

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CITY OF ALEXANDRIA

AI # 8494

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

\* Settlement Tracking No.  
\* SA-AE-11-0026  
\*  
\* Enforcement Tracking No.  
\* AE-CN-08-0021  
\*  
\*  
\* Docket No. 2010-3886-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between City Of Alexandria (“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 an electric generation facility located at 1011 North Third Street in Alexandria, Rapides Parish, Louisiana (“the Facility”).

II

On February 9, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-08-0021, which was based upon the following findings of fact:

The Respondent owns and/or operates the DG Hunter Power Plant, an electric generation facility. The facility is located at 1011 North Third Street in Alexandria, Rapides Parish, Louisiana. The facility operated under Title V Permit No. 2360-00024-V0 issued on July 24, 2000, which expired on July 24, 2005.

On or about April 30, 2008, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

The following was noted during the course of the file review:

- A. The Respondent failed to submit an application for renewal of Title V Permit No. 2360-00024-V0 by January 24, 2005, six (6) months prior to the date of the permit expiration. Failure to submit the Title V permit renewal application at least six (6) months prior to the date of expiration is a violation of LAC 33:III.507.E.4, Part 70 General Condition A of Title V Permit No. 2360-00024-V0, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. The Respondent submitted the facility's Title V renewal on September 27, 2005. The facility has been operating without a permit since July 25, 2005. This is a violation of LAC 33:III.501.C.2, La. R.S. 30:32057(A)(1) and 30:2057(A)(2).

### III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, 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 TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00), of which Three Hundred Twenty-One and 10/100 Dollars (\$321.10) 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 its permit records, the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VII

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

## VIII

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

IX

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

BY: [Signature]  
(Signature)

Hanna B. Nire  
(Printed)

TITLE: Assistant City Attorney

THUS DONE AND SIGNED in duplicate original before me this 21<sup>st</sup> day of October, 20 11, at Alexandria, Louisiana

[Signature]  
NOTARY PUBLIC (ID # 20120276)

Ann E. Lowrey  
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Peggy M. Hatch Secretary

BY: [Signature]  
Cheryl Sonnier Nolan, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 31 day of January, 20 12, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 20590)  
Bar Roll #

Debra King  
(stamped or printed)

Approved: [Signature]  
Cheryl Sonnier Nolan, Assistant Secretary



JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

State of Louisiana  
DEPARTMENT OF JUSTICE  
P.O. BOX 94005  
BATON ROUGE  
70804-9005

January 17, 2012

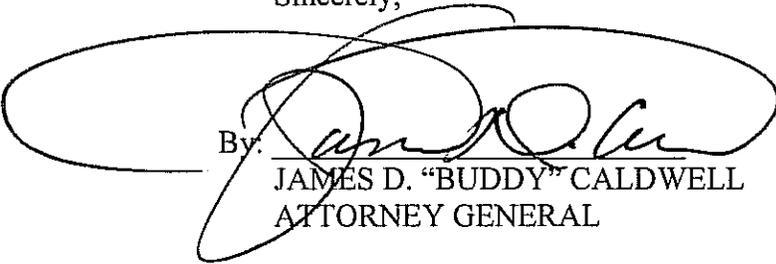
Mr. Herman Robinson, Executive Counsel  
La. Department of Environmental Quality  
Legal Affairs Division  
P.O. Box 4302  
Baton Rouge, LA 70821-4302

Re: AG Review of DEQ Settlement;  
City of Alexandria  
Settlement No. SA-AE-11-0026

Dear Mr. Robinson:

Pursuant to the authority granted to me by Art. IV, Sec. 8 of the state constitution and R.S. 30:2050.7, I approve the above referenced settlement.

Sincerely,

By: 

JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

JDC/MKT/SBJ