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MAY 07 2021

LA DEPT OF ENV QUALITY  
LEGAL DIVISION

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

GREEN LEAF LANDSCAPE, INC.

AI # 166984

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

\* Settlement Tracking No.  
\* SA-SE-20-0045  
\*  
\* Enforcement Tracking Nos.  
\* SE-CN-10-01094  
\* SE-CN-11-00607  
\*  
\*  
\* Docket No. 2013-12174-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Green Leaf Landscape, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a corporation that owns and/or operates a facility located in Lydia, Iberia Parish, Louisiana ("the Facility").

II

On November 10, 2010, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-10-01094 (Exhibit 1).

On May 3, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-11-00607 (Exhibit 2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty (SE-CN-11-00607), Respondent made a timely request for a hearing.

#### IV

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

#### V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TWENTY-ONE THOUSAND SIX HUNDRED ELEVEN AND 79/100 DOLLARS (\$21,611.79), of which One Thousand Four Hundred Eleven and 79/100 Dollars (\$1,411.79) 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). Furthermore, Respondent agrees to pay directly to the Clerk of the 19th Judicial District Court, costs in the amount of Four Hundred Eighty-Six and 92/100 Dollars (\$486.92), which were incurred in the Department's filing of civil suit number C620916. Respondent agrees to provide the Department with proof of payment within ten (10) days of paying the court costs.

#### VI

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Orders & Notices of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## IX

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

## X

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

## XI

Payment is to be made over a period of twelve (12) months in the amount of \$1,800.98 per month, with the last payment submitted for the amount of \$1,801.01. 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).

## XII

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

## XIII

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

GREEN LEAF LANDSCAPE, INC.

BY: [Signature]  
(Signature)

Jenny Frederick  
(Printed)

TITLE: owner

THUS DONE AND SIGNED in duplicate original before me this 14 day of April, 2021, at Lafayette, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 131412)



AMANDA K. VAUSSINE  
Notary Public, State of LA.  
Notary ID No. 131412

(stamped or printed)

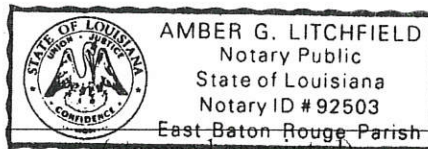
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

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 10th day of August, 2021, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]  
\_\_\_\_\_  
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

November 10, 2010

CERTIFIED MAIL (7005 1820 0002 2361 3930)  
RETURN RECEIPT REQUESTED

**GREEN LEAF LANDSCAPE INC.**  
c/o Jeremy James Frederick, Registered Agent  
4813 Patoutville Road  
Jeanerette, Louisiana 70544

**RE: CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-10-01094  
AGENCY INTEREST NO. 166984**

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 **GREEN LEAF LANDSCAPE INC. (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Amanda Paige DeRouen Polito by phone at (225) 219-3796 or via email at [amanda.polito@la.gov](mailto:amanda.polito@la.gov).

Sincerely,

A handwritten signature in black ink that reads "Celena J. Cage".

Celena J. Cage  
Administrator  
Enforcement Division

CJC/APDP  
Attachment



STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

GREEN LEAF LANDSCAPE INC.  
IBERIA PARISH

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

*	
*	
*	ENFORCEMENT TRACKING NO.
*	
*	SE-CN-10-01094
*	
*	AGENCY INTEREST NO.
*	
*	166984
*	

CONSOLIDATED  
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **GREEN LEAF LANDSCAPE INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates the facility known to the Department as Green Leaf Tree Service, located on George Lancon Road in Lydia, Iberia Parish, Louisiana (the Site). The Respondent does not have a permit and/or authority from the Department to dispose of solid waste at the Site.

II.

On or about September 21, 2009, June 17, 2010, August 5, 2010, and October 25, 2010, the Department conducted inspections of the Site that revealed the following violations:

- A. The Respondent caused and/or allowed the processing and disposal of regulated solid waste without a permit and/or other authority from the Department, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. The inspections conducted on September 21, 2009, June 17, 2010, and August 5, 2010, noted regulated solid waste including, but not limited to, vegetative

debris generated from offsite commercial operations was processed and disposed of by burning.

- B. The Respondent caused and/or allowed the open burning of regulated solid waste, in violation of LAC 33:VII.315.M. The inspections conducted on September 21, 2009, June 17, 2010, and August 5, 2010, noted regulated solid waste burned at the Site includes, but is not limited to, vegetative debris generated from offsite commercial operations.
- C. The Respondent caused and/or allowed the transportation of solid waste to a disposal facility not permitted to receive such waste, in violation of LAC 33:VII.505.D. The inspections conducted on September 21, 2009, June 17, 2010, August 5, 2010, and October 25, 2010, noted that the Respondent transported vegetative debris, a regulated solid waste, from offsite commercial operations to the unpermitted Site.
- D. The Respondent transported regulated solid waste without notifying the Department by submitting a Solid Waste Transporter Notification Form to the Solid and Hazardous Waste Permits Section, in violation of LAC 33:VII.401.A. The inspections conducted on September 21, 2009, June 17, 2010, August 5, 2010, and October 25, 2010, noted that the Respondent transported vegetative debris, a regulated solid waste, and have not notified the Department.

#### **COMPLIANCE ORDER**

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

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, depositing and processing or allowing the deposit or processing of regulated waste of any kind at the Site or any other site that is not permitted to receive such waste. The Respondent may choose to meet the exemption for the permitting requirements or processing or disposal standards by complying with the requirements of LAC 33:VII.305.A.8. or LAC 33:VII.303.A.10.

II.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, burning or allowing the burning of regulated waste of any kind at the Site or any other site.

III.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, transporting or allowing the transport of regulated waste of any kind at the Site or any other site that is not permitted to receive such waste. The Respondent may submit a completed Solid Waste Transporter Notification Form to the



Solid and Hazardous Waste Permits Section to request authorization from the Department to transport solid waste to authorized solid waste disposal sites.

IV.

To complete closure of the Site, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, by removing all regulated solid waste to a permitted solid waste disposal facility. The Respondent shall retain all disposal receipts and submit them upon completion of closure to the Enforcement Division for review.

V.

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

VI.

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: **Amanda DeRouen Polito**  
Re: **Enforcement Tracking No. SE-CN-10-0194**  
**Agency Interest No. 166984**

**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-10-0194**  
**Agency Interest No. 166984**

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 Amanda Paige DeRouen Polito by phone at (225) 219-3796 or via email at [amanda.polito@la.gov](mailto:amanda.polito@la.gov) 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 10 day of November, 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: Amanda DeRouen Polito

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 3, 2012

CERTIFIED MAIL (7005 0390 0006 1027 6530)  
RETURN RECEIPT REQUESTED

**GREEN LEAF LANDSCAPE INC.**  
c/o Jeremy James Frederick  
Agent for Service of Process  
4813 Patoutville Road  
Jeanerette, Louisiana 70544

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-11-00607  
AGENCY INTEREST NO. 166984**

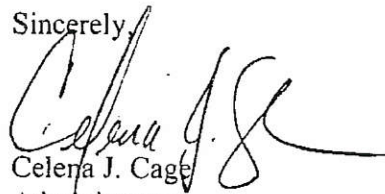
Dear Sir:

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 **GREEN LEAF LANDSCAPE INC. (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Brad Taylor at (225) 219-3797.

Sincerely,

  
Celeria J. Cage  
Administrator  
Enforcement Division

CJC/BST/bst  
Attachment



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

<b>IN THE MATTER OF</b>	*	
	*	
<b>GREEN LEAF LANDSCAPE INC. IBERIA PARISH</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
	*	
	*	<b>SE-CN-11-00607</b>
	*	
<b>PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.</b>	*	<b>AGENCY INTEREST NO.</b>
	*	
	*	<b>166984</b>
	*	

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **GREEN LEAF LANDSCAPE INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates a facility known to the Department as Green Leaf Tree Service, located at the end of George Lancon Road (the Site) in Lydia, Iberia Parish, Louisiana. The Respondent does not have a permit and/or authority from the Department to dispose of solid waste at the Site.

II.

On or about November 10, 2010, Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. **SE-CN-10-01094**, was issued to the Respondent for violations discovered during inspections conducted on or about September 21, 2009, June 17, 2010, August 5, 2010, October 25, 2010, and was received by the Respondent on November 30, 2010. The action has not been appealed and is considered final by the Department.

III.

On or about March 15, 2011, September 20, 2011, and September 27, 2011, the Department conducted inspections of the Site that revealed the following violations:

- A. The Respondent caused and/or allowed the processing and disposal of regulated solid waste without authority from the Department, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C, LAC 33:VII.901.A, and Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-10-01094. Specifically, the Respondent deposited vegetative debris that was generated off-site onto the ground at the Site. The March 15, 2011, and September 20, 2011, inspections noted that the vegetative debris was processed and disposed by chipping; the September 27, 2011, inspection additionally noted that the vegetative debris, including wood chips, were processed and disposed by burning.
- B. The Respondent caused and/or allowed the transportation of solid waste to a disposal facility not permitted to receive such waste, in violation of LAC 33:VII.505.D, LAC 33:VII.901.A, and Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-10-01094. The inspection conducted on March 15, 2011, noted that the Respondent transported vegetative debris, a regulated solid waste, from off site commercial operations to the unpermitted Site.
- C. The Respondent transported regulated solid waste without notifying the Department by submitting a Solid Waste Transporter Notification Form to the Solid and Hazardous Waste Permits Section, in violation of LAC 33:VII.401.A, LAC 33:VII.901.A, and Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-10-01094. The inspection conducted on March 15, 2011, noted that the Respondent transported vegetative debris, a regulated waste, and has not notified the Department.
- D. The Respondent caused and/or allowed the open burning of regulated solid waste, in violation of LAC 33:VII.315.M. Specifically, the inspection conducted on September 27, 2011, noted vegetative debris (including wood chips) being burned at the Site. The burning was conducted within 1,000 feet of an offsite structure or dwelling, and therefore does not meet the exemptions in LAC 33:III.1109.D.6.b.

### COMPLIANCE ORDER

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

I.

To complete closure of the Site, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, by removing all regulated solid waste, including any remaining ash, to a permitted solid waste disposal facility. The Respondent shall retain all disposal receipts and submit them upon completion of the closure to the Enforcement Division for review.

II.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, depositing and processing (chipping) regulated waste of any kind at the Site or any other site that is not permitted to receive such waste. The Respondent may choose to meet the exemption from the permitting requirements or processing or disposal standards by complying with the requirements of LAC 33:VII.305.A.8 or LAC 33:VII.303.A.10.

iii.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, transporting or allowing the transport of regulated waste of any kind at the Site or any other site that is not permitted to receive such waste. If the Respondent chooses to continue to transport solid waste, notification shall be made to the Department in accordance with LAC 33:VII.401.A prior to transporting solid waste.

IV.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, unauthorized open burning or allowing unauthorized open burning of regulated waste of any kind at the Site or any other site. If the Respondent chooses to burn vegetative debris at the Site or any other site, the Respondent shall apply for and receive the appropriate Air Quality and Solid Waste permits prior to burning any woodwaste. The Respondent may contact the Office of Environmental Services at (225) 219-3241 to obtain the appropriate applications.

V.

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

VI.

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: **Brad Taylor**  
Re: **Enforcement Tracking No. SE-CN-11-00607**  
**Agency Interest No. 166984**

**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-11-00607**  
**Agency Interest No. 166984**

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 Brad Taylor at (225) 219-3797 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 03 day of May, 2011.

  
\_\_\_\_\_  
Cheryl Sonnier Nolan  
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  
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