

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

IBERIA PARISH COUNCIL

AI # 113894, 41869

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

\* Settlement Tracking No.  
\* SA-SE-20-0106  
\*  
\* Enforcement Tracking Nos.  
\* SE-CN-11-00501  
\* SE-CN-13-00784  
\* SE-CN-16-00501  
\* SE-CN-19-00374  
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SETTLEMENT

The following Settlement is hereby agreed to between Iberia Parish Government, also known as, Iberia Parish Council (“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 facilities located in New Iberia, Iberia Parish, Louisiana (“the Facilities”).

II

On October 3, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-11-00501 (Exhibit 1).

On January 27, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-13-00784 (Exhibit 2).

On November 29, 2016, the Department issued to Respondent a Consolidated Compliance

Order & Notice of Potential Penalty, Enforcement No. SE-CN-16-00501 (Exhibit 3).

On September 10, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-19-00374 (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 TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00), of which Two Thousand One Hundred Fifty-Five and 69/100 Dollars (\$2,155.69) 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 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 Iberia 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.

IBERIA PARISH GOVERNMENT

BY:

M. Larry Richard  
(Signature)

M. Larry Richard  
(Printed)

TITLE: Parish President

THUS DONE AND SIGNED in duplicate original before me this 21<sup>st</sup> day of May, 2021, at New Orleans, Louisiana.

S. Andrew Shealy

NOTARY PUBLIC (ID # 117993)  
Bar Roll No.

S. Andrew Shealy  
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chuck Carr Brown, Ph.D., Secretary

BY:

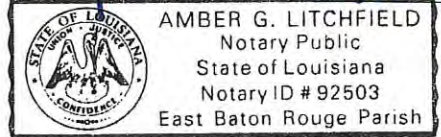
[Signature]

Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19<sup>th</sup> day of August, 2021, at Baton Rouge, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved:

[Signature]

Lourdes Iturralde, Assistant Secretary



**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**OFFICE OF ENVIRONMENTAL COMPLIANCE**  
October 3, 2011

CERTIFIED MAIL (7006 0810 0003 0347 9406)  
RETURN RECEIPT REQUESTED

**IBERIA PARISH COUNCIL**

c/o Ernest Freyou  
Parish President  
300 Iberia Street Ste. 410  
New Iberia, LA 70560

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-11-00501  
AGENCY INTEREST NO. 113894**

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 **IBERIA PARISH COUNCIL (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 Justin Kennedy at (225) 219-3805.

Sincerely,

A handwritten signature in black ink that reads "Celena J. Cage".

Celena J. Cage  
Administrator  
Enforcement Division

CJC/GBK/jbk  
Alt ID No. P-0370; D-045-12027  
Attachment



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

**IN THE MATTER OF**

**IBERIA PARISH COUNCIL  
IBERIA PARISH  
ALT ID NO. P-0370; D-045-12027**

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

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**ENFORCEMENT TRACKING NO.**

**SE-CN-11-00501**

**AGENCY INTEREST NO.**

**113894**

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **IBERIA PARISH COUNCIL (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 Iberia Parish Government - Type III Landfill #2 located at 5905 Freetown Road in New Iberia, Iberia Parish, Louisiana (the Site). This construction/demolition debris landfill was issued solid waste Standard Permit P-0370 and has an alternate identification number of D-045-12027. The facility was issued a Consolidated Compliance Order & Notice of Potential Penalty, SE-CN-10-00483 on June 15, 2010, based on a February 10, 2010, inspection. SE-CN-10-00483 was not appealed and is considered a final action by the Department. Correspondence received on July 25, 2010, from the Respondent showed that the violations noted in SE-CN-10-00483 have been corrected.

II.

On or about September 27, 2010, the Department conducted an inspection of the facility to determine compliance with the Department's solid waste regulations that revealed the following violations:

- A. The Respondent failed to keep on site records of the facility's permit modifications in violation of LAC 33:VII.721.B.2.c, section 521.G.1.a of the Standard Permit P-0370, LAC 33:VII.901.A, and La. R.S.30:2155.
- B. The Respondent failed to ensure that waste was deposited in the smallest practical area each day and compacted and covered with silty clays applied a minimum of twelve (12) inches thick, at least every thirty (30) days and documented in the facility's records, in violation of LAC 33:VII.721.A.2.b, section 721.A.2.b of Standard Permit P-0370, LAC 33:VII.901.A, and La. R.S. 30:2155. Specifically, the Respondent failed to apply interim cover within thirty (30) days of August 25, 2010.
- C. The Respondent failed to maintain records at the facility as specified on the application and as necessary for the effective management of the facility, in violation of section 521.G.1.a of Standard Permit P-0370, LAC 33:VII.721.B.2.a and C.4, LAC 33:VII.901, Compliance Order and Notice of Potential Penalty SE-CN-10-00483, and La. R.S. 30:2155.

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that the records specified in the application, necessary for effective management of the facility, or necessary to demonstrate compliance with the facility's permit and the regulations are maintained on site and available for inspection upon request.

II.

To institute, immediately upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that all waste is compacted daily and that interim cover is applied at least every thirty (30) days.

III.

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



IV.

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: Justin Kennedy**  
**Re: Enforcement Tracking No. SE-CN-11-00501**  
**Agency Interest No. 113894**

**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-11-00501**  
**Agency Interest No. 113894**

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 Justin Kennedy at (225) 219-3805 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 03 day of October, 2011.



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: Justin Kennedy

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 27, 2014

CERTIFIED MAIL (7004 1160 0000 3803 3837)  
RETURN RECEIPT REQUESTED

**IBERIA PARISH COUNCIL**  
c/o Errol "Romo" Romero  
Parish President  
300 Iberia Street, Suite 400  
New Iberia, Louisiana 70560-4543

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-13-00784  
AGENCY INTEREST NO. 113894**

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 **IBERIA PARISH COUNCIL (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation 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-0370  
Attachment



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

**IN THE MATTER OF**

**IBERIA PARISH COUNCIL  
IBERIA PARISH  
ALT ID NO. P-0370**

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

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\* **ENFORCEMENT TRACKING NO.**  
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\* **SE-CN-13-00784**  
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\* **AGENCY INTEREST NO.**  
\* **113894**  
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**CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **IBERIA PARISH COUNCIL (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 the Iberia Parish Landfill #2 (the Site) located at 5905 Freetown Road, New Iberia, Iberia Parish, Louisiana. The facility is a permitted Type III construction and demolition debris landfill which operates under Solid Waste Permit P-0370.

**II.**

On or about May 14, 2013, an inspection was conducted by a representative of the Department which revealed the following violation:

The Respondent failed to establish and maintain financial assurance for closure and post closure care, in violation of LAC 33:VII.1301.A.1, LAC 33:VII.901.A, and condition no. 7 of Solid Waste Permit P-0370 as specified in Section 521, Part II, Subpart L of the permit application.

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To establish and maintain, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, financial assurance for closure and post closure care as required by LAC 33:VII.Chapter 13 and Solid Waste Permit P-0370.

II.

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

III.

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 violation 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-13-00784**  
**Agency Interest No. 113894**

### 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-13-00784  
Agency Interest No. 113894

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 27 day of January, 2014.

  
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

November 29, 2016

CERTIFIED MAIL (7014 1200 0000 7863 9956)  
RETURN RECEIPT REQUESTED

**IBERIA PARISH COUNCIL**  
c/o Larry Richard  
Parish President  
300 Iberia Street, Suite 400  
New Iberia, LA 70560

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-16-00501  
AGENCY INTEREST NO. 113894 & 41869**

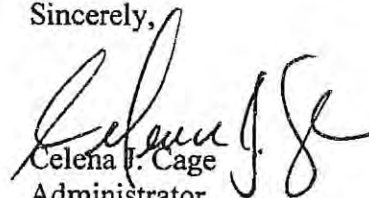
Dear Sir:

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 **IBERIA PARISH COUNCIL (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 Cynthia Arrison at (225) 219-3796.

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/CLA/cl  
Alt ID No. D-045-12027 & D-045-7151  
Attachment

c: India Ambeau, Waste Permits Division



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

**IN THE MATTER OF**

**IBERIA PARISH COUNCIL  
IBERIA PARISH  
ALT ID NO. D-045-12027 & D-045-7151**

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

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\*  
\* **ENFORCEMENT TRACKING NO.**  
\*  
\* **SE-CN-16-00501**  
\*  
\* **AGENCY INTEREST NO.**  
\* **113894 & 41869**  
\*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **IBERIA PARISH COUNCIL (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 a Type III Construction and Demolition Debris landfill known to the Department as Landfill 2 (AI No. 113894) located at 5905 Freetown Road in New Iberia, Iberia Parish, Louisiana. The landfill operates under registration number D-045-12027.

II.

On or about June 5, 2014; September 15, 2014; and December 15, 2015, inspections of the landfill (AI No. 113894) were conducted the Department, which revealed the following violations:

- A. During the June 5, 2014, and September 15, 2014 inspections, the Department noted that the Respondent failed to establish and maintain financial assurance for closure and post-closure care for processing or disposal facilities, in violation of LAC 33:VII.1303.A.1. Specifically, the Respondent failed to submit proof of financial assurance. The financial assurance plan

was submitted to the Department on December 8, 2015, and has been approved. This violation has been addressed.

- B. During the June 5, 2014, and September 15, 2014 inspections, the Department noted that the Respondent failed to submit an annual certification of compliance in accordance with LAC 33:VII.525, in violation of LAC 33:VII.721.B.1. Specifically, the Respondent failed to submit the Annual Certification of Compliance for the following reporting years: 2012-2013; 2013-2014; and 2014-2015. The Respondent submitted the required Certifications of Compliance on December 8, 2015. A technical review was conducted by the Waste Permit Division of the Department, and the documents were approved on or about July 22, 2016. This violation has been addressed.
- C. During the December 15, 2015 inspection, the Department noted that the Respondent deposited solid waste in standing water and failed to remove standing water in contact with waste immediately, in violation of LAC 33:VII.721.C.1.g. Specifically, standing water was observed in the active cell of the landfill. In a response sent to the Department on June 21, 2016, the Respondent stated that the landfill operator was still in the process of removing water from the active cell following a heavy rain event. The Respondent stated that no solid waste was deposited in the area until the water was removed and photos were submitted verifying that standing water no longer remained in the active cell. This violation has been addressed.

### III.

The Respondent also owns a second Type III Construction and Demolition Debris landfill known to the Department as Landfill 1 (AI No. 41869) located at 5905 Freetown Road in New Iberia, Iberia Parish, Louisiana. The landfill operates under registration number D-045-7151.

### IV.

The Waste Permits Division of the Department has completed a review of the status of facilities in post-closure. The landfill mentioned in Findings of Fact paragraph III began its post-closure period March 4, 2009. The required post closure care period ended March 4, 2012, three (3) years from the date the closure was approved. The file review conducted by the Department noted that the Respondent failed to submit annual reports concerning the integrity of the cap to the Department for a period of three (3) years, in violation of LAC 33:VII.721.E.3. Specifically, the Respondent failed to submit a landfill cap integrity report for the following years: 2010, 2011, and 2012. Correspondence was sent July 30,

2013, requesting a letter to be released from post-closure responsibilities. Follow up emails were sent October 21, 2014, and as recent as May 20, 2016. To date, there is no record of this letter ever being received by the Department.

**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.

**II.**

To submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a letter for the landfill described in Findings of Fact paragraph III (Landfill 1; AI No. 41869) to be released from post-closure responsibilities. The Respondent shall include an explanation that the portion of Landfill 1 that encompasses the oxidation pond remains in operation because the oxidation pond now services Landfill 2 (AI No. 113894). The Respondent shall also submit a landfill cap integrity report for Landfill 2, in accordance with LAC 33.VII.721.E.3.

**III.**

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: Cynthia Arrison**  
**Re: Enforcement Tracking No. SE-CN-16-00501**  
**Agency Interest No. 113894 & 41869**

**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-16-00501**  
**Agency Interest No. 113894 & 41869**

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 Cynthia Arrison at (225) 219-3796 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 27<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
Lourdes Furralde  
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: Cynthia Arrison



JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 10, 2019

CERTIFIED MAIL (7018 0360 0001 5039 1062)  
RETURN RECEIPT REQUESTED

**IBERIA PARISH COUNCIL**

c/o M. Larry Richard  
Parish President  
300 Iberia Street, Suite 400  
New Iberia, LA 70560

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-19-00374  
AGENCY INTEREST NO. 113894**

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 **IBERIA PARISH COUNCIL (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 Jennifer Boudreaux at (225) 219-3636 or [Jennifer.Boudreaux@la.gov](mailto:Jennifer.Boudreaux@la.gov).

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/JMB  
Alt ID Nos. D-045-12027; P-0370-R1  
Attachment



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

<b>IN THE MATTER OF</b>	*	
	*	
<b>IBERIA PARISH COUNCIL</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>IBERIA PARISH</b>	*	
<b>ALT ID NOS. D-045-12027; P-0370-R1</b>	*	<b>SE-CN-19-00374</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>113894</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **IBERIA PARISH COUNCIL (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 a Type III Construction and Demolition Debris landfill, known to the Department as Landfill #2, located at 5905 Freetown Road in New Iberia, Iberia Parish, Louisiana. The landfill operates under registration number D-045-12027. The Respondent operates the facility under Solid Waste Standard Permit P-0370-R1, which became effective on June 10, 2016, and remains in effect until June 10, 2026.

**II.**

The Department issued **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-16-00501** to the Respondent on or about November 29, 2016. The green card for **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-16-00501** was signed on or about December 20, 2016. **CONSOLIDATED**

**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-16-00501** cited the Respondent for several violations, including failing to submit an annual certification of compliance for the following reporting years: 2012-2013; 2013-2014; and 2014-2015. The Respondent did not appeal **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-16-00501**, and therefore it is a final action.

III.

On or about December 6, 2018; April 2, 2019; and September 3, 2019, the Department performed an inspection and file review of 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 and file review:

- A. The Respondent failed to submit an annual certification of compliance in accordance with LAC 33:VII.525, in violation of LAC 33:VII.721.B.1, LAC 33:VII.901.A, and Permit P-0370-R1, Section 15.A. Specifically, the file review and inspection revealed that the Respondent failed to submit the annual certification of compliance by October 1 of the following reporting years: 2016-2017 and 2017-2018. On or about January 16, 2018, the Department sent a letter to the Respondent requesting the submission of the annual certification of compliance for 2016-2017. The Respondent submitted the certification of compliance for the year 2016-2017 on March 20, 2018. On or about November 29, 2018, the Department sent a letter to the Respondent requesting the submission of the annual certification of compliance for 2017-2018. As of August 19, 2019, the Respondent has not submitted the annual certification of compliance for the year 2017-2018.
- B. The Respondent caused and/or allowed the unauthorized disposal and processing of solid waste, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, the December 6, 2018 inspection revealed that the Respondent allows tree waste to be stock piled onsite behind the office building of the facility. Some of the tree waste is mulched periodically, but a large pile of tree waste remains onsite. A representative of the Respondent stated that the woodwaste that was onsite during the inspection was generated through Parish Government projects. The representative also stated that the oldest woodwaste stored at the facility had been onsite for approximately two (2) years. Woodwaste had been chipped at the time of generation, but chipping had stopped approximately two (2) years ago. The Respondent does not have an

approved BMP Plan from the Department of Agriculture and Forestry for the storage of woodwaste.

IV.

On or about July 23, 2019, the Respondent submitted a request to burn vegetative debris generated as a result of Hurricane Barry. The Department issued a variance to the Respondent on or about July 24, 2019, allowing the Respondent to burn the vegetative debris generated because of Hurricane Barry, subject to limitations set forth in LAC 33:III.1109.D.6.

V.

On or about September 3, 2019, the Department conducted a telephone conference with representatives of the Respondent and performed a subsequent file review. While the investigation by the Department is not yet complete, the following violation was noted during the course of the file review:

- A. The Respondent caused and/or allowed open burning of regulated solid waste, in violation of LAC 33:VII.315.M. Specifically, the Respondent burned the regulated solid waste identified in Findings of Fact Paragraph III.B without authorization from the Department. The temporary variance issued by the Department on or about July 24, 2019, applied only to the burning of vegetative debris generated as a result of Hurricane Barry. During the September 3, 2019 telephone conference, a representative of the Respondent stated that Hurricane Barry vegetative debris was commingled with the existing vegetative debris at the landfill prior to the issuance of the July 24, 2019 variance. The Respondent stated that they conducted open burning of the commingled vegetative debris, as it was impractical to segregate the Hurricane Barry vegetative debris from the existing vegetative debris.

VI.

On or about September 3, 2019, the Respondent submitted an amended request to burn all of the commingled vegetative debris located at the facility. The Department issued a variance on or about September 3, 2019, allowing the respondent to burn the entirety of the vegetative debris pile located at the facility, subject to limitations set forth in LAC 33:III.1109.D.6. The temporary variance allowing open burning of vegetative debris is effective through October 31, 2019, and applies only to burning conducted at the referenced facility.

**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 Permit P-0370-R1.

II.

To submit to the Office of Environmental Services, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, the annual certification of compliance for the year 2017-2018. A copy of the certification of compliance shall also be submitted to the Enforcement Division.

III.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit of regulated solid waste of any kind at the facility or any other site that is not permitted to receive such waste.

IV.

To burn, in accordance with the temporary variance issued by the Department on or about September 3, 2019, the entirety of the vegetative debris pile at the facility.

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: Jennifer Boudreaux**  
**Re: Enforcement Tracking No. SE-CN-19-00374**  
**Agency Interest No. 113894**

**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-19-00374**  
**Agency Interest No. 113894**

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 Jennifer Boudreaux at (225) 219-3636 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.



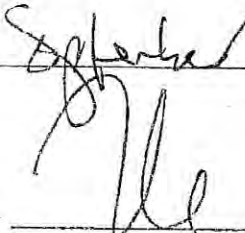
IV.

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 10<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
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: Jennifer Boudreaux

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-19-00374	Contact Name	Jennifer Boudreaux
Agency Interest (AI) No.	113894	Contact Phone No.	(225) 219-3636
Alternate ID Nos.	D-045-12027; P-0370-R1		
Respondent:	IBERIA PARISH COUNCIL	Facility Name:	Iberia Parish Government – Type III Landfill #2
	c/o M. Larry Richard	Physical Location:	5905 Freetown Road
	Parish President		
	300 Iberia Street, Suite 400	City, State, Zip:	New Iberia, LA 70560
	New Iberia, LA 70560	Parish:	Iberia Parish

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department in accordance with Paragraph II 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-19-00374), 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-19-00374), 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"> <li>• Monetary component = \$_____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$_____</li> <li>• 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.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-CN-19-00374) 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: Jennifer Boudreaux

# 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.

	NATURE AND GRAVITY OF THE VIOLATION		
	MAJOR	MODERATE	MINOR
MAJOR	\$32,500	\$20,000	\$15,000
	to \$20,000	to \$15,000	to \$11,000
MODERATE	\$11,000	\$8,000	\$5,000
	to \$8,000	to \$5,000	to \$3,000
MINOR	\$3,000	\$1,500	\$500
	to \$1,500	to \$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.

