

LDEQ Enforcement Update

LDEQ-Office of Environmental Compliance

Celena J. Cage, Assistant Secretary
Celena.Cage@la.gov
(225) 219-3710



General Enforcement Overview

- Enforcement Division is located within the Office of Environmental Compliance (OEC).
- Consists of approximately 28 employees within the Environmental Scientist Series, i.e., Enforcement Officers
- Regulatory oversight/delegated authority for CAA, CWA, RCRA, UST, CAPP, Radiation Protection, etc.

General Enforcement Overview

- The Enforcement Division's function is to ensure compliance with the environmental permitting laws and regulations and to deter future non-compliance by issuing the appropriate enforcement actions, thus encouraging a level playing field.
- Enforcement activity strives to ensure that the government, the private sector, and the public comply with federal and state laws designed to protect human health and the environment and sustain the environmental resources of the state.

General Enforcement Overview

Enforcement works to achieve this goal by:

1. comprehensive review of inspection reports;
2. assign accountability to violators;
3. issue timely and appropriate enforcement actions designed to effectively obtain compliance;
4. assess and collect penalties issued to violators;
5. maintain environmental compliance databases;
6. provide regulatory expertise in the negotiation, litigation, and settlement of cases; and
7. provide awareness of environmental compliance.

General Enforcement Overview



General Enforcement Overview



General Enforcement Overview

Recent Enforcement Streamlining Efforts

- Greater emphasis on regional enforcement for relatively minor violations. Goal is to achieve compliance more quickly.
- In July 2022, DEQ expanded the scope of the Expedited Penalty Program.
 - This increased the number of relatively minor violations that could be addressed under the program by the addition of regulatory citations included in the regulations.
 - Increased the maximum allowed penalty per violation from \$1,500 to \$3,000 and the maximum penalty for 2 or more violations from \$3,000 to \$5,000, thereby, allowing more enforcement cases to be resolved utilizing the program.

Enforcement Division

Actions/Settlements for FY 2023

| Routine Enforcement Actions | |
|---|----------------|
| Media | Actions Issued |
| Air | 179 |
| SW | 86 |
| HW | 23 |
| Water | 241 |
| MM (including Air, SW, HW, and/or Water) | 56 |
| All Media (including UST and Radiation) | 633 |
| Settlement Assessments | |
| Settlements Finalized (All Media) | 91 |
| Cash Payment | \$1,941,382.17 |
| BEP (Beneficial Environmental Project) Amount | \$43,660.00 |

Water Enforcement Update

- **EPA National Enforcement and Compliance Initiative (NECI): Reducing Significant Non-Compliance (SNC) with National Pollutant Discharge Elimination System (NPDES) Permits**

The NECI spanned EPA FY2018 through FY2022 (and extended to FY2023).

The goal of the initiative was to cut the national FY2018 baseline SNC rate in half.

LDEQ reduced the state specific SNC rate from 23.5% to 11.7%.

The initiative concluded at the end of FY2023. However, it remains an important area for continued work. Ongoing coordination between EPA and states continue to further reduce SNC.

Water Enforcement Update

- LDEQ Wastewater Technical Assistance (TA) Opportunities
 - Through the Bipartisan Infrastructure Law (BIL), grant money from EPA Region 6 is providing TA to smaller disadvantaged communities.
 - In Louisiana, TA is provided by LRWA and Sustainability Design Solutions, LLC in coordination with DEQ and DOA.
 - At DEQ Clean Water State Revolving Fund (CWSRF) personnel coordinate efforts and assistance. This includes reaching out to Enforcement for applicant compliance information.

Water Enforcement Update

LDEQ Wastewater Technical Assistance (TA) Opportunities

Provides selected community wastewater systems with a system-wide assessment and evaluation, targeting the non-compliance issues

Provides a report including primary recommendation(s) and alternative(s) to reestablish compliance

- This report can aid the decision-makers in any necessary wastewater improvements planning, as well as be used as documentation for funding applications, as needed.

Air Enforcement Update

- AQ395-Part 70 State Revisions published on September 20, 2023.
- Highlights:
 - Permittees will be required to use the Department's Title V Semiannual Monitoring and Annual Compliance Certification forms.
 - Optional negative declaration for compliance.
 - Changes for referencing previously submitted reports in the semiannual reports
- Rules are aligned in preparation for the shift to electronic reporting.

Air Enforcement Update - Asbestos

- Highlights:
 - Proposed consolidation of current LAC 33:III.Chapters 27 and 51.
 - The Department has engaged with stakeholders to discuss the regulatory changes.

Hazardous Waste Enforcement Update

- LDEQ adopted the Hazardous Waste Generator Improvements Rule (HWGIR) on July 20, 2020. The HWGIR included several new requirements for generator of hazardous waste.
- LDEQ continues to see frequent non-compliance with several of these new requirements including, but not limited to:
 - labeling and marking of containers and tanks to clearly indicate the hazards of the hazardous waste contained inside
 - hazardous waste determination recordkeeping requirements
 - documentation of hazardous waste generator status

Hazardous Waste Enforcement Update

Closure Requirements for Large Quantity Generators

- The HWGIR also included new regulations requiring LQGs to meet closure standards for hazardous waste central accumulation areas (e.g., container storage areas and tanks).
- To provide assistance to the regulated community, LDEQ posted the “Closure of Central Accumulation Areas by Large Quantity Generators of Hazardous Waste” Guidance Document (a.k.a. “LQG Closure Guidance Document”) to the Hazardous Waste page on LDEQ’s public website on August 31, 2023.
 - <http://deq.la.gov/assets/docs/HazardousWaste/HWGIRLQGClosureGuidance08312023.docx>

Hazardous Waste Enforcement Update

Closure Requirements for Large Quantity Generators

- In summary, the guidance addresses:
 - Closure notification requirements
 - Closure activities
 - Closure for individual central accumulation areas
 - Closure of entire facilities
 - Operating record requirements for documentation of closure
 - Confirmatory sampling protocols
 - Closure performance standards
 - Alternate closure performance standards
 - LDEQ review and approval of closure reports

Hazardous Waste Enforcement Update

- On August 11, 2023, EPA published the ***Used Drum Management and Reconditioning Advance Notice of Proposed Rulemaking*** to help the Agency evaluate any future actions to address significant issues identified across the lifecycle of used containers.
 - EPA extended the comment period for the proposed rulemaking **November 22, 2023.**
- Potential future regulatory options under consideration by EPA could impact not only drum re-conditioners and end-of-life drum disposal, but generators of used drums that contained hazardous materials or hazardous wastes.

Hazardous Waste Enforcement Update

- Potential regulatory options under consideration for generators of used drums include, but are not limited to:
 - Reducing the “one-inch” regulatory limit for defining RCRA-empty containers.
 - Adding/Strengthening regulatory requirements for used drum generators to ensure all waste has been removed from containers using commonly employed practices.
 - Requiring used drum generators to track and/or keep records of shipments of empty drums.
 - Requiring drum labeling or other documentation conveying the hazard(s) posed by the drum residues.

Solid Waste Enforcement Update

Revisions to the Landfill Leachate Regulations

- The current regulations pertaining to landfill leachate management have often been difficult to interpret, implement, and enforce due to ambiguities and inconsistencies in the existing regulatory language.
- To address this issue, DEQ assembled a team to propose revisions to the landfill management regulations to establish and clarify procedures, standards, requirements, and records for the collection and control of leachate.
- The Department engaged with external stakeholders during the regulatory development process.

Solid Waste Enforcement Update

Revisions to the Landfill Leachate Regulations

- A regulatory development package was assembled and public noticed on May 20, 2023 and a public hearing was held on June 27, 2023.
- The public comment period ended on July 4, 2023. DEQ received 11 comments from 4 commenters regarding the proposed regulations.
- DEQ is currently finalizing its formal response to those comments.
- DEQ expects the final rule to be published in the Louisiana Register before the end of 2023.

Solid Waste Enforcement Update

Overview of Proposed Leachate Regulations

- The proposed changes target Type I and Type II non-hazardous solid waste landfill leachate collection systems.
- The changes require:
 - Additional inspections of the leachate system.
 - Repair and replacement of broken components in a timely manner and establish timelines for repair.
 - Documented leachate head measuring protocol and records demonstrating less than 12-inches of leachate above the lowest elevation of the leachate collection lines.
 - Actions to be taken when leachate head levels exceed 12-inches.

VOLUNTARY ENVIRONMENTAL SELF-AUDIT PROGRAM

Timeline

- August 1, 2021-Louisiana Revised Statute 30:2044 became effective mandating a voluntary environmental self-audit program be established
- June 20, 2023- OS101 Voluntary Environmental Self-Audit Regulations published
- July 27, 2023- public hearing conducted
- August 18, 2023-public comment period ended
- Tentative rule promulgation by late fall 2023

La. R.S. 30:2044

The regulations for a voluntary environmental self-audit shall provide the following:

- 1) Procedures for conducting voluntary environmental self-audits.
 - The procedures include violations that are not eligible for relief under the audit program.
- 2) Submission of the results of voluntary environmental self-audits to the department.
- 3) Incentives in the form of reduction or elimination, or both, of civil penalties for violations disclosed to the department in a voluntary environmental self-audit.
- 4) Corrective action for violations discovered as a result of a voluntary environmental self-audit.
- 5) Submission to the department of the plans to correct violations discovered during a voluntary environmental audit.
- 6) A fee for reviewing voluntary environmental self-audit reports and actions taken to correct the violations reported.

General Information

- The Environmental Self-Audit Section will be a part of the Enforcement Division.

Voluntary Environmental Self-Audit Regulations

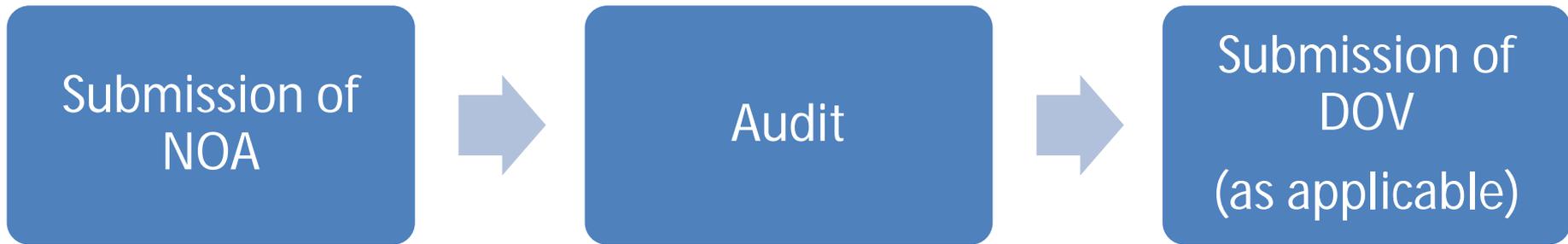
- Part I. Office of the Secretary
- Subpart 5. Voluntary Environmental Self-Audit Program (*new*)
- Chapter 70. Voluntary Environmental Self-Audit Regulations (*new*)

Voluntary Environmental Self-Audit Regulations

Sections

- Authority
- Purpose
- Definitions
- Exclusions
- Program Scope
- New Owner
- Fees
- Prescription

Program Scope/Process



NOA= Notice of Audit

DOV= Disclosure of Violation

Program Scope/Process



Conditions for Penalty Mitigation

1. Systematic discovery
2. Voluntarily disclosed
3. Prompt disclosure
4. Independent discovery
5. Correction and Remediation
6. Appropriate corrective actions to prevent recurrence
7. No repeat violations
8. Violation is not excluded
9. Cooperation

