



# Surveillance 101: Division Objectives

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Surveillance Division  
Louisiana Department of Environmental Quality



# Office Organizational Chart



## ENVIRONMENTAL SERVICES

- WATER PERMITS
- WASTE PERMITS
- AIR PERMITS
- PERMITS SUPPORT DIVISION

## ENVIRONMENTAL COMPLIANCE

- SURVEILLANCE
- ENFORCEMENT
- EMERGENCY RESPONSE & RADIOLOGICAL SERVICES

## ENVIRONMENTAL ASSESSMENT

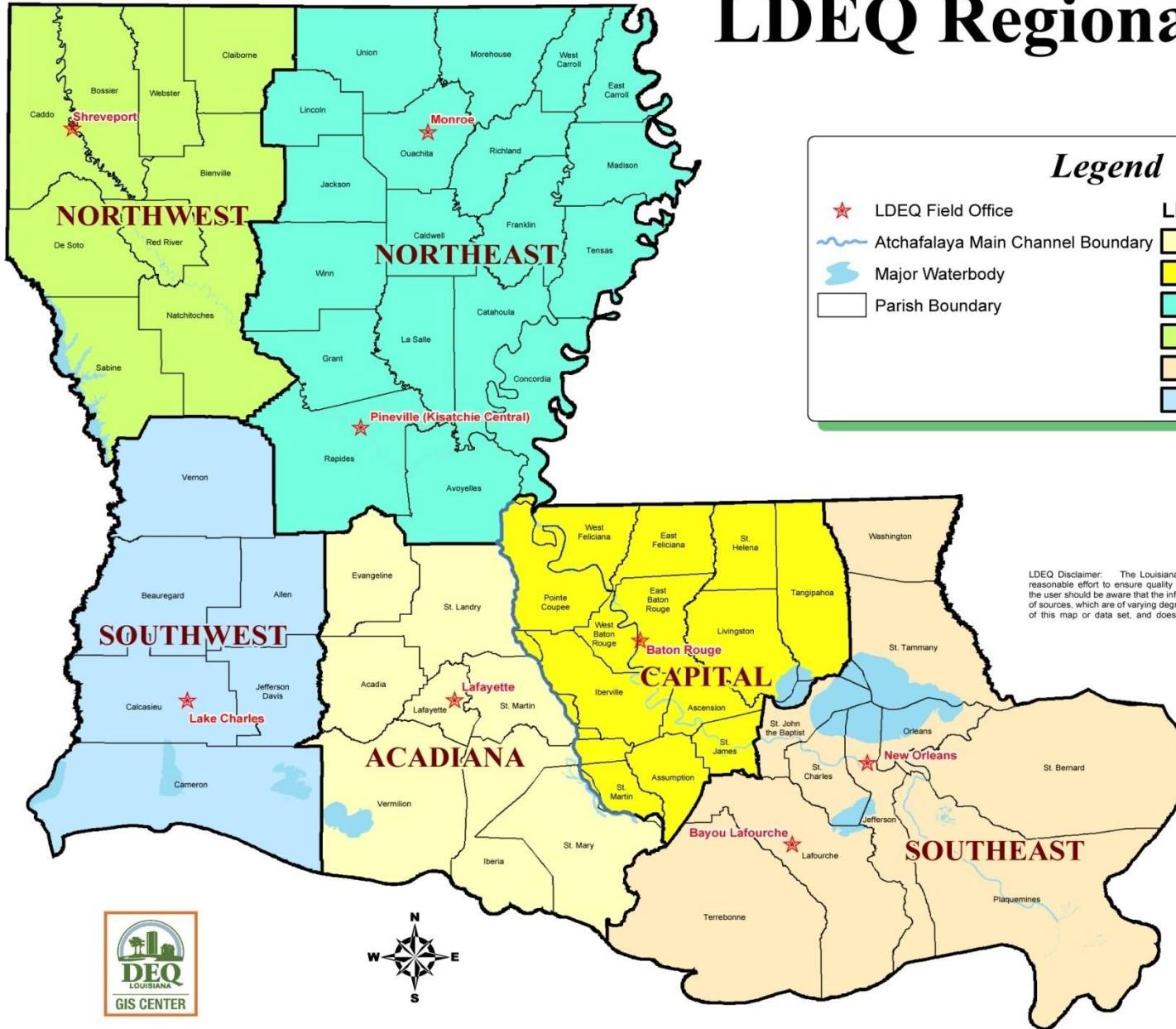
- AIR QUALITY ASSESSMENT
- WATER QUALITY ASSESSMENT
- TECHNOLOGY
- REMEDATION
- LABORATORY SERVICES
- UNDERGROUND STORAGE TANK

## MANAGEMENT & FINANCE

- FINANCIAL SERVICES
- INFORMATION SERVICES
- GENERAL SERVICES
- HUMAN RESOURCES



# LDEQ Regional Districts



**Legend**

- ★ LDEQ Field Office
- ~ Atchafalaya Main Channel Boundary
- Major Waterbody
- Parish Boundary

**LDEQ Regional District**

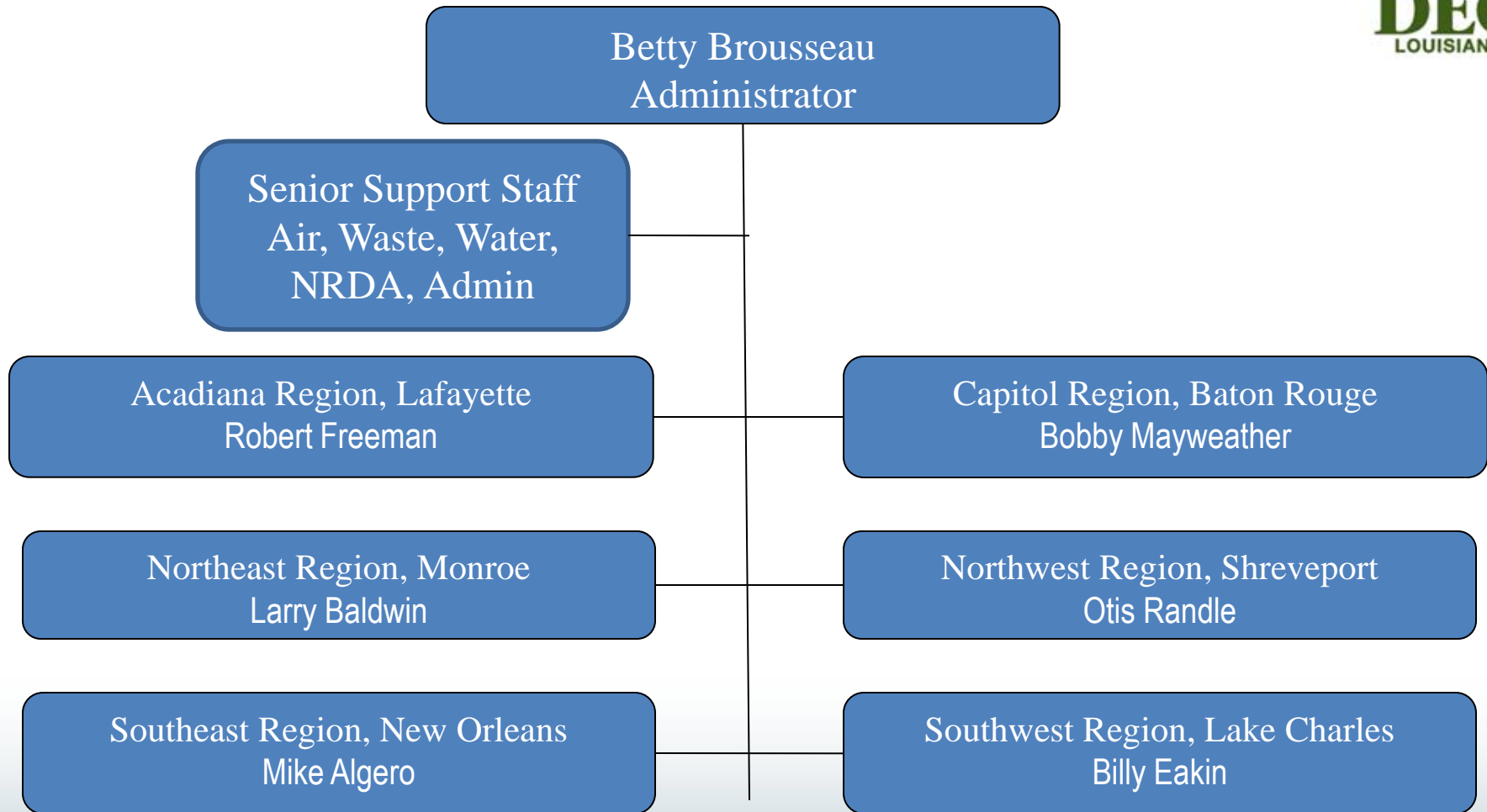
- ACADIANA
- CAPITAL
- NORTHEAST
- NORTHWEST
- SOUTHEAST
- SOUTHWEST

**LDEQ Disclaimer:** The Louisiana Department of Environmental Quality (LDEQ) has made every reasonable effort to ensure quality and accuracy in producing this map or data set. Nevertheless, the user should be aware that the information on which it is based may have come from any of a variety of sources, which are of varying degrees of accuracy. Therefore, LDEQ cannot guarantee the accuracy of this map or data set, and does not accept any responsibility for the consequences of its use.

Date: 02/09/2009  
 Map Number: 200901017  
 Map Projection: UTM Zone 15 NAD83  
 Map Sources: 1999 LDOTD Parish boundaries;  
 2006 LDEQ Field Offices; 1999 LDEQ Regional Districts;  
 10/2008 TeleAtlas Waterbodies



# Surveillance Division



# Surveillance Division Role



- Conduct Compliance Evaluations at Regulated Facilities (using Permits, referring to Enforcement)
- Respond to Environmental Incidents (determining compliance needs, referring for Permit or Enforcement)
- Conduct Environmental Monitoring for Air and Water Quality (data used in Permit development)



# Conducting Compliance Evaluations



- Air, Solid Waste, Hazardous Waste, Water, Lead, Asbestos, Tire Dealers
- Facility status compared to applicable requirements (Permit and/or regulation)
- Findings documented in a Field Interview Form with supporting documentation
- Non-compliance addressed in region, referred to Enforcement Division if needed



# Incident Response



- Complaint or spill notifications are made to the DEQ through the Single Point of Contact (SPOC)
- Emergency Response has first opportunity to respond if needed, to regional Surveillance staff if not. Regional Surveillance staff assist in Emergency Response as needed
- Citizens are informed of the initial response by letter, later by telephone
- Spill/release response involves oversight of source control, spill/release containment, cleanup to RECAP specifications, restitution for natural resource damages, and enforcement consideration



# Ambient Monitoring



- All watersheds are sampled and assessed for meeting designated uses (e.g., swimming, fishing, drinking water source) at ~ 480 fixed locations. Provides information for water survey (TMDL) determinations, water permitting decisions and water inspection targeting
- Air quality is currently monitored and assessed at 39 fixed locations for one or more parameters. Provides data for Ozone Action days, Air permitting decisions, and inspection targeting





# DEQ in 2009

## Office & Division Contact Information



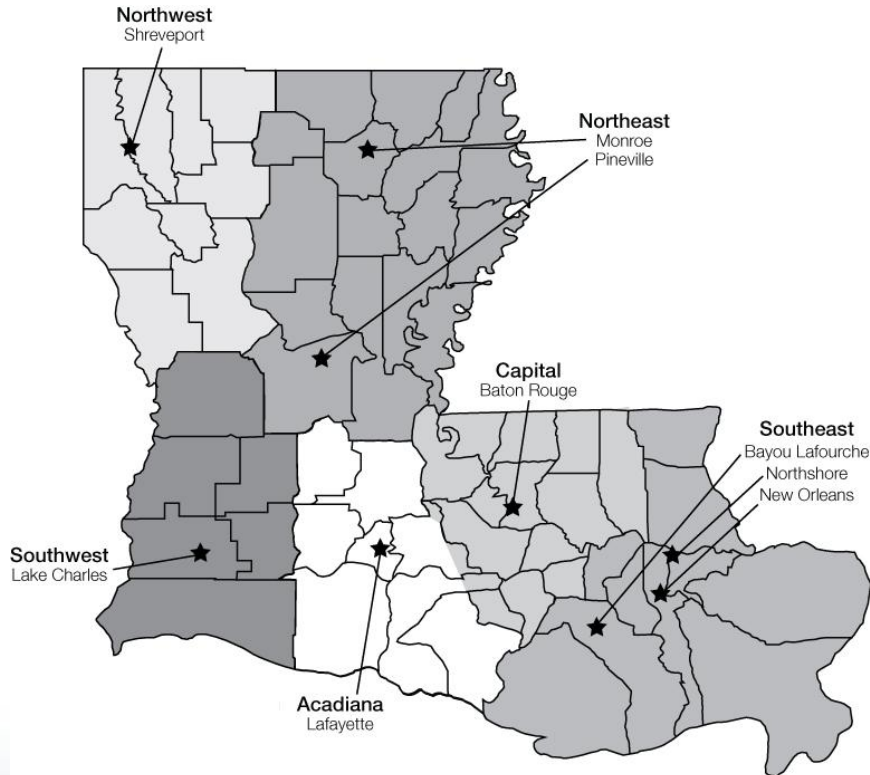
Peggy Hatch, Assistant Secretary  
Office of Environmental Compliance  
Baton Rouge 225-219-3710

Betty Brousseau, Administrator  
OEC/Surveillance Division  
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# DEQ in 2009

## Surveillance Regional Managers



### Administrator:

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### Acadiana Region:

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### Capital Region:

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### Northeast Region:

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# DEQ in 2009

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# Frequently Used Terms, Definitions, & Acronyms



- RECAP – Risk Evaluation Corrective Action Program
- SPOC – Single Point of Contact
- NRDA – Natural Resource Damage Assessment
- TMDL – Total Maximum Daily Load





# Enforcement 101

Toni Evans  
Cheryl Easley  
Enforcement Division  
Office of Environmental Compliance  
Louisiana Department of Environmental Quality



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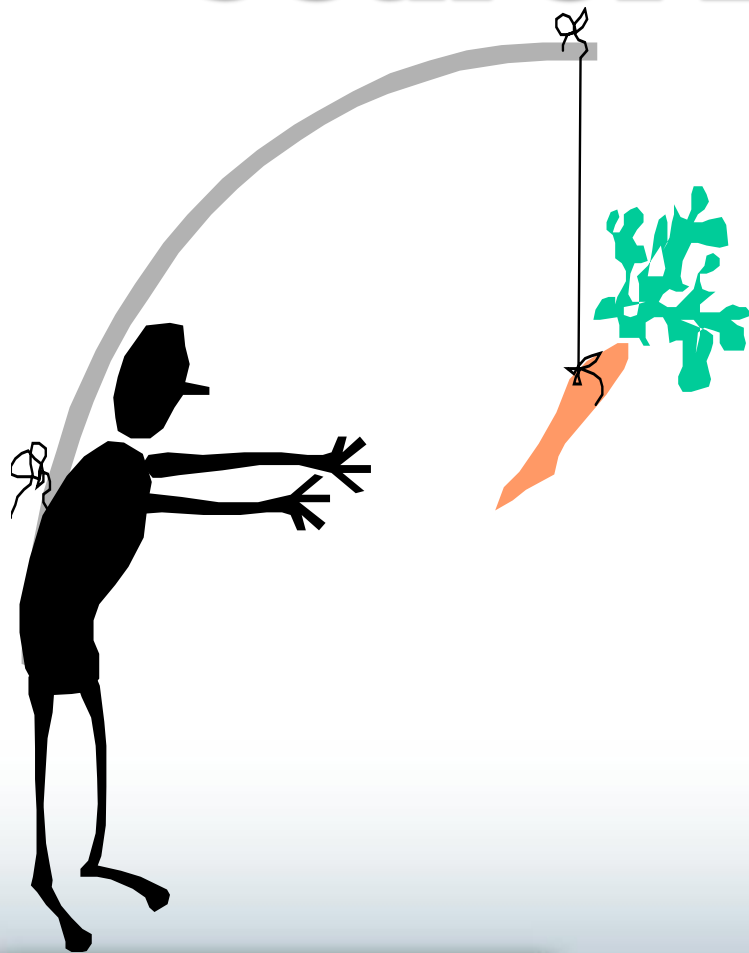




# Enforcement



# Goal of Enforcement



- To compel compliance with or obedience to the environmental regulations applicable to a site or an individual
- **In other words – obtain compliance**





# The Process



# Where do cases originate?

- Referrals
  - Surveillance Division
  - Env. Technology Division
  - Remediation Division
  - Permits Division
- File Reviews
- Self-Reported Violations





**What happens  
to the referral  
once it is  
received by  
enforcement?**

# **Enforcement Writer**



- **Reviews case for evidence of violation**
- **Considers nine factors to determine need for a penalty assessment**
- **Prepares action appropriate to violation type and severity/Requests additional information or evidence/Recommends no further action for the referral**





# Legal Review



- Reviews case (inspection report, referral, old documents, permits, etc.) for evidence of violation
- Reviews draft action for accuracy of violation and appropriateness of proposed action
- Approves action/Requests additional information/Determines case should not go forward





# **Approved Actions**

- **Issued under signature of Assistant Secretary of OEC**
- **All Respondents have 30 days from the receipt of the action to request a hearing for formal actions**
- **Legal Division accepts or denies hearing requests**
- **Cases that have hearing requests accepted enter “the appeals process”**





# **Final Actions**

- **Actions that are not appealed or have the hearing request denied are final actions 30 days after receipt by the Respondent.**
- **Non-compliance with a final order can be made executory in the 19<sup>th</sup> JDC**
- **Non-compliance with the court order can lead to the Respondent being held in contempt of court.**





# **No Further Action Cases/Violations**

- **Insufficient Evidence**
- **No Responsible Party can be determined or the Responsible Party cannot be located**
- **No violation occurred**
- **Memo is sent to EDMS documenting that case/violation will not be pursued and reasons**







**What  
evidence  
must we  
have to  
prove the  
violation?**



**Who?**

**Where?**

**What?**

**How?**

**When?**



**How  
much?**





# Who?

- Who committed the violation?
- Who gave us information about the violation?
- Who made statements that provided us with knowledge to prove the violation?
- Who is the responsible party?





# What?

- **What happened?**
- **What was supposed to happen or what was not supposed to happen?**
- **What physical evidence do we have to prove this?**
  - **Written documents**
  - **Photographs**
  - **Copies of operating logs**





# When?

- **When did the violation occur?**
  - When did it begin?
  - When did it end?
- **When did you find out about it?**





# Where?

- **Where did the violation occur?**
  - Did it cause environmental damage?
  - Was the damage mitigated?
- **Where did an unauthorized release go?**
- **Where should the material have gone?**





# How?

- **How did the violation happen?**
  - Human error
  - Faulty equipment
  - Act of God
  - Intentional act





# How?

- **How did we find out about it?**
  - **Was it self-reported?**
  - **Was it found during an inspection?**
  - **Was there an attempt to hide the information?**







# How much?

- How much (quantity) was the release?
- How many drums were unlabeled?
- How many days/weeks/months/years late was the notification of contamination?





# Successful Cases



- **Violations supported by:**
  - Physical evidence
  - Photographs
  - Written documents
  - Specific facts and the name and title of person providing information
- **Good communication between referring group and enforcement**



# Enforcement's Role

- To be a team member that supports the other Divisions by being a mechanism for ensuring compliance in the regulated community





# **In closing...**

- **All referrals are evaluated for non-compliance with the regulations and/or statutes**
- **Some cases/violations do not go forward for various reasons**
- **Most cases are successfully completed and closed**





# Questions?





# **BENEFICIAL ENVIRONMENTAL PROJECTS (BEPS)**

**CHERYL EASLEY**





# WHAT IS A BEP?



**A Company can enter into a Settlement Agreement for violations that are discovered or self-disclosed and/or cited in an Enforcement Action**

**A BEP is an environmentally beneficial project that a company agrees to undertake when entering into a Settlement Agreement.**





# BEPS



- **Although the Department will consider BEPs in settlements of violations and penalties, not all settlements contain BEPs.**
- **BEPs are just a part of the settlements along with cash penalties.**
- **BEPs are not mandatory!!!!!!!**





# BEP REGULATION



- **Environmental Regulatory Code  
–LAC 33:I.Chapter 25**
- **Project must fall within one of  
the categories listed in the  
regulation**



# PROJECT CATEGORIES



- **Public Health**
- **Pollution Prevention**
- **Pollution Reduction**
- **Environmental Restoration & Protection**



# PROJECT CATEGORIES



- **Assessments & Audits**
- **Environmental Compliance Promotion**
- **Emergency Planning, Preparedness, and Response**
- **Other Projects**





# BEP EXAMPLES



- **Environmental Compliance Promotion**
  - Louisiana Envirothon – project that provides students with experience in environmentally-oriented activities, enabling them to become environmentally aware, action-oriented citizens





# BEP EXAMPLES



- **Emergency Planning, Preparedness, and Response**
  - Installation of a system to predict plume tracking and concentration levels for air and/or liquid releases. The system can also be used to develop pre-planning scenarios to enable effective emergency response plans and assist government agencies in their response

# BEP EXAMPLES



- **Pollution Reduction**

- Funds to create Household Hazardous Waste Programs throughout the state. Such programs include one day community collection programs.



- **Environmental Restoration and Protection**

- Creation of an artificial reef



# HOW DO I SUBMIT A BEP



- **Mail proposal to:**  
**Enforcement Division**  
**Post Office Box 4312**  
**Baton Rouge, LA 70821-4312**  
**OR**
- **Online form on DEQ's website**  
**[www.deq.la.gov](http://www.deq.la.gov)**  
**Divisions/Enforcement/Propose a BEP**



# DEQ in 2009

## Office & Division Contact Information



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# DEQ in 2009

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