STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-06-0031**
ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT	*	
	*	
	*	
AI # 19220	*	**Enforcement Tracking No.**
	*	**AE-CN-06-0035**
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	
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	*	

SETTLEMENT

The following Settlement is hereby agreed to between St. Landry Parish Solid Disposal District Waste ("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 who operates a municipal solid waste landfill located approximately 0.5 miles west of the intersection of Louisiana Highway 10 and Louisiana Highway 182 on Parish Road 5-200 in Washington, St. Landry Parish, Louisiana ("the Facility").

II

On March 21, 2006, the Department issued a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. AE-CN-06-0035, which was based upon the following findings of fact:

The Respondent owns and/or operates the St. Landry Parish Landfill, a municipal solid waste landfill located approximately 0.5 miles west of the intersection of Louisiana Highway 10 and Louisiana Highway 182 on Parish Road 5-200 in Washington, St. Landry Parish, Louisiana. The facility does not currently operate under an air permit.

The Respondent's facility is subject to 40 CFR 60 Subpart WWW-Standards of Performance for Municipal Solid Waste Landfills, promulgated on March 12, 1996, which language has been adopted as a Louisiana regulation in LAC 33:III.3003. This subpart applies to municipal solid waste landfills that commenced construction, reconstruction, or modification on or after May 30, 1991. The Respondent's facility became subject to this subpart after a modification to the facility during June 1994, which increased the design capacity of the facility to 3.7 million megagrams.

III.

On or about February 20, 2006, a file review of the St. Landry Parish Landfill was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

The following violations were noted during the course of the file review:

A. According to 40 CFR 60.752, the owner or operator of a municipal solid waste landfill subject to 40 CFR 60 Subpart WWW with a design capacity greater than or equal to 2.5 million megagrams and 2.5 million cubic meters, and not otherwise subject to Part 70, is subject to Part 70 permitting requirements, and becomes subject to the requirements of 40 CFR 70.5(a)(1)(i) no later than June 10, 1996, for municipal solid waste landfills that commenced construction, modification, or reconstruction on or after May 30, 1991, but before March 12, 1996. According to 40 CFR 70.5(a)(1)(i), a timely application for a source applying for a Part 70 permit for the first time is one submitted within 12 months after the source becomes subject to the permit program. The Respondent failed to submit the facility's Part 70 permit

application, in violation of 40 CFR 60.752, which language has been adopted as a Louisiana regulation in LAC 33:III.3003. This is also a violation of LAC 33:III.501.C.1, LAC 33:III.501.C.2, and Section 2057(A)(2) of the Act.

B. According to 40 CFR 60.754, the owner or operator of a municipal solid waste landfill shall conduct a Tier 2 Test of the nonmethane organic compounds (NMOC) mass emission rate. If the resulting NMOC mass emission rate is less than 50 megagrams per year, the owner or operator shall retest the site-specific NMOC concentration every five years. According to a letter from the Respondent dated February 17, 2006, the Respondent performed the initial Tier 2 Test on or about January 26, 2000. The Respondent failed to retest the facility's NMOC concentration five years from the date of the initial Tier 2 Test. The failure to retest every five years is a violation of 40 CFR 60.754(a)(3)(iii), which language has been adopted as a Louisiana regulation in LAC 33:III.3003. This is also a violation of 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 FOUR THOUSAND EIGHTY-FOUR AND 80/100 DOLLARS ($4,084.80) in settlement of the claims set forth in this agreement. DEQ's enforcement costs are Seven Hundred Seventeen and 75/100 Dollars ($717.75). 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 inspection report(s), the Consolidated Compliance Order and 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.

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 St. Landry 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.

ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

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

_____
NOTARY PUBLIC (_____)

_____
(Printed)

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

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

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

_____
NOTARY PUBLIC (ID # _____)

_____
(Printed)

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