

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**TANGIPAHOA PARISH GOVERNMENT**

**AI # 43470**

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

\* **Settlement Tracking No.**  
\* **SA-MM-24-0064**  
\*  
\* **Enforcement Tracking Nos.**  
\* **MM-CN-20-00622**  
\* **SE-PP-21-00385**  
\*  
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\*  
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**SETTLEMENT AGREEMENT**

The following Settlement Agreement is hereby agreed to between Tangipahoa Parish Government (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

**I**

Respondent is a governmental entity that owns and/or operates a landfill located in Independence, Tangipahoa Parish, Louisiana (“the Facility”).

**II**

On March 2, 2021, the Department issued to Respondent a Consolidated Compliance & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-20-00622 (Exhibit 1).

On November 4, 2021, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. SE-PP-21-00385 (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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00), of which Five Thousand One Hundred Thirteen and 35/100 Dollars (\$5,113.35) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement Agreement.

#### V

Respondent, in addition to the penalty amount specified in Paragraph IV above and as part of this Settlement Agreement, agrees to expend the amount of TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00) to implement and/or perform the following beneficial environmental project:

- A. Sponsor a project from the Keep Tangipahoa Beautiful organization consisting of the implementation of a litter trap system initially located at an unnamed water channel southeast of the intersection of US 51 and Hwy 38 in Kentwood, Louisiana. After Respondent's determination, and notice to the Department, the litter trap system may be relocated for more effective litter containment. The litter trap system shall be in operation for eight (8) consecutive months to begin within 30 days of receiving final settlement, at \$1,500.00 per month.
- B. Respondent shall submit monthly reports regarding its progress on the project. The first shall be due on the 5<sup>th</sup> of the month following the date the Department signs this Settlement Agreement. Monthly reports shall be submitted on the 5<sup>th</sup> of every month thereafter until the project is completed. Each such monthly report shall include a

description of the project, tasks completed, tasks remaining, the percentage completed, and money expended on each project through the date of the report. Upon completion of all projects required under this Settlement Agreement, Respondent shall submit a final report to include a summary of all the information previously submitted and a total amount spent on the project listed above. It shall also contain a certification that the project was completed as described.

- C. If Respondent does not spend the amount of \$12,000.00, then it shall, in its final report, propose additional projects for the Department's approval, or pay to the Department, in an amount equal to the difference between the amount of money agreed to be spent and the amount of money actually spent.
- D. The total amount of money expended by Respondent on cash payments to the Department and on beneficial environmental projects, 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, 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 and the rules relating to beneficial environmental projects set forth in LAC 33:I.Chapter 25.

## 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 Tangipahoa 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. The Respondent shall provide its tax identification number when submitting payment. 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.

**TANGIPAHOA PARISH GOVERNMENT**

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)


**LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**  
Aurelia S. Giacometto, Secretary

BY: \_\_\_\_\_  
Jerrie "Jerry" Lang, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at Baton Rouge, Louisiana.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

Approved:  \_\_\_\_\_  
Jerrie "Jerry" Lang, Assistant Secretary

JOHN BRL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

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

MAR 02 2021

CERTIFIED MAIL (7019 1640 0001 2617 1673)  
RETURN RECEIPT REQUESTED

**TANGIPAHOA PARISH GOVERNMENT**  
c/o Charles Robert "Robby" Miller, Jr., President  
P.O. Box 215  
Amite, LA 70422

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-20-00622  
AGENCY INTEREST NO. 43470**

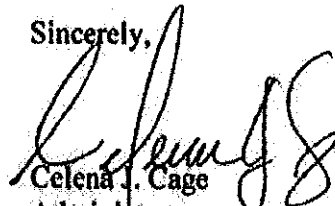
Dear Sir:

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 **TANGIPAHOA 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 Kelly O'Neal at (225) 219-3932.

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/KAO/jsc/cjt  
Alt ID Nos. LA0078921; P-0127R2; 2840-00234  
Attachment

**EXHIBIT**

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

**IN THE MATTER OF**

**TANGIPAHOA PARISH GOVERNMENT  
TANGIPAHOA PARISH  
ALT ID NOS. LA0078921; P-0127R2;  
2840-00234**

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

*	
*	
*	<b>ENFORCEMENT TRACKING NO.</b>
*	
*	<b>MM-CN-20-00622</b>
*	
*	
*	<b>AGENCY INTEREST NO.</b>
*	
*	<b>43470</b>
*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to the **TANGIPAHOA 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 a Type II/Type III permitted landfill known to the Department as the Tangipahoa Parish Regional Solid Waste Facility located at 57510 Hano Road in Independence, Tangipahoa Parish, Louisiana. The Respondent operates under Standard Permit P-0127R2. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0078921 on April 30, 2014, with an effective date of June 1, 2014, and expiration date of May 31, 2019. The Respondent submitted a renewal application on or about December 3, 2018, and LPDES Permit LA0078921 was administratively continued until it was reissued on September 24, 2019, with an effective date of November 1, 2019, and an expiration date of October 31, 2024. Under the terms and conditions of



LPDES Permit LA0078921, the Respondent is permitted to discharge non-contact storm water from Outfalls 001, 002, and 006. Outfall 003 is permitted for the discharge of non-contact storm water comingled with treated wastewaters previously monitored at internal Outfall 103. Outfall 103 is monitored for the discharge of treated leachate, treated equipment wash water, and treated contact storm water. Outfall 004 is permitted for the discharge of treated sanitary wastewater from the sludge plant, and Outfall 005 is permitted for the discharge of treated sanitary wastewater. Outfalls 001, 002, 003, 004, 005, and 006 are permitted to discharge into an unnamed ditch, thence into Natalbany River, thence into Tickfaw River (subsegment 040503), all waters of the state. The Respondent operates or has operated under Title V Air Permit No. 2840-00234-V3 issued on June 5, 2018.

II.

The Department issued **WARNING LETTER WE-L-20-00444** on or about June 23, 2020, for violations discovered during inspection conducted on or about March 10, 2020. The Respondent submitted a response dated July 28, 2020.

III.

The Department issued **WARNING LETTER MM-L-20-00622** on or about September 8, 2020, for violations discovered during inspection conducted on or about March 10, 2020. The Respondent submitted a response dated October 8, 2020.

IV.

The Department conducted inspections on or about March 10, 2020 and March 11, 2020 at the above referenced facility and a subsequent file review was conducted on or about December 10, 2020, 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 comply with LPDES permit LA0078921. Specifically, a review of Discharge Monitoring Reports (DMRs) revealed that the Respondent reported exceedances of permit effluent limitations for TSS, BOD, ammonia-nitrogen, fecal coliform, total zinc, phenol, p-Cresol, and benzoic acids (see Table 1 attached). Each exceedance of permit effluent limitations is in violation of LPDES Permit LA0078921 (prior to November 1, 2019: Permit Requirements, Effluent Limitations and Monitoring Requirements, pages 1-14 and Standard Conditions for LPDES Permits, Section A.2; beginning November 1, 2019: Permit Requirements, pages 1-13

- and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.
- B. The Respondent failed to comply with LPDES permit LA0078921. Specifically, the Respondent failed to report violations of daily maximum limitations within 24 hours, in accordance with LPDES Permit LA0078921, Other Conditions, Section E. Specifically, the Respondent failed to report orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of exceeding the daily maximum limits for zinc, phenol, and benzoic acid (see Table 1 attached). Each failure to report violations of daily maximum limitations within 24 hours is in violation of LPDES Permit LA0078921 (prior to November 1, 2019: Other Conditions, Section E and Standard Conditions for LPDES Permits, Section A.2; beginning November 1, 2019: Other Conditions, Section E and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A).
- C. The Respondent failed to comply with LPDES permit LA0078921. Specifically, the Respondent failed to complete the monthly Discharge Monitoring Report (DMR) for Outfall 001 for March 2020 and quarterly DMR for Outfall 001 for January – March 2020 in accordance with the instructions on EPA Form 3320-1. The instructions require that “No Discharge” be reported only if “no discharge” occurred during the monitoring period. The Inspector witnessed Outfall 001 discharging at the time of inspection. The Respondent reported that there was no discharge from Outfall 001 on the March 2020 monthly DMR and the January – March 2020 quarterly DMR. The failure to complete DMRs in accordance with the instructions on EPA Form 3320-1 is in violation of LPDES Permit LA0078921 (Permit Requirements, Effluent Limitations and Monitoring Requirements, page 1 and Standard Conditions for LPDES Permits, Sections A.2 & D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.iv.
- D. The Respondent caused and/or allowed the discharge of wastewater from a source or location not authorized by the permit. Specifically, Outfall 001 was actively discharging at the time of inspection. In a response to Warning Letter WE-L-20-00444, dated July 28, 2020, the Respondent stated that the discharge was generated on an adjacent property; the discharge from the adjacent property is not a source authorized

- by the permit. The unauthorized discharge from a source not authorized by the permit is in violation of La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D.
- E. The Respondent failed to sample the effluent from Outfall 001 on a monthly basis for March 2020 and quarterly basis for January – March 2020 as required by LPDES Permit LA0078921. Specifically, at the time of inspection, the inspector observed a discharge from Outfall 001. On or about April 15, 2020, a facility representative informed the inspector that the facility did not sample for Outfall 001 during the monitoring period. In addition, the Respondent reported on DMRs that monthly sampling did not occur at Outfall 103 for the November 2018 and March 2019 monitoring periods; quarterly sampling did not occur at Outfall 004 for the July – September 2019 monitoring period; and flow was not measured at Outfall 004 for the October – December 2018 quarterly monitoring period. The failure to sample/measure flow is in violation of LPDES Permit LA0078921 (prior to November 1, 2019: Permit Requirements, Effluent Limitations and Monitoring Requirements, pages 7 & 9 of 15 and Standard Conditions for LPDES Permits, Section A.2; beginning November 1, 2019: Permit Requirements, Effluent Limitations and Monitoring, page 1 of 16 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.
- F. The Respondent failed to implement the Storm Water Pollution Prevention Plan (SWPPP) as required by LPDES Permit LA0078921. Specifically, storm water runoff was in contact with exposed areas on the north slope of Cell 12. Multiple leachate seeps were observed during the March 10 and March 11, 2020, inspections (see photos 18-36 of 36, EDMS document 12325073). The leachate and contaminated storm water drained to noncontact storm water ditches. The failure to implement the SWPPP is in violation of LPDES Permit LA0078921 (Other Conditions, Section H.6.d and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A.
- G. The Respondent failed to apply and maintain cover material in the Type II area, in accordance with Volume 3, Attachment 32 and Attachment 35, Section 10 of the approved permit application and LAC 33:VII.711.B.2.a, in violation of Specific Requirements R-8, R-53 and R-54 of Standard Permit P-0127R2, LAC

33:VII.711.B.2.e, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, exposed waste was observed through the compacted interim cover on the north slope of Cell 12, south slope of Cell 13, and the transition on east slope of Cells 8/9 and Cell 12. The October 8, 2020 response to the Warning Letter states that areas of erosion are repaired as soon as they are observed and a photograph of compacted interim cover on Cell 12 was included in the response.

- H. The Respondent failed to maintain final cover to minimize infiltration of water into the waste, in accordance with Volume 3, Attachment 29 of the approved permit application, in violation of Specific Requirements R-8 and R-61 of Standard Permit P-0127R2, LAC 33:VII.711.B.4.b, and LAC 33:VII.901.A. Specifically, the Respondent failed to maintain the final cover on the south slope of Cell 6/7. Exposed waste was observed in erosion channels in the final cover.
- I. The Respondent failed to maintain interim cover to reduce noxious odors by minimizing outward movement of methane and other gases, in accordance with Volume 3, Attachment 35, Section 8.4 of the approved permit application and LAC 33:VII.711.B.2.a, in violation of Specific Requirements R-8 and R-54 of Standard Permit P-0127R2, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, landfill gas odors were noted during the inspection and landfill gases were observed escaping via bubbles through the interim cover on Cells 8/9, Cell 12 transition on the east slope, and near leachate risers 5 and 9.
- J. The Respondent failed to prevent the migration of leachate by liners or other barriers and failed to ensure leachate is removed from the leachate collection system sumps via adequately sized pumps and transferred through a vertical concrete manhole via lines that connect to a force main, in accordance with Volume 3, Attachment 29 of the approved permit application, in violation of Specific Requirements R-8 and R-59 of Standard Permit P-0127R2, LAC 33:VII.711.B.4.e and LAC 33:VII.901.A. Specifically, leachate was observed breaking through the interim cover and flowing past the lined portion of the landfill into noncontact stormwater ditches.
- K. The Respondent failed to maintain the leachate head in a pumped-down condition such that not more than one (1) foot of head exists above the lowest elevation of the leachate collection lines, in accordance with Volume 3, Attachment 29 and Attachment 35,

Section 9.3 of the approved permit application, in violation of Specific Requirements R-8 and R-64 of Standard Permit P-0127R2, LAC 33:VII.711.B.4.f.viii, and LAC 33:VII.901.A. Specifically, a records review of the thirty-seven (37) leachate risers conducted during the inspection noted leachate levels exceeded one (1) foot of head sixty-five (65) times between December 16, 2019 and March 2, 2020.

- L. During the course of the inspection on March 11, 2020, gas emissions were escaping through a hole in the concrete on Leachate Riser 26, Cell 6/7 South slope. The MultiRae and the Jerome Hydrogen Sulfide (H<sub>2</sub>S) meters were used to check for the presence of landfill gases at the hole on Leachate Riser 26. The MultiRae found Lower Explosive Limit (LEL) at 52 percent, and the Jerome H<sub>2</sub>S meter found H<sub>2</sub>S at 3.09 parts per billion (ppb). The failure to maintain control equipment in proper working order whenever emissions are being made which can be controlled by the facility is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

#### **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 Water Quality, Solid Waste and Air Quality Regulations.

##### **II.**

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the Respondent's facility to waters of the state.

##### **III.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed DMRs for the monitoring periods of the last three (3) years mentioned in Paragraph IV.C of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

##### **IV.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a comprehensive plan for the expeditious elimination and prevention of such

noncomplying discharges at Outfall 103. 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.

V.

To develop and implement, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an adequate and complete SWPPP and submit a copy to the Enforcement Division within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The SWPPP shall include a Preventative Maintenance Program that is sufficient to address the violations mentioned in Paragraph IV.F of the "Findings of Fact" portion of the **COMPLIANCE ORDER**.

VI.

To apply and maintain cover, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, and ensure erosion control measures are implemented on slopes on which interim cover was installed in the Type II area, in accordance with Standard Permit P-0127R2, LAC 33:VII.711.B.2.e., and LAC 33:VII.711.B.2.f.

VII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure final cover is maintained to minimize infiltration of water into the waste, in accordance with Standard Permit P-0127R2 and LAC 33:VII.711.B.4.b.

VIII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure interim cover is maintained to reduce noxious odors by minimizing outward movement of methane and other gases, in accordance with Standard Permit P-0127R2 and LAC 33:VII.711.B.2.f.

IX.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure the migration of leachate is prevented by liners or other barriers.

X.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure leachate head is maintained in a pumped-down condition such that not more than one (1) foot of head

exists above the lowest elevation of the leachate collection lines, in accordance with Standard Permit P-0127R2 and LAC 33:VII.711.B.4.f.viii.

**XI.**

To provide documentation from April 2020-present, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, demonstrating less than one (1) foot of leachate head is maintained above the lowest elevation of the leachate collection lines.

**XII.**

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, documentation indicating that Leachate Riser No. 26, Cell 6/7 is in proper working order as described in Findings of Fact, Paragraph IV.L.

**XIII.**

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: Kelly O'Neal  
Re: Enforcement Tracking No. MM-CN-20-00622  
Agency Interest No. 43470

**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-20-00622  
Agency Interest No. 43470

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 violations 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: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 2nd day of March, 2021.



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

POST OFFICE BOX 4312

BATON ROUGE, LOUISIANA 70821-4312

## CONSOLIDATED COMPLIANCE ORDER &amp;

## NOTICE OF POTENTIAL PENALTY

## REQUEST TO CLOSE



Enforcement Tracking No.	MM-CN-20-00622	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	43470	Contact Phone No.	(225) 219-3932
Alternate ID No.	LA0078921; P-0127R2; 2840-00234		
Respondent:	TANGIPAHOA PARISH GOVERNMENT	Facility Name:	Tangipahoa Parish Regional Solid Waste Facility
	c/o Charles Robert "Robby" Miller, Jr., Parish President	Physical Location:	57510 Hano Road
	P.O. Box 215		
	Amite, LA 70422	City, State, Zip:	Independence, LA 70443
		Parish:	TANGIPAHOA

## STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph XIII of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs III, IV, V, XI, and XII 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 33:11 Subpart 1, Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-20-00622), 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"/>	<p>In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY (MM-CN-20-00622) 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"> <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> <p>The Respondent has reviewed the violations noted in COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL (MM-CN-20-00622) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.</p>

## 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
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Kelly O'Neal		

Table 1. Effluent Limit Exceedances

Date	Outfall	Parameter	Permit Limit	Sample Value
03/31/2017	004Q	Coliform, fecal general Weekly Average	400 CFU/100mL	>1000 CFU/100mL
05/31/2017	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	39.7 mg/L
05/31/2017	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	39.7 mg/L
09/30/2017	004Q	Coliform, fecal general Monthly Average	200 CFU/100mL	721.11 CFU/100mL
09/30/2017	004Q	Coliform, fecal general Weekly Average	400 CFU/100mL	1000 CFU/100mL
12/31/2017	005Y	BOD, 5-day, 20 deg. C Weekly Average	45 mg/L	65.5 mg/L
12/31/2017	005Y	Coliform, fecal general Weekly Average	400 CFU/100mL	2000 CFU/100mL
03/31/2018	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	14.2 mg/L
03/31/2018	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	14.2 mg/L
08/31/2018	103A	Solids, total suspended Monthly Average	27 mg/L	68 mg/L
11/30/2018	103A	BOD, 5-day, 20 deg. C Monthly Average	37 mg/L	39.3 mg/L
11/30/2018	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	5.3 mg/L
12/31/2018	004Q	Coliform, fecal general Monthly Average	200 CFU/100mL	1000 CFU/100mL
12/31/2018	004Q	Coliform, fecal general Weekly Average	400 CFU/100mL	1000 CFU/100mL
12/31/2018	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	12.8 mg/L
12/31/2018	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	11.8 mg/L
01/31/2019	103A	BOD, 5-day, 20 deg. C Monthly Average	37 mg/L	43 mg/L
01/31/2019	103A	Solids, total suspended Monthly Average	27 mg/L	82 mg/L
02/28/2019	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	36.1 mg/L
02/28/2019	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	36.1 mg/L
02/28/2019	103A	Solids, total suspended Monthly Average	27 mg/L	46 mg/L
03/31/2019	103A	BOD, 5-day, 20 deg. C Monthly Average	37 mg/L	40.8 mg/L
03/31/2019	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	41.9 mg/L
03/31/2019	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	41.9 mg/L
03/31/2019	103A	Solids, total suspended Monthly Average	27 mg/L	57 mg/L
05/31/2019	103A	BOD, 5-day, 20 deg. C Daily Maximum	140 mg/L	655 mg/L
05/31/2019	103A	BOD, 5-day, 20 deg. C Monthly Average	37 mg/L	655 mg/L
05/31/2019	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	55.5 mg/L
05/31/2019	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	55.5 mg/L

05/31/2019	103A	Solids, total suspended Monthly Average	27 mg/L	54 mg/L
06/30/2019	004Q	Coliform, fecal general Weekly Average	400 CFU/100mL	470 CFU/100mL
06/30/2019	004Q	Solids, total suspended Monthly Average	20 mg/L	24.1 mg/L
06/30/2019	103Q	Benzoic acids, total Daily Maximum*	.12 mg/L	.411 mg/L
06/30/2019	103Q	Benzoic acids, total Monthly Average	.071 mg/L	.411 mg/L
06/30/2019	103Q	p-Cresol Monthly Average	.014 mg/L	.0165 mg/L
06/30/2019	103Q	Phenol Daily Maximum*	.026 mg/L	.034 mg/L
06/30/2019	103Q	Phenol Monthly Average	.015 mg/L	.034 mg/L
06/30/2019	103Q	Zinc, total [as Zn] Daily Maximum*	.2 mg/L	.736 mg/L
06/30/2019	103Q	Zinc, total [as Zn] Monthly Average	.11 mg/L	.736 mg/L
07/31/2019	103A	BOD, 5-day, 20 deg. C Daily Maximum	140 mg/L	143 mg/L
07/31/2019	103A	BOD, 5-day, 20 deg. C Monthly Average	37 mg/L	143 mg/L
07/31/2019	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	52.2 mg/L
07/31/2019	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	52.2 mg/L
07/31/2019	103A	Solids, total suspended Monthly Average	27 mg/L	78 mg/L
08/31/2019	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	45.8 mg/L
08/31/2019	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	45.8 mg/L
08/31/2019	103A	Solids, total suspended Monthly Average	27 mg/L	41 mg/L
09/30/2019	004Q	Solids, total suspended Monthly Average	20 mg/L	21 mg/L
09/30/2019	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	32 mg/L
09/30/2019	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	32 mg/L
11/30/2019	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	36 mg/L
11/30/2019	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	36 mg/L
11/30/2019	103A	Solids, total suspended Daily Maximum	88 mg/L	94.9 mg/L
11/30/2019	103A	Solids, total suspended Monthly Average	27 mg/L	94.9 mg/L
12/31/2019	004Q	Solids, total suspended Monthly Average	20 mg/L	80 mg/L
12/31/2019	004Q	Solids, total suspended Weekly Average	30 mg/L	80 mg/L
12/31/2019	103Q	Zinc, total [as Zn] Daily Maximum*	.2 mg/L	.807 mg/L
12/31/2019	103Q	Zinc, total [as Zn] Monthly Average	.11 mg/L	.807 mg/L
01/31/2020	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	46.8 mg/L
01/31/2020	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	46.8 mg/L

01/31/2020	103A	Solids, total suspended Monthly Average	27 mg/L	28 mg/L
03/31/2020	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	63 mg/L
03/31/2020	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	63 mg/L
03/31/2020	103A	Solids, total suspended Monthly Average	27 mg/L	36 mg/L
05/31/2020	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	24 mg/L
05/31/2020	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	24 mg/L
05/31/2020	103A	Solids, total suspended Daily Maximum	88 mg/L	1390 mg/L
05/31/2020	103A	Solids, total suspended Monthly Average	27 mg/L	1390 mg/L
06/30/2020	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	31.4 mg/L
06/30/2020	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	31.4 mg/L
06/30/2020	103A	Solids, total suspended Daily Maximum	88 mg/L	113 mg/L
06/30/2020	103A	Solids, total suspended Monthly Average	27 mg/L	113 mg/L
06/30/2020	103Q	Zinc, total [as Zn] Daily Maximum*	.2 mg/L	.856 mg/L
06/30/2020	103Q	Zinc, total [as Zn] Monthly Average	.11 mg/L	.856 mg/L
07/31/2020	103A	Nitrogen, ammonia total [as N] Daily Maximum	10 mg/L	14.2 mg/L
07/31/2020	103A	Nitrogen, ammonia total [as N] Monthly Average	4.9 mg/L	14.2 mg/L
07/31/2020	103A	Solids, total suspended Daily Maximum	88 mg/L	92 mg/L
07/31/2020	103A	Solids, total suspended Monthly Average	27 mg/L	92 mg/L
09/30/2020	004Q	Solids, total suspended Monthly Average	20 mg/L	38 mg/L
09/30/2020	004Q	Solids, total suspended Weekly Average	30 mg/L	53 mg/L
09/30/2020	103Q	Zinc, total [as Zn] Daily Maximum*	.2 mg/L	.587 mg/L
09/30/2020	103Q	Zinc, total [as Zn] Monthly Average	.11 mg/L	.587 mg/L

\* Failed to report within 24 hours in accordance with Part II, Section E





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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 <u>EDMS</u> using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
Settlement Agreements .....	<u>Enforcement Division's website</u> specific examples can be provided upon request
Penalty Determination Method .....	<u>LAC 33:1 Chapter 7</u>
Beneficial Environmental Projects .....	<u>LAC 33:1 Chapter 25</u>
	<u>FAQs</u>
Judicial Interest.....	<u>provided by the Louisiana State Bar Association</u>



Louisiana Department of Environmental Quality • Office of Environmental Compliance • Enforcement Division  
Post Office Box 4312, Baton Rouge, Louisiana 70821-4312  
Phone: 225 | 219 | 3715 Fax: 225 | 219 | 3708

JOHN BEL EDWARDS  
GOVERNOR

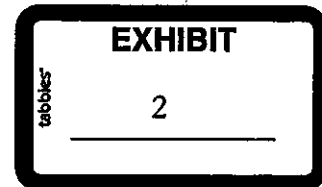


CHUCK CARR BROWN, PH.D.  
SECRETARY

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

NOV 04 2021

CERTIFIED MAIL (7017 3040 0000 2465 2207)  
RETURN RECEIPT REQUESTED



**TANGIPAHOA PARISH GOVERNMENT**  
c/o Charles Robert "Robby" Miller, Jr., Parish President  
P.O. Box 215  
Amite, LA 70422

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-PP-21-00385  
AGENCY INTEREST NO. 43470**

Dear Sir:

On or about December 11, 2020, and June 18, 2021, inspections of the **TANGIPAHOA PARISH REGIONAL SOLID WASTE FACILITY**, a Type II/III landfill, owned and/or operated by the **TANGIPAHOA PARISH GOVERNMENT (RESPONDENT)**, were 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 57510 Hano Road in Independence, Tangipahoa Parish, Louisiana. The Respondent operates under Solid Waste Standard Permit P-0127R2.

The Department issued **WARNING LETTER SE-L-21-00385** on or about May 24, 2021, for violations discovered during an inspection conducted on or about December 11, 2020. A response was received by the Department on or about June 30, 2021.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent failed to implement erosion control measures for areas on which interim cover was applied, in accordance with Volume 3, Attachments 32 and 35, Section 10 of the approved permit application and LAC 33:VII.711.B.2.a, in violation of Specific Requirements R-8, R-53 and R-54 of Standard Permit P-0127R2, LAC 33:VII.711.B.2.e, LAC 33:VII.711.B.2.f, and LAC 33:VII.901.A. Specifically, exposed waste was observed through the interim compacted cover on the north slope of Cell 12 and the interim cover on top of Cell 14. Correspondence received on or about January 4, 2021, included pictures documenting the repaired interim cover on the north slope of Cell 12 and top of Cell 14. Additionally, the June 30, 2021 response stated areas of erosion are

Tangipahoa Parish Government

SE-PP-21-00385

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repaired as soon as they are observed. Furthermore, the Respondent plans to close Cell 12 through the use of alternative final cover which will further eliminate erosion in Cell 12.

B. The Respondent failed to maintain the leachate head in a pumped-down condition such that not more than one (1) foot of head exists above the lowest elevation of the leachate collection lines, in accordance with Volume 3, Attachments 29 and 35, Section 9.3 of the approved permit application, in violation of Specific Requirements R-8 and R-64 of Standard Permit P-0127R2, LAC 33:VII.711.B.4.f.viii, and LAC 33:VII.901.A. Specifically, a records review of the thirty-seven (37) leachate risers conducted during the December 11, 2020 inspection noted leachate levels exceeded one (1) foot of head one hundred eighty-eight (188) times between March 12, 2020 and December 11, 2020. Additionally, a records review conducted during the June 18, 2021 inspection noted leachate levels exceeded one (1) foot of head forty-four (44) times between December 18, 2020 and June 16, 2021. Correspondence received on or about December 21, 2020, included Pump Inspection Reports for the leachate pumps. A representative of the Respondent stated all leachate risers are inspected monthly by K&L Environmental Solutions, LLC, and repairs are made as necessary. The June 30, 2021 response furthered stated that a preventative maintenance program for the leachate pumps has been employed which has aided in keeping leachate pumps from breaking. An additional response submitted by the Respondent on or about November 4, 2021, included leachate level records from July 1, 2021 through October 22, 2021. One (1) exceedance of leachate above one (1) foot of head was recorded for one (1) riser during this period.

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 Kelly O'Neal at (225) 219-3932 or [Kelly.O'Neal@la.gov](mailto:Kelly.O'Neal@la.gov) 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.

Tangipahoa Parish Government

SE-PP-21-00385

Page 3

The Department assesses civil penalties based on LAC 33:I.Subpart I. 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 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.

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,



Lourdes Iturralde

Assistant Secretary

Office of Environmental Compliance

LI/KAO/kao

Alt ID No. P-0127R2

**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-21-00385	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	43470	Contact Phone No.	(225) 219-3932
Alternate ID No.	P-0127R2		
Respondent:	TANGIPAHOA PARISH GOVERNMENT c/o Charles Robert "Robby" Miller, Jr., Parish President P.O. Box 215 Amite, LA 70422	Facility Name:	Tangipahoa Parish Regional Solid Waste Facility
		Physical Location:	57510 Hano Road
		City, State, Zip:	Independence, LA 70443
		Parish:	TANGIPAHOA

**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 Subpart 1 Chapter 7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-PP-21-00385), 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-PP-21-00385), 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>• <b>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.</b></li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-PP-21-00385) 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: Kelly O'Neal

## 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 33:1705 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 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 OFFERS

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 EDIVS using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
Settlement Agreements .....	<u>Enforcement Division's website</u> specific examples can be provided upon request
Penalty Determination Method .....	<u>LAC 33: Chapter 7</u>
Beneficial Environmental Projects .....	<u>LAC 33: Chapter 25</u>
	<u>FAQs</u>
Judicial Interest .....	<u>provided by the Louisiana State Bar Association</u>

