of Credit for closure and post-closure.**

- i. Except when a financial test, trust fund, or certificate of insurance is used as the financial assurance mechanism, a standby trust fund naming the administrative authority as beneficiary must be established at the time of the creation of the financial assurance mechanism into which the proceeds of such mechanism could be transferred should such funds be necessary for either closure or post-closure of the facility, and a signed copy must be furnished to the administrative authority with the mechanism.

**Acknowledged. A standby trust fund naming the administrative authority as beneficiary has been established. See Appendix P.**

- ii. A permit holder or applicant may use a financial assurance mechanism specified in this Section for more than one facility, if all such facilities are located within Louisiana and are specifically identified in the mechanism.

**Acknowledged.**

- iii. The amount covered by the financial assurance mechanism(s) must equal the total of the current closure and post-closure estimates for each facility covered.

**Acknowledged.**

- iv. When all closure and post-closure requirements have been satisfactorily completed, the administrative authority shall execute an approval to terminate the financial assurance mechanism(s).

**Acknowledged.**

- d. Trust Funds. A permit holder or applicant may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the following requirements and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services, Water and Waste Permits Division.

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*GORDON'S DISPOSAL, LLC.*

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- i. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.
- ii. Trusts must be accomplished in accordance with and subject to the laws of Louisiana. The beneficiary of the trust shall be the administrative authority.
- iii. Trust-fund earnings may be used to offset required payments into the fund, to pay the fund trustee, or to pay other expenses of the funds, or may be reclaimed by the permit holder or applicant upon approval of the administrative authority.
- iv. The trust agreement must be accompanied by an affidavit certifying the authority of the individual signing the trust on behalf of the permit holder or applicant.
- v. The permit holder or applicant may accelerate payments into the trust fund or deposit the full amount of the current closure cost estimate at the time the fund is established. The permit holder or applicant must, however, maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in Clause A.2.b.iv of this Section.
- vi. If the permit holder or applicant establishes a trust fund after having used one or more of the alternate mechanisms specified in this Section, his first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to the specifications of this Paragraph.
- vii. After the pay-in period is completed, whenever the current cost estimate changes, the permit holder must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the permit holder or applicant, within 60 days after the change in the cost estimate, must either deposit an amount into the fund that will make its value at least equal to the amount of the closure/post-closure cost estimate or it must estimate or obtain other financial assurance as specified in this Section to cover the difference.
- viii. After beginning final closure, a permit holder, or any other person authorized by the permit holder to perform closure and/or post-closure may request reimbursement for closure and/or post-closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. Within 60 days after receiving bills for such activities, the administrative authority will determine whether the closure and/or post-closure expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the trustee to make reimbursement in such amounts as the administrative authority specifies in writing. If the administrative authority has reason to believe that the cost of closure and/or post-closure will be significantly greater than the value of the trust fund, he may withhold reimbursement for such amounts as he deems prudent until he determines that the permit holder is no longer required to maintain financial assurance.

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- ix. The wording of the trust agreement shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted. The trust agreement shall be accompanied by a formal certification of acknowledgement.

## SOLID WASTE FACILITY TRUST AGREEMENT/STANDBY TRUST AGREEMENT

Trust Agreement, the "Agreement" entered into as of [date] by and between [name of permit holder or applicant], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the state of" or "a national bank" or a "a state bank"], the "Trustee."

WHEREAS, the Department of Environmental Quality of the State of Louisiana, an agency of the state of Louisiana, has established certain regulations applicable to the Grantor, requiring that a permit holder or applicant for a permit of a solid waste processing or disposal facility shall provide assurance that funds will be available when needed for [closure and/or post-closure] care of the facility;

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facility identified herein;

WHEREAS, the Grantor, acting through its duly authorized officers, has selected [the Trustee] to be the trustee under this Agreement, and [the Trustee] is willing to act as trustee.

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

### SECTION 1. DEFINITIONS

As used in this Agreement:

(a).The term *Grantor* means the permit holder or applicant who enters into this Agreement and any successors or assigns of the Grantor.

(b).The term *Trustee* means the Trustee who enters into this Agreement and any successor trustee.

(c).The term *Secretary* means the Secretary of the Louisiana Department of Environmental Quality.

(d).The term *administrative authority* means the Secretary or a person designated by him to act therefor.

### SECTION 2. IDENTIFICATION OF FACILITIES AND COST ESTIMATES

This Agreement pertains to the facilities and cost estimates identified on attached Schedule A. [On Schedule A, list the site identification number, site name, facility name, facility permit number, and the annual aggregate amount of liability coverage or current closure and/or post-closure cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement.]

### SECTION 3. ESTABLISHMENT OF FUND

The Grantor and the Trustee hereby establish a trust fund, the "Fund", for the benefit of the Louisiana Department of Environmental Quality. The Grantor and the Trustee intend that no third party shall have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the

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Trustee, described in Schedule B attached hereto. [NOTE: Standby Trust Agreements need not be funded at the time of execution. In the case of Standby Trust Agreements, Schedule B should be blank except for a statement that the Agreement is not presently funded but shall be funded by the financial assurance document used by the Grantor in accordance with the terms of that document.] Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, in trust, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the administrative authority.

#### SECTION 4. PAYMENT FOR CLOSURE AND/OR POST-CLOSURE CARE OR LIABILITY COVERAGE

The Trustee shall make payments from the Fund as the administrative authority shall direct, in writing, to provide for the payment of the costs of [liability claims, closure and/or post-closure] care of the facility covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the administrative authority from the Fund for [liability claims, closure and/or post-closure] expenditures in such amounts as the administrative authority shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the administrative authority specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

#### SECTION 5. PAYMENTS COMPRISED BY THE FUND

Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

#### SECTION 6. TRUSTEE MANAGEMENT

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims, except that:

(a). Securities or other obligations of the Grantor, or any owner of the [facility or facilities] or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government.

(b). The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(c). The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

#### SECTION 7. COMMINGLING AND INVESTMENT

The Trustee is expressly authorized, at its discretion:

(a). To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b). To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1, et seq., including one which may be created, managed, or underwritten, or one to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares at its discretion.

#### SECTION 8. EXPRESS POWERS OF TRUSTEE

Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a). To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b). To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c). To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all securities are part of the Fund;

(d). To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e). To compromise or otherwise adjust all claims in favor of, or against, the Fund.

**SECTION 9. TAXES AND EXPENSES**

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and other proper charges and disbursements of the Trustee shall be paid from the Fund.

**SECTION 10. ANNUAL VALUATION**

The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the administrative authority a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee, within 90 days after the statement has been furnished to the Grantor and the administrative authority, shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

**SECTION 11. ADVICE OF COUNSEL**

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

**SECTION 12. TRUSTEE COMPENSATION**

The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

**SECTION 13. SUCCESSOR TRUSTEE**

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor or trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall in writing specify to the Grantor, the administrative authority, and the present Trustee by certified mail 10 days before such change becomes effective the date on which it assumes administration of the trust. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

**SECTION 14. INSTRUCTIONS TO THE TRUSTEE**

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by the persons designated in the attached Exhibit A or such other persons as the

Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the administrative authority to the Trustee shall be in writing and signed by the administrative authority. The Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or termination of the authority of any person to act on behalf of the Grantor or administrative authority hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or administrative authority, except as provided for herein.

#### SECTION 15. NOTICE OF NONPAYMENT

The Trustee shall notify the Grantor and the administrative authority, by certified mail, within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

#### SECTION 16. AMENDMENT OF AGREEMENT

This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist.

#### SECTION 17. IRREVOCABILITY AND TERMINATION

Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

#### SECTION 18. IMMUNITY AND INDEMNIFICATION

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any direction by the Grantor or the administrative authority issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all reasonable expenses incurred in its defense in the event that the Grantor fails to provide such defense.

#### SECTION 19. CHOICE OF LAW

This Agreement shall be administered, construed, and enforced according to the laws of the state of Louisiana.

**SECTION 20. INTERPRETATION**

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized [and their corporate seals to be hereunto affixed] and attested to as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in LAC 33:VII.727.A.2.d.ix, on the date first written above.

WITNESSES:

GRANTOR:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_

Its: \_\_\_\_\_

[Seal]

TRUSTEE:

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

[Seal]

**THUS DONE AND PASSED** in my office in  
on \_\_\_\_\_  
the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_, in the presence of  
\_\_\_\_\_ and  
\_\_\_\_\_ competent witnesses,  
who hereunto sign their names with the said  
appearers and me, Notary, after reading the  
whole.

\_\_\_\_\_  
Notary Public

x. The following is an example of the certification of acknowledgement which must accompany the trust agreement.

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BE IT KNOWN, that on this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_, before me, the undersigned Notary Public, duly commissioned and  
qualified within the State and Parish aforesaid, and in the presence of the witnesses  
hereinafter named and undersigned, personally came and appeared  
\_\_\_\_\_, to me well known, who declared and acknowledged that he

***GORDON'S DISPOSAL, LLC.***

had signed and executed the foregoing instrument as his act and deed, and as the act and deed of the \_\_\_\_\_, a corporation, for the consideration, uses, and purposes and on terms and conditions therein set forth.

And the said appearer, being by me first duly sworn, did depose and say that he is the \_\_\_\_\_ of said corporation and that he signed and executed said instrument in his said capacity, and under authority of the Board of Directors of said corporation.

Thus done and passed in the State and Parish aforesaid, on the day and date first hereinabove written, and in the presence of \_\_\_\_\_ and \_\_\_\_\_, competent witnesses, who have hereunto subscribed their name as such, together with said appearer and me, said authority, after due reading of the whole.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTARY PUBLIC

- e. **Surety Bonds.** A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division.
- i. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury and approved by the administrative authority.
  - ii. The permit holder or applicant who uses a surety bond to satisfy the requirements of this Section must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust fund shall be as specified in Clause A.2.d.ix of this Section.
  - iii. The bond must guarantee that the operator will:
    - (a). fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or
    - (b). fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure or post-closure is issued; or
    - (c). provide alternate financial assurance as specified in this Section and obtain the administrative authority's written approval of the assurance provided, within 90 days after receipt by both the permit holder and the administrative authority of a notice of cancellation of the bond from the surety.
  - iv. Under the terms of the bond, the surety will become liable on the bond obligation when the permit holder fails to perform as guaranteed by the bond.
  - v. The penal sum of the bond must be at least equal to the current closure and post-closure cost estimates.
  - vi. Whenever the current cost-estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure estimate and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the administrative authority.
  - vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the administrative authority. Cancellation may not occur, however, before 120 days have elapsed, beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts.

viii. The wording of the surety bond guaranteeing payment into a standby trust fund shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets delete.

**SOLID WASTE FACILITY  
FINANCIAL GUARANTEE BOND**

Date bond was executed: \_\_\_\_\_

Effective date: \_\_\_\_\_

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: \_\_\_\_\_

Surety: [name and business address]

[site identification number, site name, facility name, facility permit number and current closure and/or post-closure amount(s) for each facility guaranteed by this bond]

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the solid waste facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure and/or post-closure care, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required by the *Louisiana Administrative Code*, Title 33, Part VII, when a surety bond is used to provide such financial assurance;

NOW THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of the facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

*GORDON'S DISPOSAL, LLC.*

OR, if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to close is issued by the administrative authority or a court of competent jurisdiction,

OR, if the Principal shall provide alternate financial assurance as specified in LAC 33:VII.727.A.2 and obtain written approval from the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification or amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receive written authorization for termination of the bond by the administrative authority.

Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:VII.727.A.2, and the conditions of the solid waste facility permit so that it guarantees a new closure and/or post-closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of

GORDON'S DISPOSAL, LLC.

Louisiana and that the wording of this surety bond is identical to the wording specified in LAC 33:VII.727.A.2.e.viii, effective on the date this bond was executed.

## PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

## CORPORATE SURETIES

[Name and Address]

State of incorporation: \_\_\_\_\_

Liability limit: \_\_\_\_\_

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[This information must be provided for each cosurety]

Bond Premium: \$ \_\_\_\_\_

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

f. Performance Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services, Water and Waste Permits Division.

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

- i. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury and approved by the administrative authority.
- ii. The permit holder or applicant who uses a surety bond to satisfy the requirements of this Section must also provide to the administrative authority evidence of establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust fund shall be as specified in Clause A.2.d.ix of this Section.
- iii. The bond must guarantee that the permit holder or applicant will:

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*GORDON'S DISPOSAL, LLC.*

- (a).perform final closure and post-closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or
- (b).provide alternate financial assurance as specified in this Section and obtain the administrative authority's written approval of the assurance provided within 90 days after the date both the permit holder and the administrative authority receive notice of cancellation of the bond from the surety.
- iv. Under the terms of the bond, the surety will become liable on the bond obligation when the permit holder fails to perform as guaranteed by the bond. Following a determination by the administrative authority that the permit holder has failed to perform final closure and post-closure in accordance with the closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure and post-closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.
- v. The penal sum of the bond must be at least equal to the current closure and post-closure cost estimates.
- vi. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate after written approval of the administrative authority.
- vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur before 120 days have elapsed beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts.
- viii. The wording of the performance bond shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**SOLID WASTE FACILITY  
PERFORMANCE BOND**

Date bond was executed: \_\_\_\_\_

Effective date: \_\_\_\_\_

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: \_\_\_\_\_

Surety: [name(s) and business address(es)]

[Site identification number, site name, facility name, facility permit number, facility address, and closure and/or post-closure amount(s) for each facility guaranteed by this bond (indicate closure and/or post-closure costs separately)]

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

Know All Persons By These Presents, That we, the Principal and Surety hereto are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the solid waste facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure and/or post-closure care, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

AND, if the Principal shall faithfully perform post- closure care of each facility for which this bond guarantees post-closure care, in accordance with the closure plan and other requirements of the permit, as such plan and permit may be amended, pursuant to

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*GORDON'S DISPOSAL, LLC.*

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all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in LAC 33:VII.727.A.2 and obtain written approval of the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of the *Louisiana Administrative Code*, Title 33, Part VII, or of its permit, for the facility for which this bond guarantees performances of closure, the Surety shall either perform closure, in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has been found in violation of the post-closure requirements of the *Louisiana Administrative Code*, Title 33, Part VII, or of its permit for the facility for which this bond guarantees performance of post-closure, the Surety shall either perform post-closure in accordance with the closure plan and other permit requirements or place the post-closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance as specified in LAC 33:VII.727.A.2 and obtain written approval of such assurance from the administrative authority during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permit, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have lapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

**GORDON'S DISPOSAL, LLC.**

**Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:VII.727.A.2 and the conditions of the solid waste facility permit so that it guarantees a new closure and/or post-closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.**

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in LAC 33:VII.727.A.2.f.viii, effective on the date this bond was executed.

**PRINCIPAL**

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate seal]

**CORPORATE SURETY**

[Name and address]

State of incorporation: \_\_\_\_\_

Liability limit: \$ \_\_\_\_\_

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: \$ \_\_\_\_\_

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

g. Letter of Credit. A permit holder or applicant may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the following requirements and submitting the letter to the Office of Environmental Services, Water and Waste Permits Division.

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*GORDON'S DISPOSAL, LLC.*

i. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

ii. A permit holder or applicant who uses a letter of credit to satisfy the requirements of this Section must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund. The wording of the standby trust fund shall be as specified in Clause A.2.d.ix of this Section.

iii. The letter of credit must be accompanied by a letter from the permit holder or applicant referring to the letter of credit by number, issuing institution, and date, and providing the following information: solid waste identification number, site name, facility name, facility permit number, and the amount of funds assured for closure and/or post-closure of the facility by the letter of credit.

iv. The letter of credit must be irrevocable and issued for a period of at least one year, unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the administrative authority receive the notice, as evidenced by the return receipts.

v. The letter of credit must be issued in an amount at least equal to the current closure and post-closure cost estimates.

vi. Whenever the current cost estimates increase to an amount greater than the amount of the credit, the permit holder, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure and post-closure cost estimates upon written approval of the administrative authority.

vii. Following a determination by the administrative authority that the permit holder has failed to perform final closure or post-closure in accordance with the closure plan and other permit requirements when required to do so, the administrative authority may draw on the letter of credit.

viii. *The wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.*

**SOLID WASTE FACILITY  
IRREVOCABLE LETTER OF CREDIT**

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. \_\_\_\_\_ in favor of the Department of Environmental Quality of the state of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the [closure and/or post-closure] fund for its [list site identification number, site name, facility name, facility permit number] at [location], Louisiana, for any sum or sums up to the aggregate amount of U.S. dollars \$ \_\_\_\_\_ upon presentation of:

1. A sight draft, bearing reference to the Letter of Credit No. \_\_\_\_\_ drawn by the administrative authority, together with;
2. A statement, signed by the administrative authority, declaring that the amount of the draft is payable into the standby trust fund pursuant to the Louisiana Environmental Quality Act, R.S. 30:2001, et seq.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least 1 year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event that we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder or applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:VII.727.A.2.g.viii, effective on the date shown immediately below.

[Signature(s) and title(s) of  
official(s) of issuing

institution(s)]  
[date]

h. Insurance. A permit holder or applicant may satisfy the requirements of this Section by obtaining insurance that conforms to the requirements of this Subparagraph and submitting a certificate of such insurance to the Office of Environmental Services, Water and Waste Permits Division.

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

i. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess- or surplus-lines insurer in one or more states, and authorized to transact insurance business in Louisiana.

ii. The insurance policy must be issued for a face amount at least equal to the current closure and post-closure cost estimates.

iii. The term *face amount* means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

iv. The insurance policy must guarantee that funds will be available to close the facility and provide post-closure care once final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds up to an amount equal to the face amount of the policy, upon the direction of the administrative authority, to such party or parties as the administrative authority specifies.

v. After beginning final closure, a permit holder or any other person authorized by the permit holder to perform closure and post-closure may request reimbursement for closure or post-closure expenditures by submitting itemized bills to the Office of Environmental Services, Water and Waste Permits Division. Within 60 days after receiving such bills, the administrative authority will determine whether the expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the insurer to make reimbursement in such amounts as the administrative authority specifies in writing.

vi. The permit holder must maintain the policy in full force and effect until the administrative authority consents to termination of the policy by the permit holder.

vii. Each policy must contain a provision allowing assignment of the policy to a successor permit holder. Such assignment may be conditional upon consent of the insurer, provided consent is not unreasonably refused.

viii. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the permit holder and the Office of Environmental Services, Water and Waste Permits

Division. Cancellation, termination, or failure to renew may not occur, however, before 120 days have elapsed, beginning on the date that both the administrative authority and the permit holder receive notice of cancellation, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect in the event that, on or before the date of expiration:

- (a).the administrative authority deems the facility abandoned; or
- (b).the permit is terminated or revoked or a new permit is denied; or
- (c).closure and/or post-closure is ordered; or
- (d).the permit holder is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or
- (e).the premium due is paid.

ix. Whenever the current cost estimate increases to an amount greater than the face amount of the policy, the permit holder, within 60 days after the increase, must either increase the face amount to at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Environmental Services, Water and Waste Permits Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current closure and post-closure cost estimates following written approval by the administrative authority.

x. The wording of the certificate of insurance shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**SOLID WASTE FACILITY  
 CERTIFICATE OF INSURANCE FOR CLOSURE AND/OR  
 POST-CLOSURE CARE**

Name and Address of

Insurer: \_\_\_\_\_ (hereinafter called the "Insurer")

Name and Address of

Insured: \_\_\_\_\_ (hereinafter called the "Insured") (NOTE: Insured must be the permit holder or applicant)

Facilities covered: [list the site identification number, site name, facility name, facility permit number, address, and amount of insurance for closure and/or post-closure care] (These amounts for all facilities must total the face amount shown below.)

Face Amount: \_\_\_\_\_

Policy Number: \_\_\_\_\_

GORDON'S DISPOSAL, LLC.

Effective Date: \_\_\_\_\_

The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for [insert "closure and/or post-closure care"] for the facilities identified above. The Insurer further warrants that such policy conforms in all respects to the requirements of LAC 33:VII.727.A.2 as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the administrative authority, the Insurer agrees to furnish to the administrative authority a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the Insurer is admitted, authorized, or eligible to conduct insurance business in the state of Louisiana and that the wording of this certificate is identical to the wording specified in LAC 33:VII.727.A.2.h.x, effective on the date shown immediately below.

[Authorized signature of Insurer]

[Name of person signing]

[title of person signing]

Signature of witness or notary: \_\_\_\_\_

[Date]

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

i. Financial Test. A permit holder, applicant, or parent corporation of the permit holder or applicant, which will be responsible for the financial obligations, may satisfy the requirements of this Section by demonstrating that he or she passes a financial test as specified in this Subparagraph. The assets of the parent corporation of the applicant or permit holder shall not be used to determine whether the applicant or permit holder satisfies the financial test, unless the parent corporation has supplied a corporate guarantee as outlined in Clause A.1.d.iv of this Section.

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

i. To pass this test, the permit holder, applicant, or parent corporation of the permit holder or applicant, must meet the criteria of either Subclause (a) or (b) below.

(a). The permit holder, applicant, or parent corporation of the permit holder or applicant must have:

(i). tangible net worth of at least six times the sum of the current closure and post-closure estimates to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test; and

(ii). tangible net worth of at least \$10 million; and

***GORDON'S DISPOSAL, LLC.***

(iii). assets in the United States amounting to either at least 90 percent of his total assets, or at least six times the sum of the current closure and post-closure estimates, to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test.

(b).The permit holder, applicant, or parent corporation of the permit holder or applicant must have:

(i). a current rating for his most recent bond issuance of AAA, AA, A, or BBB, as issued by *Standard and Poor's*, or Aaa, Aa, or Baa, as issued by *Moody's*; and

(ii). tangible net worth of at least \$10 million; and

(iii).assets in the United States amounting to either 90 percent of his total assets or at least six times the sum of the current closure and post-closure estimates, to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test.

ii. To demonstrate that he or she meets this test, the permit holder, applicant, or parent corporation of the permit holder or applicant must submit the following three items to the Office of Environmental Services, Water and Waste Permits Division:

(a).a letter signed by the chief financial officer of the permit holder, applicant, or parent corporation demonstrating and certifying the criteria in Clause A.2.i.i of this Section and including the information required by Clause A.2.i.iv of this Section. If the financial test is provided to demonstrate both assurance for closure and/or post-closure care and liability coverage, a single letter to cover both forms of financial responsibility is required;

(b).a copy of the independent certified public accountant (CPA)'s report on the financial statements of the permit holder, applicant, or parent corporation of the permit holder or applicant for the latest completed fiscal year;

(c).a special report from the independent CPA to the permit holder, applicant, or parent corporation of the permit holder or applicant stating that:

(i). he or she has computed the data specified by the chief financial officer as having been derived from the independently audited, year-end financial statements with the amounts for the latest fiscal year in such financial statements; and

(ii).in connection with that procedure, no matters came to his attention that caused him to believe that the specified data should be adjusted.

iii. The administrative authority may disallow use of this test on the basis of the opinion expressed by the independent CPA in his report on qualifications based on the financial statements. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The administrative authority will evaluate other qualifications on an individual basis. The administrative authority may disallow the use of this test on the basis of the accessibility of the assets of the parent corporation (corporate guarantor), permit holder, or applicant. The permit holder, applicant, or parent corporation must provide evidence of insurance for the entire amount of required liability coverage, as specified in this Section, within 30 days after notification of disallowance.

iv. The permit holder, applicant, or parent corporation (if a corporate guarantor) of the permit holder or applicant shall provide to the Office of Environmental Services, Water and Waste Permits Division, a letter from the chief financial officer certifying the following information:

(a).a list of solid waste facilities, whether in Louisiana or not, owned or operated by the permit holder or applicant of the facility, for which financial assurance for liability coverage is demonstrated through the use of financial tests, including the amount of liability coverage;

(b).a list of solid waste facilities, whether in Louisiana or not, owned or operated by the permit holder or applicant, for which financial assurance for the closure or post-closure care is demonstrated through the use of a financial test or self-insurance by the permit holder or applicant, including the cost estimates for the closure and post-closure care of each facility;

(c).a list of the solid waste facilities, whether in Louisiana or not, owned or operated by any subsidiaries of the parent corporation for which financial assurance for closure and/or post-closure is demonstrated through the financial test or through use of self-insurance, including the current cost estimate for the closure or post-closure care for each facility and the amount of annual aggregate liability coverage for each facility; and

(d).a list of solid waste facilities, whether in Louisiana or not, for which financial assurance for closure or post-closure care is not demonstrated through the financial test, self-insurance, or other substantially equivalent state mechanisms, including the estimated cost of closure and post-closure of such facilities.

(e).The wording of the letter from the chief financial officer shall be identical to the wording as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**SOLID WASTE FACILITY  
LETTER FROM THE CHIEF FINANCIAL OFFICER**

(Liability Coverage, Closure, and/or Post-Closure)

Secretary  
Louisiana Department of Environmental Quality  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313  
Attention: Office of Environmental Services,  
Water and Waste Permits Division

Dear Sir:

I am the chief financial officer of [name and address of firm, which may be either the permit holder, applicant, or parent corporation of the permit holder or applicant]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "liability coverage," "closure," and/or "post-closure," as applicable] as specified in [insert "LAC 33:VII.727.A.1," "LAC 33:VII.727.A.2," or LAC 33:VII.727.A.1 and A.2"].

***GORDON'S DISPOSAL, LLC.***

[Fill out the following four Paragraphs regarding facilities and associated liability coverage, and closure and post-closure cost estimates. If your firm does not have facilities that belong in a particular Paragraph, write "None" in the space indicated. For each facility, list the site identification number, site name, facility name, and facility permit number.]

1. The firm identified above is the [insert "permit holder," "applicant for a standard permit," or "parent corporation of the permit holder or applicant for a standard permit"] of the following solid waste facilities, whether in Louisiana or not, for which liability coverage is being demonstrated through the financial test specified in LAC 33:VII.727.A.1. The amount of annual aggregate liability coverage covered by the test is shown for each facility:

2. The firm identified above is the [insert "permit holder," "applicant for a standard permit," or "parent corporation of the permit holder or applicant for a standard permit"] of the following solid waste facilities, whether in Louisiana or not, for which financial assurance for [insert "closure," "post-closure," or "closure and post-closure"] is demonstrated through a financial test similar to that specified in LAC 33:VII.727.A.2 or other forms of self-insurance. The current [insert "closure," "post-closure," or "closure and post-closure"] cost estimates covered by the test are shown for each facility:

3. This firm guarantees through a corporate guarantee similar to that specified in [insert "LAC 33:VII.727.A.2," or LAC 33:VII.727.A.1 and 2"], [insert "liability coverage," "closure," "post-closure," or "closure and post-closure"] care of the following solid waste facilities, whether in Louisiana or not, of which [insert the name of the permit holder or applicant] are/is a subsidiary of this firm. The amount of annual aggregate liability coverage covered by the guarantee for each facility and/or the current cost estimates for the closure and/or post-closure care so guaranteed is shown for each facility:

4. This firm is the owner or operator of the following solid waste facilities, whether in Louisiana or not, for which financial assurance for liability coverage, closure and/or post-closure care is not demonstrated either to the U.S. Environmental Protection Agency or to a state through a financial test or any other financial assurance mechanism similar to those specified in LAC 33:VII.727.A.1 and/or 2. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility.

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed year, ended [date].

[Fill in Part A if you are using the financial test to demonstrate coverage only for the liability requirements.]

**Part A. Liability Coverage for  
Accidental Occurrences**

**GORDON'S DISPOSAL, LLC.**

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

<b>Alternative I</b>		
1. Amount of annual aggregate liability coverage to be demonstrated	\$ _____	
*2. Current assets	\$ _____	
*3. Current liabilities	\$ _____	
*4. Tangible net worth	\$ _____	
*5. If less than 90 percent of assets are located in the U.S., give total U.S. assets	\$ _____	
	YES	NO
6. Is line 4 at least \$10 million?	___	___
7. Is line 4 at least 6 times line 1?	___	___
*8. Are at least 90 percent of assets located in the U.S.? If not, complete line 9.	___	___
9. Is line 4 at least 6 times line 1?	___	___

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

<b>Alternative II</b>	
1. Amount of annual aggregate liability coverage to be demonstrated	\$ _____
2. Current bond rating of most recent issuance of this firm and name of rating service	_____
3. Date of issuance of bond	_____
4. Date of maturity of	_____

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bond	_____	
*5. Tangible net worth	\$ _____	
*6. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.)	\$ _____	
	YES	NO
7. Is line 5 at least \$10 million?	_____	_____
8. Is line 5 at least 6 times line 1?	_____	_____
*9. Are at least 90 percent of assets located in the U.S.? If not, complete line 10.	_____	_____
10. Is line 6 at least 6 times lines 1?	_____	_____

[Fill in Part B if you are using the financial test to demonstrate assurance only for closure and/or post-closure care.]

**Part B. Closure And/Or Post-Closure**

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

<b>Alternative I</b>	
1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above)	\$ _____
*2. Tangible net worth	\$ _____
*3. Net worth	\$ _____
*4. Current Assets	\$ _____
*5. Current liabilities	\$ _____
*6. The sum of net income plus depreciation, depletion, and amortization	\$ _____
*7. Total assets in U.S. (required only if less than 90 percent of	\$ _____

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firm's assets are located in the U.S.)		
	YE S	N O
8. Is line 2 at least \$10 million?	— —	— —
9. Is line 2 at least 6 times line 1?	— —	— —
*10. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 11.	— —	— —
11. Is line 7 at least 6 times line 1?	— —	— —

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

<b>Alternative II</b>	
1. Sum of current closure and post-closure cost estimates (total of all cost estimates shown above)	\$ _____
2. Current bond rating of most recent issuance of this firm and name of rating service	_____
3. Date of issuance of bond	_____
4. Date of maturity of bond	_____
*5. Tangible net worth (If any portion of the closure and/or post-closure cost estimate is included in "total liabilities" on your firm's financial statement, you may add the amount of that portion to this line)	\$ _____
*6. Total assets in U.S. (required only if less than 90 percent of the firm's assets are located in the U.S.)	\$ _____
	YE S
	NO
7. Is line 5 at least \$10 million?	_____

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	—	—
8. Is line 5 at least 6 times line 1?	—	—
9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10.	—	—
10. Is line 6 at least 6 times line 1?	—	—

[Fill in Part C if you are using the financial test to demonstrate assurance for liability coverage, closure, and/or post-closure care.]

**Part C. Liability Coverage, Closure, and/or Post-Closure**

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

<b>Alternative I</b>	
1. Sum of current closure and/or post-closure cost estimates (total of all cost estimates listed above)	\$ _____
2. Amount of annual aggregate liability coverage to be demonstrated	\$ _____
3. Sum of lines 1 and 2	\$ _____
*4. Total liabilities (If any portion of your closure and/or post-closure cost estimates is included in your "total liabilities" in your firm's financial statements, you may deduct that portion from this line and add that amount to lines 5 and 6.)	\$ _____
*5. Tangible net worth	\$ _____
*6. Net worth	\$ _____
*7. Current assets	\$ _____
*8. Current liabilities	\$ _____

**GORDON'S DISPOSAL, LLC.**

	—	
*9. The sum of net income plus depreciation, depletion, and amortization	\$ _____	
	—	
*10. Total assets in the U.S. (required only if less than 90 percent of assets are located in the U.S.)	\$ _____	
	YES	NO
11. Is line 5 at least \$10 million?	_____ _____ _____	_____ _____ _____
12. Is line 5 at least 6 times line 3?	_____ _____ _____	_____ _____ _____
*13. Are at least 90 percent of assets located in the U.S.? If not, complete line 14.	_____ _____ _____	_____ _____ _____
14. Is line 10 at least 6 times line 3?	_____ _____ _____	_____ _____ _____

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

<b>ALTERNATIVE II</b>	
1. Sum of current closure and/or post-closure cost estimates (total of all cost estimates listed above)	\$ _____ _____
2. Amount of annual aggregate liability coverage to be demonstrated	\$ _____ _____
3. Sum of lines 1 and 2	\$ _____ _____
4. Current bond rating of most recent issuance of this firm and name of rating service	_____ _____
5. Date of issuance of bond	_____ _____
6. Date of maturity of bond	_____ _____
*7. Tangible net worth (If any portion of the closure	\$ _____ _____

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and/or post-closure cost estimates is included in the "total liabilities" in your firm's financial statements, you may add that portion to this line.)		
*8. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.)	\$ _____	
	YES	NO
9. Is line 7 at least \$10 million?	_____	_____
10. Is line 7 at least 6 times line 3?	_____	_____
*11. Are at least 90 percent of assets located in the U.S.? If not, complete line 12.	_____	_____
12. Is line 8 at least 6 times line 3?	_____	_____

(The following is to be completed by all firms providing the financial test)

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:VII.727.A.2.i.iv.(e).

[Signature of Chief Financial Officer for the Firm]  
 [Typed Name of Chief Financial Officer]  
 [Title]  
 [Date]

v. For the purposes of Paragraph A.2 of this Section, the phrase "tangible net worth" shall mean the tangible assets that remain after liabilities have been deducted; such assets would not include intangibles such as good will and rights to patents or royalties.

vi. The phrase "current closure and post-closure cost estimates," as used in Clause A.2.i.i of this Section, includes the cost estimates required to be shown in Division A.2.i.i.(a).(i) of this Section.

vii. After initial submission of the items specified in Clause A.2.i.ii of this Section, the permit holder, applicant, or parent corporation of the permit holder or applicant must send updated information to the Office of Environmental Services, Water and Waste Permits Division, within 90 days after the close of each succeeding fiscal year. This information must include all three items specified in Clause A.2.i.ii of this Section.

viii. The administrative authority may, on the basis of a reasonable belief that the permit holder, applicant, or parent corporation of the permit holder or applicant may no

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*GORDON'S DISPOSAL, LLC.*

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longer meet the requirements of Subparagraph A.2.i of this Section, require reports of financial condition at any time in addition to those specified in Clause A.2.i.ii of this Section. If the administrative authority finds, on the basis of such reports or other information, that the permit holder, applicant, or parent corporation of the permit holder or applicant no longer meets the requirements of Clause A.2.i.ii of this Section, the permit holder or applicant, or parent corporation of the permit holder or applicant must provide alternate financial assurance as specified in Paragraph A.2 of this Section within 30 days after notification of such a finding.

ix. A permit holder or applicant may meet the requirements of Subparagraph A.2.i of this Section for closure and/or post-closure by obtaining a written guarantee, hereafter referred to as a "corporate guarantee." The guarantor must be the parent corporation of the permit holder or applicant. The guarantor must meet the requirements and submit all information required for permit holders or applicants in Clauses i-viii of this Subparagraph and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Clauses ii and iv of this Subparagraph. The terms of the corporate guarantee must be in an authentic act signed and sworn by an authorized officer of the corporation before a notary public and must provide that:

(a).the guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in Subparagraph A.2.i of this Section;

(b).the guarantor is the parent corporation of the permit holder or applicant of the solid waste management facility or facilities to be covered by the guarantee, and the guarantee extends to certain facilities;

(c)."closure plans," as used in the guarantee, refers to the plans maintained as required by the Louisiana solid waste rules and regulations for the closure and post-closure care of facilities, as identified in the guarantee;

(d).for value received from the permit holder or applicant, the guarantor guarantees to the Louisiana Department of Environmental Quality that the permit holder or applicant will perform closure, post-closure care, or closure and post-closure care of the facility or facilities listed in the guarantee, in accordance with the closure plan and other permit or regulatory requirements whenever required to do so. In the event that the permit holder or applicant fails to perform as specified in the closure plan, the guarantor shall do so or establish a trust fund as specified in Subparagraph A.2.d of this Section, in the name of the permit holder or applicant, in the amount of the current closure or post-closure cost estimates or as specified in Subparagraph A.2.b. of this Section;

(e).guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days after the end of the fiscal year, by certified mail, notice to the Office of Environmental Services, Water and Waste Permits Division, and to the permit holder or applicant that he intends to provide alternative financial assurance as specified in Paragraph A.2 of this Section, in the name of the permit holder or applicant, and that

within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the permit holder or applicant has done so;

(f). the guarantor agrees to notify the Office of Environmental Services, Water and Waste Permits Division, by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(g).the guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure or post-closure care, he shall establish alternate financial assurance as specified in Paragraph A.2 of this Section in the name of the permit holder or applicant, unless the permit holder or applicant has done so;

(h).the guarantor agrees to remain bound under the guarantee, notwithstanding any or all of the following: amendment or modification of the closure plan, amendment or modification of the permit, extension or reduction of the time of performance of closure or post-closure, or any other modification or alteration of an obligation of the permit holder or applicant pursuant to these regulations;

(i). the guarantor agrees to remain bound under the guarantee for as long as the permit holder must comply with the applicable financial assurance requirements of Paragraph A.2 of this Section for the above-listed facilities, except that the guarantor may cancel this guarantee by sending notice by certified mail to the Office of Environmental Services, Water and Waste Permits Division, and the permit holder or applicant. The cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the permit holder or applicant, as evidenced by the return receipts;

(j). the guarantor agrees that if the permit holder or applicant fails to provide alternative financial assurance as specified in Paragraph A.2 of this Section, and to obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the owner or operator;

(k).the guarantor expressly waives notice of acceptance of the guarantee by the administrative authority or by the permit holder. Guarantor also expressly waives notice of amendments or modifications of the closure plan and of amendments or modifications of the facility permit(s).

(l). The wording of the corporate guarantee must be as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**SOLID WASTE FACILITY  
CORPORATE GUARANTEE FOR LIABILITY COVERAGE, CLOSURE, AND/OR  
POST-CLOSURE CARE**

**GORDON'S DISPOSAL, LLC.**

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the state of [insert name of state], hereinafter referred to as guarantor, to the Louisiana Department of Environmental Quality, obligee, on behalf of our subsidiary [insert the name of the permit holder or applicant] of [business address].

**Recitals**

1. The guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in LAC 33:VII.727.A.2.i.ix.

2. [Subsidiary] is the [insert "permit holder," "applicant for a permit"] hereinafter referred to as [insert "permit holder" or "applicant"] for the following solid waste facility covered by this guarantee: [List the site identification number, site name, facility name, and facility permit number. Indicate for each facility whether guarantee is for liability coverage, closure, and/or post-closure and the amount of annual aggregate liability coverage, closure, and/or post-closure costs covered by the guarantee]

[Fill in Paragraphs 3 and 4 below if the guarantee is for closure and/or post-closure.]

3. "Closure plans" as used below refers to the plans maintained as required by the *Louisiana Administrative Code*, Title 33, Part VII, for the closure and/or post-closure care of the facility identified in Paragraph 2 above.

4. For value received from [insert "permit holder" or "applicant"], guarantor guarantees to the Louisiana Department of Environmental Quality that in the event that [insert "permit holder" or "applicant"] fails to perform [insert "closure," "post-closure care," or "closure and post-closure care"] of the above facility in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor shall do so or shall establish a trust fund as specified in LAC 33:VII.727.A.2.d as applicable, in the name of [insert "permit holder" or "applicant"] in the amount of the current closure and/or post-closure estimates as specified in LAC 33:VII.727.A.2.

[Fill in Paragraph 5 below if the guarantee is for liability coverage.]

5. For value received from [insert "permit holder" or "applicant"], guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden and accidental occurrences arising from operations of the facility covered by this guarantee that in the event that [insert "permit holder" or "applicant"] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by sudden and accidental occurrences arising from the operation of the above-named facilities, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s), or settlement agreement(s) up to the coverage limits identified above.

6. The guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the administrative authority and to [insert "permit holder" or "applicant"] that he intends to provide alternative financial assurance as specified in [insert "LAC 33:VII.727.A.1" and/or "LAC 33:VII.727.A.2"], as applicable, in the name of the [insert "permit holder" or "applicant"], within 120 days after the end of

***GORDON'S DISPOSAL, LLC.***

such fiscal year, the guarantor shall establish such financial assurance unless [insert "permit holder" or "applicant"] has done so.

7. The guarantor agrees to notify the administrative authority, by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

8. The guarantor agrees that within 30 days after being notified by the administrative authority of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of [insert "liability coverage" or "closure and/or post-closure care"] he shall establish alternate financial assurance as specified in [insert "LAC 33:VII.727.A.1" and/or "LAC 33:VII.727.A.2"] as applicable, in the name of [insert "permit holder" or "applicant"] unless [insert "permit holder" or "applicant"] has done so.

9. The guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: [if the guarantee is for closure and post-closure insert "amendment or modification of the closure and or post-closure care, the extension or reduction of the time of performance of closure and/or post-closure"] or any other modification or alternation of an obligation of the [insert "permit holder" or "applicant"] pursuant to the *Louisiana Administrative Code*, Title 33, Part VII.

10. The guarantor agrees to remain bound under this guarantee for as long as the [insert "permit holder" or "applicant"] must comply with the applicable financial assurance requirements of [insert "LAC 33:VII.727.A.1" and/or "LAC 33:VII.727.A.2"] for the above-listed facility except that guarantor may cancel this guarantee by sending notice by certified mail, to the administrative authority and to the [insert "permit holder" or "applicant"], such cancellation to become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the [insert "permit holder" or "applicant"], as evidenced by the return receipts.

11. The guarantor agrees that if the [insert "permit holder" or "applicant"] fails to provide alternative financial assurance as specified in [insert "LAC 33:VII.727.A.1" and/or "LAC 33:VII.727.A.2"], as applicable, and obtain written approval of such assurance from the administrative authority within 60 days after a notice of cancellation by the guarantor is received by the administrative authority from guarantor, guarantor shall provide such alternate financial assurance in the name of the [insert "permit holder" or "applicant"].

12. The guarantor expressly waives notice of acceptance of this guarantee by the administrative authority or by the [insert "permit holder" or "applicant"]. Guarantor expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that the wording of this guarantee is identical to the wording specified in LAC 33:VII.727.A.2.i.ix.(l), effective on the date first above written.

Effective date: \_\_\_\_\_

[Name of Guarantor]

[Authorized signature for guarantor]

[Typed name and title of person signing]

**Thus sworn and signed before me this [date].**

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

j. Local Government Financial Test. An owner or operator that satisfies the requirements of Clauses A.2.j.i-iii of this Section may demonstrate financial assurance up to the amount specified in Clause A.2.j.iv of this Section.

i. Financial Component

(a). The owner or operator must satisfy the following conditions, as applicable:

(i). if the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by *Moody's*, or AAA, AA, A, or BBB, as issued by *Standard and Poor's*, on all such general obligation bonds; or

(ii). the owner or operator must satisfy the ratio of cash plus marketable securities to total expenditures being greater than or equal to 0.05 and the ratio of annual debt service to total expenditures less than or equal to 0.20 based on the owner or operator's most recent audited annual financial statement.

(b). The owner or operator must prepare its financial statements in conformity with *Generally Accepted Accounting Principles* for governments and have its financial statements audited by an independent certified public accountant (or appropriate state agency).

(c). A local government is not eligible to assure its obligations under Subparagraph A.2.j of this Section if it:

(i). is currently in default on any outstanding general obligation bonds;

(ii). has any outstanding general obligation bonds rated lower than Baa as issued by *Moody's* or BBB as issued by *Standard and Poor's*;

(iii). operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years; or

(iv). receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant (or appropriate state agency) auditing its financial statement as required under Subclause A.2.j.i.(b) of this Section. The administrative authority may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the administrative authority deems the qualification insufficient to warrant disallowance of use of the test.

(d). The following terms used in this Subsection are defined as follows.

(i). *Deficit*—total annual revenues minus total annual expenditures.

(ii). *Total Revenues*—revenues from all taxes and fees, but does not include the proceeds from borrowing or asset sales, excluding revenue from funds managed by local government on behalf of a specific third party.

(iii). *Total Expenditures*—all expenditures, excluding capital outlays and debt repayment.

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(iv). *Cash Plus Marketable Securities*—all the cash plus marketable securities held by the local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.

(v). *Debt Service*—the amount of principal and interest due on a loan in a given time period, typically the current year.

ii. *Public Notice Component*. The local government owner or operator must place a reference to the closure and post-closure care costs assured through the financial test into its next comprehensive annual financial report (CAFR) after the effective date of this Section or prior to the initial receipt of waste at the facility, whichever is later. Disclosure must include the nature and source of closure and post-closure care requirements, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years. A reference to corrective action costs must be placed in the CAFR not later than 120 days after the corrective action remedy has been selected in accordance with the requirements of LAC 33:VII.709.E.6. For the first year the financial test is used to assure costs at a particular facility, the reference may be placed in the operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget. For closure and post-closure costs, conformance with *Government Accounting Standards Board Statement 18* assures compliance with this public notice component.

iii. *Recordkeeping and Reporting Requirements*

(a). The local government owner or operator must place the following items in the facility's operating record:

(i). a letter signed by the local government's chief financial officer that lists all the current cost estimates covered by a financial test, as described in Clause A.2.j.iv of this Section. It must provide evidence that the local government meets the conditions of Subclauses A.2.j.i.(a), (b), and (c) of this Section, and certify that the local government meets the conditions of Subclauses A.2.j.i.(a), (b), (c), Clauses A.2.j.ii and iv of this Section;

(ii). the local government's independently audited year-end financial statements for the latest fiscal year (except for local governments where audits are required every two years and unaudited statements may be used in years when audits are not required), including the unqualified opinion of the auditor who must be an independent certified public accountant or an appropriate state agency that conducts equivalent comprehensive audits;

(iii). a report to the local government from the local government's independent certified public accountant or the appropriate state agency based on performing an agreed upon procedures engagement relative to the financial ratios required by Division A.2.j.i.(a).(ii) of this Section, if applicable, and the requirements of Subclause A.2.j.i.(b) and Divisions A.2.j.i.(c).(iii) and (iv) of this Section. The certified public accountant or state agency's report should state the procedures performed and the certified public accountant or state agency's findings; and

(iv). a copy of the comprehensive annual financial report (CAFR) used to comply with Clause A.2.j.ii of this Section (certification that the requirements of *General Accounting Standards Board Statement 18* have been met).

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(b). The items required in Subclause A.2.j.iii.(a) of this Section must be placed in the facility operating record as follows:

(i). in the case of closure and post-closure care, either before the effective date of this Section, which is April 9, 1997, or prior to the initial receipt of waste at the facility, whichever is later; or

(ii). in the case of corrective action, not later than 120 days after the corrective action remedy is selected in accordance with the requirements of LAC 33:VII.709.E.6.

(c). After the initial placement of the items in the facility's operating record, the local government owner or operator must update the information and place the updated information in the operating record within 180 days following the close of the owner or operator's fiscal year.

(d). The local government owner or operator is no longer required to meet the requirements of Clause A.2.j.iii of this Section when:

(i). the owner or operator substitutes alternate financial assurance, as specified in this Section; or

(ii). the owner or operator is released from the requirements of this Section in accordance with Paragraph A.1 or 2 of this Section.

(e). A local government must satisfy the requirements of the financial test at the close of each fiscal year. If the local government owner or operator no longer meets the requirements of the local government financial test, it must, within 210 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Section, place the required submissions for that assurance in the operating record, and notify the Office of Environmental Services, Water and Waste Permits Division, that the owner or operator no longer meets the criteria of the financial test and that alternate assurance has been obtained.

(f). The administrative authority, based on a reasonable belief that the local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the local government at any time. If the administrative authority finds, on the basis of such reports or other information, that the owner or operator no longer meets the local government financial test, the local government must provide alternate financial assurance in accordance with this Section.

iv. Calculation of Costs to be Assured. The portion of the closure, post-closure, and corrective action costs for which an owner or operator can assure under Subparagraph A.2.j of this Section is determined as follows.

(a). If the local government owner or operator does not assure other environmental obligations through a financial test, it may assure closure, post-closure, and corrective action costs that equal up to 43 percent of the local government's total annual revenue.

(b). If the local government assures other environmental obligations through a financial test, including those associated with UIC facilities under 40 CFR 144.62, petroleum underground storage tank facilities under 40 CFR Part 280, PCB storage facilities under 40 CFR Part 761, and hazardous waste treatment, storage, and disposal

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facilities under 40 CFR Parts 264 and 265, or corresponding state programs, it must add those costs to the closure, post-closure, and corrective action costs it seeks to assure under Subparagraph A.2.j of this Section. The total that may be assured must not exceed 43 percent of the local government's total annual revenue.

(c).The owner or operator must obtain an alternate financial assurance instrument for those costs that exceed the limits set in Subclauses A.2.j.iv.(a) and (b) of this Section.

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

k. Local Government Guarantee. An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, as required by Paragraphs A.1-2 of this Section, by obtaining a written guarantee provided by a local government. The guarantor must meet the requirements of the local government financial test in Subparagraph A.2.j of this Section, and must comply with the terms of a written guarantee.

i. Terms of the Written Guarantee. The guarantee must be effective before the initial receipt of waste or before the effective date of this Section, whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of LAC 33:VII.709.E.6. The guarantee must provide that:

(a).if the owner or operator fails to perform closure, post-closure care, and/or corrective action of a facility covered by the guarantee, the guarantor will:

(i). perform, or pay a third party to perform closure, post-closure care, and/or corrective action as required; or

(ii). establish a fully funded trust fund as specified in Subparagraph A.2.d of this Section in the name of the owner or operator;

(b).the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Office of Environmental Services, Water and Waste Permits Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts; and

(c).if a guarantee is canceled, the owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the administrative authority, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division. If the owner or operator fails to provide alternate financial assurance within the 90-day period, then the owner or operator must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division.

ii. Recordkeeping and Reporting

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(a).The owner or operator must place a certified copy of the guarantee, along with the items required under Clause A.2.j.iii of this Section, into the facility's operating record before the initial receipt of waste or before the effective date of this Section, whichever is later, in the case of closure or post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of LAC 33:VII.709.E.6.

(b).The owner or operator is no longer required to maintain the items specified in Clause A.2.k.ii of this Section when:

(i). the owner or operator substitutes alternate financial assurance as specified in this Section; or

(ii). the owner or operator is released from the requirements of this Section in accordance with Paragraphs A.1-2 of this Section.

(c).If a local government guarantor no longer meets the requirements of Subparagraph A.2.j of this Section, the owner or operator must, within 90 days, obtain alternate assurance, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services, Water and Waste Permits Division. If the owner or operator fails to obtain alternate financial assurance within that 90-day period, the guarantor must provide that alternate assurance within the next 30 days.

**Not applicable. The facility maintains a Letter of Credit and a standby trust for closure and post-closure.**

*I. Use of Multiple Mechanisms. An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, as required by Paragraphs A.1-2 of this Section, by establishing more than one financial mechanism per facility, except that mechanisms guaranteeing performance, rather than payment may not be combined with other instruments. The mechanisms must be as specified in Subparagraphs A.2.d-i of this Section, except that financial assurance for an amount at least equal to the current cost estimate for closure, post-closure care, and/or corrective action may be provided by a combination of mechanisms, rather than a single mechanism.*

**Acknowledged.**

m. Discounting. The administrative authority may allow discounting of closure and post-closure cost estimates in Paragraph A.2 of this Section, and/or corrective action costs in Paragraph A.1 of this Section up to the rate of return for essentially risk-free investments, net of inflation, under the following conditions:

i. the administrative authority determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a registered professional engineer to the Office of Environmental Services, Water and Waste Permits Division, so stating;

ii. the state finds the facility in compliance with applicable and appropriate permit conditions;

iii. the administrative authority determines that the closure date is certain and the owner or operator certifies that there are no foreseeable factors that will change the estimate of site life; and

iv. discounted cost estimates must be adjusted annually to reflect inflation and years of remaining life.

**Acknowledged.**

**B. Financial Responsibility for Corrective Action for Type II Landfills**

1. A permit holder of a Type II landfill required to undertake a corrective action program under LAC 33:VII.709.E must provide to the Office of Environmental Services, Water and Waste Permits Division, a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action in accordance with the program required under LAC 33:VII.709.E. The corrective action cost estimate must account for the total costs of corrective action activities as described in the corrective action plan for the entire corrective action period.

a. The permit holder must provide an annual adjustment of the estimate for inflation to the Office of Environmental Services, Water and Waste Permits Division, until the corrective action program is completed in accordance with LAC 33:VII.709.E.

b. The permit holder must provide an increased corrective action cost estimate to the Office of Environmental Services, Water and Waste Permits Division, and the amount of financial assurance provided under Paragraph B.2 of this Section if changes in the corrective action program or landfill conditions increase the maximum costs of corrective action.

c. Subject to approval of the administrative authority, the permit holder may provide a reduced corrective action cost estimate to the Office of Environmental Services, Water and Waste Permits Division, and the amount of financial assurance provided under Paragraph B.2 of this Section if the cost estimate exceeds the maximum remaining costs of corrective action. The permit holder must provide the Office of Environmental Services, Water and Waste Permits Division, justification for the reduction of the corrective action cost estimate and the revised amount of financial assurance.

2. The permit holder of each Type II landfill required to undertake a corrective action program under LAC 33:VII.709.E must establish, in a manner in accordance with Paragraph A.2 of this Section, financial assurance for the most recent corrective action program. The financial assurance must be provided within 120 days after the selection of the corrective action remedy in LAC 33:VII.709.E.6. The permit holder must provide continuous coverage for corrective action until released from financial assurance requirements for corrective action by demonstrating compliance with LAC 33:VII.709.E.7.h.iii.(a) and (b). For the purpose of corrective action financial assurance only the words "corrective action" shall be substituted for the words "closure" or "post-closure" throughout Paragraph A.2 of this Section.

**The facility is a Type III landfill.**