

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

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Plaintiff,

vs.

Case No.: 2006-CA-1207

LOUISIANA INVESTMENT GROUP, L.L.C.,

Defendant.

ORDER FOR CONTEMPT

This cause came to be heard on December 21, 2006 upon the State of Florida Department of Environmental Protection's ("Department") Motion for Contempt against the Defendant Louisiana Investment Group, L.L.C. ("LIG"). Having heard evidence from the parties, and being otherwise advised in the premises, the Court makes the following FINDINGS OF FACT:

1. The Saufley Field Landfill ("Facility") is a 22-acre site that holds a large volume of construction and demolition debris.

2. Hurricane Ivan contributed to the volume of waste that was taken to the Facility.

3. This Court entered a Stipulated Order of Temporary Injunction on August 8, 2006.

The parties entered into the Stipulated Order of Temporary Injunction in good faith.

4. Since the Stipulated Order of Temporary Injunction was entered, large areas of waste have been exposed. This has resulted in fires and has caused the release of hydrogen sulfide gas.

5. At the time the Stipulated Order of Temporary Injunction was entered, the height of the Facility was approximately 160 feet, NGVD.

6. At the time of the hearing, the highest location at the Facility was 140.4 NGVD. This is a significant reduction in height.

7. The schedule proposed by the parties is a reasonable schedule.

8. The schedule provides for necessary equipment maintenance and for the daily application of materials to control hydrogen sulfide emissions.

9. LIG has stipulated that it is guilty of indirect civil contempt of court for willfully failing to comply with the terms of the Stipulated Order of Temporary Injunction.

WHEREFORE, IT IS HEREBY ORDERED that:

A. LIG shall complete the tasks listed in the Saufley Landfill Critical Path Chart, attached hereto and incorporated herein as Exhibit 1, as follows:

1. Beginning January 1, 2007, LIG shall reduce the height of each cell to 120 feet NGVD and shall apply two feet of cover to each cell at a rate of one cell per week. The cells are marked on the Topographic Survey attached hereto and incorporated herein as Exhibit 2. A signed and sealed Topographic Survey is attached hereto and incorporated herein as Exhibit 3.

2. LIG shall complete a minimum of four cells in four weeks, and shall submit a progress report to the Department's Northwest District Office on January 29, 2007, February 26, 2007, March 26, 2007, and April 23, 2007. The progress report shall, at a minimum, indicate each cell that has been lowered to 120 feet NGVD, each cell that has been covered with two feet of soil, and detail all work that has been accomplished. The progress report shall also state if LIG is proceeding on schedule. The height of the Facility shall be reduced to 120 feet NGVD by April 2, 2007.

3. LIG shall remove the waste from the Otis English property, located on East Fence Road, approximately 450 feet north of Saufley Field Road, Escambia County, Florida, at Latitude: 30°8'50"N, Longitude 87°20'01"W, Section 38, Township 1S, Range 31W, and shall slope the sides to achieve a 3 feet horizontal to 1-foot vertical rise by February 19, 2007.

4. LIG shall remove the waste on the North side of the Facility and shall slope the sides to achieve a 3 feet horizontal to 1-foot vertical rise by February 19, 2007.

5. LIG shall slope the sides on the East side of the Facility to achieve a 3 feet horizontal to 1-foot vertical rise by March 26, 2006.

6. LIG shall excavate Area A, indicated on the Topographic Survey attached hereto and incorporated herein as Exhibit 2, by January 29, 2007.

7. LIG shall fill and cover the waste deposited in Area A by April 30, 2007.

8. LIG shall slope the South side of the Facility to achieve a 3 feet horizontal to 1-foot vertical rise by April 30, 2007.

9. LIG shall complete the construction of the stormwater management system by April 9, 2007.

10. LIG shall excavate Area B, indicated on the Topographic Survey, by February 5, 2007.

11. LIG shall fill and cover the waste deposited in Area B by April 30, 2007.

12. All of the activities listed on the Saufley Landfill Critical Path Chart shall be completed by April 30, 2007.

B. LIG shall control odors, hydrogen sulfide gas, and particulate matter by whatever means and methods are necessary. LIG shall apply one initial application to all exposed waste at

the Facility, and thereafter shall cover all exposed waste daily. Examples of appropriate material shall include, but are not limited to, foams, spray on slurries, reusable geosynthetics, nonreusable geosynthetics, and soil.

C. LIG shall submit an amended closure plan to the Department by February 5, 2007.

D. LIG may, without prejudice, apply to the Court for extensions of time due to Acts of God, including, but not limited to, fires. Two weeks of scheduled equipment maintenance has been provided for in this schedule. Any additional time for equipment maintenance must be requested from the Court.

E. Any extension of time requested pursuant to Paragraph D above must be requested prior to April 30, 2007.

F. This Court reserves jurisdiction to impose indirect civil contempt sanctions against LIG.

DONE AND ORDERED in chambers in Pensacola, Escambia County, Florida this 3rd day of January, 2007.

/s/ TERRY TERRELL

TERRY D. TERRELL
CIRCUIT COURT JUDGE

Copies furnished to:

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Saufley Landfill Critical Path Chart

Critical Path	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Cells 1 - 15 (Height)	█																
Debris on English Property																	
Debris on North Side																	
Debris on East Side (Trees)																	
Excavate Area A																	
Fill and Cover Area A																	
Debris on South Side																	
Stormwater System																	
Excavate Area B																	
Fill and Cover Area B																	