STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-MM-14-0034**
CITY OF WINNFIELD	*	
	*	**Enforcement Tracking No.**
AI # 52471 AND 28158	*	**MM-CN-10-00372**
	*	**WE-CN-10-00344**
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	**Docket No. 2011-12608-EQ**
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between City of Winnfield ("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 publicly owned treatment works and a non-processing transfer station, both facilities are located in Winn Parish, Louisiana ("the Facilities").

II

On May 13, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **WE-CN-10-00344**, which was based upon the following findings of fact:

"The Respondent owns and/or operates a publicly owned treatment works at 1003 McLeod Drive in Winnfield, Winn Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0043915 on November 28, 2001, with an effective date of December 1, 2001 and an expiration date of November 30, 2006.

LPDES permit LA0043915 was administratively continued and reissued to the Respondent on or about September 30, 2008, with an effective date of November 1, 2008. The permit will expire on October 31, 2013. Under the terms and conditions of LPDES permit LA0043915, the Respondent is authorized to discharge treated sanitary wastewater into Creosote Branch, thence into the Dugdemona River, thence into Little River, waters of the state.

An inspection conducted by the Department on or about January 20, 2010, and a file review conducted on or about March 23, 2010, revealed that the Respondent exceeded effluent limitations. These effluent exceedances, as reported by the Respondent on Discharge Monitoring Reports (DMRs), are summarized below:

Date	Parameter	Permit Limit	Reported Value
10/2009	TSS (Weekly Avg.)	23 mg/L	28.00 mg/L
	Ammonia-Nitrogen (Monthly Avg.)	4 mg/L	5.59 mg/L
	Fecal Coliform (Daily Max)	400 col/ 100 mL	775 col/ 100 mL
11/2009	Ammonia-Nitrogen (Monthly Avg.)	49 lbs./day	69.37 lbs./day
	Ammonia-Nitrogen (Monthly Avg.)	4 mg/L	9.41 mg/L
	Ammonia-Nitrogen (Weekly Avg.)	8 mg/L	10.93 mg/L
12/2009	Ammonia-Nitrogen (Monthly Avg.)	4 mg/L	5.65 mg/L
	Ammonia-Nitrogen (Weekly Avg.)	8 mg/L	9.18 mg/L
01/2010	Ammonia-Nitrogen (Monthly Avg.)	4 mg/L	6.09 mg/L
	Ammonia-Nitrogen (Weekly Avg.)	8 mg/L	8.33 mg/L
02/2010	Ammonia-Nitrogen (Monthly Avg.)	4 mg/L	6.14 mg/L
03/2010	Ammonia-Nitrogen (Monthly Avg.)	4 mg/L	7.61 mg/L
	Ammonia-Nitrogen (Weekly Avg.)	8 mg/L	10.45 mg/L

Each exceedance is a violation of LPDES permit LA0043915 (Part I, Page 2 and 3 of 3 and Part III, Section A.2), La. R.S. 30:2076(A)(1), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A. Additionally, a file review conducted by the Department on or about March 23, 2010, revealed that the Respondent submitted incomplete and/or inaccurate non-compliance reports for the aforementioned monitoring periods. Each failure to submit a complete and accurate NCR is a violation of LPDES permit LA0043915 (Part III,

Sections A.2 and D.7), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

An inspection conducted by the Department on or about January 20, 2010, revealed that the Respondent failed to provide a Stormwater Pollution Prevention Plan (SWPPP) at the time of the inspection. It was further revealed that the facility does not have a SWPPP. The Respondent is required to prepare, implement and maintain a SWPPP within six (6) months of the effective date of LPDES permit LA0043915. Failure to prepare a SWPPP is a violation of LPDES permit LA0043915 (Part II, Section D and Part III, Section A.2), La. R.S. 30:2076(A)(1), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

An inspection conducted by the Department on or about January 20, 2010, revealed that the Respondent failed to maintain records. Specifically, the Respondent did not have sanitary sewer overflow (SSO) reports available. Failure to maintain records is a violation of LPDES permit LA0043915 (Part III, Section D.7), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about March 23, 2010, revealed that the Respondent failed to submit DMRs as required by LPDES permit LA0043915. Specifically, the Respondent failed to submit quarterly biomonitoring DMRs for the monitoring period of December 2007-February 2008, March-May 2008 and June 2008-August 2008. The Respondent's failure to submit DMRs is a violation of LPDES permit LA0043915 (Part II, Section A.10, and Part III, Sections A.2 and D.4) La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.

A file review conducted by the Department on or about March 23, 2010, revealed that the Respondent submitted incomplete and/or inaccurate biomonitoring DMRs. Specifically, the

Respondent reported inaccurate monitoring periods on the May 2008, September 2008 and November 2008 DMRs. Each submittal of incomplete and/or inaccurate DMRs is a violation of LPDES permit LA0043915 (Part I, Page 2 of 15 and Part III, Section A.2), La R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about March 23, 2010, revealed that the Respondent failed to submit the Summary Tables for results of valid biotoxicity tests for Outfall TX1Q for all monitoring periods since January 2008. Each failure to submit the required Summary Tables for valid biotoxicity tests conducted prior to November 1, 2008 is a violation of LPDES permit LA0043915 (Part II, Section D.4.b and Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.L.4.a. Each failure to submit the required Summary Tables for valid biotoxicity tests conducted after November 1, 2008 is a violation of LPDES permit LA0043915 (Part II, Section E.3.c and Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.L.4.a.

A file review conducted by the Department on or about March 23, 2010, revealed that the Respondent failed to submit biomonitoring DMRs in a timely manner. Specifically, the following DMRs were received late: 4th quarter 2008, 1st quarter 2009 and 2nd quarter 2009 DMRs for Outfall TX1Q. The failure to submit DMRs in a timely manner is a violation of LPDES permit LA0043915 (Part II, Section A.8 and Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a.

An inspection conducted by the Department on or about January 20, 2010, and a file review conducted on or about March 23, 2010, revealed that the Respondent exceeded its design capacity. Specifically, a review of the Respondent's DMRs, on which effluent violations were reported, revealed a weekly average design capacity exceedance for the October 2009

monitoring period of 2.12 MGD. The design capacity is 1.46 MGD."

On August 12, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **MM-CN-10-00372**, which was based upon the following findings of fact:

"The Respondent owns and/or operates a non-processing transfer station located at 7759 Highway 167 South in Winnfield, Winn Parish, Louisiana (the Site). The facility is an authorized waste tire collection center that operates under the facility identification number RA-7909. The facility operates a woodwaste facility under a Department of Agriculture Best Management Plan (BMP). The facility notified the Department of its non-processing transfer station operations and was assigned the facility identification number PU-127-2393. The facility does not have a permit or other written authority from the Department to dispose and/or process solid waste. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) permit LA0104043 on May 22, 2006, with an effective date of July 1, 2006, and an expiration date of June 30, 2011. Under the terms and conditions of LPDES permit LA0104043, the Respondent is authorized to discharge treated washdown water, treated wastewater from collection boxes, and treated contact stormwater into an unnamed drainage ditch, thence into Creosote Branch, thence into the Dugdemona River, waters of the state. The Department has assigned the Site the Environmental Protection Agency (EPA) identification number LAR000070300.

On or about January 19, 2010, the Department conducted an inspection of the Site that revealed the following violations:

A. The Respondent caused and/or allowed the unauthorized processing and disposal of solid waste without a permit, in violation of LAC 33:VII.315.C and La. R.S. 30:2155. The Respondent processed solid waste by segregating scrap metal from the regulated solid

waste. The regulated solid waste disposed at the Site includes, but is not limited to, construction and demolition debris, mattresses, furniture, televisions, and e-waste.

B. The Respondent failed to store waste tires according to an acceptable and effective disease vector control plan in accordance with LAC 33:VII.10525.D.7, in violation of LAC 33:VII.10527.B. The Respondent did not cover and/or treat waste tires in such a manner as to control disease vectors.

C. The Respondent, a small quantity handler of universal waste, caused and/or allowed the disposal of universal waste, in violation of LAC 33:V.3817.A.1. The Respondent disposed of e-waste at the Site.

An inspection conducted by the Department on or about January 19, 2010, revealed that the Respondent was discharging contaminated water from a pit containing euthanized animals into the waters of the state. At the time of the inspection bloated animals were observed floating in the pit. The unauthorized discharge of contaminated water into waters of the state is a violation of La. R.S. 30:2075, La. R.S. 30:2076(A)(l)(a), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.C, LAC 33:1X.501.D, and LAC 33:IX.2311.A.1.

A file review conducted by the Department on or about April 6, 2010, revealed that the Respondent exceeded effluent limitations. These effluent exceedances, as reported by the Respondent on the quarterly Discharge Monitoring Reports (DMRs), are summarized below:

Monitoring Period	Outfall	Parameter	Permit Limit	Reported Value
07/01/06-09/30/06	001Q	Fecal Coliform (Monthly Avg.) – mg/L	200	1890
		Fecal Coliform (Daily Maximum) – mg/L	400	1890
10/01/06-12/31/06*	001Q	Fecal Coliform (Monthly Avg.) – mg/L	200	370.0
04/01/07-06/30/07*	001Q	Fecal Coliform (Monthly Avg.) – mg/L	200	660
		Fecal Coliform (Daily Maximum) – mg/L	400	660
01/01/08-03/31/08*	001Q	Fecal Coliform (Monthly Avg.) – mg/L	200	<400
07/01/08-09/30/08*	001Q	Fecal Coliform (Monthly Avg.) – mg/L	200	9000.0
		Fecal Coliform (Daily Maximum) – mg/L	400	9000.0
07/01/09-09/30/09*	001Q	Fecal Coliform (Monthly Avg.) – mg/L	200	600.0
		Fecal Coliform (Daily Maximum) – mg/L	400	600.0

* Indicates a Non-Compliance Report was not submitted.

Each effluent exceedance is a violation of LPDES permit LA0104043 (Part I, Page 2 of 2; and Part III, Section A.2), La. R.S. 30:2076(A)(l), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.501.D, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about April 6, 2010, revealed that the Respondent failed to submit a Non-Compliance Report (NCR) for the monitoring periods indicated by an asterisk (*) in the aforementioned table. Each failure to submit an NCR is a violation of LPDES permit LA0104043 (Part III, Sections A.2 and D.7), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.7.

A file review conducted by the Department on or about April 6, 2010, revealed that the Respondent submitted incomplete and/or inaccurate monthly DMRs. Specifically, the Respondent:

A. Failed to report a monthly average flow value on the quarterly DMR for the monitoring period of July 1, 2006, through September 30, 2006;

B. Failed to report a sample value for the Fecal Coliform monthly average on the quarterly DMR for the monitoring period of July 1, 2006, through September 30, 2006;

C. Reported the wrong monitoring period on the quarterly DMR for the monitoring period of July 1, 2008, through September 30, 2008;

D. Reported the wrong monitoring periods on the biannual DMRs for the monitoring periods of January 1, 2008, through June 30, 2008, and July 1, 2008, through December 31, 2008; and;

E. Failed to designate a meaning for the abbreviation "ND" reported for the following parameters:

Monitoring Period	Outfall	Parameter	Unit of Measure
07/01/06-09/30/06	001Q	Oil and Grease (Daily Maximum)	mg/L
07/01/06-12/31/06	001S	Toluene	ug/L
07/01/07-09/30/07	001Q	Oil and Grease (Daily Maximum)	mg/L
10/01/07-12/31/07	001Q	Oil and Grease (Daily Maximum)	mg/L
07/01/08-09/30/08	001Q	Oil and Grease (Daily Maximum)	mg/L
07/01/08-12/31/08	001S	Toluene	ug/L
		Priority Pollutant Metals	ug/L
01/01/09-06/30/09	001S	Toluene	ug/L
		Priority Pollutant Metals	ug/L
07/01/09-12/31/09	001S	Toluene	ug/L
		Priority Pollutant Metals	ug/L

Each submittal of an incomplete and/or inaccurate DMR is a violation of LPDES permit LA0104043 (Part II, Section A.8; and Part III, Section A.2), La R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

A file review conducted by the Department on or about April 6, 2010, revealed that the Respondent failed to submit DMRs in a timely manner. The Respondent is required to submit DMRs no later than the 28th day of the month following each monitoring period. Specifically, the Respondent failed to submit quarterly DMRs by the due dates for the fourth quarter of 2006, the third quarter of 2007, and the first quarter of 2008; and biannual DMRs for the second half of 2006 and the first half of 2008. Each failure to submit DMRs in a timely manner is a violation of

LPDES permit LA0104043 (Part II, Section A.8; and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.

A file review conducted by the Department on or about April 6, 2010, revealed that the Respondent failed to submit quarterly DMRs for the first quarter of 2007, the second and fourth quarters of 2008, and the first quarter of 2009; and biannual DMRs for all of 2007. Each failure to submit a DMR is a violation of LPDES permit LA0104043 (Part II, Section A.8; and Part III, Sections A.2 and D.4), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, LAC 33:IX.2701.A, and LAC 33:IX.2701.L.4.a."

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalty, Enforcement Nos. **WE-CN-10-00344** and **MM-CN-10-00372**, Respondent made a timely request for a hearing.

IV

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

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY THOUSAND AND NO/100 DOLLARS ($20,000.00), of which One Thousand Two Hundred Ninety-Two and 83/100 Dollars ($1,292.83) 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

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

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

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

form, wording, and size 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.

CITY OF WINNFIELD

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
Peggy M. Hatch, Secretary

BY: _____
Cheryl Sonnier Nolan, 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: _____
Cheryl Sonnier Nolan, Assistant Secretary