

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

WEBSTER PARISH POLICE JURY

AI # 85534

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

* **Settlement Tracking No.**
* **SA-MM-23-0068**
*
* **Enforcement Tracking No.**
* **MM-CN-19-01163**
*
* **Docket No. 2021-8473-DEQ**
*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Webster Parish Police Jury (“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 landfill located in Minden, Webster Parish, Louisiana (“the Facility”).

II

On September 29, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-19-01163 (Exhibit 1).

The following violations, although not cited in the foregoing enforcement action, are included within the scope of this settlement:

A file review conducted on or about October 12, 2022, revealed the Respondent failed to comply with LPDES Permit LA0074276. Specifically, a review of Discharge Monitoring Reports (DMRs) revealed that the Respondent reported exceedances of permit effluent limitations for TOC,

ammonia nitrogen, TSS, and fecal coliform.

Date	Outfall	Parameter	Permit Limit	Sample Value
10/31/2019	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	66.6 mg/L
10/31/2019	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	9.9 mg/L
10/31/2019	001A	Solids, total suspended Daily Maximum	45 mg/L	50 mg/L
10/31/2019	001A	Solids, total suspended Monthly Average	27 mg/L	50 mg/L
11/30/2019	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	23.8 mg/L
11/30/2019	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	23.8 mg/L
11/30/2019	001A	Solids, total suspended Monthly Average	27 mg/L	33 mg/L
12/31/2019	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	37.1 mg/L
12/31/2019	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	37.1 mg/L
12/31/2019	001A	Solids, total suspended Monthly Average	27 mg/L	29 mg/L
01/31/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	58.2 mg/L
01/31/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	58.2 mg/L
02/29/2020	001A	Coliform, fecal general Daily Maximum	400 #/100mL	>=1000 #/100mL
02/29/2020	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	>=1000 #/100mL
02/29/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	68.9 mg/L
02/29/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	68.9 mg/L
03/31/2020	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	56.9 mg/L
03/31/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	70.6 mg/L
03/31/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	70.6 mg/L
04/30/2020	001A	Coliform, fecal general Daily Maximum	400 #/100mL	>=2000 #/100mL
04/30/2020	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	>=2000 #/100mL
04/30/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	67.4 mg/L
04/30/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	67.4 mg/L
05/31/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	63.1 mg/L
05/31/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	63.1 mg/L
06/30/2020	001A	Coliform, fecal general Daily Maximum	400 #/100mL	>=4000 #/100mL
06/30/2020	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	>=4000 #/100mL

Date	Outfall	Parameter	Permit Limit	Sample Value
06/30/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	43.3 mg/L
06/30/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	43.3 mg/L
07/31/2020	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	52 mg/L
07/31/2020	001A	Coliform, fecal general Daily Maximum	400 #/100mL	>=2000 #/100mL
07/31/2020	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	>=2000 #/100mL
07/31/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	63.5 mg/L
07/31/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	63.5 mg/L
08/31/2020	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	65.6 mg/L
08/31/2020	001A	Coliform, fecal general Daily Maximum	400 #/100mL	>=10000 #/100mL
08/31/2020	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	>=10000 #/100mL
08/31/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	80.7 mg/L
08/31/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	80.7 mg/L
09/30/2020	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	82.6 mg/L
09/30/2020	001A	Coliform, fecal general Daily Maximum	400 #/100mL	>=4000 #/100mL
09/30/2020	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	>=4000 #/100mL
09/30/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	73.6 mg/L
09/30/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	73.6 mg/L
10/31/2020	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	83.6 mg/L
10/31/2020	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	350 #/100mL
10/31/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	72.3 mg/L
10/31/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	72.3 mg/L
11/30/2020	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	79.5 mg/L
11/30/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	82 mg/L
11/30/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	82 mg/L
12/31/2020	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	72.3 mg/L
12/31/2020	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	71.3 mg/L
12/31/2020	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	71.3 mg/L
01/31/2021	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	51.1 mg/L
01/31/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	70.1 mg/L

Date	Outfall	Parameter	Permit Limit	Sample Value
01/31/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	70.1 mg/L
02/28/2021	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	56.8 mg/L
02/28/2021	001A	Coliform, fecal general Daily Maximum	400 #/100mL	1790 #/100mL
02/28/2021	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	1790 #/100mL
02/28/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	70.2 mg/L
02/28/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	70.2 mg/L
03/31/2021	001A	Carbon, tot organic [TOC] Daily Maximum	50 mg/L	70 mg/L
03/31/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	99.5 mg/L
03/31/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	99.5 mg/L
04/30/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	93 mg/L
04/30/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	93 mg/L
05/31/2021	001A	Coliform, fecal general Daily Maximum	400 #/100mL	>=2000 #/100mL
05/31/2021	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	>=2000 #/100mL
05/31/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	44.5 mg/L
05/31/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	44.5 mg/L
06/30/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	43.8 mg/L
06/30/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	43.8 mg/L
07/31/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	58.3 mg/L
07/31/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	58.3 mg/L
07/31/2021	001A	Solids, total suspended Monthly Average	27 mg/L	28 mg/L
09/30/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	14.2 mg/L
09/30/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	14.2 mg/L
10/31/2021	001A	Coliform, fecal general Daily Maximum	400 #/100mL	>=2000 #/100mL
10/31/2021	001A	Coliform, fecal general Monthly Average Geometric	200 #/100mL	>=2000 #/100mL
10/31/2021	001A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	17.4 mg/L
10/31/2021	001A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	17.4 mg/L

Each effluent exceedance is a violation of LPDES Permit LA0074276 (Permit Requirements, Effluent Limitations and Monitoring Requirements, pages 1 & 2 of 8 and Standard Conditions for

LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FORTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$47,000.00), of which Two Thousand One Hundred Fifty-Four and 85/100 Dollars (\$2,154.85) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement Agreement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VIII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Webster Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement 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 attached hereto.

XII

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

XIII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

WEBSTER PARISH POLICE JURY

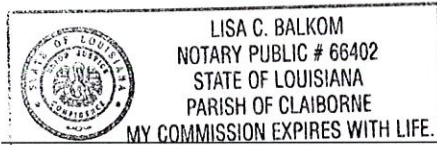
BY: Jim Bousall
(Signature)

Jim Bousall
(Printed)

TITLE: Parish President

THUS DONE AND SIGNED in duplicate original before me this 18th day of March, 20 24, at Webster.

Lisa C. Balkom
NOTARY PUBLIC (ID # 66402)



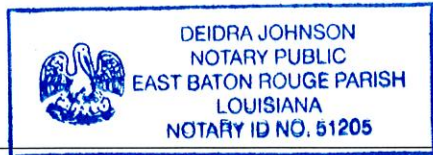
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: Jerric "Jerry" Tang, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 30th day of May, 20 24, at Baton Rouge, Louisiana.

Deidra Johnson
NOTARY PUBLIC (ID # 51205)



(stamped or printed)

Approved: Aurelia S. Giacometto Lifetime Commission
Aurelia S. Giacometto, Secretary

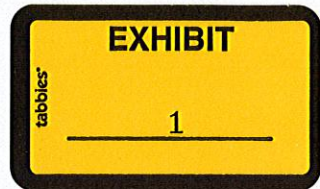


JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

SEP 29 2020



CERTIFIED MAIL (7019 1640 0001 2617 1642)
RETURN RECEIPT REQUESTED

WEBSTER PARISH POLICE JURY
c/o Jim Bonsall, President
P.O. Box 389
Minden, LA 71058

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-19-01163
AGENCY INTEREST NO. 85534**

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 the **WEBSTER PARISH POLICE JURY (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 Kelly O'Neal at 225-219-3932.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/mes
Alt ID Nos. LA0074276; P-0165R2
Attachment: Table 1

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

IN THE MATTER OF

**WEBSTER PARISH POLICE JURY
WEBSTER PARISH
ALT ID NOS. LA0074276; P-0165R2**

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

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	MM-CN-19-01163
*	
*	AGENCY INTEREST NO.
*	
*	85534
*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **WEBSTER PARISH POLICE JURY (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 a Type I & II landfill known as the Webster Parish Solid Waste Landfill (the facility) located at 493 Landfill Road in Minden, Webster Parish, Louisiana. The landfill is permitted to accept industrial waste, residential waste, commercial waste, construction/demolition (C&D) and exploration/production wastes, wood waste, and other non-hazardous solid waste for disposal, and is currently operating under Solid Waste Standard Permit P-0165R2 issued on May 18, 2011. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0074276 on October 18, 2016, with an effective date of December 1, 2016. LPDES Permit LA0074276 will expire on November 30, 2021. LPDES Permit LA0074276 was modified on September 1, 2017. Under the terms and conditions of LPDES Permit LA0074276, the Respondent is permitted to discharge treated leachate, equipment wash water, treated sanitary wastewater, and contact

and non-contact storm water from Outfall 001 and non-contact storm water from Outfall 002 into an unnamed tributary, thence into Sausman Creek, thence into Bayou Dorcheat, thence into Lake Bistineau, all waters of the state.

II.

On or about June 13, 2019, the Department performed an inspection to determine the degree of compliance with the Act and the Solid Waste and Water Quality Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and subsequent file review on July 6, 2020:

- A. The Respondent failed to apply interim cover to the inactive portions of the landfill and implement erosion control measures, in accordance with Part II, Section 521.E.4.b of the approved permit application, in violation of Conditions 7&8 of Standard Permit P-0165R2, LAC 33:VII.711.B.2.e. and LAC 33:VII.901.A. Specifically, areas of erosion were noted on the north-facing and westward facing slopes of Area 3. Areas of exposed waste were also visible. Following the inspection, a representative of the Respondent submitted photographs documenting repairs to the areas of erosion at the northwest corner of Area 3. A follow-up inspection conducted on or about June 26, 2019, verified the repair work was done, but noted additional erosion on the side slopes of Area 3.
- B. The Respondent failed to ensure interim cover was applied in accordance with Part II, Section 521.E.4.b of the Solid Waste Permit Application and LAC 33:VII.711.B.2.a, in violation of Conditions 7&8 of Standard Permit P-0165R2, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, interim cover was not applied and maintained in a condition that meets the requirements for minimizing external-moisture infiltration, erosion, and an aesthetic appearance to the landfill operation. Deep erosion channels and areas of sparse vegetation were visible in Area 3. Additionally, extreme erosion channels with evidence of leachate flowing along the side slope of Area 3 to the sedimentation ponds along the lower perimeter of the northwest corner of the area were observed.

Partial repair of the area was noted to be completed during the June 26, 2019 follow-up inspection.

- C. The Respondent failed to ensure facility operational plans addressed all phases of disposal operations and submit a permit modification request to the Office of Environmental Services for any changes in a facility deviation from a permit, in accordance with Part II, Section 521.E.3.f of the approved permit application, in violation of Conditions 7, 8 & 9 of Standard Permit P-0165R2, LAC 33:VII.517.A.1, and LAC 33:VII.711.D.2. Specifically, a temporary/movable leachate pond was located near cells 10 and 12; however, the pond is not addressed in the operational plan in the permit application. The Respondent has not submitted a permit modification request to the Department.
- D. The Respondent failed to ensure odors were controlled by the best means practicable, in violation of LAC 33:VII.711.D.3.a.vi. Specifically, many of the leachate sump riser caps from Cells 11-17 were broken, absent or not bolted tightly which allowed landfill gas to escape.
- E. The Respondent failed to ensure final cover consisted of a minimum of six (6) inches of topsoil placed on top of the soil cover to support vegetative growth and prevent erosion, in violation of LAC 33:VII.711.E.3.a.iv. Specifically, deep erosion channels were observed in the areas with final cover in Area 2. Some of the erosion channels contained rainwater and seepage from leachate.
- F. The Respondent failed to ensure the landfill was closed in manner that minimizes the need for further maintenance and minimizes the post-closure release of leachate to groundwaters or surface waters to the extent necessary to protect human health and the environment, in violation of LAC 33:VII.711.E.3.c. Specifically, deep erosion channels were observed in the closed portions (Area 2) of the landfill. Some of the erosion channels were holding rainwater and seepage from leachate.
- G. The Respondent failed to comply with LPDES permit LA0074276. Specifically, a review of Discharge Monitoring Reports (DMRs) between October 2014 through December 2019, revealed that the Respondent reported exceedances of permit effluent limitations for TSS, Fecal Coliform, Ammonia-

Nitrogen, pH, and TOC. (See Table I) (LA0074276 (Effluent Limitations and Monitoring Requirements and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A).

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 Water Quality and Solid Waste Regulations, Solid Waste Standard Permit P-0165R2, and LPDES Permit LA0074276.

II.

To cover, immediately upon receipt of this **COMPLIANCE ORDER**, all areas of exposed waste. The Respondent shall ensure interim cover is maintained to keep waste covered at all times, in accordance with LAC 33:VII.711.B.2.a and Standard Permit P-0165R2.

III.

To immediately, upon receipt of this **COMPLIANCE ORDER**, discontinue use of the temporary/movable leachate pond as described in Findings of Fact, Paragraph II.C. The Respondent shall follow the operational plan as described in the approved permit application.

IV.

To immediately, upon receipt of this **COMPLIANCE ORDER**, institute procedures to ensure odors from the leachate collection system are controlled by the best means practicable, including but not limited, to closing or repairing broken caps and ensuring bolts are tightened appropriately, in accordance with LAC 33:VII.711.D.3.a.vi.

V.

To cover, immediately upon receipt of this **COMPLIANCE ORDER**, all areas of exposed waste and ensure final cover consists of a minimum of six (6) inches of topsoil placed on top of the soil cover to support vegetative growth and prevent erosion in Area 2, in accordance with LAC 33:VII.711.E.3.a.iv, LAC 33:VII.711.E.3.c and Standard Permit P-0165R2. The Respondent shall ensure the landfill is closed in a manner that minimizes the need for further maintenance and minimizes the post-closure release of leachate to groundwaters or surface waters to the extent necessary to protect human health and the environment.

VI.

The Respondent shall submit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a comprehensive plan for the expeditious elimination and prevention of such noncomplying discharges. Such plan shall provide for specific corrective actions taken and shall include a critical path schedule for the achievement of compliance within the shortest time possible.

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 violation(s) 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: Kelly O'Neal
Re: Enforcement Tracking No. MM-CN-19-01163
Agency Interest No. 85534

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. MM-CN-19-01163
Agency Interest No. 85534

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 Kelly O'Neal at 225-219-3932 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:J.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 29th day of September, 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: Kelly O'Neal

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.	MM-CN-19-01163	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	85534	Contact Phone No.	225-219-3932
Alternate ID No.	3080-00211, LA0074276, & P-0165R2		
Respondent:	WEBSTER PARISH POLICE JURY	Facility Name:	Webster Parish Landfill
	c/o Jim Bonsall, President	Physical Location:	493 Landfill Road
	P.O. Box 389		
	Minden, LA 71058	City, State, Zip:	Minden, Louisiana 71055
		Parish:	Webster Parish

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph VII of the "Order" portion of the COMPLIANCE ORDER.		
A comprehensive plan was submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph VI 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 CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-19-01163), 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 CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-19-01163), 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 CONSOLIDATED COMPLIANCE & NOTICE OF POTENTIAL PENALTY (MM-CN-19-01163) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

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:		
<p>Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Kelly O'Neal</p>		

WEBSTER PARISH POLICE JURY-LA0074276

Table I

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
01/31/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	29.5	mg/L
01/31/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	29.5	mg/L
01/31/2017	001-A	Coliform, fecal general --- MOAV GEO	200	1600	#/100mL
01/31/2017	001-A	Coliform, fecal general --- DAILY MX	400	1600	#/100mL
02/28/2017	001-A	Solids, total suspended --- MO AVG	27	27.1	mg/L
02/28/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	47.1	mg/L
02/28/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	47.1	mg/L
03/31/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	40.1	mg/L
03/31/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	40.1	mg/L
03/31/2017	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	63.8	mg/L
04/30/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	51.2	mg/L
04/30/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	51.2	mg/L
04/30/2017	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	72.3	mg/L
05/31/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	30.9	mg/L
05/31/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	30.9	mg/L
05/31/2017	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	75.4	mg/L
06/30/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	23.3	mg/L
06/30/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	23.3	mg/L
06/30/2017	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	62.1	mg/L
07/31/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	17	mg/L
07/31/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	17	mg/L
08/31/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	11.6	mg/L
08/31/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	11.6	mg/L
09/30/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	13.7	mg/L
09/30/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	13.7	mg/L
10/31/2017	001-A	Solids, total suspended --- MO AVG	27	37	mg/L
10/31/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	20.5	mg/L
10/31/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	20.5	mg/L
10/31/2017	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	53.1	mg/L
11/30/2017	001-A	Solids, total suspended --- MO AVG	27	57	mg/L
11/30/2017	001-A	Solids, total suspended --- DAILY MX	45	57	mg/L
11/30/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	23.7	mg/L
11/30/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	23.7	mg/L
12/31/2017	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	38.3	mg/L
12/31/2017	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	38.3	mg/L

12/31/2017	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	60.5	mg/L
01/31/2018	001-A	Solids, total suspended --- MO AVG	27	64	mg/L
01/31/2018	001-A	Solids, total suspended --- DAILY MX	45	64	mg/L
01/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	51.4	mg/L
01/31/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	51.4	mg/L
01/31/2018	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	75.8	mg/L
02/28/2018	001-A	BOD, 5-day, 20 deg. C --- MO AVG	30	66	mg/L
02/28/2018	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	45	66	mg/L
02/28/2018	001-A	Solids, total suspended --- MO AVG	27	106	mg/L
02/28/2018	001-A	Solids, total suspended --- DAILY MX	45	106	mg/L
02/28/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	44.6	mg/L
02/28/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	44.6	mg/L
02/28/2018	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	94.8	mg/L
02/28/2018	001-A	Coliform, fecal general --- MOAV GEO	200	>2000	#/100mL
02/28/2018	001-A	Coliform, fecal general --- DAILY MX	400	>2000	#/100mL
02/28/2018	002-A	pH --- INST MIN	6	NODI=E	SU
02/28/2018	002-A	pH --- INST MAX	9	NODI=E	SU
03/31/2018	001-A	BOD, 5-day, 20 deg. C --- MO AVG	30	32	mg/L
03/31/2018	001-A	Solids, total suspended --- MO AVG	27	57	mg/L
03/31/2018	001-A	Solids, total suspended --- DAILY MX	45	57	mg/L
03/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	37	mg/L
03/31/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	37	mg/L
03/31/2018	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	68.2	mg/L
03/31/2018	002-A	pH --- INST MIN	6	NODI=E	SU
03/31/2018	002-A	pH --- INST MAX	9	NODI=E	SU
04/30/2018	001-A	Solids, total suspended --- MO AVG	27	38	mg/L
04/30/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	38.9	mg/L
04/30/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	38.9	mg/L
04/30/2018	001-A	Coliform, fecal general --- MOAV GEO	200	>2000	#/100mL
04/30/2018	001-A	Coliform, fecal general --- DAILY MX	400	>2000	#/100mL
05/31/2018	001-A	Solids, total suspended --- MO AVG	27	34	mg/L
05/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	21	mg/L
05/31/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	21	mg/L
06/30/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	6.5	mg/L
06/30/2018	001-A	Coliform, fecal general --- MOAV GEO	200	>=1000	#/100mL
06/30/2018	001-A	Coliform, fecal general --- DAILY MX	400	>=1000	#/100mL
10/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	14.3	mg/L
10/31/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	14.3	mg/L

10/31/2018	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	55.2	mg/L
10/31/2018	001-A	Coliform, fecal general --- MOAV GEO	200	780	#/100mL
10/31/2018	001-A	Coliform, fecal general --- DAILY MX	400	780	#/100mL
11/30/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	33.9	mg/L
11/30/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	33.9	mg/L
12/31/2018	001-A	Solids, total suspended --- MO AVG	27	53	mg/L
12/31/2018	001-A	Solids, total suspended --- DAILY MX	45	53	mg/L
12/31/2018	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	35.4	mg/L
12/31/2018	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	35.4	mg/L
12/31/2018	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	50.5	mg/L
12/31/2018	001-A	Coliform, fecal general --- MOAV GEO	200	890	#/100mL
12/31/2018	001-A	Coliform, fecal general --- DAILY MX	400	890	#/100mL
12/31/2018	002-A	pH --- INST MIN	6	NODI=E	SU
12/31/2018	002-A	pH --- INST MAX	9	NODI=E	SU
01/31/2019	001-A	pH --- INST MAX	9	9.08	SU
01/31/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	38.2	mg/L
01/31/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	38.2	mg/L
01/31/2019	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	62.6	mg/L
02/28/2019	001-A	Solids, total suspended --- MO AVG	27	31	mg/L
02/28/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	44.5	mg/L
02/28/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	44.5	mg/L
02/28/2019	001-A	Carbon, tot organic [TOC] --- DAILY MX	50	56.5	mg/L
03/31/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	48.9	mg/L
03/31/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	48.9	mg/L
03/31/2019	001-A	Coliform, fecal general --- MOAV GEO	200	1790	#/100mL
03/31/2019	001-A	Coliform, fecal general --- DAILY MX	400	1790	#/100mL
04/30/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	57	mg/L
04/30/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	57	mg/L
05/31/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	29.7	mg/L
05/31/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	29.7	mg/L
06/30/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	20.4	mg/L
06/30/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	20.4	mg/L
07/31/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	15.4	mg/L
07/31/2019	001-A	Nitrogen, ammonia total [as N] --- DAILY MX	10	15.4	mg/L
08/31/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	6.6	mg/L
09/30/2019	001-A	Solids, total suspended --- MO AVG	27	35	mg/L
09/30/2019	001-A	Nitrogen, ammonia total [as N] --- MO AVG	4.9	5.1	mg/L

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
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$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



SETTLEMENT AGREEMENTS

Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in eDEQ using the following filters Media, Air Quality, Function, Enforcement, Description, Settlement
Settlement Agreements	DEQ website specific examples can be provided upon request
Penalty Determination Method	DEQ website
Beneficial Environmental Projects	DEQ website
Judicial Interest	DEQ website

