

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

RIVERSIDE RECYCLING &
DISPOSAL, L.L.C./INDUSTRIAL PIPE, INC.
AI # 14689

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

* Settlement Tracking No.
* SA-SE-17-0026
*
* Enforcement Tracking No.
* SE-CN-07-0071
* SE-CN-08-0270
* SE-CN-08-0270A
* SE-CN-14-00747
* SE-PP-15-00884
*
* Docket No. 2016-5805-EQ

SETTLEMENT

The following Settlement is hereby agreed to between Riverside Recycling & Disposal, L.L.C./Industrial Pipe, 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 limited liability company that owns and/or operates a Type III landfill facility located in Plaquemines Parish, Louisiana (“the Facility”).

II

On July 24, 2007, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **SE-CN-07-0071**, attached as Exhibit A.

On June 27, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **SE-CN-08-0270**, attached as Exhibit B.

On December 24, 2008, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **SE-CN-08-0270A**, attached as Exhibit C.

On March 4, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **SE-CN-14-00747**, attached as Exhibit D.

On November 24, 2015, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. **SE-PP-15-00884**, attached as Exhibit E.

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-14-00747, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations referenced above 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, and in order to avoid the fees and costs of continued litigation agrees to pay, and the Department agrees to accept, a payment in the amount of SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00), of which Three Thousand Six Hundred Seventy-Two and 60/100 Dollars (\$3,672.60) 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, the Amended Consolidated Compliance Order & Notice of Potential Penalty, the 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. However, none of the violations alleged in the enforcement actions resolved by this settlement have been proven at a hearing and Respondent denies liability for all alleged violations.

VII

This agreement shall be considered a final order of the Secretary as to all alleged violations asserted 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 Plaquemines 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 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 F).

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.

**RIVERSIDE RECYCLING & DISPOSAL, L.L. C./
INDUSTRIAL PIPE, INC.**

BY: _____
(Signature)

TIMOTHY J. SCOTTS
(Printed)

TITLE: Manager

THUS DONE AND SIGNED in duplicate original before me this 29th day of September, 20 19, at Belle Chasse, La.

Miles P. Clements
NOTARY PUBLIC (ID # La. 4184)

Miles P. Clements
(stamped or printed)

**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 18th day of Dec, 20 18, at Baton Rouge, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]

Loures Iturralde, Assistant Secretary



DEPARTMENT OF ENVIRONMENTAL QUALITY

KATHLEEN BABINEAUX BLANCO

GOVERNOR

MIKE D. McDANIEL, Ph.D.

SECRETARY

July 24, 2007

CERTIFIED MAIL (7004 1160 0001 9951 2844)

RETURN RECEIPT REQUESTED

INDUSTRIAL PIPE, INC.

c/o Kennett F. Stewart

Agent of Service

11266 Louisiana Highway 23

Belle Chasse, LA 70037

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-07-0071
AGENCY INTEREST NO. 14689**

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 **INDUSTRIAL PIPE, INC. (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 Roselle Foote at (225) 219-3724.

Sincerely,

Peggy M. Hatch
Administrator
Enforcement Division

PMH/RSF/rsf
Alt ID No. TDP-075-2029
Attachment



ENVIRONMENTAL COMPLIANCE

: PO BOX 4312, BATON ROUGE, LA 70821-4312
P:225-219-3700 F:225-219-3708
WWW.DEQ.LOUISIANA.GOV

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
INDUSTRIAL PIPE, INC.	*	ENFORCEMENT TRACKING NO.
PLAQUEMINES PARISH	*	
ALT ID NO. TDP-075-2029	*	SE-CN-07-0071
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	14689
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, <u>ET SEQ.</u>	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **INDUSTRIAL PIPE, INC. (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 construction/demolition debris solid waste landfill (the Site) located at Section 43, Township 15 South, Range 24 East, in Plaquemines Parish, Louisiana. The Site is authorized by the Department to operate under the terms and

conditions in the Interim Operational Plan of Order to Upgrade OU-0236 issued January 27, 1995. The Respondent is registered with the Department as a generator of waste tires.

II.

Inspections conducted on or about January 31, 2007, and February 1, 2007, disclosed the following:

- A. The Respondent failed to control entry of waste and to prevent the entry of unrecorded or unauthorized deliverables, in violation of LAC 33:VII.719.B.5.a and LAC 33:VII.901.A. Specifically, loads of waste were observed being disposed/pushed into the working face without first checking for unacceptable waste.
- B. The Respondent failed to limit the disposal of waste to Type III construction and demolition debris, wood waste, and exempted waste in violation of LAC 33:VII.721.C.1.f, LAC 33:VII.901.A, and Item #3 of the Respondent's Interim Operational Plan of Order to Upgrade OU-0236. Specifically, the Respondent allowed the disposal of wastes including, but not limited to, tires, bags of municipal solid waste, medical waste, vehicle windshields, and a load of hydraulic hoses. An inspection on February 23, 2007, noted no unauthorized waste.

III.

An inspection conducted on or about February 23, 2007, disclosed the following:

The Respondent failed to cover the waste with silty clays applied a minimum of twelve (12) inches thick, at least every fourteen (14) days, in violation of LAC 33:VII.901.A, and Item #6 of the Respondent's Interim Operational Plan of Order to Upgrade OU-0236.

IV.

An inspection conducted on or about June 14, 2007, disclosed the following:

The Respondent failed to provide a cover adequate to exclude water from waste tires being collected and/or stored, in violation of LAC 33:VII.10519.H.1. Specifically, several piles of uncovered waste tires and two (2) uncovered roll-off containers filled with waste tires were noted during the inspection. This violation was corrected on June 14, 2007.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately implement, upon receipt of this **COMPLIANCE ORDER**, methods and procedures to ensure that each incoming vehicle/load is inspected to determine if the material is suitable for disposal in a Type III landfill, as required by LAC 33:VII.719.B.5.a.

II.

To immediately implement, upon receipt of this **COMPLIANCE ORDER**, methods and procedures to ensure unauthorized waste is not accepted and/or disposed of at the Site, as required by LAC 33:VII.721.C.1.f and Item #3 of the Respondent's Interim Operational Plan of Order to Upgrade OU-0236.

III.

To immediately provide (and maintain), upon receipt of this **COMPLIANCE ORDER**, cover material on the landfill using silty clays applied a minimum of twelve (12) inches thick, at least every fourteen (14) days, as specified in Item #6 of the Respondent's Interim Operational Plan of Order to Upgrade OU-0236.

IV.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Louisiana Solid Waste Regulations and the Operational Plan of Order to Upgrade OU-0236.

V.

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
Attention: Roselle Foote
Enforcement Tracking No. SE-CN-07-0071
Agency Interest No. 14689

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-07-0071
Agency Interest No. 14689

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 Roselle Foote at (225) 219-3724 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

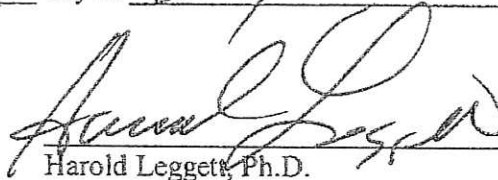
III.

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 24 day of July, 2007.



Harold Leggett, Ph.D.
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: Roselle Foote

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 27, 2008

CERTIFIED MAIL (7003 2260 0005 9328 4139)
RETURN RECEIPT REQUESTED

INDUSTRIAL PIPE, INC.
c/o Kennett F. Stewart
Agent of Service
11266 Highway 23
Belle Chasse, Louisiana 70037

RE: **CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-08-0270
AGENCY INTEREST NO. 14689**

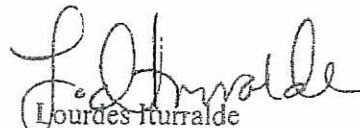
Dear Sir:

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 **INDUSTRIAL PIPE, INC. (RESPONDENT)** for the violations described therein.

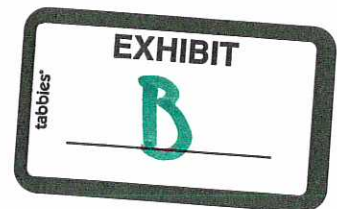
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Alissa Cockerham at (225) 219-1423.

Sincerely,


Lourdes Iturralde
Administrator
Enforcement Division

LMI/ARC/arc
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

INDUSTRIAL PIPE, INC.
PLAQUEMINES PARISH
ALT ID NO. P-0367

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

*
*
* ENFORCEMENT TRACKING NO.
*
* SE-CN-08-0270
*
* AGENCY INTEREST NO.
*
* 14689
*
*

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued to INDUSTRIAL PIPE, INC. (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

1.

The Respondent owns and/or operates Industrial Pipe Landfill, a Type III landfill authorized to accept construction and demolition debris, located at 11266 Highway 23 in Belle Chasse, Plaquemines Parish, Louisiana. The facility operates under Solid Waste Permit P-0367.

II.

On or about July 7, 2007, September 11, 2007, April 15, 2008, April 16, 2008, and April 18, 2008, inspections were conducted by representatives of the Department which revealed the following violations:

- A. The Respondent failed to minimize erosion, in violation of LAC 33:VII.721.A.2.a.ii.b. Specifically, evidence of erosion and exposed debris on the north/northwest portion of the center cell of the landfill was discovered. This violation was noted in the July 7, 2007 inspection. This violation has been addressed, which was verified in the inspection conducted on September 11, 2007.
- B. The facility received waste from a location other than the main gate without having first notified the Office of Environmental Services, Permits Division, in violation of LAC 33:VII.517.A.1, and LAC 33:VII.901.A as specified in Part II, Section 521.H, paragraph b of Solid Waste Permit P-0367. The facility was accepting construction/demolition waste from a barge, then placing the waste onto the south side of the road and pushing it into the disposal cell on the south side of the roadway without approval from the Department. This violation was noted in the inspections conducted on April 15, 2008, April 16, 2008, and April 18, 2008.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, accepting solid waste at any location other than the main gate of the facility as outlined in Permit P-0367.

II.

To submit, within fifteen (15) days after receipt of this **COMPLIANCE ORDER**, a proposed permit modification to the Office of Environmental Services, Permits Division, outlining the changes desired to the location of solid waste acceptance at the landfill. The Respondent shall not accept any solid waste for disposal at any location other than the main gate until such time that the permit modification is approved by the Department.

III.

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

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 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
Attention: Alissa Cockerham
Enforcement Tracking No. SE-CN-08-0270
Agency Interest No. 14689

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:

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Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. SE-CN-08-0270
Agency Interest No. 14689

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 Alissa Cockerham at (225) 219-1423 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

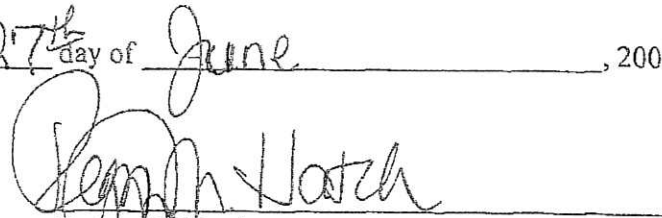
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement 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 27th day of June, 2008.



Peggy M. Hatch
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: Leigh Gauthreaux



BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 24, 2008

CERTIFIED MAIL (7003 2260 0005 9328 4191)
RETURN RECEIPT REQUESTED

INDUSTRIAL PIPE, INC.
c/o Kennett F. Stewart
Agent of Service
11266 Highway 23
Belle Chasse, Louisiana 70037

RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-08-0270A
AGENCY INTEREST NO. 14689

Dear Sir:

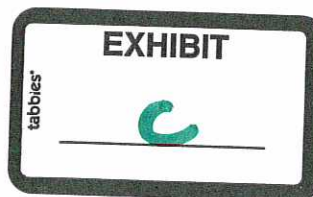
Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **INDUSTRIAL PIPE, INC. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Alissa Cockerham at (225) 219-1423.

Sincerely,

Lourdes Iturralde
Administrator
Enforcement Division

LI/ARC/arc
Alt ID No. P-0367
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

INDUSTRIAL PIPE, INC.
PLAQUEMINES PARISH
ALT ID NO. P-0367

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

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*
* ENFORCEMENT TRACKING NO.
*
* SE-CN-08-0270A
*
* AGENCY INTEREST NO.
*
* 14689
*
*

AMENDED
CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** issued to **INDUSTRIAL PIPE, INC. (RESPONDENT)** on June 27, 2008, in the above-captioned matter as follows:

I.

The Department hereby amends section II. of the Findings of Fact to read as follows:

"II.

On or about July 11, 2007, September 11, 2007, April 15, 2008, April 16, 2008, and April 18, 2008, inspections were conducted by representatives of the Department which revealed the following violations:

- A. The Respondent failed to minimize erosion, in violation of LAC 33:VII.721.A.2.a.ii.b. Specifically, evidence of erosion and exposed debris on the north/northwest portion of the center cell of the landfill was discovered. This violation was noted in the July 11, 2007, inspection. This violation has been addressed, which was verified in the inspection conducted on September 11, 2007.
- B. The facility received waste from a location other than the main gate without having first notified the Office of Environmental Services, Permits Division, in violation of LAC 33:VII.517.A.1, and LAC 33:VII.901.A as specified in Part II, Section 521.H, paragraph b of Solid Waste Permit P-0367. The facility was accepting construction/demolition waste from a barge, then placing the waste onto the south side of the road and pushing it into the disposal cell on the south side of the roadway without approval from the Department. This violation was noted in the inspections conducted on April 15, 2008, April 16, 2008, and April 18, 2008.”

II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. SE-CN-08-0270** and **AGENCY INTEREST NO. 14689** as if reiterated herein.

III.

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

Baton Rouge, Louisiana, this 24th day of December, 2008.



Peggy M. Hatch.
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
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Roselle Foote



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 4, 2015

CERTIFIED MAIL (7004 1160 0000 3803 4261)
RETURN RECEIPT REQUESTED

INDUSTRIAL PIPE, INC.
c/o Kennett Stewart
Agent for Service of Process
11266 Highway 23
Belle Chasse, Louisiana 70037

RE: **CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-14-00747
AGENCY INTEREST NO. 14689**

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 **INDUSTRIAL PIPE, INC. (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 Alissa Cockerham at (225) 219-1423.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/ARC/arc
Alt ID No. P-0367
Attachment



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

INDUSTRIAL PIPE, INC.
PLAQUEMINES PARISH
ALT ID NO. P-0367

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

*
*
* ENFORCEMENT TRACKING NO.
*
* SE-CN-14-00747
*
* AGENCY INTEREST NO.
*
* 14689
*

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **INDUSTRIAL PIPE, INC. (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 Industrial Pipe Landfill, a Type III landfill authorized to accept construction and demolition debris, located at 11266 Highway 23 in Belle Chasse, Plaquemines Parish, Louisiana. The facility operates under Solid Waste Permit P-0367, which was issued to the Respondent on or about August 25, 2004, and expired on August 25, 2014. The Respondent is a registered waste tire generator which operates under facility identification number R-9934.

II.

On or about December 19, 2013, and January 7, 2014, inspections were conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to have the numbers and levels of certified operators employed at the facility as required by the Department in accordance with LAC 46:XXIII, in

violation of LAC 33:VII.721.B.3.b, LAC 33:VII.901, and condition no. 6 of Solid Waste Permit P-0367 as specified in Section 521, Part II, Subpart G.1.b of the permit application. Specifically, the facility failed to have a level A or B operator on site during operating hours. The facility has since submitted a class B operator for an employee at the site. This violation has been corrected.

- B. The Respondent failed to maintain records of transporters transporting waste for processing or disposal at the facility, in violation of LAC 33:VII.721.B.2.b, LAC 33:VII.901, and condition no. 14 of Solid Waste Permit P-0367. Specifically, the Respondent failed to record transporters' solid waste identification numbers. The Respondent has modified their incoming waste form to include the identification numbers. This violation has been corrected.
- C. The Respondent's emergency response plan failed to include emergency notification procedures required in LAC 33:I Chapter 39, in violation of LAC 33:VII.721.C.5.c.vii. The plan was updated to include the procedures. This violation has been corrected.
- D. The Respondent failed to file a copy of the training program with the Office of Environmental Services as outlined in LAC 33:VII.721.C.5.a for all employees working at the facility, in violation of LAC 33:VII.721.C.5.b. Specifically, the Respondent failed to file a copy of their training program with the Office of Environmental Services. The Respondent has since submitted documentation of training to the Office of Environmental Services. This violation has been corrected.
- E. The Respondent failed to maintain a log including the date of cover material application, volume of cover material applied, description of the location where the cover material was applied, source of the cover material, and depth of the cover material applied, in violation of LAC 33:VII.721.A.2.d. Specifically, the log did not list the volume of cover applied, source of cover or the depth of cover material applied.
- F. The Respondent failed to store unacceptable waste in a closed container that prevents vector and odor problems, in violation of LAC 33:VII.721.C.4, LAC 33:VII.901, and Condition no. 6 of Solid Waste Permit P-0367 as specified in Section 521, Part II, Subpart H.1.b of the permit application. Specifically, the Respondent failed to cover

a roll-off container containing mattresses. The container is now being kept covered. This violation has been corrected.

- G. The Respondent failed to provide adequate cover for waste tires to exclude water from the waste tires, provide vector and vermin control, and prevent and/or control standing water in the containment area, in violation of LAC 33:VII.10519.H and Condition no. 13 of solid waste permit P-0367. Specifically, a roll-off container containing unmounted waste tires was uncovered. The container is now being kept covered. This violation has been corrected.
- H. The Respondent failed to comply with all conditions of the solid waste permit, in violation of LAC 33:VII.529.A.1, LAC 33:VII.721.A.2.a.iv, and LAC 33:VII.901. Specifically, the Respondent failed to comply with its permit by removing litter as required. The litter has since been removed. This violation has been corrected.
- I. The Respondent failed to prohibit the disposal of residential, industrial, and/or commercial waste, in violation of LAC 33:VII.721.C.1.f, LAC 33:VII.901, and Condition no. 6 of solid waste permit P-0367 as specified in Section 521, Part II, Subpart H.1.b of the permit application. Specifically, 5-gallon buckets containing what appeared to be hydrocarbon residue, a small propane tank, furniture, as well as industrial waste had been incorporated into the landfill working face. The unauthorized waste was removed and deposited into the unauthorized waste container. This violation has been corrected.
- J. The Respondent failed to cover wastes with a minimum of twelve (12) inches of silty clays within thirty (30) days of disposal, in violation of LAC 33:VII.721.A.2.b, LAC 33:VII.901, and Condition no. 16 of solid waste permit P-0367. Specifically, the Respondent failed to apply adequate interim cover on a side slope on the northwest side of the landfill. This violation has been corrected.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately institute, upon receipt of this COMPLIANCE ORDER, procedures to address the record keeping procedures to be employed to ensure that all pertinent activities are properly documented in the facility operational plan.

II.

To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations and Solid Waste Permit P-0367.

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 violations 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: Alissa Cockerham
Re: Enforcement Tracking No. SE-CN-14-00747
Agency Interest No. 14689

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-14-00747
Agency Interest No. 14689

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 Alissa Cockerham at (225) 219-1423 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

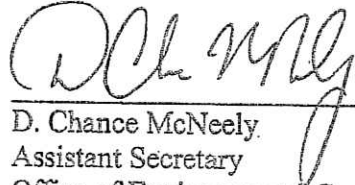
III.

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 4 day of March, 2015.



D. Chance McNeely
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: Alissa Cockerham

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 24, 2015

CERTIFIED MAIL 7014 1200 0000 7863 7976
RETURN RECEIPT REQUESTED

INDUSTRIAL PIPE, INC.
c/o Kennett F. Stewart
Agent for Service of Process
11266 Highway 23
Belle Chasse, Louisiana 70037

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-15-00884
AGENCY INTEREST NO. 14689

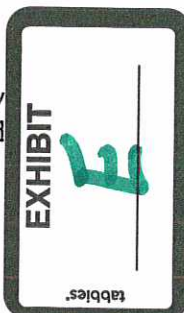
Dear Sir:

On or about April 29, 2015, an inspection of **RIVERSIDE RECYCLING & DISPOSAL**, a Type III landfill, owned and/or operated by **INDUSTRIAL PIPE, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The facility is located at 11266 Highway 23 in Belle Chasse, Plaquemines Parish, Louisiana.

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

The Respondent failed to notify the Department within twenty-four (24) hours of a fire that occurred on the southwest slope of the waste management area of the landfill, in accordance with LAC 33:I.3923, in violation of LAC 33:VII.315.H. Specifically, a surface fire on the waste management area of the landfill occurred on January 28, 2015, and the Respondent extinguished the fire with water. The Respondent repeated the process of excavating the area, searching for the source, extinguishing with water and dirt, and monitoring for emission until April 29, 2015. Notification to the Department was provided during the complaint inspection.

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



Notice of Potential Penalty
Industrial Pipe, Inc.
Page 2

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.

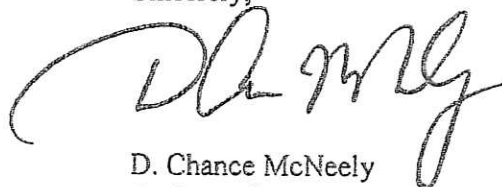
Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Tom Cranford at (225) 219-3095 within ten (10) days of receipt 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.

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.

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,



D. Chance McNeely
Assistant Secretary
Office of Environmental Compliance

DCM/TLC
Alt ID No. P-0367