

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PAT ANDERSON AND HALO RENTAL,  
SALES & SERVICES, LLC

AI # 198831

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.

\* Settlement Tracking No.  
\* SA-MM-21-0090  
\*  
\* Enforcement Tracking Nos.  
\* MM-CN-16-00006  
\* AE-CN-17-00556  
\* SE-CN-17-00530  
\* AE-CN-17-00726  
\* MM-PP-18-00655  
\*  
\*  
\*  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Pat Anderson and Halo Rental, Sales & Services, LLC (collectively “Respondents”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondents are an individual and limited liability company that own and/or operate a site located in East Baton Rouge, East Baton Rouge Parish, Louisiana (“the Site”).

II

On February 4, 2016, the Department issued to Respondents a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-16-00006 (Exhibit 1).

On June 27, 2017, the Department issued to Respondents a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-17-00556 (Exhibit 2).

On June 27, 2017, the Department issued to Respondents a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. SE-CN-17-00530 (Exhibit 3).

On October 11, 2017, the Department issued to Respondents a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-17-00726 (Exhibit 4).

On January 2, 2019, the Department issued to Respondents a Notice of Potential Penalty, Enforcement Tracking No. MM-PP-18-00655 (Exhibit 5).

### III

Respondents deny they committed any violations or that they are liable for any fines, forfeitures and/or penalties.

### IV

Nonetheless, Respondents, without making any admission of liability under state or federal statute or regulation, agree to pay, and the Department agrees to accept, a payment in the amount of FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00), of which Three Thousand Two Hundred Ninety-Two and 56/100 Dollars (\$3,292.56) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondents on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

### V

Respondents further agree that the Department may consider the inspection report(s), permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondents, and in any such action Respondents shall be estopped from objecting to the above-referenced documents being

considered as proving the violations alleged herein for the sole purpose of determining Respondents' compliance history.

## VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondents hereby waive any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## VII

This settlement is being made in the interest of settling the state's claims and avoiding for all parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

## IX

The Respondents have caused a public notice advertisement to be placed in the official journal of the parish governing authority in East Baton Rouge Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondents have submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the

date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made over a total period of thirty-six (36) months with thirty-five (35) payments in the amount of \$1,111.11 per month, and with the last payment (i.e. 36th) submitted for the amount of \$1,111.15. The first monthly payment is due ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

PAT ANDERSON

BY: [Signature]

(Signature)

Pat Anderson

(Printed)

TITLE: \_\_\_\_\_

HALO RENTAL, SALES & SERVICES, LLC

BY: [Signature]

(Signature)

Pat Anderson

(Printed)

TITLE: Member

THUS DONE AND SIGNED in duplicate original before me this 13<sup>th</sup> day of February, 20 23, at Baton Rouge, LA.

[Signature]  
NOTARY PUBLIC (ID # 19561)

JAMES C. CARVER  
(Notary Public)  
BAR ROLL NO. 19514  
MY COMMISSION IS FOR LIFE

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Gingles, Secretary

BY:

Celena J. Cage

Celena J. Cage, Assistant Secretary  
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this 31st day of May, 2023, at Baton Rouge, Louisiana.

Jay Morrison  
NOTARY PUBLIC (ID # 66881)

Jay L. Glorioso  
(stamped or printed)

Approved:

Celena J. Cage  
Celena J. Cage, Assistant Secretary

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 4, 2016

CERTIFIED MAIL (7014 1200 0000 7863 9390)  
RETURN RECEIPT REQUESTED

PAT ANDERSON  
2461 Cottonwood Avenue  
Baton Rouge, LA 70808

RE: **CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-16-00006  
AGENCY INTEREST NO. 198831**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on PAT ANDERSON (RESPONDENT) for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

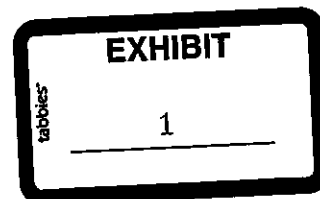
Any questions concerning this action should be directed to Cynthia Arrison at (225) 219-3796.

Sincerely,

A handwritten signature in black ink, appearing to read "Celeña J. Cage".

Celeña J. Cage  
Administrator  
Enforcement Division

CJC/CLA/bdr  
Alt ID No. T167666  
Attachment



**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<b>IN THE MATTER OF</b>	*	
	*	
<b>PAT ANDERSON</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>EAST BATON ROUGE PARISH</b>	*	
<b>ALT ID NO. T167666</b>	*	<b>MM-CN-16-00006</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>198831</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **PAT ANDERSON (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns the property known to the Department as Pat Anderson Property located at 12093 River Road in Baton Rouge, East Baton Rouge Parish, Louisiana (the Site). The Respondent does not have a permit and/or other authority to dispose of, burn, or process solid waste at the Site.

II.

On or about September 17, 2015, the Department received a complaint that a dump site had been opened on the Pat Anderson Property, where tree debris and construction/demolition debris was being dumped and burned. Complaints of open burning were also received by the Department on November 12, 2015, and December 4, 2015.



### III.

On or about November 19, 2015, the Department issued a Notice of Deficiency to the Respondent following inspections conducted on September 23, 2015, and October 21, 2015. The Notice of Deficiency was received by a representative of the Respondent on November 27, 2015. The Respondent failed to respond to the Notice of Deficiency.

### IV.

On or about September 23, 2015; October 21, 2015; December 8, 2015; and December 14, 2015, inspections of the Site conducted in response to complaints revealed the following:

- A. The Respondent caused and/or allowed the unauthorized disposal and processing of solid waste, in violation of La. R.S. 30:2155 and LAC 33:VII.315.C. Specifically, solid waste piles containing but not limited to tree debris, dirt, wood, siding, mattresses, household furniture, and construction/demolition debris were discovered at the Site. According to the September 23, 2015, inspection, a sign in front of the Site indicates the Respondent charges a minimum of thirty-five (\$35) dollars per load of waste dumped at the Site. Additionally, the Respondent stated during the October 21, 2015, inspection that he processes some of the tree debris into firewood and mulch.
- B. The Respondent caused and/or allowed the open burning of regulated solid waste, in violation of LAC 33:VII.315.M. Specifically, during the September 23, 2015, inspection, two (2) large piles of tree debris were smoldering. During the October 21, 2015, inspection, a burn pile containing but not limited to wood, dirt, tree debris, and some construction/demolition debris was still smoldering as noted during the September 23, 2015, inspection. During the December 8, 2015, inspection, new waste piles containing but not limited to wood, siding, mattresses, household furniture, and construction/demolition debris were discovered at the Site, and all solid waste piles discovered during previous inspections remained on-site. In addition, one solid waste pile contained construction/demolition debris appeared to have been burned. During the December 14, 2015, inspection, the piles of solid waste previously observed during the December 8, 2015, inspection were smoldering.
- C. The Respondent openly burned tree debris at the Site in East Baton Rouge Parish. The outdoor burning of waste material or other combustible material on any property

owned by the Respondent or under his control is a violation of LAC 33:III.1109.B and La. R.S. 30:2057(A)(2).

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Air Quality and Solid Waste Regulations.

II.

To cease, immediately upon receipt of this COMPLIANCE ORDER, depositing or allowing the deposit of regulated solid waste of any kind at the Site or any other site that is not permitted to receive such waste.

III.

To cease, immediately upon receipt of this COMPLIANCE ORDER, burning or allowing the burning of regulated waste of any kind at the Site or any other site.

IV.

To cease, immediately upon receipt of this COMPLIANCE ORDER, processing solid waste without authorization from the Department or an approved Best Management Practice (BMP) plan from the Louisiana Department of Agriculture and Forestry. A copy of the approved BMP plan must be submitted to the Office of Environmental Services in accordance with LAC 33:VII.303.A.10. A copy must also be submitted to the Enforcement Division.

V.

To close, within sixty (60) days after receipt of this COMPLIANCE ORDER, the Site by removal of all solid waste to a permitted or authorized solid waste disposal facility and submit documentation of proper disposal to the Enforcement Division.

VI.

To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this COMPLIANCE ORDER. This report and all other reports or information required to be submitted to the Enforcement Division by this COMPLIANCE ORDER shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attn: Cynthia Arrison  
Re: Enforcement Tracking No. MM-CN-16-00006  
Agency Interest No. 198831

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
Attn: Hearings Clerk, Legal Division  
Re: Enforcement Tracking No. MM-CN-16-00006  
Agency Interest No. 198831

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right

to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would

like to have such a meeting, please contact Cynthia Arrison at (225) 219-3796 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 4<sup>th</sup> day of Feb., 2016.



\_\_\_\_\_  
Chuck Carr Brown, Ph.D.  
Secretary  
Louisiana Department of Environmental Quality

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Cynthia Arrison

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

HAND DELIVERY REQUESTED

**HALO RENTAL, SALES & SERVICES, LLC**  
c/o Pat Anderson  
Agent for Service of Process  
2461 Cottonwood Dr.  
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-17-00556  
AGENCY INTEREST NO. 198831**

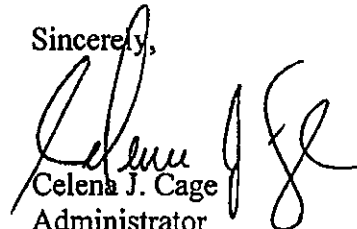
Dear Sir:

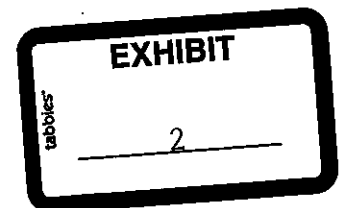
Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **HALO RENTAL, SALES & SERVICES, LLC (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Christopher Clement at (225) 219-3748 or [Christopher.Clement@la.gov](mailto:Christopher.Clement@la.gov).

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division



CJC/CGC/cgc  
Alt ID No. 7777-00890  
Attachment

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<b>IN THE MATTER OF</b>	*	
	*	
<b>HALO RENTAL, SALES &amp; SERVICES, LLC</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>EAST BATON ROUGE PARISH</b>	*	
<b>ALT ID NO. 7777-00890</b>	*	<b>AE-CN-17-00556</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>198831</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **HALO RENTAL, SALES & SERVICES, LLC (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

**I.**

The Respondent owns and/or operates Pat Anderson Property (the Site), an unauthorized dump and burn site, located at 12111 River Road, in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent currently operates an Air Curtain Incinerator (ACI) at the site pursuant to Air Permit No. 7777-00890-ACI-00, issued May 25, 2016, to burn onsite generated vegetative deris. The Respondent previously operated at 12093 River Road, but stated during an inspection on June 9, 2017, that he had moved the operation to 12111 River Road. The map found in the ACI permit application shows the 12111 River Road site is contiguous with the 12093 River Road site.

II.

On or about June 5, 2017, the Department received a complaint alleging that open burning of construction and demolition debris was being conducted at the Site. The complaint also alleged that loads of construction and demolition debris were being brought to the Site to be burned.

III.

On or about June 9, 2017, the Department conducted an inspection of the Site to determine the degree of compliance with the Act and Air Quality Regulations. While the Department's investigation is not yet complete the following violation was noted during the inspection:

The inspector observed the Respondent open burning multiple piles of vegetative debris and construction and demolition material. The Respondent stated that the permitted ACI was used to start fires on burn piles the morning of the inspection and was being moved to another area to conduct pit burning, prior to the complete combustion of actively burning material. The inspector observed the Respondent operating a track hoe to move construction and demolition waste around the site and place it on one of the burning waste piles. Additionally, the inspector observed a dump trailer loaded with construction and demolition waste (lumber, insulation, etc.) arrive at the site. The driver of the dump trailer pulled the trailer close to the burning waste piles and dumped the material. The Respondent, operating the track hoe, began to scoop the material up and place it on the burning pile. The burning of waste material other than untreated wood, wood refuse, untreated wood products, trees, branches, leaves, grass, and/or other vegetable matter generated onsite by the Respondent is a violation of Specific Requirement No. 6 of Air Permit No. 7777-00890-ACI-00, LAC 33:III.313, LAC 33:III.1109.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

IV.

On June 13, 2017, the Department conducted a file review of the Site to determine the degree of compliance with the Act and Air Quality Regulations. While the Department's investigation is not yet complete the following violation was noted:

The Respondent failed to submit the annual hours of operation report by the February 15, 2017, due date as required by Air Permit No. 7777-00890-ACI-00. This is a violation of Specific Requirement No. 18 of Air Permit No. 7777-00890-ACI-00, LAC 33:III.313.C.2, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).



V.

On or about February 4, 2016, Pat Anderson, an owner and/or operator of the site, was issued **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** for Solid Waste and Air Quality violations discovered at the 12093 River Road address. **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** cited Pat Anderson for causing and/or allowing the unauthorized disposal and processing of solid waste, causing and/or allowing the open burning of regulated solid waste, and outdoor burning of waste material or other combustible material.

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Act, Air Quality Regulations, and Air Permit No. 7777-00890-ACI-00.

II.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, burning or allowing the burning of construction and demolition debris and vegetative debris that was generated offsite.

III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the annual hours of operations report for the period from May 25, 2016 to December 31, 2016.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Christopher Clement**  
**Re: Enforcement Tracking No. AE-CN-17-00556**  
**Agency Interest No. 198831**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

**I.**

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

**II.**

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. AE-CN-17-00556**  
**Agency Interest No. 198831**

**III.**

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

**IV.**

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right

to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would

like to have such a meeting, please contact Christopher Clement at (225) 219-3748 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 27<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Christopher Clement

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION  
 POST OFFICE BOX 4312  
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &  
 NOTICE OF POTENTIAL PENALTY  
 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-17-00556	Contact Name	Christopher Clement
Agency Interest (AI) No.	198831	Contact Phone No.	(225) 219-3748
Alternate ID No.	7777-00890		
Respondent:	Halo Rental, Sales & Services, LLC	Facility Name:	Pat Anderson Property
	c/o Pat Anderson	Physical Location:	12111 River Road
	Agent for Service of Process		
	2461 Cottonwood Dr.	City, State, Zip:	Baton Rouge, LA, 70820
	Baton Rouge, LA 70808	Parish:	East Baton Rouge

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.	N/A	N/A
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.	N/A	N/A
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00556), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00556), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00556) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT		
<p><i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i></p>		
Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>		
<p>Louisiana Department of Environmental Quality                      Office of Environmental Compliance                      Enforcement Division                      P.O. Box 4312                      Baton Rouge, LA 70821                      Attn: Christopher Clement</p>		



JOHN BEL EDWARDS  
GOVERNOR

CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 27, 2017

HAND DELIVERY REQUESTED

**PAT ANDERSON**  
2461 Cottonwood Avenue  
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. SE-CN-17-00530  
AGENCY INTEREST NO. 198831**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **PAT ANDERSON (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

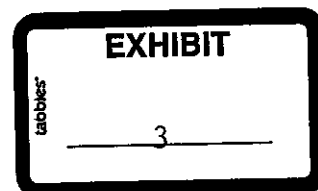
Any questions concerning this action should be directed to Cynthia Arrison at (225) 219-3796 or [Cynthia.Arrison@la.gov](mailto:Cynthia.Arrison@la.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Celená J. Cage".

Celená J. Cage  
Administrator  
Enforcement Division

CJC/CLA  
Alt ID No. N/A  
Attachment





**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<b>IN THE MATTER OF</b>	*	
	*	
<b>PAT ANDERSON</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>EAST BATON ROUGE PARISH</b>	*	
<b>ALT ID NO. N/A</b>	*	<b>SE-CN-17-00530</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>198831</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **PAT ANDERSON (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and operates Halo Debris Recovery located at 12111 River Road in Baton Rouge, East Baton Rouge Parish, Louisiana (the Site). The Respondent does not have a permit and/or other authority to dispose of or process solid waste at the Site. The Respondent was issued a Best Management Practice (BMP) Plan by the Department of Agriculture and Forestry on January 29, 2016. Halo Rental, Sales & Services, LLC currently operates an Air Curtain Incinerator at the site under Air Permit No. 7777-00890-ACI-00 issued by the Department on May 25, 2016. The Respondent previously operated at 12093 River Road, but stated during the June 9, 2017 inspection that he had moved the operation to the 12111 River Road address. The map found in the BMP shows the 12111 River Road site is contiguous with the 12093 River Road site.

II.

On or about February 4, 2016, the Respondent was issued **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** for Solid Waste and Air Quality violations discovered at the 12093 River Road address. **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** cited the Respondent for causing and/or allowing the unauthorized disposal and processing of solid waste, causing and/or allowing the open burning of regulated solid waste, and openly burning tree debris. The green card for the action was signed by the Respondent on February 24, 2016. The action was not appealed and has become a final action of the Department.

III.

On or about June 5, 2017, the Department received a complaint alleging that open burning of construction and demolition debris was being conducted at the Site. The complaint also alleged that loads of construction and demolition debris were being brought to the Site to be burned.

IV.

On or about June 9, 2017, the Department conducted an inspection of the Site which revealed the following violations:

- A. The Respondent caused and/or allowed the unauthorized disposal and/or processing of solid waste, in violation of La. R.S. 30:2155, LAC 33:VII.315.C, LAC 33:VII.901.A, and **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006**. Specifically, large piles of construction and demolition waste (sheetrock, vinyl siding, insulation, lumbers, bricks, etc.) were being open burned (with visible flames) during the inspection. Numerous piles of vegetative debris generated off-site were also located throughout the site. The current approved BMP Plan allows the Respondent to accept only tree limbs, tree stumps, tree trunks, wood chips, and bushes and shrubs.
- B. The Respondent caused and/or allowed the open burning of regulated solid waste, in violation of LAC 33:VII.315.M, LAC 33:VII.901.A, and **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006**. Specifically, the tree debris is not being managed in accordance with the facility's approved BMP Plan. At least one (1) pile of open burning vegetative debris was discovered during the inspection. The current approved BMP Plan requires the permitted Air Curtain Incinerator (ACI) to be used when burning. Additionally, large piles of construction and demolition waste (sheetrock, vinyl

siding, insulation, lumber, bricks, etc.) were being open burned (with visible flames) during the inspection. The current approved BMP Plan allows the Respondent to accept only tree limbs, tree stumps, tree trunks, wood chips, and bushes and shrubs.

V.

During the June 9, 2017 inspection, the Department's inspector informed the Respondent that open burning of regulated solid waste (construction and demolition waste) was contrary to the solid waste regulations and that the fire should be extinguished. The Respondent stated that he will dip water out of the pond next to the burning operation and put the fire out. The inspector also informed the Respondent that the solid waste on site will need to be removed and transported to a permitted disposal facility. The Respondent stated that he would comply. After the inspection was concluded, the inspector observed the Respondent move construction and demolition waste around the site and place it on one of the burning waste piles with a track hoe. Additionally, the inspector observed a dump trailer loaded with construction and demolition waste (lumber, insulation, etc.) arrive at the site. The driver of the dump trailer pulled the trailer close to the burning waste piles and dumped the material. The Respondent, operating the track hoe, began to scoop the material up and place it on the burning pile. Since the Respondent was not attempting to extinguish the fire as he stated he would do, the inspector contacted St. George Fire Department and requested that they extinguish the fire.

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Solid Waste Regulations.

II.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, accepting, depositing, or allowing the deposit of regulated solid waste that is not allowed by the current BMP Plan.

III.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, burning or allowing the burning of construction and demolition waste at the Site or any other site. The Respondent shall only burn vegetative debris and other acceptable material in accordance with the current BMP Plan.

IV.

To remove, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, all solid waste that the Respondent is not authorized by the current BMP Plan to have on site to a permitted or authorized solid waste disposal facility. The Respondent shall submit documentation of proper disposal to the Enforcement Division within fifteen (15) days upon completion.

V.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Cynthia Arrison**  
**Re: Enforcement Tracking No. SE-CN-17-00530**  
**Agency Interest No. 198831**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. SE-CN-17-00530**  
**Agency Interest No. 198831**

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty

in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Cynthia Arrison at (225) 219-3796 or [Cynthia.Arrison@la.gov](mailto:Cynthia.Arrison@la.gov) within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 27<sup>th</sup> day of June, 2017.

  
\_\_\_\_\_  
Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Cynthia Arrison

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &  
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY  
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	SE-CN-17-00530	Contact Name	Cynthia Arrison
Agency Interest (AI) No.	198831	Contact Phone No.	(225) 219-3796
Alternate ID No.	N/A		
Respondent:	Pat Anderson	Facility Name:	Pat Anderson Property
	2461 Cottonwood Avenue	Physical Location:	12111 River Road
	Baton Rouge, LA 70808	City, State, Zip:	Baton Rouge, LA 70820
		Parish:	East Baton Rouge Parish

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph V of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-17-00530), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (SE-CN-17-00530), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (SE-CN-17-00530) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.



**CERTIFICATION STATEMENT**

*I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.*

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

**MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:**

Louisiana Department of Environmental Quality  
 Office of Environmental Compliance  
 Enforcement Division  
 P.O. Box 4312  
 Baton Rouge, LA 70821  
 Attn: Cynthia Arrison

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, Ph.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

October 11, 2017

CERTIFIED MAIL (7016 3010 0000 9387 6924)  
RETURN RECEIPT REQUESTED

**HALO RENTAL, SALES & SERVICES, LLC**  
c/o Pat Anderson  
Agent for Service of Process  
2461 Cottonwood Dr.  
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-17-00726  
AGENCY INTEREST NO. 198831**

Dear Sir:

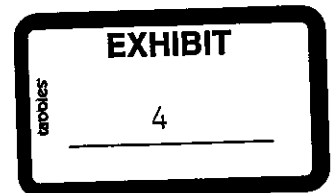
Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **HALO RENTAL, SALES & SERVICES, LLC (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Christopher Clement at (225) 219-3748 or Christopher.Clement@la.gov.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division



CJC/CGC/cgc  
Alt ID No. 7777-00890  
Attachment

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<b>IN THE MATTER OF</b>	*	
	*	
<b>HALO RENTAL, SALES &amp; SERVICES, LLC</b>	*	<b>ENFORCEMENT TRACKING NO.</b>
<b>EAST BATON ROUGE PARISH</b>	*	
<b>ALT ID NO. 7777-00890</b>	*	<b>AE-CN-17-00726</b>
	*	
	*	<b>AGENCY INTEREST NO.</b>
<b>PROCEEDINGS UNDER THE LOUISIANA</b>	*	
<b>ENVIRONMENTAL QUALITY ACT,</b>	*	<b>198831</b>
<b>La. R.S. 30:2001, ET SEQ.</b>	*	

**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **HALO RENTAL, SALES & SERVICES, LLC (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates Pat Anderson Property (the Site), an unauthorized dump and burn site, located at 12111 River Road, in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent operated an Air Curtain Incinerator (ACI) at the site pursuant to Air Permit No. 7777-00890-ACI-00 which was issued May 25, 2016, for the burning of vegetative debris generated onsite. Air Permit No. 7777-00890-ACI-00 was revoked on August 29, 2017.

II.

On or about June 27, 2017, Halo Rental, Sales & Services, LLC, an owner and/or operator of the site, was issued a Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement Tracking No. AE-CN-17-00556, for Air Quality violations discovered at the 12111 River Road address. The CONOPP cited Halo Rental, Sales & Services, LLC for causing and/or allowing the

open burning of multiple piles of vegetative debris and construction and demolition material and failure to submit the ACI annual hours of operation report by the February 15, 2017, due date as required by Air Permit No. 7777-00890-ACI-00.

### III.

On or about July 6, 2017, the Department conducted an inspection of the Site in response to a complaint to determine the degree of compliance with the Act and Air Quality Regulations. While the Department's investigation is not yet complete the following violations were noted during the inspection:

- A. The Respondent had the ACI situated within 1,000 feet of an off-site dwelling. Specifically, based on information from the East Baton Rouge Assessor's office the inspector noted the location of the ACI and using a Graphical Information System (GIS), the distance from and/or between the burn piles and the nearest dwelling was taken, which showed that the ACI was located within a 1,000 foot radius of the dwellings on the Woodward property, 12043 River Road, and Phillips property, 12083 River Road, located adjacent to the Respondent's property. This is a violation of AE-CN-17-00556, Specific Requirement 9 of Air Permit No. 7777-00890-ACI-00, LAC 33:III.313.C.3.b, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- B. The inspector noted that the Respondent failed to submit 2016 ACI Annual Hours of Operation Report. The 2016 ACI Annual Hours of Operation Report was due by the February 15, 2017, as required by Air Permit No. 7777-00890-ACI-00. This is a violation of Specific Requirement 18 of Air Permit No. 7777-00890-ACI-00, LAC 33:III.313, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- C. During the inspection the inspector noted two (2) separate fires during the inspection. The first was located near the ACI location and consisted of vegetative debris. The other was a waste fire, consisting of construction and demolition material mixed with vegetative debris that, according to the Respondent, had been smoldering since June 9, 2017, the date of the previous

inspection. Additionally, the inspector observed that the ACI burn pit was surrounded by construction and demolition waste. Further, the inspector noted that the ACI was not properly hooked up or operating. The burning of offsite generated construction and demolition debris and vegetative debris is a violation of LAC 33:III.313, LAC 33:III.1109.B, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

IV.

On or about June 27, 2017, the Respondent was issued **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY AE-CN-17-00556** for Air Quality violations discovered at the facility. **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY AE-CN-17-00556** cited the Respondent for causing and/or allowing the unauthorized disposal and processing of solid waste, causing and/or allowing the open burning of regulated solid waste, and outdoor burning of waste material or other combustible material and failed to submit the ACI Annual Hours of Operation Report by the February 15, 2017, due date as required by Air Permit No. 7777-00890-ACI-00.

**COMPLIANCE ORDER**

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations.

II.

To cease, immediately upon receipt of this **COMPLIANCE ORDER**, all burning or allowing the burning of offsite generated vegetative debris and/or construction and demolition debris.

III.

To submit to the Enforcement Division, immediately upon receipt of this **COMPLIANCE ORDER**, the ACI annual hours of operations report for the period from May 25, 2016 to December 31, 2016, as referenced in Paragraph III.B of the Findings of Fact portion of this **COMPLIANCE ORDER**.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order

Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Christopher Clement**  
**Re: Enforcement Tracking No. AE-CN-17-00726**  
**Agency Interest No. 198831**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. AE-CN-17-00726**  
**Agency Interest No. 198831**

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Christopher Clement at (225) 219-3748 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.



V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 11<sup>th</sup> day of October, 2017.



\_\_\_\_\_  
Lourdes Iturraide  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Christopher Clement

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &  
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY  
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-17-00726	Contact Name	Christopher Clement
Agency Interest (AI) No.	198831	Contact Phone No.	(225) 219-3748
Alternate ID No.	7777-00890		
Respondent:	Halo Rental, Sales & Services, LLC	Facility Name:	Pat Anderson Property
	c/o Pat Anderson	Physical Location:	12111 River Road
	Agent for Service of Process		
	2461 Cottonwood Dr. Baton Rouge, LA 70808	City, State, Zip:	Baton Rouge, LA 70820
		Parish:	East Baton Rouge

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
Reports were submitted in accordance with Paragraphs III and IV of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph I of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 45 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.	N/A	N/A
All necessary documents were submitted to the Department within 90 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph(s) ? of the "Order" portion of the COMPLIANCE ORDER.	N/A	N/A
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00726), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00726), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-17-00726) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT		
<p><i>I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.</i></p>		
Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Christopher Clement		

JOHN BEL EDWARDS  
GOVERNOR

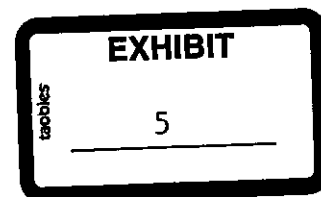


CHUCK CARR BROWN, Ph.D.  
SECRETARY

## State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 2, 2019



CERTIFIED MAIL (7016 0910 0000 2672 8610)  
RETURN RECEIPT REQUESTED

PAT ANDERSON  
2461 Cottonwood Avenue  
Baton Rouge, LA 70808

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-PP-18-00655  
AGENCY INTEREST NO. 198831**

Dear Sir:

On or about July 6, 2017; September 21, 2017; October 10, 2017; November 21, 2017; November 28, 2017; January 23, 2018; April 24, 2018; and August 8, 2018, inspections of **HALO DEBRIS RECOVERY**, owned and/or operated by **PAT ANDERSON (RESPONDENT)**, were performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Solid Waste and Air Quality Regulations. The facility is located at 12111 River Road in Baton Rouge, East Baton Rouge Parish, Louisiana. The Respondent previously operated at 12093 River Road, but stated during a June 9, 2017 inspection that he had moved the operation to the 12111 River Road address. The map found in the Respondent's Best Management Practice (BMP) Plan shows the 12111 River Road site is contiguous with the 12093 River Road site.

On or about February 4, 2016, the Respondent was issued **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** for Solid Waste and Air Quality violations discovered at the 12093 River Road address. **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** cited the Respondent for causing and/or allowing the unauthorized disposal and processing of solid waste, causing and/or allowing the open burning of regulated solid waste, and openly burning tree debris. The green card for the action was signed by the Respondent on February 24, 2016. The action was not appealed and is a final action of the Department. The action was made executory, and the Department obtained the judgment on July 17, 2017. The judgment was served on the Respondent on August 7, 2017.

On or about June 27, 2017, the Respondent was issued **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-17-00530** for Solid Waste violations discovered at the 12111 River Road address. **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-17-00530** cited the Respondent for causing and/or allowing the unauthorized disposal and processing of solid

Pat Anderson  
MM-PP-18-00655  
Page 2

waste and causing and/or allowing the open burning of regulated solid waste. The action was hand delivered to the Respondent on June 27, 2017. The action was not appealed and is a final action of the Department. The Respondent submitted a response to **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-17-00530** dated July 24, 2017. The response stated that the Respondent stopped all burning; dug a burn pit and set up the Air Curtain Incinerator (ACI) for future burning, if DEQ approval is obtained; installed signs specifying only tree and landscape debris is acceptable; hired Debris Removal Construction of St. Gabriel to begin moving the construction and demolition (C&D) and solid waste debris; purchased a wood wise wood chipper, a wood miser sawmill, and two (2) wood splitters and will begin to chip small vegetative debris, mill logs into lumber, and split smaller logs into fire wood; and will begin general cleaning of the site.

Due to the continued noncompliance, the Department filed a Petition for Injunctive Relief and Civil Penalties against the Respondent with the 19th Judicial District Court. It was signed on November 29, 2017, and was served on the Respondent on December 14, 2017. The Petition for Injunctive Relief and Civil Penalties sought an order by the court enjoining the Respondent from depositing or allowing the deposit of regulated solid waste material of any kind at the Site or any other site that is not permitted to receive such waste, and cease burning or allowing the burning of regulated waste of any kind at the Site or any other site. On or about February 21, 2018, the Department and the Respondent signed a Consent Order on Permanent Injunction and Related Matters.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the July 6, 2017; September 21, 2017; October 10, 2017; November 21, 2017; November 28, 2017; January 23, 2018; April 24, 2018; and August 8, 2018 inspections:

- A. The Respondent caused and/or allowed the unauthorized disposal and/or processing of solid waste, in violation of La. R.S. 30:2155, LAC 33:VII.315.C, LAC 33:VII.901.A, **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** and **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-17-00530**. Specifically, the Respondent does not have a permit to receive, process, or dispose of C&D debris. The inspections revealed the following:
  1. During the July 6, 2017 inspection, the Respondent received both wood waste and C&D debris. The Respondent stated to the Department's inspector, concerning the C&D waste brought to the facility, that the untreated wood waste is "chipped up," the metal in the load is removed and sold as scrap, and the remainder of the waste is disposed. The Respondent submitted scrap metal disposal receipts to the Department on or about August 29, 2017.
  2. A site visit conducted on or about September 21, 2017, revealed no new C&D material was onsite. The Respondent stated that eight (8) roll-off boxes of C&D waste and metal had been removed from the site since July 6, 2017. Following the site visit, the Respondent submitted one (1) disposal receipt for C&D waste to the Department dated August 15, 2017.
  3. The October 10, 2017 inspection revealed multiple piles of C&D debris were onsite, some of which were mixtures of C&D debris and vegetative waste. During the inspection, a new waste pile consisting of a wooden mobile home deck (painted), board lumber, plastic sheeting, metal items, and plastic fencing was noted along the east side of the wood waste pile at the facility. The Respondent stored and disposed of regulated

Pat Anderson  
MM-PP-18-00655  
Page 3

- solid waste without a permit. The Respondent submitted scrap metal disposal receipts to the Department on or about October 12, 2017.
4. The November 28, 2017 inspection revealed the C&D debris was in the same location and relatively untouched from the September 21, 2017 site visit. During the inspection, the Respondent stated he had not received any additional offsite generated waste since the October 10, 2017 inspection.
  5. The January 23, 2018 inspection revealed some piles of waste located onsite since the previous inspections had been removed. C&D debris still remained onsite. The Respondent submitted disposal receipts dated January 26, 2018; March 1, 2018; and March 5, 2018, to the Department on or about April 6, 2018. An additional disposal receipt and scrap metal disposal receipt, both dated April 16, 2018, were submitted to the Department on or about April 16, 2018.
  6. The April 24, 2018, and August 8, 2018 inspections revealed a small amount of C&D debris remained onsite. A disposal receipt dated September 19, 2018, was submitted to the Department on or about September 19, 2018.
- B. The Respondent caused and/or allowed the open burning of regulated solid waste, in violation of LAC 33:VII.315.M, LAC 33:VII.901.A, **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** and **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-17-00530**. Specifically, the inspections revealed the following:
1. Two (2) separate fires were noted onsite at the time of the July 6, 2017 inspection: one (1) located near the ACI, and one (1) which had been smoldering since an inspection conducted on June 9, 2017, according to the Respondent.
  2. A site visit conducted on or about August 29, 2017, revealed smoldering behind the waste pile directly in front of the main gate, approximately in the area where the ACI was located during the July 6, 2017 inspection.
  3. The October 10, 2017 inspection revealed a waste pile containing vegetative waste, wood waste, and metal was being open burned during the inspection. The ACI was positioned pointing toward the waste pile, but was not running. The backside of the burning pile contained green vegetative waste.
  4. The November 21, 2017 aerial inspection revealed two (2) piles of wood material burning onsite, with visible flames. Both piles that were on fire were mostly vegetative debris.
  5. The November 28, 2017 inspection revealed two (2) piles of wood waste were burned. Either no or de minimis amounts of solid waste (non-wood waste trash) in both burn piles was noted. According to the Respondent, the wood waste burning was generated onsite.
  6. The January 23, 2018, April 24, 2018, and August 8, 2018 inspections revealed no open burning was occurring onsite.
- C. On October 10, 2017, November 21, 2017, and November 28, 2017, the Respondent openly burned vegetative debris at the Site in East Baton Rouge Parish. The outdoor burning of waste material or other combustible material on any property owned by the Respondent or under his control is a violation of CONOPP MM-CN-16-00006, LAC 33:III.1109.B and La. R.S. 30:2057(A)(2).
- D. The Respondent caused and/or allowed the unauthorized disposal and/or processing of wood waste, in violation of LAC 33:VII.315.C. Specifically, the Respondent was issued a BMP Plan

Pat Anderson  
MM-PP-18-00655  
Page 4

- by the Department of Agriculture and Forestry on January 29, 2016. However, the Respondent failed to submit a Solid Waste Notification Form to the Department in accordance with LAC 33:VII.401.A, as required by LAC 33:VII.303.A.10, in order to be eligible for the exemption from LAC 33:VII Solid Waste Regulations for processing, disposal, and receipt of offsite generated wood waste. Therefore, the Respondent was not exempt from the requirements of LAC 33:VII Solid Waste Regulations for processing and disposing of offsite generated vegetative debris and wood waste without a permit.
- E. The Respondent failed to store solid waste in a container designed to keep out water and prevent leakage, in violation of LAC 33:VII.503.A.2.c. Specifically, the October 10, 2017, and November 28, 2017 inspections revealed a 20-yard roll off box storing waste onsite did not have a cover. The January 23, 2018 inspection revealed the roll-off box was covered with a tarpaulin. The April 24, 2018 inspection revealed a new solid waste container (dumpster) replaced the roll-off box.

A follow-up inspection conducted on or about September 21, 2018, revealed the Respondent is in compliance with **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY MM-CN-16-00006** and **COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY SE-CN-17-00530**. No additional violations were noted during the September 21, 2018 inspection.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

Prior to the issuance of any additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Cynthia Arrison at (225) 219-3796 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violations to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

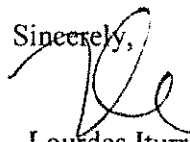
The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount

Pat Anderson  
MM-PP-18-00655  
Page 5

to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance

LI/cla  
Alt ID No. N/A



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION  
 POST OFFICE BOX 4312  
 BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY  
 REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	MM-PP-18-00655	Contact Name	Cynthia Arrison
Agency Interest (AI) No.	198831	Contact Phone No.	(225) 219-3796
Alternate ID No.	N/A		
Respondent:	PAT ANDERSON	Facility Name:	Halo Debris Recovery, LLC
	2461 Cottonwood Avenue	Physical Location:	12111 River Road
	Baton Rouge, LA 70808	City, State, Zip:	Baton Rouge, LA 70820
		Parish:	East Baton Rouge Parish

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

<input type="checkbox"/>	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (MM-PP-18-00655)</b> , the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (MM-PP-18-00655)</b> , the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-</b> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY (MM-PP-18-00655)</b> and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

**CERTIFICATION STATEMENT**

*I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.*

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

**MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:**

Louisiana Department of Environmental Quality  
 Office of Environmental Compliance  
 Enforcement Division  
 P.O. Box 4312  
 Baton Rouge, LA 70821  
 Attn: Cynthia Arrison