

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

GREENPOINT, INC.

AI # 24093

* Settlement Tracking No.

* SA-MM-24-0032

*

* Enforcement Tracking Nos.

* SE-CN-08-0709

* SE-PP-10-01337

* MM-CN-11-00517

* MM-CN-12-00763

* SE-CN-15-00891

* SE-CN-17-00199

* MM-CN-18-00543

* MM-CN-19-00657

* MM-CN-20-00199

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PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

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SETTLEMENT AGREEMENT

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

I

Respondent is a corporation that owns and/or operates a Type III construction/demolition debris and woodwaste landfill facility located in Broussard, St. Martin Parish, Louisiana (“the Facility”).

II

On June 15, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-08-0709 (Exhibit 1).

On February 25, 2011, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. SE-PP-10-01337 (Exhibit 2).

On December 9, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-11-00517 (Exhibit 3).

On February 1, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-12-00763 (Exhibit 4).

On December 17, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-15-00891 (Exhibit 5).

On August 11, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-17-00199 (Exhibit 6).

On March 6, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-18-00543 (Exhibit 7).

On January 2, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-19-00657 (Exhibit 8).

On June 18, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-20-00199 (Exhibit 9).

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

The Respondent failed to prohibit or prevent the disposal of residential waste and commercial waste, in accordance with Part II, Paragraph 521.H.1.a of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317-R1-M4, LAC 33:VII.721.C.1.f, and LAC 33:VII.901.A. Specifically, during the June 1, 2022, December 12, 2022, and June 27, 2023 inspections, unacceptable wastes, including but not limited to, carpet, plastic buckets, a child's nap

mat, a boot, clothes, toys, bottles, plastics, cans, food containers, and cylinders were observed in the working face.

The Respondent failed to provide cover material sufficient to minimize blowing paper and litter, in violation of Condition 7 of Standard Permit P-0317-R1-M4, LAC 33:VII.721.A.2.a.iv, and LAC 33:VII.901.A. Specifically, the June 1, 2022, September 30, 2022, December 12, 2022, and June 27, 2023 inspections revealed excessive litter over multiple portions of the working face of the active cell, at the base of the slope for the active cell, on the inactive cell, and along and/or in the ditches.

The Respondent failed to provide cover material sufficient to minimize erosion and reduce noxious odors in accordance with Part II, Paragraph 521.H.1.g of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317-R1-M4, LAC 33:VII.721.A.2.a.ii.b, LAC 33:VII.721.A.2.a.v, and LAC 33:VII.901.A. Specifically, the August 5, 2022, September 30, 2022, December 12, 2022, and June 27, 2023 inspections revealed erosion channels, exposed waste protruding from the cover material, and noxious odors across multiple portions of the active cell.

The Respondent instituted a permit modification without the written approval of the administrative authority, in violation of Conditions 7, 8, and 10 of Standard Permit P-0317-R1-M4, LAC 33:VII.517.C, and LAC 33:VII.901.A. Specifically, the August 5, 2022, September 30, 2022, and December 12, 2022 inspections revealed the Respondent began directing incoming loads of solid waste to a dug-out pit in approximately December 2021.

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 of Condition 7 of Standard Permit P-0317-R1-M4, LAC 33:VII.721.C.1.g, and LAC 33:VII.901.A. Specifically, the August 5,

2022 inspection revealed the dug-out pit described in Findings of Fact Paragraph X.D contained solid waste in contact with standing water.

The Respondent failed to adequately maintain the run-on/run-off diversion system to ensure proper operation of the drainage system in accordance with Part II, Paragraph 521.C.1 of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317-R1-M4, LAC 33:VII.721.C.2.f, and LAC 33:VII.901.A. Specifically, the August 5, 2022, and December 12, 2022 inspections noted that an internal ditch designed to intercept surface run-off was not 4-feet in depth as required by Part II, Paragraph 521.C.1 of the Solid Waste Permit Application.

The Respondent failed to cover the waste with a minimum of twelve (12) inches of silty clays every fourteen (14) days, in violation of Conditions 7, 8, and 14 of Standard Permit P-0317-R1-M4, LAC 33:VII.721.A.2.b, and LAC 33:VII.901.A. Specifically, the August 5, 2022, and December 12, 2022 inspections noted the Respondent failed to apply cover at least every 14 days.

The Respondent failed to store unauthorized waste in closed containers that prevent vector and odor problems in accordance with LAC 33:VII.721.C.4 and Section 6.3 of the Facility's Operational Plan, Conditions 7 & 8 of the facility's permit P-0317R1, LAC 33:VII.901.A. Specifically, the December 12, 2022 inspection noted that unacceptable waste was stored in three (3) uncovered roll off bins.

The Respondent failed to maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility in accordance with Part II, Paragraph 521.H.1.b of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.B.2.a., and LAC 33:VII.901.

The Respondent failed to maintain records of transporters that included the date of receipt of shipments of waste and the transporter's solid waste identification number in accordance with

Section 6/1 of the Comprehensive Operational Plan, in violation of in violation of Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.B.2.b., and LAC 33:VII.901.

The Respondent failed to maintain a daily clean up inspection log/checklist in accordance with Section 18.0 of the Comprehensive Operational Plan, in violation of Conditions 7 and 8 of Standard Permit P-0317R1 and LAC 33:VII.901.

The Respondent failed to maintain proof of financial assurance onsite, in accordance with Section 16.0 of the Solid Waste permit application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1M3, LAC 33:VII.721.B.2.a and LAC 33:VII.901.A.

The Respondent failed to maintain an amount of financial assurance equal to the current closure and post-closure cost estimates, in violation of LAC 33:VII.1303.B.3. Specifically, a cost estimate for 2022 was provided by the Respondent on March 28, 2018 as part of the solid waste permit renewal application. A records review during the December 12, 2022 inspection, revealed an updated closure cost was not available.

The Respondent failed to increase the amount of credit to be at least equal the current closure and post-closure costs within sixty (60) days after the increase, in violation of LAC 33:VII.1303.F.6. Specifically, the Respondent failed to increase the amount of credit after the total costs of closure and post-closure exceeded the credit amount.

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

EIGHTY-FIVE THOUSAND AND NO/100 DOLLARS (\$85,000.00), of which Eleven Thousand Five Hundred Eighty-Eight and 30/100 Dollars (\$11,588.30) 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).

V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, Notice 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.

VI

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.

VII

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.

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 St. Martin 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.

X

An initial payment of \$25,000.00 is to be made within thirty (30) days from notice of the Secretary's signature. The remaining \$60,000.00 is to be paid over a period of twelve (12) consecutive months in the amount of \$5,000.00 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.

XI

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

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.

GREENPOINT, INC.

BY: _____
(Signature)

(Printed)

TITLE: _____

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

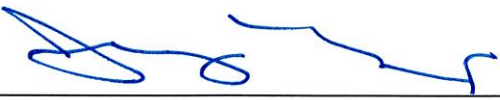
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Aurelia S. Giacometto, Secretary

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

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 15, 2009

CERTIFIED MAIL (7004 1160 0001 9952 3864)
RETURN RECEIPT REQUESTED

GREENPOINT, INC.
c/o Ricky J. Suire, Registered Agent
110 Southwark Drive
Lafayette, Louisiana 70508

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-08-0709
AGENCY INTEREST NO. 24093**

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 **GREENPOINT, INC. (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Carl Bohling at (225) 219-3932.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Iturralde".

Lourdes Iturralde
Administrator
Enforcement Division

L/CB/cb
Alt ID No. D-099-8066, P-0317
Attachment

EXHIBIT

1

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

GREENPOINT, INC.
ST. MARTIN PARISH
ALT ID NO. D-099-8066, P-0317

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

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ENFORCEMENT TRACKING NO.

SE-CN-08-0709

AGENCY INTEREST NO.

24093

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type III construction/demolition debris and woodwaste landfill known as the Greenpoint Type III Solid Waste Disposal Facility (the Site) located at 1496-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana. The solid waste identification number assigned to this facility is D-099-8066. The Department issued permit P-0317 to Greenpoint, Inc. on February 25, 1997. The permit expired on February 25, 2007 and is administratively continued.

II.

On or about November 25, 2008, and December 3, 2008, the Department conducted

inspections of the site and subsequent record review that revealed the following:

- A. The Respondent failed to provide sufficient cover material to reduce the fire-hazard potential in accordance with LAC 33:VII.721.A.2.a.iii, in violation of Section 5 of the facility's permit P-0317. Specifically, the inspector observed "hot spots" releasing visible emissions from the landfill during both the November 25, 2008, and December 3, 2008, inspections.
- B. The Respondent failed to deposit solid waste in the smallest practical area of the working cell in accordance with LAC 33:VII.721.A.2.b, in violation of Section 5 of the facility's permit P-0317. Specifically, the work area was too large to compact daily and/or provide adequate cover as required with the resources available at the Site.
- C. The Respondent failed to provide a covering of silty clays a minimum of twelve (12) inches thick at least every thirty (30) days in accordance with LAC 33:VII.721.A.2.b, in violation of Section 5 of the facility's permit P-0317. Both the northern and southern slopes of the landfill were too steep to be compacted daily and were not covered. Exposed waste was observed in previously covered areas of the landfill and also in an area where a new discharge pipe was installed. Ash from burned vegetation was used as a cover material in some areas of the landfill. During the December 3, 2008, inspection, it was noted to have been longer than thirty (30) days since cover had been applied.
- D. The Respondent failed to maintain at the facility all records necessary for the effective management of the facility and for preparing the required reports in accordance with LAC 33:VII.721.B.2.a, in violation of Section 5 of the facility's permit P-0317. Specifically, the amount of waste received from each load at the facility was not recorded.
- E. The Respondent failed to prevent the disposal of residential, commercial, and/or industrial waste in accordance with LAC 33:VII.721.C.1.f, in violation of Section 5 of the facility's permit P-0317. Specifically, numerous unacceptable waste items were deposited, compacted, and/or

spread in the active face of the working cell which included, but were not limited to, a vinyl pool liner, a fan, clothing, shoes, stuffed animals, a wheel chair, a fire extinguisher, bicycle tires, furniture pieces, a knee board, recycle tote bins, a life jacket, and plastic drums.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To complete the required cover, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, for all areas of the landfill in a manner that provides sufficient cover material to reduce fire hazard potential, provides a minimum of twelve (12) inches of silty clays over compacted waste, and meets the requirements of LAC 33:VII.721.A.2.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that waste is deposited in the smallest practical area of the working face, compacted daily, and covered with silty clays applied a minimum of twelve (12) inches thick at least every thirty (30) days. In addition, the Respondent shall document compliance with this requirement in the facility's records.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to document and maintain records sufficient to establish compliance and furnish information necessary to complete required reports. The Respondent shall record on records of incoming loads information regarding the amount of waste in each load.

IV.

To institute procedures immediately, upon receipt of this **COMPLIANCE ORDER**, to ensure that unacceptable waste is not deposited into the active cell of the landfill. The Respondent shall also remove any and all unauthorized waste from the facility for proper disposal in accordance with the Department's regulations.

V.

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

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attention: Carl Bohling
Enforcement Tracking No. SE-CN-08-0709
Agency Interest No. 24093

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-08-0709
Agency Interest No. 24093

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 Carl Bohling at (225) 219-3932 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

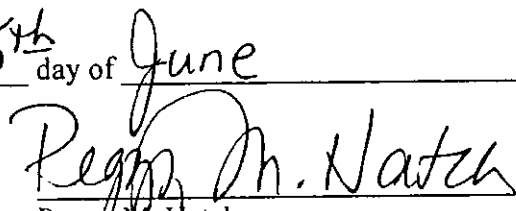
III.

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.

IV.

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

Baton Rouge, Louisiana, this 15th day of June, 2009.



Peggy M. Hatch
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: Tyler Ginn

BOBBY JINDAL
GOVERNOR

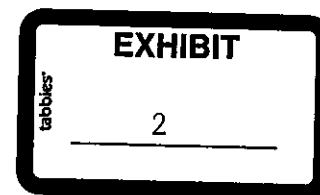


PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 25, 2011

CERTIFIED MAIL (7005 1820 0002 2094 0497)
RETURN RECEIPT REQUESTED



GREENPOINT, INC.
c/o Ricky J. Suire
Agent for Service of Process
110 Southwark Drive
Lafayette, LA 70508

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-PP-10-01337
AGENCY INTEREST NO. 24093**

Dear Sir:

On or about June 28, 2010, and July 23, 2010, inspections of **GREENPOINT TYPE III SOLID WASTE DISPOSAL FACILITY**, owned and/or operated by **GREENPOINT, INC. (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste Regulations. The facility is located at 1469-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspections:

- A. The Respondent failed to maintain cover on inactive portions of the landfill in accordance LAC 33:VII.721.A.2.a, in violation of Conditions 7, 8, & 14 of the facility's permit P-0317R1, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, the site inspection revealed widespread exposed waste.
- B. The Respondent failed to deposit waste in the smallest practical area, compact the waste daily, and cover waste with silty clays applied a minimum of twelve (12) inches thick at least every fourteen (14) days as documented in the facility's records, in accordance with LAC 33:VII.721.A.2.b, in violation of Conditions 7, 8, & 14 of the facility's permit P-0317R.1, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, the waste is not being compacted daily as required and records indicate that cover has not been placed every fourteen (14) days as required.
- C. The Respondent failed to maintain the run-on/run-off diversion system to ensure its proper operation in accordance with the permit, in accordance with Section 521.C.1 and

Notice of Potential Penalty
Greenpoint, Inc.
page 2

- site drawings, in violation of Conditions 7 & 8 of the facility's permit P-0317R1, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, the perimeter ditch described in the permit and diagramed in the approved permit application was not completed and operated as described.
- D. The Respondent failed to submit to the Department's Office of Management and Finance, the calculations used to determine the amounts of solid waste received for processing or disposal during the July 1, 2008-June 30, 2009, reporting period, in violation of LAC 33:VII.721.B.1, Section 521.G.1 and Conditions 7 & 8 of the facility's permit P-0317R1, LAC 33:VII.901.A and La. R.S. 30:2155.
- E. The Respondent failed to maintain all weather conditions of the roads to allow for wet weather operations and accessibility of disposal areas during wet periods, in violation of LAC 33:VII.721.C.4, Conditions 7 & 8 of the facility's permit P-0317R1, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, the access road to the landfill was extremely muddy and contained standing water.
- F. The Respondent failed to store unauthorized waste in accordance with LAC 33:VII.721.C.4 and Section 6.3 of the Facility's Operational Plan, Conditions 7 & 8 of the facility's permit P-0317R1, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, unauthorized waste was observed on the ground outside the active disposal area at the time of the June 28, 2010 inspection. The Respondent disposed unauthorized waste rather than storing unauthorized waste as required by the permit during the July 23, 2010.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Cheryl O'Neal at (225) 219-3793 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

Notice of Potential Penalty
Greenpoint, Inc.
page 3

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,

A handwritten signature in black ink, appearing to read 'CSN', with a long horizontal line extending to the right.

Cheryl Sonnier Nolan
Assistant Secretary

CSN/cko
Alt ID No. D-099-8066; P-0317R



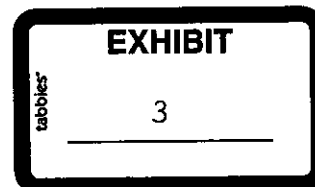
BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 9, 2011

CERTIFIED MAIL (7005 1820 0002 2094 0688)
RETURN RECEIPT REQUESTED



GREENPOINT, INC.
c/o Ricky J. Suire
Agent for Service of Process
110 Southwark Drive
Lafayette, LA 70508

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-11-00517
AGENCY INTEREST NO. 24093**

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 **GREENPOINT, INC. (RESPONDENT)** for the violations described therein.

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

Any questions concerning this action should be directed to Cheryl O'Neal at (225) 219-3793.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/CKO, KAO/cko, kao
Alt ID No. D-099-8066; P-0317R1; LAG780008
Attachment

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL COMPLIANCE

| | | |
|----------------------------------|---|--------------------------|
| IN THE MATTER OF | * | |
| | * | |
| GREENPOINT, INC. | * | ENFORCEMENT TRACKING NO. |
| ST. MARTIN PARISH | * | |
| ALT ID NO. D-099-8066, P-0317R1, | * | MM-CN-11-00517 |
| LAG780008 | * | |
| | * | AGENCY INTEREST NO. |
| PROCEEDINGS UNDER THE LOUISIANA | * | |
| ENVIRONMENTAL QUALITY ACT, | * | 24093 |
| 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 **GREENPOINT, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type III construction/demolition debris and woodwaste landfill known as the Greenpoint Type III Solid Waste Disposal Facility (the Site) located at 1469-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana. The solid waste alternate identification number assigned to this facility is D-099-8066. Permit P-0317R1 for operation of the solid waste landfill was issued to Greenpoint, Inc. on June 26, 2009. Operation under Permit P-0317R1 was authorized by issuance of an Order to Commence on February 23, 2010.

The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG780008 on or about November 8, 2007, with an expiration date of September 30, 2012. Under the terms and conditions of LPDES permit LAG780008, the Respondent is authorized to discharge contaminated stormwater associated with construction, demolition debris and

woodwaste from Outfall 001 and treated sanitary wastewater from Outfall 101 into Coulee LaSalle, thence into Cypress Bayou, waters of the state.

II.

An inspection conducted by the Department on or about June 3, 2008, revealed that the Respondent submitted inaccurate DMRs to the Department. Specifically, the monthly DMRs for 2007 for Outfall 001 did not have the Respondent's correct address. Each failure to submit a complete and/or accurate DMR to the Department is a violation of LPDES permit LAG780008 (Part II, Section C.8 and Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.d.

III.

An inspection conducted by the Department on or about December 20, 2011, revealed that the Respondent discharged contact stormwater from a location not authorized by the permit. Specifically, a blue, flexible discharge hose was observed on the northern side of the facility. The inspector followed the hose back to a portable pump located along the eastern edge of a large pit dug at the site. The inspector then followed the hose across the facility perimeter barrier onto the adjacent property. The pipe was not discharging at the time of the inspection; however, there was evidence of a previous discharge. Mr. Raywood Buteaux, the facility representative, admitted that the facility has previously discharged water from the pit onto the adjacent property. The discharge from a location not authorized by the permit is a violation of LPDES permit LAG780008 (Part III, Section A.2), La. R.S. 30:2076 (A) (1) (a), and LAC 33:IX.501.D.

IV.

An inspection conducted by the Department on or about January 11, 2011, revealed that the Respondent did cause and/or allow an unauthorized discharge to occur. Specifically, the inspection revealed that leachate was observed flowing out of the landfill and offsite directly into a drainage canal along the southeast corner of the landfill without going through the permitted outfall. The unauthorized discharge is a violation of LPDES permit LAG780008 (Part III, Section A.2), La. R.S. 30:2076 (A) (1) (a), and LAC 33:IX.501.D.

V.

An inspection conducted by the Department on or about June 3, 2008, and a subsequent file review conducted on or about August 25, 2011, revealed the following permit exceedances, as reported by the Respondent on DMRs:

| Date | Parameter | Permit Limit | Sample Value | Outfall |
|---------------------|---------------------------|--------------|--------------|---------|
| 01/2007- 06/2007 | TSS (Weekly Avg.)* | 45 mg/L | 73 mg/L | 101 |
| 07/2009 | TSS (Monthly Avg.) | 27 mg/L | 56 mg/L | 001 |
| | Total Zinc (Monthly Avg.) | 0.11 mg/L | 0.265 mg/L | 001 |
| | Total Zinc (Daily Max) | 0.20 mg/L | 0.265 mg/L | 001 |
| 09/2010 | TSS (Monthly Avg.)* | 27 mg/L | 61 mg/L | 001 |
| 01/2011 | TSS (Monthly Avg.)* | 27 mg/L | 103 mg/L | 001 |
| | TSS (Weekly Avg.)* | 88 mg/L | 103 mg/L | 001 |

* The Respondent failed to submit noncompliance reports (NCRs).

Each violation of effluent limitations is a violation of LPDES permit LAG780008 (Part I, Page 6 of 15, and Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A. Additionally, the Respondent failed to submit a noncompliance report (NCR) to the Department for the above effluent exceedances denoted with an asterisk (*). Each failure to submit NCRs to the Department is a violation of LPDES permit LAG780008 (Part III, Sections A.2 and D.7), La. R.S. 30:2076 (A)(3), LAC 33:33:IX.501.A, LAC 33:IX.2701.A and LAC 33:IX.2701.L.7.

VI.

A file review conducted by the Department on or about May 19, 2011, revealed that the Respondent failed to sample effluent. Specifically, the Respondent failed to sample for the January 1, 2008-June 30, 2008 semi-annual monitoring period for Outfall 101. Failure to sample effluent is a violation of LPDES permit LAG780008 (Part I, Page 10 of 15 and Part III, Section A.2), La. R.S. 30:2076 (A) (3), and LAC 33:IX.501.A.

VII.

A file review conducted by the Department on or about May 19, 2011, revealed that the Respondent failed to submit a semi-annual DMR to the Department for the June 1, 2009-December 31, 2009 monitoring period for Outfall 101. Failure to submit a DMR is a violation of LPDES permit LAG780008 (Part I, Section C.8, and Part III, Sections A.2 and D.4) La. R.S. 30:2076 (A) (3), and LAC 33:IX.2701.L.4.a.

VIII.

On or about December 20, 2010, and January 11, 2011, inspections of the Site and subsequent file review revealed the following:

- A. The Respondent accepted waste in excess of the allowed maximum limits specified in the approved permit application, in violation of Section #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, the facility's annual report for July 2009 through June 2010, stated that 49,140 wet weight tons of debris were accepted. The permitted amount is 46,800 tons.
- B. The Respondent failed to cover wastes with silty clays applied a minimum of twelve (12) inches thick, at least every fourteen (14) days, in violation of Section #14 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, the facility records indicate that cover was applied as required on 11/15/2010 and only partial cover was applied on 12/6/2010 and 12/17/2010.
- C. The Respondent accepted waste for disposal that is not acceptable waste in the approved permit application in accordance with Paragraph 521.H.1.a of Permit P-0317R1, in violation of Section #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, the facility accepted a load of commercially manufactured wiring spools, directed these items to be placed in the working face and compacted the unauthorized waste. In addition, inspectors observed the disposal of a crushed water pressure tank and paint still bottoms.
- D. The Respondent failed to construct and maintain all-weather roads that can meet the demands of the facility and provide access to the facility's disposal areas in accordance with Paragraph 521.H.1.e of the permit application, in violation of Section #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, at the time of the inspection, the roads lacked drainage and were extremely muddy and rutted. Boards were being used to facilitate the unloading area of the landfill.
- E. The Respondent failed to construct and maintain the ditch/drainage system to control run-on and run-off as described in Paragraph 521.C.1 of the approved permit application, in violation of Section #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. During the January inspection, leachate was observed flowing out of the landfill in two (2) unpermitted areas and moving offsite.
- F. The Respondent failed to provide/maintain sufficient equipment to meet the facility's operational needs and failed to utilize additional equipment to manage the facility

following a breakdown of the facility's bulldozer in accordance with Paragraph 521.H.1.e of the permit application, in violation of LAC 33:VII.721.C.3, Sections #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, the facility had no working equipment for daily management of the landfill for a period of several days.

- G. The Respondent failed to provide interim cover on inactive areas of the landfill in accordance with LAC 33:VII.721.A.2 and Paragraph 521.F.3 of the permit application, in violation of Sections #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Exposed waste was visible on the southern, eastern, and northern inactive slopes of the landfill. Litter was visible on the southern and eastern sides of the landfill. Cover was reduced in many areas and failed to meet the minimum depth of twelve (12) inches. In addition, during the inspection performed January 11, 2011, it was noted that the cover placed on the north side of the landfill averaged between three – six (3-6) inches instead of the required twelve (12) inches.
- H. The Respondent failed to deposit waste in the smallest practical area each day in accordance with Paragraph 521.H.1.b of the approved permit application, in violation of Section #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically the facility was disposing at the working face and also in a pit dug in the bottom of an excavated cell on the north side of the landfill.
- I. The Respondent failed to construct the north pit area in accordance with the approved permit application, in violation of Section #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically the north pit area has been over-excavated and the bottom elevation which as directed by the permit application is not to exceed elevation four (4) mean sea level (msl) relative to a top elevation at twenty-four (24) msl (a difference or depth of about twenty (20) feet) is at least thirty (30) feet below the ground surface.

COMPLIANCE ORDER

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

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the Respondent's facility to waters of the state.

II.

To immediately take, upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with permit limitations and conditions contained in LPDES permit LAG780008 including, but not limited to submitting complete and accurate DMRs, discharging from a location authorized by the permit, meeting and maintaining permit limitations, submitting DMRs and NCRs, and sampling effluent.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Reports (DMRs) for the monitoring period mentioned in paragraph VII of the Findings of Fact portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

IV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that the facility does not exceed approved limits for maximum amount of waste receipt.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of cover is placed over all exposed waste at least every fourteen (14) days. In addition, the Respondent shall maintain accurate documentation of the depth of soil coverage, the nature of soil coverage, and the extent of coverage. This documentation shall be provided upon request.

VI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that landfill personnel screen incoming waste to determine whether the incoming waste meets the waste acceptance criteria as set forth in the facility's permit application and the Department's solid waste regulations.

VII.

To cease acceptance, immediately upon receipt of this **COMPLIANCE ORDER**, of waste that does not meet the acceptance criteria as defined by the permit application and the Department's regulations.

VIII.

To restructure internal roadways, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, sufficient to meet the requirements of the Department's solid waste regulations, the facility's approved permit, and the wet weather operational needs of the facility. In addition, the Respondent shall maintain the internal roadways to meet these standards.

IX.

To restructure the ditch/drainage system in accordance with the facility's approved permit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, to control and manage the flow of water at the facility, to eliminate uncontrolled and unauthorized discharges, and to prevent water from flowing into the disposal area. In addition, the Respondent shall maintain the ditch/drainage system to meet these standards.

X.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that equipment is available and utilized in compliance with the facility's approved permit and the Department's regulations, including, but not limited to LAC 33:VII.721.C.3.

XI

To complete inspection and repair of the interim cover on all inactive surfaces of the landfill, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, to a minimum depth of twelve (12) inches.

XII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of cover (interim cover) is maintained on all inactive areas of the landfill.

XIII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that waste is deposited/placed in the smallest practical area as required by the Solid Waste Regulations and the facility's permit P-0317R1.

XIV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that cell depth is regulated and verified to meet the approved permit standards using practices developed by nationally-recognized association standards. At a minimum, the Respondent shall be required to establish benchmarks at each corner of any excavation or cell and to establish elevations at 10-foot intervals downward as excavations proceed.

XV.

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

XVI.

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: Cheryl O'Neal and Kelly O'Neal
Re: Enforcement Tracking No. MM-CN-11-00517
Agency Interest No. 24093

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-11-00517
Agency Interest No. 24093

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 Cheryl O'Neal at (225) 219-3793 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 December, 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: Cheryl O'Neal and Kelly O'Neal



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 1, 2013

CERTIFIED MAIL (7003 2260 0000 5826 6007)
RETURN RECEIPT REQUESTED



GREENPOINT, INC.
c/o Ricky J. Suire
Agent for Service of Process
110 Southwark Drive
Lafayette, LA 70508

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-12-00763
AGENCY INTEREST NO. 24093**

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 **GREENPOINT, INC. (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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/kkp
Alt ID No. D-099-8066; P-0317R1; LAG780008
Attachment

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

IN THE MATTER OF

**GREENPOINT, INC.
ST. MARTIN PARISH
ALT ID NO. D-099-8066; P-0317R1;
LAG780008**

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

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ENFORCEMENT TRACKING NO.

MM-CN-12-00763

AGENCY INTEREST NO.

24093

CONSOLIDATED

COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type III construction/demolition debris and woodwaste landfill known as the Greenpoint Type III Solid Waste Disposal Facility (the Site) located at 1469-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana. The solid waste alternate identification number assigned to this facility is D-099-8066. Permit P-0317R1 for operation of the solid waste landfill was issued to Greenpoint, Inc. on June 26, 2009. Operation under Permit P-0317R1 was authorized by issuance of an Order to Commence on February 23, 2010. The Respondent was granted coverage under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG780008 on or about November 8, 2007, with an expiration date of September 30, 2012. LPDES permit LAG780008 was administratively continued until it was reissued on or about November 21,

2012, and will expire on or about September 30, 2017. Under the terms and conditions of LPDES permit LAG780008, the Respondent is authorized to discharge contaminated stormwater associated with construction, demolition debris and woodwaste from Outfall 001 and treated sanitary wastewater from Outfall 101 into Coulee LaSalle, thence into Cypress Bayou, waters of the state.

II.

Inspections conducted by the Department on or about June 3, 2008, December 20, 2010, and January 11, 2011, and subsequent file reviews conducted on or about May 19, 2011 and August 25, 2011, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517** on or about December 9, 2011. The Compliance Order was received by the Respondent on December 15, 2011. The Respondent did not appeal the action and it is considered to be a final action.

III.

An inspection conducted by the Department on or about May 8, 2012, revealed that the Respondent discharged contact stormwater from a location not authorized by the permit. Specifically, the facility had a discharge of stormwater from the landfill onto neighboring/adjoining property located to the north. The discharge from a location not authorized by the permit is a violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517** and of LPDES General Permit LAG780008 (Part III, Section A.2), La. R.S. 30:2076 (A) (1) (a), and LAC 33:IX.501.D.

IV.

An inspection conducted by the Department on or about May 8, 2012, revealed that the Respondent failed to maintain adequate sediment and erosion controls. Specifically, the Area-One Cell did not have a drainage system in place along the west and north side of the cell to control stormwater run-on and run-off and the Area-Two Cell did not contain a levee or berm to prevent surface rainwater from entering the cell. Additionally, the inspection revealed that the wall along the east side of the retention area was eroding. Black leachate was noted entering the retention area in two areas along the east side of the slope of the Area-One Cell. Significant erosion was observed throughout the facility. Failure to maintain adequate sediment and erosion controls is a violation of LPDES permit LAG780008 (Part II, Section P.1), La. R.S. 30:2076 (A) (3), LAC 33:IX.501.A, and LAC 33:IX.2701.A.

V.

An inspection conducted by the Department on or about May 8, 2012, and a subsequent file review conducted by the Department on or about July 10, 2012, revealed the following exceedances of permitted discharge limitations as reported by the Respondent on Discharge Monitoring Reports (DMRs):

| Monitoring Period | Outfall | Parameter | Permit Limit | Reported Value |
|-------------------|---------|----------------------------------|--------------|----------------|
| 07/2011 | 001 | TSS, Monthly Average | 27 mg/L | 400 mg/L* |
| | | TSS, Daily Maximum | 88 mg/L | 400 mg/L |
| | | Zinc (Total), Monthly Average | 0.11 mg/L | 0.278 mg/L* |
| | | Zinc (Total), Daily Maximum | 0.20 mg/L | 0.278 mg/L |
| 09/2011 | 001 | TSS, Monthly Average | 27 mg/L | 38 mg/L* |
| | | Zinc (Total), Monthly Average | 0.11 mg/L | 0.17 mg/L* |
| | | Alpha-Terpineol, Monthly Average | 0.016 mg/L | 0.027 mg/L* |
| 01/2012 | 001 | TSS, Monthly Average | 27 mg/L | 40 mg/L* |
| | | Zinc (Total), Monthly Average | 0.11 mg/L | 7.84 mg/L* |
| | | Zinc (Total), Daily Maximum | 0.20 mg/L | 7.84 mg/L* |

*Failed to submit noncompliance report

Each exceedance of a permitted discharge limitation is a violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517** and of LPDES General Permit LAG780008 (Part I, Page 6 of 15, and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A. In addition, the Respondent failed to submit noncompliance reports (NCRs) to the Department for the effluent exceedances indicated above with an asterisk (*). Each failure to submit NCRs to the Department is a violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517** and of LPDES General Permit LAG780008 (Part III, Sections A.2 and D.7), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.7.

VI.

An inspection conducted by the Department on or about May 8, 2012, and a subsequent file review conducted by the Department on or about July 10, 2012, revealed that the Respondent submitted incomplete and/or inaccurate DMRs to the Department for the following monitoring periods:

| Monitoring Period | Outfall | Incomplete and/or inaccurate DMR Observations |
|-------------------|-----------|--|
| 02/2011 -03/2012 | 001 & 101 | Incorrect location address reported. |
| 08/2011 | 001 | The monthly average and daily maximum sample values for Ammonia, Alpha-Terpineol, Benzoic Acid, p-Cresol, and Phenol parameters were not reported. |

Each failure to submit a complete and/or accurate DMR is a violation of LPDES General Permit LAG780008 (Part III, Section A.2), La R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.d.

VII.

On or about May 8, 2012, and August 7, 2012, inspections of the Site revealed the following:

- A. The Respondent failed to provide confirmation that over excavation of the active disposal area had not occurred in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, no excavation depth markers were noted during the inspection to determine the area was not past the permitted depth for the active cell as ordered in **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**.
- B. The Respondent accepted waste in excess of the allowed maximum limits specified in the approved permit application, in violation of Section #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.907, and La. R.S. 30:2155. Specifically, the facility's annual report for July 2010 through June 2011 stated that the facility accepted 59,893 tons of debris and the annual report for July 1, 2011 through June 30, 2012 stated the facility accepted 56,924 tons of debris. The permitted amount is 46,800 tons. The Respondent submitted a request for a major permit modification to the Department on or about February 15, 2012, to increase the maximum allowable waste accepted to 93,600 tons per year. On or about December 7, 2012, the Department approved the major permit modification.
- C. The Respondent failed to construct and maintain all-weather roads that can meet the demands of the facility and provide access to the facility's disposal areas in accordance with Paragraph 521.H.1.e of the permit application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, Section #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, at the time of the inspections, the roads were extremely muddy and not considered to be all weather roadways. The older portion of the landfill had to be reached by walking due to roadway

conditions. Board road materials were being put in place for the tipping areas to prevent vehicles from getting stuck in the mud.

- D. The Respondent failed to cover wastes with silty clays applied a minimum of twelve (12) inches thick, at least every fourteen (14) days, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, Section #14 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, the facility records indicate that cover was not being applied every 14 days as required by the permit during the following time periods: 07/01/2011-07/18/2011, 08/3/2011-09/19/2011, 09/19/2011-10/06/2011, 10/29/2011-11/23/2011, 02/29/2011-03/16/2011, and 03/16/2011-04/02/2011.
- E. The Respondent failed to provide interim cover on inactive areas of the landfill in accordance with LAC 33:VII.721.A.2 and Paragraph 521.F.3 of the permit application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, Sections #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, significant erosion and exposed wastes were observed throughout the facility. Additionally, the older portion of the landfill (east and west side slopes) was not being properly maintained and could not be fully inspected due to the grass being over five (5) feet high.
- F. The Respondent failed to adequately construct and maintain the ditch/drainage system to control run-on and run-off as described in Paragraph 521.C.1 of the approved permit application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, Section #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.721.C.2, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, proper drainage was not observed at the time of the May 8, 2012 inspection. The drainage ditch system described on Figure 4 of the approved permit application was not observed and drainage was not being properly maintained in the active expansion areas. During the August 7, 2012 inspection, puddles of standing water were observed in several areas on top of older cells of the facility. Standing water was observed in recently dug ditches due to improper sloping.
- G. The Respondent accepted waste for disposal that is not acceptable waste in the approved permit application in accordance with Paragraph 521.H.1.a of the approved permit application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, Section #7 and #8 of the facility's solid waste Permit P-

0317R1, LAC 33:VII.901, and La. R.S. 30:2155. Specifically, a crushed car battery, wooden spool, and an oilfield pipe were observed during the August 7, 2012 inspection.

H. The Respondent failed to correctly store unauthorized waste in accordance with LAC 33:VII.721.C.4, sections #7 & #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.901.A and La. R.S. 30:2155. Specifically, the unacceptable items bin was not covered as required during the August 7, 2012 inspection.

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the Respondent's facility to waters of the state.

II.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to achieve and maintain compliance with the Act, the Water Quality Regulations, and the permit limitations and conditions contained in LPDES General Permit LAG780008 including, but not limited to, submitting complete and accurate DMRs, submitting NCRs, and meeting and maintaining permit limitations.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed Discharge Monitoring Reports (DMRs) for the monitoring periods mentioned in Paragraph IV of the Findings of Fact portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and dated with an original signature. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

IV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that the facility does not exceed approved limits for maximum amount of waste receipt.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of cover is placed over all exposed waste at least every fourteen (14) days. In addition, the Respondent shall maintain accurate documentation of the depth of soil coverage, the nature of soil coverage, and the extent of coverage. This documentation shall be provided upon request.

VI.

To restructure internal roadways, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, sufficient to meet the requirements of the Department's solid waste regulations, the facility's approved permit, and the wet weather operational needs of the facility. In addition, the Respondent shall maintain the internal roadways to meet these standards.

VII.

To restructure the ditch/drainage system in accordance with the facility's approved permit, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, to control and manage the flow of water at the facility, to eliminate uncontrolled and unauthorized discharges, and to prevent water from flowing into the disposal area. In addition, the Respondent shall maintain the ditch/drainage system to meet these standards.

VIII.

To complete inspection and repair of the interim cover on all inactive surfaces of the landfill, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, to a minimum depth of twelve (12) inches.

IX.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of cover (interim cover) is maintained on all inactive areas of the landfill.

X.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that cell depth is regulated and verified to meet the approved permit standards using practices developed by nationally-recognized association standards. At a minimum, the Respondent shall be required to establish benchmarks at each corner of any excavation or cell and to establish elevations at 10-foot intervals downward as excavations proceed.

XI.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that landfill personnel screen incoming waste to determine whether the incoming waste meets the waste acceptance criteria as set forth in the facility's permit application and the Department's solid waste regulations.

XII.

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

XIII.

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-12-00763**
Agency Interest No. 24093

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-12-00763
Agency Interest No. 24093

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 Kelly O'Neal at (225)219-3932 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

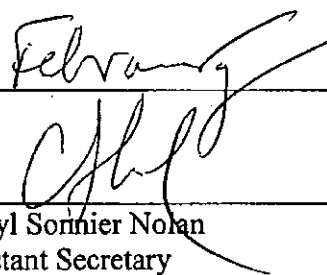
III.

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.

IV.

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

Baton Rouge, Louisiana, this 01 day of February, 2013.


Cheryl Sommer 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: Kelly O'Neal

BOBBY JINDAL
GOVERNOR



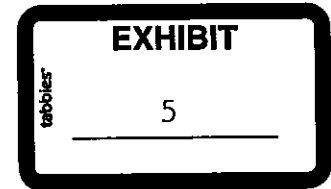
PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

December 17, 2015

CERTIFIED MAIL (7003 2260 0001 2748 5971)
RETURN RECEIPT REQUESTED

GREENPOINT, INC.
c/o Ricky J. Suire
Agent for Service of Process
110 Southwark Drive
Lafayette, LA 70508



**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-15-00891
AGENCY INTEREST NO. 24093**

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 **GREENPOINT, INC. (RESPONDENT)** for the violation(s) described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation(s) 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,

A handwritten signature in black ink, appearing to read "Celena J. Cagg".

Celena J. Cagg
Administrator
Enforcement Division

CJC/KAO/kao
Alt ID No. P-0317R1; D-099-8066
Attachment

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

GREENPOINT, INC.
ST. MARTIN PARISH
ALT ID NO. P0317R1; D-099-8066

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

*
*
* ENFORCEMENT TRACKING NO.
*
* SE-CN-15-00891
*
* AGENCY INTEREST NO.
*
* 24093
*

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type III construction/demolition debris and woodwaste landfill known as the Greenpoint Type III Solid Waste Disposal Facility (the Site) located at 1469-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana. The solid waste alternate identification number assigned to this facility is D-099-8066. Permit P-0317R1 was issued to Greenpoint, Inc. on June 26, 2009 for operation of the solid waste landfill. Operation under Permit P-0317R1 was authorized by issuance of an Order to Commence on February 23, 2010.

II.

Inspections conducted by the Department on or about June 3, 2008, December 20, 2010, and January 11, 2011, and subsequent file reviews conducted on or about May 19, 2011 and August 25, 2011, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF**

POTENTIAL PENALTY MM-CN-11-00517 on or about December 9, 2011. The Compliance Order was received by the Respondent on December 15, 2011. The Respondent did not appeal the action and it is considered to be a final action.

III.

Inspections conducted by the Department on or about May 8, 2012, and August 7, 2012 and a subsequent file review conducted on or about July 10, 2012, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763** on or about February 1, 2013. The Compliance Order was received by the Respondent on February 22, 2013. The Respondent did not appeal the action and it is considered to be a final action.

IV.

The Department issued **WARNING LETTER SE-L-15-00891** on or about July 21, 2015, for violations discovered during an inspection conducted on or about December 16, 2014. A response was received by the Department on or about August 13, 2015.

V.

On or about December 23, 2013, and December 16, 2014, inspections of the Site revealed the following:

- A. The Respondent failed to cover wastes with silty clays applied a minimum of twelve (12) inches thick, at least every fourteen (14) days, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763**, Sections #7, #8, and #14 of the facility's solid waste Permit P-0317R1, and LAC 33:VII.901. Specifically, the facility records indicate that the Respondent began the cover application process on December 20, 2013, but did not complete the process due to inclement weather. Exposed wastes awaiting cover were observed at the time of the December 23, 2013, inspection. The cover log revealed cover was last applied on December 9, 2013. A response to **WARNING LETTER SE-L-15-00891** received on or about August 13, 2015, stated an additional foot of clay was added to the area to cover the exposed waste.
- B. The Respondent failed to provide interim cover on inactive areas of the landfill in accordance with Paragraph 521.F.3 of the permit application, in violation of

CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763, Sections #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.721.A.2, and LAC 33:VII.901. Specifically, exposed wastes were observed along the northern and eastern edge of the newly excavated/ active disposal area, and along the far southern edge of the disposal area during the December 23, 2013, inspection. The exposed wastes were due to inadequate application of cover and erosion. Additionally, exposed wastes were observed in an older area of the landfill that previously received cover, along the side of the access road, and in drainage ditches during the December 16, 2014, inspection. A response to **WARNING LETTER SE-L-15-00891** received on or about August 13, 2015, stated an additional foot of clay will be added when the weather permits.

- C. The Respondent failed to adequately construct and maintain the ditch/drainage system to control run-on and run-off in accordance with Paragraph 521.C.1 of the approved permit application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, Sections #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.721.C.2, and LAC 33:VII.901. Specifically, standing water was observed throughout the facility during the December 23, 2013, inspection. The drainage ditches along the northern side of the Site were silted in rendering them non-functional. Puddles of standing water were noted along the northern edge of the Site. Additionally, stormwater runoff from the previous disposal areas of the facility is not being routed to the drainage system. The December 16, 2014, inspection revealed the Respondent has made significant drainage improvements.
- D. The Respondent failed to use cover material to minimize blowing paper and litter, in accordance with Paragraph 521.H.1.g of the permit application, in violation of Sections #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.529.A.1, LAC 33:VII.721.A.2.a.iv, and LAC 33:VII.901. Specifically, litter was observed along the perimeter barrier on the north side of the facility, and along the northwest side of the facility during the December 23, 2013, inspection. A small

amount of litter was also observed along the north and east sides of the facility during the December 16, 2014, inspection. A response to **WARNING LETTER SE-L-15-00891** received on or about August 13, 2015, stated litter was picked up along the north and east sides of the facility.

- E. The Respondent failed to provide interim cover on inactive areas of the landfill to reduce noxious odors by minimizing outward movement of methane and other gases in accordance with Paragraph 521.H.1.g of the permit application, in violation of Sections #7 and #8 of the facility's solid waste Permit P-0317R1, LAC 33:VII.721.A.2.a.v., and LAC 33:VII.901. Specifically, during the December 16, 2014 inspection, significant rotten egg odors were detected along the corner of the access road in an older area of the landfill that previously received cover. A response to **WARNING LETTER SE-L-15-00891** received on or about August 13, 2015, stated additional clay was added to help prevent the odor.

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 Solid Waste Permit P-0317R1.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of cover is placed over all exposed waste at least every fourteen (14) days. Cover material shall be sufficient to reduce noxious odors by minimizing outward movement of methane and other gases, in accordance with LAC 33:VII.721.A.2.a.v. In addition, the Respondent shall maintain accurate documentation of the depth of soil coverage, the nature of soil coverage, and the extent of coverage. This documentation shall be provided upon request.

III.

To restructure the ditch/drainage system in accordance with Paragraph 521.C.1 of the approved permit application, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, to control and manage the flow of water at the facility, to eliminate uncontrolled and unauthorized discharges, and to prevent water from flowing into the disposal area. In addition, the Respondent shall maintain the ditch/drainage system to meet these standards.

IV.

To immediately remove, upon receipt of this **COMPLIANCE ORDER**, any exposed litter and institute procedures to ensure that litter is minimized at the landfill in accordance with LAC 33:VII.721.A.2.a.iv, and Solid Waste Permit P-0317R1.

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 violation(s) 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-15-00891
Agency Interest No. 24093

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-15-00891
Agency Interest No. 24093

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 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.

IV.

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

Baton Rouge, Louisiana, this 17 day of December, 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: Kelly O'Neal

JOHN BEL EDWARDS
GOVERNOR

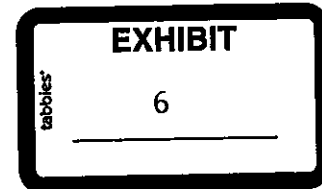


CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

August 11, 2017

CERTIFIED MAIL (7005 0390 0006 1027 9845)
RETURN RECEIPT REQUESTED



GREENPOINT INC.
c/o Ricky J. Suire
Agent for Service of Process
110 Southwark Dr.
Lafayette, LA 70508

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. SE-CN-17-00199
AGENCY INTEREST NO. 24093**

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 **GREENPOINT INC. (RESPONDENT)** for the violations described therein.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator

Enforcement Division

CJC/KAO/kao
Alt ID No. P-0317R1
Attachment

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

IN THE MATTER OF

**GREENPOINT INC.
ST. MARTIN PARISH
ALT ID NO. P-0317R1**

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

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* **ENFORCEMENT TRACKING NO.**
*
* **SE-CN-17-00199**
*
* **AGENCY INTEREST NO.**
* **24093**
*

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

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type III construction/demolition debris and woodwaste landfill known as the Greenpoint Type III Solid Waste Disposal Facility located at 1469-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana. Permit P-0317R1 was issued to Greenpoint, Inc. on June 26, 2009 for operation of the solid waste landfill. Operation under Permit P-0317R1 was authorized by issuance of an Order to Commence on February 23, 2010.

II.

Inspections conducted by the Department on or about June 3, 2008, December 20, 2010, and January 11, 2011, and subsequent file reviews conducted on or about May 19, 2011 and August 25, 2011, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517** on or about December 9, 2011. The Compliance Order

was received by the Respondent on December 15, 2011. The Respondent did not appeal the action and it is considered to be a final action.

III.

Inspections conducted by the Department on or about May 8, 2012, and August 7, 2012 and a subsequent file review conducted on or about July 10, 2012, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763** on or about February 1, 2013. The Compliance Order was received by the Respondent on February 22, 2013. The Respondent did not appeal the action and it is considered to be a final action.

IV.

Inspections conducted by the Department on or about December 23, 2013, and December 16, 2014, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-15-00891** on or about December 17, 2015. The Compliance Order was received by the Respondent on January 7, 2016. The Respondent did not appeal the action and it is considered to be a final action.

V.

The Department issued **WARNING LETTER SE-L-17-00199** on or about February 16, 2017, for violations discovered during inspections conducted on or about November 1, 2016, and January 24, 2017. A response was received by the Department on or about March 15, 2017

VI.

On or about February 1, 2016, and June 22, 2016, November 1, 2016, and January 24, 2017 inspections of the facility revealed the following:

- A. The Respondent failed to cover wastes with silty clays applied a minimum of twelve (12) inches thick, at least every fourteen (14) days, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-15-00891**, Conditions 7, 8, and 14 of Standard Permit P-0317R1, LAC 33:VII.721.A.2.b, and LAC 33:VII.901. Specifically, a review of the facility's cover log found that the Respondent exceeded the fourteen (14) day cover requirement three (3) times during the August 2015-January 2016 time period reviewed during the February 1, 2016 inspection. A representative for the Respondent stated during the June 22, 2016 inspection that

weekends are not counted as part of the fourteen (14) days which was also indicated on the cover log. Additionally, during the November 1, 2016 inspection, a representative for the Respondent stated that the current active area of the landfill is being covered, but that is not reflected in the cover log. The cover log indicates cover was last applied to the previous active area. Furthermore, the Respondent failed to apply twelve (12) inches of cover to the landfill. The majority of the northern face of the landfill was only covered with three (3) to four (4) inches of cover during the February 1, 2016 inspection. A response to **WARNING LETTER SE-L-17-00199** received on or about March 15, 2017, stated that twelve (12) inches of cover will be applied over the active areas of the landfill every fourteen (14) days.

- B. The Respondent failed to provide interim cover on inactive areas of the landfill in accordance with Part II, Paragraph 521.F.3 of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763**, Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.A.2, and LAC 33:VII.901. Specifically, an area along the base of the northeast side of the landfill and an area along the northwestern side of the landfill were not covered during the February 1, 2016 inspection. Additionally, exposed wastes were observed on the west side of the previous disposal area of the landfill where waste had previously been deposited and covered during the June 22, 2016 inspection. A response to the June 22, 2016 inspection stated that more than eighty (80) loads of cover have been placed on the areas noted during the inspection.
- C. The Respondent failed to deposit wastes in the smallest practical area and compact waste daily, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517**, Condition 14 of Standard Permit P-0317R1, LAC 33:VII.721.A.2.c., and LAC 33:VII.901. Specifically, the working face of the landfill was approximately 30'Wx125'L during the February 1, 2016 inspection. The Respondent was unable to maintain daily operations and maintenance of the active cell due to the large size. Additionally, waste deposited in the active working face was pushed and spread, but it was not compacted daily as required during the February 1, 2016 inspection. A response to the February 1, 2016 inspection stated the facility compactor underwent major repairs and was returned to the facility on February 8, 2016.

- D. The Respondent failed to provide cover material sufficient to control leachate generation and minimize erosion in violation of LAC 33:VII.721.A.2.a.ii.b. Specifically, leachate was observed seeping out of the base of the northeast side of the landfill during the February 1, 2016 inspection. Additionally, significant erosion channels with exposed waste were observed along the north and northwestern slopes of the landfill during the November 1, 2016, and January 24, 2017 inspections. A response to **WARNING LETTER SE-L-17-00199** received on or about March 15, 2017, stated additional soil cover has been applied to the areas of erosion.
- E. The Respondent failed to provide interim cover on inactive areas of the landfill to reduce noxious odors by minimizing outward movement of methane and other gases in accordance with Part II, Paragraph 521.H.1.g of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.A.2.a.v., and LAC 33:VII.901. Specifically, strong rotten egg odors were detected during the February 1, 2016 and June 22, 2016 inspections. During the February 1, 2016 inspection, a representative for the Respondent stated the facility scrapes back the dirt before applying additional waste to the landfill. During the June 22, 2016 inspection, significant rotten egg odors were detected at the northeast corner of the older area of the landfill that is covered and not actively receiving waste. Odors were detected along the northwestern slope near a pile of uncompacted waste during the November 1, 2016, and January 24, 2017 inspections. A response to **WARNING LETTER SE-L-17-00199** received on or about March 15, 2017, stated the Respondent has applied additional clay cover to the areas where odors are detected.
- F. The Respondent failed to use cover material to minimize blowing paper and litter, in accordance with Part II, Paragraph 521.H.1.g of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.A.2.a.iv, and LAC 33:VII.901. Specifically, numerous pieces of litter were observed along the northeast side of the facility during the February 1, 2016 inspection.
- G. The Respondent failed to adequately construct and maintain the ditch/drainage system to control run-on and run-off in accordance with Part II, Paragraph 521.C.1 of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-15-00891**, Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.C.2, and LAC 33:VII.901. Specifically, multiple

ditches that are part of the drainage system had silted in and stormwater and leachate could not flow to the stormwater/leachate collection system were noted during the February 1, 2016, and June 22, 2016 inspections. A response to the June 22, 2016 inspection stated that the sediment and silt that had accumulated in the drainage ditches has been removed.

- H. The Respondent failed to maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility in accordance with Part II, Paragraph 521.H.1.b of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.B.2.a., and LAC 33:VII.901. Specifically, some of the load tickets reviewed during the June 22, 2016, and November 1, 2016 inspections did not indicate the amount of waste disposed at the facility. These records are used to compile the annual of Certification of Compliance.
- I. The Respondent failed to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables in accordance with Part II, Paragraph 521.B.1.f of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.719.B.6.a., and LAC 33:VII.901. Specifically, at least one (1) load entered the facility without being examined during the June 22, 2016 inspection.
- J. The Respondent failed to maintain an accurate cover log, in violation of LAC 33:VII.721.A.2.d. Specifically, the cover log did not indicate that cover was applied to the current active area during the November 1, 2016 inspection. A representative for the Respondent stated that cover had been applied to the area; however, the date the cover was applied was not provided.
- K. The Respondent failed to prohibit or prevent the disposal of residential waste and commercial waste, as required in Part II, Paragraph 521.H.1.a of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.C.1.f, and LAC 33:VII.901.A. Specifically, numerous unacceptable wastes, including but not limited to, fencing, corrugated tubing, food containers, and electrical wires were observed in the active face during the November 1, 2016 inspection.
- L. The Respondent failed to store segregated unacceptable waste in a closed container to prevent vector and odor problems, as required in Part II, Paragraph 521.H.1.d of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1, LAC 33:VII.721.C.4, and LAC 33:VII.901.A. Specifically, a pile of concrete mixed with unacceptable wastes, including but not limited to, fencing, corrugated tubing, and cardboard boxes was noted

near the stormwater pond during the November 1, 2016 inspection.

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-0317R1.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of cover is placed over all exposed waste at least every fourteen (14) days. Cover material shall be sufficient to reduce noxious odors by minimizing outward movement of methane and other gases, in accordance with LAC 33:VII.721.A.2.a.v. In addition, the Respondent shall maintain accurate documentation of the depth of soil coverage, the nature of soil coverage, and the extent of coverage. This documentation shall be provided upon request.

III.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, applying cover material sufficient to control leachate generation, minimize erosion, and minimize the blowing of paper and litter, in accordance with Part II, 521.H.1.g of the Solid Waste Permit Application, and LAC 33:VII.721.A.2.a.

IV.

To immediately begin, upon receipt of this **COMPLIANCE ORDER**, depositing waste in the smallest practical area and compacting waste daily in accordance with LAC 33:VII.721.A.2.c.

V.

To restructure the ditch/drainage system in accordance with Part II, Paragraph 521.C.1 of the Solid Waste Permit Application, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, to control and manage the flow of water at the facility, to eliminate uncontrolled and unauthorized discharges, and to prevent water from flowing into the disposal area. In addition, the Respondent shall maintain the ditch/drainage system to meet these standards.

VI.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure records are maintained in accordance with LAC 33:VII.721.B.2.a and Part II, Paragraph 521.H.1.b of the Solid Waste Permit Application.

VII.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure that the facility is equipped with a device or method to control the entry of waste and prevent the entry of unacceptable waste, in accordance with Part II, Paragraph 521.B.1.f of Solid Waste Permit Application, and LAC 33:VII.719.B.6.a.

VIII.

To immediately institute, upon receipt of this **COMPLIANCE ORDER**, procedures to ensure the cover log is maintained in accordance with LAC 33:VII.721.A.2.d.

IX.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to prohibit and prevent the disposal of liquid waste, infectious waste, residential waste, industrial waste, commercial waste, RACM, and putrescible waste, in accordance with Standard Permit P-0317R1 Part II, Paragraph 521.H.1.a, 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-0317R1 Part II, Paragraph 521.H.1.d and LAC 33:VII.721.C.4.

X.

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-17-00199
Agency Interest No. 24093

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-17-00199
Agency Interest No. 24093

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 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.

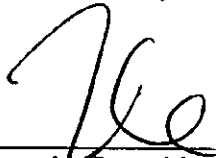
IV.

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 11th day of August, 2017.



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

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|--|---|--|---|---|
| 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-17-00199 | Contact Name | Kelly O'Neal | |
| Agency Interest (AI) No. | 24093 | Contact Phone No. | (225) 219-3932 | |
| Alternate ID No. | P-0317R1 | | | |
| Respondent: | GREENPOINT INC. | Facility Name: | Greenpoint Type III Solid Waste Disposal Facility | |
| | c/o Ricky J. Suire | Physical Location: | 1469-A Old Spanish Hwy. | |
| | Agent for Service of Process | | | |
| | 110 Southwark Dr. | City, State, Zip: | Broussard, LA 70518 | |
| | Lafayette, LA 70508 | Parish: | St. Martin | |
| STATEMENT OF COMPLIANCE | | | | |
| STATEMENT OF COMPLIANCE | | | Date Completed | Copy Attached? |
| A written report was submitted in accordance with Paragraph X 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) | | | | |
| <i>(check the applicable option)</i> | | | | |
| _____ | 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 (SE-CN-17-00199), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures. | | | |
| _____ | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-17-00199), 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. | | | |
| _____ | The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-CN-17-00199) 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

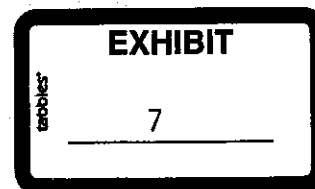
CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 6, 2019

CERTIFIED MAIL (7017 2400 0000 7557 4801)
RETURN RECEIPT REQUESTED

GREENPOINT, INC.
c/o Ricky J. Suire
Agent for Service of Process
110 Southwark Dr.
Lafayette, LA 70508



**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-18-00543
AGENCY INTEREST NO. 24093**

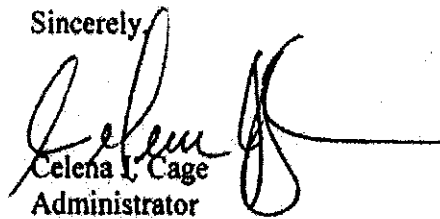
Dear Sir:

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 **GREENPOINT, INC. (RESPONDENT)** for the violations described therein.

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

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

Sincerely,


Celena L. Cage
Administrator
Enforcement Division

CJC/KAO/jc
Alt ID Nos. P-0317R1M3; LAG780008
Attachment

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

IN THE MATTER OF

**GREENPOINT, INC.
ST. MARTIN PARISH
ALT ID NOS. P-0317RIM3; LAG780008**

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

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ENFORCEMENT TRACKING NO.

MM-CN-18-00543

AGENCY INTEREST NO.

24093

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

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

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type III construction/demolition debris and woodwaste landfill known as the Greenpoint Type III Solid Waste Disposal Facility located at 1469-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG780008 effective on November 21, 2012. LPDES permit LAG780008 was modified on December 5, 2013. LPDES General Permit LAG780008 expired on September 31, 2017, but was administratively continued until it was reissued effective on October 20, 2017. Under the terms and conditions of LPDES General Permit LAG780008, the Respondent is permitted to discharge contaminated storm water from Outfall 001, treated sanitary wastewater from Outfall 101, and non-contact storm water from Outfall 002 into local drainage, thence into Cypress Bayou, all waters of the state. The landfill is currently operating

under Solid Waste Standard Permit P-0317R1M3 issued on June 26, 2009, and modified on June 9, 2015. Operation under Standard Permit P-0317R1M3 was authorized by issuance of an Order to Commence on February 23, 2010.

II.

Inspections conducted by the Department on or about June 3, 2008, December 20, 2010, and January 11, 2011, and subsequent file reviews conducted on or about May 19, 2011 and August 25, 2011, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517** on or about December 9, 2011. The Compliance Order was received by the Respondent on December 15, 2011. The Respondent did not appeal the action and it is considered to be a final action.

III.

Inspections conducted by the Department on or about May 8, 2012, and August 7, 2012 and a subsequent file review conducted on or about July 10, 2012, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763** on or about February 1, 2013. The Compliance Order was received by the Respondent on February 22, 2013. The Respondent did not appeal the action and it is considered to be a final action.

IV.

Inspections conducted by the Department on or about December 23, 2013, and December 16, 2014, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-15-00891** on or about December 17, 2015. The Compliance Order was received by the Respondent on January 7, 2016. The Respondent did not appeal the action and it is considered to be a final action.

V.

Inspections conducted by the Department on or about February 1, 2016, June 22, 2016, November 1, 2016, and January 24, 2017, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199** on or about August 11, 2017. The Compliance Order was received by the Respondent on August 27, 2017. The Respondent did not appeal the action and it is considered to be a final action.

VI.

On or about November 21, 2017, January 25, 2018, and June 4, 2018, the Department conducted inspections of the above referenced facility to determine the degree of compliance with the Louisiana

Environmental Quality Act (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 prohibit or prevent the disposal of residential waste and commercial waste, in accordance with Part II, Paragraph 521.H.1.a of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, Conditions 7 and 8 of Standard Permit P-0317R1M3, LAC 33:VII.721.C.1.f, and LAC 33:VII.901.A. Specifically, numerous unacceptable wastes, including but not limited to, carpeting, plastic buckets, plastic sheeting, cardboard, residential household waste, a ladder, a garden hose, furniture cushions, decorative mesh, a waste tire, and a road closure sign were observed during the November 21, 2017, and January 25, 2018 inspections.
- B. The Respondent failed to store segregated unacceptable waste in a closed container to prevent vector and odor problems, in accordance with Part II, Paragraph 521.H.1.d of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, Conditions 7 and 8 of Standard Permit P-0317R1M3, LAC 33:VII.721.C.4, and LAC 33:VII.901.A. Specifically, the container holding unacceptable waste was uncovered during the November 21, 2017 inspection.
- C. The Respondent failed to provide interim cover on inactive areas of the landfill to reduce noxious odors by minimizing outward movement of methane and other gases in accordance with Part II, Paragraph 521.H.1.g of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, Conditions 7 and 8 of Standard Permit P-0317R1M3, LAC 33:VII.721.A.2.a.v., and LAC 33:VII.901.A. Specifically, strong rotten egg odors were detected on the older portion of the landfill and along the northeastern and eastern slope during the November 21, 2017 inspection. Correspondence received on or about December 21, 2017, stated that additional cover material was added to the areas containing erosion and exposed wastes.
- D. The Respondent failed to cover the waste with a minimum of twelve (12) inches of silty clays every fourteen (14) days, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, Conditions 7

- and 14 of Standard Permit P-0317R1M3, LAC 33:VII.721.A.2.b, and LAC 33:VII.901.A. Specifically, areas of exposed construction and demolition (C&D) waste on the northern slope of the inactive area were observed during the January 25, 2018 inspection.
- E. The Respondent failed to provide cover material sufficient to minimize erosion in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, LAC 33:VII.721.A.2.a.ii.b and LAC 33:VII.901.A. Specifically, erosion channels with exposed waste were observed on the slopes of the landfill during the November 21, 2017 inspection. Correspondence received on or about December 21, 2017, stated that areas of erosion were repaired and additional cover material was added. Additionally, silt fencing was installed in areas where runoff is channeled off the covered areas of the landfill to minimize erosion of the soil cover. During the June 4, 2018 inspection, areas of sporadic exposed waste due to erosion of cover were observed on the north facing slope.
- F. The Respondent caused and/or allowed the discharge of contact storm water from a location not authorized by the permit. Specifically, the permit application states that contact storm water goes to a settling pond before discharging from Outfall 001. An inspection conducted on or about November 21, 2017, found that the settling pond was filled in; contact storm water was routed to Outfall 002, which is permitted to discharge non-contact storm water. The unauthorized discharge of contact storm water from Outfall 002 is in violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.501.D. The failure to notify the Department of facility changes is in violation of LPDES permit LAG780008 (Part II, Section E and Part III, Section A.2), La. R.S. 30:2076 (A)(3), LAC 33:IX.501.A, and LAC 33:IX.2701.L.1. In a letter dated December 5, 2018, the Respondent notified the Department of the facility changes described above and requested modification to LPDES Permit LAG780008. As of February 20, 2019, the request is under review by the Department.
- G. The Respondent failed to comply with LPDES permit LAG780008. Specifically, a file review conducted on or about February 20, 2019, revealed the Respondent reported exceedances of permit effluent limitations for TSS, zinc, and iron in violation of LPDES permit LAG780008 (Part I, Section B, Schedule A and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

| Date | Outfall | Parameter | Reported Value | Permit Limit | Units |
|---------------|---------|----------------------|----------------|--------------|-------|
| August 2016 | 001 | TSS monthly average | 192 | 27 | mg/L |
| August 2016 | 001 | TSS daily maximum | 192 | 88 | mg/L |
| December 2018 | 001 | TSS daily maximum | 368 | 88 | mg/L |
| December 2018 | 001 | TSS monthly average | 368 | 27 | mg/L |
| December 2018 | 001 | Zinc monthly average | 0.2 | 0.11 | mg/L |
| December 2018 | 002 | Iron daily maximum | 88.7 | 1 | mg/L |
| December 2018 | 002 | TSS daily maximum | 522 | 100 | mg/L |

- H. The Respondent failed to comply with LPDES permit LAG780008. Specifically, a file review conducted on or about February 20, 2019, revealed the Respondent failed to submit a semi-annual Discharge Monitoring Report (DMR) for Outfall 101 for the January – June 2016 monitoring period in violation of LAG780008 (Part I, Section B, Schedule A and Part III, Sections A.2 and D.4), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4).

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 and Water Quality Regulations, Standard Permit P-0317R1M3, and LPDES Permit LAG780008.

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-0317R1M3 Part II, Paragraph 521.H.1.a, 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-0317R1M3 Part II, Paragraph 521.H.1.d and LAC 33:VII.721.C.4.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of cover is placed over all exposed waste at least every fourteen (14) days. Cover material shall be sufficient to reduce noxious odors by minimizing outward movement

of methane and other gases, and minimize erosion, in accordance with LAC 33:VII.721.A.2.a. and Condition 14 of Standard Permit P-0317R1M3.

IV.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the Respondent's facility to waters of the state.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed DMRs for the monitoring periods mentioned in Paragraph VI.H of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

VI.

To protect water quality, the Respondent is required to sample Outfall 002 in accordance with monitoring requirements in Schedule A, pages 5 & 6 of 13, of LPDES Permit LAG780008. Monitoring results shall be submitted to the Department in accordance with Part I, Section C of LPDES Permit LAG780008. The Respondent shall monitor Outfall 002 in accordance with Schedule A until a permit modification is issued or is otherwise notified by the Department in writing.

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 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-18-00543
Agency Interest No. 24093

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-18-00543
Agency Interest No. 24093

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.

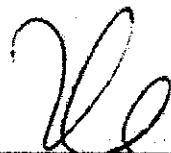
IV.

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 6th day of March, 2019.



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-18-00543 | Contact Name | Kelly O'Neal |
| Agency Interest (AI) No. | 24093 | Contact Phone No. | (225) 219-3932 |
| Alternate ID No. | P-0317R1M3; LAG780008 | | |
| Respondent: | Greenpoint, Inc. | Facility Name: | Greenpoint Type III Solid Waste Disposal Facility |
| | c/o Ricky J. Suire | Physical Location: | 1469-A Old Spanish Hwy. |
| | Agent for Service of Process | | |
| | 110 Southwark Dr. | City, State, Zip: | Broussard, LA 70518 |
| Lafayette, LA 70508 | Parish: | St. Martin | |

STATEMENT OF COMPLIANCE

| STATEMENT OF COMPLIANCE | Date Completed | Copy Attached? |
|--|----------------|----------------|
| A written report was submitted in accordance with Paragraph VII of the "Order" portion of the COMPLIANCE ORDER. | | |
| All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph V 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.Subpart 1.Chapter 7. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY MM-CN-18-00543, 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 MM-CN-18-00543, 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 MM-CN-18-00543 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



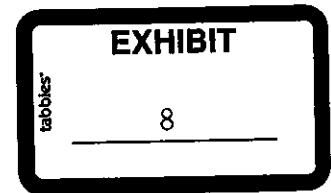
CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 2, 2020

CERTIFIED MAIL 7018 1830 0000 5751 6293
RETURN RECEIPT REQUESTED

GREENPOINT, INC.
c/o Ricky J. Suire
Agent for Service of Process
110 Southwark Dr.
Lafayette, LA 70508



**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-19-00657
AGENCY INTEREST NO. 24093**

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 **GREENPOINT, INC. (RESPONDENT)** for the violations described therein.

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

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

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/jsc
Alt ID No. P-0317-R1-M3, LAG780008
Attachment

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

| | | |
|---|---|---------------------------------|
| IN THE MATTER OF | * | |
| | * | |
| GREENPOINT, INC. | * | ENFORCEMENT TRACKING NO. |
| ST. MARTIN PARISH | * | |
| ALT ID NO. P-0317-R1-M3, LAG780008 | * | MM-CN-19-00657 |
| | * | |
| | * | AGENCY INTEREST NO. |
| PROCEEDINGS UNDER THE LOUISIANA | * | |
| ENVIRONMENTAL QUALITY ACT, | * | 24093 |
| 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 **GREENPOINT, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type III construction/demolition debris and woodwaste landfill known as the Greenpoint Type III Solid Waste Disposal Facility located at 1469-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG780008 effective on October 20, 2017, and authorization was modified effective May 20, 2019. LPDES General Permit LAG780008 will expire on September 30, 2022. Under the terms and conditions of LPDES General Permit LAG780008, before May 20, 2019, the Respondent was permitted to discharge contaminated storm water from Outfall 001, treated sanitary wastewater from Outfall 101, and non-contact storm water from Outfall 002 into local drainage, thence into Cypress Bayou, all waters of the state. Effective May 20, 2019, the Respondent is permitted to discharge treated sanitary

wastewater from Outfall 001 and landfill wastewater from Outfall 002 into local drainage, thence into Cypress Bayou, all waters of the state. The landfill is currently operating under Solid Waste Standard Permit P-0317R1M3 issued on June 26, 2009, and modified on June 9, 2015. Operation under Standard Permit P-0317R1M3 was authorized by issuance of an Order to Commence on February 23, 2010.

II.

Inspections conducted by the Department on or about June 3, 2008, December 20, 2010, and January 11, 2011, and subsequent file reviews conducted on or about May 19, 2011 and August 25, 2011, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517** on or about December 9, 2011. The Compliance Order was received by the Respondent on December 15, 2011. The Respondent did not appeal the action and it is considered to be a final action.

III.

Inspections conducted by the Department on or about May 8, 2012, and August 7, 2012 and a subsequent file review conducted on or about July 10, 2012, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763** on or about February 1, 2013. The Compliance Order was received by the Respondent on February 22, 2013. The Respondent did not appeal the action and it is considered to be a final action.

IV.

Inspections conducted by the Department on or about December 23, 2013, and December 16, 2014, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-15-00891** on or about December 17, 2015. The Compliance Order was received by the Respondent on January 7, 2016. The Respondent did not appeal the action and it is considered to be a final action.

V.

Inspections conducted by the Department on or about February 1, 2016, June 22, 2016, November 1, 2016, and January 24, 2017, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199** on or about August 11, 2017. The Compliance Order was received by the Respondent on August 27, 2017. The Respondent did not appeal the action and it is considered to be a final action.

VI.

Inspections conducted by the Department on or about November 21, 2017, January 25, 2018, and June 4, 2018, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543** on or about March 6, 2019. The Compliance Order was received by the Respondent on March 28, 2019. The Respondent did not appeal the action and it is considered to be a final action.

VII.

The Department conducted inspections on or about July 19, 2018, October 22, 2018, November 8, 2018, December 3, 2018, March 20, 2019, and May 13, 2019 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 inspect loads of incoming waste, in accordance with Part II, Paragraphs 521.B.1.f and 6.1 of the Solid Waste Permit Application, in violation of Conditions 7 and 8 of Standard Permit P-0317R1M3, and LAC 33:VII.901.A. Specifically, trucks were observed entering the facility without being inspected during the March 20, 2019 inspection. The ladder used to inspect loads was folded on the ground.
- B. The Respondent failed to provide cover material sufficient to minimize erosion in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543**, Condition 7 of Standard Permit P-0317R1M3, LAC 33:VII.721.A.2.a.ii.b and LAC 33:VII.901.A. Specifically, exposed waste was observed protruding from the cover material along the previous working face on the north-northeast side and slope during the December 3, 2018 inspection. Erosion channels with exposed waste were observed on the slopes of the portion of the landfill known as “the hill” during the March 20, 2019 inspection. Additionally, significant erosion channels with exposed waste were observed on the northeast and northwest slopes of the inactive part of the landfill and sporadic erosion was observed along the entire northwest facing slope and the northern half of the northeast facing slope of the inactive area during the May 13, 2019 inspection.

Correspondence received on or about June 5, 2019, stated more than fifty-two (52) loads of fill dirt were added to the areas with erosion, top soil was applied to approximately seven (7) acres, and screens and hay bales were placed to help minimize erosion.

- C. The Respondent failed to prohibit or prevent the disposal of residential waste and commercial waste, in accordance with Part II, Paragraph 521.H.1.a of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543**, Conditions 7 and 8 of Standard Permit P-0317R1M3, LAC 33:VII.721.C.1.f, and LAC 33:VII.901.A. Specifically, numerous unacceptable wastes, including but not limited to, movie posters, household trash, paint cans, aerosol cans, tires, putrescible waste, Styrofoam, plastics, clothing, netting, carpeting, toys, cardboard, a broom, a microwave, a cast iron pot, duck decoys, and paper were observed during the October 22, 2018, November 8, 2018, December 3, 2018 and March 20, 2019 inspections.
- D. The Respondent failed to provide interim cover on inactive areas of the landfill to reduce noxious odors by minimizing outward movement of methane and other gases in accordance with Part II, Paragraph 521.H.1.g of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199, CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543**, Conditions 7 and 8 of Standard Permit P-0317R1M3, LAC 33:VII.721.A.2.a.v., and LAC 33:VII.901.A. Specifically, noxious odors were detected at various points around the landfill during the November 8, 2018 inspection.
- E. The Respondent failed to store segregated unacceptable waste in a closed container to prevent vector and odor problems and ensure the waste is removed every seven (7) days, in accordance with Part II, Paragraphs 521.H.1.d and 6.3 of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, Conditions 7 and 8 of Standard Permit P-0317R1M3, LAC 33:VII.721.C.4, and LAC 33:VII.901.A. Specifically, three (3) containers holding unacceptable wastes were uncovered during the December 3, 2018 inspection and two (2) containers were uncovered during the

March 20, 2019 inspection. Additionally, a records review during the March 20, 2019 inspection revealed unacceptable wastes were removed on February 21, 2019, March 7, 2019, and March 12, 2019, which exceeds the seven (7) day removal requirement.

- F. The Respondent failed to maintain a cover log indicating the date of cover material application, volume of cover applied, description of the location where the cover material was applied, source of the cover material, and depth of cover material applied in violation of Condition 7 of Standard Permit P-0317R1M3, LAC 33:VII.721.A.2.d.i&ii and LAC 33:VII.901.A. Specifically, according to the cover log reviewed during the December 3, 2018 inspection, cover was applied on November 5, 2018. However, during the previous inspection conducted on November 8, 2018, the cover log indicated cover was last applied on October 22, 2018. A representative of the Respondent stated he could not confirm the accuracy of the cover log. Additionally, the October 18, 2018, November 8, 2018, December 3, 2018, and March 20, 2019 inspections noted the cover log documents the date of application, type of material, area of application, source of material, and depth of cover, but does not indicate the volume of cover applied.
- G. The Respondent failed to cover the waste with a minimum of twelve (12) inches of silty clays every fourteen (14) days, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543**, Conditions 7 and 14 of Standard Permit P-0317R1M3, LAC 33:VII.721.A.2.b, and LAC 33:VII.901.A. Specifically, a review of the cover log during the November 8, 2018 inspection indicated cover was applied on October 22, 2018, and was due for application on November 5, 2018. A representative of the Respondent stated cover application was not completed due to weather. Additionally, during the December 3, 2018 inspection, a review of the cover log indicated cover was last applied on November 17, 2018 and was due on December 1, 2018, but cover was not applied. Furthermore, a review of the cover log during the March 20, 2019 inspection did not indicate that cover had ever been applied to the new active area. A representative for the Respondent was unable to provide a date or proof that cover was applied.

- H. The Respondent failed to maintain proof of financial assurance onsite, in accordance with Section 16.0 of the Solid Waste permit application, in violation of Condition 7 of Standard Permit P-0317R1M3, LAC 33:VII.721.B.2.a and LAC 33:VII.901.A. Specifically, proof of financial assurance was not kept onsite during the March 20, 2019 inspection.
- I. The Respondent failed to adjust cost estimates annually, in violation of LAC 33:VII.1303.A.3.c. Specifically, a cost estimate for 2017 was provided by the Respondent on March 28, 2018 as part of the solid waste permit renewal application. A records review during the March 20, 2019 inspection, revealed an updated closure cost was not available.
- J. The Respondent failed to maintain a letter of credit at least equal to the closure and post-closure cost estimates, in violation of LAC 33:VII.1303.F.5. Specifically, the Respondent's Letter of Credit is for the amount of \$431,738. The closure and post-closure cost estimates submitted on or about March 28, 2018, totaled \$440,804.
- K. The Respondent failed to increase the amount of credit to be at least equal the current closure and post-closure costs within sixty (60) days after the increase, in violation of LAC 33:VII.1303.F.6. Specifically, the Respondent failed to increase the amount of credit after the total costs of closure and post-closure exceeded the credit amount.
- L. The Respondent failed to notify the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline immediately, but in no case later than one (1) hour after learning of an emergency condition at the landfill, in violation of LAC 33:I.3915.A.1. Specifically, at approximately 7:00 AM on July 17, 2018, facility personnel arrived onsite and observed an approximately thirty (30) yard by twenty (20) yard portion of the active area on fire. The area was sprayed with water and earthen materials were applied by facility personnel and the Cade Volunteer Fire Department arrived onsite and sprayed the area with water. The fire was extinguished at approximately 8:00 AM. The Department received notification of the fire at 4:02 PM on July 17, 2018. An inspection was conducted on July 19, 2018. Fresh earthen materials were observed applied to the area and no signs of smoke were noted.
- M. The Respondent caused and/or allowed the discharge of contact storm water from a location not authorized by the permit. Specifically, the permit application received on

or about June 26, 2013, states that contact storm water/landfill wastewater goes to a settling pond before discharging from Outfall 001. An inspection conducted on or about November 21, 2017, found that the settling pond was filled in; contact storm water was routed to Outfall 002, which was permitted to discharge non-contact storm water. The unauthorized discharge of contact storm water from Outfall 002, revealed during the November 21, 2017, inspection was addressed in **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543**. Inspections conducted on or about October 22, 2018, and March 20, 2019, found that contact storm water was still routed to Outfall 002. In addition, during the October 22, 2018, inspection, storm water was actively discharging from the borrow pit to the Highway 182 roadside ditch via pump. The unauthorized discharge of contact storm water revealed during the inspections conducted on or about October 22, 2018, and March 20, 2019, as well as the discharge of storm water from the borrow pit is in violation of La. R.S. 30:2076(A)(3), LAC 33:IX.501.D, and LAC 33:IX.501.A. On or about May 20, 2019, LPDES Permit LAG780008 was modified, granting authorization to discharge comingled non-contact storm water and contact storm water/landfill wastewater from Outfall 002.

- N. The facility failed to implement the Storm Water Pollution Prevention Plan (SWPPP) as required by LPDES permit LAG780008. Specifically, at the time of the March 20, 2019 inspection, the SWPPP was not amended to represent the absence of the settling pond and the redirection of all contact and non-contact storm water to Outfall 002 (see paragraph VII.M). A 1,000-gallon diesel fuel tank and ten (10) 55-gallon drums of equipment oil were not accounted for as potential sources of pollution in the SWPPP. Additionally, the facility's SWPPP requires weekly inspections and employee training to be performed. When asked, a representative of the Respondent informed the inspector that weekly inspections and employee trainings were not conducted. The failure to implement the SWPPP is in violation of LPDES permit LAG780008 (Part II, Section M and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC XI.2701.A.

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 Water Quality and Solid Waste Regulations, and Standard Permit P-0317R1M3.

II.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure all loads of incoming waste are inspected in accordance with Part II, Paragraphs 521.B.1.f and 6.1 of the Solid Waste Permit Application, as required by Conditions 7 and 8 of Standard Permit P-0317R1M3.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to prohibit and prevent the disposal of residential and commercial waste, in accordance with Part II, Paragraph 521.H.1.a 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 Part II, Paragraphs 521.H.1.d and 6.3 of the Solid Waste Permit Application and LAC 33:VII.721.C.4.

IV.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure the date of cover material application, volume of cover applied, description of the location where the cover material was applied, source of the cover material, and depth of cover material applied is documented on the cover log, in accordance with LAC 33:VII.721.A.2.d.i&ii.

V.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure that a minimum of twelve (12) inches of cover is placed over all exposed waste at least every fourteen (14) days. Cover material shall be sufficient to reduce noxious odors by minimizing outward movement of methane and other gases, and minimize erosion, in accordance with LAC 33:VII.721.A.2.a. and Condition 14 of Standard Permit P-0317R1M3.

VI.

To maintain, immediately upon receipt of this **COMPLIANCE ORDER**, documentation of proof of financial assurance onsite, in accordance with Part II, Paragraph 16.0 of the Solid Waste Permit Application, as required by Conditions 7 and 8 of Standard Permit P-0317R1M3.

VII.

To adjust, immediately upon receipt of this **COMPLIANCE ORDER**, closure costs estimates annually, in accordance with LAC 33:VII.1303.A.3.c and make documentation available to the Department during inspections.

VIII.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure financial assurance at least equal to the closure and post-closure cost estimates is issued and maintained, in accordance with LAC 33:VII.1303. The Respondent shall submit documentation of the financial assurance within fifteen (15) days of obtaining the updated financial assurance. The Respondent shall ensure the amount of financial assurance is increased to be at least equal to the current closure and post-closure costs within sixty (60) days after any increase to the closure and/or post-closure cost estimate, in accordance with LAC 33:VII.1303.

IX.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to ensure the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline is notified immediately, but in no case later than one (1) hour after learning of an emergency condition at the landfill, in accordance with LAC 33:1.3915.A.1.

X.

To develop and implement, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an adequate and complete SWPPP as outlined in the LPDES permit LAG780008 (Part II, Section M) and submit a copy to the Enforcement Division within forty-five (45) days after receipt of this **COMPLIANCE ORDER**.

XI.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the Respondent's facility to waters of the state.

XII.

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. 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-19-00657
Agency Interest No. 24093

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-19-00657
Agency Interest No. 24093

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 2nd day of January, 2010.



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-19-00657 | Contact Name | Kelly O'Neal |
| Agency Interest (AI) No. | 24093 | Contact Phone No. | (225) 219-3932 |
| Alternate ID No. | P-0317-R1-M3, LAG780008 | | |
| Respondent: | GREENPOINT, INC. | Facility Name: | Greenpoint Type III Solid Waste Facility |
| | c/o Ricky J. Suire | Physical Location: | 1469-A Old Spanish Hwy. |
| | Agent for Service of Process | | |
| | 110 Southwark Dr. | City, State, Zip: | Broussard, LA 70518 |
| | Lafayette, LA 70508 | Parish: | St. Martin |

STATEMENT OF COMPLIANCE

| STATEMENT OF COMPLIANCE | Date Completed | Copy Attached? |
|--|----------------|----------------|
| A written report was submitted in accordance with Paragraph XII of the "Order" portion of the COMPLIANCE ORDER. | | |
| All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph X 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:I.Subpart1.Chapter7. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00657), 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 (MM-CN-19-00657) 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 (MM-CN-19-00657) 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

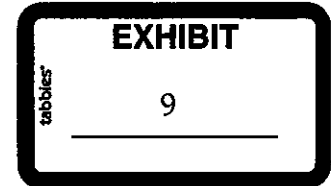


CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

JUN 18 2020

CERTIFIED MAIL (7004 2510 0006 3852 5709)
RETURN RECEIPT REQUESTED



GREENPOINT, INC.
c/o Ricky J. Suire
Agent for Service of Process
110 Southwark Dr.
Lafayette, LA 70508

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-20-00199
AGENCY INTEREST NO. 24093**

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 **GREENPOINT, INC. (RESPONDENT)** for the violations described therein.

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

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

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/KAO/jsc
Alt ID No. P-0317-R1-M4, LAG780008
Attachment

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

| | | |
|---|---|---------------------------------|
| IN THE MATTER OF | * | |
| | * | |
| GREENPOINT, INC. | * | ENFORCEMENT TRACKING NO. |
| ST. MARTIN PARISH | * | |
| ALT ID NO. P-0317-R1-M4, LAG780008 | * | MM-CN-20-00199 |
| | * | |
| | * | AGENCY INTEREST NO. |
| PROCEEDINGS UNDER THE LOUISIANA | * | |
| ENVIRONMENTAL QUALITY ACT, | * | 24093 |
| 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 **GREENPOINT, INC. (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates a permitted Type III construction/demolition (C&D) debris and woodwaste landfill known as the Greenpoint Type III Solid Waste Disposal Facility located at 1469-A Old Spanish Highway in Broussard, St. Martin Parish, Louisiana. The Respondent was granted authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG780008 effective on October 20, 2017, and authorization was modified effective May 20, 2019. LPDES General Permit LAG780008 will expire on September 30, 2022. Under the terms and conditions of LPDES General Permit LAG780008, before May 20, 2019, the Respondent was permitted to discharge contaminated storm water from Outfall 001, treated sanitary wastewater from Outfall 101, and non-contact storm water from Outfall 002 into local drainage, thence into Cypress Bayou, all waters of the state. Effective May 20, 2019, the Respondent is permitted to discharge treated sanitary wastewater from Outfall

001 and landfill wastewater from Outfall 002 into local drainage, thence into Cypress Bayou, all waters of the state. The landfill is currently operating under Solid Waste Standard Permit P-0317R1-M4 issued on June 26, 2009, and modified on March 11, 2019. Operation under Standard Permit P-0317R1-M4 was authorized by issuance of an Order to Commence on February 23, 2010.

II.

Inspections conducted by the Department on or about June 3, 2008, December 20, 2010, and January 11, 2011, and subsequent file reviews conducted on or about May 19, 2011 and August 25, 2011, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-11-00517** on or about December 9, 2011. The Compliance Order was received by the Respondent on December 15, 2011. The Respondent did not appeal the action and it is considered to be a final action.

III.

Inspections conducted by the Department on or about May 8, 2012, and August 7, 2012 and a subsequent file review conducted on or about July 10, 2012, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-12-00763** on or about February 1, 2013. The Compliance Order was received by the Respondent on February 22, 2013. The Respondent did not appeal the action and it is considered to be a final action.

IV.

Inspections conducted by the Department on or about December 23, 2013, and December 16, 2014, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-15-00891** on or about December 17, 2015. The Compliance Order was received by the Respondent on January 7, 2016. The Respondent did not appeal the action and it is considered to be a final action.

V.

Inspections conducted by the Department on or about February 1, 2016, June 22, 2016, November 1, 2016, and January 24, 2017, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199** on or about August 11, 2017. The Compliance Order was received by the Respondent on August 27, 2017. The Respondent did not appeal the action and it is considered to be a final action.

VI.

Inspections conducted by the Department on or about November 21, 2017, January 25, 2018, and June 4, 2018, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543** on or about March 6, 2019. The Compliance Order was received by the Respondent on March 28, 2019. The Respondent did not appeal the action and it is considered to be a final action.

VII.

Inspections conducted by the Department on or about July 19, 2018, October 22, 2018, November 8, 2018, December 3, 2018, March 20, 2019, and May 13, 2019, resulted in the issuance of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-19-00657** on or about January 2, 2020. The Compliance Order was received by the Respondent on January 28, 2020. The Respondent did not appeal the action and it is considered to be a final action.

VIII.

The Department conducted an inspection on or about December 18, 2019, at the above referenced facility and a subsequent file review was conducted on or about April 29, 2020, 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 and file review:

- A. The Respondent failed to provide cover material sufficient to minimize erosion in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-19-00657**, Condition 7 of Standard Permit P-0317-R1-M4, LAC 33:VII.721.A.2.a.ii.b and LAC 33:VII.901.A. Specifically, exposed waste was observed on the entire northern portion of the front cell. Significant erosion and exposed waste were observed in the areas where a representative of the Respondent indicated heavy equipment passes to get fuel. A response submitted by the Respondent on or about January 21, 2020 stated the area is frequently traveled by the compactor and bulldozer for fueling and maintenance activities, additional soil cover was added to the area, and the area would be monitored for exposed waste and cover would be applied as necessary.

- B. The Respondent failed to prohibit or prevent the disposal of residential waste and commercial waste, in accordance with Part II, Paragraph 521.H.1.a of the Solid Waste Permit Application, in violation of **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY SE-CN-17-00199**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-18-00543**, **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY MM-CN-19-00657**, Conditions 7 and 8 of Standard Permit P-0317-R1-M4, LAC 33:VII.721.C.1.f, and LAC 33:VII.901.A. Specifically, unacceptable wastes, including but not limited to, carpet padding and cardboard were observed in the active face of the landfill.
- C. The Respondent caused and/or allowed the discharge of storm water from a location not authorized by the permit. Specifically, during an inspection conducted on or about December 18, 2019, the inspector observed three (3) different pipes and an earthen ditch that routed storm water from the front cell, including the working face, to the Hwy 182 roadside ditch. The inspector observed evidence of sediment eroding from the cell and being routed toward the pipes. In addition, sediment was observed in both ends of one of the pipes and in the Hwy 182 roadside ditch. The Respondent stated that the pipes have been in place for years. The discharge of storm water from a location not authorized by the permit is in violation of La. R.S. 30:2076(A)(3) and LAC 33:IX.501.D.
- D. The Respondent failed to comply with LPDES permit LAG780008. Specifically, a file review conducted on or about April 29, 2020, revealed that the Respondent reported exceedances of permit effluent limitations for TSS, in violation of LPDES permit LAG780008 (Part I, Section B, Schedule A and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.

| Date | Outfall | Parameter | Permit Limit | Sample Value |
|------------|---------|---|--------------|--------------|
| 08/31/2019 | 002A | Solids, total suspended Daily Maximum | 88 mg/L | 113 mg/L |
| 08/31/2019 | 002A | Solids, total suspended Monthly Average | 27 mg/L | 113 mg/L |
| 10/31/2019 | 002A | Solids, total suspended Monthly Average | 27 mg/L | 43 mg/L |

- E. The Respondent failed to submit a Storm Water Pollution Prevention Plan (SWPPP), in violation of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-19-00657** and LAC 33:IX.501.A. Specifically, the Respondent was ordered to submit a SWPPP within forty-five (45) days of receipt of the **COMPLIANCE ORDER**. The

Respondent received **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-19-00657** on January 28, 2020. As of the file review date, the Department has not received the SWPPP.

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 Water Quality and Solid Waste Regulations, LPDES Permit No. LAG780008, and Standard Permit P-0317-R1-M4.

II.

To cover, immediately upon receipt of this **COMPLIANCE ORDER**, all areas of exposed waste and erosion. The Respondent shall ensure interim cover is maintained to keep waste covered at all times, in accordance with LAC 33:VII.711.B.2.a.ii.b.

III.

To institute procedures, immediately upon receipt of this **COMPLIANCE ORDER**, to prohibit and prevent the disposal of residential and commercial waste, in accordance with Part II, Paragraph 521.H.1.a 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 Part II, Paragraphs 521.H.1.d and 6.3 of the Solid Waste Permit Application and LAC 33:VII.721.C.4.

IV.

To immediately cease, upon receipt of this **COMPLIANCE ORDER**, any unauthorized discharges from the Respondent's facility to waters of the state.

V.

To develop and implement, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an adequate and complete SWPPP as outlined in the LPDES permit LAG780008 (Part II, Section M) and

submit a copy to the Enforcement Division within forty-five (45) days after receipt of this **COMPLIANCE ORDER**.

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-20-00199
Agency Interest No. 24093

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-20-00199
Agency Interest No. 24093

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 18th day of June, 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. | MM-CN-20-00199 | Contact Name | Kelly O'Neal | |
| Agency Interest (AI) No. | 24093 | Contact Phone No. | (225) 219-3932 | |
| Alternate ID No. | P-0317-R1-M4, LAG780008 | | | |
| Respondent: | GREENPOINT, INC. | Facility Name: | Greenpoint Type III Solid Waste Facility | |
| | c/o Ricky J. Sulre | Physical Location: | 1469-A Old Spanish Hwy. | |
| | Agent for Service of Process | | | |
| | 110 Southwark Dr. | City, State, Zip: | Broussard, LA 70518 | |
| Lafayette, LA 70508 | Parish: | St. Martin | | |
| 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 necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph V 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) | | | | |
| <i>(check the applicable option)</i> | | | | |
| _____ | 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-20-00199), 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-20-00199)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. | | | |
| | The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-20-00199) 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