

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ACADIANA SHELL & LIMESTONE, INC.

AI # 128052

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

* Settlement Tracking No.
* SA-MM-11-0065
*
* Enforcement Tracking No.
* MM-CN-08-0075
*
*
* Docket No. 2010-6459-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Acadiana Shell & Limestone, Inc. (“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 corporation that owns and/or operates a transporter of solid waste facility located in Abbeville, Vermilion Parish, Louisiana (“the Facility”).

II

On April 14, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-08-0075, which was based upon the following findings of fact:

“The Respondent transported and deposited regulated solid waste on property (the Site) located west of 6805 West La. Highway 338 in Abbeville, Vermilion Parish, Louisiana. The Site is not permitted and/or authorized by the Department as a solid waste disposal site. The Respondent

has notified the Department as a transporter of solid waste and has been assigned solid waste transporter no. T-113-11545.

On or about July 14, 2008, an inspection was conducted by a representative of the Department which revealed the following violations:

- A. The Respondent caused and/or allowed the deposition of regulated solid waste without a permit and/or authority from the Department, in violation of La. R.S. 30:2155, and LAC 33:VII.315.C. Specifically, the Respondent was dumping regulated solid waste at the Site consisting of construction and demolition debris.
- B. The Respondent transported regulated solid waste for disposal to a facility that was not permitted to receive such waste, in violation of LAC 33:VII.505.D.
- C. The Respondent failed to determine which emission control requirements apply to them by having the affected facility thoroughly inspected for the presence of asbestos prior to the commencement of demolition activities. The failure to inspect for the presence of asbestos is a violation of LAC 33:III.5151.F.1 and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to provide the Environmental Services, Permits Division with typed notice of intention to demolish or renovate using the latest version of Form AAC-2, Notification of Demolition and Renovation. This is a violation of LAC 33:III.5151.F.2.a and La. R.S. 30:2057(A)(2).”

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 THREE THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$3,150.00), of which One Thousand Four Hundred Fifty-Four and 76/100 Dollars (\$1,454.76) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

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

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Vermilion Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed

or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

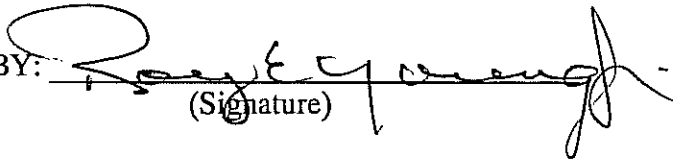
XI

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

XII

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

ACADIANA SHELL & LIMESTONE, INC.

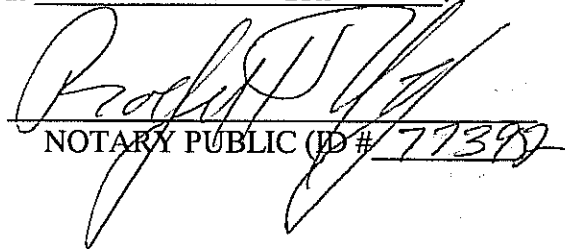
BY: 
(Signature)

ROY E. YOUNG, JR.

(Printed)

TITLE: PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 16th day of
OCTOBER, 20 12, at VERMILION PARISH



NOTARY PUBLIC (ID # 77399)

ROGER KIM YOUNG

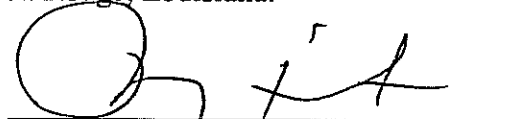
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LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Peggy M. Hatch Secretary

BY: 
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 5th day of
April, 20 13, at Baton Rouge, Louisiana.


NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: 
Cheryl Sonnier Nolan, Assistant Secretary