Office of Environmental Compliance
2013 Update

Cheryl Sonnier Nolan
Assistant Secretary
October 29, 2013
Regulation Update
Asbestos Regulations

• Stakeholders requested clarification of various parts of Chapters 27 and 51

• Also requested language related to asbestos-contaminated debris (post-Katrina/Rita)

• Potpourri Notices for both revisions published Oct. 10, 2013 for changes pursuant to Public Comments. Hearing date is 11/25/2013.
Lead Statutes and Regulations

• Three Bills from 2012 Session
  – SB200 = Act 733
  – SB201 = Act 734
  – SB211 = Act 736

• Rules enacting this legislation were final on June 30, 2013
• Revisions are underway
• Preliminary drafts of Appendix D and Appendix G have been completed, and are posted on the DEQ website
• LDEQ is seeking input on revisions
• Intent is to allow input early in the process through informal comments
• The formal rule-making process will occur once draft revisions are completed
Ambient Air Monitoring Sites

• SO2 - The Additional monitor is installed and operational at Shreveport

• One Near Road NO2 Site - goal is to have the site up and running by 1/1/2014.
  – Currently working with DOTD to finalize the permit to begin setting up the site
  – Equipment has been purchased

• Ozone – by 05/31/2014 will have an additional site in Lafayette area. We are still working with EPA on the plan for this site.
Enforcement Update

- NetDMR
- Regional Compliance Orders
- Solid Waste Certification of Compliance
- Penalty Workgroup Update
- A Few Words About Settlements
NetDMR

• Electronic Reporting for DMR data
• NetDMR became available for use by states and regions on June 29, 2009, and was immediately implemented by LDEQ.
• Free hands-on training available from LDEQ
  – Next class - December 12 in Baton Rouge
• Webinar training also offered periodically by EPA
• Requiring NetDMR in enforcement actions to address noncompliance issues
Regional Compliance Orders

• 5 Standardized forms
  – 2 water
  – 1 waste tires
  – 1 illegal dumping & open burning
  – 1 UST

• Applicability determined in Regions by Circuit Rider, Regional Attorney and Regional Mgr

• Reviewed and signed Electronically
Regional Compliance Orders

• Provides instructions on how to request Closure of the Order
• Designed to address common, minor violations that can be addressed in a relatively short timeframe
• Goal to reduce the time frame from violation discovery to correction
• Implementation of pilot phase began in December 2012
Solid Waste Certification of Compliance

• First year that these are due
• Due by Oct 1
• Covers 07/01 through 06/30
• We are receiving and reviewing the certifications received
• Appropriate Enforcement will be initiated for instances of noncompliance
Penalty Workgroup Update

- Stakeholder group began meeting Dec 2012
- Statutory changes not pursued in 2013
- Draft regulations nearing completion
  - 15% increase of matrix values, except Major/Major
  - $100 still minimum of Minor/Minor
  - Clarifies that environment is considered as part of property for purposes of degree of risk
  - Allows DEQ the option to accept an affidavit stating Respondent has revenue to comply and pay fine
Penalty Workgroup Update

- XP regulations

1. Drafting new violations for consideration as XP

2. Will be updating penalty amounts after matrix is revised to be consistent with categories.
A Few Words About Settlements

• A Settlement is a type of Enforcement Action
• Settlements are part of a Respondent’s Compliance History
• Settlements do resolve outstanding violations
• Settlements are discretionary
• BEPs are voluntary
A Few Words About Settlements

• Continuing to work with IT to establish an online BEP library

• Looking at how to recoup costs that the department (mainly Legal) incurs after an offer has been accepted

• Considering cost-effectiveness and timeliness of settlements to resolve certain enforcement actions in lieu of issuing a penalty
Other Ongoing OEC Activities

- Hurricane Activities
  - Katrina
  - Isaac
- BP
- Bayou Corne
- Lawtell Train Derailment
- DHH Drinking Water Task Force
OEC Personnel Changes

• Inspection Division Administrator
  – Tom Killeen

• Assessment Division Administrator
  – Evita Lagard

• Regional Manager – ARO/SWRO
  – Billy Eakin

• Emergency Response Manager
  – Bryan Riche
OEC Personnel Changes

- Water Enforcement Manager
  - Angela Marse
- Waste Enforcement Manager
  - Nicole Anthony
- Waste Enforcement DCL B
  - Craig Easley
OEC Personnel Changes

• Enforcement Database DCL B
  – Keith Jordan

• Inspection Eng 6 DCL
  – Yanfu Zhao

• Supervisor Water Enforcement/PCU
  – Kathy Huddle
Contacts

• [cheryl.nolan@la.gov](mailto:cheryl.nolan@la.gov) 225-219-3710
  • Inspection Division
    – [Tom.killeen@la.gov](mailto:Tom.killeen@la.gov) 225-219-3615
  • Enforcement Division
    – [Celena.cage@la.gov](mailto:Celena.cage@la.gov) 225-219-3715
  • Assessment Division
    – [Evita.Lagard@la.gov](mailto:Evita.Lagard@la.gov) 225-219-3550
  • UST and Remediation Division
    – [Tom.harris@la.gov](mailto:Tom.harris@la.gov) 225-219-3536
Questions?