

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* **Settlement Tracking No.**

* **SA-AE-06-0013**

ACADIA PARISH POLICE JURY

*

* **Enforcement Tracking No.**

AI # 20036

* **AE-PP-05-0199**

*

PROCEEDINGS UNDER THE LOUISIANA

*

ENVIRONMENTAL QUALITY ACT

*

LA. R.S. 30:2001, ET SEQ.

*

SETTLEMENT

The following Settlement is hereby agreed to between the Acadia Parish Police Jury ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a governmental entity operating a sanitary landfill located at 611 Petal Road in Egan, Acadia Parish, Louisiana ("the Facility").

II

On November 29, 2005, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-05-0199, which was based upon the following findings of fact:

While the Louisiana Department of Environmental Quality's (the Department) investigation is not yet complete, the following violation was noted during the course of the file review:

The Respondent is subject to 40 CFR 60, Subpart WWW. This subpart is triggered when the facility reaches a design capacity greater than 2.5 million megagrams and 2.5 million cubic meters. According to the Initial Design Capacity Report Form, submitted on June 20, 1996, the rated design capacity was 3.62 million megagrams and 9.17 million cubic meters. At the time that the facility's design capacity became greater than or equal to 2.5 million

megagrams and 2.5 million cubic meters, the facility was required to submit a Part 70 permit application in accordance with 40 CFR 60.752(b). The Respondent submitted the facility's Title V Permit Application on or about July 5, 2005. The Respondent's failure to submit a permit application and receive approval from the permitting authority prior to construction, modification and/or operation of the facility, after becoming subject to 40 CFR 60, Subpart WWW (Standards of Performance for Municipal Solid Waste Landfills) is a violation of 40 CFR 60.752(b), LAC 33:III.501.C.1, LAC 33:III.501.C.2, and Section 2057(A)(2) of the Act.

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00), of which ONE HUNDRED SEVENTY AND 52/100 DOLLARS (\$170.52) represents DEQ's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to DEQ as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the results of the file review, the Notice Of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history, but Respondent may present relevant mitigating

factors for the Department's consideration.

VI

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

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

VIII

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

IX

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

Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Darryl Serio, Office of Management and Finance, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

X

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

XI

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

ACADIA PARISH POLICE JURY

BY: Cecelia B. Chambers
(Signature)

Cecelia B. Chambers
(Printed or Typed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 27th day of June, 20 06, at ACADIA PARISH.

Ruby Allen
NOTARY PUBLIC (ID # 058568)

RUBY ALLEN
(Printed or Typed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Mike D. McDaniel, Ph.D., Secretary

BY: Harold Leggett
Harold Leggett, Ph.D., Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 20th day of September, 20 06, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 20456)

Tim H. Boyle II
(Printed or Typed)

Approved: Harold Leggett
Harold Leggett, Ph.D., Assistant Secretary



CHARLES C. FOTI, JR.
ATTORNEY GENERAL

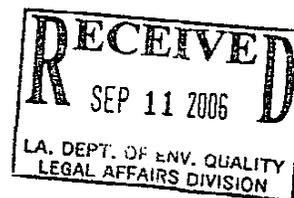
State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005



August 30, 2006

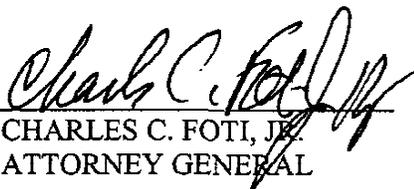
Mr. Herman Robinson, Executive Counsel
La. Department of Environmental Quality
Legal Affairs Division
P.O. Box 4302
Baton Rouge, LA 70821-4302

Re: AG Review of DEQ Settlement;
Acadia Parish Police Jury
Settlement No. SA-AE-06-0013

Dear Mr. Robinson:

Pursuant to the authority granted to me by Art. IV, Sec. 8 of the state constitution and R.S. 30:2050.7, I approve the above referenced settlement.

Sincerely,

By: 
CHARLES C. FOTI, JR.
ATTORNEY GENERAL

CCF, Jr./MKT/tp



SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment and submit to:

Department of Environmental Quality
Office of Management and Finance
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Darryl Serio, Fiscal Officer

Payment # _____

Respondent: **Acadia Parish Police Jury**

Settlement No: **SA-AE-06-0013**

Enforcement Tracking No(s): **AE-PP-05-0199**

Payment Amount: **\$9,000.00**

AI Number: **20036**

Alternate ID No(s): _____

TEMPO Activity Number: _____

**For Official Use Only.
Do Not write in this Section.**

Check Number:

Check Date:

Check Amount:

Received Date:

PIV Number:

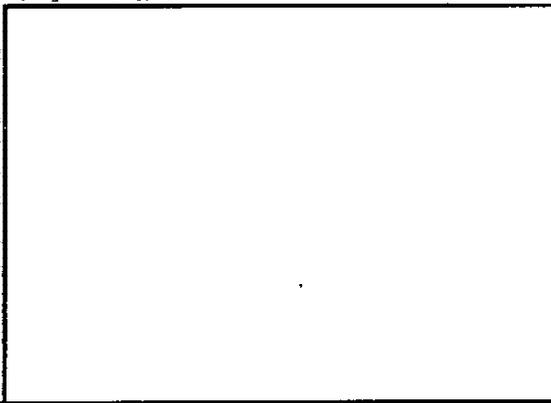
PIV Date:

Stamp "Paid" in the box to the right and initial.

Route Completed form to:

**Peggy Hatch, Administrator
Enforcement Division**

**And copy Chris Ratcliff, Legal
Division**





DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO

GOVERNOR

MIKE D. McDANIEL, Ph.D.

SECRETARY

September 20, 2006

**Via U.S. Certified Mail
No. 7004 1160 0000 3797 7088**

Ms. Cecelia Broussard Chambers
President of Acadia Parish Police Jury
P. O. Box A
Crowley, LA 70527-6001

Re: Acadia Parish Police Jury
Enforcement No. AE-PP-05-0199
Agency Interest No. 20036

Dear Ms. Chambers:

Enclosed you will find a fully executed duplicate original of the Settlement in the above referenced matter. As you know, the agreement requires Acadia Parish Police Jury to remit a check in the amount of NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00) 10 days after receipt of this letter, to the following:

Louisiana Department of Environmental Quality
Office of Management & Finance
Attn: Darryl Serio
Post Office Box 4303
Baton Rouge, Louisiana 70821-4303

If you have any questions please feel free to contact me at the address below or by telephone at (225) 219-3985. Thank you for your cooperation in bringing this matter to a conclusion.

Sincerely,

Ted R. Broyles, II
Attorney Supervisor

ew

Enclosure

cc: Darryl Serio, Office of Management & Finance
Peggy Hatch, Enforcement Division

**OFFICE OF THE SECRETARY
LEGAL AFFAIRS DIVISION**
: PO BOX 4302, BATON ROUGE, LA 70821-4302
P:225-219-3985 F:225-219-4068
WWW.DEQ.LOUISIANA.GOV

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* Settlement Tracking No.
* SA-AE-06-0013

ACADIA PARISH POLICE JURY

*
* Enforcement Tracking No.
* AE-PP-05-0199

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ACADIA PARISH POLICE JURY

BY: Cecelia B. Chambers
(Signature)

Cecelia B. Chambers
(Printed or Typed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 27th day of June, 20 06, at ACADIA PARISH.

Ruby Allen
NOTARY PUBLIC (ID # 058568)
RUBY ALLEN
(Printed or Typed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Mike D. McDaniel, Ph.D., Secretary

BY: Harold Leggett
Harold Leggett, Ph.D., Assistant Secretary
Office of Environmental Compliance

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Neil H. Boyle
NOTARY PUBLIC (ID # 20456)
Neil H. Boyle
(Printed or Typed)

Approved: Harold Leggett
Harold Leggett, Ph.D., Assistant Secretary