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LA DEPT OF ENV QUALITY  
LEGAL DIVISION

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

RSL ACQUISITION COMPANY, LLC

AI # 38086

\* Settlement Tracking No.  
\* SA-MM-21-0069

\* Enforcement Tracking Nos.  
\* SE-CN-11-00610  
\* SE-CN-12-01145  
\* MM-CN-13-00783  
\* SE-CN-15-00237

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

SETTLEMENT

The following Settlement is hereby agreed to between RSL Acquisition Company, LLC (“Respondent”), and the Department of Environmental Quality (“DEQ” or “the Department”), in resolution of the Consolidated Compliance Orders & Notices of Potential Penalty, Enforcement Nos. SE-CN-11-00610, SE-CN-12-01145, MM-CN-13-00783, and SE-CN-15-00237, issued to RSL Acquisition Company, LLC (“Respondent”), 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 owned and/or operated a facility located in Baton Rouge, East Baton Rouge Parish, Louisiana (“the Facility”).

II

On September 27, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-11-00610 (Exhibit 1).

On March 11, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-12-01145 (Exhibit 2).

On May 5, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. MM-CN-13-00783 (Exhibit 3).

On July 27, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. SE-CN-15-00237 (Exhibit 4).

### 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 ELEVEN THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$11,300.00), of which Three Thousand Four Hundred Seventy-Nine and 41/100 Dollars (\$3,479.41) 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 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.

## 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 East Baton Rouge 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.

RSL ACQUISITION COMPANY, LLC

BY: [Signature]  
(Signature)

CHRISTIAN T. BROWN  
(Printed)

TITLE: MANAGING MEMBER


THUS DONE AND SIGNED in duplicate original before me this 29<sup>th</sup> day of December, 20 21, at New Orleans, LA.

[Signature]  
NOTARY PUBLIC (ID # 11797)  
NOTARY PUBLIC  
STATE OF LOUISIANA  
BAR ROLL NUMBER 14959  
COMMISSION EXPIRES AT DEATH  
(stamped or printed)

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

BY: [Signature]  
Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 24<sup>th</sup> day of March, 20 22, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 92503)  
 AMBER G. LITCHFIELD  
Notary Public  
State of Louisiana  
Notary ID # 92503  
East Baton Rouge Parish  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturrealde, Assistant Secretary



BOBBY JINDAL  
GOVERNOR

PEGGY M. HATCH  
SECRETARY

State of Louisiana  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE  
September 27, 2011

CERTIFIED MAIL (7005 0390 006 1027 6738)  
RETURN RECEIPT REQUESTED

RSL ACQUISITION COMPANY, LLC  
c/o Randy Jackson, Registered Agent  
2350 Crestview Avenue  
Kenner, Louisiana 70064

RE: **CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-11-00610  
AGENCY INTEREST NO. 38086**

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 **RSL ACQUISITION COMPANY, LLC (RESPONDENT)** for the violation described therein.

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

If you have any questions concerning this action, please contact Elizabeth Kashefi Smith via email at [Elizabeth.smith3@la.gov](mailto:Elizabeth.smith3@la.gov) or by phone at (225) 219-3807.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division



CJC/EKS/eks  
Alt ID No. P-0304  
GDT-033-4890  
Attachment

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

RSL ACQUISITION COMPANY, LLC  
EAST FELICIANA PARISH  
ALT ID NO. P-0304

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ENFORCEMENT TRACKING NO.

SE-CN-11-00610

AGENCY INTEREST NO.

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

38086

CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is issued to RSL ACQUISITION COMPANY, LLC (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) and 30:2050.2.

FINDINGS OF FACT

I.

The Respondent owns and/or operates RSL Acquisitions, L.L.C., a recycler for nonhazardous grease trap waste under a Standard Type II-A Permit, P-0406, issued by the Department on or about September 21, 2010. This facility is located at 1225 Neosho Avenue in Baton Rouge, East Baton Rouge Parish, Louisiana. Filtered biosolids resulting from processing the grease trap wastes are applied to pasture lands in accordance with the facility's Beneficial-Use Plan (P-0304), approved on July 28, 2008. On or about February 4, 2010, the Department issued a Letter of No Objection for use of the Lanouc Farm site as an additional application site. The Lanouc Farm site is located at the intersection of Highway 956 and Line Road in Ethel, East Feliciana Parish, Louisiana.

II.

On or about June 3, 2010, June 25, 2010, September 27, 2010 and September 14, 2010, inspections of the Lanoue Farm, conducted by representatives of the Department, revealed:

- A. The Respondent failed to record the transporting tanker number in the logbook, in violation of Beneficial-Use Plan P-0304 section 9, part C, LAC 33:VII.1105.C, and LAC 33:VII.901.A.
- B. The Respondent failed to submit, by the August 01 of each reporting year, annual reports to the Department, in violation of Beneficial-Use Plan P-0304 section 9, part C, LAC 33:VII.1105.C, and LAC 33:VII.901.A.

III.

On or about March 17, 2011, an inspection of RSL's Type II-A facility, conducted by representatives of the Department, revealed:

The Respondent caused and/or allowed the deposition 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, large amounts of grease and oily liquids are disposed of on the ground throughout the Site.

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately, upon receipt of this **COMPLIANCE ORDER**, begin recording the transporting tanker number in the logbook of all incoming loads, in accordance with Beneficial Use Permit Plan P-0304.

II.

To submit, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, annual reports for the last three reporting years or amend Beneficial Use Plan P-0304 to remove this requirement.

III.

To be hereby notified that if amendment of the Beneficial Use Plan is chosen, the necessary documents shall be submitted, within thirty (30) days of receipt of this receipt of this **COMPLIANCE ORDER**, in triplicate to:



Office of Environmental Services  
Waste Permits Division  
P.O. Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attention: Scott Guilliams, Administrator**

The Respondent shall also submit a copy of the cover letter to the Office of Environmental Compliance, Enforcement Division.

IV.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit of regulated solid waste of any kind at the Site or any other site not permitted to receive such waste.

V.

To complete closure of the solid waste dump site, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, by removal of all deposited solid waste to a permitted solid waste disposal facility and submit to the Enforcement Division, within fifteen (15) days of disposal, receipts documenting the proper disposal of the waste at a permitted disposal facility.

VI.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Louisiana 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 violation and actions taken or to be taken to achieve compliance with the 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: Elizabeth Kashfi Smith**  
**Re: Enforcement Tracking No. SE-CN-11-00610**  
**Agency Interest No. 38086**

**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-11-00610  
Agency Interest No. 38086

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 Elizabeth Kashfi Smith via email at [Elizabeth.smith3@la.gov](mailto:Elizabeth.smith3@la.gov) or by phone at (225) 219-3807 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

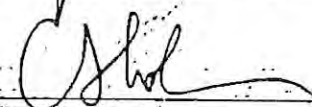
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be

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 27 day of September, 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  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Elizabeth Kashefi Smith



**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

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

March 11, 2013

CERTIFIED MAIL (7005 0390 0006 1027 7490)  
RETURN RECEIPT REQUESTED

**RSL ACQUISITION COMPANY, LLC**  
c/o Randy Jackson, Registered Agent  
2350 Crestview Avenue  
Kenner, Louisiana 70064

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-12-01145  
AGENCY INTEREST NO. 38086**

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 **RSL ACQUISITION COMPANY, LLC (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.

If you have any questions concerning this action, please contact Richie Coleman via email at [Richie.Coleman@la.gov](mailto:Richie.Coleman@la.gov) or by phone at (225) 219-3792.

Sincerely,

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

Celena J. Cage  
Administrator  
Enforcement Division

CJC/RLC/r/c  
Alt ID No. P-0304  
GDT-033-4890

Attachment

Post Office Box 4312 • Baton Rouge, Louisiana 70821-4312 • Phone 225-219-3715 • Fax 225-219-3708  
[www.deq.louisiana.gov](http://www.deq.louisiana.gov)



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

**IN THE MATTER OF**

**RSL ACQUISITION COMPANY, LLC  
EAST BATON ROUGE PARISH  
ALT ID NO. GD-033-4890/P-0304**

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**ENFORCEMENT TRACKING NO.**

**SE-CN-12-01145**

**AGENCY INTEREST NO.**

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

**38086**

**CONSOLIDATED**

**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **RSL ACQUISITION COMPANY, LLC (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) and 30:2050.2.

**FINDINGS OF FACT**

**I.**

The Respondent owns and/or operates a nonhazardous grease trap waste facility known to the Department as RSL Acquisitions, L.L.C. under Order to Upgrade OU-0247A, issued by the Department on or about April 2, 1996. This facility is located at 1225 Neosho Avenue in Baton Rouge, East Baton Rouge Parish, Louisiana. Filtered biosolids resulting from processing the grease trap wastes are applied to pasture lands in accordance with the facility's Beneficial-Use Plan (P-0304), approved on July 28, 2008.

**II.**

On or about September 27, 2011, Consolidated Compliance Order & Notice of Potential Penalty, SE-CN-11-00610, was issued to the Respondent. This action was received on or about October 14,

2011. The enforcement action has not been appealed by the Respondent and is considered a final action by the Department.

III.

On or about June 21, 2012, an inspection was conducted by a representative of the Department which revealed the following violations:

- A. The Respondent failed to submit by August 1<sup>st</sup> of each reporting year, annual reports to the Department, in violation of Beneficial-Use Plan P-0304 section 9, part C, SE-CN-11-00610, and LAC 33:VII.901.A.
- B. The Respondent failed to conduct daily inspections for strong odors, freeboard in the units and integrity of storage and process units, in violation of Condition B of the Interim Operation Plan for OU-0247A, and LAC 33:VII.901.A.

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

I.

To submit, within thirty (30) days of receipt of this **COMPLIANCE ORDER**, annual reports for the last three (3) reporting years or submit for approval an amendment to Beneficial Use Plan P-0304 for removal of this requirement.

II.

To be hereby notified that if amendment of the Beneficial Use Plan is chosen, the necessary documents shall be submitted, within thirty (30) days of receipt of this receipt of this **COMPLIANCE ORDER**, in triplicate to:

Office of Environmental Services  
Waste Permits Division  
P.O. Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attention: Scott Guilliams, Administrator**

The Respondent shall also submit a copy of the cover letter to the Office of Environmental Compliance, Enforcement Division.

III.

To immediately, upon receipt of this **COMPLIANCE ORDER**, begin conducting daily inspections for strong odors, the integrity of the storage and process units, and for ensuring adequate freeboard in the units, in accordance with the Interim Operational Plan for OU-0247A.

IV.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with Beneficial-Use Plan P-0304, Order to Upgrade OU-0247A, and the Louisiana 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  
**Attn: Richie Coleman**  
**Re: Enforcement Tracking No. SE-CN-12-01145**  
**Agency Interest No. 38086**

**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-12-01145**  
**Agency Interest No. 38086**



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 Richie Coleman via email at [Richie.Coleman@la.gov](mailto:Richie.Coleman@la.gov) or by phone at (225) 219-3792 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 11 day of March, 2013.

  
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  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Richie Coleman



**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

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

May 5, 2014

CERTIFIED MAIL (7012 2210 0001 1915 7193)  
RETURN RECEIPT REQUESTED

**RSL ACQUISITION COMPANY, LLC**  
c/o Randy Jackson  
Agent for Service of Process  
2350 Crestview Avenue  
Kenner, Louisiana 70062

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-13-00783  
AGENCY INTEREST NO. 38086**

Dear Sir:

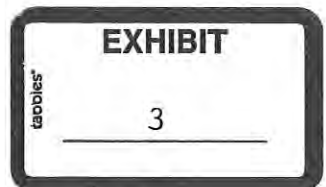
Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **RSL ACQUISITION COMPANY, LLC (RESPONDENT)** for the violations described therein.

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 Richie Coleman at 225-219-3792 or emailed to [Richie.Coleman@la.gov](mailto:Richie.Coleman@la.gov) (Solid Waste) or to Bernie Boyett at 225-219-0783 or emailed to [Bernie.Boyett@la.gov](mailto:Bernie.Boyett@la.gov) (Water Quality).

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division



CJC/RLC/BKB  
Alt ID No. GTD-033-4890/P-0304/P-0422/LAR05P402  
Attachment

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

**IN THE MATTER OF**

**RSL ACQUISITION COMPANY, LLC  
EAST BATON ROUGE PARISH  
ALT ID NO. GTD-033-4890/P-0304/P-0422  
LAR05P402**

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

\*  
\*  
\* **ENFORCEMENT TRACKING NO.**  
\*  
\* **MM-CN-13-00783**  
\*  
\* **AGENCY INTEREST NO.**  
\*  
\* **38086**  
\*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **RSL ACQUISITION COMPANY, LLC (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 RSL Acquisitions, L.L.C., a recycler of nonhazardous grease trap waste. This facility is located at 1225 Neosho Avenue in Baton Rouge, East Baton Rouge Parish, Louisiana, and has a solid waste identification number of GTD-033-4890. Inspections conducted by the Department revealed the following: The Respondent was operating under Order to Upgrade OU-0247A, issued by the Department on or about April 2, 1996, during the May 16, 2013, inspection; and the Respondent was registered with the Department as a Type II-A Commercial Processor/Recycler operating under solid waste standard permit P-0422 with minor modification (M-1) approved on May 24, 2011, and minor modification (M-2) approved on June 27, 2012, during the August 8, 2013, inspection. An order to commence was issued on or about May 28, 2013, for Standard Permit P-0422. Filtered biosolids resulting from processing grease trap wastes are applied to pasture lands in accordance

with the facility's Beneficial-Use Plan (P-0304), approved on July 28, 2008. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) Multi-Sector General Permit (MSGP) for Storm Water Discharges Associated with Industrial Activities LAR050000 on or about June 13, 2011, and was specifically assigned permit number LAR05P402. LPDES MSGP permit LAR05P402 has an expiration date of May 3, 2016. Under the terms and conditions of LPDES MSGP LAR05P402, the Respondent is authorized to discharge storm water associated with industrial activities to Capitol Lake, waters of the state.

## II.

On or about May 16, 2013, and August 13, 2013, inspections were conducted at the Respondent's facility. During the inspections, the following violations were noted:

- A. The Respondent caused and/or allowed the deposition of unauthorized waste without authority from the Department, in violation of La. R. S. 30:2155 and LAC 33:VII.315.C. Specifically, tank #9 containing grease trap waste had a few holes in the bottom of the tank and was actively leaking and draining into the dirt/gravel parking lot (5/16/13).
- B. The Respondent caused, allowed, and/or permitted waste to be disposed of in such a manner that it enters the waters of the state, in violation of LAC 33:VII.315.L. Specifically, runoff/discharge from the facility is going offsite and entering the storm sewer which conveys storm water to the Capital Lake(s) (5/16/13). The unauthorized discharge of grease trap waste into waters of the state is a violation of La. R. S. 30:2075.
- C. The Respondent failed to store solid waste in containers to prevent access by rodents and insects, minimize the escape of odors, keep out water and prevent leakage, in violation of LAC 33:VII.503.A.2. Specifically, containers at the facility used to store post process grease trap waste were leaking and are not kept covered over night during facility non-operating hours (5/16/13).
- D. The facility failed to prevent fugitive odors from leaving the boundaries of the facility as required in Part II, 521.B.1.b of the Solid Waste Permit Application, in violation of Condition 8 of Standard Permit P-0422 and LAC 33:VII.901.A. Specifically, odors were noted on Choctaw at the railroad

tracks the morning of the August 13, 2013, inspection. At the time of the inspection, on site sumps were full.

III.

An inspection conducted by the Department on or about May 16, 2013, and a subsequent file review conducted by the Department on or about November 6, 2013, revealed that the Respondent failed to sample in accordance with LPDES MSGP permit LAR05P402 and submit Discharge Monitoring Reports (DMRs) for the benchmark monitoring periods of the second and third quarters of 2012. Each failure to sample as required is a violation of LPDES MSGP permit LAR05P402 (Sections 5.4.1, 6.U.6, and 9.1.1), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.J.1. Each failure to submit a DMR is a violation of LPDES MSGP LAR05P402 (Sections 7.1 and 9.1.1), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.L.4.a.

IV.

Inspections conducted by the Department on or about March 17, 2011, and May 16, 2013, revealed that the Respondent failed to develop a Spill Prevention Control (SPC) plan. Specifically, the Respondent had inadequate secondary containment around tanks and associated piping. Additionally, the May 2013 inspection revealed that all sumps were full and there were several empty tanks/bins without covers stacked at the back of the property overflowing water and grease. The storm water collection trench flows to the sump at the front gate; however, the sump does not have an adequate outflow pipe to allow storm water to flow out to the storm drain from a centralized location resulting in the storm water flow by-passing Outfall 001. The failure to develop an SPC plan is a violation of La. R.S. 30:2076 (A)(3), and LAC 33:IX.905.B. The storm water discharge from a location not authorized by the permit is a violation of La. R.S. 30:2076 (A)(1)(a) and LAC 33:IX.501.D.

V.

An inspection conducted by the Department on or about May 16, 2013, revealed that the Respondent had the following Storm Water Pollution Prevention Plan (SWP3) discrepancies:

1. The plan had not been updated for new personnel;
2. The plan stated that the path the trucks utilize from the entrance to the uploading area is paved, when in fact it is gravel;
3. The permit information was expired; and
4. Spills were not being reported on the daily logs.

The failure to maintain an SWP3 is a violation of LPDES MSGP permit LAR05P402 (Section 4), La. R.S. 30:2076 (A)(3), and LAC 33:IX.2701.A.

VI.

An inspection conducted by the Department on or about March 17, 2011, and a subsequent file review conducted by the Department on or about November 6, 2013, revealed that the Respondent had unauthorized discharges. Specifically, the March 2011 inspection revealed that the Respondent had failed to apply for an LPDES MSGP for Storm Water Discharges Associated with Industrial Activities. The Department received a Notice of Intent for coverage under the LPDES MSGP for Storm Water Discharges Associated with Industrial Activities from the Respondent on or about April 5, 2011. The Respondent was granted coverage under LPDES MSGP for Storm Water Discharges Associated with Industrial Activities LAR050000 on or about June 13, 2011, and was specifically assigned permit number LAR05P402. The November 2013 file review revealed that the Respondent filed with the Louisiana Secretary of State on August 2, 2005, and thus was discharging without permit coverage for almost six years. Each unauthorized discharge into waters of the state is a violation of La. R.S. 30:2075.

**COMPLIANCE ORDER**

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

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit of regulated solid waste of any kind at the site or any other site not permitted to receive such waste.

II.

To excavate, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, all areas of visually contaminated soils. The Respondent shall containerize and dispose of all contaminated soils in accordance with the Hazardous Waste and Solid Waste Regulations and submit disposal receipts to the Enforcement Division documenting the waste was properly disposed.

III.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, allowing waste to be disposed in a manner that allows waste to enter into waters of the state.

IV.

To immediately institute procedures, upon receipt of this **COMPLIANCE ORDER**, to ensure that cover is provided for all containers storing regulated solid waste to prevent access by rodents and



insects, minimize the escape of odors, and keep out water and prevent leakage, until such time all containers are removed from the Site.

V.

To immediately institute procedures, upon receipt of this **COMPLIANCE ORDER**, to ensure proper housekeeping of equipment and material is maintained to prevent fugative odors from leaving the boundaries of the facility in accordance with Standard Permit P-0422 Part II, 521.B.1.b.

VI.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with LPDES MSGP LAR05P402 and the Water Quality Regulations including, but not limited to, preventing unauthorized discharges, sampling, and submitting DMRs.

VII.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Beneficial-Use Plan P-0304, Standard Permit P-0422, Solid Waste and Water Quality Regulations.

VIII.

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: Richie Coleman**  
**Re: Enforcement Tracking No. MM-CN-13-00783**  
**Agency Interest No. 38086**

**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. MM-CN-13-00783**  
**Agency Interest No. 38086**

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 Richie Coleman at 225-219-3792 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 05 day of May, 2014.



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  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Richie Coleman



BOBBY JINDAL  
GOVERNOR

PEGGY M. HATCH  
SECRETARY

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

July 27, 2015

CERTIFIED MAIL (7012 2210 0001 1915 6233)  
RETURN RECEIPT REQUESTED

**RSL ACQUISITION COMPANY, LLC**  
c/o Randy Jackson  
Agent for Service of Process  
2350 Crestview Avenue  
Kenner, LA 70062

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-15-00237  
AGENCY INTEREST NO. 38086**

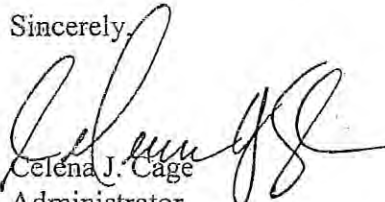
Dear Sir:

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 **RSL ACQUISITION COMPANY, LLC (RESPONDENT)** for the violations described therein.

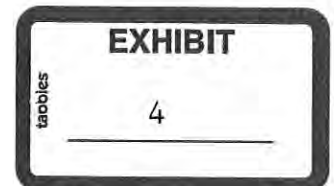
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Suzanne Gardner at 225-219-1423.

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/SDG/sdg  
Alt ID No. GTD-033-4890/P-0304/P-0422  
Attachment



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

**IN THE MATTER OF**

**RSL ACQUISITION COMPANY, LLC  
EAST BATON ROUGE PARISH  
ALT ID NO. GTD-033-4890/P-0304/P-0422**

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**ENFORCEMENT TRACKING NO.**

**SE-CN-15-00237**

**AGENCY INTEREST NO.**

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

**38086**

**CONSOLIDATED**

**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **RSL ACQUISITION COMPANY, LLC (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 RSL Acquisitions, L.L.C, a recycler of nonhazardous grease trap waste. The facility is located at 1225 Neosho Avenue in Baton Rouge, East Baton Rouge Parish, Louisiana and operates under solid waste identification number GTD-033-4890. The Respondent is registered with the Department as a Type II-A Commercial Processor/Recycler and operates under solid waste standard permit P-0422 with minor modification (M-1), approved on May 24, 2012 and minor modification (M-2), approved June 27, 2012. The Department issued an Order to Commence on or about May 28, 2013.

**II.**

On or about December 12, 2014, December 16, 2014, and January 30, 2015, inspections of the Respondent's facility revealed the following violations:

- A. The Respondent failed to submit a permit modification request to the Office of Environmental Services, for any changes in a facility or deviation from a permit, in violation of permit P-0422 condition 10, LAC 33:VII.901.A, and LAC 33:VII.517.A. Specifically, the initial processing procedure for grease trap waste is not found in permit P-0422 or either permit modification. A representative of the Respondent stated that this was a new process implemented at the beginning of 2015. Minor modification #2 states that "Once material is accepted, it is sucked out of the tanker through one (1) of the parallel vacuum filtration units utilizing the six (6) inch positive displacement pumps." During the December 16, 2014 inspection, this process was conducted with a tanker truck that utilized its own pump to blow the material into one (1) of the tanks through a four (4) inch line.
- B. The Respondent failed to staff the facility with personnel necessary to achieve the operational requirements desired, as specified in condition 521.F.1.b of the permit application, in violation of permit P-0422 conditions 7 and 8, and LAC 33:VII.901.A. Specifically, a professional engineer was not on site at the time of the inspection.
- C. The Respondent failed to keep log books which describe unusual activities or occurrences, including unusual amounts of trash in loads, as specified in condition 717.G.2.d of the permit application, in violation of permit P-0422 conditions 7, 8, minor modification #2, and LAC 33:VII.901.A. This permit violation was discovered in the December 16, 2014 inspection.
- D. The Respondent failed to test the grease trap waste for the presence of hydrocarbons prior to acceptance, as specified in condition 521.G.1.b of the permit application, in violation permit P-0422 conditions 7, 8, minor modification #2, and LAC 33:VII.901.A. Specifically, at the time of the December 16, 2014 inspection, a representative of the Respondent stated that the facility was not conducting these tests.

### **COMPLIANCE ORDER**

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

#### **I.**

To immediately, upon receipt of this **COMPLIANCE ORDER**, take any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations and permit P-0422.

II.

To immediately, upon receipt of this **COMPLIANCE ORDER**, cease the processing of grease trap waste as described in Paragraph II, Section A of the Findings of Fact of this Order until a permit modification has been approved for this process.

III.

To immediately, upon receipt of this **COMPLIANCE ORDER**, institute procedures to ensure that the facility is staffed with personnel necessary to achieve the operational requirements desired, as specified in condition 521.F.1.b of the permit application.

IV.

To immediately, upon receipt of this **COMPLIANCE ORDER**, institute procedures to ensure log books, which describe unusual activities or occurrences, are kept, as specified in condition 717.G.2.d of the permit application.

V.

To immediately, upon receipt of this **COMPLIANCE ORDER**, institute procedures to test grease trap waste for the presence of hydrocarbons prior to acceptance of the waste, as specified in condition 521.G.1.b of the permit application.

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: Suzanne Gardner  
Re: Enforcement Tracking No. SE-CN-15-00237  
Agency Interest No. 38086



**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-15-00237**  
**Agency Interest No. 38086**

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 Suzanne Gardner at 225-219-1423 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

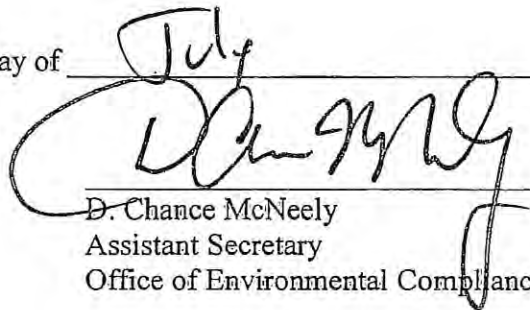
III.

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 27 day of July, 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: Suzanne Gardner