

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WCI-WHITE OAKS LANDFILL, INC.

AI # 41194

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

* Settlement Tracking No.
* SA-SE-18-0051
*
* Enforcement Tracking No.
* SE-PP-17-00119
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SETTLEMENT

The following Settlement is hereby agreed to between WCI-White Oaks Landfill, Inc. (“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 corporation that owned and/or operated a facility located at 588 Meadowlark Drive, Monroe, Ouachita Parish, Louisiana (“the Facility”).

II

On July 20, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. SE-PP-17-00119 (Exhibit 1).

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 FIVE HUNDRED TWENTY-FIVE AND 22/100 DOLLARS (\$525.22), which represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

V

Respondent, in addition to the penalty amount specified in Paragraph IV above and as part of this Settlement, agrees to expend the amount of ONE THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$1,800.00) to implement and/or perform the following beneficial environmental project:

- A. Household Hazardous Waste Day for the City of Monroe to be held in March 2019.
- B. Respondent shall submit proof of payment to the Department when the funds are deposited or reserved for the project. Further, Respondent shall submit monthly reports regarding its progress on the project. The first shall be due on the 5th of the month following the date the Department signs this Settlement. Monthly reports shall be submitted on the 5th 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 project listed above. It shall also contain a certification that the projects were completed as described.
- C. If Respondent does not spend the amount of \$1,800.00, then it shall, pay to the Department 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), the 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.

VII

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.

VIII

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”.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Ouachita 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.

XI

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 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).

XII

In consideration of the above, any claims for penalties are hereby compromised and settled

in accordance with the terms of this Settlement.

XIII

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.

WCI-WHITE OAKS LANDFILL, INC.

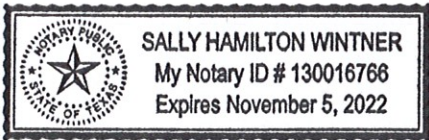
BY: [Signature]
(Signature)

Matt Crockett
(Printed)

TITLE: Region Engineer

THUS DONE AND SIGNED in duplicate original before me this 14th day of February, 20 19, at 8:30 am.

[Signature]
NOTARY PUBLIC (ID # _____)



Sally Hamilton Wintner
(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 25th day of April, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19881)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
July 20, 2017

CERTIFIED MAIL (7014 1200 0000 7864 1225)
RETURN RECEIPT REQUESTED

WCI-WHITE OAKS LANDFILL, INC.
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

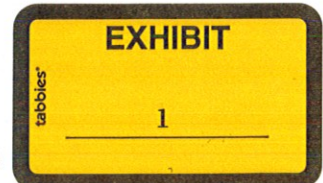
**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-17-00119
AGENCY INTEREST NO. 41194**

Dear Sir/Madam:

On or about November 1, 2016, an inspection of **WCI – WHITE OAKS LANDFILL INC.**, a Type I, II, and III solid waste landfill, owned and/or operated by **WCI-WHITE OAKS LANDFILL, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Louisiana Solid Waste Regulations. The facility is located at 588 Meadowlark Drive in Monroe, Ouachita Parish, Louisiana.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to apply adequate daily and interim cover, as required in Attachment 39a, Sections 5.3 and 7.1 of the Solid Waste Permit Application, in violation of Specific Requirement R-121 and R-125 of Standard Permit P-0357-R1-M3, LAC 33:VII.711.B.2.a, LAC 33:VII.711.B.2.f, and LAC 33:V.901.A. Specifically, blowing paper, litter, and exposed waste were observed, and noxious odors were detected during the inspection at the current active cells, cells I/II – A 6 and 7 West. On or about March 6, 2017, the Respondent submitted correspondence to the Department which stated that new tarps have been purchased for use as alternate daily cover and have been in use as part of the facility's alternate daily cover program since the inspection date. Additionally, the facility's key management personnel conducted refresher training of the permitted Facility Operations Plan to ensure compliance is maintained with the waste covering and litter abatement requirements stipulated in the Plan.



WCI-WHITE OAKS LANDFILL, INC.

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- B. The Respondent failed to ensure that interim cover or interim compacted cover be applied on all operating areas of the facility that will not receive solid waste for a period longer than sixty (60) days, as required in Attachment 39a, Section 5.2 of the Solid Waste Permit Application, in violation of Specific Requirements R-123, R-124, and R-125 of Standard Permit P-0357-R1-M3, LAC 33:VII.711.B.2.e, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, exposed waste and litter was observed during the inspection on the south slope, which has not actively received waste in more than sixty (60) days. This area had been disturbed due to the installation of the active landfill gas collection and control system and interim cover had not been reapplied. Additionally, an exposed leachate pocket was located in an area towards the middle of the south slope. On or about March 6, 2017, the Respondent submitted correspondence to the Department which stated that the slopes had been disturbed during the installation of an active landfill gas collection and control system project. The Respondent also reported that the slopes have been repaired and will be maintained. Additionally, the Respondent submitted photographs in the March 6, 2017 correspondence which show repaired and seeded interim areas.
- C. The Respondent failed to use an alternative daily cover, interim cover, or interim compacted cover approved by the administrative authority, as required in Attachment 39a, Section 5.3 of the Solid Waste Permit Application, in violation of Specific Requirement R-122 of Standard Permit P-0357-R1-M3, LAC 33:VII.711.B.2.b, and LAC 33:VII.901.A. Specifically, the Respondent has been applying solidification basin material as alternative daily cover. However, the Department has not approved the use of solidification basin as an alternative daily cover. On or about March 6, 2017, the Respondent submitted correspondence to the Department which stated that new tarps have been purchased for use as alternate daily cover and have been in use as part of the facility's alternate daily cover program since the inspection date. Additionally, the facility's key management personnel conducted refresher training of the permitted Facility Operations Plan to ensure compliance is maintained with the waste covering and litter abatement requirements stipulated in the Plan.

On or about September 30, 2013, the Department received the 2012/2013 Solid Waste Certification of Compliance form from the Respondent. After reviewing the Certification of Compliance, the following violation was noted:

The Respondent exceeded the permitted landfill height, as required in Attachment 39a, Section 5.2 of the Solid Waste Permit Application, in violation of Specific Requirement R-83 of Standard Permit P-0357-R1, LAC 33:VII.721.C.6, and LAC 33:VII.901.A. Specifically, the Respondent reported, in the 2012/2013 Solid Waste Certification of Compliance, that the Eastern Type III Landfill was permitted to have a maximum height of one hundred eighteen (118) feet. The Respondent reported that the current height of the Eastern Type III Landfill was one hundred twenty (120) feet according to a professional survey conducted by Sidwell Company on March 26, 2013. A file review conducted on June 23, 2017 of the 2015/2016 Solid Waste Certification of Compliance revealed that permit modification number 3, approved by the Department on June 28, 2016, increased the maximum elevation of the Eastern Type III Landfill cells to one hundred thirty two (132) feet. The current height of the Eastern Type III cell is one hundred twenty three and a half (123 ½) feet according to a professional survey by Clack Land Surveying, LLC on September 20, 2016.

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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 Heather Brown at (225) 219-3792 or Heather.Brown@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

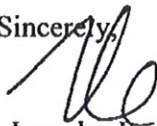
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue 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:I.Subpart1.Chapter7. 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 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.

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,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

WCI-WHITE OAKS LANDFILL, INC.
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LI/HMB/hmb
Alt ID No. D-073-7744

c: WCI – White Oaks Landfill Inc.
588 Meadowlark Drive
Monroe, LA 71203

**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-17-00119	Contact Name	Heather Brown
Agency Interest (AI) No.	41194	Contact Phone No.	(225) 219-3792
Alternate ID No.	D-073-7744		
Respondent:	WCI-WHITE OAKS LANDFILL, INC.	Facility Name:	WCI – White Oaks Landfill Inc.
	c/o Corporation Service Company	Physical Location:	588 Meadowlark Drive
	Agent for Service of Process		
	501 Louisiana Avenue	City, State, Zip:	Monroe, LA 71203
Baton Rouge, LA 70802	Parish:	Ouachita	

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:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-PP-17-00119) , 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"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-PP-17-00119) , 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)= \$ _____ • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-PP-17-00119) 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: Heather Brown