

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

IESI LA LANDFILL CORPORATION

AI # 52277, 12448

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

* Settlement Tracking No.
* SA-AE-13-0015
*
* Enforcement Tracking No.
* AE-CN-09-0458
* AE-XP-10-00086
* WE-L-11-00209
*
*

SETTLEMENT

The following Settlement is hereby agreed to between IESI LA Landfill Corporation (“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 corporation that owns and/or operates a Type I and Type II solid waste landfill located in Allen Parish, Louisiana (“the Facility”).

II

On July 17, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-09-0458, which was based upon the following findings of fact:

The Respondent owns and/or operates Timberlane Landfill, a Type I and II solid waste landfill. The facility is located approximately three (3) miles northeast of Oakdale, Allen Parish, Louisiana. The facility operated under Title V Air Permit No. 0060-00063-V0 issued on June 7, 2004, and Title V Permit No. 0060-00063-V1 issued on October 11, 2006, which expired on June 7, 2009.

On or about June 29, 2009, the Respondent requested authorization from the Enforcement Division to operate the facility until a permit is issued and/or reissued by the Department.

On or about July 1, 2009, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the file review:

- A. The Respondent failed to submit an application for renewal of Title V Permit No. 0060-00063-V1, by December 7, 2008, six (6) months prior to the date of the permit expiration. The Respondent's failure to submit the Title V permit renewal application at least six (6) months prior to the date of expiration is a violation of Part 70 General Condition A of Title V Permit No. 0060-00063-V1, LAC 33:III.507.E.4, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. A file review conducted by the Department on July 1, 2009, revealed the Respondent has been operating without a permit since June 7, 2009. This is a violation of LAC 33:III.501.C.2, La R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

III.

On April 1, 2011, the Department issued to Respondent an Expedited Penalty Agreement & Notice of Potential Penalty, Enforcement No. AE-XP-10-00086, which was based upon the following findings of fact:

On or about February 25, 2011, the Louisiana Department of Environmental Quality (the Department) performed a file review of your facility located at 1156 Landfill Road in Oakdale, Allen Parish, Louisiana, and discovered a violation of the Environmental Quality Act and the Department's regulations. Listed below is the violation:

- A. Respondent failed to submit the 2008 Annual Criteria Pollution Emissions Inventory by the June 30, 2009 deadline. This report was postmarked for July 15, 2009. This is a violation of LAC 33:III.919.

IV

The following violations at the IESI LA Landfill Corporation Facility (Agency Interest No. 12448), although not cited in the foregoing enforcement actions, are included within the scope of the settlement herein.

- A. A file review conducted by the Department on November 14, 2011, revealed that the Respondent failed to submit discharge monitoring reports (DMRs). Specifically, the Respondent failed to submit DMRs for outfall 001 for the following: 2008 & 2009 Annual Priority Pollutants, 1st Qrt. 2008, 2nd Semi 2008, 1st Qrt. 2011 Priority Pollutants, 2nd Qrt. 2011 Priority Pollutants, and June - August 2011 monthly DMRs. In addition, the Respondent failed to submit the 3rd Qrt. 2010 for Outfall 002. Each failure to submit DMRs is a violation of LPDES permit LA0070904 (Part I, page 6 of 6; Part II, Sections A.6 and A.8; and Part III, Section A.2 and D.4), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.
- B. A file review conducted by the Department on November 14, 2011, revealed that the Respondent submitted inaccurate DMRs. Specifically, the Respondent submitted the 1st Quarter of 2008 DMRs for Outfalls 002, 003, 004, 005, and 006 monthly DMRs, instead of quarterly. Each failure to submit a complete and accurate DMR is a violation of LPDES permit LA0034614 (Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.d.
- C. A file review conducted by the Department on November 14, 2011, revealed that the Respondent failed to submit summary sheets for Bio-monitoring reports. Specifically, the Respondent failed to submit summary sheet for each report. In addition, the Annual 2011 - Pimpephales promelasthe Lethality Test failed. Furthermore, the 1st, 2nd, 3rd, & 4th Quarters of 2010 had inaccurate monitoring periods. The failure to submit summary sheets for bio-monitoring reports is a violation of LPDES permit LA0034614 (Part II, Table 1 & 2). Each failure to submit an accurate bio-monitoring DMR is a violation of LPDES permit LA0034614 (Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.d.

V

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

VI

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

SEVEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$7,500.00) of which One Thousand Eighty-Four and 55/100 Dollars (\$1,084.55) represents the Department'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 the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VII

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and the Expedited Penalty Agreement & 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.

VIII

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.

IX

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 La. R. S. 30:2025(E) of the Act.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Allen 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.

XI

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).

XII

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

XIII

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.

IESI LA LANDFILL CORPORATION

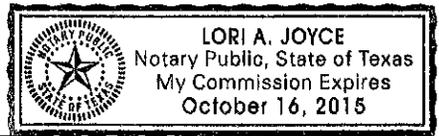
BY: [Signature]
(Signature)

JOHN FUSONSON
(Printed)

TITLE: VICE PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 7 day of NOVEMBER, 20 13, at Fort Worth, TX.

[Signature]
NOTARY PUBLIC (ID # _____)



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 20th day of Feb, 20 14, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary