STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-19-0021**
GILL INDUSTRIES, LTD.	*	
	*	**Enforcement Tracking No.**
AI # 94094, 4904, 40304, 84300, 105140	*	**AE-PP-12-00878**
	*	**AE-PP-13-00595**
	*	**AE-PP-13-01066**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Gill Industries, Ltd. ("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 business corporation that was contracted to perform demolition, renovation, and asbestos abatement activities at schools located in Caddo Parish, Jefferson Parish, Calcasieu Parish, East Feliciana Parish, and Ouachita Parish, Louisiana ("the Facilities").

II

On January 25, 2013, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-12-00878 (Exhibit 1).

On December 10, 2013, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-13-00595 (Exhibit 2).

On February 10, 2015, the Department issued to Respondent a Notice of Potential Penalty,

Enforcement No. AE-PP-13-01066 (Exhibit 3).

The following violations, although not cited in the foregoing enforcement action(s), are included within the scope of this settlement:

Ouachita Junior High School, AI 105140; AE-15-00813; Inspection Date: June 4, 2015

During the course of the inspection, the inspector noted that the Respondent failed to provide notification by phone, fax, email, or voice mail to the Office of Environmental Services and DEQ regional office responsible for inspecting the project site as soon as possible. The Respondent's failure to provide notification is a violation of LAC 33:III.5151.F.2.e and La. R.S. 30:2057(A)(2).

During the course of the inspection, the inspector noted that the Respondent failed to notify the DEQ regional office within 24 hours after the renovation occurred, or response action ended and the work area was cleaned. The failure to notify the Department within 24 hours is a violation of LAC 33:III.5151.F.3.m and La. R.S. 30:2057(A)(2).

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 THREE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS ($3,500.00), of which Nine Hundred Thirteen and 17/100 Dollars ($913.17) 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), 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 Caddo Parish, Jefferson Parish, Calcasieu Parish, East Feliciana Parish, and Ouachita 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.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

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

GILL INDUSTRIES, LTD.

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

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

BY: _____
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at Baton Rouge, Louisiana.

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 25, 2013

EXHIBIT
1

CERTIFIED MAIL (7004 1160 0000 3796 9694)
RETURN RECEIPT REQUESTED

GILL INDUSTRIES, LTD.
c/o Gaudry, Ranson, Higgins & Gremillion, L.L.C.
Agent for Service of Process
401 Whitney Ave, Suite 500
Gretna, Louisiana 70056

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-12-00878
AGENCY INTEREST NO. 94094

Dear Sir:

On or about June 5, 2012, an inspection of **SUNSET ACRES ELEMENTARY SCHOOL (FACILITY)**, owned and/or operated by the Caddo Parish School Board, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 6514 West Canal Boulevard in Shreveport, Caddo Parish, Louisiana. The Caddo Parish School Board contracted **GILL INDUSTRIES, LTD. (RESPONDENT)** to perform demolition and/or renovation activities at the facility. On or about May 29, 2012, the Respondent submitted a revision to Asbestos Notification of Demolition and Renovation Form AAC-2 indicating a project start date of June 4, 2012, and a completion date of June 5, 2012.

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. During the course of the inspection, the inspector noted that asbestos signage was not present on the vehicle or trailer during the loading of asbestos containing material (ACM). This is a violation of LAC 33:III.5151.J.3 and La. R.S. 30:2057(A)(2).

B. During the course of the inspection, the inspector noted that the work area around the renovation activities was not controlled with adequate containment to prevent the release of ACM to the outside air. Specifically, areas of the containment in place were not sealed or had become unsealed. This is a violation of LAC 33:III.5151.F.3.c and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

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 Destin Hooks at (225) 219-3072 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/DDH/ddh

c: Gill Industries, Ltd.
776 Marlene Drive
Gretna, Louisiana 70056

EXHIBIT
tabbies
2

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 10, 2013

CERTIFIED MAIL (7003 2260 0000 5827 0424)
RETURN RECEIPT REQUESTED

GILL INDUSTRIES, LTD.
c/o Gaudry, Ranson, Higgins & Gremillion, L.L.C.
Agent for Service of Process
401 Whitney Avenue, Suite 500
Gretna, Louisiana 70056

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-13-00595
AGENCY INTEREST NO. 4904

Dear Sir:

On or about December 20, 2012, an inspection of **HELEN COX HIGH SCHOOL** (the site), owned or operated by Jefferson Parish Public School System, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. **GILL INDUSTRIES, LTD. (RESPONDENT)** was contracted to perform asbestos abatement activities at the site. The Respondent's agency interest (AI) number is 94094. The site is located at 2200 Lapalco Boulevard in Harvey, Jefferson Parish, Louisiana.

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. According to the AAC-2 dated December 19, 2012, the Respondent classified the floor tile being renovated as regulated asbestos-containing material (RACM). During the course of the inspection, the inspector noted that at least one (1) bag of asbestos-containing waste material (ACWM) was torn. The Respondent's failure to contain the RACM in leak-tight wrapping is a violation of LAC 33:III.5151.F.3.d and La. R.S. 30:2027(A)(2).

B. During the course of the inspection, the inspector noted that the Respondent was storing bags of ACWM in an unlabeled trailer outside of the school. The Respondent's failure to store all wrapped and contained ACWM in a labeled

area until it can be transported to a waste disposal site recognized by the Department is a violation of LAC 33:III.5151.J.1.a.vi and La. R.S. 30:2057(A)(2).

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 Tonya Landry at (225) 219-3785 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/TBL/tbl
Alt ID No. N/A

c: Gill Industries, Ltd.
c/o Nestor L. Currault
1718 Engineers Road, Suite B
Belle Chasse, Louisiana 70037

EXHIBIT
3

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 10, 2015

CERTIFIED MAIL (7004 2510 0005 5767 4939)
RETURN RECEIPT REQUESTED

GILL INDUSTRIES, LTD.
c/o Gaudry, Ranson, Higgins & Gremillion, L.L.C.
Agent for Service of Process
401 Whitney Avenue, Suite 500
Gretna, Louisiana 70056

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-13-01066
AGENCY INTEREST NO. 40304; 84300

Dear Sir:

On or about April 15, 2010, an inspection of DeQuincy Elementary School, owned and/or operated by the Calcasieu Parish School Board was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The Calcasieu Parish School Board contracted **GILL INDUSTRIES, LTD. (RESPONDENT)** to perform asbestos renovation activities at Building B of the DeQuincy Elementary School, which is located at 304 McNeese Street in DeQuincy, Calcasieu Parish, Louisiana. The agency interest number (AI) for DeQuincy Elementary School is 84300; the AI for the Respondent is 94094.

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:

> During the course of the inspection, the inspector noted the Respondent employed an asbestos abatement worker who was conducting a response action other than a small-scale, short-duration (SSSD) activity that did not possess valid accreditation as an asbestos abatement worker with the Department. The failure to ensure persons conducting a response action are accredited by the Department is a violation of LAC 33:III.5151.P.1.a, LAC 33:III.5151.P.2, LAC 33:III.2739.B.3, and La. R.S. 30:2057(A)(2).

On or about November 26, 2014, a file review of the Eastern Louisiana Mental Health System, owned/operated by the State of Louisiana was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. According to the

Asbestos Notification of Demolition and Renovation Form (AAC-2) dated August 30, 2013, the Respondent is named as the asbestos removal contractor for asbestos renovation activities conducted at the Eastern Louisiana Mental Health System located on Louisiana Highway 10 in Jackson, East Feliciana Parish, Louisiana. The agency interest number (AI) for the Eastern Louisiana Mental Health System is 40304; the AI for the Respondent is 94094.

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 Department received the Respondent's emergency telephone notification of asbestos renovation activities to be conducted at the Eastern Louisiana Mental Health System on August 29, 2013. The Department received the Respondent's typed emergency AAC-2 with a postmarked date of September 30, 2013. The failure to submit a typed emergency AAC-2 within five (5) working days after the notification was made by phone to the Department is a violation of LAC 33:III.5151.F.2.f.ii and La. R.S. 30:2057(A)(2).

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 Tonya Landry at (225) 219-3785 or via e-mail at tonya.landry@la.gov 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

DCM/TBL/tbl
Alt ID No. N/A

c: Gill Industries, LTD.
c/o Nestor L. Currault, President
776 Marlene Drive
Gretna, Louisiana 70056