



CRIMINAL INVESTIGATION DIVISION

Environmental Crimes Handbook

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY



The Louisiana Department of Environmental Quality's Criminal Investigation Division, Louisiana Environmental Crimes Task Force, and the Southern Environmental Enforcement Network are pleased to publish the first edition of the Louisiana **Environmental Crimes Handbook**.

This handbook does not profess to answer all of the questions which may arise during the course of an investigation of an environmental crime. However, this handbook will provide guidance to law enforcement confronted with a possible environmental crime or incident.

LDEQ-CID stands ready to assist to any member of law enforcement handling a possible environmental crime or incident.

ILLEGAL DUMPING, BURNING OR DISCHARGE

Illegal dumping is a serious crime and has an enormous impact on our environment. There are also significant costs to local, parish and state government associated with combating illegal dumping.

It is illegal to dump household or office furniture, electrical equipment, appliances, automotive parts, including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, building materials, roofing shingles, roofing nails, and bags or boxes of garbage. These should be properly disposed of in a landfill.

The burning of these items is also illegal.

REGULATIONS REGARDING DUMPING OR DISPOSAL OF SOLID WASTE

L.A.C. Title 33, Part VII, §315(C) provides:

C. Processing and Disposal of Solid Waste.
Except as otherwise provided in these regulations,

- all solid waste shall be processed or disposed of at a permitted solid waste facility.

La. R.S. 30: 2155 provides:

- No person shall
- dispose of solid waste
- in violation of this Subtitle, the regulations of the secretary, or a permit or order issued by the secretary

REGULATIONS REGARDING BURNING OF SOLID WASTE

LAC 33:VII.315 (M) Prohibition of Open Burning of Solid Waste.

- **Open burning of solid waste is prohibited**, except in accordance with R.S. 30:2001 et seq. and LAC 33:III.1109.

LAC 33:III.1109 Control of Air Pollution from Outdoor Burning

B. Outdoor Burning Prohibited.

- No person shall cause or allow the outdoor burning of waste material or other combustible material on any property owned by him or under his control except as provided in Subsections C and D of this Section.

REGULATIONS REGARDING THE DISPOSAL OF WASTE TIRES

La. R.S. 30:2418(B)

WASTE TIRES

B. After January 1, 1990,

- it is unlawful for any person
- to dispose knowingly and intentionally
- of waste tires in the state,
- unless the waste tires are
- disposed of for processing, or collected for processing,
- at a permitted solid waste disposal facility, a permitted waste tire processing facility, or a waste tire collection center.

FELONY CRIMINAL STATUTE

La. R.S. 30: 2025. F. Criminal penalties.

Except as otherwise provided by law:

- (1)(a) Any person
- who willfully or knowingly
 - discharges, emits, or disposes
 - of any substance
 - in contravention of any provision of this Subtitle, of the regulations, or of the permit or license terms and conditions in pursuance thereof,
 - **when the substance is one that endangers or that could endanger human life or health, shall be guilty of a felony**

FELONY CRIMINAL PENALTY

and shall be fined not more than \$1 million dollars or the cost of any cleanup made necessary by such violation and in addition may be

- **fined not more than \$100,000 dollars** per violation, which may be assessed for each day the violation continues,
- and **costs of prosecution,**
- **or imprisoned at hard labor for not more than 10 years, or both,**

provided that a continuous violation extending beyond a single day shall be considered a single violation.

MISDEMEANOR CRIMINAL STATUTE

La. R.S. 30: 2025. F. Criminal penalties.

(2)(a) Any person

- who willfully or knowingly
- discharges, emits, or disposes of any substance
- in contravention of any provision of this Subtitle of the regulations, or of the permit or license terms and conditions in pursuance thereof,
- **when the substance does not endanger or could not endanger human life or health, ... shall be guilty of a misdemeanor**

MISDEMEANOR CRIMINAL PENALTY

may be

- **fined not more than \$25,000 per violation**, which may be assessed for each day the violation continues, and **costs of prosecution**,
- **or imprisoned for not more than 1 year, or both**,

provided that a continuous violation extending beyond a single day shall be considered a single violation.

ADDITIONAL CRIMINAL PROVISIONS

La R.S. 30:2025(F)

(5) The court may

- suspend the execution of a sentence imposed on any offender convicted under this Subtitle of illegally disposing of solid waste as defined under R.S. 30:2153,
- **if the offender is placed on supervised probation for at least two years and,**
- **as a condition of probation, cleans up the site or removes the illegally disposed waste from the site to the satisfaction of the Department of Environmental Quality.**

LITTERING STATUTES

La. R.S. 30:2531 Intentional littering prohibited

La. R.S. 30:2531.1 Gross littering prohibited

La. R.S. 30:2531.3. Commercial littering prohibited

LOUISIANA WATER CONTROL LAW

It is illegal to discharge of any substance into the waters of the state without the appropriate permit from LDEQ.

"Waters of the state" means both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, groundwaters, and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico.

STATUTES REQUIRING PERMIT TO DISCHARGE

La. R.S. 30:2075 provides:

No person shall conduct any activity which results in the discharge of any substance into the waters of the state without the appropriate permit, variance, or license required under the regulations of the department adopted pursuant to this Chapter.

STATUTES REQUIRING PERMIT TO DISCHARGE

La. R.S. 30:2076 (A) (1) and (3) provide:

A. (1) No person shall discharge or allow to be discharged into any waters of the state:

- (a) Any waste or any other substance
 - of any kind
 - that will tend to cause water pollution
 - in violation of any rule, order, or regulation; or

- (3) No person shall violate
 - any rule or regulation
 - adopted under this Chapter or
 - the terms of any permit or order issued under authority of this Subtitle.

REGULATIONS REQUIRING PERMIT TO DISCHARGE

LAC 33:IX.501(C) provides:

- The discharge
- of any pollutant
- not specifically authorized by a permit,
- or these regulations,
- or that was not specifically listed as a component of the discharge in the permit application
- may be considered a violation of the act.

USE OR DISPOSAL OF SEWAGE SLUDGE

L.A.C. Title 33, Part IX§7301.

G. Prohibitions, Restrictions, and Additional or More Stringent Requirements

1. Use or Disposal of Sewage Sludge

a. No person

- shall use or dispose of
- sewage sludge or biosolids
- through any practice for which requirements have not been established in this Chapter.

USE OR DISPOSAL OF SEWAGE SLUDGE

b. No person shall use or dispose of sewage sludge or biosolids except in accordance with the requirements in this Chapter.

2. Surface Disposal Prohibited.

- Surface disposal, as defined in Subsection B of this Section,
- is prohibited as a use or disposal method of sewage sludge or biosolids.

WASTE OIL, PRODUCED WATER, DRILLING FLUIDS

LAC 33:IX.708(C) provides:

1. General Guidelines

a. There shall be no unpermitted discharge

- of waste oil,
- produced water,
- drilling fluids, drill cuttings,
- or other wastes,
- nor any uncontrolled discharges of wastewater, including storm water runoff,
- from exploration and production sites.

MISDEMEANOR CRIMINAL STATUTE

La. R.S. 30: 2076.2.

A. Negligent violations.

- (1) Any person
- who negligently violates
 - any provision of the Louisiana Pollutant Discharge Elimination System,
 - or any order issued by the secretary under the Louisiana Pollutant Discharge Elimination System,
 - or any permit condition or limitation implementing any of such provisions in a permit issued under the Louisiana Pollutant Discharge Elimination System by the secretary, or any requirement imposed in a pretreatment program approved under the Louisiana Pollutant Discharge Elimination System; or

La. R.S. 30: 2076.2

A. Negligent violations

(2) Any person

- who negligently
- introduces into public sewer systems or into publicly owned treatment works
- any pollutant or hazardous substance
- which such person knew or reasonably should have known could cause personal injury or property damage or,
- other than in compliance with all applicable federal, state, or local requirements or permits,
- which causes such treatment works to violate any effluent limitation or condition in any permit issued to the treatment works under the LPDES Pollutant Discharge Elimination System by the department;

MISDEMEANOR CRIMINAL PENALTIES

La. R.S. 30: 2076.2(A)

- 3) **Shall, upon conviction, be subject to a**
- **fine of not less than \$2,500 nor more than \$25,000 per day of violation**
 - **or imprisonment for not more than one year, or both.**

If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than fifty thousand dollars per day of violation, or imprisonment for not more than two years, with or without hard labor, or both.

FELONY CRIMINAL STATUTE

La. R.S. 30: 2076.2

B. Knowing violations.

(1) Any person

- who knowingly
- violates any provision of the Louisiana Pollutant Discharge Elimination System
- or any permit condition or limitation implementing any of such provisions in a permit issued under the Louisiana Pollutant Discharge Elimination System
- or any requirement imposed in a pretreatment program approved under the Louisiana Pollutant Discharge Elimination System; or

La. R.S. 30: 2076.2 (B) Knowing violations

(2) Any person

- who knowingly
- introduces into public sewer systems or into a publicly owned treatment works
- any pollutant or hazardous substance
- which such person knew or reasonably should have known could cause personal injury or property damage,
- or other than in compliance with all applicable federal, state, or local requirements or permits,
- which causes such treatment work to violate any effluent limitation or condition in a permit issued to the treatment works under the Louisiana Pollutant Discharge Elimination System;

FELONY CRIMINAL PENALTY

La. R.S. 30: 2076.2(B)

(3) Shall, upon conviction, be subject to

- a fine of not less than \$5,000 nor more than \$50,000 dollars per day of violation,**
- or imprisonment for not more than three years, with or without hard labor, or both.**

If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than one hundred thousand dollars per day of violation, or imprisonment for not more than six years, with or without hard labor, or both.

DUTY TO NOTIFY

La. R.S. 30:2077 provides:

- Any person
- who allows, suffers, permits, or causes
- the unpermitted pollution of the waters of the state
- in contravention of any provision of this Subtitle, any regulations adopted hereunder, or the terms and conditions of any permit, license, or order issued hereunder
- upon obtaining knowledge of such
- shall notify the secretary
- and if necessary take prompt remedial action pursuant to appropriate regulations adopted under this Subtitle or as ordered by the secretary or by an authorized assistant secretary.

OTHER CRIMES ASSOCIATED WITH ENVIRONMENTAL CRIMES

La. R.S. 14:24, Principals to commission of a crime

La. R.S. 14:25, Accessories after the fact

La. R.S. 14:26, Criminal Conspiracy

La. R.S. 14:56, Criminal Damage to Property

La. R.S. 14:56.2, Criminal Damage of a Pipeline Facility

OTHER CRIMES ASSOCIATED WITH ENVIRONMENTAL CRIMES

La. R.S. 14:58, Contaminating Water Supplies

La. R.S. 14:61, Unauthorized entry of a critical infrastructure

La. R.S. 14:67, Theft

La. R.S. 14:72, Forgery

La. R.S. 14:126.1. False swearing for purpose of violating public health or Safety

La. R.S. 14: 130.1. Obstruction of justice

OTHER CRIMES ASSOCIATED WITH ENVIRONMENTAL CRIMES

La. R.S. 14: 132. Injuring public records

La. R.S. 14: 133. Filing or maintaining false public records

La. R.S. 38: 211. Cutting or destroying levees prohibited

La. R.S. 38: 225. Obstructions on levees, waterways and rights of way therefor;

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

**EACH OF THESE QUESTIONS MAY NOT
BE APPROPRIATE FOR EVERY INTERVIEW
OR OCCASION**

Personal History:

- Name
- Address
- DOB, SSN, DL#
- Phone numbers (home, work, cell)
- Educational History of person being interviewed
- Employment History at current company?

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

Personal History Continued:

- What positions held/job performed/duties?
- Training received and/or given?
- Prior Employment History of person being interviewed:
 - Companies worked for and types of positions?
 - Training received and/or given?

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

Reference the current incident being reported:

- What kind of activity (spill, dumping, discharge, storage, air release, false reporting etc.?)
- What is the persons' personal knowledge of activity?
- When did it occur (date & time)?
- How long did activity take) (minutes, hours, days)?

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

- How often did activity occur?
- Where did it occur (specific location, address, directions)?
- If it occurred at a facility, where on the facility (have interviewee draw and label map)
- Any additional eye witnesses, number of people involved and their:
 - Names
 - Background
 - Description (Complexion, Sex, Age, Height weight)

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

Sensory Observations:

- Did they smell anything? What did it smell like?
- What did they see?
(Stains, discolorations)
- Did they observe effects on people, environment, plants, insects, animals etc?
- Has this activity occurred before?
- Anything unusual or anything else suspicious? other suspect activity (false reporting etc)

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

- Have there been prior incidents of same or similar activity?
- Was the incident an accidental cause or intentional?
- What was the substance spilled, dumped, discharged, release etc?
- Number of containers involved (trucks, tanks, drums)?
- Volume of containers involved (trucks, tanks, drums)?

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

- What equipment used in activity (trucks, tanks, pipes, etc) (any safety equipment observed)?
- Were there any actions to conceal activity?
- What chemicals involved?
- Is the incident near to homes, commercial areas, school, day cares, churches etc.?
- Is the incident near to waterways rivers, streams, ditches, water intake, aquifers, etc.?

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

- Who are adjacent landowners, business, facilities?
- What companies involved contractors, subcontractors, consultants, generator, transporter etc.?
- Name of plant manager, foreman, supervisors, environmental manager etc.?
- What is the layout of facility, offices, ware houses, labs, out building, etc ?(have interviewee draw and label map)
- Who is where in the facility?

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

- Number of employees for facility?
 - Names
 - Position, title
 - Contact information
- Number & types of equipment owned by company (trucks, tankers, back-hoes etc.)?
- Type of chemicals used?
- Safety requirements of those chemicals?
- (MSDS)
- What do they manufacture or services provided etc.?

QUESTIONS TO ASK PERSON REPORTING POSSIBLE ENVIRONMENTAL VIOLATIONS

- Where are raw materials stored and amounts in hand?
- How and where are wastes generated and accumulated?
- Types of waste? Who handles the wastes?
- **Is there anything you would like to tell me about that i have not asked or you think is important?**
- **If you recall anything, please get in touch with me.**

TO REPORT ENVIRONMENTAL CONCERNS

Concerns include spills, releases, odors, fish kills, open burning, waste tires and any other types of environmental incidents Monday through Friday, 8 a.m. - 4:30 p.m.,

**DEQ Single Point of Contact:
225-219-3640 or Toll Free 1-888-763-5424**

To report a concern outside of business hours call:

225-342-1234 or the toll free number

National Response Center: 800-272-3020

LSP Hazmat Hotline: 225-925-6595

LDEQ-CID CONTACT INFORMATION

Mainline	225-219-3944
Jeff Nolan (BR)	225-219-3939
Ryan Brignac (Lafayette)	337-262-1566
Bobby Kingham (L.C.)	337-491-2712
Don Cowart (Shreveport)	318-676-7467
Maureen Kennedy (BR)	225-219-3941
Todd Compton (BR)	225-219-3940
Keith Bates (BR)	225-219-3942

OTHER CONTACT INFORMATION

U.S. EPA - CID (Baton Rouge)	225-925-3083
U.S. Fish & Wildlife Service:	504-214-2398

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