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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MT. ZION C & D, L.L.C.
 687 Mt. Zion Road
 Shreveport, Louisiana 71106

SE-C-06-0177 AI# 52368 Caddo Parish
 TLC ENF20060001

2. Article Number 7004 1160 0001 9956 4324
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

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- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

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First-Class Mail
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• Sender: Please print your name, address, and ZIP+4 in this box •

LA Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Leigh Gauthreaux

ATTACHMENT B



BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 12, 2009

CERTIFIED MAIL (7004 2510 0005 5764 4017)
RETURN RECEIPT REQUESTED

MT. ZION C & D, L.L.C.
c/o J. Whitney Pesnell, Registered Agent
The Pesnell Law Firm
400 Travis Street, Suite 1100
Shreveport, LA 71101

RE: **CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-08-0558
AGENCY INTEREST NO. 52368**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **MT. ZION C & D, L.L.C. (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Cheryl O'Neal at (225) 219-3793.

Sincerely,

Lourdes Iturralde
Administrator
Enforcement Division

LI/CKO/cko
Alt ID No. D-017-2819, OU-0155A
Attachment

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

<p>IN THE MATTER OF</p> <p>MT. ZION C & D, L.L.C. CADDO PARISH ALT ID NO. D-017-2819, OU-O155A</p> <p>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, <u>ET SEQ.</u></p>	<p>* * * * * * * * * *</p>	<p>ENFORCEMENT TRACKING NO.</p> <p>SE-CN-08-0558</p> <p>AGENCY INTEREST NO.</p> <p>52368</p>
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **MT. ZION C & D, L.L.C. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a Type III Construction/Demolition Debris Landfill known as the Mt. Zion C & D Landfill (the Site). Mt. Zion C & D Landfill is located at 687 Mt. Zion Road in Shreveport, Caddo Parish, Louisiana. The landfill is operated under an amended order to upgrade OU-0155A. The Order to upgrade was initially issued on or about February 1, 1994. It went through several revisions and a reinstatement December 1, 1994. The permit was transferred to the current owner on or about December 12, 2006.

The order to upgrade serves as the Respondent's permit to operate the facility in accordance with Attachment B, the "Interim Operational Plan" attached to and made a part of the

Order to Upgrade OU-0155A.

On or about, September 29, 2006, Compliance Order SE-C-06-0177 was issued to Mt. Zion C & D, L.L.C. as operators of the landfill. Based on inspections conducted on or about April 18, 2006, April 24, 2006, May 4, 2006, and May 23, 2006, the following violation was noted:

The Respondent failed to deposit waste in the smallest practical area each day, and cover with silty clays every fourteen (14) days, in violation of Interim Operational Plan for OU-0155A, LAC 33:VII.901, and LAC 33:VII.721.A.2.b.

Mt. Zion C & D, L.L.C. was ordered to immediately cover all waste that has been exposed for fourteen (14) days or longer with a minimum of twelve (12) inches of silty clay and to implement procedures to ensure that wastes are deposited in the smallest practical area each day and covered at least every fourteen (14) days. This action was not appealed and is a final action.

II.

On or about June 12, 2008, an inspection of the Site and subsequent record review revealed the following:

- A. The Respondent failed to dump waste in the smallest practical area and to cover wastes with silty clays applied a minimum of twelve (12) inches thick, at least every fourteen (14) days, in violation of Item #6 of the Interim Operational Plan attached to Order to Upgrade OU-0155A, Paragraph I of the order portion of Compliance Order SE-C-06-0177, and LAC 33:VII.901.
- B. The Respondent failed to separate non-acceptable waste and store that waste in a lead tight closed container, in violation of Item #7 of the Interim Operational Plan attached to Order to Upgrade OU-0155A, and LAC 33:VII.901. Specifically, individual items of unauthorized waste were noted on the ground which included a large channel marker, white goods, a small volume of asphalt roofing materials, woodwaste, and what appeared to be an old steel X-ray machine.
- C. The Respondent failed to control litter by the use of litter fences and regular policing of the site, in violation of Item #13 of the Interim Operational Plan attached to Order to Upgrade OU-0155A and LAC 33:VII.901. Specifically, there was excessive windblown litter along the grassy slope to the east of the

disposal area, near the area where operators park their vehicles.

- D. The Respondent failed to immediately notify the Department in the event of an unauthorized disposal or deposit at the facility, in violation of Item #15 of the Interim Operational Plan attached to Order to Upgrade OU-0155A and LAC 33:VII.901. Specifically, a load of asbestos containing roofing material was noted in the site logbook as removed after first being dumped at the workface. The facility made no notification to the Department of the deposit of unauthorized waste as required by the facility's permit.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that the waste is dumped under supervision in the smallest practical area, compacted daily and covered as required by the facility's permit. Documentation shall be maintained in the daily log to demonstrate that cover is maintained in accordance with the permit and this order.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that all non-acceptable waste shall be separated from acceptable waste and stored in a closed container on-site as required by the facility's permit. Documentation shall be maintained in the daily log to demonstrate handling of the waste in accordance with the facility's permit.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to provide litter control to minimize the amount of windblown litter outside the entrance and within the facility grounds/surrounding area.

IV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to immediately notify the Department in the event of unauthorized disposal as required by the facility's permit.

V.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations and the facility's permit.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Cheryl O'Neal
Enforcement Tracking No. SE-CN-08-0558
Agency Interest No. 52368

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the **Enforcement Tracking Number** and **Agency Interest Number**, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. SE-CN-08-0558
Agency Interest No. 52368

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars

(\$50,000) for each day of continued violation or noncompliance.

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

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.

II.

Prior to the issuance of additional appropriate enforcement action(s), 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 Cheryl O'Neal at (225) 219-3793 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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 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 violation(s) 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 that statement.

IV..

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 12th day of February, 2009.



Peggy M. Hatch
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Leigh Gauthreaux

ATTACHMENT C

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 22, 2011

CERTIFIED MAIL (7005 1820 0002 2365 7705 / 7712)
RETURN RECEIPT REQUESTED

MT. ZION C & D, L.L.C.
c/o Hilary A. Wooley
Agent for Service of Process
401 Edwards Street
Shreveport, Louisiana 71101

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-10-01831
AGENCY INTEREST NO. 52368**

Dear Sir/Madam:

On or about October 1, 2010, an inspection of **MT. ZION C & D LANDFILL**, owned and/or operated by **MT. ZION C & D, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act), Consolidated Compliance Order & Notice of Potential Penalty SE-CN-08-0558 issued on February 12, 2009, received on February 20, 2009, and the Solid Waste Regulations. Consolidated Compliance Order & Notice of Potential Penalty SE-CN-08-0558 was not appealed and is a final action. The facility is located at 687 Mt. Zion Road in Shreveport, Caddo Parish, Louisiana.

The Respondent operates under Order to Upgrade OU-0155A and the attached Interim Operational Plan that was issued on February 1, 1994. A permit application was submitted on July 25, 1994. Standard Permit P-0403 was issued July 15, 2009, but the Order to Commence has not been issued due to a violation of the Solid Waste Regulations noted during the start-up inspection on October 12, 2010.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violation was noted during the course of the inspections:

The Respondent failed to deposit waste in the smallest practical area each day, and cover with silty clays every fourteen (14) days, in violation of Condition #6 of the Interim Operational Plan for OU-0155A, Enforcement Action SE-CN-08-0558, LAC 33:VII.721.A.2.b, and LAC 33:VII.901.

Notice of Potential Penalty
Mt. Zion C & D, L.L.C.
page 2

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 Tom Cranford at (225) 219-3095 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.

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.

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,



Cheryl Sonnier Nolan
Assistant Secretary

CSN/TLC/tlc
Alt ID No. D-017-2819

c: Mt. Zion C & D, L.L.C.
1101 Russell Road
Shreveport, LA 71107

ATTACHMENT D