

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BP DISPOSAL, L.L.C.

AI # 168535

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

* **Settlement Tracking No.**
* **SA-MM-24-0031**
*
* **Enforcement Tracking Nos.**
* **SE-CN-19-00654**
* **MM-CN-20-00874**
* **MM-CN-21-00392**
*
* **Docket No. 2022-3248-DEQ**
*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between BP Disposal, 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 owns and/or operates a Type III construction and demolition landfill located in Lake Charles, Calcasieu Parish, Louisiana (“the Facility”).

II

On January 17, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-19-00654 (Exhibit 1).

On December 29, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-20-00874 (Exhibit 2).

On July 13, 2021, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-21-00392 (Exhibit 3).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty (MM-CN-20-00874), 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 THIRTY-TWO THOUSAND AND NO/100 DOLLARS (\$32,000.00), of which Three Thousand Five Hundred Ninety and 82/100 Dollars (\$3,590.82) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VIII

This Settlement Agreement 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 Agreement, 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 Calcasieu Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

XI

An initial payment of \$8,000.00 is to be made within thirty (30) days from notice of the Secretary's signature. The remaining \$24,000.00 is to be paid over a period of twenty-four (24) consecutive months in the amount of \$1,000.00 per month, due on the 15th of each month. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 attached hereto.

XII

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

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.

BP DISPOSAL, L.L.C.

BY: _____
(Signature)

(Printed)

TITLE: _____

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Aurelia S. Giacometto, Secretary

BY: _____
Jerrie "Jerry" Lang, Assistant Secretary
Office of Environmental Compliance

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 

Jerrie "Jerry" Lang, Assistant Secretary



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 17, 2020

CERTIFIED MAIL (7018 0360 0001 5039 0454)
RETURN RECEIPT REQUESTED

BP DISPOSAL, LLC
c/o Eric Brandt Pederson, Jr
Agent for Service of Process
3133 St. Andrews Dr
Lake Charles, LA 70605

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-19-00654
AGENCY INTEREST NO. 168535**

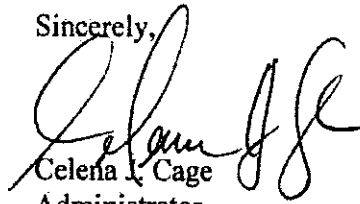
Dear Sir:

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 **BP DISPOSAL, LLC (RESPONDENT)** for the violations described therein.

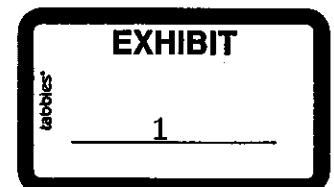
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Kelly O'Neal at (225) 219-3932.

Sincerely,


Celesta J. Cage
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. P-0426-M3



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

IN THE MATTER OF	*	
	*	
BP DISPOSAL, LLC	*	ENFORCEMENT TRACKING NO.
CALCASIEU PARISH	*	
ALT ID NO. P-0426-M3	*	SE-CN-19-00654
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	168535
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **BP DISPOSAL, 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 BP Disposal LLC, a Type III construction and demolition (C&D) landfill, located at 5474 Bazile Road in Lake Charles, Calcasieu Parish, Louisiana. The facility operates under Solid Waste Standard Permit P-0426-M3.

II.

The Respondent was issued Warning Letter SE-L-19-00654 for violations noted during an inspection on or about June 20, 2019. The Respondent submitted responses to the Warning Letter on or about August 21, 2019 and September 6, 2019.

III.

On or about June 20, 2019, the Department conducted an inspection of the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the

investigation by the Department is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to prohibit or prevent the disposal of residential waste and commercial waste, in accordance with Part II Section 33:VII.521.G.1.d of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Standard Permit P-0426-M3, LAC 33:VII.721.C.1.f, and LAC 33:VII.901.A. Specifically, numerous unacceptable wastes, including but not limited to buckets, Styrofoam, a plastic drum, and a battery-operated vehicle were noted to be in the active working faces of Zone 1 and Zone 2. On or about August 21, 2019, the Respondent submitted a response to Warning Letter SE-L-19-00654 that included copies of receipts from Waste Management showing that they were in the process of removing the unacceptable wastes. The Respondent stated in the response that a meeting was held to discuss procedures to ensure unacceptable wastes are removed prior to acceptance.
- B. The Respondent failed to ensure that no solid waste is deposited in standing water and that standing water in contact with waste is removed immediately, in violation LAC 33:VII.721.C.1.g. Specifically, a low area located along the backside of Zone 1 and Zone 2 was observed to be holding a considerable amount of standing water. The low area was approximately twenty-five (25) yards long and was in contact with C&D waste as well as unacceptable wastes. On or about August 21, 2019, the Respondent stated in a response to Warning Letter that SE-L-19-00654 that standing water had been pumped out and a meeting was held to discuss procedures to ensure standing water does not accumulate. On or about September 6, 2019, the Respondent submitted photos documenting that standing water had been removed from the site.
- C. The Respondent failed to deposit wastes in the smallest practical area and compact each day so that only one (1) working face is utilized, in accordance with Part II, Section 33:VII.521.I.1.b of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Standard Permit P-0426-M3, LAC 33:VII.721.A.2.c and LAC 33:VII.901.A. Specifically, active working faces were noted within Zone 1, Zone 2, and Zone 3. All three (3) areas had waste without cover, indicating the facility was utilizing multiple working faces. There were several areas containing whole buckets, whole Styrofoam blocks, and other wastes that were not compacted. Based on statements from a

representative of the Respondent and observations made during the inspection, an estimated twenty-two (22) acres of the site contained waste without cover. On or about October 8, 2019, the Respondent submitted a copy of the survey conducted by Morrison Surveying, Inc. According to the survey, 12.05 acres contain uncovered waste.

- D. The Respondent failed to apply an interim cover of at least twelve (12) inches of silty clays to the landfill within thirty (30) days of disposal, in accordance with Part II, Section 33:VII.521.G.2.a of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Standard Permit P-0426-M3, LAC 33:VII.721.A.2.b and LAC 33:VII.901.A. Specifically, a large pile of wood waste was disposed of onsite lacking cover. According to a representative of the Respondent, the pile had been onsite for approximately one (1) year. On or about August 21, 2019, the Respondent stated in a response to Warning Letter SE-L-19-00654 that the wood waste was moved to Zone 4 and properly covered. On or about September 6, 2019, the Respondent submitted photos documenting that the wood waste piled had been removed.
- E. The Respondent caused and/or allowed the collection of more than twenty (20) whole waste tires at the facility without authorization, in violation of LAC 33:VII.10509.C. Specifically, more than one hundred (100) waste tires were located onsite, and the Respondent is not registered as a generator of waste tires. On or about August 21, 2019, the Respondent submitted copies of receipts from Colt, Inc. to the Department showing that they were in the process of removing the waste tires. On or about September 6, 2019, the Respondent submitted photos of the site. The number of waste tires has been reduced; however, some tires remain onsite. The response stated that Colt, Inc. is removing twenty (20) waste tires at a time for disposal.
- F. The Respondent failed to ensure that the amount of funds assured is sufficient to cover the cost of closure and post-closure care when needed, in accordance with Part II, Attachment 17 of the Solid Waste Permit Application, in violation of Conditions 6, 7, 12, & 13 of Standard Permit P-0426-M3, LAC 33:VII.1303.B.5.a and LAC 33:VII.901.A. Specifically, the current financial assurance only provides for one (1) acre of waste area without final cover and the estimated total area containing waste without final cover at the time of the inspection was approximately twenty-two (22) acres. On or about August 21, 2019, the Respondent stated in a response to Warning

Letter SE-L-19-00654 that a survey of the site had been conducted to ascertain the exact area of uncovered waste before updating the financial assurance. On or about October 8, 2019, the Respondent submitted a copy of the survey conducted by Morrison Surveying, Inc. According to the survey, 12.05 acres contain uncovered waste. The response stated that the Respondent is actively seeking financial assurance for the additional acreage.

- G. The Respondent failed to keep records onsite, in accordance with Part II, Section 33:VII.521.F.1.a of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Standard Permit P-0426-M3, LAC 33:VII.721.B.2.c. and LAC 33:VII.901.A. Specifically, the facility did not have a copy of the permit or permit application onsite at the time of the inspection. On or about August 21, 2019, the Respondent stated that the permit and permit application are available at the facility and posted.

COMPLIANCE ORDER

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

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations and Standard Permit P-0426-M3.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to prohibit and prevent the disposal of residential and commercial waste, in accordance with Standard Permit P-0426-M3, Part II, Section 33:VII.521.G.1.d of the Solid Waste Permit Application, and LAC 33:VII.721.C.1.f. In the event unacceptable waste is discovered, the wastes shall be stored in a closed container and removed from the facility for disposal at an appropriate facility within seven (7) days, in accordance with Standard Permit P-0426-M3, Part II, Section 33:VII.521.G.1.d of the Solid Waste Permit Application, and LAC 33:VII.721.C.4.

III.

To begin, immediately upon receipt of this **COMPLIANCE ORDER**, depositing waste in the smallest practical area and utilizing only one (1) working face at a time, in accordance with Part II, Section 33:VII.521.I.1.b of the Solid Waste Permit Application, and LAC 33:VII.721.A.2.c.

IV.

To provide, immediately upon receipt of this **COMPLIANCE ORDER**, updated closure cost estimates and financial assurance for all areas of the landfill currently without final cover.

V.

To close, within ninety (90) days of receipt of this **COMPLIANCE ORDER**, the current area of the landfill that is without final cover with the exception of one (1) acre as specified in Standard Permit P-0426-M3. The Respondent shall ensure financial assurance for all areas without final cover is maintained at all times.

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: Kelly O'Neal
Re: Enforcement Tracking No. SE-CN-19-00654
Agency Interest No. 168535

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:

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-19-00654
Agency Interest No. 168535

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 Division of Administrative Law (DAL) Procedural Rules. 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 Kelly O'Neal at (225) 219-3932 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. 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.

IV.

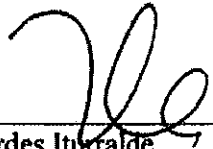
The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement

amount to resolve any claim for civil penalties for the violation(s) 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 17th day of January, 2020



Lourdes Iturralde
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: Kelly O'Neal

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE



Enforcement Tracking No.	SE-CN-19-00654	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	168535	Contact Phone No.	225-219-3932
Alternate ID No.	P-0426-M3		
Respondent:	BP Disposal, LLC	Facility Name:	BP Disposal LLC C&D Landfill
	c/o Eric Brandt Pederson Jr.	Physical Location:	5474 Bazile Rd.
	Agent for Service of Process		
	3133 St. Andrews Dr	City, State, Zip:	Lake Charles, LA 70616
	Baton Rouge, LA 70605	Parish:	Calcasieu

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs IV and V of the "Order" portion of the COMPLIANCE ORDER .		
A written report was submitted in accordance with Paragraph VI of the "Order" portion of the COMPLIANCE ORDER .		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER . Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	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 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-19-00654), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-19-00654), 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. <ul style="list-style-type: none"> • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-CN-19-00654) 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: Kelly O'Neal		

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

DEC 29 2020

CERTIFIED MAIL (7019 1640 0001 2617 1680)
RETURN RECEIPT REQUESTED

BP DISPOSAL, LLC
c/o Eric Brandt Pedersen, Jr
Agent for Service of Process
3133 St. Andrews Dr.
Lake Charles, LA 70605

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-20-00874
AGENCY INTEREST NO. 168535**

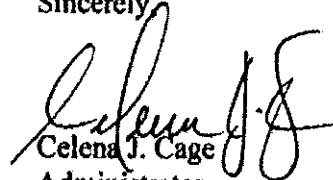
Dear Sir:

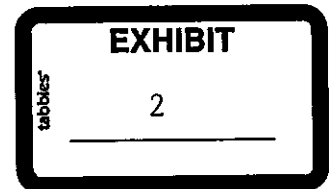
Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **BP DISPOSAL, LLC (RESPONDENT)** for the violations described therein.

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 Kelly O'Neal at (225) 219-3932 or Kelly.O'Neal@la.gov.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division



CJC/KAO/kao
Alt ID No. P-0426-M3
Attachment

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

IN THE MATTER OF	*	
	*	
BP DISPOSAL, LLC	*	ENFORCEMENT TRACKING NO.
CALCASIEU PARISH	*	
ALT ID NO. P-0426-M3	*	MM-CN-20-00874
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	168535

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **BP DISPOSAL, 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 BP Disposal LLC, a Type III construction and demolition (C&D) landfill (the facility), located at 5474 Bazile Road in Lake Charles, Calcasieu Parish, Louisiana. The facility operates under Solid Waste Standard Permit P-0426-M3.

II.

On or about August 27, 2020, Hurricane Laura made landfall as a Category 4 storm causing adverse impact and widespread damage to the State of Louisiana. A Declaration of Emergency and Administrative Order (DEAO) was issued on August 25, 2020. The Fifth (5th) Amended Declaration of Emergency and Administrative Order was issued on November 28, 2020, with an expiration date of December 28, 2020. In addition to C&D debris and woodwaste, the DEAO allows Type III landfills

located in Calcasieu Parish and Cameron Parish to dispose of furniture, carpet, and mattresses generated as a result of Hurricane Laura.

III.

On or about October 9, 2020, Hurricane Delta made landfall as a Category 2 storm causing impact and widespread damage to the State of Louisiana. A Declaration of Emergency and Administrative Order (DEAO) was issued on October 8, 2020. The Third (3rd) Amended Declaration of Emergency and Administrative Order was issued on November 28, 2020, with an expiration date of December 28, 2020. In addition to C&D debris and woodwaste, DEAO allows Type III landfills located in Calcasieu Parish and Cameron Parish to dispose of furniture, carpet, and mattresses generated as a result of Hurricane Delta.

IV.

The Department conducted inspections on or about December 4, 2020, and December 7, 2020, at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent failed to apply cover material to reduce fire hazard potential, in accordance with Part II, Section 33:VII.521.E.4.b of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Solid Waste Standard Permit P-0426-M3, LAC 33:VII.721.A.2.a.iii and LAC 33:VII.901.A. Specifically, thirteen (13) smoldering hotspots were observed on the north and east sides of the landfill during the December 4, 2020 inspection. During the December 7, 2020 inspection, thirty (30) to forty (40) smoldering hotspots were observed on the east side of the landfill and ten (10) hotspots were observed on the south side of the landfill.
- B. The Respondent failed to submit notification to the Department prior to operating an additional working face, in accordance with Section 2.b.ii.(1) of the DEAO, in violation of La. R.S. 30:2033.D.1, LAC 33:I.6901.A.2, and LAC 33:I.6925.A. Specifically, on or about October 28, 2020, the Respondent requested approval to operate two (2) working faces in order to meet emergency demands as a result of Hurricane Laura and Hurricane Delta. The Department approved the request on or about November 24, 2020. However, three (3) active working faces were observed during the December 7, 2020 inspection.

- C. The Respondent failed to apply cover every seven (7) days, in accordance with Section 2.c.iii of the DEAO, in violation of La. R.S. 30:2033.D.1, LAC 33:I.6901.A.2, and LAC 33:I.6925.A. Specifically, the DEAO requires cover to be applied every seven (7) days for facilities that accept furniture, carpet, and mattresses generated by Hurricane Laura. Cover was last applied on November 23, 2020, according to the cover log.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations, the Office of the Secretary Regulations, Solid Waste Standard Permit P-0426-M3, and the DEAO.

II.

To immediately address, upon receipt of this **COMPLIANCE ORDER**, any smoking and/or smoldering areas of the landfill by locating, identifying, extinguishing, and eliminating any source(s) or potential source(s) of combustion.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure cover is applied in a manner to reduce fire-hazard potential, including but not limited to adequately compacting the waste to minimize the inward movement of atmospheric oxygen, in accordance with Part II, Section 33:VII.521.E.4.b of the Solid Waste Permit Application and LAC 33:VII.721.A.2.a.iii.

IV.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, the use of any additional working faces not approved by the Department, in accordance with the DEAO.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure cover is applied every seven (7) days, in accordance with the DEAO.

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: Kelly O'Neal
Re: Enforcement Tracking No. MM-CN-20-00874
Agency Interest No. 168535

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-20-00874
Agency Interest No. 168535

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 Division of Administrative Law (DAL) Procedural Rules. 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 Kelly O'Neal at (225) 219-3932 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. 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.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**
is effective upon receipt.

Baton Rouge, Louisiana, this 29th day of December, 2020.



Lourdes Murralde
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: Kelly O'Neal

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE



Enforcement Tracking No.	MM-CN-20-00874	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	168535	Contact Phone No.	(225) 219-3932
Alternate ID No.	P-0426-M3		
Respondent:	BP Disposal, LLC	Facility Name:	BP Disposal LLC C&D Landfill
	c/o Eric Brandt Pedersen Jr. Agent for Service of Process	Physical Location:	5474 Bazile Rd.
	3133 St. Andrews Dr.	City, State, Zip:	Lake Charles, LA 70616
	Lake Charles, LA 70605	Parish:	Calcasieu

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph VI of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

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 33:1.Subpart1.Chapter7.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-20-00874), 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 (MM-CN-20-00874), 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 (MM-CN-20-00874) 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: Kelly O'Neal		

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUL 13 2021

CERTIFIED MAIL 7017 3040 0000 2465 2238)
RETURN RECEIPT REQUESTED

BP DISPOSAL, LLC
c/o Eric Brandt Pedersen, Jr
Agent for Service of Process
3133 St. Andrews Dr.
Lake Charles, LA 70605

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-21-00392
AGENCY INTEREST NO. 168535**

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 **BP DISPOSAL, LLC (RESPONDENT)** for the violations described therein.

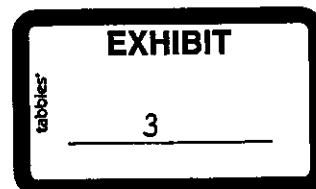
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Kelly O'Neal at (225) 219-3932 or Kelly.O'Neal@la.gov.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. P-0426-M3
Attachment



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

IN THE MATTER OF	*	
	*	
BP DISPOSAL, LLC	*	ENFORCEMENT TRACKING NO.
CALCASIEU PARISH	*	
ALT ID NO. P-0426-M3	*	MM-CN-21-00392
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	168535

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **BP DISPOSAL, 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 BP Disposal LLC, a Type III construction and demolition (C&D) landfill (the facility), located at 5474 Bazile Road in Lake Charles, Calcasieu Parish, Louisiana. The facility operates under Solid Waste Standard Permit P-0426-M3.

II.

On or about August 27, 2020, Hurricane Laura made landfall as a Category 4 storm causing adverse impact and widespread damage to the State of Louisiana. A Declaration of Emergency and Administrative Order (DEAO) was issued on August 25, 2020. The Twelfth (12th) Amended Declaration of Emergency and Administrative Order was issued on June 28, 2021, with an expiration date of July 28, 2021. In addition to C&D debris and woodwaste, the DEAO allows Type III landfills located in Calcasieu

Parish and Cameron Parish to dispose of furniture, carpet, and mattresses generated as a result of Hurricane Laura.

III.

On or about October 9, 2020, Hurricane Delta made landfall as a Category 2 storm causing impact and widespread damage to the State of Louisiana. A Declaration of Emergency and Administrative Order (DEAO) was issued on October 8, 2020. The Seventh (7th) Extension of Third (3rd) Amended Declaration of Emergency and Administrative Order was issued on June 28, 2021, with an expiration date of July 28, 2021.

IV.

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-20-00874 was issued to the Respondent on or about December 29, 2020, for violations noted during inspections conducted on or about December 4, 2020, and December 7, 2020. The Respondent received **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-20-00874** on or about January 7, 2021, and requested an adjudicatory hearing on or about January 29, 2021. The Department and the Respondent entered into informal dispute resolution discussions on March 3, 2021.

V.

On or about January 15, 2021, the Louisiana Department of Agriculture & Forestry (LDAF) approved a Best Management Practices (BMP) Plan for the beneficial use of storm-related vegetative debris at the facility. Specifically, the BMP Plan allows 30,000 yards of mulch measuring up to three (3) inches in length, derived from tree debris transported from the Lake Street Emergency Debris Site, to be stored at the south end of the facility and transferred offsite.

VI.

The Department conducted assessment inspections from December 14, 2020 through May 10, 2021, at the above referenced facility to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the assessments:

- A. The Respondent failed to apply adequate cover material to control leachate generation, minimize blowing paper and litter, and reduce noxious odors, in accordance with Part II, Section 33:VII.521.E.4.b of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Solid Waste Standard Permit P-0426-M3, LAC 33:VII.721.A.2.a.ii, iv &v, and LAC 33:VII.901.A. Specifically,

- a. Leachate seeps were observed flowing downhill from an area of exposed waste located on the northeast corner of the disposal area during the April 19, 2021 and April 26, 2021 assessments.
 - b. Excessive litter was observed during the December 14, 2020, January 11, 2021, January 19, 2021, January 25, 2021, February 1, 2021, February 8, 2021, March 1, 2021, March 8, 2021, March 15, 2021, March 22, 2021, March 29, 2021, April 12, 2021, April 19, 2021, and May 3, 2021 assessments.
 - c. Noxious odors were noted during the January 25, 2021, February 22, 2021, March 22, 2021, April 5, 2021, and April 12, 2021 assessments.
- B. The Respondent failed to apply adequate cover material to reduce fire hazard potential, in accordance with Part II, Section 33:VII.521.E.4.b of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Solid Waste Standard Permit P-0426-M3, LAC 33:VII.721.A.2.a.iii, and LAC 33:VII.901.A. Specifically, hot spots were observed and temperature readings were taken as follows:

Date	Number of Hotspots	Temperature Range*
12/14/2020	14	No temperature readings taken
12/21/2020	20	109°F-189°F
1/4/2021	5	122°F-156°F
1/11/2021	>11	60°F-200°F
1/19/2021	1	145°F
1/25/2021	Multiple	100°F-115°F
2/1/2021	Multiple	No temperature readings taken
2/8/2021	Multiple	130°F-150°F
3/1/2021	Multiple	93°F-127°F
3/8/2021	Multiple	110°F-119°F
3/15/2021	12	91°F-141°F
3/22/2021	1	100°F
3/29/2021	1	103°F
4/5/2021	1	92°F

*Temperature readings were taken utilizing an Etekcity Voltage Detecting Infrared Thermometer- Model No.: Lasergrip 1025D

- C. The Respondent failed to cover the waste with a minimum of twelve (12) inches of silty clays every thirty (30) days, in accordance with Part II, Section 33:VII.521.E.4.a of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Solid Waste Standard Permit P-0426-M3, LAC 33:VII.721.A.2.b, and LAC 33:VII.901.A. Specifically, the December 14, 2020 assessment noted that thirty (30) day earthen cover had not been applied since the beginning of storm operations. Additionally, an assessment conducted on January 19, 2021, noted exposed wastes and litter were observed on the slope on the west side of the lower driveway near the northern and western portion of the landfill. The same exposed wastes and litter from the January 19, 2021 assessment were noted during the February 22, 2021 assessment. Areas of exposed waste were also noted during the January 25, 2021, April 19, 2021, and April 26, 2021 assessments.
- D. The Respondent failed to apply cover every seven (7) days, in accordance with Section 1.c.iii of the DEAO, in violation of La. R.S. 30:2033.D.1, LAC 33:I.6901.A.2, and LAC 33:I.6925.A. Specifically, the DEAO requires cover to be applied every seven (7) days for facilities that accept furniture, carpet, and mattresses generated by Hurricane Laura. The December 21, 2020 assessment noted cover had not been applied since December 11, 2020. The February 22, 2021 assessment noted cover had not been applied since February 11, 2021.
- E. The Respondent failed to use mulch and soil in a 50/50 mix, in accordance with Section 6.7 of the Debris Management Plan, Section 1.a of the DEAO, and the Request for Alternative Cover & Temporary Change to Operating Hours Due to Hurricane Laura letter issued by the Department on October 2, 2020, in violation of La. R.S. 30:2033.D.1, LAC 33:I.6901.A.2, and LAC 33:I.6925.A. Specifically, in a letter dated October 2, 2020, the Department granted approval for the Respondent to use mulch and soil in a 50/50 mix as cover every seven (7) days. The April 12, 2021, and April 19, 2021 assessments noted dirty mulch was used as cover. According to a representative of the Respondent, the dirty mulch consists of mulch and topsoil that is scraped from the ground at the emergency debris site and is not blended 50/50. Additionally, the March 22, 2021 assessment noted the cover material consisted of five hundred forty-eight (548) yards of dirty mulch and one hundred sixty-eight (168) yards of soil. The

April 5, 2021 assessment noted the cover material consisted of seventy (70) yards of soil and two hundred thirty-four (234) yards of dirty mulch.

- F. The Respondent failed to have two (2) monitors at each landfill working face during all hours of operation, in accordance with Section 1.c.ii of the DEAO, in violation of La. R.S. 30:2033.D.1, LAC 33:1.6901.A.2, and LAC 33:1.6925.A. Specifically, during the December 14, 2020 and December 21, 2020 assessments, there was one (1) monitor for each working face.
- G. The Respondent failed to submit notification to the Department prior to operating an additional working face, in accordance with Section 1.b.ii.(1) of the DEAO, in violation of La. R.S. 30:2033.D.1, LAC 33:1.6901.A.2, and LAC 33:1.6925.A. Specifically, on or about October 28, 2020, the Respondent requested approval to operate two (2) working faces in order to meet emergency demands as a result of Hurricane Laura and Hurricane Delta. The Department approved the request on or about November 24, 2020. However, a third working face consisting of vegetative chips (mulch) was observed during the December 14, 2020, December 21, 2020, January 4, 2021, and January 11, 2021 assessments. On or about January 15, 2021, the LDAF approved a BMP Plan to allow the storage of vegetative chips located on the south end of the facility.
- H. The Respondent failed to ensure unacceptable waste is segregated and placed in a closed container and removed every seven (7) days, in accordance with Part II, Section 33:VII.521.G.1.d of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Solid Waste Standard Permit P-0426-M3, LAC 33:VII.721.C.4 and LAC 33:VII.901.A. Specifically, unacceptable wastes, including but not limited to, waste tires and treated utility poles were observed stored on the ground during the December 14, 2020, December 21, 2020, and January 11, 2021 assessments. The January 11, 2021 assessment noted the last documented date of removal of segregated unacceptable waste was September 26, 2020. The January 19, 2021 assessment noted the unacceptable wastes were removed.
- I. The Respondent failed to ensure that no solid waste is deposited in standing water and that standing water in contact with waste is removed immediately, in violation LAC

33:VII.721.C.1.g. Specifically, waste was observed in standing water during the December 14, 2020, December 21, 2020, and January 11, 2021 assessments.

- J. The Respondent failed to prohibit or prevent the disposal of residential waste and commercial waste, in accordance with Part II Section 33:VII.521.G.1.a of the Solid Waste Permit Application, in violation of Conditions 6 and 7 of Standard Permit P-0426-M3, LAC 33:VII.721.C.1.f, and LAC 33:VII.901.A. Specifically, numerous unacceptable wastes, including but not limited to toys, buckets, food and drink containers, an ice chest, a television, an empty 55-gallon metal drum, an eyewash container, and a tube of caulk were noted disposed of in the working face. Unacceptable wastes were noted during all assessments from December 14, 2020 through May 10, 2021.
- K. The Respondent caused and/or allowed the collection of more than twenty (20) whole waste tires at the facility without authorization, in violation of LAC 33:VII.10509.C. Specifically, approximately thirty-three (33) waste tires were observed onsite during the March 1, 2021 assessment. A representative of the Respondent stated that waste tires are brought to Colt, Inc., a permitted processor.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations, the Office of the Secretary Regulations, Solid Waste Standard Permit P-0426-M3, and the DEAO.

II.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, applying silty clay cover material sufficient to maintain the twelve (12) inch minimum at least every thirty (30) days. Cover material shall be sufficient to control leachate generation, minimize the blowing of paper and litter, and reduce noxious odors, in accordance with Part II, Section 33:VII.521.E.4.b of the Solid Waste Permit Application, and LAC 33:VII.721.A.2.a.ii, iv and v.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure cover is applied in a manner to reduce fire-hazard potential, including but not limited to adequately

compacting the waste to minimize the inward movement of atmospheric oxygen, in accordance with Part II, Section 33:VII.521.E.4.b of the Solid Waste Permit Application and LAC 33:VII.721.A.2.a.iii.

IV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure cover is applied every seven (7) days for any areas of disposal that received expanded waste, in accordance with the DEAO.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure alternative cover is used in a 50/50 mix of soil and mulch, in accordance with the October 2, 2020 letter described in Findings of Fact, Paragraph VI.E.

VI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure a minimum of two (2) independent monitors are at each working face during all hours of operation, in accordance with the DEAO.

VII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to prohibit and prevent the disposal of residential and commercial waste, in accordance with Standard Permit P-0426-M3, Part II, Section 33:VII.521.G.1.d of the Solid Waste Permit Application, and LAC 33:VII.721.C.1.f. In the event unacceptable waste is discovered, the wastes shall be stored in a closed container and removed from the facility for disposal at an appropriate facility within seven (7) days, in accordance with Standard Permit P-0426-M3, Part II, Section 33:VII.521.G.1.d of the Solid Waste Permit Application, and LAC 33:VII.721.C.4.

VIII.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, depositing waste in standing water and remove any standing water in contact with waste, in accordance with LAC 33:VII.721.C.1.g.

IX.

To remove, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, all waste tires for recycling to an authorized collection center or a permitted processing facility so that no more than twenty (20) waste tires are being stored onsite. All shipments of waste tires shall comply with the manifest

provisions of LAC 33:VII.10534. The Respondent shall submit documentation of disposal to the Enforcement Division within fifteen (15) days of completion.

X.

To be hereby notified that the Respondent may store more than twenty (20) waste tires onsite provided:

- A. The Respondent notifies the Office of Environmental Services, Waste Permits Division, of their existence and obtains a generator identification number prior to initiating a waste tire manifest. Notification shall be on a form provided by the Office of Environmental Services, Waste Permits Division.
- B. The Respondent complies with the manifest requirements of LAC 33:VII.10534.
- C. The Respondent provides cover adequate to exclude water from the waste tires, vector and vermin control, and means to prevent or control standing water in the containment area for all waste tires and waste tire material collected and/or stored.
- D. The Respondent stores waste tires no longer than one hundred twenty (120) days after generation.
- E. The Respondent collects and/or stores all waste tires on the facility's property.
- F. The Respondent does not allow the removal of waste tires from his place of business by anyone other than a transporter authorized by the Department.

XI.

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: Kelly O'Neal
Re: Enforcement Tracking No. MM-CN-21-00392
Agency Interest No. 168535

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-21-00392
Agency Interest No. 168535

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 Division of Administrative Law (DAL) Procedural Rules. 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 Kelly O'Neal at (225) 219-3932 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. 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.

IV.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

v.

This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY
is effective upon receipt.

Baton Rouge, Louisiana, this 3rd day of July, 2021.



Lourdes Iturralde
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: Kelly O'Neal



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE

Enforcement Tracking No.	MM-CN-21-00392	Contact Name	Kelly O'Neal
Agency Interest (AI) No.	168535	Contact Phone No.	(225) 219-3932
Alternate ID No.	P-0426-M3		
Respondent:	BP Disposal, LLC	Facility Name:	BP Disposal LLC C&D Landfill
	c/o Eric Brandt Pedersen Jr.	Physical Location:	5474 Bazile Rd.
	Agent for Service of Process		
	3133 St. Andrews Dr.	City, State, Zip:	Lake Charles, LA 70616
	Lake Charles, LA 70605	Parish:	Calcasieu

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph XI of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

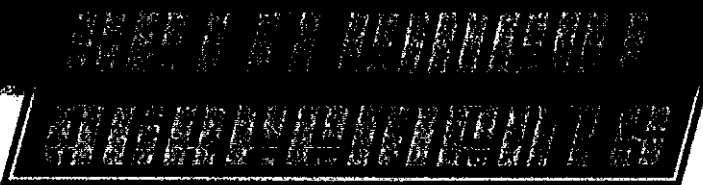
<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-21-00392), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-21-00392), 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. <ul style="list-style-type: none"> • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-21-00392) 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.

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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: Kelly O'Neal			



WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

		NATURE AND GRAVITY OF THE VIOLATION		
		MAJOR	MODERATE	MINOR
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.





Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement. Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

Settlement Offers	searchable in <u>EDMS</u> using the following filters Media: Air Quality, Function: Enforcement, Description: Settlement
Settlement Agreements	<u>Enforcement Division's website</u> specific examples can be provided upon request
Penalty Determination Method	<u>LAC 33:1 Chapter 7</u>
Beneficial Environmental Projects	<u>LAC 33:1 Chapter 25</u>
Judicial Interest.....	<u>FAQs</u> provided by the <u>Louisiana State Bar Association</u>

