



STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

C J ARMAND
ST. JAMES PARISH
ID NO. WT-47 08090
AI NO. 14784

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

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* ENFORCEMENT NO. SE-P-00-0061
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SETTLEMENT

The following Settlement is hereby agreed to between C.J Armand(Respondent) and the Department of Environmental Quality, (Department), under authority granted by the Louisiana Environmental Quality Act, LSA- R.S. 30:2001, et seq., (the "Act").

I

Respondent is operating a tire dealership in Louisiana under the provisions of Louisiana Waste Tire Permit WT-47-08090 issued by the Department. Respondent's facility is located at 2005 Railroad Street in Lutchet, St. James Parish, Louisiana.

II

The allegations which form the basis of the enforcement action(s) are:

On or about December 9, 1999, an audit of the Respondent's facility was conducted by an employee of the Department. On or about May 2, 2000 a potential penalty was issued to the respondent. During the audit the following violation was noted: Respondent failed to pay the waste

tire fee monthly. This is a repeat violation of LACV 33:VII.10519.D which states, in part that all tire dealers shall remit the applicable portion of the \$2 waste tire fee to the department on a monthly basis, as specified in LAC 33:VII.10535.B and C.

Respondent's violation of LAC 33:VII.10519.D is a repeat violation from an audit done on May 29, 1997. The respondent was delinquent for three (3) months with a total due of \$572.11. The Respondent's second violation is from an audit done on December 9, 1999. The respondent was delinquent for twenty-two (22) months with a total due of \$1,982.27.

III

Penalty Assessment in the amount of \$2321.26 was issued to Respondent and, in response thereto, Respondent made a timely request for a hearing.

IV

Respondent requested an adjudicatory hearing on the penalty amount stating that all late filing for those months were paid upon notice and \$2321.26 is very unreasonable and all late filing was due to their poor employee training.

V

The Respondent agrees to pay, and the Department agrees to accept, a payment in the amount of EIGHTEEN HUNDRED AND NO/100 DOLLARS (\$1800.00) to be paid in equal monthly installments of \$300.00 for a period of six(6)months in settlement of the claims set forth in this agreement.

Respondent further agrees that the Department may consider the inspection report(s), the Penalty Assessment and this Settlement for the purpose of determining compliance history in

connection with any future enforcement or permitting action by the Department against Respondent, and in any such action the 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 is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

VII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. James Parish, Louisiana as well as a newspaper of general circulation in that parish. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted a proof-of-publication affidavit to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

VIII

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Penalties are to be made payable to the Department of Environmental Quality and

mailed to the attention of Darryl Serio, Office of Management and Finance, Department of Environmental Quality, Post Office Box 82231, Baton Rouge, Louisiana, 70884-2231.

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

IX

The person signing for the Respondent and the Department both represent that they have the requisite authority to sign for the party.

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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This Settlement Agreement has been reviewed, and is concurred in, by the Attorney General, under the provisions of La. R.S. 30:2050.7.

RICHARD P. IEYOUB
ATTORNEY GENERAL

DATE: Nov. 29, 2001

BY: 
ASSISTANT ATTORNEY GENERAL

WITNESSES:

RESPONDENT

Paul Reynaud

BY: *C. J. Armand*

Paula Weber

NAME: *C. J. ARMAND*

TITLE: *Owner*

THUS DONE AND SIGNED before me this *16th* day of *JANUARY*, 200*2*, at *Lute* St. James Parish, Louisiana.

[Signature]
NOTARY PUBLIC

WITNESSES:

STATE OF LOUISIANA
J. Dale Givens, Secretary
Dept. of Environmental Quality

Holly Smith

Dolores Roy

BY: *R. Bruce Hammatt*
R. BRUCE HAMMATT, ASSISTANT SECRETARY
Office of Environmental Compliance

THUS DONE AND SIGNED before me this *14* day of *March*, 200*2* in Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC

Approved: *Linda Korn*
Linda Korn Levy, Assistant Secretary