

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ACADIA PARISH POLICE JURY

AI # 20036

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

* Settlement Tracking No.
* SA-SE-21-0074
*
* Enforcement Tracking Nos.
* SE-CN-13-00046
* SE-PP-17-00340
* SE-CN-19-01094
* SE-CN-20-00434
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between Acadia Parish Police Jury (“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 Egan, Acadia Parish, Louisiana (“the Facility”).

II

On May 10, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-13-00046 (Exhibit 1).

On August 17, 2018, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. SE-PP-17-00340 (Exhibit 2).

On May 19, 2020, the Department issued to Respondent a Consolidated Compliance Order

& Notice of Potential Penalty, Enforcement Tracking No. SE-CN-19-01094 (Exhibit 3).

On November 30, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-20-00434 (Exhibit 4).

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 TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00), of which Three Thousand Five Hundred Sixty-Five and 96/100 Dollars (\$3,565.96) 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).

V

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

VI

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.

VII

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.

VIII

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.

IX

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

X

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).

XI

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

XII

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.

ACADIA PARISH POLICE JURY

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

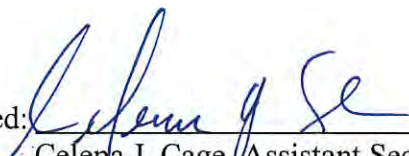
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved:  _____
Celena J. Cage, Assistant Secretary



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 10, 2013

CERTIFIED MAIL (7005 1820 0002 2361 2094)
RETURN RECEIPT REQUESTED

ACADIA PARISH POLICE JURY
c/o Robert Hebert
Agent for Service of Process
P. O. Box A
Crowley, Louisiana 70527

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-13-00046
AGENCY INTEREST NO. 20036**

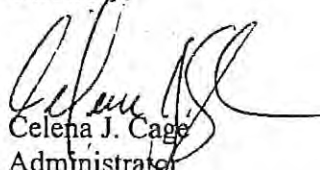
Dear Sir:

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 **ACADIA PARISH POLICE JURY (RESPONDENT)** for the violations described therein.

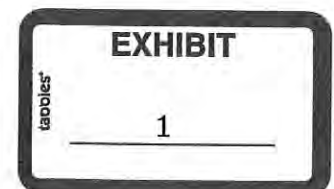
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Alissa Cockerham at (225) 219-1423.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/ARC/arc
Alt ID No. P-0029R1
Attachment



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

IN THE MATTER OF	*	
	*	
ACADIA PARISH POLICE JURY ACADIA PARISH ALT ID NO. P-0029R1	*	ENFORCEMENT TRACKING NO.
	*	
	*	SE-CN-13-00046
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	*	AGENCY INTEREST NO.
	*	
	*	20036

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ACADIA PARISH POLICE JURY (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 II and III landfill (the Site) located at 611 Petal Road in Egan, Acadia Parish, Louisiana. The facility is permitted under Solid Waste Permit No. P-0029R1.

II.

Compliance Order SE-C-12-00070 was issued to the Respondent on July 16, 2012, and received by the Respondent on or about July 30, 2012. The Compliance Order was not appealed and is considered a final action by the Department.

III.

On or about September 14, 2012, an inspection was conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to minimize erosion, in violation of LAC 33:VII.711.B.2.a.ii.(b) and condition no. 7 of Solid Waste Permit P-0029R1 as specified in Section 521, Part II, Subpart H.1.b of the permit application. Specifically, erosion channels with exposed solid waste were observed during the inspection along the northern side slope of Phase V in the Type II disposal area.
- B. The Respondent stored white goods onsite for greater than ninety (90) days, in violation of LAC 33:VII.901.A and condition no. 7 of Solid Waste Permit P-0029R1 as specified in Section 521, Part II, Subpart H.1.a of the permit application. Specifically, white goods were collected on April 9, 2012, and not collected for processing/recycling until October 9-12, 2012.
- C. The Respondent failed to maintain records of transporters transporting waste for processing or disposal at the facility, in violation of LAC 33:VII.711.C.2.b and condition no. 7 of Solid Waste Permit P-0029R1 as specified in Section 521, Part II, Subpart G.1.a of the permit application. Specifically, the daily log of incoming waste loads was not being properly filled out with the truck number or driver's license number and/or plate number as required. This violation has been addressed.
- D. The Respondent failed to cover wastes with silty clays applied a minimum of twelve (12) inches thick every thirty (30) days, in violation of LAC 33:VII.721.A.2.b, Compliance Order SE-C-12-00070, and condition no. 7 of Solid Waste Permit P-0029R1 as specified in Section 521, Part II, Subpart H.1.b. Specifically, exposed solid waste materials were observed along the southwestern slope on Phase I of the Type III area. The waste consisted of, but was not limited to, tree debris, wood waste, metals, and plastics.
- E. The Respondent failed to compact solid waste daily, in violation of LAC 33:VII.721.A.2.b and condition no. 7 of Solid Waste Permit P-0029R1 as specified in Section 521, Part II, Subpart H.1.b. Specifically, the non-compacted wastes had been pushed but not compacted in the Type III portion of the landfill. The waste consisted of, but was not limited to, processed wood waste, metals, pallets, crates, plywood boards, and plastics.
- F. The Respondent failed to prevent or prohibit the disposal of unauthorized waste, in violation of LAC 33:VII.721.C.1.f, Compliance Order SE-C-12-00070, and condition

no. 7 of Solid Waste Permit P-0029R1 as specified in Section 521, Part II, Subpart H.1.b of the permit application. Specifically, a mattress and a whole waste tire were observed in the active disposal area of the Type III portion of the landfill. The mattress and tire were found in the area where waste was already partially compacted and covered.

- G. The Respondent disposed of solid waste in standing water, in violation of LAC 33:VII.721.C.1.g and condition no. 7 of Solid Waste Permit P-0029R1 as specified in Section 521, Part II, Subpart 521.H.2.a. Specifically, waste materials were found in standing water along the edge of the active disposal area in the Type III landfill. This violation has been addressed.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure that erosion is minimized at the landfill, in accordance with LAC 33:VII.711.B.2.a.ii.(b).

II.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that all white goods are not stored at the facility for greater than ninety (90) days after collection.

III.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to ensure that solid waste is compacted daily and that all exposed waste is covered with a minimum of twelve (12) inches of silty clays at least every thirty (30) days.

IV.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure the disposal of unauthorized waste is prevented and prohibited.

V.

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

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
Attn: Alissa Cockerham
Re: Enforcement Tracking No. SE-CN-13-00046
Agency Interest No. 20036

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-13-00046
Agency Interest No. 20036

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 Alissa Cockerham at (225) 219-1423 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 10 day of May, 2013.



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: Alissa Cockerham



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

August 17, 2018

CERTIFIED MAIL (7014 1200 0000 7863 8935)
RETURN RECEIPT REQUESTED

ACADIA PARISH POLICE JURY
c/o David Savoy, President
P.O. Box A
Crowley, LA 70527

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-17-00340
AGENCY INTEREST NO. 20036**

Dear Sir:

On or about June 1, 2015, August 5, 2015, December 8, 2015, and January 24, 2017, inspections of **ACADIA PARISH LANDFILL**, a Type II and III landfill, owned and/or operated by **ACADIA PARISH POLICE JURY (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The facility is located at 611 Petal Road in Egan, Acadia Parish, Louisiana.

An inspection conducted on or about December 19, 2011 resulted in the issuance of **COMPLIANCE ORDER SE-C-12-00070** which was issued to the Respondent on July 16, 2012, and received by the Respondent on or about July 30, 2012. The Compliance Order was not appealed and is considered a final action by the Department.

An inspection conducted on or about September 14, 2012 resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-13-00046** which was issued to the Respondent on May 10, 2013, and received by the Respondent on or about May 24, 2013. The Compliance Order was not appealed and is considered a final action by the Department.

The Department issued **WARNING LETTER SE-L-15-00996** on or about August 11, 2015, for violations discovered during an inspection conducted on or about June 1, 2015. A response was received by the Department on or about September 9, 2015.



The Department issued **WARNING LETTER SE-L-17-00340** on or about March 29, 2017, for violations discovered during an inspection conducted on or about January 24, 2017. A response was received by the Department on or about April 4, 2017.

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 inspections:

- A. The Respondent failed to minimize erosion in the Type II areas of the landfill, as specified in Section 521, Part II, Subpart H.1.b of the approved permit application, in violation of LAC 33:VII.711.B.2.a, **COMPLIANCE ORDER SE-C-12-00070, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-13-00046**, and Conditions 6 & 7 of Solid Waste Permit P-0029R1. Specifically, exposed wastes were observed on the surface throughout the landfill, along the eastern side of the landfill, and in erosion channels during the June 1, 2015, and December 8, 2015 inspections. Litter was also observed on the northern slope during the June 1, 2015 inspection, and throughout the landfill during the December 8, 2015 inspection. A response to **WARNING LETTER SE-L-15-00996** dated September 9, 2015 stated the erosion channels and exposed wastes were addressed after the inspection once new equipment was leased by the Respondent, and litter was cleaned up around the facility. During the January 24, 2017 inspection, exposed wastes were observed inside erosion channels due to improper application of cover materials. A response to **WARNING LETTER SE-L-17-00340** dated April 4, 2017 stated erosion channels were repaired on the day of the inspection.
- B. The Respondent failed to cover wastes with silty clays applied a minimum of six (6) inches thick at the end of each operating day, as specified in Section 521, Part II, Subpart H.2.a of the approved permit application, in violation of LAC 33:VII.711.B.2.b, and Conditions 6 & 7 of Solid Waste Permit P-0029R1. Specifically, the June 1, 2015 inspection noted that the last application of cover on the Type II side of the facility was on April 25, 2015. A response to **WARNING LETTER SE-L-15-00996** dated September 9, 2015 stated the application of cover was completed after new equipment was leased by the Respondent. The December 8, 2015 and January 24, 2017 inspections noted cover is being applied as required.
- C. The Respondent failed to provide and maintain sufficient equipment to meet the facility's operational needs, as specified in Section 521, Part II, Subpart H.1.c & H.2.a of the approved permit application, in violation of LAC 33:VII.711.D.4, LAC 33:VII.721.C.3, and Conditions 6 & 7 of Solid Waste Permit P-0029R1. At the time of the June 1, 2015 inspection, a steel wheel compactor was not available, only a bulldozer and a hydro-mulcher were operational. A response to **WARNING LETTER SE-L-15-00996** dated September 9, 2015 stated new equipment, including a dozer, two (2) dump trucks, an excavator, and a front-end loader were leased by the Respondent in order to maintain compliance. The January 24, 2017 inspection noted the Respondent had adequate working equipment.
- D. The Respondent failed to notify the Office of Environmental Services within thirty (30) days of any changes in the employment status of certified operators, in violation of LAC 33:VII.717.F.3.b. Specifically, Mr. Phillip Parsons, Landfill Level A Operator at the Site, stated during the August 5, 2015 inspection that he replaced Mr. Phillip Richard, former Landfill Manager, approximately one (1) month prior to the inspection.

- E. The Respondent failed to notify the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline immediately, but in no case later than one (1) hour after learning of an emergency condition at the landfill, in violation of LAC 33:I.3915.A.1. Specifically, Mr. Robert Hebert, the Landfill Solid Waste Supervisor, learned of a fire at the landfill at approximately 11:00 PM on August 4, 2015, and arrived at the Site at 11:30 PM. The Acadia Parish Director of Emergency Preparedness arrived on site at 1:00 AM on August 5, 2015, and determined the fire to be an emergency condition requiring notification. The Louisiana State Police Hazardous Material Hotline was notified by Mr. Hebert at approximately 1:15 AM on August 5, 2015.
- F. The Respondent failed to prohibit solid waste from being deposited in standing water, as specified in Section 521, Part II, Subpart H.1.b of the approved permit application, in violation of LAC 33:VII.711.D.1.i, LAC 33:VII.721.C.1.g, and Conditions 6 & 7 of Solid Waste Permit P-0029R1. Specifically, standing water was observed in the active cell during the December 8, 2015 inspection. Standing water was not observed in the active cell during the January 24, 2017 inspection.

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 Kelly O'Neal at (225) 219-3932 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.

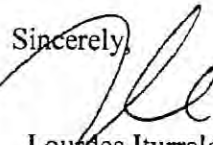
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

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.

The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-3865 or via email at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

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

LI/KAO/kao
Alt ID No. P-0029R1

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-17-00340	Contact Name	Kelly O'Neal
Agency Interest (Ai) No.	20036	Contact Phone No.	(225) 219-3932
Alternate ID No.	P-0029R1		
Respondent:	ACADIA PARISH POLICE JURY	Facility Name:	Acadia Parish Landfill
	c/o David Savoy, President	Physical Location:	611 Petal Rd.
	Agent for Service of Process		
	P.O. Box A	City, State, Zip:	Egan, LA 70531
	Crowley, LA 70527	Parish:	Acadia

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 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (7014 1200 0000 7863 8935), 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 (7014 1200 0000 7863 8935), 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 (7014 1200 0000 7863 8935) 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: Kelly O'Neal

SETTLEMENT AGREEMENTS

WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in EDMS using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements	Enforcement Division's website specific examples can be provided upon request
Penalty Determination Method	LAC 33:1 Chapter 7
Beneficial Environmental Projects	LAC 33:1 Chapter 25 FAQs
Judicial Interest	provided by the Louisiana State Bar Association





JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

MAR 19 2020

CERTIFIED MAIL (7018 1830 0000 5751 6507)
RETURN RECEIPT REQUESTED

ACADIA PARISH POLICE JURY
c/o David Savoy, President
P.O. Box A
Crowley, LA 70527

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-19-01094
AGENCY INTEREST NO. 20036**

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 **ACADIA PARISH POLICE JURY (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 Kelly O'Neal at (225) 219-3932.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. P-00029R2
Attachment



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

IN THE MATTER OF	*	
	*	
ACADIA PARISH POLICE JURY	*	ENFORCEMENT TRACKING NO.
ACADIA PARISH	*	
ALT ID NO. P-00029R2	*	SE-CN-19-01094
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	20036
La. R.S. 30:2001, ET SEQ.	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ACADIA PARISH POLICE JURY (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 II and III landfill known as the Acadia Parish Landfill located at 611 Petal Road in Egan, Acadia Parish, Louisiana. The landfill is permitted under Solid Waste Standard Permit P-0029R2.

II.

The Department conducted an inspection on or about June 26, 2019, at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to ensure all monitoring wells have a secure locking device in place, in violation of Specific Requirement R-12 of Standard Permit P-0029R2, LAC

33:VII.805.A.3.c.i, and LAC 33:VII.901.A. Specifically, Monitoring Well 9 did not have a lock.

- B. The Respondent failed to minimize blowing paper and litter in the Type II areas of the landfill, in violation of Specific Requirement R-62 of Standard Permit P-0029R2, LAC 33:VII.711.B.2.a, LAC 33:VII.901.A. Specifically, litter was observed in the weeds/tall grass along the northern access road, near the Type II active disposal area, along the access road between the Type II and Type III areas, in the weeds/grass along the access road on the southern side of the facility, and along the older portions of the landfill that previously received cover north of the active disposal area. Litter fences and litter crews were not observed at the time of the inspection. A response received on or about December 9, 2019 stated litter was picked up and litter fencing was installed. A picture of the litter fencing was included in the response.
- C. The Respondent failed to apply interim cover to the inactive portions of the landfill, in accordance with Volume 2, Section 5.2.6 of the approved permit application, in violation of Specific Requirement R-6, R-12, R-60 and R-61 of Standard Permit P-0029R2, LAC 33:VII.711.B.2.e, LAC 33:VII.901.A. Specifically, exposed wastes were noted at the surface of the landfill along the western edge of the facility. According to a representative of the Respondent, the exposed wastes were from several years ago when all equipment was in disrepair and waste was unable to be properly compacted and covered. A response received on or about December 9, 2019 stated the exposed wastes were covered and a picture was included in the response.
- D. The Respondent failed to cover the waste with a minimum of twelve (12) inches of silty clays every thirty (30) days, in accordance with Volume 2, Section 5.3.3 of the approved permit application, in violation of Specific Requirements R-6 and R-12 of Standard Permit P-0029R2, LAC 33:VII.721.A.2.b, and LAC 33:VII.901.A. Specifically, exposed waste was observed on the southern slope of the older portion of the Type III landfill area. A response received on or about December 9, 2019 stated the exposed wastes were covered and a picture was included in the response.
- E. The Respondent failed to control leachate generation by minimizing external-moisture infiltration, in accordance with Volume 1, Section 5.3.3 of the approved permit application, in violation of Specific Requirements R-6, R-12 and R-149 of Standard

Permit P-0029R2, LAC 33:VII.721.A.2.a.ii.(a) and LAC 33:VII.901.A. Specifically, leachate was observed flowing from the older portion of the C&D area that lacked adequate cover. The leachate was flowing south and entering an internal ditch. The Respondent dug shallow ditches to assist in the flow of leachate off the landfill and into an internal ditch at the facility. A response received on or about December 9, 2019 stated repairs were made to stop leachate from entering the ditch system.

- F. The Respondent failed to prevent the migration of leachate by liners or other barriers, in accordance with Volume 2, Sections 1, 2 and 3 of the approved permit application, in violation of Specific Requirements R-6 and R-12 of Standard Permit P-0029R2, LAC 33:VII.711.B.4.e and LAC 33:VII.901.A. Specifically, leachate was observed migrating through two (2) areas of previously applied final cover in Phase II West of the Type II landfill area. The Respondent dug a shallow ditch to facilitate the flow of leachate off the landfill and into the internal drainage ditch before being collected and sent to the surface impoundment via a force main. A response received on or about December 9, 2019 stated repairs were made to stop leachate from entering the ditch system.

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 Regulations and Standard Permit P-0029R2.

II.

To immediately, upon receipt of this **COMPLIANCE ORDER**, ensure all groundwater monitoring wells have protective casing with locking covers and a secure locking device in place, in accordance with LAC 33:VII.805.A.3.c.ii.

III.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, applying cover material sufficient to control leachate generation by minimizing external-moisture infiltration, minimize erosion, and minimize the blowing of paper and litter, in accordance with Volume 1, Section 5.3.3 of the Solid Waste Permit Application, LAC 33:VII.711.B.2.a.ii and iv, and LAC 33:VII.721.A.2.a.ii.

IV.

To institute procedures, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, to ensure leachate is prevented from leaking from all areas of the landfill, in accordance with Volume 2, Sections 1, 2 and 3 of the Solid Waste Permit Application and LAC 33:VII.711.B.4.e.

V.

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: Kelly O'Neal
Re: Enforcement Tracking No. SE-CN-19-01094
Agency Interest No. 20036

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-19-01094
Agency Interest No. 20036

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 Division of Administrative Law (DAL) Procedural Rules. 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 Kelly O'Neal at (225) 219-3932 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. 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.

IV.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

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

Baton Rouge, Louisiana, this 19th day of March, 2020.



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: Kelly O'Neal

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	SE-CN-19-01094	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	20036	Contact Phone No.	(225) 219-3932
Alternate ID No.	P-00029R2		
Respondent:	ACADIA PARISH POLICE JURY	Facility Name:	Acadia Parish Landfill
	c/o David Savoy, President	Physical Location:	611 Petal Rd.
	Agent for Service of Process		
	P.O. Box A	City, State, Zip:	Egan, LA 70531
	Crowley, LA 70527	Parish:	ACADIA

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

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-CN-19-01094), 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-CN-19-01094)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. • 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-CN-19-01094) 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: Kelly O'Neal			



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

NOV 30 2020

CERTIFIED MAIL (7017 3040 0000 2465 2139)
RETURN RECEIPT REQUESTED

ACADIA PARISH POLICE JURY
c/o Chance Henry, President
P.O. Box A
Crowley, LA 70527

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-20-00434
AGENCY INTEREST NO. 20036**

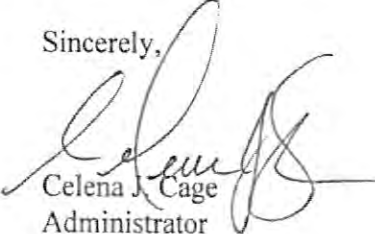
Dear Sir:

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 the **ACADIA PARISH POLICE JURY (RESPONDENT)** for the violations described therein.

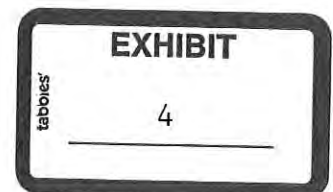
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

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

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. P-0029R2
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
ACADIA PARISH POLICE JURY	*	ENFORCEMENT TRACKING NO.
ACADIA PARISH	*	
ALT ID NO. P-0029R2	*	SE-CN-20-00434
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	20036
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to the **ACADIA PARISH POLICE JURY (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 II and III landfill known as the Acadia Parish Landfill located at 611 Petal Road in Egan, Acadia Parish, Louisiana. The landfill is permitted under Solid Waste Standard Permit P-0029R2.

II.

The Department conducted an inspection on or about October 28, 2019, at the above referenced facility and a subsequent file review conducted on or about November 19, 2020, to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and subsequent file review:

- A. The Respondent failed to apply and maintain cover material in the Type II area, in accordance with Volume 2, Section 5.2.5 of the approved permit application and LAC 33:VII.711.B.2.a, in violation of Specific Requirements R-58 and R-62 of Standard Permit P-0029R2, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, excessive litter was observed between the white goods and the Type III area, along roadways within the facility, in ditches surrounding the facility, and in older/previously covered portions of the landfill during the inspection. Litter fences and litter crews were not observed at the time of the inspection. Additionally, waste was observed protruding from the cover material in an area east of the current working face in a previously covered portion of the active area. Correspondence received on or about December 9, 2019 stated litter was picked up and litter fencing was installed. A picture of the litter fencing was included.
- B. The Respondent failed to apply interim cover to the inactive portions of the landfill, in accordance with Volume 2, Section 5.2.6 of the approved permit application, in violation of Specific Requirement R-6, R-12, R-60 and R-61 of Standard Permit P-0029R2, LAC 33:VII.711.B.2.e, and LAC 33:VII.901.A. Specifically, exposed wastes were noted at the surface of the landfill along the western edge of the facility during the inspection. According to a representative of the Respondent, the exposed wastes were from several years ago when all equipment was in disrepair and waste was unable to be properly compacted and covered. Correspondence received on or about December 9, 2019, stated the exposed wastes were covered and a picture was included.
- C. The Respondent failed to cover the waste with a minimum of twelve (12) inches of silty clays every thirty (30) days, in accordance with Volume 2, Section 5.3.3 of the approved permit application, in violation of Specific Requirements R-6 and R-12 of Standard Permit P-0029R2, LAC 33:VII.721.A.2.b, and LAC 33:VII.901.A. Specifically, exposed waste was observed protruding through the cover material that was last applied on October 23, 2019. Correspondence received on or about December 9, 2019, stated the exposed wastes were covered and a picture was included.
- D. The Respondent failed to prevent the migration of leachate by liners or other barriers, in accordance with Volume 2, Sections 1, 2 and 3 of the approved permit application, in violation of Specific Requirements R-6 and R-12 of Standard Permit P-0029R2,

LAC 33:VII.711.B.4.e and LAC 33:VII.901.A. Specifically, leachate was observed pooling at the bottom of the active area and seeps were observed throughout the landfill running into internal stormwater ditches. Correspondence received on or about December 9, 2019, stated repairs were made to stop leachate from entering the ditch system.

- E. The Respondent failed to deposit wastes in the smallest practical area and compact each day so that only one (1) working face is utilized, in accordance with Volume 2, Section 4.1.2 of the approved solid waste permit application, in violation of Specific Requirements R-6, R-12, and R-151 of Standard Permit P-0029R2, LAC 33:VII.721.A.2.c and LAC 33:VII.901.A. Specifically, waste deposited in the active face of the Type III area was not compacted prior to the application of cover. Additionally, C&D debris was observed on a covered previous Type II area. A representative of the Respondent stated that during a storm event, Type III waste was temporarily placed in the area and facility personnel have been hauling it to the current active area. The Respondent had been operating a second working face for approximately one (1) month.
- F. The Respondent failed to provide cover material sufficient to minimize erosion in accordance with Volume 2, Section 5.3.3 of the approved permit application, in violation of Specific Requirements R-6, R-12, and R-149 of Standard Permit P-0029R2, LAC 33:VII.721.A.2.a.ii.b, and LAC 33:VII.901.A. Specifically, erosion channels and areas where cover material had washed and eroded away were observed in the older portions of the Type III area.
- G. The Respondent failed to compact waste daily, in accordance with Volume 2, Section 5.2 of the approved permit application, in violation of Specific Requirements R-6, R-12, and R-94 of Standard Permit P-0029R2, LAC 33:VII.711.D.3.b, and LAC 33:VII.901.A. Specifically, waste deposited in the active face of the Type II area was pushed and spread into piles at the bottom of the slope, but was not compacted.
- H. The Respondent failed to prevent the disposal of waste tires in the landfill, in accordance with Volume 2, Section 5.4.3 of the approved permit application, in violation of Specific Requirements R-6 and R-12 of Standard Permit P-0029R2, LAC

33:VII.10509.A, and LAC 33:VII.901.A. Specifically, compacted and uncompacted waste tires were observed in the active face of the Type II area.

- I. The Respondent failed to prevent the deposition of solid waste in standing water and immediately remove standing water in contact with waste, in accordance with Volume 2, Section 5.4.1 of the approved permit application, in violation of Specific Requirements R-6, R-12, and R-90 of Standard Permit P-0029R2, LAC 33:VII.711.D.1.i, and LAC 33:VII.901.A. Specifically, waste was observed in standing water during the inspection.
- J. The Respondent failed to maintain a daily log which documents volume of cover material, location of cover application, source of cover material, and depth of cover material, in violation of Specific Requirements R-12 and R-64 of Standard Permit P-0029R2, LAC 33:VII.711.B.2.h, LAC 33:VII.721.A.2.d, and LAC 33:VII.901.A. Specifically, the Respondent documents the date of cover application for the Type II and Type III areas on a wall calendar in the office, but the other required information is not included.
- K. The Respondent failed to adjust cost estimates within thirty (30) days after each anniversary of the date on which the first estimate was prepared, in violation of Specific Requirements R-12 and R-28 of Standard Permit P-0029R2, LAC 33:VII.1303.A.3.c and LAC 33:VII.901.A. Specifically, a file review conducted on or about November 19, 2020, revealed the closure cost anniversary date is June 8th. According to the inspection report, closure cost estimates were last adjusted on September 18, 2017. According to documentation submitted to the Department, the 2018 closure cost estimate was adjusted on or about September 17, 2018 and the 2019 closure cost estimate was adjusted on or about July 9, 2020. Additionally, the post-closure cost estimate anniversary date is June 26th. According to documentation submitted to the Department, the 2018 post-closure cost estimate was adjusted on or about September 17, 2018 and the 2019 post-closure cost estimate was adjusted on or about July 9, 2020.

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 Regulations and Standard Permit P-0029R2.

II.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, applying cover material sufficient to minimize erosion and minimize the blowing of paper and litter, in accordance with Volume 1, Section 5.3.3 of the Solid Waste Permit Application, LAC 33:VII.711.B.2.a.ii(b) and iv, and LAC 33:VII.721.A.2.a.ii.

III.

To institute procedures, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, to ensure leachate is prevented from leaking from all areas of the landfill, in accordance with Volume 2, Sections 1, 2 and 3 of the Solid Waste Permit Application and LAC 33:VII.711.B.4.e.

IV.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, depositing waste in the smallest practical area, ensure only one (1) working face is utilized, and compact waste daily, in accordance with LAC 33:VII.711.D.3.b, LAC 33:VII.721.A.2.c, and Standard Permit P-0029R2.

V.

To cover, immediately upon receipt of this **COMPLIANCE ORDER**, all areas of exposed waste and erosion in the Type III area. The Respondent shall ensure interim cover is maintained to keep waste covered at all times, in accordance with LAC 33:VII.721.A.2.a.

VI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure waste tires are not deposited in the landfill, as specified in LAC 33:VII.10509.A and managed in accordance with Volume 2, Section 5.4.3 of the approved permit application.

VII.

To remove, immediately upon receipt of this **COMPLIANCE ORDER**, any standing water in contact with waste, in accordance with LAC 33:VII.711.D.1.i.

VIII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure the daily cover log for the Type II area includes the specific area of daily and interim cover placement, source of cover material, and depth of cover material applied, in accordance with LAC 33:VII.711.B.2.h. The Respondent shall ensure the date of cover material application, volume of cover applied, description of the location where the cover material was applied, source of the cover material, and depth of cover material applied is documented on the cover log for the Type III area, in accordance with LAC 33:VII.721.A.2.d.i-v.

IX.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure cost estimates are adjusted annually within thirty (30) days after each anniversary of the date on which the first estimate was prepared, in accordance with LAC 33:VII.1303.A.3.c.

X.

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: Kelly O'Neal
Re: **Enforcement Tracking No. SE-CN-20-00434**
Agency Interest No. 20036

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-20-00434
Agency Interest No. 20036

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 Division of Administrative Law (DAL) Procedural Rules. 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 Kelly O'Neal at (225) 219-3932 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. 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.

IV.


The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

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

Baton Rouge, Louisiana, this 30th day of November, 2020.



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: Kelly O'Neal

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	SE-CN-20-00434	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	20036	Contact Phone No.	(225) 219-3932
Alternate ID No.	P-00029R2		
Respondent:	ACADIA PARISH POLICE JURY	Facility Name:	Acadia Parish Landfill
	c/o Chance Henry, President	Physical Location:	611 Petal Rd.
	Agent for Service of Process		
	P.O. Box A	City, State, Zip:	Egan, LA 70531
Crowley, LA 70527	Parish:	ACADIA	

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph X of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

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 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-20-00434), 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-CN-20-00434), 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-CN-20-00434) 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.

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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:			
<p>Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Kelly O'Neal</p>			