

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

RAMJ CONSTRUCTION, L.L.C.

AI # 150103, 153141

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

* Settlement Tracking No.
* SA-SE-20-0058
*
* Enforcement Tracking No.
* SE-PP-18-00229
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SETTLEMENT

The following Settlement is hereby agreed to between RAMJ Construction, 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 was contracted to transport and dispose of waste at facilities located in Orleans Parish and St. Bernard Parish, Louisiana (“the Facilities”).

II

On June 22, 2018, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. SE-PP-18-00229 (Exhibit 1).

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 THIRTEEN THOUSAND AND NO/100 DOLLARS (\$13,000.00), of which One Thousand Four Hundred Forty-Four and 10/100 Dollars (\$1,444.10) 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), the Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

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 Orleans Parish and St. Bernard 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.

RAMJ CONSTRUCTION, L.L.C.

BY: Roy A. Madere, Jr.
(Signature)

Roy A. MADERE, JR
(Printed)

TITLE: PRESIDENT

THUS DONE AND SIGNED in duplicate original before me this 23rd day of December, 20 20, at Kenner, Louisiana

[Signature]
NOTARY PUBLIC (ID # LARA) # 2037

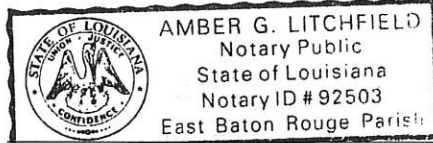


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

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

THUS DONE AND SIGNED in duplicate original before me this 30th day of April, 20 21, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 92503)



Approved: [Signature]
Loures Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 22, 2018



CERTIFIED MAIL (7017 2400 0000 7557 4160/4177)
RETURN RECEIPT REQUESTED

RAMJ CONSTRUCTION, L.L.C.
c/o Roy A. Madere, Jr.
Agent for Service of Process
920 Martin Behrman Walk
Metairie, LA 70005

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-18-00229
AGENCY INTEREST NOS. 150103 AND 153141**

Dear Sir:

On or about September 15, 2017; September 18, 2017; September 19, 2017; and April 24, 2018, inspections, in response to citizens' complaints, and a subsequent file review of activities conducted by **RAMJ CONSTRUCTION, L.L.C. (RESPONDENT)** at **ABLE TREE & LANDSCAPE SERVICES, INC. (AI 150103)**, a tree service and woodwaste composting facility, and **PARIS ROAD TRANSFER STATION (AI 153141)**, an approved collection center for residential waste tires and construction and demolition (C&D) debris, were conducted to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The regulated solid waste was generated from the cleanout of stormwater drains in New Orleans, and the Respondent was subcontracted to transport and dispose of the waste. The facilities are located at 6610 Almonaster Avenue in New Orleans, Orleans Parish, Louisiana (AI 150103), and 5120 Paris Road in Chalmette, St. Bernard Parish, Louisiana (AI 153141).

An inspection conducted on or about September 15, 2017, at the Paris Road Transfer Station revealed three (3) piles of aluminum cans, plastic bottles, plastic packaging, and soil, with one (1) pile containing an inline fuel filter. The Paris Road Transfer Station site operator stated that these waste piles were disposed of at the facility by the Respondent. The operator stated the Respondent initially attempted to dispose of waste from three (3) trucks on or about September 8, 2017; however, the trucks were turned away. On or about September 9, 2017, the Respondent returned when the normal facility operator was not on site and dumped the waste from the three (3) trucks onto the ground. During a follow-up inspection conducted on or about September 18, 2017, the inspector confirmed that the waste was removed by the facility and properly disposed.

RAMJ Construction, L.L.C.

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An inspection conducted on or about September 18, 2017, at Able Tree & Landscape Services, Inc., revealed the Respondent attempted to dispose of waste from four (4) trucks on or about September 14, 2017. The Able Tree & Landscape Services, Inc. site operator stated that one (1) truck was allowed to dispose of its contents, but the remaining three (3) trucks were turned away. At the time of the inspection, the inspector noted that the waste had been removed from the facility and properly disposed.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections and subsequent file review:

- A. The Respondent caused and/or allowed the 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. Specifically, the Respondent disposed of waste generated from the cleanout of stormwater drains in New Orleans at Able Tree & Landscape Services, Inc. and the Paris Road Transfer Station.
- B. The Respondent failed to notify the Office of Environmental Services within thirty (30) days of its activities as a solid waste transporter, in violation of LAC 33:VII.401.A. Specifically, the Respondent transported solid waste from the clean out of stormwater catch basins, including but not limited to soil, leaves, branches, plastic bottles, aluminum cans, and plastic food packaging, to the aforementioned facilities. The Respondent was not an authorized solid waste transporter at the time the solid waste was transported to the facilities. On or about September 25, 2017, the Department received a Solid Waste Transporter Notification Form from the Respondent. The Respondent has been assigned Solid Waste Transporter ID number T-051-14057.
- C. The Respondent caused and/or allowed the transportation of solid waste to a facility not permitted to receive such waste, in violation of LAC 33:VII.505.D. Specifically, the Respondent transported solid waste from the clean out of stormwater catch basins, including but not limited to soil, leaves, branches, plastic bottles, aluminum cans, and plastic food packaging, to facilities which are not authorized to receive such waste.

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 Jennifer Boudreaux at (225) 219-3636 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

RAMJ Construction, L.L.C.

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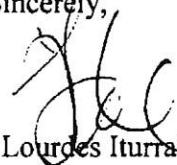
violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. 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.

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.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violations 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 "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" 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.

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,



Lourdes Iturralde
Assistant Secretary

Office of Environmental Compliance

LI/JMB/jmb

Alt ID No. T-051-14057

c: RAMJ CONSTRUCTION
c/o William Hubbard
716 Williams Boulevard
Kenner, LA 70062

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c: RAMJ CONSTRUCTION
c/o William Hubbard
716 Williams Boulevard
Kenner, LA 70062

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	SE-PP-18-00229	Contact Name	Jennifer Boudreaux
Agency Interest (AI) No.	150103, 153141	Contact Phone No.	(225) 219-3636
Alternate ID No.	T-051-14057		
Respondent:	RAMJ Construction, L.L.C.	Facility Name:	1. Able Tree & Landscape Services, Inc. 2. Paris Road Transfer Station
	c/o Roy A. Madere, Jr. Agent for Service of Process	Physical Location:	1. 6610 Almonaster Avenue 2. 5120 Paris Road
	920 Martin Behrman Walk	City, State, Zip:	1. New Orleans, LA 70128 2. Chalmette, LA 70043
	Metairie, LA 70005	Parish:	1. Orleans 2. St. Bernard

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

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.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (SE-PP-18-00229)**, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY (SE-PP-18-00229)**, 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.

- 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.

The Respondent has reviewed the violations noted in **NOTICE OF POTENTIAL PENALTY (SE-PP-18-00229)** 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: Jennifer Boudreaux