

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WASTE MANAGEMENT OF
LOUISIANA, L.L.C.
AI # 11767

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

* Settlement Tracking No.
* SA-SE-19-0031
*
* Enforcement Tracking No.
* SE-CN-11-00856
* SE-CN-13-00405A
*
* Docket No. 2014-9407-EQ
* Docket No. 2019-3066-EQ

SETTLEMENT

The following Settlement is hereby agreed to between Waste Management of Louisiana, L.L.C. (“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 limited liability company that owns and/or operates a landfill and recycling facility located in Livingston Parish, Louisiana (“the Facility”).

II

On December 2, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-11-00856, attached as Exhibit A.

On March 29, 2012, the Department issued to Respondent a Violations Clear Letter that rescinded Paragraph II of the Findings of Fact portion for Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-11-00856.

On October 14, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-13-00405.

On November 9, 2017, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-13-00405A that rescinded Paragraphs III.B and III.C of the Findings of Fact and Paragraph II of the Compliance Order, attached as Exhibit B.

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty, Respondent made timely requests 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 TWO THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$2,200.00), of which Nine Hundred One and 60/100 Dollars (\$901.60) represents the Department's enforcement costs, in settlement of the claims set forth in this 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).

VI

By the terms of this settlement, the Department and Respondent resolve any potential violations or noncompliance of La. R.S. 30:2151 *et seq.* and LAC 33: Part VII disclosed to the Department in writing or otherwise known to the Department up to and including December 31, 2018.

VII

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Consolidated Compliance Orders & Notices 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.

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 Livingston 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 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 C).

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.

Waste Management of Louisiana, L.L.C.

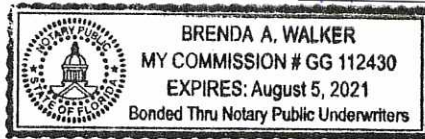
BY: Domenica Farmer
(Signature)

Domenica Farmer
(Printed)

TITLE: Area Vice President

THUS DONE AND SIGNED in duplicate original before me this 23rd day of August, 20 19, at Okaloosa County.

Brenda A Walker
NOTARY PUBLIC (ID # GG112430)



(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 10th day of Dec, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 2, 2011

CERTIFIED MAIL (7005 0390 0006 1027 6844)
RETURN RECEIPT REQUESTED

WASTE MANAGEMENT OF LOUISIANA, L.L.C.
c/o C T Corporation System, Registered Agent
5616 Corporate Boulevard
Suite 400B
Baton Rouge, Louisiana 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-11-00856
AGENCY INTEREST NO. 11767**

Dear Madame:

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 **WASTE MANAGEMENT OF LOUISIANA, L.L.C. (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation 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 Elizabeth Kashefi Smith via email at Elizabeth.smith3@la.gov or by phone at (225) 219-3807.

Sincerely,

Celena J. Cagg
Administrator
Enforcement Division

CJC/EKS/eks
Ali ID No. D-063-1941/P-0080R2
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

WASTE MANAGEMENT OF
LOUISIANA, L.L.C.
LIVINGSTON PARISH
ALT ID NO. D-063-1941/P-0080R2

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

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*	ENFORCEMENT TRACKING NO.
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*	SE-CN-11-00856
*	
*	AGENCY INTEREST NO.
*	
*	11767
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WASTE MANAGEMENT OF LOUISIANA, 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 facility known to the Department as Woodside Landfill and Recycling Center located at 29340 Woodside Drive in Walker, Livingston Parish, Louisiana. The Respondent is registered with the Department as a Type I & II Landfill by registration number D-063-1941 and operates under solid waste standard permit P-0080R2.

II.

On or about September 17, 2010, the Department issued Notice of Corrected Violation SE-CV-10-00529 to the Respondent for failure to apply adequate daily cover to all waste within the working face of the landfill as noted in the inspections performed on March 10-11, 2010. On

or about May 13, 2011, the Department issued Notice of Corrected Violation SE-CV-10-02030 to the Respondent for failure to apply adequate daily cover to all waste within the working face of the landfill noted in a December 9, 2010 inspection.

III.

On or about April 17, 2011, and April 18, 2011, inspections were made at the Respondent's facility. During the inspection, the following violation was noted:

The Respondent failed to apply a minimum of six (6) inches of silty or sandy clay for daily cover to all waste within the working face of the landfill as required in Part II, 521.F.3.b of the Solid Waste Permit Application, in violation of conditions 4 & 5 of Standard Permit P-0080R2, Exhibit 9.2 (Operational Plan for Alternate Cover Materials), LAC 33:VII.711.B.2.b and LAC 33:VII.901.A. Specifically, the Respondent failed to apply daily cover to drums located within the working face of the landfill at the end of the daily operating period on April 17, 2011. The Respondent corrected the violation as evidenced by its written response submitted to the Department dated April 26, 2011.

COMPLIANCE ORDER

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

I.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure a minimum of six (6) inches of silty or sandy clay for daily cover is being applied to all areas of the working face in accordance with Standard Permit P-0080R2 Part II 521.F.3.b and LAC 33:VII.711.B.2.b.

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with solid waste Standard Permit P-0080R2 and the Solid Waste Regulations.

III.

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 violation 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: Richie Coleman
Enforcement Tracking No. SE-CN-11-00856
Agency Interest No. 11767

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-11-00856
Agency Interest No. 11767

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 Richie Coleman at 225-219-3792 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

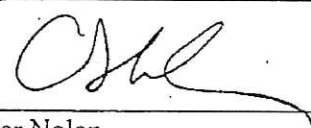
III.

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 02 day of December, 2011.



Cheryl Sonnier Nolan
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: Elizabeth Kashefi Smith

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
November 9, 2017

CERTIFIED MAIL (7016 0910 0000 2672 9174)
RETURN RECEIPT REQUESTED

WASTE MANAGEMENT OF LOUISIANA, L.L.C.
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-13-00405A
AGENCY INTEREST NO. 11767**

Dear Sir/Madam:

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

Any questions concerning this action should be directed to Kelly O'Neal at (225) 219-3932.

Sincerely,

Celesta J. Cage
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. P-0080R2
Attachment

c: Woodside Landfill
P.O. Box 99
Walker, LA 70785



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**WASTE MANAGEMENT OF
LOUISIANA, L.L.C.
LIVINGSTON PARISH
ALT ID NO. P-0080R2**

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ENFORCEMENT TRACKING NO.

SE-CN-13-00405A

AGENCY INTEREST NO.

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

11767

**AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. SE-CN-13-00405** issued to **WASTE MANAGEMENT OF LOUISIANA, L.L.C. (RESPONDENT)** on October 14, 2013 in the above-captioned matter as follows:

I.

The Department hereby rescinds Paragraph III.B of the Findings of Fact in its entirety.

II.

The Department hereby rescinds Paragraph III.C of the Findings of Fact in its entirety.

III.

The Department hereby rescinds Paragraph II of the Compliance Order in its entirety.

IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. 11767** and **AGENCY INTEREST NO. SE-CN-13-00405** as if reiterated herein.

V.

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

Baton Rouge, Louisiana, this 9th day of November, 2017.



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
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Kelly O'Neal