

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CHARLES BUNDRICK

AI # 80589

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

* Settlement Tracking No.
* SA-SE-14-0013
*
* Enforcement Tracking No.
* SE-CN-09-0271
* SE-PP-10-00786
*
* Docket No. 2011-3171-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Charles Bundrick (“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 an individual that owns and/or operates a solid waste disposal facility located in Carencro, Lafayette Parish, Louisiana (“the Facility”).

II

On December 11, 2009, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **SE-CN-09-0271**, which was based upon the following findings of fact:

The Respondent owns and/or operates a solid waste disposal site known to the Department as the Charles Bundrick Property Unauthorized Dump (the Site) located at 1525 North Wilderness Trail in Carencro, Lafayette Parish, Louisiana. The Respondent does not have a permit and/or other authority from the Department to dispose of solid waste at the Site.

On or about April 13, 2009, and April 17, 2009, inspections were conducted by the Department that revealed the following violation:

The Respondent caused and/or allowed the deposition of regulated solid waste without a permit and/or other authority from the Department, in violation of La. R.S. 30:2155, and LAC 33:VII.315.C. Specifically, the waste deposited included, but was not limited to, broken equipment, waste tires, plastic containers, junked automobiles, various tanks, engine parts, several drums containing unknown liquid, plastic hoses, appliances, furniture, creosote poles, metal items, household waste, lumber, windows, and carpet.

On November 22, 2011, the Department issued to Respondent Notice of Potential Penalty, Enforcement No. **SE-PP-10-00786**, which was based upon the following findings of fact:

On or about April 8, 2010, and April 1, 2011, inspections of Charles Bundrick Property Unauthorized Dump, owned and/or operated by Charles Bundrick (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 1525 North Wilderness Trail in Carencro, Lafayette Parish, Louisiana.

On or about April 23, 2010, the Department agreed to enter into a Dispute Resolution Agreement for Compliance Order and Notice of Potential Penalty SE-CN-09-0271, which was issued to the Respondent for violations of the Solid Waste Regulations on or about December 11, 2009. Therefore, this is not considered a final action.

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

The Respondent caused and/or allowed the deposition of regulated solid waste without a permit and/or other authority from the Department, in violation of La. R.S. 30:2155, LAC 33:VII.909, and LAC 33:VII.315.C. Specifically, the waste found during this inspection was noted from the previous inspections conducted April 13, 2009, and April 17, 2009, and also noted in the order SE-CN-09-0271. However, some of the waste had been chipped, broken, and partially buried. This waste included, but was not limited to, waste tires, chipped waste

tire material, plastic pieces, carpet, metal objects, and two (2) creosote timbers. During the April 1, 2011, inspection it was noted that most of the waste tire debris had been removed. The Respondent plans to use the metal items and creosote timbers that remain on-site.

III

Respondent denies he committed any violations or that he 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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00), of which Nine Hundred Fifty-Two and 44/100 Dollars (\$952.44) 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).

V

Respondent further agrees that the Department may consider the inspection report(s), the 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.

VI

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.

VII

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.

VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Lafayette 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.

IX

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).

X

In consideration of the above, any claims and penalties for alleged violations arising from the Findings of Fact set forth in SE-CN-09-0271 or SE-PP-10-00786 are hereby fully compromised and settled in accordance with the terms of this settlement.

XI

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.

CHARLES BUNDRICK

BY: Charles Bundrick
(Signature)

CHARLES BUNDRICK
(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this 19th day of November, 20 14, at Baton Rouge, Louisiana.

Ternell Poche
NOTARY PUBLIC (ID # _____)
Bar# 21823

Timothy Poche
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Peggy M. Hatch, Secretary

BY: [Signature]
Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 10th day of Feb, 20 15, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Cheryl Sonnier Nolan, Assistant Secretary