

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

and ESCAMBIA COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

CASE NO.: 2006-CA-1207

Intervenor,

vs.

LOUISIANA INVESTMENT GROUP, L.L.C.,

Defendant.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION'S
FOURTH MOTION FOR CONTEMPT**

Plaintiff, State of Florida Department of Environmental Protection ("Department"), by and through its undersigned attorney, moves this Court to enter an order finding LOUISIANA INVESTMENT GROUP, L.L.C. ("LIG") to be in contempt of court for failing to comply with this Court's Order for Contempt and Order granting an extension of time ("Orders"). As grounds for this motion the Department states as follows:

1. This Court entered an Order for Contempt on January 3, 2007, requiring LIG to complete the tasks listed in the Saufley Landfill Critical Path Chart by April 30, 2007, and to control odors, hydrogen sulfide gas, and particulate matter by whatever means and methods are necessary.
2. This Court entered an Order on April 30, 2007 extending LIG's time to comply with the Contempt Order until May 6, 2007.
3. This Court entered an Order Imposing Contempt Sanctions on June 11, 2007 assessing the following progressive punitive fines against LIG:

a. Commencing on May 7, 2007, LIG shall pay a progressive punitive fine starting at \$100.00 per day, and increasing by \$100.00 per day for each day that LIG fails to cover the facility, until such time as the fine may reach \$10,000.00 per day. Thereafter the fine will remain at \$10,000.00 per day until the work is completed. The fine will stop accruing when the Department certifies that LIG has placed two feet of cover on the facility.

b. After the facility has been covered in accordance with Paragraph C, LIG shall pay a punitive fine of \$1,000.00 per day for each day that it fails to have the completed stormwater management system in place. The stormwater management system shall be constructed in accordance with the updated closure plan, which was submitted to the Department on February 5, 2007.

4. LIG submitted certification to the Department demonstrating that the cover was applied in accordance with the Order on July, 11, 2007. The contempt fines for failure to cover the facility total \$74,100.00.¹ A spreadsheet tallying the fines is attached hereto as Exhibit A.

5. LIG has failed to comply with this Court's Orders, in that Defendant has not completed the construction of the stormwater management system in accordance with the updated closure plan. The contempt fines for failure to have the stormwater management system in place began accruing on July 11, 2007, and continue to accrue at \$1,000.00 per day. As of the date of this motion, the contempt fines for failure to have the completed stormwater management system in place total \$51,000.00.²

6. On July 26, 2007, LIG submitted documents to the Department entitled "Closure Report for the Saufley Landfill." The Department reviewed the documentation that LIG submitted

¹ The Department has subtracted 10 rain days from this calculation. For purposes of this motion, a rain day is a day on which precipitation is greater than or equal to 0.05 inches.

² The Department has subtracted 18 rain days from this calculation. For purposes of this motion, a rain day is a day on which precipitation is greater than or equal to 0.05 inches.

and concluded that the stormwater management system does not comply with the Department's stormwater rules. The Department requested additional information by letter dated August 1, 2007.

A copy of this letter is attached hereto as Exhibit B. To date, LIG has not responded.

WHEREFORE, the Department respectfully requests that this Court enter an Order:

- A. Finding Defendant in civil contempt of this Court.
- B. Ordering Defendant to complete the construction of the stormwater management system and to provide the Department with the information requested in the Department's August 1, 2007 letter to LIG that demonstrates that the stormwater management system is in compliance with the Order.
- C. Awarding the Department the civil contempt fines that have accrued to date.
- D. Directing the Sheriff of this State to confine Brennon Vinet in the Escambia County Jail until he purges the civil contempt by complying with the Order.
- E. Ordering Defendant to pay the Department's costs and attorney's fees.

Respectfully submitted this 16th day of October, 2007.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Steve Bowden, Esq., 4502 Twin Oaks Drive, Pensacola, Florida, 32506, and Charles V. Pepler, 221 Palafox Place, Suite 430, Pensacola, Florida 32502 by facsimile and U.S. Mail on this 16th day of October 2007.



Karen Bishop
Senior Assistant General Counsel

Sautley Contempt Fines

No. Days	Pay Date	Total Penalty to Date	Total Amount Progressive Penalty	Stormwater Management Fee Paid	No Work Due Yes/No	No Work Due to Rain Yes/No	Has Two Feet of Cover Been Completed?	Is Stormwater Management System Complete?
1	Monday, May 07, 2007	\$ 100.00	\$ 100.00	\$ -	No	-	No	No
2	Tuesday, May 08, 2007	\$ 300.00	\$ 300.00	\$ -	No	-	No	No
3	Wednesday, May 09, 2007	\$ 600.00	\$ 600.00	\$ -	No	-	No	No
4	Thursday, May 10, 2007	\$ 1,000.00	\$ 1,000.00	\$ -	No	-	No	No
5	Friday, May 11, 2007	\$ 1,500.00	\$ 1,500.00	\$ -	No	-	No	No
6	Saturday, May 12, 2007	\$ 1,500.00	\$ 1,500.00	\$ -	Yes	-	No	No
7	Sunday, May 13, 2007	\$ 1,500.00	\$ 1,500.00	\$ -	Yes	-	No	No
8	Monday, May 14, 2007	\$ 2,100.00	\$ 2,100.00	\$ -	No	-	No	No
9	Tuesday, May 15, 2007	\$ 2,800.00	\$ 2,800.00	\$ -	No	-	No	No
10	Wednesday, May 16, 2007	\$ 2,800.00	\$ 2,800.00	\$ -	No	Yes	No	No
11	Thursday, May 17, 2007	\$ 3,600.00	\$ 3,600.00	\$ -	No	-	No	No
12	Friday, May 18, 2007	\$ 4,500.00	\$ 4,500.00	\$ -	No	-	No	No
13	Saturday, May 19, 2007	\$ 4,500.00	\$ 4,500.00	\$ -	Yes	-	No	No
14	Sunday, May 20, 2007	\$ 4,500.00	\$ 4,500.00	\$ -	Yes	-	No	No
15	Monday, May 21, 2007	\$ 5,500.00	\$ 5,500.00	\$ -	No	-	No	No
16	Tuesday, May 22, 2007	\$ 6,600.00	\$ 6,600.00	\$ -	No	-	No	No
17	Wednesday, May 23, 2007	\$ 7,800.00	\$ 7,800.00	\$ -	No	-	No	No
18	Thursday, May 24, 2007	\$ 9,100.00	\$ 9,100.00	\$ -	No	-	No	No
19	Friday, May 25, 2007	\$ 10,500.00	\$ 10,500.00	\$ -	No	-	No	No
20	Saturday, May 26, 2007	\$ 10,500.00	\$ 10,500.00	\$ -	Yes	-	No	No
21	Sunday, May 27, 2007	\$ 10,500.00	\$ 10,500.00	\$ -	Yes	-	No	No
22	Monday, May 28, 2007	\$ 12,000.00	\$ 12,000.00	\$ -	No	-	No	No
23	Tuesday, May 29, 2007	\$ 13,600.00	\$ 13,600.00	\$ -	No	-	No	No
24	Wednesday, May 30, 2007	\$ 13,600.00	\$ 13,600.00	\$ -	No	Yes	No	No
25	Thursday, May 31, 2007	\$ 15,300.00	\$ 15,300.00	\$ -	No	-	No	No
26	Friday, June 01, 2007	\$ 17,100.00	\$ 17,100.00	\$ -	No	-	No	No
27	Saturday, June 02, 2007	\$ 17,100.00	\$ 17,100.00	\$ -	Yes	-	No	No
28	Sunday, June 03, 2007	\$ 17,100.00	\$ 17,100.00	\$ -	Yes	-	No	No
29	Monday, June 04, 2007	\$ 17,100.00	\$ 17,100.00	\$ -	No	Yes	No	No
30	Tuesday, June 05, 2007	\$ 19,000.00	\$ 19,000.00	\$ -	No	-	No	No
31	Wednesday, June 06, 2007	\$ 21,000.00	\$ 21,000.00	\$ -	No	-	No	No
32	Thursday, June 07, 2007	\$ 23,100.00	\$ 23,100.00	\$ -	No	-	No	No

Saulfey Contempt Fines

No. Days	Pay Date	Total Penalty to Date	Total Assessed Progressive Penalty	Stopwater's Total Penalty	No. Wet Days W/Weekend	No. Wet Days Rain	Has To Cover Been Completed?	Stopwater Management System Complete?
33	Friday, June 08, 2007	\$ 25,300.00	\$ 25,300.00	\$ -	No	-	No	No
34	Saturday, June 09, 2007	\$ 25,300.00	\$ 25,300.00	\$ -	Yes	Yes	No	No
35	Sunday, June 10, 2007	\$ 25,300.00	\$ 25,300.00	\$ -	Yes	-	No	No
36	Monday, June 11, 2007	\$ 27,600.00	\$ 27,600.00	\$ -	No	-	No	No
37	Tuesday, June 12, 2007	\$ 27,600.00	\$ 27,600.00	\$ -	No	Yes	No	No
38	Wednesday, June 13, 2007	\$ 30,000.00	\$ 30,000.00	\$ -	No	-	No	No
39	Thursday, June 14, 2007	\$ 32,500.00	\$ 32,500.00	\$ -	No	-	No	No
40	Friday, June 15, 2007	\$ 35,100.00	\$ 35,100.00	\$ -	No	-	No	No
41	Saturday, June 16, 2007	\$ 35,100.00	\$ 35,100.00	\$ -	Yes	-	No	No
42	Sunday, June 17, 2007	\$ 35,100.00	\$ 35,100.00	\$ -	Yes	-	No	No
43	Monday, June 18, 2007	\$ 35,100.00	\$ 35,100.00	\$ -	No	Yes	No	No
44	Tuesday, June 19, 2007	\$ 35,100.00	\$ 35,100.00	\$ -	No	Yes	No	No
45	Wednesday, June 20, 2007	\$ 37,800.00	\$ 37,800.00	\$ -	No	-	No	No
46	Thursday, June 21, 2007	\$ 40,600.00	\$ 40,600.00	\$ -	No	-	No	No
47	Friday, June 22, 2007	\$ 43,500.00	\$ 43,500.00	\$ -	No	-	No	No
48	Saturday, June 23, 2007	\$ 43,500.00	\$ 43,500.00	\$ -	Yes	-	No	No
49	Sunday, June 24, 2007	\$ 43,500.00	\$ 43,500.00	\$ -	Yes	-	No	No
50	Monday, June 25, 2007	\$ 46,500.00	\$ 46,500.00	\$ -	No	-	No	No
51	Tuesday, June 26, 2007	\$ 49,600.00	\$ 49,600.00	\$ -	No	-	No	No
52	Wednesday, June 27, 2007	\$ 52,800.00	\$ 52,800.00	\$ -	No	-	No	No
53	Thursday, June 28, 2007	\$ 56,100.00	\$ 56,100.00	\$ -	No	-	No	No
54	Friday, June 29, 2007	\$ 59,500.00	\$ 59,500.00	\$ -	No	-	No	No
55	Saturday, June 30, 2007	\$ 59,500.00	\$ 59,500.00	\$ -	Yes	Yes	No	No
56	Sunday, July 01, 2007	\$ 59,500.00	\$ 59,500.00	\$ -	Yes	-	No	No
57	Monday, July 02, 2007	\$ 59,500.00	\$ 59,500.00	\$ -	No	Yes	No	No
58	Tuesday, July 03, 2007	\$ 59,500.00	\$ 59,500.00	\$ -	No	Yes	No	No
59	Wednesday, July 04, 2007	\$ 63,000.00	\$ 63,000.00	\$ -	No	-	No	No
60	Thursday, July 05, 2007	\$ 63,000.00	\$ 63,000.00	\$ -	No	Yes	No	No
61	Friday, July 06, 2007	\$ 66,600.00	\$ 66,600.00	\$ -	No	-	No	No
62	Saturday, July 07, 2007	\$ 66,600.00	\$ 66,600.00	\$ -	Yes	Yes	No	No
63	Sunday, July 08, 2007	\$ 66,600.00	\$ 66,600.00	\$ -	Yes	-	No	No
64	Monday, July 09, 2007	\$ 70,300.00	\$ 70,300.00	\$ -	No	-	No	No

Saulfley Contempt Fines

No. Days	Day/Date	Total Penalty To Date	Total Amount Paid	Sum of Penalties	No. Violations	No. Violations Due to Rain	Has a Protective Order Been Completed?	Stomach Management System Complete?
65	Tuesday, July 10, 2007	\$ 74,100.00	\$ 74,100.00	\$ -	No	-	No	No
66	Wednesday, July 11, 2007	\$ 74,100.00	\$ 74,100.00	\$ -	No	Yes	No	No
67	Thursday, July 12, 2007	\$ 75,100.00	\$ 74,100.00	\$ 1,000.00	No	-	Yes	No
68	Friday, July 13, 2007	\$ 76,100.00	\$ 74,100.00	\$ 2,000.00	No	-	Yes	No
69	Saturday, July 14, 2007	\$ 76,100.00	\$ 74,100.00	\$ 2,000.00	Yes	Yes	Yes	No
70	Sunday, July 15, 2007	\$ 76,100.00	\$ 74,100.00	\$ 2,000.00	Yes	Yes	Yes	No
71	Monday, July 16, 2007	\$ 76,100.00	\$ 74,100.00	\$ 2,000.00	No	Yes	Yes	No
72	Tuesday, July 17, 2007	\$ 77,100.00	\$ 74,100.00	\$ 3,000.00	No	-	Yes	No
73	Wednesday, July 18, 2007	\$ 78,100.00	\$ 74,100.00	\$ 4,000.00	No	-	Yes	No
74	Thursday, July 19, 2007	\$ 79,100.00	\$ 74,100.00	\$ 5,000.00	No	-	Yes	No
75	Friday, July 20, 2007	\$ 79,100.00	\$ 74,100.00	\$ 5,000.00	No	Yes	Yes	No
76	Saturday, July 21, 2007	\$ 79,100.00	\$ 74,100.00	\$ 5,000.00	Yes	-	Yes	No
77	Sunday, July 22, 2007	\$ 79,100.00	\$ 74,100.00	\$ 5,000.00	Yes	-	Yes	No
78	Monday, July 23, 2007	\$ 79,100.00	\$ 74,100.00	\$ 5,000.00	No	Yes	Yes	No
79	Tuesday, July 24, 2007	\$ 79,100.00	\$ 74,100.00	\$ 5,000.00	No	Yes	Yes	No
80	Wednesday, July 25, 2007	\$ 80,100.00	\$ 74,100.00	\$ 6,000.00	No	-	Yes	No
81	Thursday, July 26, 2007	\$ 80,100.00	\$ 74,100.00	\$ 6,000.00	No	Yes	Yes	No
82	Friday, July 27, 2007	\$ 81,100.00	\$ 74,100.00	\$ 7,000.00	No	-	Yes	No
83	Saturday, July 28, 2007	\$ 81,100.00	\$ 74,100.00	\$ 7,000.00	Yes	-	Yes	No
84	Sunday, July 29, 2007	\$ 81,100.00	\$ 74,100.00	\$ 7,000.00	Yes	-	Yes	No
85	Monday, July 30, 2007	\$ 82,100.00	\$ 74,100.00	\$ 8,000.00	No	-	Yes	No
86	Tuesday, July 31, 2007	\$ 82,100.00	\$ 74,100.00	\$ 8,000.00	No	Yes	Yes	No
87	Wednesday, August 01, 2007	\$ 83,100.00	\$ 74,100.00	\$ 9,000.00	No	-	Yes	No
88	Thursday, August 02, 2007	\$ 83,100.00	\$ 74,100.00	\$ 9,000.00	No	Yes	Yes	No
89	Friday, August 03, 2007	\$ 84,100.00	\$ 74,100.00	\$ 10,000.00	No	-	Yes	No
90	Saturday, August 04, 2007	\$ 84,100.00	\$ 74,100.00	\$ 10,000.00	Yes	-	Yes	No
91	Sunday, August 05, 2007	\$ 84,100.00	\$ 74,100.00	\$ 10,000.00	Yes	-	Yes	No
92	Monday, August 06, 2007	\$ 85,100.00	\$ 74,100.00	\$ 11,000.00	No	-	Yes	No
93	Tuesday, August 07, 2007	\$ 86,100.00	\$ 74,100.00	\$ 12,000.00	No	-	Yes	No
94	Wednesday, August 08, 2007	\$ 87,100.00	\$ 74,100.00	\$ 13,000.00	No	-	Yes	No
95	Thursday, August 09, 2007	\$ 87,100.00	\$ 74,100.00	\$ 13,000.00	No	Yes	Yes	No
96	Friday, August 10, 2007	\$ 87,100.00	\$ 74,100.00	\$ 13,000.00	No	Yes	Yes	No

Saulfley Contempt Fines

Number	Day/Date	Total Penalty to Date	Total Amount Progressive Penalty	Stormwater Control Penalty	No Work Done/Work Order (Yes/No)	No Work Done/Work Order (Yes/No)	Has No Fee to Cover Pen Completed?	Stormwater Management System Complete?
97	Saturday, August 11, 2007	\$ 87,100.00	\$ 74,100.00	\$ 13,000.00	Yes	-	Yes	No
98	Sunday, August 12, 2007	\$ 87,100.00	\$ 74,100.00	\$ 13,000.00	Yes	Yes	Yes	No
99	Monday, August 13, 2007	\$ 88,100.00	\$ 74,100.00	\$ 14,000.00	No	-	Yes	No
100	Tuesday, August 14, 2007	\$ 89,100.00	\$ 74,100.00	\$ 15,000.00	No	-	Yes	No
101	Wednesday, August 15, 2007	\$ 90,100.00	\$ 74,100.00	\$ 16,000.00	No	-	Yes	No
102	Thursday, August 16, 2007	\$ 91,100.00	\$ 74,100.00	\$ 17,000.00	No	-	Yes	No
103	Friday, August 17, 2007	\$ 92,100.00	\$ 74,100.00	\$ 18,000.00	No	-	Yes	No
104	Saturday, August 18, 2007	\$ 92,100.00	\$ 74,100.00	\$ 18,000.00	Yes	-	Yes	No
105	Sunday, August 19, 2007	\$ 92,100.00	\$ 74,100.00	\$ 18,000.00	Yes	-	Yes	No
106	Monday, August 20, 2007	\$ 93,100.00	\$ 74,100.00	\$ 19,000.00	No	-	Yes	No
107	Tuesday, August 21, 2007	\$ 94,100.00	\$ 74,100.00	\$ 20,000.00	No	-	Yes	No
108	Wednesday, August 22, 2007	\$ 95,100.00	\$ 74,100.00	\$ 21,000.00	No	-	Yes	No
109	Thursday, August 23, 2007	\$ 96,100.00	\$ 74,100.00	\$ 22,000.00	No	-	Yes	No
110	Friday, August 24, 2007	\$ 97,100.00	\$ 74,100.00	\$ 23,000.00	No	-	Yes	No
111	Saturday, August 25, 2007	\$ 97,100.00	\$ 74,100.00	\$ 23,000.00	Yes	-	Yes	No
112	Sunday, August 26, 2007	\$ 97,100.00	\$ 74,100.00	\$ 23,000.00	Yes	-	Yes	No
113	Monday, August 27, 2007	\$ 97,100.00	\$ 74,100.00	\$ 23,000.00	No	-	Yes	No
114	Tuesday, August 28, 2007	\$ 97,100.00	\$ 74,100.00	\$ 23,000.00	No	Yes	Yes	No
115	Wednesday, August 29, 2007	\$ 97,100.00	\$ 74,100.00	\$ 23,000.00	No	Yes	Yes	No
116	Thursday, August 30, 2007	\$ 98,100.00	\$ 74,100.00	\$ 24,000.00	No	-	Yes	No
117	Friday, August 31, 2007	\$ 99,100.00	\$ 74,100.00	\$ 25,000.00	No	-	Yes	No
118	Saturday, September 01, 2007	\$ 99,100.00	\$ 74,100.00	\$ 25,000.00	Yes	-	Yes	No
119	Sunday, September 02, 2007	\$ 99,100.00	\$ 74,100.00	\$ 25,000.00	Yes	-	Yes	No
120	Monday, September 03, 2007	\$ 100,100.00	\$ 74,100.00	\$ 26,000.00	No	-	Yes	No
121	Tuesday, September 04, 2007	\$ 101,100.00	\$ 74,100.00	\$ 27,000.00	No	-	Yes	No
122	Wednesday, September 05, 2007	\$ 102,100.00	\$ 74,100.00	\$ 28,000.00	No	-	Yes	No
123	Thursday, September 06, 2007	\$ 103,100.00	\$ 74,100.00	\$ 29,000.00	No	-	Yes	No
124	Friday, September 07, 2007	\$ 103,100.00	\$ 74,100.00	\$ 29,000.00	No	Yes	Yes	No
125	Saturday, September 08, 2007	\$ 103,100.00	\$ 74,100.00	\$ 29,000.00	Yes	-	Yes	No
126	Sunday, September 09, 2007	\$ 103,100.00	\$ 74,100.00	\$ 29,000.00	Yes	-	Yes	No
127	Monday, September 10, 2007	\$ 104,100.00	\$ 74,100.00	\$ 30,000.00	No	-	Yes	No
128	Tuesday, September 11, 2007	\$ 104,100.00	\$ 74,100.00	\$ 30,000.00	No	Yes	Yes	No

Saulfley Contempt Fines

No. Days	Day/Date	Total Penalty (w/ Date)	Total Accrued Progressive Penalty	Shortfall Total Penalty	No Work Done (Yes/No)	No Work Done (Yes/No)	Has Fines Been Collected	IS Supervision Management System Complete
129	Wednesday, September 12, 2007	\$ 105,100.00	\$ 74,100.00	\$ 31,000.00	No	-	Yes	No
130	Thursday, September 13, 2007	\$ 105,100.00	\$ 74,100.00	\$ 31,000.00	No	Yes	Yes	No
131	Friday, September 14, 2007	\$ 105,100.00	\$ 74,100.00	\$ 31,000.00	No	Yes	Yes	No
132	Saturday, September 15, 2007	\$ 105,100.00	\$ 74,100.00	\$ 31,000.00	Yes	-	Yes	No
133	Sunday, September 16, 2007	\$ 105,100.00	\$ 74,100.00	\$ 31,000.00	Yes	-	Yes	No
134	Monday, September 17, 2007	\$ 106,100.00	\$ 74,100.00	\$ 32,000.00	No	-	Yes	No
135	Tuesday, September 18, 2007	\$ 107,100.00	\$ 74,100.00	\$ 33,000.00	No	-	Yes	No
136	Wednesday, September 19, 2007	\$ 108,100.00	\$ 74,100.00	\$ 34,000.00	No	-	Yes	No
137	Thursday, September 20, 2007	\$ 109,100.00	\$ 74,100.00	\$ 35,000.00	No	-	Yes	No
138	Friday, September 21, 2007	\$ 109,100.00	\$ 74,100.00	\$ 35,000.00	No	Yes	Yes	No
139	Saturday, September 22, 2007	\$ 109,100.00	\$ 74,100.00	\$ 35,000.00	Yes	Yes	Yes	No
140	Sunday, September 23, 2007	\$ 109,100.00	\$ 74,100.00	\$ 35,000.00	Yes	Yes	Yes	No
141	Monday, September 24, 2007	\$ 110,100.00	\$ 74,100.00	\$ 36,000.00	No	-	Yes	No
142	Tuesday, September 25, 2007	\$ 111,100.00	\$ 74,100.00	\$ 37,000.00	No	-	Yes	No
143	Wednesday, September 26, 2007	\$ 112,100.00	\$ 74,100.00	\$ 38,000.00	No	-	Yes	No
144	Thursday, September 27, 2007	\$ 113,100.00	\$ 74,100.00	\$ 39,000.00	No	-	Yes	No
145	Friday, September 28, 2007	\$ 114,100.00	\$ 74,100.00	\$ 40,000.00	No	-	Yes	No
146	Saturday, September 29, 2007	\$ 114,100.00	\$ 74,100.00	\$ 40,000.00	Yes	-	Yes	No
147	Sunday, September 30, 2007	\$ 114,100.00	\$ 74,100.00	\$ 40,000.00	Yes	-	Yes	No
148	Monday, October 01, 2007	\$ 115,100.00	\$ 74,100.00	\$ 41,000.00	No	-	Yes	No
149	Tuesday, October 02, 2007	\$ 116,100.00	\$ 74,100.00	\$ 42,000.00	No	-	Yes	No
150	Wednesday, October 03, 2007	\$ 116,100.00	\$ 74,100.00	\$ 42,000.00	No	Yes	Yes	No
151	Thursday, October 04, 2007	\$ 117,100.00	\$ 74,100.00	\$ 43,000.00	No	-	Yes	No
152	Friday, October 05, 2007	\$ 118,100.00	\$ 74,100.00	\$ 44,000.00	No	-	Yes	No
153	Saturday, October 06, 2007	\$ 118,100.00	\$ 74,100.00	\$ 44,000.00	Yes	Yes	Yes	No
154	Sunday, October 07, 2007	\$ 118,100.00	\$ 74,100.00	\$ 44,000.00	Yes	-	Yes	No
155	Monday, October 08, 2007	\$ 119,100.00	\$ 74,100.00	\$ 45,000.00	No	-	Yes	No
156	Tuesday, October 09, 2007	\$ 120,100.00	\$ 74,100.00	\$ 46,000.00	No	-	Yes	No
157	Wednesday, October 10, 2007	\$ 121,100.00	\$ 74,100.00	\$ 47,000.00	No	-	Yes	No
158	Thursday, October 11, 2007	\$ 122,100.00	\$ 74,100.00	\$ 48,000.00	No	-	Yes	No
159	Friday, October 12, 2007	\$ 123,100.00	\$ 74,100.00	\$ 49,000.00	No	-	Yes	No
160	Saturday, October 13, 2007	\$ 123,100.00	\$ 74,100.00	\$ 49,000.00	Yes	-	Yes	No

Saulfley Contempt Fines

No. Days	Day/Dates	Total Penalty to Date	Total Amount of Progressive Penalty	Summary Total Penalty	No. Work Days, Due, Yes/No	No. Work Days, Paid, Yes/No	Has Two Fees Been Covered?	Is Stormwater Management System Complete?
161	Sunday, October 14, 2007	\$ 123,100.00	\$ 74,100.00	\$ 49,000.00	Yes	-	Yes	No
162	Monday, October 15, 2007	\$ 124,100.00	\$ 74,100.00	\$ 50,000.00	No	-	Yes	No
163	Tuesday, October 16, 2007	\$ 125,100.00	\$ 74,100.00	\$ 51,000.00	No	-	Yes	No
164	Wednesday, October 17, 2007	\$ 126,100.00	\$ 74,100.00	\$ 52,000.00	No	-	Yes	No
165	Thursday, October 18, 2007	\$ 127,100.00	\$ 74,100.00	\$ 53,000.00	No	-	Yes	No
166	Friday, October 19, 2007	\$ 128,100.00	\$ 74,100.00	\$ 54,000.00	No	-	Yes	No
167	Saturday, October 20, 2007	\$ 128,100.00	\$ 74,100.00	\$ 54,000.00	Yes	-	Yes	No
168	Sunday, October 21, 2007	\$ 128,100.00	\$ 74,100.00	\$ 54,000.00	Yes	-	Yes	No
169	Monday, October 22, 2007	\$ 129,100.00	\$ 74,100.00	\$ 55,000.00	No	-	Yes	No
170	Tuesday, October 23, 2007	\$ 130,100.00	\$ 74,100.00	\$ 56,000.00	No	-	Yes	No
171	Wednesday, October 24, 2007	\$ 131,100.00	\$ 74,100.00	\$ 57,000.00	No	-	Yes	No
172	Thursday, October 25, 2007	\$ 132,100.00	\$ 74,100.00	\$ 58,000.00	No	-	Yes	No
173	Friday, October 26, 2007	\$ 133,100.00	\$ 74,100.00	\$ 59,000.00	No	-	Yes	No
174	Saturday, October 27, 2007	\$ 133,100.00	\$ 74,100.00	\$ 59,000.00	Yes	-	Yes	No
175	Sunday, October 28, 2007	\$ 133,100.00	\$ 74,100.00	\$ 59,000.00	Yes	-	Yes	No



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 1, 2007

Steve Bowden, Esq.
4502 Twin Oaks Drive
Pensacola, FL 32506

Re: Louisiana Investment Group, L.L.C., Escambia County, Florida
Case No. 2006-CA-001207
OGC Case No.: 06-1157

Mr. Bowden,

On Tuesday, July 26, 2007, the Department received documents from LIG entitled "Closure Report for the Saufley Landfill." The Department has reviewed the stormwater management system documentation that LIG submitted and has concluded that the stormwater management system does not comply with the Department's stormwater rules. These conclusions are discussed in greater detail in the attached memorandum, prepared by Cliff Street, P.E.

As evidenced by the recent rain events, the stormwater management system has failed to contain the stormwater runoff from the facility. The existing stormwater retention pond has filled up with eroded soils, and the system's ability to function as required has been significantly compromised.

To comply with the Order Imposing Contempt Sanctions, and stop the accrual of contempt fines, LIG must:

- Stabilize the side slopes, swales and stormwater pond to minimize future soil erosion. The top and side slopes of the disposal area must be vegetated to reduce the likelihood of future erosion.
- Remove all eroded soil that has been washed outside the facility property boundaries.
- Address the comments in the attached memorandum.

EXHIBIT B

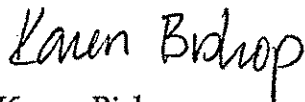
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Steve Bowden, Esq.
July 25, 2007
Page 2

Please note that the long-term care period for this facility will not begin until the final closure certification has been submitted and approved by the Department. The Department cannot approve the closure certification until LIG submits revised stormwater calculations for review and approval and submits the final as built survey indicated in Paragraph III.C of the Closure Report.

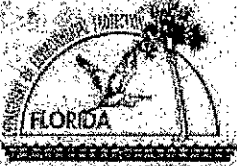
If you have any questions, please do not hesitate to contact me.

Sincerely,



Karen Bishop
Assistant General Counsel

cc: Dick Fancher, NW District Director
Mike Kennedy, NW District Waste Program Administrator



Florida Department of Environmental Protection

Memorandum

TO: Mike Stephen
Solid Waste Section

FROM: Cliff Street, P.E. *CS* 7/27/07
Stormwater Services

DATE: July 27, 2007

SUBJECT: Saultley Landfill C & D Debris Disposal Facility Closure Report
Escambia County 17-0078419-003-50

As requested by your memorandum of July 26, 2007, I've reviewed the closure report and recent photos of the site to determine if the project satisfies the stormwater quality treatment criteria of 62-25, F.A.C. Based on the information provided, it is my opinion that the project as proposed does not satisfy those criteria, for the following reasons:

1. The drawings and the calculations on those drawings purport to show that the pond in the southeast corner of the property has a constructed volume of 44,465 cubic feet, to satisfy a water quality volume requirement of 42,515 cubic feet, based on one-half inch of runoff from the site's 23.42 acres, in accordance with 62-25, F.A.C. The volume calculated by the engineer is based on average end areas, using only the top and bottom areas of the pond. Because of the significant difference in the size of these two areas, a more accurate estimate would involve including a third value, based on the square root of the multiple of the two areas. Using this more accurate equation, the pond volume is calculated to be slightly less than 39,000 cubic feet, significantly less than the requirement. As a consequence, in order to provide reasonable assurance of adequate pond capacity, the engineer should provide a stage-area-storage calculation for the pond volume based on incremental areas within the five feet of depth in the pond. The drawings also indicate that the road has an ability to retain an additional 28,050 cubic feet of volume. Nothing was presented to justify that contention; thus, such volume should be excluded, unless it can be conclusively demonstrated by representative cross-sections throughout the road's length that volume can actually be retained within its cross-section following a rain event, and, more importantly, that the compacted road base is sufficiently permeable to recover that volume in 72 hours with a factor of safety of two, as required by 62-25, F.A.C.
2. There is no information to confirm volume recovery of the required water quality volume in 72 hours with a factor of safety of two, as required by 62-25, F.A.C. Information on soil permeability and seasonal high water table elevation beneath the pond must be provided along with a calculation, using a form of Darcy's Equation, showing that the required water quality volume will be again available in 72 hours, as required by 62-25.025(4), F.A.C.
3. There is no reasonable assurance that runoff from the entire closed pyramid will be conveyed to the pond. There must be a swale (ditch) of sufficient width and depth around the entire site perimeter to collect the runoff from the pyramid and convey it to the pond. In order to confirm that such a conveyance system exists, typical sections of the conveyance should be depicted for its entire perimeter length. The photos confirm that such perimeter conveyance system does not now exist.

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MEMORANDUM

Page Two

4. A note on the drawing indicates that pond slopes will be "seeded". The photos clearly demonstrate the degree of erosion now occurring at the site. Since this is an enforcement case and since the evidence clearly shows the difficulties associated with stabilizing the site, it's my opinion that the entire site should be brought to final grade and immediately sodded, including: the pyramid, the conveyance swales, and the pond.

I'm returning the report and related materials, herewith attached.

Attachments