

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

JEFFERSON PARISH GOVERNMENT

AI # 6961

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

\* Settlement Tracking No.  
\* SA-SE-16-0020  
\*  
\* Enforcement Tracking No.  
\* SE-CN-13-00093  
\*  
\*  
\* Docket No. 2014-11069-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Jefferson Parish Government (“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 Avondale, Jefferson Parish, Louisiana (“the Facility”).

II

On July 1, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-13-00093, which was based upon the following findings of fact:

“The Respondent owns and/or operates a facility known to the Department as Jefferson Parish Sanitary Landfill located at 5800 Highway 90 West in Avondale, Jefferson Parish, Louisiana. The Respondent is registered with the Department as a Type I/II Landfill by registration number D-051-0090 and operates under solid waste Standard Permit P-0297R1 with modifications P-

0297R1M1 approved on January 18, 2012, P-0297R1M2 approved on September 16, 2012, P-0297R1M3 approved on October 22, 2012, and P-0297R1M4 approved on January 10, 2013.

On or about August 2, 2012, an inspection of the Respondent's facility was conducted.

During the inspection, the following violations were noted:

- A. The Respondent failed to notify the Office of Environmental Services, in advance of any changes in a facility or deviation from a permit, in violation of LAC 33:VII.517.A.1. Specifically, the facility was granted one hundred and eighty days (180) to utilize a waste docking station (new waste tipping procedure) in accordance with LAC 33:VII.117 for Innovative Technology Demonstration on April 7, 2008. In order for the facility to continue utilizing the waste docking station after this time period, a minor modification would be required. At the time of the inspection, the facility is still utilizing the waste docking station and has not submitted a permit modification.
- B. The Respondent failed to have surface-runoff-diversion levees, canals, or devices installed to prevent drainage from the units of the facility that have not received final cover as required in Part II, 521.D.1 of the Solid Waste Permit Application, in violation of Condition 8 of Standard Permit P-0297R1 and LAC 33:VII.711.A.3. Specifically, there was no berm or levee to prevent stormwater from the working face from entering the empty portion of Cell 19.
- C. The Respondent failed to maintain daily cover in a condition that meets the purpose of LAC 33:VII.711.B.2.a, as required in Part II, 521.E.4.a of the Solid Waste Permit Application, in violation of Condition 8 of Standard Permit P-0297R1 and LAC 33:VII.711.B.2.f. Specifically, an area in the working face approximately twenty (20) feet wide and four hundred (400) feet long known as the "push lane" was not covered. This violation had been addressed during an August 22, 2012, inspection by the Department.
- D. The Respondent failed to ensure that no solid waste shall be deposited in standing water, in violation of LAC 33:VII.711.D.1.i. Specifically, stormwater from a heavy rain event in mid-July 2012 pushed solid waste from the working face into the empty part of Cell 19 to the west of the working face. This area contained accumulated solid waste in stormwater. According to the Respondent April 5, 2013, response to warning letter, this area of Cell 19 has been filled.

- E. The Respondent failed to deposit waste in the smallest practical area as required in Part II 521.E.4.a of the Solid Waste Permit Application, in violation of Condition 8 of Standard Permit P-0297R1, and LAC 33:VII.711.D.3.b. Specifically, the facility's working face was larger than the required 100 feet wide X 150 feet long. The push lane between the tipping pad and the edge of the working face measured approximately 20 feet wide X 400 feet long as noted during the August 2, 2012, inspection."

### 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 FIVE THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$5,700.00), of which One Thousand Five Hundred Twenty-Five and 44/100 Dollars (\$1,525.44) 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 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

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.

## X

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

#### XI

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).

#### XII

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

#### XIII

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 PARISH GOVERNMENT**

BY: Michael J. Power  
(Signature)

MICHAEL J. POWER  
(Printed)

TITLE: JEFFERSON PARISH ATTORNEY

THUS DONE AND SIGNED in duplicate original before me this 19<sup>th</sup> day of December, 20 16, at Jefferson Parish.

Toni G. Hurley  
NOTARY PUBLIC (ID # 21419)

Toni G. Hurley  
Notary Public  
LA Bar No. 21419  
Parish of Jefferson, State of LA  
My Commission is issued for Life

(stamped or printed)

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

BY: [Signature]  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 5<sup>th</sup> day of April, 20 17, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary