

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

GORDON'S DISPOSAL, LLC and
GORDON'S LANDFILL, LLC

AI # 30245, 41870 AND 28058
PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.
* SA-MM-18-0007
*
* Enforcement Tracking No.
* MM-CN-13-01055
* SE-CN-13-00517
*
* Docket No. 2015-4579-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Gordon's Disposal, LLC and Gordon's Landfill, LLC ("Respondents"), 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, Gordon's Landfill, LLC is a limited liability company that owns and/or operates a Type III construction/demolition debris and woodwaste landfill facility. Respondent, Gordon's Disposal, LLC is a limited liability company that owns and/or operates a waste transportation facility. Both are located in Iberia Parish, Louisiana ("the Facilities").

II

On February 10, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-13-01055, which is attached as Exhibit A.

On February 10, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-13-00517, which is attached as Exhibit B.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-13-00517, 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 TWENTY-ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$21,500.00) of which One Thousand Six Hundred Eighteen and 14/100 Dollars (\$1,618.14) 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)/permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

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

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

XI

Payment is to be made on an installment basis as follows: 23 months at \$895.83 each month and \$895.91 due on the 24th month. The first installment payment is due within ten (10) days from notice of the Secretary's signature. Each subsequent payment is due on the first of the month each month until paid in full. If payment is not received according to the stated payment schedule, 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 C).

XII

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

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.

Gordon's Landfill, LLC / Gordon's Disposal, LLC

BY: [Signature]
(Signature)

Gordon Doerle
(Printed)

TITLE: Pres. owner

THUS DONE AND SIGNED in duplicate original before me this 25th day of July, 20 18, at New Iberia, Louisiana.

[Signature]
NOTARY PUBLIC (ID # _____)

SHARENE M. BOUDREAUX
NOTARY PUBLIC
ID # 55419
IBERIA PARISH
COMMISSION EXPIRES AT DEATH

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

BY: [Signature]
Loures Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 29th day of Oct, 20 18, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Loures Iturralde, Assistant Secretary



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 10, 2014

CERTIFIED MAIL (7003 2260 0000 5825 3021)
RETURN RECEIPT REQUESTED

GORDON'S DISPOSAL, LLC
c/o Gordon Doerle
Agent for Service of Process
614 Coteau Rd.
New Iberia, LA 70562

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-13-01055
AGENCY INTEREST NO. 30245 & 41870**

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 **GORDON'S DISPOSAL, LLC (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Kelly O'Neal at (225) 219-3932.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/tbl
Alt ID No. D-099-6708
Attachment



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

IN THE MATTER OF	*	
	*	
GORDON'S DISPOSAL, LLC IBERIA PARISH ALT ID NO. D-099-6708	*	ENFORCEMENT TRACKING NO.
	*	
	*	MM-CN-13-01055
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	*	AGENCY INTEREST NO.
	*	
	*	30245 & 41870
	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **GORDON'S DISPOSAL, LLC (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 waste transportation business as well as a non-processing solid waste transfer station located at 614 Coteau Road in New Iberia, Iberia Parish, Louisiana.

II.

On or about December 14, 2012, the Department conducted an inspection of Grand Marais School (Agency Interest Number 41870), owned by the Iberia Parish Government, located at 3319 College Road in Jeanerette, Lafayette Parish, Louisiana. The Respondent (and Gordon's Landfill, LLC) were contracted by the Iberia Parish Government to demolish the school and dispose of the debris. In an e-mail dated April 17, 2012, the General Manager of Maintenance for the Iberia Parish School Board reported, "This facility currently contains asbestos. There is documented 2560 sq. ft. of ACM [asbestos-

containing material] linoleum and floor tile in the Kindergarten wing and asbestos flex connectors on some HVAC [heating, ventilation, and air conditioning] units. Upon sale or transfer, a copy of the Asbestos Management Plan will be given to the new owner." According to the Department's Addendum of the December 14, 2012 inspection report, the Department's inspector spoke to the excavator operator. The operator of the equipment stated that he was the individual that conducted the demolition for Gordon's Disposal, LLC, and that the demolition process included using an excavator to break up the slab covered with the ACM containing linoleum and floor tile and load the debris into waste containers. Additionally, during a meeting conducted with the Department on or about December 14, 2012, Mr. Gordon Doerle stated that no ACM was removed from the school prior to the demolition. The ACM was rendered regulated asbestos-containing material (RACM) during demolition activities. The inspection revealed the following violations:

- A. 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. Specifically, RACM was transported by the Respondent to Gordon's Landfill, LLC (Agency Interest Number 28058), located at 6505 Coteau Road in New Iberia, Iberia Parish. Gordon's Landfill, LLC is not permitted to receive RACM.
- B. An individual or company contracted to perform a demolition or renovation activity which disturbs RACM must be recognized by the Louisiana Board for Contractors to perform asbestos abatement. The Respondent's failure to be a licensed individual or company to perform asbestos abatement prior to a demolition or renovation activity is a violation of LAC 33:III.5151.F.1.f and La. R.S. 30:2057(A)(2).
- C. The Respondent failed to provide the Office of Environmental Services with a typed notice of intention to demolish or renovate using the latest version of the Form AAC-2, Notification of Demolition and Renovation. The Respondent's failure to complete and submit Form AAC-2 is a violation of LAC 33:III.5151.F.2.a and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to thoroughly inspect the affected facility or part of the facility where a demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM prior to demolition or renovation activity. This is a violation of LAC 33:III.5151.F.1 and La. R.S. 30:2057(A)(2).

- E. The Respondent failed to dispose of asbestos-containing waste material (ACWM) in an approved waste disposal site. This is a violation of LAC 33:III.5151.J.2 and La. R.S. 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 Solid Waste Regulations.

II.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations, including but not limited to LAC 33:III.Chapter 51.

III.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, the transporting or allowing the transport of regulated solid waste to facilities unauthorized by the Department to receive such waste.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violation and actions taken or to be taken to achieve compliance with the 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-13-01055
Agency Interest No. 30245 & 41870

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-13-01055
Agency Interest No. 30245 & 41870

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from

contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kelly O'Neal at (225) 219-3932 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

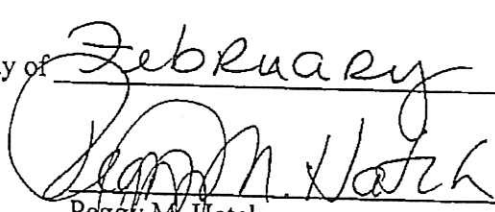
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross

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.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 10th day of February, 2014.



Peggy M. Hatch
Secretary
Louisiana Department of Environmental Quality

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



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
February 10, 2014

CERTIFIED MAIL (7003 2260 0000 5825 2970)
RETURN RECEIPT REQUESTED

GORDON'S LANDFILL, LLC
c/o Edward P. Landry
Agent for Service of Process
211 East Main Street
New Iberia, LA 70560

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-13-00517
AGENCY INTEREST NO. 28058**

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 **GORDON'S LANDFILL, LLC (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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/kao
Alt ID No. OC-0367; D-045-7338
Attachment



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

IN THE MATTER OF	*	
	*	
GORDON'S LANDFILL, LLC IBERIA PARISH ALT ID NO. OC-0367; D-045-7338	*	ENFORCEMENT TRACKING NO.
	*	SE-CN-13-00517
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	*	AGENCY INTEREST NO.
	*	28058
	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **GORDON'S LANDFILL, LLC (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 permitted Type III construction/demolition debris and woodwaste landfill known as Gordon's Landfill (the Site) located at 6505 Coteau Road in New Iberia, Iberia Parish, Louisiana. The solid waste alternate identification number assigned to this facility is D-045-7338. The facility is currently operating under an Order to Close (OC-0367), which was transferred from David Trahan to Gordon's Landfill, LLC with an effective date of July 27, 2011.

II.

On or about December 14, 2012, the Department conducted an inspection of Grand Marais School (Agency Interest Number 41870), owned by the Iberia Parish Government, located at 3319 College Road in Jeanerette, Lafayette Parish, Louisiana. The Respondent (and Gordon's Disposal, LLC) were contracted by the Iberia Parish Government to demolish the school and dispose of the debris. In an

e-mail dated April 17, 2012, the General Manager of Maintenance for the Iberia Parish School Board reported, "This facility currently contains asbestos. There is documented 2560 sq. ft. of ACM [asbestos-containing material] linoleum and floor tile in the Kindergarten wing and asbestos flex connectors on some HVAC [heating, ventilation, and air conditioning] units. Upon sale or transfer, a copy of the Asbestos Management Plan will be given to the new owner." According to the Department's Addendum of the December 14, 2012 inspection report, the Department's inspector spoke to the excavator operator. The operator of the equipment stated that he was the individual that conducted the demolition for Gordon's Disposal, LLC, and that the demolition process included using an excavator to break up the slab covered with the ACM containing linoleum and floor tile and load the debris into waste containers. Additionally, during a meeting conducted with the Department on or about December 14, 2012, Mr. Gordon Doerle stated that no ACM was removed from the school prior to the demolition. The ACM was rendered regulated asbestos-containing material (RACM) during demolition activities. The inspection revealed the following violation:

- A. The Respondent failed to strictly prohibit and prevent the disposal of regulated asbestos containing material, in violation of LAC 33:VII.721.C.1.f, and LAC 33:VII.901.A. Specifically, the ACM which was rendered RACM during demolition activities was disposed of at the Site. The Respondent is not permitted to dispose of RACM.

III.

On or about March 22, 2013, an inspection was conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to cover wastes with silty clays applied a minimum of twelve (12) inches thick every thirty (30) days, in violation of LAC 33:VII.711.B.2.b., LAC 33:VII.721.A.2.b, and Operational Plan Condition #6.4 in the Order to Close (OC-0367). Specifically, the Respondent had not covered the disposal area closest to the office within thirty (30) days of waste receipt. The Respondent began the application of cover on this area of the landfill on or about February 1, 2013, and again on or about March 1, 2013, but was unable to complete the application of cover due to inclement weather. Additionally, exposed solid waste materials were observed at the surface of the landfill along the north and east sides of the facility in the inactive face of the landfill. Numerous erosion channels with exposed wastes were also observed. A follow-up

- inspection, conducted by the Department on or about May 28, 2013, revealed this violation has been corrected.
- B. The Respondent failed to deposit wastes in the smallest practical area and compact waste daily, in violation of LAC 33.VII.721.A.2.c., and Operational Plan Condition #6.4 in the Order to Close (OC-0367). Specifically, the facility was operating an active disposal area of approximately 1.5-2.0 acres in size. The waste materials deposited along the slopes of the active disposal area were not compacted or not compacted adequately. A follow-up inspection, conducted by the Department on or about May 28, 2013, revealed the working area of the landfill was a manageable size and being compacted.
- C. The Respondent failed to control leachate generation, in violation of LAC 33:VII.901.A, and LAC 33:VII.721.A.2.a.ii(b). Specifically, leachate was observed seeping out of the landfill along the east and southeast side of the facility. During a follow-up inspection, on or about May 28, 2013, no leachate was observed.
- D. The Respondent failed to ensure removal of unacceptable waste from the facility at least seven (7) days from date of receipt and maintain documentation of removal, in violation of LAC 33:VII.721.C.4, and Operational Plan Condition #6.3 in the Order to Close (OC-0367). Specifically, the facility was not ensuring that unacceptable materials stored in roll-off boxes at the facility were removed every seven (7) days. Instead, the facility contacted the customers when their roll off box was full. Additionally, the Respondent removed waste tires from the working face of the landfill and placed them in a container that holds tires for the City of New Iberia Collection Center (AI#87384). Waste tires generated from landfill activities are considered unacceptable waste and should be removed from the Site within seven (7) days of receipt. A follow-up inspection, on or about May 28, 2013, revealed all unacceptable waste was removed within seven (7) days.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

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

II.

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

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violation(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. SE-CN-13-00517
Agency Interest No. 28058

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. SE-CN-13-00517
Agency Interest No. 28058

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Kelly O'Neal at (225) 219-3932 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

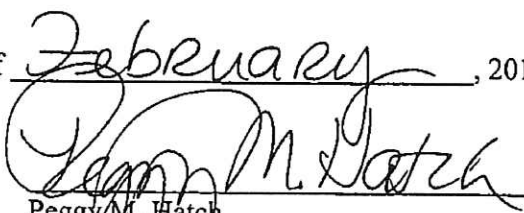
III.

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.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 10th day of February, 2014.



Peggy M. Hatch
Secretary
Louisiana Department of Environmental Quality

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