STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-MME-11-0072**
GORDON'S DISPOSAL, L.L.C.	*	
	*	**Enforcement Tracking Nos.**
AI # 30245	*	**MM-P-07-0108, MM-CN-05-0065,**
	*	**SE-CN-06-0073, MM-CN-07-0001,**
	*	**MM-CN-07-0001A, SE-CN-08-0207,**
	*	**SE-PP-08-0592, SE-CN-08-0713,**
	*	**SE-CN-09-0115, SE-CN-09-0377,**
	*	**SE-CN-09-0269, MM-CN-10-00075,**
	*	**SE-CN-10-00788, SE-CN-10-01143**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	**Docket No.**
	*	**2008-10456-EQ, 2008-9941-EQ,**
	*	**2009-6352-EQ, 2011-19230-EQ,**
	*	**2011-13940-EQ**

SETTLEMENT

The following Settlement is hereby agreed to between Gordon's Disposal, L.L.C. ("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 limited liability corporation that owns and/or operates a Type III landfill and non-processing transfer station facility located in New Iberia, St. Martin Parish, Louisiana ("the Facility").

II

On August 15, 2007, the Department issued to Respondent a Penalty Assessment, Enforcement No. MM-P-07-0108, in the amount of $23,609.44, which was based upon the following findings of fact:

The Respondent owns and/or operates a Type III solid waste landfill located at 614 Coteau Road in New Iberia, St. Martin Parish, Louisiana. The Respondent is authorized to operate the landfill under the terms and conditions of Standard Type III Permit No. P-0287. The Respondent also has an operation located south of the landfill in which waste is transferred from vehicle to vehicle. The Respondent was issued Louisiana Water Discharge Permit System (LWDPS) Permit WP4953, with an effective date of February 11, 1995, and expiration date of February 10, 2000. On January 19, 1999, the Department received the Respondent's Louisiana Pollutant Discharge Elimination System (LPDES) permit application, and the LWDPS permit was administratively extended. The administratively continued LWDPS permit WP4953 authorized the Respondent to discharge low contamination stormwater runoff, groundwater seepage, and leachate through Outfall 001 into an unnamed ditch, thence into Bayou Tortue, both waters of the state. The Respondent was issued LPDES permit LA0097888, with an effective date of August 1, 2004, and expiration date of July 31, 2009. On or about April 19, 2005, the Respondent submitted a Notice of Intent (NOI) to discharge storm water associated with construction activities from the facility's mechanic shop, pick-up station and oxidation pond construction project. The Respondent submitted an LPDES permit modification application to the Department on or about April 13, 2006, for modification of LPDES permit LA0097888. The LPDES permit application was deemed administratively completed by the Department on or about April 19, 2006. LPDES permit LA0097888 was modified to reflect changes in the location of Outfall 001 and to include Outfalls 003 and internal Outfall 103; the modification became effective July 1, 2007. LPDES permit LA0097888 authorizes the Respondent to discharge stormwater runoff from the active fill area, rinse water and stormwater falling on the pickup station area, rinse water and stormwater from the trailer storage area, and stormwater

from the woodwaste storage area through Outfall 001 and sanitary wastewater through Outfall 002, thence into an unnamed ditch, thence into Bayou Tortue, both waters of the state. Additionally, LPDES permit LA0097888 authorizes the Respondent to discharge stormwater runoff from the area around the maintenance shop, the administrative area, and the storage area for trucks, roll-off containers, front-end loaders and port-o-lets through Outfall 003 and vehicle and equipment wash wastewater from the maintenance shop wash bay through internal Outfall 103, thence into an unnamed ditch, thence into Bayou Tortue, both waters of the state. The Respondent was granted coverage under the Louisiana Pollutant Discharge Elimination System (LPDES) Storm Water General Permit for Construction Activities LAR100000 on May 16, 2005, and specifically was assigned Permit Number LAR10D013. Under the terms and conditions of LPDES permit LAR10D013, the Respondent is authorized to discharge storm water from construction activities into Bayou Tortue, waters of the state.

On November 24, 2004, Gordon's Construction and Landfill, Inc. merged with Gordon's Trucking Company, Inc. to form Gordon's Disposal, L.L.C.

On February 6, 2006, Consolidated Compliance Order & Notice of Potential Penalty MM-CN-05-0065 was issued to the Respondent and noted the following:

Inspections conducted by the Department on December 3, 2004, November 21, 2005, December 8, 2005, December 12, 2005, December 29, 2005, January 9, 2006, and January 25, 2006, disclosed the following:

A. The Respondent disposed of solid waste within the 50 foot buffer zone along the north and northeast sides of the landfill, in violation of LAC 33:VII.719.B.2.b. (December 3, 2004, and November 21, 2005, inspections). A subsequent inspection

conducted on December 8, 2005, noted that this violation was corrected; the waste had been removed from the buffer zone.

B. The Respondent failed to meet the requirements for cover material, in that the cover material failed to minimize blowing paper and litter, in violation of LAC 33:VII.721.A.2.a.iv. (December 29, 2005, January 9, 2006, inspections). A subsequent inspection on January 9, 2006, revealed that the Respondent has constructed fencing on top of an earthen berm to minimize blowing paper and litter. The Respondent also hired someone to patrol the landfill and surrounding area to pick up blowing paper and litter.

C. The Respondent was not properly operating and maintaining the perimeter levees of the landfill. Specifically, at the time of the November 21, 2005, inspection, breaches were observed in two (2) areas of the perimeter levees of the landfill. The Respondent agreed to fix the breaches in the perimeter levees. A subsequent inspection conducted by the Department on or about December 08, 2005, as a result of a citizen's complaint, revealed the perimeter levees along the south east side of the landfill were worn down, silted in and had no freeboard to contain storm water runoff from possibly leaving the site. The failure to maintain the levees is in violation of LPDES permit LA0097888 (Part III, Section A.2 and B.3.a), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.E. At the time of the inspection, storm water runoff was not observed leaving the site. On or about January 23, 2006, a written response was submitted to the Department indicating that the violations identified during the November 21, 2005 and the December 08, 2005 inspections had been corrected.

D. The Respondent did not have an adequate Stormwater Pollution Prevention Plan (SWP3). Specifically, at the time of the January 25, 2006 inspection, the inspector noted that the Respondent's SWP3 did not contain summary reports of visual or weekly inspections. LPDES permit LA0097888 requires visual inspections to be conducted and summarized in an annual report and attached to the SWP3 plan and made available to the Department upon request. LPDES Permit LA0097888 also requires retention of all reports required by the permit for a period of three (3) years. During the inspection, a facility representative stated that records were not being kept. The Respondent's failure to maintain records of inspections is in violation of LPDES permit LA0097888 (Part II, Pages 3 and 4, Part III, Sections A.2 and C.3), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

On March 14, 2006, Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-06-0073, was issued to the Respondent and noted the following:

Inspections conducted by the Department on February 16, 2006, February 20, 2006, February 23, 2006, March 2, 2006, March 9, 2006, and March 10, 2006, disclosed the following:

A. The Respondent failed to meet the requirements for cover material for the landfill, in that the cover material failed to minimize blowing paper and litter, in violation of LAC 33:VII.721.A.2.a.iv.

B. The Respondent caused and/or allowed the deposition of regulated solid waste without a permit and/or other authority from the administrative authority. The Respondent's unauthorized disposal of solid waste is in violation of La. R.S. 30:2155, LAC 33:VII.315.A and LAC 33:VII.315.E. Specifically, the Respondent caused and/or allowed blowing paper and litter to be disposed of on the land surrounding the

landfill and on the neighboring property. The solid waste originated from the vehicle to vehicle waste transfer operation. An inspection conducted on March 13, 2006, revealed the Respondent removed the blowing paper and litter that was located on his property.

On January 31, 2007, Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-07-0001, was issued to the Respondent and noted the following:

A. Inspections conducted by the Department on January 3 – 4, 2007, disclosed the Respondent failed to keep the active cell dry to prevent waste from being deposited into standing water, in violation of Standard Type III Permit No. P-0287, and LAC 33:VII.901.A. Specifically, standing water exists on the east side of the landfill in the active cell. Waste was found deposited in this standing water.

B. An inspection was conducted by the Department on or about January 3, 2007, as a result of a citizen's complaint reported to the Department on or about January 3, 2007, alleging that the Respondent was discharging from the facility's new unpermitted oxidation pond. The inspection revealed that the Respondent was discharging storm water runoff from a location not specified by LPDES permit LA0097888. LPDES permit LA0097888 authorizes the Respondent to discharge stormwater runoff from the active fill area via Outfall 001. The inspection revealed that the Respondent was discharging stormwater runoff from the facility's new oxidation pond (proposed Outfall 003) through a temporary drainage pipe into an unnamed ditch, thence into Bayou Tortue. The Respondent has no authority to discharge stormwater runoff from the facility's new oxidation pond through proposed Outfall 003, thence to waters of the state. Discharges from a location not specified by

in a permit are unauthorized discharges and are in violation of LPDES permit LA0097888 (Part I and Part III, Section A.2), La. R.S. 30:2075, La. R.S. 30:2076(A)(1)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:IX.501.D, and LAC 33:IX.2311.A.1. At the time of the inspection, the Respondent was able to remove the temporary drainage pipe and cease the unauthorized discharge.

On July 27, 2007, Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-07-0001A, was issued to the Respondent which amended MM-CN-07-0001. The following violations noted in MM-CN-07-0001A are included in this penalty assessment:

A. A file review conducted by the Department on or about January 18, 2007 and July 8, 2007, revealed that the Respondent failed to sample Outfall 001 in October 2004 for all parameters required by LPDES permit LA0097888. Also, the Respondent failed to sample the $CBOD_5$ parameter for Outfall 001 in January 2006. The Respondent indicated on its Discharge Monitoring Reports (DMRs) that the BOD_5 parameter was analyzed instead of the $CBOD_5$ parameter in January 2006. Each failure to sample for the required parameters is a violation of LPDES permit LA0097888 (Part I, Page 2, and Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

B. A file review conducted by the Department on or about January 18, 2007 and July 8, 2007, revealed that the Respondent submitted incomplete DMRs for Outfall 001. Specifically, the Respondent failed to report flow data on its DMRs for the monitoring periods of January 2005, September 2005, and January 2006. Also, the

Respondent failed to report the p-Cresol parameter on its DMRs for the monitoring periods of September 2005 and February 2006. The Respondent's failure to submit complete DMRs is in violation of LPDES permit LA0097888 (Part II, Section A.6 and Part III, Section A.2.), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.

III

In response to the Penalty Assessment, Enforcement No. MM-P-07-0108, Respondent made a timely request for a hearing.

IV

On August 27, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-08-0207, which was based upon the following findings of fact:

The Site is permitted as a Type III landfill which is authorized to accept construction and demolition debris. The Respondent operates a non-processing solid waste transfer station at the Site. On or about February 8, 2008, March 3, 2008, March 10, 2008, March 18, 2008, May 5, 2008, and May 8, 2008, inspections were conducted by a representative of the Department which revealed the following violations:

A. The Respondent failed to use cover material to minimize blowing paper and litter, in violation of LAC 33:VII.721.A.2.a.iv and Section 521, Part II, Subpart H.1.g of Solid Waste Permit P-0287. Specifically, litter was observed in the cover of the landfill and neighboring property. This violation was noted in inspections conducted on February 8, 2008, March 3, 2008, and March 18, 2008.

B. The Respondent failed to cover waste with silty clays a minimum of twelve (12) inches thick at least every thirty (30) days, in violation of LAC 33:VII.721.A.2.b, Section 521, Part II, Subpart F.3.b of Solid Waste Permit P-0287 and Section 6.4 of the Operation Plan of Solid Waste Permit P-0287. Specifically, the Respondent used mulch as cover for the northwest side of the landfill. This violation was noted in the inspection conducted on March 10, 2008.

C. The Respondent failed to maintain solid waste containers so that access shall be prevented by rodents and insects, to minimize the escape of odors, and to keep out water, as specified in LAC 33:VII.503.A.2, in violation of LAC 33:VII.508.D. Specifically, two (2) trailers of solid waste, and one (1) roll-off box of solid waste were left uncovered over a weekend at the non-processing transfer station. This violation was noted in the inspection conducted on May 5, 2008.

D. The Respondent disposed of solid waste in the buffer zone near the northwest corner of the landfill, in violation of LAC 33:VII.719.B.3.b and Section 521, Part II, Subpart B.1.c of Solid Waste Permit P-0287. This violation was noted in the inspection conducted on May 8, 2008.

V

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-08-0207, Respondent made a timely request for a hearing.

VI

On January 16, 2009, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. SE-PP-08-0592, which was based upon the following findings of fact:

On or about August 18, 2008, an inspection of Gordon's Disposal Type III Landfill, owned and/or operated by Gordon's Disposal, L.L.C., was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The facility is located at 614 Coteau Road in New Iberia, Lafayette Parish, Louisiana.

A temporary permit was issued to the Respondent on May 27, 2008, to allow filling in the "valley area" of the landfill. This authorization expired on August 15, 2008.

The following violation was noted during the course of the inspection:

The Respondent failed to apply final cover within thirty (30) days after reaching final grade, in violation of LAC 33:VII.721.D.2.a, LAC 33:VII.901, and Permit P-0287. Specifically, the Respondent is disposing of waste in the "valley area" of the landfill without permission and/or authority from the Department.

VII

On May 1, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-08-0713, which was based upon the following findings of fact:

The Site is permitted as a Type III landfill which is authorized to accept construction and demolition debris. The Respondent operates a non-processing solid waste transfer station at the Site.

The Respondent was granted a temporary permit on May 27, 2008 by the Department which allowed for filling in the "valley area" of the landfill. This permit expired on August 15, 2008. On or about November 19, 2008, an inspection revealed that the Respondent had deposited solid waste in the "valley area" after the expiration of the permit. On December 23,

2008, a second temporary permit was issued to the Respondent to allow for deposition of solid waste in the "valley area."

On or about November 19, 2008, an inspection was conducted by a representative of the Department which revealed the following violations:

A. The Respondent failed to provide interim cover to control leachate generation, in violation of LAC 33:VII.721.A.2.a.ii. Specifically, leachate was observed coming from the "valley" fill area and along the western side of the access road leading to the "valley" fill area.

B. The Respondent failed to cover waste with silty clays a minimum of twelve (12) inches thick at least every thirty (30) days, in violation of LAC 33:VII.721.A.2.b, Section 521, Part II, Subpart F.3.b of Solid Waste Permit P-0287 and Section 6.4 of the Operation Plan of Solid Waste Permit P-0287.

C. The Respondent failed to submit the annual solid waste disposer report to the Department, in violation of LAC 33:VII.721.B.1.c. Specifically, the annual report was not submitted to the Department for the reporting period of July 1, 2007 – June 30, 2008.

D. The Respondent failed to remove unacceptable waste from the facility at least every seven (7) days, in violation of LAC 33:VII.721.C.4.

E. The Respondent caused and/or allowed the deposition of regulated solid waste without a permit and/or authority from the Department, in violation of LAC 33:VII.315.C. Specifically, exposed waste was noted in the "valley area" of the landfill at the time of inspection. The last documented load of waste received at the facility was on September 8, 2008, after the expiration of the temporary permit which

expired on August 15, 2008. The Respondent was not granted a second temporary permit until December 23, 2008.

VIII

On May 27, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-09-0115, which was based upon the following findings of fact:

The Respondent operates a non-processing solid waste transfer station. The Respondent also operates a permitted Type III landfill.

On or about March 9, 2009, an inspection of the non-processing transfer station was conducted by a representative of the Department which revealed the following violations:

A. The Respondent failed to lock all entry points after hours of operation, in violation of LAC 33:VII.508.F. Specifically, a load of solid waste was dumped at the transfer station after the posted hours of operation and was left exposed over the weekend.

B. The Respondent failed to inspect the facility at the end of each operating day, in violation of LAC 33:VII.508.H. Specifically, the facility was not filling out daily housekeeping logs for Saturday activities.

C. The Respondent failed to cover vehicles collecting and/or transporting solid waste, in violation of LAC 33:VII.508.D. Specifically, a load of solid waste was dumped at the facility after hours on Saturday, March 7, 2009. The facility was unaware that the waste was dumped until Sunday, March 8, 2009. Mr. Doerle stated that he came to the site on Sunday, observed the waste and pushed it into the truck. The waste was not covered. The waste remained exposed throughout the weekend.

IX

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-09-0115, Respondent made a timely request for a hearing.

X

On November 18, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-09-0377, which was based upon the following findings of fact:

The Site is permitted as a Type III landfill which was authorized to accept construction and demolition debris. The Respondent operates a non-processing solid waste transfer station at the Site. Order to Close OC-0365 was issued to the Respondent on September 2, 2009. Amended Order to Close OC-0365A was issued to the Respondent on September 14, 2009.

On or about June 8, 2009, an inspection was conducted by a representative of the Department which revealed the following violations:

A. The Respondent failed to cover waste with silty clays a minimum of twelve (12) inches thick at least every thirty (30) days and compact waste daily, in violation of LAC 33:VII.721.A.2.b, Section 521, Part II, Subpart F.3.b of Solid Waste Permit P-0287 and Section 6.4 of the Operation Plan of Solid Waste Permit P-0287. Specifically, exposed waste was observed at the surface of the landfill in older areas of the landfill that have previously received cover and are not actively receiving waste and also in erosion channels observed along the north and west sides of the facility. Exposed waste was also viewed along the southern slope of the landfill near

the office. The exposure appeared to be due to inadequate application of cover. Waste deposited along the edge of the eastern side of the facility did not appear to be compacted.

B. The Respondent failed to minimize erosion, in violation of LAC 33:VII.721.A.2.a.ii.(b). Specifically, erosion channels were observed along the north and west sides of the facility.

C. The Respondent failed to prevent or prohibit the disposal of unauthorized waste, in violation of LAC 33:VII.721.C.1.f, and permit condition 719.B.1.f. Specifically, the Respondent accepted unauthorized waste such as a bicycle, treated lumber, automotive shock, furniture cushions, bumpers, a Christmas tree, ditch clean out materials, household waste consisting of a playpen, shoes, clothes, and swimming pool pieces.

XI

On October 9, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-09-0269, which was based upon the following findings of fact:

The Site is permitted as a Type III landfill which is authorized to accept construction and demolition debris. The Respondent operates a non-processing solid waste transfer station at the Site. On or about April 9, 2009, and April 24, 2009, inspections were conducted by a representative of the Department which revealed the following violations:

The Respondent failed to prevent litter from leaving the tipping area, in violation of LAC 33:VII.508.G. Specifically, in the inspections conducted on April 9, 2009, and April 24, 2009, litter was observed on neighboring property and around the non-processing transfer

station. The majority of the litter appeared to come from the non-processing solid waste transfer station.

XII

On June 9, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-10-00075, which was based upon the following findings of fact:

The Site is permitted as a Type III landfill which was authorized to accept construction and demolition debris. The Respondent operates a non-processing solid waste transfer station at the Site. Order to Close OC-0365 was issued to the Respondent on September 2, 2009. Amended Order to Close OC-0365A was issued to the Respondent on September 14, 2009.

On or about July 16, 2009, an inspection was conducted by a representative of the Department which revealed the following violations:

A. The Respondent failed to minimize erosion, in violation of LAC 33:VII.721.A.2.a.ii.(b). Specifically, erosion channels were observed along the northwest corner and western side of the landfill.

B. The Respondent failed to cover waste with silty clays a minimum of twelve (12) inches thick at least every thirty (30) days and compact waste daily, in violation of LAC 33:VII.721.A.2.b, Section 521, Part II, Subpart F.3.b of Solid Waste Permit P-0287 and Section 6.4 of the Operation Plan of Solid Waste Permit P-0287. Specifically, exposed waste was observed at the surface of the landfill along the northwest corner and western side that have previously received cover and are not actively receiving waste.

The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0097888 on or about July 23, 2004, with an effective date of August 1, 2004. A major modification of LPDES permit LA0097888 was issued by the Department and was effective on July 1, 2007. On or about February 18, 2009, the Department granted the Respondent's request to extend the permit application deadline to April 30, 2009. The Respondent submitted a LPDES permit application on or about April 30, 2009. LPDES permit LA0097888 expired on July 31, 2009, but is currently being administratively continued until it can be re-issued. Under the terms and conditions of LPDES permit LA0097888, the Respondent is authorized to discharge stormwater runoff from the active fill area, rinse water and stormwater falling on the pickup station area, rinse water and stormwater from the trailer storage area, and stormwater from the woodwaste storage area from Outfall 001; treated sanitary wastewater from Outfall 002; stormwater runoff from the area around the maintenance shop, the administrative area and the storage area for trucks, roll-off containers, front-end loaders, and port-o-lets from Outfall 003; and vehicle and equipment washwater from Internal Outfall 103 to an unnamed ditch, thence to Bayou Tortue, waters of the state. The Respondent was granted coverage under LPDES General Permit LAG530000 and specifically assigned permit number LAG533119 on or about May 13, 2009, with an expiration date of November 30, 2012. Under the terms and conditions of LPDES permit LAG533119, the Respondent is authorized to discharge treated sanitary wastewater from Outfall 203 to an unnamed ditch, thence to Bayou Tortue, waters of the state.

An inspection conducted by the Department on or about July 16, 2009, in response to a citizen's complaint, revealed that the Respondent failed to properly implement the Storm Water Pollution Prevention Plan (SWP[3]). Specifically, the Respondent had removed the perimeter levee around the western side of the landfill allowing mud to flow from the landfill to the

neighboring property. Also, the levees on the southeast side of the facility were worn down, silted in, and had no freeboard to contain storm water runoff. Failure to properly implement the SWP[3] is a violation of LPDES permit LA0097888 (Part II, Section B.C and Part III, Section A.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about February 3, 2010, revealed that that the Respondent exceeded the effluent limitations contained in LPDES permit LA0097888. These effluent exceedences, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

DATE	OUTFALL	PARAMETER	PERMIT LIMIT	SAMPLE VALUE
07/01/2007-07/31/2007	001	TSS Monthly Average	27 mg/L	49 mg/L
01/01/2009-06/30/2009	002	BOD^5 Daily Maximum	45 mg/L	128 mg/L
01/01/2009-06/30/2009	002	TSS Daily Maximum	45 mg/L	463 mg/L
01/01/2009-06/30/2009	002	Fecal Coliform	400 col/100ml	>12,000 col/100ml

Each effluent exceedance is a violation of LPDES permit LA0097888 (Part I, pages 2 and 3 of 5 and Part III, Section A.2), La. R.S. 30:2076 (A) (1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about February 3, 2010, revealed that the Respondent failed to sample. Specifically, the Respondent failed to sample for all of the parameters of Outfall 002 for the January 1, 2007, through June 30, 2007, monitoring period. The discharge pipe was submerged preventing a representative sample from being taken. Failure to sample the effluent is a violation of LPDES permit LA0097888 (Part I, page 3 of 3 and Part III, Sections A.2 and C.2), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about February 3, 2010, revealed that the Respondent failed to follow approved laboratory methods. Specifically, the holding time was exceeded for the pH sample for Outfall 001 for the October 2007 monthly monitoring period. Failure to follow approved laboratory methods is a violation of LPDES permit LA0097888 (Part III, Sections A.2 and C.5.a), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.J.4.

A file review conducted by the Department on or about February 3, 2010, revealed that the Respondent failed to submit timely DMRs. Specifically, the Respondent submitted the monthly DMRs for Outfall 001 for January through March 2007 and January through March 2008 after the due date. The Respondent also submitted late DMRs for Outfalls 003 and 103 for the first quarter of 2008. Each failure to submit timely DMRs is a violation of LPDES permit LA0097888 (Part I; Part II, Section A.6; and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.

XIII

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-10-00075, Respondent made a timely request for a hearing.

XIV

On August 27, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-10-00788, which was based upon the following findings of fact:

The Respondent owns and/or operates a permitted Type III landfill which was authorized to accept construction and demolition debris.

On or about May 6, 2010, an inspection of the non-processing solid waste transfer station was conducted by a representative of the Department which revealed the following violations:

A. The Respondent failed to maintain solid waste containers so that access by rodents and insects shall be prevented, to minimize the escape of odors, and to keep out water, as specified in LAC 33:VII.503.A.2, in violation of LAC 33:VII.508.D. Specifically, numerous uncovered roll off boxes containing, but not limited to, household waste, putrescible waste, construction/demolition debris, and commercial waste were observed at the facility.

B. The Respondent failed to inspect the facility and document the inspection at the end of each operating day, in violation of LAC 33:VII.508.H. Specifically, no inspection was documented for May 5, 2010.

C. The Respondent caused and/or allowed the deposition of regulated solid waste without a permit and/or authority from the Department, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, solid waste consisting of cylinders, lumber, and tanks were deposited on the ground.

D. The Respondent failed to prevent litter from leaving the tipping area, in violation of LAC 33:VII.508.G. Specifically, litter consisting of tin cans was observed at the Site.

XV

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-10-00788, Respondent made a timely request for a hearing.

XVI

On July 8, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-10-01143, which was based upon the following findings of fact:

The Respondent owned and/or operated a permitted Type III landfill which was authorized to accept construction and demolition debris. The Respondent also owns and/or operates a non-processing solid waste transfer station (the Site) located at 614 Coteau Road in New Iberia, St. Martin Parish, Louisiana.

Order to Close OC-0365 was issued to the Respondent on September 2, 2009, for the landfill. Amended Order to Close OC-0365A was issued to the Respondent on September 14, 2009. The Respondent requested ninety (90) day extensions to the Amended Order to Close OC-0365A on or about September 21, 2009, which was granted on or about November 30, 2009, on or about December 8, 2009, which was granted on or about February 3, 2010, and on or about May 25, which was granted on or about July 1, 2010. The last extension expired on August 23, 2010.

Compliance Order & Notice of Potential Penalty SE-CN-10-00788 was issued to the Respondent on August 27, 2010 and received by the Respondent on September 3, 2010. The action was appealed by the Respondent. The Department and Respondent agreed to enter into dispute resolution discussions on October 27, 2010 regarding Compliance order & Notice of Potential Penalty SE-CN-10-00788.

On or about May 19, 2010, August 16, 2010, and September 13, 2010, inspections were conducted by a representative of the Department which revealed the following violations:

A. The Respondent failed to prevent litter from leaving the tipping area of the non-processing transfer station, in violation of LAC 33:VII.508.G. Specifically, litter was observed at the facility.

B. The Respondent caused and/or allowed the deposition of regulated solid waste without a permit and/or authority from the Department, in violation of LAC

33:VII.315.C. Specifically, solid waste had been deposited in the Department of Agriculture BMP processing area. The solid waste consisted of lumber, plastic items, and metal objects.

C. The Respondent failed to maintain solid waste containers and vehicles so that access shall be prevented by rodents and insects, to minimize the escape of odors, and to keep out water, in violation of LAC 33:VII.503.A.2, and LAC 33:VII.508.D. This violation was noted in the inspections conducted on September 13, 2010, and August 16, 2010. Specifically, on September 13, 2010, two (2) Allied Waste/BFI roll off boxes were not covered and each of the boxes contained small amounts of waste. Three (3) Gordon's Disposal L.L.C. roll off boxes were not covered and each of the boxes contained small amounts of waste. One (1) Gordon's Disposal L.L.C. box was not covered and contained putrescible waste. Photographic evidence provided to the Department disclosed that on August 8, 2010, approximately ten (10) containers consisting of roll off boxes and small dumpsters containing waste and one trash transfer trailer containing waste were not covered.

The following violations at the Gordon's Disposal, L.L.C. facility (Agency Interest No. 30245), although not sited in the foregoing enforcement actions, are included within the scope of the settlement herein.

On April 29, 2011, and October 31, 2011, inspections were conducted by a representative of the Department which revealed the following violations:

A. The Respondent failed to minimize erosion, in violation of LAC 33:VII.721.A.2.a.ii (b). Specifically, erosion channels were observed along the slopes of the landfill. The inspection conducted on October 31, 2011 revealed this violation was corrected.

B. The Respondent failed to prevent litter from leaving the tipping area, in violation of LAC 33:VII.508.G. Specifically, litter was observed on the ground around the non-processing transfer station. The litter consisted primarily of plastic materials, paper, and cardboard. The inspection conducted on October 31, 2011 revealed this violation was corrected.

XVII

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

XVIII

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 SEVENTY-THREE THOUSAND NINE HUNDRED FOUR AND NO/100 DOLLARS ($73,904.00) of which Nine Thousand Two Hundred One and 90/100 Dollars ($9,201.90) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. This agreement settles all of the Department's claims made against Gordon's Disposal, L.L.C. in the enumerated enforcement actions provided in the caption of this document

XIX

Respondent, in addition to the penalty amount specified in Paragraph XVIII above and as part of this Settlement, agrees to expend a minimum of $150,000 but not to exceed $280,000 to implement and/or perform the following beneficial environmental projects:

A. Execute and pay for the complete closure of the David Trahan Construction and Demolition Landfill which has been estimated to cost anywhere from $150,000 to $280,000.

B. Respondent shall submit monthly reports regarding its progress on the projects. The first shall be due on the 5th of the month following the date the Department signs this Settlement. Monthly reports shall be submitted on the 5th of every month thereafter until the project is completed. Each such monthly report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Upon completion of all projects required under this Settlement, Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the projects listed above. It shall also contain a certification that the projects were completed as described.

C. If Respondent does not spend the minimum amount of $150,000, then it shall in its final report pay to the Department an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.

D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

XX

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessment, Consolidated Compliance Orders & Notices of Potential Penalty, and Notices 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.

XXI

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.

XXII

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 and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

XXIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Martin 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 an original proof-of-publication affidavit and an original public notice 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.

XXIV

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 Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XXV

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

XXVI

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

GORDON'S DISPOSAL, L.L.C.

BY: _____
(Signature)

_____
(Print)

TITLE: _____

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

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch, Secretary

BY: _____
Peggy M. Hatch, Secretary

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

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: Peggy M. Hatch
Peggy M. Hatch, Secretary