

Construction/Demolition Debris and Woodwaste Landfills LAG780000, and was specifically assigned permit number LAG780037. LPDES general permit LAG780037 was issued on or about April 30, 2015, with an effective date of April 30, 2015, and an expiration date of September 30, 2017. Under the terms and conditions of LPDES general permit LAG780037, the Respondent is authorized to discharge landfill wastewater (contaminated storm water) and non-contact storm water into an unnamed ditch, thence into Brush Bayou, waters of the state.

## II.

On or about September 29, 2006, Compliance Order SE-C-06-0177 was issued to the Respondent as operator of the landfill, and delivered on or about October 5, 2006. This action was not appealed and is a final action.

On or about February 12, 2009, Consolidated Compliance Order & Notice of Potential Penalty SE-CN-08-0558 was issued to the Respondent, and delivered on or about February 20, 2009. This action was not appealed and is a final action.

On or about May 22, 2011, Notice of Potential Penalty SE-PP-10-01831 was issued to the Respondent.

Subsequently, on or about, January 15, 2014, a Violation Clear Letter was issued to the Respondent for violations cited in SE-CN-08-0558, due to an inspection conducted by the Department on or about September 29, 2011, that indicated all violations had been addressed.

On or about October 5, 2015, Consolidated Compliance Order & Notice of Potential Penalty MM-CN-15-00558 was issued to the Respondent, and a representative of the Respondent submitted a response on or about November 13, 2015. This action was not appealed and is a final action.

## III.

On or about December 10, 2015 and May 24, 2016, inspections of the Site revealed the following solid waste violation:

The Respondent failed to cover wastes with silty clays applied a minimum of twelve (12) inches thick, at least every fourteen (14) days, in violation of Condition 14 of Solid Waste Permit P-0403, Consolidated Compliance Order & Notice of Potential Penalty MM-CN-15-00558, and LAC 33:VII.901. Specifically, the inspection on December 10, 2015, noted the following: according to the daily cover log, cover was not applied at the Main Operations Area between November 24, 2015 and December 10, 2015 (17 days), and cover was not applied at the Rainy Day Ops area between November 12, 2015 and December 10, 2015 (28 days). During the May

24, 2016 inspection a representative of the Respondent stated that it had been 2-3 weeks since cover was applied to Cell 4 and Cell 5.

IV.

On or about May 24, 2016, an inspection of the Site revealed the following solid waste violations:

- A. The Respondent failed to provide diversion berms to prevent the run-off from leaving the operating areas or areas that contain solid waste and have not yet received interim compacted cover or final cover and mix with the adjacent areas of non-contaminated surface runoff, as specified in Part II 521.D.1-3 of Solid Waste Permit Application, in violation of conditions 7 and 8 of Solid Waste Permit P-0403, LAC 33:VII.719.C.3, and LAC 33:VII.901.A.
- B. The Respondent accepted and disposed of solid waste generated outside of the service areas as specified in Part I 519-15 of Solid Waste Permit Application, in violation of condition 8 of Solid Waste Permit P-0403, and LAC 33:VII.901.A. Specifically, solid waste wood ash brought from Jefferson, Texas was deposited in the landfill. Solid Waste P-0403 authorizes only Caddo and Bossier Parishes as prescribed service areas.
- C. The Respondent failed to provide a wet-weight conversion made on the basis of 1,000 pounds per cubic yard, as specified in Part II 521.C.1.f.i of Solid Waste Permit Application, in violation of conditions 7 and 8 of Solid Waste Permit P-0403, and LAC 33:VII.901.A.
- D. The Respondent failed to maintain a log including the date of cover material application, volume of cover material applied, description of the location where the cover material was applied, source of the cover material, and depth of cover material applied, in violation of LAC 33:VII.721.A.2.d. Specifically, the logbook only specifies the date and the word "cover."
- E. The Respondent failed to provide and maintain sufficient equipment which is necessary to achieve the operational requirements of the facility, as specified in Part II 521.G.1.c of Solid Waste Permit Application, in violation of conditions 7 and 8 of Solid Waste Permit P-0403, LAC 33:VII.721.C.3, and LAC 33:VII.901.A. Specifically, the facility is required to operate with a compactor, trackhoe, and a dozer. The facility was operating with a compactor and trackhoe only.
- F. The Respondent exceeded the working face dimensions, one (1) acre, as specified in Part II 521.E.4.a of Solid Waste Permit Application, in violation of conditions 7 and 8 of Solid Waste Permit P-0403, and LAC 33:VII.901.A. Specifically, the active area size was approximately 800' X 350' or 6.5 acres (measured using a rangefinder.)

- G. The Respondent failed to store incidental waste at the workface in a closed-top container, as specified in Part II 521.G.2.a and G.1.d of Solid Waste Permit Application, in violation of LAC 33:VII.721.C.4, conditions 7 and 8 of Solid Waste Permit P-0403, and LAC 33:VII.901.A. Specifically, an open roll-off box containing solid waste and a pile of household trash including bedding, furniture, and parts of an air-conditioner were noted segregated on the ground next to the full roll-off. The violation was corrected prior to conclusion of the inspection.
- H. The Respondent failed to apply twelve (12) inches of interim cover to cell 4 to minimize and control leachate generation, in violation of LAC 33:VII.721.A.2.a and conditions 7, 8 and 14 of Solid Waste Permit P-0403, and LAC 33:VII.901.A. Specifically, leachate was observed flowing freely into drainage ditch on the west side of Cell 4 and pooled areas of leachate were observed at the western toe of Cell 4.
- I. The Respondent failed to segregate woodwaste from C&D waste, as specified in Part II 521.G.1.d of Solid Waste Permit Application, in violation of conditions 7 and 8 of Solid Waste Permit P-0403, and LAC 33:VII.901.A. Specifically, the woodwaste was not segregated from the C&D waste to chip for beneficial use.
- J. The Respondent failed to measure effluent flow in accordance with LPDES permit LAG780037. The Respondent reported the flow sample type as measured on Discharge Monitoring Reports (DMRs); however, the supporting documentation reviewed during the inspection stated that the effluent flow was estimated. Each failure to measure flow is a violation of LPDES permit LAG780037 (Part I, Page 6 of 15; and Part III, Sections A.2 and C.6), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.
- K. The Respondent failed to sample in accordance with LPDES permit LAG780037. Specifically, the Respondent reported "No Discharge" on the October 2015 monthly DMR; however, the facility's Storm Water Pollution Prevention Plan's (SWPPP) weekly reports stated that there was a discharge. Further review revealed no sampling was conducted for the October 2015 monitoring period. The failure to sample is a violation of LPDES permit LAG780037 (Part I, Page 6 of 15; and Part III, Sections A.2, and C.2), La. R.S. 30:2076 (A)(3), and LAC 33:IX.501.A.

V.

An inspection conducted by the Department on or about May 24, 2016, and a subsequent file review conducted by the Department on or about October 4, 2016, revealed that the Respondent

exceeded effluent limitations. The effluent limitation exceedances, as reported by the Respondent on DMRs, are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
May 2015	001	Total Suspended Solids (Monthly Avg.) – mg/L	27	147
		Total Suspended Solids (Daily Max.) – mg/L	88	147
June 2015	001	Total Suspended Solids (Monthly Avg.) – mg/L	27	30.8
		Ammonia (Monthly Avg.) – mg/L	4.9	15.4
June 2015	001	Ammonia (Daily Max.) – mg/L	10	15.4
2nd Qtr. 2015	001	Total Suspended Solids (Daily Max.) – mg/L	100	147
		Total Iron (Daily Max.) – mg/L	1	1.719
July 2015	001	pH Maximum – s. u.	9	9.96
August 2015	001	Total Suspended Solids (Monthly Avg.) – mg/L	27	133
		Total Suspended Solids (Daily Max.) – mg/L	88	133
December 2015	001	Ammonia (Monthly Avg.) – mg/L	4.9	8.04
4th Qtr. 2015	001	Total Iron (Daily Max.) – mg/L	1	4.133
January 2016	001	Ammonia (Monthly Avg.) – mg/L	4.9	10.6
		Ammonia (Daily Max.) – mg/L	10	10.6
February 2016	001	Total Suspended Solids (Monthly Avg.) – mg/L	27	28
March 2016	001	Total Suspended Solids (Monthly Avg.) – mg/L	27	36
		Ammonia (Monthly Avg.) – mg/L	4.9	12.7
		Ammonia (Daily Max.) – mg/L	10	12.7
1st Qtr. 2016	001	Total Iron (Daily Max.) – mg/L	1	4.388
April 2016	001	Ammonia (Monthly Avg.) – mg/L	4.9	10.1
		Ammonia (Daily Max.) – mg/L	10	10.1
May 2016	001	Ammonia (Monthly Avg.) – mg/L	4.9	10
June 2016	001	Total Suspended Solids (Monthly Avg.) – mg/L	27	93.6
		Total Suspended Solids (Daily Max.) – mg/L	88	93.6
		Ammonia (Monthly Avg.) – mg/L	4.9	7.47
2nd Qtr. 2016	001	Total Iron (Daily Max.) – mg/L	1	1.689
July 2016	001	Total Suspended Solids (Monthly Avg.) – mg/L	27	47.2
August 2016	001	Total Suspended Solids (Monthly Avg.) – mg/L	27	46
		Ammonia (Monthly Avg.) – mg/L	4.9	8.08

Each effluent limitation exceedance is a violation of LPDES permit LAG780037 (Part I, Pages 6 and 12 of 15; and Part III, Section A.2), La. R.S. 30:2076(A)(3) and LAC 33:IX.501.A.

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

#### I.

To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Solid Waste & Water Quality Regulations and Solid Waste Permit P-0403.

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the limitations and conditions contained in LPDES permit LAG780037 and the Water Quality Regulations including, but not limited to, measuring effluent flow, sampling, and complying with all effluent limitations.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of silty clays are applied to cover wastes at least every fourteen (14) days, in accordance with Condition 14 of Solid Waste Permit P-0403, Consolidated Compliance Order & Notice of Potential Penalty MM-CN-15-00558, and LAC 33:VII.901.

IV.

To provide, within fifteen (15) days after receipt of this **COMPLIANCE ORDER**, temporary diversion berms, as applicable, between areas having less than interim compacted cover and areas of interim compacted cover to prevent comingling of contaminated and non-contaminated waters, and to prevent surface water from flowing through the operating areas of the facility, in accordance with Part II 521.D.1-3 of Solid Waste Permit Application, and LAC 33:VII.719.C.3. The Respondent shall institute procedures to ensure that areas of interim compacted cover are inspected weekly to identify erosion areas or water ponding areas to be repaired in a timely manner.

V.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, accepting and disposing of solid waste that is generated outside of Caddo and Bossier Parishes, in accordance with Solid Waste Permit P-0403. The Respondent shall obtain a permit modification prior accepting and disposing waste outside of the service areas currently listed in the Solid Waste Permit Application.

VI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure a wet-weight conversion is made on the basis of 1,000 pounds per cubic yard for reporting in the facility's Certificate of Compliance, in accordance with Solid Waste Permit Application.

VII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that the requirements specified in the daily cover logbook are applied, in accordance with LAC 33:VII.721.A.2.d.

VIII.

To provide, immediately upon receipt of this **COMPLIANCE ORDER**, an operable dozer, which is necessary to achieve the operational requirements of the facility, in accordance with Part II 521.G.1.c of Solid Waste Permit Application, and LAC 33:VII.721.C.3.

IX.

To provide cover, within sixty (60) days upon receipt of this **COMPLIANCE ORDER**, to ensure the working face dimension of one (1) acre is not exceeded, in accordance with Part II 521.E.4.a of Solid Waste Permit Application.

X.

To apply, immediately upon receipt of this **COMPLIANCE ORDER**, interim cover to the west side of cell 4 to minimize and control leachate generation, in accordance with LAC 33:VII.721.A.2.a.

XI.

To segregate, immediately upon receipt of this **COMPLIANCE ORDER**, woodwaste from C and D waste and chip the woodwaste for beneficial reuse, in accordance with Part II 521.G.1.d of Solid Waste Permit Application.

XII.

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  
Attn: Tom Cranford  
Re: Enforcement Tracking No. MM-CN-16-00700  
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. MM-CN-16-00700**  
**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 Tom Cranford at (225) 219-3095 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 13<sup>th</sup> day of October, 2016.



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Lourdes Iturralde  
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: Tom Cranford