

Division of Administrative Law
State of Louisiana

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DEC 16 2019

LA DEPT OF ENV QUALITY
LEGAL DIVISION

JOHN BEL EDWARDS
Governor



EMILIE A. BOYCE
Director

December 16, 2019

Mr. Eric E. Jarrell
Attorney at Law
201 St. Charles Avenue, 45th Floor
New Orleans, LA 70170

RE: **In the Matter of Clean Harbors Colfax, LLC**
Docket # 2018-0398-EQ
Enforcement Tracking No. MM-CN-16-01015

Dear Mr. Jarrell:

The Division of Administrative Law (DAL) has received and docketed your request for a hearing. Please refer to Docket No. **2018-0398-EQ** on all correspondence and pleadings regarding your case.

The proceedings are governed by the Louisiana Environmental Quality Act, La. R.S. 30:2001, *et seq.*; the Division of Administrative Law Act, La. R.S. 49:991, *et seq.*; and the Louisiana Administrative Procedure Act, La. R.S. 49:950, *et seq.*

A hearing on the pretrial Motions is scheduled for **July 13, 2020, at 9:00 AM** before **William J. Cleveland**, Administrative Law Judge, at **1020 Florida Street, Baton Rouge, Louisiana 70802** (corner of 10th and Florida Streets). The final Pretrial Conference will be held immediately after the hearing.

In preparation for the hearing, a telephone status conference is scheduled for **April 20, 2020, at 9:00 AM**. The calling instructions are attached. During the conference, please be prepared to discuss stipulations, settlement possibilities, contested issues, prehearing deadlines and other case related matters. Also, be prepared to commit to a schedule of dates and deadlines.

At the hearing, all parties may introduce any relevant evidence by way of oral testimony or through documentary evidence. If you want to ensure that a witness will appear at your hearing or that a party will bring certain documents, you may want to have a subpoena issued. To subpoena a witness, you must submit a written request to DAL, giving the name and address of the person you want subpoenaed. Request for subpoenas *and* subpoena witness fees must be received at least 10 days prior to the date of the hearing. For more information about subpoenas visit the DAL website at www.adminlaw.state.la.us.

You may file documents into the record by e-mail, regular mail, fax (20-page limit), or in person. See our mailing information below. We prefer that videos be delivered on compact disc or flash drive. If you want to submit a video electronically, call (225) 342-1800 for instructions.

INCLUDE THE DAL DOCKET NUMBER ON ALL CORRESPONDENCE

U.S. MAIL:
DAL
ATTN: Clerk
P. O. Box 44033
Baton Rouge, LA 70804-4033

FAX:
(225) 219-9820

EMAIL:
EQprocessing@adminlaw.state.la.us

If you or your attorney do not appear on the date and time set for your hearing, you give up your right to a hearing within the meaning of the law (La. R.S. 49:955(A) and LAC 1:III.531.B) and your appeal will be dismissed. If you cannot attend the hearing, you may ask for a continuance in writing for good cause stated. You must file a written Motion for Continuance, stating a good cause reason to support your request. Send your request to DAL at least seven (7) days before the date of your hearing. Your request will not automatically be granted; the Judge will decide whether to grant or to deny your request, so you should be prepared to attend the hearing unless you receive notice that your continuance was granted. The full continuance policy can be viewed on the DAL website at www.adminlaw.state.la.us.

DAL intends to send all future orders and correspondence in your case, including the Judge's decision, to your e-mail address: ejarrell@kingkrebs.com. E-mail is the only transmission you will receive. You will not receive a paper copy. If we do not have your e-mail address contact DAL at EQprocessing@adminlaw.state.la.us and provide us with the e-mail address you want used to communicate with you in this case.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during these proceedings should call (225) 342-1800 as soon as possible or at least three working days prior to a conference or hearing.

Administrative Hearings Clerk
Division of Administrative Law

cc: Mr. Brandon Williams, Attorney, Louisiana Department of Environmental Quality
(electronic transmission)

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

**DEPARTMENT OF
ENVIRONMENTAL QUALITY**

*** DOCKET NO. 2018-0398-EQ c/w
2018-3105-EQ c/w 2018-3984-EQ
c/w 2019-1066-EQ c/w 2019-1067-
EQ**

**AGENCY TRACKING Nos. MM-
CN-16-01015; AE-CN-17-00062;
MM-CN-18-00108; MM-CN-18-
00649; and MM-P-18-00537**

IN THE MATTER OF

CLEAN HARBORS COLFAX, LLC *

**CONFERENCE REPORT AND ORDER SETTING TELEPHONE STATUS
CONFERENCE**

A telephone status conference was held before Judge William J. Cleveland on December 13, 2019. Brandon Williams and Oscar Magee participated as counsel for the Department of Environmental Quality (Department). Eric Jarrell and Amanda James participated as counsel for Clean Harbors Colfax, LLC (Respondent). The completed Case Management Order (CMO) requested by the tribunal was filed on December 5, 2019. Without objection, the CMO will be made an Order of the tribunal, upon its receipt in MS Word Format.

An interim telephone status conference was scheduled for April 20, 2020, at 9:00 a.m.

It was noted that the CMO provides that pre-hearing Motions will be heard on July 13, 2020, at 9:00 a.m. The Motions will be heard in person at the Division of Administrative Law, located at 1020 Florida Street in Baton Rouge, Louisiana. Immediately after the Motions have been heard, a Pretrial Conference will be held.

Tentative dates for the hearing on the merits were reserved, as follows:

October 19, 2020 through October 23, 2020, commencing at 9:00 a.m. each day.

October 26, 2020 through October 30, 2020, commencing at 9:00 a.m. each day.

Accordingly,

IT IS ORDERED that the Case Management Order filed December 5, 2019, be made an Order of this tribunal.

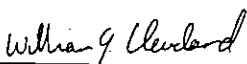
IT IS FURTHER ORDERED that a telephone status conference be conducted on the 20th day of April 2020, at 9:00 a.m. Instructions for participating in the telephone status conference are attached to this Order.

IT IS FURTHER ORDERED that an in person hearing on the pretrial Motions filed in this matter shall be held on **July 13, 2020, at 9:00 a.m.**, as indicated in the Case Management Order.

IT IS FURTHER ORDERED that the final Pretrial Conference will be held in person on **July 13, 2020, immediately following the 9:00 a.m.** hearings that are to be held on all pretrial Motions filed in this matter.

IT IS FURTHER ORDERED that the tentative dates for the hearing on the merits in these consolidated matters are set for: **October 19, 2020 through October 23, 2020, commencing at 9:00 a.m. each day, and, October 26, 2020 through October 30, 2020, commencing at 9:00 a.m. each day.**

Rendered and signed in Baton Rouge, Louisiana, December 13, 2019.



William J. Cleveland
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, December 16, 2019, I have sent a copy of this decision/order to all parties of this matter.



Division of Administrative Law

DIVISION OF ADMINISTRATIVE LAW
Telephone Hearing Instructions

Read and follow the instructions below carefully.

*Please note that if you had a previous telephone hearing, the dial- in number and access code that you used for that previous telephone hearing may not be the same dial-in number and access code that you will use for your upcoming telephone hearing. **IF YOU HAVE DIFFICULTY JOINING THE CONFERENCE CALL FOR YOUR HEARING, OR IF THE JUDGE HAS NOT JOINED IN AFTER 15 MINUTES, IMMEDIATELY CONTACT THE CLERK'S OFFICE AT 225-342-1800 FOR FURTHER INSTRUCTIONS.***

1. Dial **1-866-434-5269**.

2. Listen for this **Recording**: "Welcome to AT&T's teleconference service. Please enter your access code followed by the pound sign."

Do This: Enter **5179499** then press the # key on the phone.

3. Listen for this **Recording**: "To join the conference as the host press star otherwise press pound."

Do This: Press the # key.

4. The next recording that you will hear depends on whether the Judge has joined the conference yet.

○ If the **Judge has NOT joined** the conference call, you will hear:

"The host has not yet arrived. Please stand-by."

○ You should wait for the Judge to join the call. When the Judge joins, you will hear:

"There are () participants on the call, including you. You are now being joined to your conference. At the tone, please speak your name."

Do This: Say your name. [You **MUST** say your name after the tone.]

○ If the **Judge HAS joined** the conference call, you will hear:

"At the tone, please speak your name. You are joining your conference as a participant."

Do This: Say your name. [You **MUST** say your name after the tone.]

5. If at any time you think you cannot be heard by the judge, hang up and follow the same instructions to call back.

6. At the end of the hearing, the Judge will let you know when you can hang up.

Phone Hearing Tips

- | |
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| <ol style="list-style-type: none">1. The "host" is the Administrative Law Judge.2. The respondent, his attorney if he has one, and any witnesses are the "participants."3. Speak naturally and say your name each time before you begin speaking.4. Pause for others to speak. DO NOT INTERRUPT OTHERS.5. Spell out unusual terms, names, and numbers.6. Do not rustle pages or make distracting noises; everyone can hear it.7. Avoid putting your phone on hold. Phone systems with music-on-hold will disrupt the teleconference service. |
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