

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* **Settlement Tracking No.**

* **SA-MM-23-0028**

TOWN OF HAYNESVILLE

*

AI # 209680, 215933

* **Enforcement Tracking No.**

* **MM-CN-19-00217**

**PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT**

*

LA. R.S. 30:2001, ET SEQ.

*

*

SETTLEMENT

The following Settlement is hereby agreed to between Town of Haynesville (“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 governmental entity that owns and/or operates a site located in Haynesville, Claiborne Parish, Louisiana (“the Site”).

II

On September 13, 2019, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-19-00217 (Exhibit 1).

III

Respondent denies it committed any violations or that it 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 FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00), of which Five Thousand Ninety-One and 26/100 Dollars (\$5,091.26) 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 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.

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

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Claiborne Parish, Louisiana. The advertisement, in form and wording 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 attached hereto.

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.

TOWN OF HAYNESVILLE

BY: _____
(Signature)

(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

NOTARY PUBLIC (ID # _____)

(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Roger W. Gingles, Secretary

BY: _____
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

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

NOTARY PUBLIC (ID # _____)

(stamped or printed)

Approved: 
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 13, 2019



CERTIFIED MAIL 7018 0360 0001 5039 0614
RETURN RECEIPT REQUESTED

TOWN OF HAYNESVILLE
c/o Mayor Beverlee Killgore
1711 Main Street
Haynesville, LA 71038

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. MM-CN-19-00217
AGENCY INTEREST NOS. 209680 and 215933**

Dear Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on the **TOWN OF HAYNESVILLE (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Sydnie Sacco at 225-219-1423 or Sydnie.Sacco@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".

Celena J. Cage
Administrator
Enforcement Division

CJC/sms/mlk

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

| | | |
|--|---|---------------------------------|
| IN THE MATTER OF | * | |
| | * | |
| TOWN OF HAYNESVILLE | * | ENFORCEMENT TRACKING NO. |
| CLAIBORNE PARISH | * | |
| ALT ID NO. N/A | * | MM-CN-19-00217 |
| | * | |
| | * | AGENCY INTEREST NOS. |
| PROCEEDINGS UNDER THE LOUISIANA | * | |
| ENVIRONMENTAL QUALITY ACT, | * | 209680 and 215933 |
| La. R.S. 30:2001, ET SEQ. | * | |

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **TOWN OF HAYNESVILLE (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the property located at 1863 Main Street in Haynesville, Claiborne Parish, Louisiana (the demolition site, Agency Interest No. 209680). A building known as the Old Fred's Building (the building) was located at this site before it was burned and demolished.

II.

On or about November 14, 2017, the Department received an anonymous complaint (Incident No. T-181337) which reported a building being burned that contained asbestos. The Department received a second complaint (Incident No. T-181391) on November 21, 2017, in which the complainant reported the building was torn down a couple of weeks ago and later burned. On or about November 15, 2017, and December 1, 2017, inspections were conducted at the demolition site to investigate the complaints. On or about October 9, 2018, the Department issued a Notice of Deficiency (NOD) to the Respondent for the

inspections conducted on November 15, 2017 and December 1, 2017. The Respondent submitted a response to the NOD on or about November 5, 2018.

III.

During the November 15, 2017 inspection, the Department's inspector observed evidence of a burning building, including smoke from the active burning of construction and demolition (C&D) debris. No standing building was observed at the time of this inspection. During a telephone conversation, on or about November 17, 2017, with a representative of the Respondent, the Department's inspector was informed that an asbestos inspection of the building was not conducted prior to the demolition activity, Barnette & Benefield, Inc (the contractor, Agency Interest No. 5381) was contracted to demolish the building, and the Haynesville Fire Department did a practice burn on November 8 or 9, 2017. During the November 17, 2017 telephone conversation, the Department's inspector informed the representative of the Respondent that all remaining C&D debris located at the demolition site must be disposed of properly in a permitted landfill. Additionally, the Department has no record of receiving an Asbestos Notification of Demolition Form (AAC-2) prior to the demolition of the building located at the demolition site. The Department's inspector was informed the fire at the demolition site was extinguished on November 15, 2017.

IV.

On or about November 28, 2017, the Department's inspector spoke with the complainant who stated the burned debris was being hauled off and dumped at another location. During the Department's follow-up inspection conducted on or about December 1, 2017, it was discovered the C&D debris from the building was being dumped at a remote oilfield storage tank site, Energy Reserves Group – Sales #3, located in section 31, township 23N, range 7W in Haynesville, Claiborne Parish. This location is known to the Department as the Sale-Stinson unauthorized dump site (the dump site, Agency Interest No. 215933). Approximately fifty (50) to sixty (60) loads of C&D debris were located at the dump site. According to a representative of the Respondent, the owner of the dump site gave the Respondent permission to dump the debris material on their property. Additionally, a follow-up inspection of the demolition site revealed a significant amount of C&D debris had been removed since the Department's November 15, 2017 inspection. However, pieces of C&D debris and burned material remained scattered at the demolition site.

V.

On or about November 30, 2017, Altec Environmental Consulting, LLC (Altec) conducted a limited asbestos assessment inspection of the C&D debris that remained at the demolition site. On or about December 13, 2017, the Department was informed that laboratory analysis of the samples revealed eight (8) of the twenty-one (21) bulk samples were positive for asbestos.

VI.

According to LAC 33:III.5151.F.1.d, if a facility is demolished prior to an asbestos inspection or notification, then all debris at the site is categorized as asbestos-contaminated debris (ACD) which contains regulated asbestos-containing material (RACM), unless the owner/operator affirmatively demonstrates there is no asbestos-containing material (ACM) in the debris. Under these circumstances, the Department has determined all the debris located at the demolition site and the dump site to be ACD.

VII.

The Department conducted follow-up inspections on or about August 23, 2018 and February 19, 2019, at the demolition site. At the time of these inspections, pieces of C&D debris and burned material remained scattered at the demolition site.

VIII.

On or about November 15, 2017, December 1, 2017, August 23, 2018, and February 19, 2019, the Department conducted inspections of the demolition and dump sites to determine the degree of compliance with the Act and the supporting Regulations. While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections:

- A. 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 Respondent contracted Barnette & Benefield, Inc to transport and dispose of the C&D waste at the dump site, which is not authorized to receive solid waste. Additionally, any C&D waste that remains at the demolition site is considered disposed. The demolition site is not authorized to receive solid waste.
- B. Prior to the commencement of a demolition activity, the Respondent must either assume RACM is present or thoroughly inspect the affected facility for the presence of asbestos. Specifically, during the telephone conversation held on November 17, 2017, the representative of the Respondent stated an asbestos inspection was not conducted before demolition of the building began. The failure to thoroughly inspect the building for asbestos

prior to demolition activities is a violation of LAC 33:III.5151.F.1 and La. R.S. 30:2057(A)(2).

- C. The Respondent failed to notify the Department prior to the demolition of the building located on the demolition site. Specifically, the Respondent did not provide the Office of Environmental Services with typed notice of intention to demolish by submitting the AAC-2 Form and applicable fees. The Department has no record of receiving an AAC-2 for this demolition activity. The failure to notify the Department prior to the demolition of the building, by submitting the AAC-2 along with applicable fees, is a violation of LAC 33:III.5151.F.2.a, LAC 33:III.5151.F.1.1, and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to remove all RACM prior to the Fire Department's trained burn. Specifically, during the telephone conversation held on November 17, 2017, the representative of the Respondent stated no inspection was conducted prior to the contractor conducting demolition on or about November 6, 2017 through November 8, 2017; therefore, the material is considered RACM. Additionally, during the telephone conversation, it was also stated that the Haynesville fire chief did a practice burn on November 8 or 9, 2017. According to LAC 33:III.5151.F.3.j, if a facility or residential structure is demolished by intentional burning, including activities related to the training of fire personnel, testing firefighting materials, or equipment, all RACM including category I and II nonfriable ACM shall be removed. The failure to remove the asbestos containing material prior to burning the C&D debris is a violation of LAC 33:III.5151.F.3.j and La. R.S. 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations and Air Quality Regulations, including, but not limited to, LAC 33:III.5151.

II.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, depositing or allowing the deposit of regulated solid waste of any kind at the demolition site and the dump site or any other site that is not permitted to receive such waste.

III.

To remove, all ACD located at the demolition site and dump site, as it is categorized as ACD in accordance with LAC 33:III.5151.F.1.d. The Respondent shall comply with the following:

- A. To submit a complete AAC-2 Form to the Permit Support Division, in accordance with LAC 33:III.5151.F.2 prior to the commencement of the handling and/or disposal of ACD at the demolition site and the dump site. The Respondent shall submit a copy of the AAC-2 Form to the Enforcement Division. Each load of ACD that is transported off the demolition site and the dump site shall be accompanied by an Asbestos Disposal Verification Form (ADVF), in accordance with LAC 33:III.5151.J.4.
- B. To adequately wet the ACD located at the demolition site and the dump site at all times after demolition and keep wet during handling and loading for transport to a disposal site, in accordance with LAC 33:III.5151.J.1.c.
- C. To use an individual, or company, that is recognized by the Louisiana State Licensing Board for Contractors to handle and/or dispose of ACD, in accordance with LAC 33:III.5151.F.1.h.
- D. To use personnel accredited and/or authorized by the Department for all removal of the ACD to a recognized asbestos landfill (RAL), including but not limited to, Asbestos Abatement Workers and Asbestos Abatement Contractor/Supervisor, in accordance with LAC 33:III.5151.F.3.h and LAC 33:III.5151.P.2.
- E. To use a waste transporter that is recognized by the Department to transport ACD and Asbestos-Containing Waste Material (ACWM) from the demolition site and the dump site to a RAL, in accordance with LAC 33:III.5151.J. The ACWM transported from the demolition site and the dump site shall be handled as described in LAC 33:III.5151.J.4.
- F. To remove, all loose debris in and adjacent to the demolition site and the dump site, whether or not it is RACM, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, in accordance with LAC 33:III.5151.F.3.i. Any debris from the dump site shall be removed with the permission of the property owner.
- G. To notify the Department through written correspondence in accordance with LAC 33:III.5151.F.3.m, within twenty-four (24) hours after the debris has been removed and the work areas have been cleaned at both the demolition site and the dump site in accordance with LAC 33:III.5151.F.3.i.

- H. To submit to the Enforcement Division, within fifteen (15) days of disposal, receipts documenting the proper disposal of the waste from the demolition site and the dump site at a permitted disposal facility. The removal and disposal of this waste shall be in accordance with all applicable Solid Waste Regulations and Air Quality Regulations including, but not limited to, LAC 33:III.5151.
- I. To remove and dispose, all ACWM located at demolition site and the dump site to a permitted or authorized solid waste disposal facility that is a RAL, within sixty (60) days after receipt of this **COMPLIANCE ORDER**. Any debris from the dump site shall only be removed with the permission of the property owner.

IV.

In the event the Respondent is able to affirmatively demonstrate no ACM is present in the debris, the Respondent shall remove, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, all deposited regulated solid waste to a permitted solid waste disposal facility and submit copies of all receipts documenting the proper disposal of the waste to the Enforcement Division within thirty (30) days after closure of the demolition site and the dump site.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Sydnie Sacco
Re: Enforcement Tracking No. MM-CN-19-00217
Agency Interest Nos. 209680 and 215933

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. MM-CN-19-00217
Agency Interest Nos. 209680 and 215933

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on

August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Sydnie Sacco at 225-219-1423 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within

ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 13th day of September, 2019.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Sydnie Sacco



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE

| | | | |
|---------------------------|-----------------------------|--------------------|-------------------------------------|
| Enforcement Tracking No. | MM-CN-19-00217 | Contact Name | Sydnie Sacco |
| Agency Interest (AI) Nos. | 209680 and 215933 | Contact Phone No. | 225-219-1423 |
| Alternate ID No. | N/A | | |
| Respondent: | Town of Haynesville | Facility Name: | Old Fred's Building |
| | c/o Mayor Beverlee Killgore | Physical Location: | 1863 Main Street |
| | 1711 Main Street | City, State, Zip: | Haynesville, LA 71038 |
| | Haynesville, LA 71038 | Parish: | Claiborne |
| | [REDACTED] | Facility Name: | Sale-Stinson unauthorized dump site |
| | [REDACTED] | Physical Location: | section 31, township 23N, range 7W |
| | [REDACTED] | City, State, Zip: | Haynesville, LA |
| | [REDACTED] | Parish: | Claiborne |

STATEMENT OF COMPLIANCE

| STATEMENT OF COMPLIANCE | Date Completed | Copy Attached? |
|--|----------------|----------------|
| A written report was submitted in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER. | | |
| All necessary documents were submitted to the Department within 24 hours after removal of debris from the demolition site and the dump site, in accordance with Paragraph IV.G of the "Order" portion of the COMPLIANCE ORDER. | | |
| All necessary documents were submitted to the Department within 15 days of disposal, receipts from the demolition site and the dump site, in accordance with Paragraph IV.H of the "Order" portion of the COMPLIANCE ORDER. | | |
| All necessary documents were submitted to the Department within 30 days after closure of the demolition site and the dump site, in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER. | | |
| All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER. | | |
| All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of: | | [REDACTED] |

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

| | |
|--------------------------|--|
| <input type="checkbox"/> | The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00217), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures. |
| <input type="checkbox"/> | In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00217), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ |

| | | |
|--|---------------------------|--------------------|
| <ul style="list-style-type: none"> • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. | | |
| The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00217) and has attached a justification of its offer and a description of any BEPs if included in settlement offer. | | |
| CERTIFICATION STATEMENT | | |
| I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent. | | |
| | | |
| Respondent's Signature | Respondent's Printed Name | Respondent's Title |
| | | |
| Respondent's Physical Address | Respondent's Phone # | Date |
| MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW: | | |
| Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Sydnie Sacco | | |