

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ST. LANDRY PARISH SOLID WASTE
DISPOSAL DISTRICT

AI # 19220

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

* Settlement Tracking No.
* SA-SE-25-0087
*
*
* Enforcement Tracking Nos.
* SE-PP-23-00259
* SE-PP-24-00042
*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between St. Landry Parish Solid Waste Disposal District (“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 that owns and/or operates a permitted Type II and Type III solid waste landfill located in Washington, St. Landry Parish, Louisiana (“the Facility”).

II

On October 9, 2023, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. SE-PP-23-00259 (Exhibit 1).

On September 16, 2024, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. SE-PP-24-00042 (Exhibit 2).

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 AND NO/100 DOLLARS (\$4,000.00), of which One Thousand Five Hundred Seventy-Eight and 34/100 Dollars (\$1,578.34) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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).

V

Respondent further agrees that the Department may consider the inspection report(s), the Notices of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the

Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R.S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

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 and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed

or delivered to the attention of Accounts Receivable, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with instructions provided to Respondent by the Financial Services Division. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

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

XII

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.

**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 (ID # _____)

(stamped or printed)

**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Courtney J. Burdette, Secretary

BY: _____
Jerrie "Jerry" Lang, 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 # _____)

(stamped or printed)

Approved: _____
Jerrie "Jerry" Lang, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



ROGER W. GINGLES
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

OCT 09 2023



CERTIFIED MAIL (7021 2720 0002 7447 0908)
RETURN RECEIPT REQUESTED

ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT
c/o A. F. Pete Oliver, Chairman
417 Solid Waste Road
Washington, LA 70589

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-23-00259
AGENCY INTEREST NO. 19220

Dear Sir:

On or about September 1, 2022, and February 7, 2023, the Louisiana Department of Environmental Quality (the Department) conducted inspections of the **ST. LANDRY PARISH SOLID WASTE DISPOSAL LANDFILL** (the Facility), a permitted Type II and Type III solid waste landfill, owned and/or operated by **ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT (RESPONDENT)**, to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The Facility is located at 417 Solid Waste Road in Washington, St. Landry Parish, Louisiana. The Respondent operates under Solid Waste Standard Permit P-0043-R2-M4.

On or about July 24, 2023, the Department issued Warning Letter SE-L-23-00259 to the Respondent for a violation discovered during the inspections conducted on or about September 1, 2022, and February 7, 2023. On or about September 5, 2023 the Department received a response to the warning letter from a representative of the Respondent.

While the investigation by Department is not yet complete, the following violation was noted during the course of the inspections:

The Respondent failed to apply and maintain cover material sufficient to minimize erosion and reduce noxious odors as specified in sections 8.4 and 10 of the Comprehensive Operational Plan, in violation of Condition 2 of Standard Permit P-0043-R2-M4, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, during the September 1, 2022 inspection, erosion patches and faint

St. Landry Parish Solid Waste Disposal District
SE-PP-23-00259
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odors were observed at the northeastern corner of Cell 3. Additionally, erosion patches and three (3) large eroded areas measuring 202'1 x 15'w, 72'1 x 74'w, and 44'1 x 14'w were observed on the east facing slope of Cell 15. These areas were measured using a measuring wheel. Erosion was also observed located on the west facing side of Cell 16 between the berm and start of the working face. Lastly, leachate seeps were noted in Cells 15 and 16. During the February 7, 2023 inspection, areas of eroded cover, which exposed the waste and failed to minimize external moisture infiltration, were observed in Cells 14 and 15. Additionally, erosion channels were observed on the eastern slope of Cell 3. The response to the warning letter stated the Facility has promptly repaired all areas of erosion by placing bentonite and clean soils over the seep areas to seal the leachate seeps, and vegetation has been re-established to minimize erosion. Additionally, photos were submitted which verified compliance.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Frances Germany-Carr at (225) 219-3794 or frances.germany-carr@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

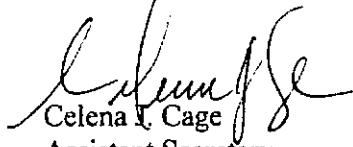
The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. The Respondent must include a justification of the offer.

St. Landry Parish Solid Waste Disposal District
SE-PP-23-00259
Page 3

DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Celena L. Cage
Assistant Secretary
Office of Environmental Compliance

CJC/FGC/fgc
Alt ID No. P-0043-R2-M4; D-07-1836

c: **ST. LANDRY PARISH SOLID WASTE
DISPOSAL DISTRICT**
c/o Richard LeBouef, Executive Director
417 Solid Waste Road
Washington, LA 70589

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)

Enforcement Tracking No.	SE-PP-23-00259	Contact Name	Frances Germany-Carr
Agency Interest (AI) No.	19220	Contact Phone No.	225-219-3794
Alternate ID No.	P-0043-R2-M4; D-97-1836		
Respondent:	ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT	Facility Name:	St. Landry Parish Solid Waste Landfill Construction Cells 9,10,16,17
	c/o A.F. Pete Oliver, Chairman	Physical Location:	417 Solid Waste Road
	417 Solid Waste Road		
	Washington, LA 70589	City, State, Zip:	Washington, LA. 70589
	Parish:	St. Landry	

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-PP-23-00259), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY (SE-PP-23-00259).
	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-PP-23-00259), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ • <i>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</i> The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-PP-23-00259) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality

Office of Environmental Compliance

Enforcement Division

P.O. Box 4312

Baton Rouge, LA 70821

Attn: Frances Germany-Carr

JEFF LANDRY
GOVERNOR



AURELIA S. GIACOMETTO
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

SEP 16 2024



CERTIFIED MAIL (7022 2410 0001 1710 2343)
RETURN RECEIPT REQUESTED

ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT
c/o Kathy Moreau, Chairperson
417 Solid Waste Road
Washington, LA 70589

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-24-00042
AGENCY INTEREST NO. 19220**

Dear Madam:

On or about November 29, 2023, the Louisiana Department of Environmental Quality (the Department) conducted an inspection of the **ST. LANDRY PARISH SOLID WASTE DISPOSAL LANDFILL** (the Facility), a permitted Type II and Type III solid waste landfill, owned and/or operated by **ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT (RESPONDENT)**, to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The Facility is located at 417 Solid Waste Road in Washington, St. Landry Parish, Louisiana. The Respondent operates under Solid Waste Standard Permit P-0043-R2-M4 issued on August 13, 2018 with an expiration date of August 13, 2028.

On or about January 30, 2024, the Department issued Warning Letter SE-L-24-00042 to the Respondent for a violation discovered during the inspection conducted on November 29, 2023. On or about February 27, 2024 the Department received a response to the warning letter from a representative of the Respondent.

While the investigation by Department is not yet complete, the following violation was noted during the course of the inspection:

The Respondent failed to apply and maintain cover material sufficient to minimize erosion as specified in section 10 of the Comprehensive Operational Plan, in violation of Condition 2 of Standard Permit P-0043-R2-M4, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, during the November 29, 2023 inspection, exposed waste, one leachate seep, and erosion channels

St. Landry Parish Solid Waste Disposal District

SE-PP-24-00042

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were observed on the eastern slope of Cell 15. On or about December 19, 2023, a representative of the Respondent sent photos of Cell 15 to the Department showing where cover was applied to remediate the violation cited during the inspection.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Frances Germany-Carr at (225) 219-3794 or frances.germany-carr@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

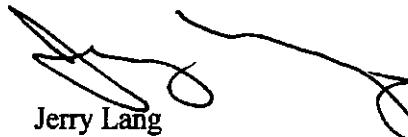
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St. Landry Parish Solid Waste Disposal District

SE-PP-24-00042

Page 3

Sincerely,



Jerry Lang
Assistant Secretary
Office of Environmental Compliance

JL/FGC/fgc
Alt ID No. P-0043-R2-M4

c: **ST. LANDRY PARISH SOLID WASTE
DISPOSAL DISTRICT**
c/o Richard LeBouef, Executive Director
417 Solid Waste Road
Washington, LA 70589

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)

Enforcement Tracking No.	SE-PP-24-00042	Contact Name	Frances Germany-Carr
Agency Interest (AI) No.	19220	Contact Phone No.	225-219-3794
Alternate ID No.	P-0043-R2-M4		
Respondent:	ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT	Facility Name:	St. Landry Parish Solid Waste Landfill Construction Cells 9,10,16,17
	c/o Kathy Moreau, Chairperson	Physical Location:	417 Solid Waste Road
	417 Solid Waste Road		
	Washington, LA 70589	City, State, Zip:	Washington, LA 70589
	Parish:	St. Landry	

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-PP-24-00042), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY (SE-PP-24-00042).
<input type="checkbox"/>	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-PP-24-00042), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.</p> <ul style="list-style-type: none"> • Monetary component = \$_____ • Beneficial Environmental Project (BEP) component (optional) = \$_____ • <i>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</i> <p>The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-PP-24-00042) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality

Office of Environmental Compliance

Enforcement Division

P.O. Box 4312

Baton Rouge, LA 70821

Attn: Frances Germany-Carr