

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ST. TAMMANY PARISH GOVERNMENT

AI # 2431

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

\* Settlement Tracking No.  
\* SA-SE-17-0062  
\*  
\* Enforcement Tracking No.  
\* SE-CN-16-00526  
\*  
\*  
\* Docket No. 2018-1609-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between St. Tammany Parish Government (“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 facility located in Mandeville, St. Tammany Parish, Louisiana (“the Facility”).

II

On November 18, 2016, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-16-00526, which was based upon the following findings of fact:

“The Respondent owns the St. Tammany Parish – Mandeville Landfill, a municipal solid waste landfill, located at 101 East U.S. Highway 90 in Mandeville, St. Tammany Parish, Louisiana (the Site). The landfill operates under registration number D-103-1318, and has been in post-closure since December 16, 1994.

On or about December 23, 2004, the Department issued **COMPLIANCE ORDER SE-C-04-0134** to the Respondent following an inspection conducted on or about May 10, 2004. **COMPLIANCE ORDER SE-C-04-0134** cited the Respondent for the failure to provide Final Cap Annual Reports to the Department for the years 2001, 2002, and 2003. The Compliance Order was received by the Respondent on January 4, 2005. **COMPLIANCE ORDER SE-C-04-0134** ordered the Respondent to submit Annual Final Cap inspection reports to the Department within seven (7) days after receipt of the action or to submit a written statement to the Department if the Respondent failed to conduct or record Annual Final Cap inspection reports. The Respondent did not submit a timely response to the Department, in violation of **COMPLIANCE ORDER SE-C-04-0134**. The Respondent submitted a response to **COMPLIANCE ORDER SE-C-04-0134** on June 24, 2016, with a statement that Annual Final Cap inspection reports for the years 2001 to 2015 had not been maintained, although the annual inspections were conducted.

On or about February 3, 2016, the Department conducted an inspection of the Site which revealed the following violation:

The Respondent failed to provide annual reports to the Department on the integrity of the final cap, in violation of LAC 33:VII.711.F.3.a. Specifically, the Respondent failed to submit Final Cap Annual Inspection Reports for the following years: 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, and 2015. In correspondence sent to the Department dated June 24, 2016, the Respondent stated that maintenance and monitoring of the landfill did occur from 2001 to 2015 by the Public Works Department; however, records were not kept. The Respondent also stated that in-house control measures were implemented to ensure an annual report is submitted beginning December 16, 2016, as required in Order to Close SP-O-89-0182 issued to the Respondent on or about December 16, 1994.”

III

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

IV

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

V

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 FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) which represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

VI

Respondent, in addition to the enforcement costs specified in Paragraph V above and as part of this Settlement, agrees to expend the amount of THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00) to implement and/or perform the following beneficial environmental projects:

- A. Fund and implement a Household Hazardous Waste Collection Day during the 2018 fiscal year.
- B. Respondent shall submit monthly reports regarding its progress on the projects. The first shall be due on the 5<sup>th</sup> of the month following the date the Department signs this Settlement. Monthly reports shall be submitted on the 5<sup>th</sup> of every month thereafter until the project is completed. Each such monthly report shall include a description of the project, tasks completed, tasks remaining, the percentage completed, and money

expended on each project through the date of the report. Upon completion of all projects required under this Settlement, Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the projects listed above. It shall also contain a certification that the projects were completed as described.

- C. If Respondent does not spend the amount of \$35,000.00, then it shall, in its final report, propose additional projects for the Department's approval or pay to the Department in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.
- D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30: 2050.7(E)(1).

## VII

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.

## VIII

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.

## IX

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 and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

## X

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.

## XI

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 and wording 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 an original proof-of-publication affidavit and an original public notice 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.

## XII

Payment is to be made within twenty (20) 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).

### XIII

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

### XIV

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. TAMMANY PARISH GOVERNMENT

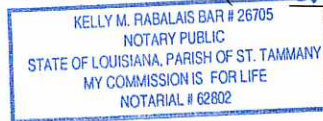
BY: [Signature]  
(Signature)

Patricia P. Brister  
(Printed)

TITLE: Parish President

THUS DONE AND SIGNED in duplicate original before me this 26<sup>th</sup> day of April, 20 18, at Mandeville.

[Signature]  
NOTARY PUBLIC (ID # 26205)



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 20<sup>th</sup> day of July, 20 18, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary