

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ST. MARY PARISH GOVERNMENT

AI # 9340

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

* **Settlement Tracking No.**
* **SA-SE-22-0055**
*
* **Enforcement Tracking Nos.**
* **SE-CN-20-00053**
* **SE-PP-21-00689**
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*

SETTLEMENT

The following Settlement is hereby agreed to between St. Mary 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 owned and/or operated a solid waste landfill located in Berwick, St. Mary Parish, Louisiana (“the Facility”).

II

On May 14, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-20-00053 (Exhibit 1).

On February 22, 2022, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. SE-PP-21-00689 (Exhibit 2).

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 SIX THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$6,500.00), of which Two Thousand Seven Hundred Ninety-Eight and 15/100 Dollars (\$2,798.15) 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 Order & Notice of Potential Penalty, 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.

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 St. Mary 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.

ST. MARY PARISH GOVERNMENT

BY: David Hanagriff
(Signature)

David Hanagriff
(Printed)

TITLE: Parish President

THUS DONE AND SIGNED in duplicate original before me this 28th day of SEPTEMBER, 20 22, at FRANKLIN, LOUISIANA

Henry C. LaGrange
NOTARY PUBLIC (ID # 6919)

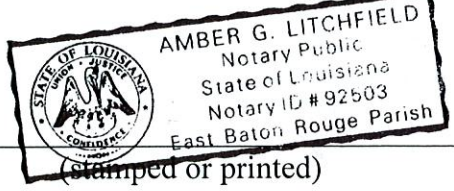
HENRY C. LAGRANGE
(stamped or printed)

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

BY: Celena J. Cage
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 21st day of November, 20 22, at Baton Rouge, Louisiana.

Amber G. Litchfield
NOTARY PUBLIC (ID # 70503)



Approved: Celena J. Cage
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

MAY 14 2020

CERTIFIED MAIL (7018 1830 0000 5721 5524)
RETURN RECEIPT REQUESTED

ST. MARY PARISH GOVERNMENT
c/o David Hanagriff, Parish President
500 Main Street
Franklin, LA 70538

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-20-00053
AGENCY INTEREST NO. 9340**

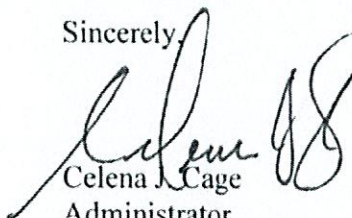
Dear Sir:

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 **ST. MARY PARISH GOVERNMENT (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 Dr. Jacqueline Prudente at (225) 219-3095 or jacqueline.prudente@la.gov.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/JAP/jap
Alt ID No. P-0193-R2
Attachment



c: St. Mary Parish Government
c/o Henry C. "Bo" LaGrange
P.O. Box 251
Berwick, LA 70342

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

IN THE MATTER OF	*	
	*	
ST. MARY PARISH GOVERNMENT	*	ENFORCEMENT TRACKING NO.
ST. MARY PARISH	*	
ALT ID NO. P-0193-R2	*	SE-CN-20-00053
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	9340
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **ST. MARY PARISH GOVERNMENT (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 Harold J. "Babe" Landry Landfill (facility), a permitted Type I, II, and III solid waste landfill, located at 752 Thorguson Drive in Berwick, St. Mary Parish, Louisiana. The facility is currently operating under Solid Waste Standard Permit P-0193R2.

II.

A Warning Letter (SE-L-20-00053) was issued on or about January 22, 2020 to the Respondent based on the September 19, 2019 inspection conducted by the Department. The Respondent submitted to the Department a response to SE-L-20-00053 dated February 21, 2020.

III.

On or about September 19, 2019, the Department conducted an inspection of the above-referenced facility and subsequent file reviews were conducted on February 6, 2020 and March 12, 2020 to determine the degree of compliance with the Act and the Louisiana Solid Waste Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and the subsequent file reviews:

- A. The Respondent failed to maintain a daily cover log indicating the date of cover material application, volume of cover applied, description of the specific location where the cover material was applied, source of the cover material, and depth of cover material applied, in accordance with Volume 2, Section 6.3.1 of the approved permit renewal application, in violation of Specific Requirements R-95 and R-22 of Standard Permit P-0193R2, LAC 33:VII.711.B.2.h.i-iii, LAC 33:VII.529.A.1, and LAC 33:VII.901.A. Specifically, daily cover logs have not been maintained for cell 4, which accepts Type I, II, and III waste for disposal. The active portion for this landfill requires daily cover. The cover log book had blank pages for the following dates: July 23-24, 2019; August 2-5, 2019; August 8-11, 2019; August 17-18, 2019; August 24-31, 2019; September 1-10, 2019; and September 13-18, 2019. The Respondent's response to SE-L-20-00053 included copies of the daily cover logs for the above-mentioned dates. However, the cover logs lack the required information.
- B. The Respondent caused and/or allowed the processing and/or disposal of regulated solid waste without a permit and/or other authority from the Department, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, during the inspection, a leachate breakout was observed on the northern slope of cells 1 and 2. The cells have final cover; however, an area of pooling leachate and moist soil measuring approximately 30 feet by 30 feet was observed. The leachate migrated through the final cover and was draining towards the overgrown power line right-of-way adjacent to the cells.
- C. The Respondent failed to prevent solid waste from being deposited in standing water, and to immediately remove standing water in contact with waste, in violation of Specific Requirements R-168 and R-22 of Standard Permit P-0193R2, LAC 33:VII.711.D.1.i, LAC 33:VII.529.A.1, and LAC 33:VII.901.A. Specifically,

during the inspection, a significant amount of waste was observed to be deposited in and on the edge of a 600 feet by 100 feet pond located by cell 4. The staining on the waste in and near the water indicated that the majority of the waste was not recently deposited in the water. The standing water remained in the pond throughout the entire inspection. A portable pump was observed to be in place to remove the water from the pond and pump it to the leachate oxidation pond; however, the pump was not running/pumping during the inspection. According to the Respondent's response to SE-L-20-00053, approximately half inch of rain was received on September 18 and September 19, 2019. The precipitation record is also available at http://www.lsu.edu/station_search/id=163313&year=2019. Although there was a rain event, the accumulation of standing water should have been prevented if the pump in place was running. As depicted in a Google Earth image dated March 20, 2019, litter/waste can be observed in the pond. The response to SE-L-20-00053 stated that to achieve uniform settlement, cell 4 is being filled in a mass-fill approach where the entire cell (approximately 61 acres) is covered by an approximately twenty (20) inch thick lift of waste prior to installing the next lift, and to allow time for the subgrade soils to consolidate and to increase in strength and slope stability. The response also stated that the filling of the cell progressed from the perimeter to the center, and from the north corner of the cell clockwise around the south, and then now back to the north. So the low point in the center of cell 4 will receive runoff from an increasing area of covered waste slopes. However, the Respondent did not provide evidence showing that standing water is no longer in contact with the waste.

- D. The Respondent failed to ensure that waste is deposited under facility supervision in the smallest practicable area and wastes are spread in layers and compacted to approximately two (2) feet thick or, if baled, stacked and daily cover applied, in accordance with Volume 2, Section 6.3.1 of the approved permit renewal application, in violation of Specific Requirements R-117 and R-22 of Standard Permit P-0193R2, LAC 33:VII.711.D.3.b, LAC 33:VII.529.A.1, and LAC 33:VII.901.A. Specifically, a large quantity (8 feet tall by 60 feet wide by 150 feet long) of waste, consisting of full super sacks, pallets, shrink-wrapped bundles of sacks, and empty plastic totes, was observed along the northern edge of the pond. The waste pile, which was received by

the Respondent from previous unknown dates, was not compacted. The Respondent's response to SE-L-20-00053 stated that the large bulky, non-putrescible items were temporarily stored adjacent to the working face and when the items were moved to the working face, they were compacted and covered. A photo submitted by the Respondent shows that the wastes have been removed and disposed at the working face. The Respondent also stated that if the Parish intends to utilize a separate disposal area in the future, the plans and details will be submitted to the Department for review prior to implementation.

- E. The Respondent failed to cover the waste pile with a minimum of six (6) inches thick of silty or sandy clays at the end of each operating day, or alternatively, with waterproof tarps, in accordance with Volume 2, Section 6.3 of the approved permit renewal application, in violation of Specific Requirements R-154 and R-22 of Standard Permit P-0193R2, LAC 33:VII.711.B.2.b, LAC 33:VII.529.A.1, and LAC 33:VII.901.A. Specifically, it was noted during the inspection that the waste pile, which was received by the Respondent from previous unknown dates, was not covered. The Respondent's response to SE-L-20-00053 stated that the large bulky, non-putrescible items were temporarily stored adjacent to the working face and when the items were moved to the working face, they were compacted and covered. A photo submitted by the Respondent shows that the wastes had been removed and disposed at the working face and had been covered. The Respondent also stated that if the Parish intends to utilize a separate disposal area in the future, the plans and details will be submitted to the Department for review prior to implementation.
- F. The Respondent failed to minimize blowing paper and litter in the Type II areas of the landfill, in accordance with Volume 2, Section 8.3 of the approved permit renewal application, in violation of Specific Requirements R-153 and R-22 of Standard Permit P-0193R2, LAC 33:VII.711.B.2.a.iv, LAC 33:VII.529.A.1, and LAC 33:VII.901.A. Specifically, litter was observed east of the active face in cell 4 and in the pond. According to the Respondent's response to SE-L-20-00053, the landfill was being operated in accordance with Section 8.3 of the Facility Operations Plan, which states "litter fences are typically maintained near the Type I/II working face in cell 4 to contain litter". However, litter fences were not in place and there was

no litter patrol during the inspection. The response also stated that the Parish is committed to improving the effectiveness with which litter is minimized and the timeliness with which it is picked up. As shown in the photo submitted by the Respondent in response to the warning letter, litter fences have been installed adjacent to the working face of cell 4 and the areas where litter was noted during the inspection have been cleaned up. Additionally, the landfill Supervisor has increased oversight of the litter abatement personnel to ensure litter is collected on a daily basis.

- G. The Respondent failed to inspect the leachate collection system daily, in accordance with Volume 2, Section 8.7 of the approved permit renewal application, in violation of LAC 33:VII.901.A. Specifically, according to a representative of the Respondent, the leachate riser and control box located at the center of cell 4 (in the pond) is inspected once per week with a marsh buggy. Section 8.7 of the Facility Operations Plan requires daily inspection of the components of the leachate collection system. The Respondent's response to SE-L-20-00053 stated that the leachate collection pump is located at the bottom of the fiberglass standpipe (leachate riser) and so the pump cannot be viewed by routine inspection unless the sealed cover is removed, the discharge lines are disconnected, and the electrical lines are disconnected. The response also stated that daily visual inspection of a leachate sump pump is not required to maintain compliance with the permit or the regulations, and the leachate extraction pump's control panel located on the southern perimeter of cell 4 is observed on a daily basis in accordance with section 8.7 of the Facility Operations Plan. However, the approved permit renewal application requires daily inspection of the leachate collection system, which includes all the components of the system. As described in section 14.F of the approved permit application, the facility's leachate collection system for cell 4 is designed with leachate collection sump in and near the middle of the cell. The collection sump system consists of one (1) main sump in the middle of the cell, which is the terminus of all collection pipes, and four (4) secondary sumps, one (1) on each of the four (4) main leachate collection lines.
- H. The Respondent failed to maintain cover, in accordance with Volume 2, Sections 6.1 and 6.2 of the approved permit renewal application, in violation of Specific Requirements R-101 and R-22 of Standard Permit P-0193R2. LAC 33:VII.711.B.2.a,

LAC 33:VII.711.B.2.e, LAC 33:VII.711.B.2.f, LAC 33:VII.529.A.1, and LAC 33:VII.901.A. Specifically, exposed waste was observed on the south of the pond in cell 4. The exposed waste, which was a portion of the area sloping toward the pond in cell 4, was approximately 250 feet by 100 feet. Erosion channels were observed during the inspection. The Respondent's response to SE-L-20-00053 reiterated that the regulation requires that cover soil erosion be minimized and therefore the presence of erosion was not necessarily a violation. However, a large area of exposed waste was observed during the inspection.

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 Standard Permit P-0193R2.

II.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, maintaining cover log, which indicates the required information listed in Findings of Fact Paragraph III.A, in accordance with Volume 2, Section 6.3.1 of the approved permit renewal application.

III.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, applying cover material sufficient to control leachate generation, minimize erosion, and minimize the blowing of paper and litter, in accordance with LAC 33:VII.711.B.2, LAC 33:VII.721.A.2, and Standard Permit P-0193R2.

IV.

To immediately institute procedures, upon receipt of this **COMPLIANCE ORDER**, to ensure that no solid waste is deposited in standing water, and standing water in contact with waste shall be removed immediately.

V.

To institute procedures, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, to ensure leachate is prevented from leaking from the landfill.

VI.

To immediately institute procedures, upon receipt of this **COMPLIANCE ORDER**, to ensure daily inspections of the leachate collection system, which includes but is not limited to all the components described in Findings of Fact Paragraph III.G, in accordance with Volume 2, Section 8.7 of the approved permit renewal application.

VII.

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: Dr. Jacqueline Prudente
Re: Enforcement Tracking No. SE-CN-20-00053
Agency Interest No. 9340

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-20-00053
Agency Interest No. 9340

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 Dr. Jacqueline Prudente at (22) 219-3095 or jacqueline.prudente@la.gov 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.

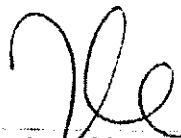
The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement 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 14th day of May, 2020.



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: Dr. Jacqueline Prudente



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-20-00053	Contact Name	Dr. Jacqueline Prudente
Agency Interest (AI) No.	9340	Contact Phone No.	(225) 219-3095
Alternate ID No.	P-0193-R2		
Respondent:	St. Mary Parish Government	Facility Name:	Harold J. "Babe" Landry Landfill
	c/o David Hanagriff	Physical Location:	752 Thorguson Drive
	500 Main Street		
	Franklin, LA 70538	City, State, Zip:	Berwick, LA 70342
		Parish:	St. Mary

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VII 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)

_____	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.
_____	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-20-00053), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
_____	<p>In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-20-00053), 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.</p> <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional) = \$ _____ <p>• 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.</p>
	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-CN-20-00053) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT			
<p><i>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.</i></p>			
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: Dr. Jacqueline Prudente			

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

FEB 22 2022

CERTIFIED MAIL (7020 1810 0000 5261 0782)
RETURN RECEIPT REQUESTED



ST. MARY PARISH GOVERNMENT
c/o David Hanagriff, Parish President
500 Main Street
Franklin, LA 70538

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-21-00689
AGENCY INTEREST NO. 9340**

Dear Sir:

On or about June 24, 2021, an inspection of **HAROLD J. "BABE" LANDRY LANDFILL**, a permitted Type I, II, and III solid waste landfill, owned and/or operated by **ST. MARY PARISH GOVERNMENT (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The facility is located at 752 Thorguson Drive in Berwick, St. Mary Parish, Louisiana and is currently operating under Solid Waste Standard Permit P-0193-R2.

A Warning Letter (SE-L-21-00689) was issued on or about September 20, 2021 to the Respondent as a result of the June 24, 2021 inspection conducted by the Department. The Respondent submitted responses to the Warning Letter dated October 22, 2021 and January 7, 2022.

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

The Respondent failed to apply and maintain cover in accordance with LAC 33:VII.711.B.2.a, in violation of Specific Requirement R-101 of Standard Permit P-0193-R2, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, during the inspection, exposed waste was observed in various locations in cell 4 including but not limited to the following: 1) an area of exposed waste measuring approximately 120 yards, located at the northwest corner of cell 4; 2) an area of exposed waste measuring approximately 10 yards by 40 yards located approximately 60 yards west of the active working face; and 3) multiple locations of exposed waste near the center of cell 4, as well as exposed waste located within the center of cell 4. Responses to the Warning Letter (SE-

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L-21-00689) dated October 22, 2021 and January 7, 2022, which included photographs, revealed that all areas where exposed waste were observed have been adequately covered.

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.

Prior to the issuance of any additional appropriate enforcement action, 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 Dr. Jacqueline Prudente at (225) 219-3095 or jacqueline.prudente@la.gov. Address within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order 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 violations 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 this 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.

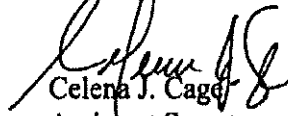
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, 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 "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. 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.

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To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Celena J. Cagle
Assistant Secretary
Office of Environmental Compliance

CJC/JAP
Alt ID No. P-0193-R2

c: St. Mary Parish Government
c/o Henry C. "Bo" LaGrange
P.O. Box 251
Berwick, LA 70342

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	SE-PP-21-00689	Contact Name	Dr. Jacqueline Prudente
Agency Interest (AI) No.	9340	Contact Phone No.	(225) 219-3095
Alternate ID No.	P-0193-R2		
Respondent:	St. Mary Parish Government	Facility Name:	Harold J. "Babe" Landry Landfill
	c/o David Hanagriff, Parish President	Physical Location:	752 Thorguson Drive
	500 Main Street		
	Franklin, LA 70538	City, State, Zip:	Berwick, LA 70374
		Parish:	St. Mary

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-PP-21-00689), 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"/>	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY (SE-PP-21-00689).
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-PP-21-00689), 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"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-PP-21-00689) 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: Dr. Jacqueline Prudente