

In The Matter Of:
STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL

BOARD MEETING
December 7, 2018

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STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL

The BOARD MEETING, taken at Patterson Civic Center, 116 Cotton Road, Patterson, Louisiana 70392, beginning on or about 10:00 a.m. on the 7th day of December, 2018.

APPEARANCES:

- GARY BONVILLAIN
- DR. RICARDO C. DE ALBREU
- HENRY LAGRANGE
- MIA TOWNSEL
- TROY E. BARBER
- JASON CREEL

1 MR. BONVILLAIN: We're called a meeting
2 of Board of Certification of training and
3 operators to order December 7, 2018, 10:00
4 a.m. Okay. Ms. Suzanne, can we have the
5 roll call please?

6 Okay, we do have a form. Y'all received
7 a copy of the minutes via email from the
8 October 9th meeting. Are there any
9 corrections to those minutes? A move from
10 Mr. Barber. A second from Mr. Creel that we
11 approve the minutes of the October 9th
12 meeting. Are there any objections to the
13 motion? Here now the motion passes.

14 Next order of business is to issue
15 certificates to our new board member, Mr. -
16 Dr. Ricardo deAbreu. Almost as bad as mine.
17 Historically what we do is when we have a new
18 board member that is not certified that we
19 grant the certification in all nine classes
20 to the new board member level A. Do I hear a
21 motion to that affect? Moved by Mr. Barber.
22 Second by Ms. Henry. Any objection to the
23 motion? A hearing under the motion passes.
24 Ricardo, you are now fully certified.

25 In consideration of operator

1 certifications. First step we have William
2 Steveson, C&D Level B. Any comments on Mr.
3 Steveson?

4 Mr. Barber: Level B for two years?

5 Mr. Bonvillain: Two years.

6 Mr. Barber: Ending in January?

7 Mr. Barber: We can go ahead and approve
8 it.

9 Mr. Bonvillain: We can approve it pending
10 the completion of two years in January. Do
11 you like to make a motion to that effect?

12 Mr. Barber: I do. I make a motion that
13 we approve this application pending his -
14 completing his experience on 1-19-18.

15 Mr. Bonvillain: 19. Is there a second to
16 the motion? Second by Mr. Lagrange. Any
17 objection to the motion? No objection, the
18 motion passes.

19 Okay. Request for conditionals. Earl
20 Foster, C&D Level B Lincoln Parish Landfill
21 replacing Bruce McGee. Let's do this. Let's
22 take the first and the last one, and the 108
23 we'll take that separately. Okay. So, the
24 other one would be David Woodson, Landfill
25 Level B St. Landry Parish Landfill replacing

1 Wilfred Thomas.

2 Mr. Barber: Our promotion to grant both
3 of these conditionals based on the fact that
4 they are replacing a previous operator.

5 Mr. Bonvillain: Okay. Motion for Mr.
6 Barber. Second by Dr. deAbreu. Any
7 objections to the motion? Hearing under, the
8 motion passes. Okay.

9 Next, we have Trio from 108 Disposal.

10 Mr. Barber: I don't have to tell y'all I
11 have a problem with this.

12 Mr. Bonvillain: That's why I suggested we
13 handle that trio separately. Let's see.
14 Donald Pettefer. He's the owner? He's got a
15 letter in here. I'm sure y'all have read the
16 letter. He's asking for conditionals for
17 himself and Brandon Murray, and Simeon
18 LeBleu. And I believe these are all
19 replacing conditional operators. As you
20 know, the regulations said to get a
21 conditional, you have to be replacing a
22 regular certified operator, unless the board
23 chooses to grant an exemption.

24 Mr. Barber: You want me to go ahead and
25 get on my soap opera?

1 Mr. Bonvillain: Go ahead, and get on your
2 soap opera, Troy.

3 Mr. Barber: It's not this board's
4 responsibility to make sure facilities are
5 certified. It's this board's responsibility
6 to make sure that they have qualified people
7 to meet the certifications. My opinion that
8 a guy just buys a company is not qualified to
9 be an A Level in charge operator at a
10 facility. And, you know, I think it's time
11 for this board to start sending a message to
12 everybody that we are not going to just hand
13 out these certifications so they will be in
14 compliance with the EQ. I mean the EQ is
15 depending on this board to tell them whether
16 or not these people are qualified. That's
17 why we have these applications. There's
18 nothing in this guy's that leads me to
19 believe he's qualified to operate this
20 landfill as an A Level operator, conditional
21 or otherwise.

22 Mr. Lagrange: He did attend the last two
23 workshops. He worked for a construction
24 company for 4 years prior to that. Although
25 the work detail is not necessarily in

1 operating equipment.

2 Mr. Barber: It looks like to me he
3 was a safety guy, ordering parts or something
4 like that. I mean if we're not careful as a
5 board, we'll send a message back. These
6 things continue to happen, and we'll continue
7 to have facilities out there that have people
8 who are unqualified to operate a facility.
9 And, you know, I think we just had one may be
10 last year that was very similar to this.

11 Mr. Creel: Was it this one?

12 Ms. Bordelon: It was this one. This is
13 the one that required these operators to do
14 - we did a three month conditional with
15 them, and then upon, did some online
16 training. And then, we gave them -

17 Mr. Barber: - Excuse me. Mia, wasn't
18 that - didn't we get a letter - maybe Gary,
19 you had meeting with Brown about that
20 particular one that may be even that there
21 would be come communication between this
22 board and DEQ that they do some follow-up
23 inspections of the facility, that particular
24 facility?

25 Mr. Bonvillain: Correct. Dr. Riley called

1 me up to go meet with him, and he questioned,
2 and I believe it was this particular
3 facility, about the board granting the
4 conditionals that we granted. And basically
5 what I told him is the board looked at the
6 applications of the individuals involved, and
7 felt that they would be adequately operate a
8 facility, and therefore, granted the
9 conditional. But, you know, requested that
10 the DEQ do more frequent inspections than
11 normal just to be on the safe side.

12 Mr. Creel: I got a question. I kind of
13 looked at all the applications together, and
14 I'm looking at Brandon Murray. He says he's
15 been there since September of 17. Is that a
16 mistype or?

17 Mr. Bonvillain: That would be about right
18 because it was sometime last year.

19 Mr. Creel: Brandon Murray was previously
20 issued a conditional for that site?

21 Ms. Bordelon: No.

22 Mr. Creel: So he's saying he's been
23 working there since 17 though.

24 Mr. Bonvillain: Yeah. He evidently did
25 not have a certificate, but he's been working

1 there. He did not have a certificate.

2 Mr. Creel: Okay. Previous to that, he
3 had some time at the construction operating
4 equipment. I'm just trying to piece all this
5 together because Mr. Barber's comments and
6 the chairman's comments about the decision is
7 to and our charge of determining if these
8 applicants would have the capability to
9 operate the facility. So I think in this
10 particular case, I think you have to look at
11 the whole group to see if their experience
12 that they do have would be that charge, and
13 you're right, Mr. Barber, that we have to -
14 you said about setting the president, and I
15 think we already have set the president
16 because we have issued this type of condition
17 in the past, so I think that's something we
18 need to consider. I'm looking at it from
19 that perspective, and I think the other guy
20 Brandon Murray and LeBleu looking at his
21 working experience, you know, he's had work
22 in construction and operating equipment and
23 so forth. So, the two gentlemen who have
24 applied for a conditional, these, based on
25 their previous construction experience for

1 me, I feel comfortable that they would know
2 what they doing in having that. So then, it
3 comes down to the gentleman that applied for
4 the conditional A.

5 Mr. Barber: We kind of jumping from the A
6 to the B. I'm totally in agreement with you.
7 It looks like this guy Brandon is gonna be
8 eligible for a regular certification by
9 September of next year, so he's only a few
10 months away from getting ready for - so I
11 got no problem with that. I just got a
12 problem with the guy sitting at the top that
13 don't have any experience, and we're gonna
14 give him an A Level. Which when we give him
15 an A Level conditional certification, and DEQ
16 goes out there and does an inspection, they
17 look. They see an A Level, and they see that
18 they're confident that a board has reviewed
19 this, and agreed that this guy is worthy of
20 holding an A Level certification to operate
21 this facility, and to me, we're failing. If
22 we give this guy an A Level certification,
23 we're failing the whole system. I'll give
24 him a conditional B way before I give him a
25 conditional A. I mean, you gotta crawl

1 before you walk, and we're trying to make
2 this man in charge and make this man the guy
3 that is the go to and suppose to have all the
4 knowledge, and he don't.

5 Mr. Lagrange: I have question. Has he
6 taken the test, the exam?

7 Ms. Bordelon: No.

8 Mr. Bonvillain: Okay. So when he bought
9 the facility, he got rid of his A operator,
10 Keith Dagal?

11 Ms. Bordelon: No. I think - I believe
12 Keith was still there.

13 Mr. Bonvillain: Well, he says he's
14 replacing Keith Dagal, but he's got no
15 termination date.

16 Ms. Bordelon: Right. Because Keith is
17 still under a conditional.

18 Mr. Bonvillain: If Keith Dagal is still
19 there, then he does not qualify, even if
20 Keith was a regular certified operator, he
21 would not qualify for a conditional based on
22 replacing him because he is still there.

23 Mr. Lagrange: But he's saying he's
24 replacing Keith.

25 Mr. Bonvillain: Yeah. But she is saying

1 Keith Dagal is still there.

2 Mr. Lagrange: And he's a what?

3 Mr. Bonvillain: Keith is a conditional A.

4 Mr. Lagrange: So they have a conditional
5 A, if you're saying this is correct. Then he
6 is also saying he has Kenneth Newman, who is
7 a current operator in the conditional B there
8 as well.

9 Mr. Barber: I mean this is like - if
10 they still have a conditional A, I don't see
11 the need to award another conditional A.

12 Ms. Bordelon: No. I think Mr. Dagal is
13 leaving once.

14 Mr. Barber: And I'm not certain about
15 this. I was thinking Dagal was the owner.

16 Ms. Bordelon: He was.

17 Mr. Barber: So, he's sold it now, and he
18 is not longer the owner. Now, there may be a
19 transition period that he is still there. If
20 that's the case, then they got an A Level.

21 Mr. Bonvillain: And the other thing to
22 is, I mean, the new owner could make a deal
23 with Mr. Dale to be his Level A operator
24 until the new owner meets his requirement.

25 Mr. Creel: And that's the bottom line, if

1 you're not qualified, you're not qualified.

2 That's it, sorry.

3 Mr. Bonvillain: Okay. Let's do this.

4 Let's take the two request for B Level
5 conditionals.

6 Mr. Creel: Are the other two conditionals
7 still there? One is there. So he can't
8 replace that one until the other one -

9 Mr. Bonvillain: - Technically, he's got
10 them both replacing one guy that was the
11 conditional, okay? So under the regulations,
12 they don't automatically get the conditional,
13 okay? The board has the authority to grant
14 the conditionals if you feel that these
15 individuals are qualified to do the job.

16 Mr. Lagrange: Based on the two
17 applications prior construction experience,
18 Mr. Chairman, I would like to move to grant a
19 conditional to grant Murray, Simeon and
20 LeBleu.

21 Mr. Bonvillain: Okay. Got a motion from
22 Mr. Lagrange. Is there a second?

23 Mr. Creel: Can we grant Mr. Murray a
24 regular certification?

25 Mr. Bonvillain: He will qualify in what,

1 September of next year. Okay. We got a
2 motion from Mr. Lagrange to grant the
3 conditionals for the two B Levels for Murray
4 and LeBleu. Is there a second to the motion?
5 Second from Dr. deAbreu. Okay. We got a
6 motion in the second. Is there any objection
7 to the motion? Okay. We are hearing no
8 objection. The motion passes. Now in
9 regards to the request for the conditional A
10 for Donald Pettefer. Do I hear a motion to
11 grant or deny?

12 Mr. Lagrange: Chairman, I move to deny
13 the application.

14 Mr. Bonvillain: Okay. Motion from Mr.
15 Lagrange to deny the application. Second
16 from Mr. Barber. Is there any objection to
17 the motion? Hearing none, the motion passes.

18 Mr. Lagrange: Mr. Chairman, please note
19 for the record the reason for denial is that
20 there is still currently a Level A
21 conditional license on site. Not a hardship
22 for that.

23 Mr. Bonvillain: Okay. So those are taken
24 care of. Next item is the extension of the
25 conditional, Dennis Gibson C&D Level A Vernon

1 Parish C & D. It says first extension
2 request. He attended a workshop in
3 Shreveport and Lake Charles, and passed the
4 test on October 9th.

5 Mr. Lagrange: I move, Mr. Chairman.

6 Mr. Bonvillain: Motion moved by Mr.
7 Lagrange. Is there a second to the motion to
8 grant the extension? Second by Mr. Creel.
9 Any objection to the motion? Hearing none,
10 the motion passes. Okay. Ms. Bordelon
11 handed out an additional application that she
12 just got yesterday. It's on a Charles Titus
13 for Cadiana Landfill. He's requesting a
14 conditional Level A for Mr. Titus. Ms.
15 Bordelon, you wanna explain the situation
16 here?

17 Ms. Bordelon: Yes. Mr. Day called me
18 yesterday, and his situation with he's got
19 himself - he, himself is Level A operator.
20 He's got one other operator that is also a
21 Level A which is Nathan Johnson. He
22 explained to me that his reason for asking
23 for a conditional for this guy that has been
24 there since October is that he's been having
25 personal issues with Mr. Johnson, and is

1 considering terminating his employment. So,
2 that is the reason for the request for a
3 conditional for this operator so he can have
4 another operator there in the event he needs
5 to terminate Mr. Johnson.

6 Mr. Barber: That brings up an interesting
7 question. The provisions that we normally
8 think about is a person decreased or retired
9 or fired or quit. But prior to, does this
10 owner of the facility have the right to
11 request a conditional on somebody that is
12 still there?

13 Mr. Bonvillain: I'm not gonna use to word
14 right, but he certainly can ask for it. That
15 doesn't mean we have to grant it.

16 Mr. Barber: Who owns it? Does he own it
17 or does the guy who has the certification own
18 it?

19 Mr. Bonvillain: The guy that owns it is
20 certified. They got two. The guy that owns
21 it is certified Level A, and the other guy
22 that he's thinking about getting rid of,
23 Johnson, is also Level A certified.

24 Mr. Barber: That's my question. Does it
25 belong to Johnson or does it belong to his

1 employer?

2 Mr. Bonvillain: It belongs to Johnson.

3 Mr. Barber: If it belongs to Johnson,
4 then how do we grant it? Because what if
5 Johnson wants to take that certification, and
6 go work for me in Tangibihoe at the Landfill?

7 Mr. Bonvillain: He can do that, okay?
8 That does not prevent you from granting a
9 conditional to replace him at that facility.

10 Mr. Lagrange: Remember a conditional is
11 just at that facility.

12 Mr. Barber: So this doesn't do anything
13 to Johnson certification?

14 Mr. Bonvillain: No. It does not do
15 anything to his certification.

16 Mr. Barber: I don't think we've ever had
17 that circumstance come up. Let me just say
18 one other thing in defense of the owner. I
19 admire him for lining his ducks up and
20 getting these things done before there is a
21 problem. I'm gonna offer a motion to grant
22 it.

23 Mr. Bonvillain: Okay. Let me ask you a
24 question. What if he doesn't fire him?

25 Mr. Lagrange: Mr. Chairman, I would like

1 to amend that motion. I move that we grant
2 the conditional upon receiving proof that Mr.
3 Johnson is no longer employed at this
4 facility.

5 Mr. Barber: I'm good with that.

6 Mr. Bonvillain: Would you like to offer
7 that as a substitute motion?

8 Mr. Lagrange: Yes, sir. I would.

9 Mr. Barber: And I'll second it.

10 Mr. Bonvillain: We have a motion by Mr.
11 Lagrange and a second by Mr. Barber that we
12 grant the conditional to Mr. Titus upon proof
13 that Nathan Johnson has been terminated. Are
14 they any objections to the motion?

15 Mr. Lagrange: Mr. Chairman, can we say no
16 longer employed there?

17 Mr. Bonvillain: I said terminated.
18 That's the same thing, huh? It's your
19 motion, however you want to word it.

20 Mr. Lagrange: What if he quits on his
21 own?

22 Mr. Bonvillain: That's still a
23 termination. Make that motion read no longer
24 employed. Is there any objection to the
25 motion? Hearing none, the motion passes.

1 Okay. Issuing of operators certificates. Do
2 we have any certificates to issue? No?
3 Okay. We approved the one application
4 evidently he has not taken the test yet. So,
5 there are no certificates to issue.

6 Committee Reports. Awards, Mr. Hylton is
7 not here.

8 Mr. Lagrange: Did we skip
9 recertification?

10 Mr. Bonvillain: Do I have any
11 recertifications? Okay. I'm sorry. I
12 didn't see it.

13 Recertification applications are Rondell
14 Bastiste, Landfill, Level B River Birch;
15 Kenneth Sanchez, C&D, Level B, Separation,
16 Level B Gator Environmental; Fred Williams,
17 Landfill, Level A all facilities, retired;
18 John "Bubba" Wynn, Landfill, Level A all
19 facilities, Mikeebo Landfill and Wynco
20 Environmental Services. They have met their
21 requirements, as far as, training hours. Is
22 their a motion to approve the
23 recertifications? Motion by Mr. Lagrange.
24 Second by Doc. Is there any objection to the
25 motion? Hearing none, the motion passes.

1 Okay.

2 Now committee reports. Awards, Mr.
3 Hylton is not here. Testing, Mr. Lagrange.
4 Evidently we don't have any testing that took
5 place. Continuing education, Troy.

6 Mr. Barber: Nothing to report, sir.

7 Mr. Bonvillain: Nominating committee, Ms.
8 Henry.

9 Ms. Henry: To my knowledge there is
10 nothing to report.

11 Mr. Bonvillain: Okay. Is there any other
12 business someone needs to bring up?

13 Mr. Creel: I'm still confused on One Way
14 Disposal. So on August 30, 2018, Mr. Dagal
15 was there with a conditional license?

16 Mr. Bonvillain: Correct.

17 Mr. Creel: Also, Mr. Newman and Mr. Basil
18 were there under a conditional B license?

19 Mr. Bonvillain: Yeah.

20 Mr. Creel: Okay. So, this was purchased
21 on 9-1 according to the website. So,
22 according to Mr. Pettefer, who bought this
23 and applied for a conditional license, based
24 on a conditional, which we denied. He also
25 says in his letter that Newman is gonna

1 remain on site with a conditional B license.
2 And he also requested that Mr. Murray and Mr.
3 LeBleu receive conditional license based on
4 Mr. Basin one conditional license. So, he's
5 getting two for one.

6 Mr. Bonvillain: Basically, yeah.

7 Mr. Creel: I wanted to make sure.

8 Mr. Bonvillain: And basically what has
9 happened is they looked at the two
10 applications, and based on their work history
11 that they qualified to get a conditional, not
12 because they are replacing Basin because he
13 was a conditional himself. But based on the
14 experience they had, the members felt that
15 these people were qualified to be able to
16 operate the facility. And really it's not
17 because they are replacing Basin, because he
18 was just a conditional himself. Okay, any
19 other business?

20 Any public comments from our big public
21 out there?

22 Mr. Williams: I would like to wish our
23 board a Merry Christmas.

24 Mr. Bonvillain: Do I hear a motion to
25 adjourn? Moved by Ms. Henry. Second by Mr.

1 Barber. Any objections to the motion?

2 Hearing none, the motion passes.

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6 (WHEREUPON THE MEETING CONCLUDED)

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