

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

W.W.I., L.L.C.

AI # 101499

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

* Settlement Tracking No.
* SA-SE-09-0032
*
* Enforcement Tracking No.
* SE-CN-07-0115
*
*
* Docket No. 2008-7498-EQ
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SETTLEMENT

The following Settlement is hereby agreed to between W.W.I., L.L.C. (Respondent) and the Department of Environmental Quality (Department), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (the Act).

I

Respondent is a Limited Liability Corporation that is a broker and local marketing agent for local moves of household goods located in Harahan, Jefferson Parish, Louisiana 70123.

II

On April 27, 2007, a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. SE-CN-07-0115, was issued to Respondent which was based upon the following findings of fact:

The Respondent owns and/or operates a commercial moving company. The Respondent transported regulated solid waste to an unauthorized dump site located at 9301 Old Gentilly Road in New Orleans, Orleans Parish, Louisiana (the Site). The Respondent does not have authorization from the Department to transport solid waste.

On or about April 12, 2007, the Department conducted an inspection of the Site that disclosed the following:

- A. The Respondent transported regulated solid waste without notifying the Department by submitting a Solid Waste Transporter Notification Form to the Solid and Hazardous Waste Permits Section in violation of LAC 33:VII.503.A.1. Specifically, the Respondent transported construction and demolition waste without receiving authorization from the Department to operate as a solid waste transporter.
- B. The Respondent transported regulated solid waste to a facility that is not permitted to receive such waste in violation of LAC 33:VII.705.D. Specifically, the Respondent transported construction and demolition waste to a site that does not have a permit or other authority from the Department to receive solid waste.

III

In a Memo to File (EDMS Document No. 7798973) signed on January 12, 2011, the Department corrected certain details in its Finding of Facts section for Enforcement Action No. SE-CN-07-0115. The Memo to File is attached herewith as Exhibit A.

IV

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

V

Nonetheless, Respondent, in order to settle its liability for civil penalties, agrees to pay, and the Department agrees to accept, a payment in the amount of SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00), of which One Thousand One Hundred Four and 15/100 Dollars (\$1,104.15) 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 DEQ 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 and 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 LSA- 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 Orleans 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 notices.

X

The Respondent agrees to pay the total sum of Six Thousand and No/100 dollars (\$6,000.00) in twenty-four (24) monthly installments of Two Hundred Fifty and No/100 dollars (\$250.00) per month. The first payment is to be made within ten (10) days from notice of the Secretary's signature. Each payment is due by the 10th day of each month following the initial payment until the agreed to settlement amount of \$6,000.00 has been paid in full. If any payment is not received within the timeframe stipulated above, 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 B).

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.

W.W.I., L.L.C.

BY: William H. Oakland, II
(Signature)

William H. Oakland, II
(Printed)

TITLE: Manager

THUS DONE AND SIGNED in duplicate original before me this 8th day of April, 2011, at Havannah, Louisiana

Dorinda E. Anderson
NOTARY PUBLIC (ID # 02470)
ATTORNEY AT LAW (LSA # 02470)
NOTARY PUBLIC
Parish of Jefferson, State of Louisiana
My Commission is issued for life
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 20th day of June, 2011, at Baton Rouge, Louisiana.

Delana King
NOTARY PUBLIC (ID # 20590)
Bar Roll Life Commission

Delana King
(stamped or printed)

Approved: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary