

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CONESTOGA-ROVERS &
ASSOCIATES, INC.

AI # 164713

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

* Settlement Tracking No.
* SA-AE-10-0083
*
* Enforcement Tracking No.
* AE-CN-08-0131
*
* Docket No. 2009-7155-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Conestoga-Rovers & Associates, 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 multinational engineering and consulting firm with an office located at 5551 Corporate Boulevard in Baton Rouge, East Baton Rouge Parish, Louisiana.

II

On June 16, 2009, the Department issued to Respondent a Consolidated Compliance Order Notice of Potential Penalty, Enforcement No. AE-CN-08-0131, which was based upon the following findings of fact:

The Respondent owns and/or operates a multinational engineering and consulting firm with an office located at 4915 South Sherwood Forest Boulevard in Baton Rouge, East Baton Rouge Parish, Louisiana. Conestoga-Rovers & Associates, Inc. had performed lead abatement activities at

1577 St. Rose Avenue (the Site) in Baton Rouge, East Baton Rouge Parish, Louisiana (the site), but the Respondent did not employ accredited lead workers to perform the lead abatement activities.

Based on information presented to and/or discussed with the Department and one of the property owners on or about February 15, 2008, the Department inspected the site on or about April 30, 2008, to determine the degree of compliance with the Act and the Air Quality Regulations regarding a lead paint abatement activity.

The following violations were noted during the course of the inspection:

- A. The Respondent failed to employ individuals accredited by the Department to engage in lead-based paint activities. This is a violation of LAC 33:III.2807.A.2 and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to obtain a lead-based paint abatement and removal license from the State of Louisiana Licensing Board for Contractors prior to bidding or performing abatement activities. This is a violation of LAC 33:III.2809.A.1 and La. R.S. 30:2057(A)(2).
- C. The Respondent failed to perform all lead-based paint activities in accordance with the work practice standards delineated for target housing and child-occupied facilities. This is a violation of LAC 33:III.2811.A.1 and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to have an accredited lead project supervisor present at all times for each abatement project. This is a violation of LAC 33:III.2811.E.2 and La. R.S. 30:2057(A)(2).
- E. The Respondent failed to notify the Office of Environmental Services in writing of abatement activities. This is a violation of LAC 33:III.2811.E.4 and La. R.S. 30:2057(A)(2).
- F. The Respondent failed to develop a written occupant and worker protection plan for all abatement activities. This is a violation of LAC 33:III.2811.E.5 and La. R.S. 30:2057(A)(2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent specifically denies the LDEQ's findings of fact and further denies that it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00), of which Three Hundred Ten and No/100 Dollars (\$310.00) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any

right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VIII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge Parish, Louisiana. The advertisement, in form, 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 an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

CONESTOGA-ROVERS &
ASSOCIATES, INC.

BY: *Pressley L. Campbell*
(Signature)

Pressley L. Campbell
(Printed)

TITLE: Vice President

THUS DONE AND SIGNED in duplicate original before me this 19th day of
April, 20 11, at Baton Rouge, Louisiana

Phaedra Carright
NOTARY PUBLIC (ID # 83530)

Phaedra Carright
(stamped or printed)
Commission: Lifetime
Ascension

LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: *Cheryl Sonnier Nolan*
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 31 day of
January, 20 12, at Baton Rouge, Louisiana.

Debra King
NOTARY PUBLIC (ID # 20590)
Bar Roll #

Life Commission

Debra King
(stamped or printed)

Approved: *Cheryl Sonnier Nolan*
Cheryl Sonnier Nolan, Assistant Secretary