

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
SEVERE WEATHER EVENT
AUGUST 12, 2016**

AGENCY INTEREST NO. 202449

FOURTH AMENDED DECLARATION OF EMERGENCY AND ADMINISTRATIVE ORDER

Pursuant to the authority granted to me by Louisiana Revised Statutes 30:2001 *et seq.*, and particularly La. R.S. 30:2033 and 2011(D)(6), I hereby make the following findings, declaration, and order, which supersede the previous declarations and orders issued in this matter on August 12, 2016, August 18, 2016, August 23, 2016, and September 30, 2016.

FINDINGS AND DECLARATION

1. On August 12, 13, and 14, 2016, a weather system moved across south Louisiana, bringing severe thunderstorms, torrential rain, and extensive flooding. This weather event will be referred to herein as "the Severe Weather."

3. I find, under the authority of La. R.S. 30:2033, that the Severe Weather has created or will create conditions that require immediate action to prevent irreparable damage to the environment and serious threats to life or safety throughout the following parishes, which shall be referenced herein as the "Emergency Areas": Ascension, East Baton Rouge, and Livingston.

WHEREFORE, I hereby declare that an emergency exists, and that the following measures are necessary to prevent irreparable damage to the environment and serious threats to life or safety throughout the Emergency Areas.

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ORDER

Within the Emergency Areas:

§ 1. Wastewater Treatment Systems

If necessary, emergency discharge permits may be requested through the LDEQ Water Permits Division. Please contact Scott Guilliams, Administrator of the Water Permits Division at Scott.Guilliams@la.gov, or Jenniffer Sheppard at Jenniffer.Sheppard@la.gov for further assistance.

§ 2. Solid Waste Management

a. Debris resulting from the Severe Weather shall be managed in accordance with the LDEQ Comprehensive Plan for Disaster Clean-up and Debris Management ([http://www.deq.louisiana.gov/portal/Portals/0/permits/sw/Debris%20Management%20Plan%204%208%2015%20\(3\).pdf](http://www.deq.louisiana.gov/portal/Portals/0/permits/sw/Debris%20Management%20Plan%204%208%2015%20(3).pdf)) ("the Debris Management Plan").

b. The Debris Management Plan will govern the selection, approval, use, and closure of temporary sites for the staging and transfer of construction and demolition (C&D) debris; staging of vehicles and vessels; staging of household hazardous waste; chipping, grinding and/or burning of vegetative debris; composting of vegetative debris; staging of munitions and ordnances; staging of white goods, electronic goods and other consumer items; and recycling and beneficial use activities.

c. Construction and demolition (C&D) debris may be managed at a facility permitted for this activity or at an emergency debris site temporary staging area authorized by the LDEQ. In accordance with the Debris Management Plan, local governments and contractors shall eliminate to the extent possible the disposal of hazardous material, including household hazardous materials, such as paints, varnishes, solvents, acids, pesticides, cleaning fluids, pool chemicals, used motor oil, propane tanks, mercury thermostats, liquid mercury, mercury-containing devices, smoke detectors, refrigerants, and electronic goods such as televisions, computers, computer peripherals, audio/video equipment, DVD players, video cameras, telephones, fax, and copy machines, cell phones, wireless devices, and video game consoles. Except as indicated in Section 2.d. below, Type III (C&D debris) landfills shall only dispose of C & D debris and woodwaste as defined in LAC33:VII.115 and any other material the disposal of which is allowed by the facility's permit. Non-C&D debris, such as white goods, putrescible

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waste, and household hazardous materials, shall be removed from C&D debris prior to disposal of the C&D debris in a permitted Type III landfill.

d. This provision provides an authorized deviation from the definition of Construction/Demolition Debris provided in LAC33:VII.115 and is only applicable to the disposal of C&D debris at Type III landfills located in the Emergency Areas.

The following materials generated by the Severe Weather shall be allowed for disposal at a permitted C&D debris landfill located in the Emergency Areas:

- Nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, asphalt, roofing materials, sheet rock, plaster, lumber from a construction or demolition project, and other building or structural materials;
- Furniture, carpet, and mattresses; and
- Yard waste and other vegetative matter.

Operators of Type III facilities in the Emergency Areas that dispose of solid waste generated by the Severe Weather, other than C&D Debris, woodwaste and permit-allowed solid waste, shall manage it as follows:

i.) The facility operator shall ensure that any local government or its contractor collecting the waste shall have an independent monitor monitoring the collection to ensure that non-acceptable wastes are not sent to the landfill;

ii.) A maximum of two working faces per facility shall be allowed with Department approval. The facility operator shall have a minimum of two independent monitors at each landfill working face during all hours of operation to ensure that non-acceptable wastes are not disposed of in the landfill;

iii.) The working faces shall be covered every seven days, unless a different schedule is approved by the Department.

iv.) Solid waste such as white goods, putrescible waste and household hazardous waste segregated from the C&D debris prior to disposal shall be transported to an approved site for recycling and/or disposal.

f. All bagged material shall be segregated and disposed of at Type I and/or Type II landfills.

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g. Any asbestos-containing waste materials subject to regulation under the Louisiana Air Quality Regulations (LESHAP, LAC 33:III.5151) and/or the National Emission Standards for Hazardous Air Pollutants (NESHAP, 40 CFR 61.140 *et seq.*) shall be managed and disposed of in accordance with established standards and protocols.

h. Operators of Type I, Type II and Type III permitted facilities may request extended hours of operation and increased solid waste acceptance rates to facilitate recovery and clean-up efforts. The Department may approve such requests for the duration of this Order without the need for a permit modification.

i. Permitted landfills or transfer stations requiring deviations from certain permit conditions in order to accept debris generated by the Severe Weather in accordance with the terms of this Order may accept debris generated by the Severe Weather for disposal or storage without the need to first modify existing permits, if the following conditions are satisfied:

i. Prior notification is submitted to the Department describing any proposed deviations from permit conditions;

ii. Any proposed deviations from permit limits are within the bounds of engineering assumptions used in the design of the facility, and conducted in accordance with the Debris Management Plan; and

iii. The Department gives written approval of the proposed deviations.

The Department may require an operator of a landfill or transfer station to submit an application for modification of its existing permit to address any long-term impacts on operations and closure of a permit deviation granted under this subsection, if the Department determines that long term impacts will result from these activities, and those impacts are not addressed by the existing permit. Long-term impacts are those that will extend past the expiration date of this Order. Any request for modification shall be submitted no later than thirty (30) days after the effective date of this Declaration of Emergency and Administrative Order, unless more time is granted by the Department. The Department may, for good cause shown, issue a temporary authorization pursuant to LAC 33:VI1.509.B.1.a for activities that are addressed in a permit modification request as provided for in this subsection, to authorize operations after expiration of this Order, pending a decision on the modification request.

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j. White goods (i.e., unsalvageable air conditioners, stoves and range tops, as well as refrigerators and freezers from which food has been removed) shall be stored in an area separate from other solid wastes and shall be stored in a manner that prevents vector and odor problems. No white goods may be stored in or on any permitted landfill cells that have not undergone final closure and have not received written authorization from the LDEQ specifically allowing storage in that area. All white goods shall be removed from the storage facility or staging area and sent offsite for recycling, or recycled onsite, within ninety (90) days of initial receipt at the site.

k. Putrescible waste (e.g., rotting food that has been removed from unsalvageable refrigerators and freezers) shall be disposed of in a permitted Type I or II landfill.

§ 3. Hazardous Waste

Hazardous waste generated as a result of the Severe Weather must be separated from other waste generated by the Severe Weather and disposed of at a permitted hazardous waste disposal facility. Household wastes collected during this event, which are exempt from the regulatory requirements applicable to hazardous wastes, must be managed not only in an environmentally sound manner but also in accordance with the appropriate LDEQ rules and regulations governing the storage and processing of this type of waste.

§ 4. Asbestos Clean-up

a. The LDEQ waives the requirement for prior notification for emergency demolition or emergency cleanup of asbestos-containing material resulting from the Severe Weather. Within one (1) business day of commencing such demolition or cleanup, however, the person responsible for such work shall notify the LDEQ in writing. The notification shall be submitted on the Asbestos Notification of Demolition or Renovation Form AAC-2, which may be found at <http://www.deq.louisiana.gov/portal/Portals/0/assistance/HW/AAC2form-101615.pdf>. The procedures in LAC 33:III.5151 (demolition/renovation) and LAC 33:III.Chapter 27 (accreditation and training requirements) for handling asbestos-containing material shall be complied with during demolition, cleanup, transportation, and disposal, except as otherwise provided herein. Construction and demolition debris generated from residential structures of four units or less that

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are subject to a government-ordered demolition shall be disposed of in accordance with the Debris Management Plan, except Regulated Asbestos Containing Material (RACM) shall be disposed of in a Type I/II landfill. Burning of asbestos-containing material is prohibited.

b. The Department waives the requirement, under LAC 33:III.2799.F.2.b.ii, that applicants receiving training from providers recognized by EPA or an EPA authorized state not recognized by Louisiana also submit proof of a current two-hour training course in current Louisiana regulations from a Louisiana recognized asbestos training provider.

c. The Department waives the requirement, under LAC 33:III.2741.E.2.c, that recognized asbestos training providers give the Department notice at least five (5) working days prior to class commencement, or one working day prior to class commencement, if only the Louisiana regulations course will be taught. Notice shall be provided to the Department within 24 hours of class commencement.

§ 5. Special Waste (Reuse and Recycle)

Every effort should be made to minimize the disposal of reusable and recyclable material in landfills. Diversion, composting and recycling debris are priorities. Debris handlers should make every effort to properly handle and recover debris materials that have reuse value, are recyclable or the release of which into the environment would be detrimental or is prohibited, e.g. used motor oil. The Debris Management Plan provides information intended to assist operators of solid waste facilities, recycling centers, scrap metal dealer, local governments, contractors, and the general public in handling of certain debris from the emergency areas.

§6. Underground Storage Tanks

During the time that any underground storage tank (UST) system is not accessible due to conditions resulting from the Severe Weather, the owner/operator of the UST system is relieved of the requirements for release detection, corrosion protection, and inventory control. Each owner/operator shall report any suspected UST releases to the Department within twenty-four (24) hours of gaining knowledge of the suspected release, unless an emergency condition makes it impossible for the owner/operator to do so, in which case the owner/operator shall report the suspected release to the Department as soon as he/she is able. All

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recordkeeping requirements for inoperable systems are suspended during the time of this Order.

During the time of this Order, in the Emergency Areas, non-compliance with release detection, corrosion protection, and inventory control for UST owners and operators will not constitute non-compliance for purposes of the deductibles enumerated in La. R.S. 30:2195.10. Prior to returning flooded UST systems into service, UST owners/operators should refer to the Underground Storage Tank Flood Guide, which may be found at:

<http://www.deq.louisiana.gov/portal/DIVISIONS/UndergroundStorageTankandRemediationDivision/UndergroundStorageTank.aspx>

for guidance.

§ 7. Open Burning

a. The Department authorizes local governments or their agents to conduct the open burning of Severe Weather-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris, without prior notice to the Department and provided that the provisions of LAC 33:III.1109.D.6. are met, and it is consistent with the Debris Management Plan. This Order does not authorize any other outdoor burning of non-listed debris streams. This Order does not relieve the local government or the agent from any requirement to obtain an open burning authorization from any other governmental entity empowered to grant such authorizations. Notwithstanding the provisions of this paragraph, the burning of asbestos-containing materials, construction and demolition debris, solid waste (other than vegetative debris) or hazardous waste is prohibited.

b. The Department will consider, on an individual basis, requests for approval for open burning, by persons other than local governments or their agents, of Severe Weather-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris. Any such burning approved by the Department must be conducted in compliance with the requirements of LAC 33:III.1109.D.6.

§ 9. General Conditions

a. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

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b. This Order only serves as relief for the duration of the Order from the regulatory and proprietary requirements of the LDEQ, and does not provide relief from the requirements of other federal, state, and local agencies. This Order therefore does not negate the need for the property owner or facility operator to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies.

§ 10. General Limitations

The LDEQ issues this Order solely to address the emergency created by the Severe Weather. This Order shall not be construed to authorize any activity within the jurisdiction of the LDEQ except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise.

§11. Other Authorizations Required

Nothing in this Order shall eliminate the necessity for obtaining any federal, state, or local permits or other authorizations that may be required.

§12. Completion of Authorized Activities

All activities authorized under this Order must be commenced before the expiration of this Order unless otherwise provided in an authorization or permit. The deadline for commencement under any authorization or permit issued under this order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from FEMA, the U.S. Army Corps of Engineers, or other local, state, or federal agencies.

§ 13. Amendments

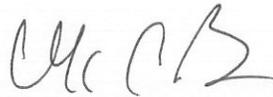
This Order may be amended as required to abate the emergency.

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§ 14. Expiration Date

This Fourth Amended Declaration of Emergency and Administrative Order shall take effect immediately upon expiration of the Third Amended Declaration of Emergency and Administrative Order, and shall expire at 11:59 P.M. on December 31, 2016, unless amended or extended by further order.

DONE AND ORDERED on this 30th day of November, 2016, in Baton Rouge, Louisiana.



Chuck Carr Brown, Ph.D.
Secretary