STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-13-0039**
JEFFERSON DAVIS PARISH SANITARY	*	
LANDFILL COMMISSION	*	**Enforcement Tracking No.**
AI # 12389	*	**AE-PP-12-00201**
	*	**AE-PP-12-00201A**
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Jefferson Davis Parish Sanitary Landfill Commission ("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 Type I and Type II Sanitary Landfill facility located in Welsh, Jefferson Davis Parish, Louisiana ("the Facility").

II

On March 5, 2012, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No **AE-PP-12-00201**, which was based upon the following findings of fact:

On or about February 22, 2012, a file review of Jefferson Davis Parish Sanitary Landfill (the facility), owned and/or operated by Jefferson Davis Sanitary Landfill Commission (Respondent), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The

facility is located at 16157 Landfill Road in Welsh, Jefferson Davis Parish, Louisiana. The facility operates or has operated under the authority of the following Title V Air Permits:

PERMIT	ISSUE DATE	EXPIRATION DATE
Title V Air Permit No. 1360-00060-V0	5/24/2004	6/22/2009
Title V Air Permit No. 1360-00060-V1	6/23/2009	5/15/2011
Title V Air Permit No.1360-00060-V2	5/16/2011	06/23/2014

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

A. The Respondent failed to maintain continuous records of the flare monitoring specified under 40 CFR 60.756(c) for the Candlestick Flare (EQT 1) for the periods indicated in the table below:

REPORT (DATE)	DEVIATION BEGAN		DEVIATION ENDED		REPORTED CAUSE	CORRECTIVE ACTION
	DATE	TIME	DATE	TIME		
6/28/2007	2/26/2007	7:00	3/1/2007	8:00	Flare data not recorded.	Chart recorder reset and paper changed.
	3/8/2007	8:00	3/8/2007	24:00		
12/7/2007	9/14/2007	6:00	9/17/2007	6:00	Flare data not recorded	Chart recorder reset and paper changed.
3/21/2008	12/1/2007	0:00	12/17/2007	8:14	No flare data recorded. Chart recorder inoperable due to malfunction.	Replacement part ordered and part replaced. Chart recorder restarted.
	12/23/2007	14:00	12/24/2007	6:33	Flare data chart illegible due to slipped paper. No flare downtime.	Chart paper replaced.
6/19/2008	1/10/2008	11:00	1/10/2008	2:00	Flare data not recorded due to air supply line failure.	Chart recorder reset and paper changed.
9/29/2008	6/23/2008	7:00	6/25/2008	7:00	Flare data not recorded due to chart recorder malfunction.	Chart recorder reset and paper changed. No flare downtime.
3/26/2009	12/13/2008	10:00	12/15/2008	7:00	Chart recorder malfunction which resulted in no flare data being recorded.	Replaced relay switch on chart recorder.
9/24/2009	5/25/2009	6:00	5/26/2009	5:30	Flare circular paper was not replaced resulting in missing data.	Chart recorder paper was changed. No flare downtime.
	6/29/2009	6:00	6/30/2009	6:30		

REPORT (DATE)	DEVIATION BEGAN		DEVIATION ENDED		REPORTED CAUSE	CORRECTIVE ACTION
	DATE	TIME	DATE	TIME		
12/21/2009	8/10/2009	5:30	8/10/2009	10:00	Chart gap- Missing data. Chart paper changed late due to technician health issues.	Chart paper was replaced.
	9/7/2009	4:30	9/8/2009	5:30	Chart gap- missing data. Chart paper changed a day late due to Labor Day holiday.	Chart paper was replaced.

Each failure to maintain continuous records of the flare monitoring specified under 40 CFR 60.756(c) is a violation of 40 CFR 60.758(c)(4), which language has been adopted as a Louisiana regulation in LAC 33:III.3003; LAC 33:III.501.C.4; and La. R.S. 30:2057(A)(2).

B. The Respondent failed to timely submit the report described in 40 CFR 60.757(f) and the periodic startup, shutdown, and malfunction report by the 30th day following the end of the period |encompassing September 13, 2009 through March 12, 2010. Specifically, these reports, which were due to be submitted by April 11, 2009, were submitted on April 14, 2009. The failure to timely submit these reports is a violation of 40 CFR 63.10(d)(5)(i) and 40 CFR 63.1980(a), which language has been adopted as a Louisiana regulation in LAC 33:III.5122; LAC 33:III.501.C.4; and La. R.S. 30:2057(A)(2).

On August 16, 2012, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No **AE-PP-12-00201A**, which was based upon the following findings of fact:

The Department hereby amends Paragraph A of NOPP, Enforcement Tracking No. AE-PP-12-00201 to read as follows:

"A. The Respondent failed to maintain continuous records of the flare monitoring specified under 40 CFR 60.756(c) for the Candlestick Flare (EQT 1) for the periods indicated in the table below:

REPORT (DATE)	DEVIATION BEGAN		DEVIATION ENDED		REPORTED CAUSE	CORRECTIVE ACTION
	DATE	TIME	DATE	TIME		
3/21/2008	12/1/2007	0:00	12/17/2007	8:14	No flare data recorded. Chart recorder inoperable due to malfunction.	Replacement part ordered and part replaced. Chart recorder restarted.
	12/23/2007	14:00	12/24/2007	6:33	Flare data chart illegible due to slipped paper. No flare downtime.	Chart paper replaced.
6/19/2008	1/10/2008	11:00	1/10/2008	2:00	Flare data not recorded due to air supply line failure.	Chart recorder reset and paper changed.
9/29/2008	6/23/2008	7:00	6/25/2008	7:00	Flare data not recorded due to chart recorder malfunction.	Chart recorder reset and paper changed. No flare downtime.
3/26/2009	12/13/2008	10:00	12/15/2008	7:00	Chart recorder malfunction which resulted in no flare data being recorded.	Replaced relay switch on chart recorder.
9/24/2009	5/25/2009	6:00	5/26/2009	5:30	Flare circular paper was not replaced resulting in missing data.	Chart recorder paper was changed. No flare downtime.
	6/29/2009	6:00	6/30/2009	6:30		
12/21/2009	8/10/2009	5:30	8/10/2009	10:00	Chart gap-Missing data. Chart paper changed late due to technician health issues.	Chart paper was replaced.
	9/7/2009	4:30	9/8/2009	5:30	Chart gap- missing data. Chart paper changed a day late due to Labor Day holiday.	Chart paper was replaced.

Each failure to maintain continuous records of the flare monitoring specified under 40 CFR 60.756(c) is a violation of 40 CFR 60.758(c)(4), which language has been adopted as Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2)."

The Department incorporates all of the remainder of the original Notice Of Potential Penalty, Enforcement Tracking No. AE-PP-12-00201 and Agency Interest No. 12389 as if reiterated herein.

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 ONE THOUSAND TWO HUNDRED THIRTY- EIGHT AND 37/100 DOLLARS ($1,238.37) of which Two Hundred Thirty-Eight and 37/100 Dollars ($238.37) 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), the Notice of Potential Penalties 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

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

IX

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).

X

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

XI

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.

JEFFERSON DAVIS PARISH SANITARY LANDFILL COMMISSION

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