

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	SETTLEMENT TRACKING NO.
	*	SA-MM-07-0057
SLIDELL LANDFILL, L.L.C.	*	
ST. TAMMANY PARISH	*	
	*	
AGENCY INTEREST NO. 6054	*	ENFORCEMENT TRACKING NO.
	*	MM-CN-07-0003
ALT ID NO. D-103-2721, P-0345, LA0105465	*	
	*	
PROCEEDINGS UNDER THE	*	
LOUISIANA ENVIRONMENTAL	*	
QUALITY ACT	*	
LA. R.S. 30:2001, <u>ET SEQ.</u>	*	

SETTLEMENT

The following Settlement is hereby agreed to between Slidell Landfill, 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 company that owns and/or operates a construction/demolition debris and woodwaste Type III solid waste landfill (the Site) located at 310 Howze Beach Lane in Slidell, St. Tammany Parish, Louisiana (the "Facility").

II.

On February 28, 2007, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-07-003 (the CONOPP), based on the following findings of fact:

The Respondent owns and/or operates a construction/demolition debris and woodwaste Type III solid waste landfill (the Site) located at 310 Howze Beach Lane in Slidell, St. Tammany Parish, Louisiana (the "Facility"). The Site is authorized by the Department to operate under the terms and conditions of solid waste permit P-0345.

Inspections conducted by the Department on December 12, 14, and 18, 2006, and January 4, 2007, disclosed the following:

The Respondent failed to control entry of waste and to prevent the entry of unrecorded or unauthorized deliverables, in violation of LAC 33:VII.719.B.5.a, LAC 33:VII.901.A, and the Respondent's solid waste permit P-0345. Specifically, the Respondent accepted unauthorized waste such as a tire, residential waste, and a load of unopened black garbage bags (that were not inspected prior to being disposed on the working face of the landfill).

The Respondent failed to store unacceptable waste in a closed container to prevent vector and odor problems, in violation of LAC 33:VII.721.C.4, LAC 33:VII.901.A, and the respondent's solid waste permit P-0345.

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, and LAC 33:VII.901.A. Specifically, litter was observed on the eastern and southern slopes of the landfill.

The Respondent failed to prevent the disposal of liquid waste and commercial waste, in violation of LAC 33:VII.721.C.1.f, LAC 33:VII.901.A, and the Respondent's solid waste permit P-0345. Specifically, the Respondent allowed the disposal of wastes such as liquid paint, creosote telephone poles, railroad ties, and garage doors.

The Respondent is authorized to discharge certain qualities and quantities of wastewater into Salt Bayou via a lateral canal, waters of the state, under the terms and conditions of Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0105465 which was effective on January 1, 2000, and which expired on December 31, 2005. On or about June 11, 2004, the Respondent did submit to the Department a renewal application for LPDES permit LA0105465. This application is currently under administrative review.

An inspection on January 3, 2007 revealed that the Respondent did cause or allow the unauthorized discharge of potentially contaminated stormwater at a location not specified in LPDES permit LA0105465. Specifically, the inspector observed black-colored water that had pooled along the south side of the landfill in a perimeter ditch adjacent to an access road. The inspector also observed evidence where a portion of the pooled water had traveled over the access road and into a lateral canal, waters of the state. The evidence of these discharges was shown to a representative of the Respondent who agreed to implement measures to prevent the runoff of potentially contaminated wastewater from the slope(s) of the landfill into the lateral canal. Although LPDES permit LA0105465 authorizes the discharge of certain qualities and quantities of stormwater runoff, this location is not specified in the permit and is in violation of LPDES permit LA0105465 (Part I, and Part III, Section A.2), La. R.S. 30:2076(A)(1)(b), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

Further inspection on January 3, 2007, revealed that the Respondent failed to adequately implement the SWPP plan submitted to the Department on or about December 23, 2004. Specifically, sediment-laden runoff flowed into and accumulated in the perimeter ditch at the base of the landfill slope. The accumulated sediment compromised the ability of the stormwater runoff to flow into the retention ponds. The failure to adequately implement an SWPP plan is in

violation of LPDES permit LA0105465 (Part I, Part II, Section L, and 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.

A file review conducted by the Department on February 13, 2007, revealed the following effluent violations from April 2004 through 2006:

Date	Outfall	Parameter	Permit Limit	Sample Value
Dec. 2004	004	TSS, Wkly Avg	45 mg/L	56 mg/L
		Visible Sheen	None	Slight
Jan 2005	002	TOC, Daily Max.	50 mg/L	53.6 mg/L
Mar 2005	003	BOD, Wkly Avg.	45 mg/L	90 mg/L
	004	TSS, Wkly Avg.	45 mg/L	50 mg/L
Sept 2005	004	COD, Mo Avg.	200 mg/L	642 mg/L
		COD, Wkly Avg.	300 mg/L	642 mg/L
		TSS, Wkly Avg.	45 mg/L	436 mg/L
Oct 2005	001	TSS Mo Avg.	27 mg/L	157 mg/L
		TSS Wkly Avg.	88 mg/L	182 mg/L
Dec 2005	004	TSS, Wkly Avg.	45 mg/L	279 mg/L
June 2006	004	TSS, Wkly Avg.	45 mg/L	55 mg/L

Each of the above-noted effluent excursions are in violation of, LPDES permit LA0105465 (Part I and Part III, Section A.1), La. R.S. 30:2076(A)(1), La. R.S. 30:2076(A)(3), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

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

V

Nonetheless, the 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 NINETEEN THOUSAND AND NO/100 DOLLARS (\$19,000.00), of which FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) 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).

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order & 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.

The total amount of money expended by Respondents 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), enforcement actions, 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.

VII

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.

VIII

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.

IX

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

X

Payment of the amount set forth in Section V 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).

XI

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

XII

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

SLIDELL LANDFILL, LLC

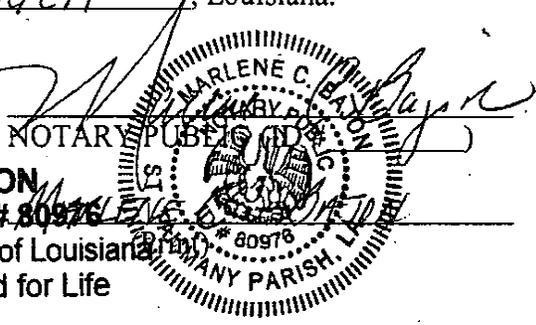
BY: *CEJ*
(Signature)

Chris Jean
(Print)

TITLE: Member

THUS DONE AND SIGNED in duplicate original before me this 8th day of October, 2008, at Slidell, Louisiana.

MARLENE C. BAJON
NOTARY PUBLIC ~ ID # 80976
Parish of St. Tammany, State of Louisiana
My Commission is issued for Life



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Harold Leggett, Ph.D., Secretary

BY: *Peggy M. Hatch*

Peggy M. Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 1st day of July, 2009, at Baton Rouge, Louisiana.

Christopher A. Ratchiff
NOTARY PUBLIC (ID # _____)

Christopher A. Ratchiff
(Print)

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