

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-SE-18-0075
STRANCO, L.L.C.	*	
	*	Enforcement Tracking Nos.
AI # 16218 and 194160	*	SE-CN-09-0262
	*	SE-PP-10-00145
PROCEEDINGS UNDER THE LOUISIANA	*	SE-CN-10-01072
ENVIRONMENTAL QUALITY ACT	*	SE-PP-11-01116
LA. R.S. 30:2001, <u>ET SEQ.</u>	*	SE-CN-15-00076
	*	SE-CN-17-01013

SETTLEMENT

The following Settlement is hereby agreed to between Stranco, L.L.C. (“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 permitted transfer facility located in St. Tammany Parish, Louisiana (“the Facility”).

II

On November 23, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-09-0262, attached as Exhibit A.

On October 27, 2010, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. SE-PP-10-00145, attached as Exhibit B.

On September 22, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-10-01072, attached as Exhibit C.

On April 25, 2012, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. SE-PP-11-01116, attached as Exhibit D.

On May 26, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-15-00076, attached as Exhibit E.

On March 14, 2018, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-17-01013, attached as Exhibit F.

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of SEVEN THOUSAND SIX HUNDRED FIFTY AND NO/100 DOLLARS (\$7,650.00), of which Two Thousand Five Hundred Twenty-Five and 76/100 Dollars (\$2,525.76) 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).

V

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), Consolidated Compliance Orders & Notices of Potential Penalty, the 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.

VI

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.

VII

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.

VIII

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.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Tammany, 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.

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 G).

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.

Stranco, L.L.C.

BY: William P. Strain
(Signature)

William P. Strain
(Printed)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 30th day of July, 20 19, at Shreveport, LA.

Christy D. Fugate
NOTARY PUBLIC (ID # 085565)
Christy D. Fugate
Notary Public, State of Louisiana
My Commission is for Life
Notary 085565
(stamped or printed)

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

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

THUS DONE AND SIGNED in duplicate original before me this 1st day of Oct, 20 19, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary



BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE

November 23, 2009

CERTIFIED MAIL (7004 2510 0005 5764 4451)
RETURN RECEIPT REQUESTED

STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C.
c/o Tom W. Thornhill, Registered Agent
1308 Ninth Street
Slidell, LA 70458

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-09-0262
AGENCY INTEREST NO. 16218**

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 **STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C. (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 Cheryl O'Neal at (225) 219-3793.

Sincerely,

Lourdes Iturra de
Administrator
Enforcement Division

LI/CKO/cko
Alt ID No. P-103-10419, P-0335
Attachment



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

IN THE MATTER OF	*	
	*	
STRANCO SOLID WASTE	*	
MANAGEMENT COMPANY, L.L.C.	*	
ST. TAMMANY PARISH	*	ENFORCEMENT TRACKING NO.
ALT ID NO. P-103-10419, P-0335	*	
	*	SE-CN-09-0262
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	16218
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 **STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C. (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 transfer station under the terms and conditions of Standard Permit P-0335. The Stranco Solid Waste Management L.L.C. -Transfer Station (the Site) is located at 69015 U. S. Highway 59 North in Mandeville, St. Tammany Parish, Louisiana. Solid waste number P-103-10419 was assigned to this facility as an alternate identification number.

II.

On or about September 4, 2003, SE-CN-02-0213 was issued to Stranco Solid Waste Management Company, L.L.C. The order cited Respondent for failure to remove construction/demolition debris and yard-waste from the tipping floor within twelve (12) hours as required by the permit and failure to maintain containment of all solid wastes in order to control litter, odor, and pollution of adjoining areas, in violation of Permit P-0335. The Respondent was ordered to immediately achieve operational compliance with the permit conditions of Standard Permit No. P-0335 including, but not limited to, removing all waste on the tipping floor daily and washing down the tipping room floor daily. This order was not appealed and is a final order.

III.

On or about June 9, 2004, an inspection of the facility noted that the Respondent failed to maintain containment of all solid wastes in order to control litter and pollution of adjoining areas and failed to remove solid waste from the tipping floor within twelve (12) hours, in violation of Permit P-0335. The violation was corrected and the Respondent was issued a Notice of Corrected Violation on December 6, 2005.

IV.

On or about December 6, 2007, June 13, 2008, and December 17, 2008, inspections of the facility and a subsequent file review revealed the following:

- A. The Respondent failed to provide for handling of waste in a completely enclosed building as required by Section C.2.a.iii (page 3 of 12 in Modification #4) of the facilities amended Permit P-0335, LAC 33:VII.901.A and La. R.S. 30:2155. During the December 6, 2007, inspection, the large bay doors had not been replaced following damage sustained during Hurricane Katrina. During the December 17, 2008, inspection, it was noted that the wall on the eastern side of the building does not extend from floor to ceiling. During the June 13, 2008, re-inspection, the bay doors had been replaced.
- B. The Respondent failed to provide repairs to the tipping room floors as necessary to protect the integrity of the containment, in violation of Section C.2.c (page 7 of 12 in Modification #4) of the facilities amended Permit P-0335, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, cracks were noted throughout the tipping room floor during the December 6, 2007, inspection. Hydraulic fluid

had leaked onto the floor and drained between the cracks in the floor into the soil. During the June 13, 2008, re-inspection, an engineer with the Permits Division determined that the condition of the floor was compliant with the requirements of the facilities permit.

- C. The Respondent failed to submit a renewal application at least 455 days before the expiration date of the permit, in violation of LAC 33:VII.509.D.2.a, Item #5 of the facilities permit P-0335 issued December 4, 1998, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, the application was submitted on January 11, 2008, and the permit expired on December 7, 2008. The submittal of the permit application was verified during the June 13, 2008, inspection.
- D. The Respondent failed to notify the Permits Division when extenuating circumstances required that wastes remain on the tipping floor overnight and record information relevant to the overnight storage, in violation of Section C.2.a.iii (page 3 of 12 pages in Modification #4) of the facilities amended Permit P-0335, LAC 33:VII.901.A and La. R.S. 30:2155. Although the owner and manager indicate that there are some days that wastes remain on the floor overnight, they failed to notify the Department and note storage details in the daily log as required by the permit modification.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to submit the permit renewal application at least 455 days prior to the expiration date of the permit.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to notify the Permits Division when extenuating circumstances require that wastes remain on the floor overnight and to record the date, approximate amount of waste remaining, and reason for overnight storage for each event in the daily operation log as required by the permit.

III.

To provide, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, for the

handling of waste in an enclosed building thus affording containment sufficient to control litter, odor, potential vector concerns and pollution of adjoining areas.

IV.

To complete, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the repair of all cracks in the tipping floor.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to provide routine inspection of the containment floor and timely repairs to the floor as necessary to ensure no migration of waste constituents.

VI.

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

VII.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited 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: Cheryl O'Neal
Enforcement Tracking No. SE-CN-09-0262
Agency Interest No. 16218

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-09-0262
Agency Interest No. 16218

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 Cheryl O'Neal at (225) 219-3793 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

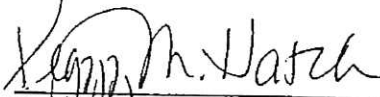
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement 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 23rd day of November, 2009.



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



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 27, 2010

CERTIFIED MAIL (7005 1820 0002 2094 0084)
RETURN RECEIPT REQUESTED

STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C.
c/o Tom W. Thornhill, Registered Agent
1308 Ninth Street
Slidell, LA 70458

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-10-00145
AGENCY INTEREST NO. 16218**

Dear Sir:

On or about June 16, 2010, an inspection of the **STRANCO SOLID WASTE MANAGEMENT L.L.C. – TRANSFER STATION**, owned and/or operated by **STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with Consolidated Compliance Order and Notice of Potential Penalty SE-CN-09-0262, the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The facility is located at 69015 U. S. Highway 59 North in Mandeville, St. Tammany Parish, Louisiana. The facility is a permitted transfer station and it is assigned solid waste identification number P-103-10419 as well as Permit Number P-0335.

On or about December 6, 2007, June 13, 2008, and December 17, 2008, inspections of the facility and a subsequent file review revealed the following (1) The Respondent failed to provide for handling of waste in a completely enclosed building as required by Section C.2.a.iii (page 3 of 12 in Modification #4) of the facilities amended Permit P-0335, LAC 33:VII.901.A and La. R.S. 30:2155. During the December 17, 2008, inspection, it was noted that the wall on the eastern side of the building does not extend from floor to ceiling and (2) The Respondent failed to provide repairs to the tipping room floors as necessary to protect the integrity of the containment, in violation of Section C.2.c (page 7 of 12 in Modification #4) of the facilities amended Permit P-0335, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, cracks were noted throughout the tipping room floor during the December 6, 2007, inspection.

The Respondent was ordered (1) to provide, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, for the handling of waste in an enclosed building thus affording containment sufficient to control litter, odor, potential vector concerns and pollution of adjoining areas, (2) to complete, within thirty (30) days after receipt of the **COMPLIANCE ORDER**, the repair of all cracks in the tipping floor; and (3) to institute procedures, immediately upon receipt



Notice of Potential Penalty
Stranco Solid Waste Management L.L.C.-Transfer Station
Page 2

of the **COMPLIANCE ORDER**, to provide routine inspection of the containment floor and timely repairs to the floor as necessary to ensure no migration of waste constituents.

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

- A. The Respondent failed to provide for handling of waste in a completely enclosed building as required by Section C.2.a.iii (page 3 of 12 in Modification #4) of the facilities amended Permit P-0335, Paragraph III of the Order Portion of SE-CN-09-0262, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, the wall on the northern two-thirds of the eastern side of the building does not extend from floor to ceiling, the partition wall has a large opening, and the bay door in the south east corner of the building is not able to fully roll down to the ground.
- B. The Respondent failed to provide repairs to the tipping room floors as necessary to protect the integrity of the containment, in violation of Section C.2.c (page 7 of 12 in Modification #4) of the facilities amended Permit P-0335, Paragraph IV and V of the Order Portion of SE-CN-09-0262, LAC 33:VII.901.A and La. R.S. 30:2155. The tipping floor was extensively and deeply cracked.

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 violations described herein. Written comments may be filed regarding the violations 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 violations. If you would like to have such a meeting, please contact Cheryl O'Neal at (225) 219-3793 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.

Notice of Potential Penalty
Stranco Solid Waste Management L.L.C.-Transfer Station
Page 3

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,



Beau James Brock
Assistant Secretary

BJB/CKO/cko
Alt ID No. P-103-10419, P-0335



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 22, 2010

CERTIFIED MAIL (7005 1820 0002 2094 0275)
RETURN RECEIPT REQUESTED

STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C.
c/o Tom W. Thornhill, Registered Agent
1308 Ninth Street
Slidell, LA 70458

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-10-01072
AGENCY INTEREST NO. 16218**

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 **STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C. (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 Cheryl O'Neal at (225) 219-3793.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/CKO/cko
Alt ID No. P-103-10419, P-0335
Attachment



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

IN THE MATTER OF

**STRANCO SOLID WASTE
MANAGEMENT COMPANY, L.L.C.
ST. TAMMANY PARISH
ALT ID NO. P-103-10419, P-0335,**

*
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*
*
* **ENFORCEMENT TRACKING NO.**

*
* **SE-CN-10-01072**

*
* **AGENCY INTEREST NO.**

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

*
* **16218**
*
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C. (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 transfer station under the terms and conditions of Standard Permit P-0335. The Stranco Solid Waste Management L.L.C. –Transfer Station (the Site) is located at 69015 U. S. Highway 59 North in Mandeville, St. Tammany Parish, Louisiana. Solid waste number P-103-10419 was assigned to this facility as an alternate identification number.

II.

On or about December 17, 2009, an inspection of the Site and subsequent record review revealed the following:

- A. The Respondent failed to provide security preventing unauthorized access except by willful entry as required by Section B.1.b of the facility's permit P-0335, LAC 33:VII.717.B.2, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, when entering the facility for the inspection at 5:50 a.m., it was noted that the facility was unlocked and unmanned.
- B. The Respondent allowed the acceptance of waste outside the approved operating hours of the facility, in violation of Sections G.1.c of the facility's permit P-0335 as well as Section C.2.a.iii of the facilities amended Permit P-0335, LAC 33:VII.901, and La. R.S. 30:2155. Facility personnel were allowing waste to be received earlier than the approved hours of 7:00 a.m.-5:00 p.m. Monday-Friday and 7:00 a.m. to 2:00 p.m. on Saturday.
- C. The Respondent failed to provide a method/device for receiving and monitoring incoming wastes to determine quantity, sources (in or out-of-state) (industrial), the type of waste, and where the waste was generated, in violation of Sections C.1.f and G.1.b of the facility's permit P-0335, LAC 33:VII.717.B.6, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, no one recorded information as required by the facilities permit and the Department's regulations for waste receipts before 7:00 a.m.
- D. The Respondent failed to provide a method/device to control the entry of waste and prevent the entry of unrecorded or unauthorized deliverables, in violation of Sections F of the facility's amended permit P-0335 (page 2 of 12 of Permit Modification #4), LAC 33:VII.901, and La. R.S. 30:2155. Specifically, no security personnel were present to prevent the entry of unauthorized deliverables prior to 7:00 a.m.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that entry points are manned during hours of operation and remain locked during nonoperating hours.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that the facility is operating only within the hours approved by the permit, unless specifically authorized by the Department to deviate from this schedule.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that during operational hours, security is provided to eliminate unauthorized deliverables (all entries shall be monitored during operation and locked during hours of non-operation) and to record the information on the deliveries as required by the permit and the Department's Solid Waste Regulations.

IV.

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

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: Cheryl O'Neal
Enforcement Tracking No. SE-CN-10-01072
Agency Interest No. 16218

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-10-01072
Agency Interest No. 16218

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 Cheryl O'Neal at (225) 219-3793 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

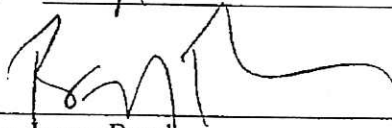
III.

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 22 day of September, 2010.



Beau James Brock
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

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
April 25, 2012

CERTIFIED MAIL (7005 1820 0002 2094 0947)
RETURN RECEIPT REQUESTED

STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C.
c/o Tom W. Thornhill
Agent for Service of Process
1308 Ninth Street
Slidell, Louisiana 70458

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-11-01116
AGENCY INTEREST NO. 16218

Dear Sir:

On or about June 15, 2011, an inspection of **STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C.**, owned and/or operated by **STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C. (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 69015 U.S. Highway 59 North in Mandeville, St. Tammany Parish, Louisiana.

On or about November 23, 2009, the Department issued Consolidated Compliance Order & Notice of Potential Penalty SE-CN-09-0262. The order was received by the Respondent on November 30, 2009. SE-CN-09-0262 was not appealed by the Respondent and is a final order.

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

- A. The Respondent failed to notify the Permits Division when extenuating circumstances required that wastes remain on the tipping floor overnight and record information relevant to the overnight storage, as required by Section C.2.a.iii (page 3 of 12 pages in Modification #4) of the facility's amended Permit P-0335, Paragraph II of SE-CN-09-0262, LAC 33:VII.901, and La. R.S. 30:2155.
- B. The Respondent failed to provide transportation vehicles that are covered in a manner that prevents rain from reaching waste, inhibits access by rodents and insects, prevents waste from falling or blowing from the vehicle, minimizes the escape of odors, and does not create a nuisance, in violation of LAC 33:VII.505.A.2.b, LAC



Notice of Potential Penalty

STRANCO SOLID WASTE MANAGEMENT COMPANY, L.L.C.

Page 2

33:VII.503.A, LAC 33:VII.901, and La. R.S. 30:2155. The facility used vehicles for overnight storage of solid waste that had open mesh netting used as cover.

- C. The Respondent failed to provide a completely enclosed building for operation of the tipping floor of the transfer station, in violation of Section C.2.a.iii (page 3 of 12) of Modification #4 of the facility's Permit P-0335, Order Paragraph III of SE-CN-09-0262, LAC 33:VII.901.A, and La. R.S. 30:2155.

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

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Brad Taylor at (225) 219-3797 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,



Cheryl Sonnier Nolan
Assistant Secretary

CSN/BST/bst
Alt ID No. P-103-10419



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 26, 2015

CERTIFIED MAIL (7012 3460 0001 0423 2041/2072)
RETURN RECEIPT REQUESTED

STRANCO, L.L.C.
c/o Tom W. Thornhill
Agent for Service of Process
1308 Ninth Street
Slidell, Louisiana 70458


**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-15-00076
AGENCY INTEREST NOS. 194160/16218**

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 **STRANCO, L.L.C. (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 Erin Dartez at (225) 219-3636.

Sincerely,

Celeha J. Cage
Administrator
Enforcement Division

CJC/AED
Alt.ID. No. P-0335R1-M2/T-103-6097
Attachment



c: Stranco, LLC
c/o Anna Myers, Safety Director
70459 Highway 59
Abita Springs, Louisiana 70420

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

IN THE MATTER OF

**STRANCO, L.L.C.
LAFAYETTE /ST. TAMMANY
PARISHES
ALT ID NOs. P-0335R1-M2/
T-103-6097**

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

*
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* **ENFORCEMENT TRACKING NO.**
*
* **SE-CN-15-00076**
*
* **AGENCY INTEREST NOs.**
*
* **194160/16218**
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **STRANCO, L.L.C. (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 transfer station located at 70459 Highway 70 in Abita Springs, St. Tammany Parish, Louisiana and is permitted as a Type II solid waste processing facility (AI# 16218) and operates under standard permit number P-0335R1-M2. The Respondent is also a solid waste transporter and owns several trucks that transport regulated solid waste to various locations. On or about October 21, 2014, an incident occurred while the Respondent was transporting waste near the intersection of Ambassador Caffery Parkway and Guilbeau Road in Lafayette, Lafayette Parish, Louisiana (AI# 194160). The Respondent transports waste using the solid waste transport number T-103-6097.

II.

The Respondent was issued Notice of Potential Penalty SE-PP-11-01116 (AI# 16218) on April 25, 2012, and a Notice of Deficiency (AI#168995) on February 26, 2010, that included the violation LAC 33:VII.505.A.2.b for failure to cover the body of the transport vehicle while transporting a load.

III.

An inspection of the incident on or about October 21, 2014, and a subsequent file review revealed the following violations:

- A. The Respondent failed to transport regulated solid waste in a vehicle covered in a manner that prevents rain from reaching waste, inhibit access by rodents and insects, and prevents waste from falling or blowing from the vehicle, in violation of LAC 33:VII.505.A.2.b. Specifically, a Stranco truck was transporting regulated solid waste from Abbeville to Sorrento. The roll-off box containing the waste was covered with a tarp but needed to be covered more securely to prevent spillage from the vehicle. The driver slammed on his brakes to avoid a collision and caused approximately one hundred (100) gallons of material to spill from the truck onto the road and sidewalk. The cleanup was completed on or about October 24, 2014.
- B. The Respondent failed to submit the required annual certification of compliance by October 1 of each year covering the period of July 1 to June 30 immediately preceding the October 1 submittal date, in violation of LAC 33:VII.525. Specifically, the Respondent has not submitted the Solid Waste Certification of Compliance for 2014 or 2013. The Respondent received a letter on or about April 6, 2015, from the Office of Environmental Services-Waste Permits Division requesting submittal of the documents.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To begin immediately, upon receipt of this **COMPLIANCE ORDER**, covering all vehicles transporting regulated solid waste in a manner that prevents rain from reaching waste, inhibits access by rodents and insects, prevents waste from falling or blowing from the vehicle, minimizes escape of odors, and does not create a nuisance. The vehicle shall remain covered at all times, except when loading and unloading the vehicle.

II.

To immediately submit, upon receipt of this **COMPLIANCE ORDER**, the annual certification of compliance for 2014 and 2013 and to submit annually hereafter, by October 1 of each year covering the period of July 1 to June 30 immediately preceding the October 1 submittal date. This certification shall be submitted to the Office of Environmental Services-Waste Permits Division, in accordance with LAC 33:VII.525.

III.

To take, immediately 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
Attn: Erin Dartez
Re: Enforcement Tracking No. SE-CN-15-00076
Agency Interest No. 194160/16218

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-15-00076
Agency Interest No. 194160/16218

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 Erin Dartz at (225) 219-3636 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

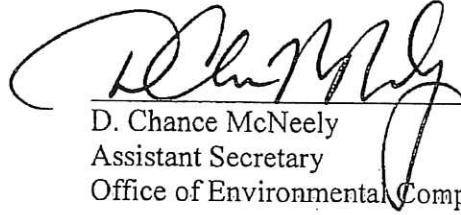
III.

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 26 day of May, 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: Erin Dartez



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
March 14, 2018

CERTIFIED MAIL (7014 1200 0000 7864 2086/2093)
RETURN RECEIPT REQUESTED

STRANCO, L.L.C.
c/o Tom W. Thornhill
Agent for Service of Process
1308 Ninth Street
Slidell, LA 70458

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-17-01013
AGENCY INTEREST NO. 16218**

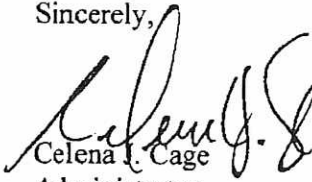
Dear Sir:

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 **STRANCO, L.L.C. (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 Adrienne Landry at (225) 219-3805 or Adrienne.Landry@la.gov.

Sincerely,


Celena L. Cage
Administrator
Enforcement Division

CJC/ARL/arl
Alt ID No. P-0335R1
Attachment



c: STRANCO, L.L.C.
c/o JJ Barnes
70459 Highway 59
Mandeville, LA 70420

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

IN THE MATTER OF

**STRANCO, L.L.C.
ST. TAMMANY PARISH
ALT ID NO. P-0335R1**

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

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ENFORCEMENT TRACKING NO.

SE-CN-17-01013

AGENCY INTEREST NO.

16218

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **STRANCO, L.L.C. (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 Stranco Transfer Station, a permitted solid waste transfer station, located at 69015 Highway 59 in Mandeville, St. Tammany Parish, Louisiana. The facility operates under solid waste permit P-0335R1 which became effective on August 25, 2011 and expires on August 25, 2021.

II.

On or about November 23, 2009, the Department issued **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-09-0262** to the Respondent. On or about November 23, 2009, the Respondent received **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-09-0262** via certified mail. The violations cited in **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-09-0262** include but are not limited to: failure to handle solid waste

in a completely enclosed building and failure to repair cracks to the tipping room floor. On or about April 19, 2012, a Violation Clear Letter was issued to the Respondent.

III.

On or about April 25, 2012, the Department issued **NOTICE OF POTENTIAL PENALTY SE-PP-11-01116** to the Respondent. On or about April 30, 2012, the Respondent received **NOTICE OF POTENTIAL PENALTY SE-PP-11-01116** via certified mail. The violations cited in **NOTICE OF POTENTIAL PENALTY SE-PP-11-01116** include but are not limited to: failure to handle solid waste in a completely enclosed building.

IV.

On or about May 25, 2017, the Department conducted an inspection at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to provide repairs to the tipping room floors as necessary to protect the integrity of the containment, as specified in Section G.1.b of Solid Waste Permit P-0335 Application, in violation of Conditions 5 and 6 of Solid Waste Permit P-0335, LAC 33:VII.901, and LAC 33:VII.717.B.7. Specifically, the Department observed multiple large cracks on the tipping room floor. Furthermore, the facility has the potential for discharges to the soil beneath the tipping room due to the presence of the cracks.
- B. The Respondent failed to provide a completely enclosed building for the handling of waste, as specified in Section G.1.b of Solid Waste Permit P-0335 Application, in violation of Conditions 5 and 6 of Solid Waste Permit P-0335 and LAC 33:VII.901. Specifically, at the time of the inspection, the Department observed multiple holes along the south wall, two (2) bay doors stuck in the up position, and a large gap under a sliding door. On or about November 6, 2017, the Respondent provided photographs showing the holes on the south wall of the building have been repaired.

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 complete, within (30) days upon receipt of this **COMPLIANCE ORDER**, repairs of all cracks in the tipping room floor.

III.

To complete, within (30) days upon receipt of this **COMPLIANCE ORDER**, any and all necessary repairs to ensure that solid waste is managed in a completely enclosed building.

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
Attn: Adrienne Landry
Re: Enforcement Tracking No. SE-CN-17-01013
Agency Interest No. 16218

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-17-01013
Agency Interest No. 16218

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 Adrienne Landry at (225) 219-3805 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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

Baton Rouge, Louisiana, this 14th day of March, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Adrienne Landry

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE



Enforcement Tracking No.	SE-CN-17-01013	Contact Name	Adrienne Landry
Agency Interest (AI) No.	16218	Contact Phone No.	225-219-3805
Alternate ID No.	P-0335R1		
Respondent:	Stranco, L.L.C.	Facility Name:	Stranco Transfer Station
	c/o Tom W. Thornhill	Physical Location:	69015 Highway 59
	Agent for Service of Process		
	1308 Ninth Street	City, State, Zip:	Mandeville, LA 70420
	Slidell, LA 70458	Parish:	St. Tammany

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs II and III of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY SE-CN-17-01013, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY SE-CN-17-01013, the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY SE-CN-17-01013 and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Adrienne Landry		