

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF  
RED RIVER AND MISSISSIPPI RIVER  
FLOODING DECEMBER 2015**

**AGENCY INTEREST NO.  
199556 and 199557**

**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:

**FINDINGS AND DECLARATION**

1. On December 30, 2015, Governor Bobby Jindal issued Executive Proclamation 205 BJ 2015, declaring that a state of emergency exists statewide as a result of the imminent threat of flooding, extending along the length of the Red River, Mississippi River and in other bodies of water throughout the State that threatens the lives and property of the citizens of the State. According to that Proclamation, the National Weather Service has issued a flood warning along the Red River and the length of the Mississippi River with predicted river crests well above flood stage in many locations which, combined with recent weather conditions across the middle of the nation, create the potential for moderate or greater flooding along the Red River, Mississippi River and other water bodies in the State. The effects of past and recent amounts of precipitation in and outside the region have also created saturated ground conditions as well as high water levels in tributaries, bayous, rivers and area lakes, which have the potential for additional flooding. Several parishes, including Concordia, East Carroll, Madison, Tensas, West Feliciana, Plaquemine, St. Mary, St. Martin, Terrebonne, Avoyelles, and Caddo have declared states of emergency in order to assist residents in areas experiencing flooding, to implement necessary flood protection measures, prepare for additional flooding, and respond to any ongoing flooding. The Governor's Office

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anticipates that additional parishes will declare states of emergency and that the parishes may need assistance in their response to this developing threat.

2. I find that the conditions described above, referred to hereinafter as “the Flood,” have created or will create conditions that require immediate action to prevent irreparable damage to the environment and serious threats to life, property, or safety in affected areas throughout the State.

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 State.

## ORDER

### § 1. Wastewater Treatment Systems

#### a. Upset Provisions

Permittees with Louisiana Pollutant Discharge Elimination System (LPDES) permits should consider activating the upset provisions in their permits. LAC 33:IX.2701.N.1 defines upset as the following:

*An exceptional incident in which there is unintentional and temporary non-compliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.*

An upset constitutes an affirmative defense to an action brought for non-compliance with such technology-based permit effluent limitations if the requirements of LAC 33:IX.2701.N.3 are met. This Order extends upset provisions to include water quality-based effluent limitations. For upsets caused by the Flood, the 24-hour oral notification requirement is waived unless the non-compliance may endanger human health.

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b. Authorization is hereby granted to discharge water placed in storage tanks or other containers or vessels for the purpose of stabilization, provided that the tanks, containers or vessels had been emptied of their previous contents prior to filling the tanks with the water. To the extent practicable, discharges should not contain free oil, hydrocarbons or other pollutants in other than trace amounts. No free oil shall mean that the discharge shall not create a visible sheen. Water that accumulates in storage tanks, containers or vessels as a result of rainfall, flooding or tidal surge may be discharged under the same conditions.

c. Appendix A sets forth guidance to operators of sanitary wastewater treatment systems to aid in the return to compliant operations to prevent further damage to the environment and serious threats to life or safety.

d. Unpermitted Emergency Discharges

The discharge of pollutants from all point sources is subject to the Louisiana Pollutant Discharge Elimination System (LPDES). Under ordinary circumstances, LDEQ requires the submission of a complete Notice of Intent to Discharge, prior to commencement of discharge.

However, during the term of this Order, authorization under LPDES General Permit LAG420000 for Short-Term and Emergency Discharges is hereby granted for new discharges of wastewaters associated with emergency situations, when such discharges are necessary for protecting human health and property or to facilitate rescue and recovery efforts. A Notice of Intent to Discharge shall be submitted not later than 48 hours subsequent to initiation of discharge. The application form, STED-G, can be found at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=245> , or by calling the Office of Environmental Services at (225) 219-9371. Any such discharges must comply with all applicable schedules in the LPDES Permit LAG420000, Short-Term and Emergency Discharges General Permit. The General Permit effluent limitations and requirements can be viewed at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=245>.

A copy of the General Permit can be obtained by calling the Office of Environmental Services at (225) 219-9371.

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Authorization to discharge pursuant to this Order shall terminate on the date identified by the LAG42000 permit or on expiration of this Order if the LAG420000 permit is not issued.

Emergency discharges include but are not limited to: treated sanitary wastewater and/or dewatering of oxidation ponds discharges; gray water; stormwater discharges; hydrostatic test wastewater; utility wash waters, including but not limited to pavement and building washdown waters with or without soaps and detergents; equipment and vehicle wash water; potable water treatment plant filter backwash, clarifier blowdown, water softening, iron and manganese removal, and disinfection of source water; discharges of landfill wastewater from a construction/demolition debris and woodwaste landfill related to post-emergency clean up; non-contact stormwater discharges from a construction/demolition debris and woodwaste landfill related to post-emergency clean up; and emergency discharges related to the preparation for natural disasters or the clean-up of natural disasters or in emergency situations, such as hurricanes, fires, or explosions.

i. For each discharge, the owner/operator shall record the location of the discharge, the date and time that the discharge commenced and ceased, the approximate volume of the discharge, any known or suspected pollutants present in the discharge, and the receiving water body. The specific type of discharge and a reference to the specific section(s) of this Order authorizing the discharge shall be included. These records shall be kept on-site and available for inspection by the Office of Environmental Compliance, Inspection Division and reported to the Office of Environmental Services, Water Permits Division, no later than seven days after the discharge.

ii. The owner/operator shall take all practicable measures to minimize the volume and duration of the discharge.

iii. The owner/operator shall take all practicable measures to prevent or minimize erosion due to the discharge and other potential impacts on the receiving water body.

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e. The Department hereby authorizes the U.S. Army Corps of Engineers to discharge storm water runoff from construction activities related to Flood response activities.

Best Management Practices to avoid erosion and offsite transport of sediments are to be implemented to the greatest extent practicable. The Storm Water General Permit For Construction Activities Five (5) Acres Or More (LAR100000) can be accessed at <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=245> , and contains applicable Best Management Practices for erosion and sediment controls in Part IV. Storm Water Pollution Prevention Plans.

f. Biosolids Land Application Projects/Sites Management:

i. Land application of Class B Biosolids shall not take place at flooded land application sites.

ii. Land application of a Class B Biosolids at permitted sites shall not resume until flooding has subsided and the water table is below 2 feet.

iii. Operators of facilities that prepare Exceptional Quality (EQ) Biosolids shall re-prepare and retreat EQ Biosolids, or dispose of the EQ Biosolids if they were stored "on-site" and subjected to flooding.

iv. Operators of facilities utilized to prepare sewage sludge to EQ Biosolids shall halt operation when flooded and shall not resume operation until the flooding has subsided and the facility has been properly cleaned.

For additional information contact Ronda Burtch, LDEQ, Office of Environmental Services, Water Permits Division, 225-219-3213.

## **§ 2. Solid Waste Management**

a. Owners and operators of solid waste management facilities and local governments should consult and adhere to the State of Louisiana "Comprehensive Plan for Disaster Clean-up and Debris Management," revised April 8, 2015 (Debris Management Plan), except where the Debris Management Plan may be in conflict with the

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provisions of this Order. A copy of the Debris Management Plan can be obtained via LDEQ's website at the following link:

[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).

In the event of conflict, the provisions of this Order shall prevail.

i. Ash residue from the combustion of yard trash or clean vegetative debris shall be disposed of in accordance with the Debris Management Plan.

ii. Vegetative debris shall be managed in accordance with the Debris Management Plan and site specific Authorization for Emergency Debris Site. The Department may authorize disposal of vegetative debris containing incidental, *de minimus*, or trace amounts of contamination in a Type II or III landfill on a case-by-case basis.

iii. Putrescible waste (e.g., rotting food that has been removed from unsalvageable refrigerators and freezers) shall be disposed of in a permitted Type II landfill in accordance with the Debris Management Plan.

iv. The disposal of excessive accumulations of small animal carcasses shall be in accordance with the Louisiana Department of Health and Hospitals sanitary code and the Debris Management Plan. The disposal of large animal carcasses (e.g. horses, cows) shall be in accordance with the instructions from the Louisiana Department of Agriculture and the Debris Management Plan.

b. Owners and operators of solid waste management facilities permitted by the Department before the Flood are authorized to make all necessary repairs to restore essential services and the functionality of stormwater management and leachate collection systems damaged by the Flood, without prior notice to the Department. Within thirty (30) days of commencing the work of such repair or replacement, however, the permittee shall notify the Department in writing, describing the nature of the work, giving its location, and providing the name, address, and telephone number of the representative of the permittee to contact concerning the work.

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c. Uncontaminated construction and demolition debris may be managed at a temporary staging area authorized by the Department. Uncontaminated construction and demolition debris that is mixed with other uncontaminated Flood-generated debris, such as white goods or household hazardous waste, should be segregated from other solid waste prior to disposal in a permitted landfill or authorized disposal site, except in cases where segregation is not practicable. If segregation is not possible, the waste shall be disposed of in a permitted Type II landfill.

d. 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 at a site without a permit or other written authorization from the Department 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.

e. Permitted landfills or transfer stations that accept Flood-generated debris in accordance with the terms of this Order, may accept Flood-generated debris for disposal or storage without the need to first modify existing permits, as follows:

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

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

iii. Written approval by the administrative authority (including electronic mail) of the proposed deviations is received.

Operators of landfills or transfer stations approved for permit deviations under this Order may be required to submit application for modifications of their existing permits to address any long-term impacts of accepting Flood-generated debris on operations and closure that are not addressed in existing permits if it is determined that

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long term impacts will result from these activities. Long-term impacts are those that will extend past the expiration date of this Order. The requests for modification shall be submitted no later than thirty (30) days after expiration of this Order, unless otherwise extended by the Department. No permit fee will be required for any modifications necessitated solely by the Flood clean-up activities. The Department may, for good cause shown, issue a temporary authorization pursuant to LAC 33:VII.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.

f. The Department will consider new temporary emergency debris sites in accordance with procedures contained in the Debris Management Plan. Authorizations may be requested by providing a notice to the Department on approved forms (Emergency Debris Site Request Form) contained in Appendix I. The request forms can also be obtained via LDEQ's website at the following link:

<http://www.deq.louisiana.gov/portal/DIVISIONS/WastePermits/DisasterDebrisManagement.aspx> .

New temporary emergency debris sites can be requested as follows:

- i. Emailing a completed request form to [deqdebrisrequest@la.gov](mailto:deqdebrisrequest@la.gov);
- ii. Faxing a completed request form to (225) 325-8236. A copy of the form is contained in Appendix I.
- iii. If a request form is not immediately available, the local government can call the emergency debris hotline at (225) 364-7901, and provide the information over the phone to receive verbal approval to stage debris. The verbal request shall be followed up with a written request as soon as possible after mail delivery is available but no later than 21 days after verbal approval is given.

g. Operators of pre-approved emergency debris sites may request approval for activation of the sites after the Secretary of the LDEQ declares an emergency by either calling the nearest regional office (see Appendix K), or the emergency debris hotline at

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(225) 364-7901, or Karla Vidrine at (225) 219-3407, or Mike Hahn at (225) 219-3464, or Mia Townsel at (225) 219-3043;

i. The operator shall send a written notification of the activation of the preapproved emergency site to the LDEQ Waste Permits Division within five (5) days of receiving authorization for activating the site, or as soon as mail delivery is possible. A copy of the form is contained in Appendix H or can be obtained via LDEQ's website at the following link:

<http://www.deq.louisiana.gov/portal/Portals/0/permits/sw/Written%20Notification%20Form.docx>. The notification must be addressed as follows: Waste Permits Division, Louisiana Department of Environmental Quality, Post Office Box 4313, Baton Rouge, LA 70821-4313. The notification may also be sent via fax to (225) 325-8236.

h. All operators of temporary and activated pre-approved emergency debris sites accepting vegetative debris shall submit completed weekly debris management report (WDMR) forms to the Louisiana Department of Environmental Quality each week, no later than Sunday, during operations until the debris site is completely closed or deactivated and the final report has been submitted in accordance with the Debris Management Plan. A copy of the WDMR form is contained in Appendix J or can be obtained via LDEQ's website at the following link:

<http://www.deq.louisiana.gov/portal/DIVISIONS/WastePermits/DisasterDebrisManagement.aspx>.

i. Construction and demolition debris generated from residential structures of four units or less that are subject to a government-ordered demolition shall be disposed of in accordance with the Debris Management Plan, with the exception of Regulated Asbestos Containing Material (RACM), which shall be disposed of in only in a Type I/II landfill. A request by a landfill owner or operator for authorization to accept such RACM must include a certification that the owner or operator will manage the RACM in accordance with the landfill's QA/QC plan and LDEQ requirements. See Section 6.a, *Asbestos Clean-up*, of this Order, for additional information on receiving RACM in Type I and II landfills. The Department will provide a written response to the request for

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authorization to accept solid waste and asbestos containing waste material in a Type I or II landfill.

j. Waste Tires

The Secretary of the Louisiana Department of Environmental Quality finds that the conditions resulting from the Flood may cause or contribute to an extraordinary drain on State of Louisiana resources and in particular on the Waste Tire Management Fund (WTMF) provided for in La. R.S. 30:2418. Those conditions include the damaging and/or abandonment of automobiles in the affected areas. It is anticipated that most of these vehicles will be salvaged or scrapped, with the four to five tires on each vehicle being sent for either disposal, resale, and or recycling. This sudden influx of waste tires and used tires into the system may result in an inordinate immediate drain on the WTMF and an inability to properly account for the diversion of tires to recycling projects and for resale. As a result, the Secretary does hereby order the following:

i. All tires removed from vehicles within the affected areas that are salvaged and/or scrapped because of damage resulting from the Flood shall be tracked and are ineligible for payment from the WTMF.

ii. All tires that are collected in the affected areas through Flood debris collection activities and deposited at parish collection centers, if established, will be ineligible for payment of the WTMF subsidy, but are to be treated as debris under existing debris removal programs. Tires must be classified for either recycling under existing approved beneficial uses, or for resale. Any person who claims for resale any tires from salvaged or scrapped vehicles in the affected area shall report to the Department the number of such tires classified for resale, and their destination, within fifteen (15) days.

iii. All tires that are removed from automobiles in the affected area that are destined for salvage because of damage resulting from the Flood must be collected, transported, and either recycled or disposed of with an accompanying manifest that lists the tires as being ineligible for the WTMF. If the tires are deemed "used tires" for resale, such a declaration must be reported to the Department by the person

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responsible for removal of the tires from the vehicle being scrapped and or salvaged. The report must contain the VIN number of the vehicle being scrapped and or salvaged, the number of tires being removed, the number being classified for resale, and the number classified for recycling and/or disposal.

iv. Eligibility of tires for the WTMF subsidy shall be governed by the most current version of this document.

**§ 3. Hazardous Waste**

a. In accordance with the Debris Management Plan, hazardous waste generated as a result of the Flood must be separated from other Flood-generated waste 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.

b. A blanket approval of time extensions under Louisiana Administrative Code 33:V.1109.E.2 is necessary for hazardous waste generators and small quantity generators for the storage of their hazardous wastes on site, pending the cleanup of the Flood damage and restoration of essential services. The rules authorize a thirty (30) day extension because of unforeseen and uncontrollable circumstances. The specific effects of the Flood were unforeseen and uncontrollable. Therefore, to avoid having to issue a potentially large number of individual approvals on a case-by-case basis and waste limited agency resources during the time of emergency, the Department authorizes a general extension of time of thirty (30) days from the expiration of the ninety (90) day accumulation period for the storage of hazardous wastes on site by all hazardous waste generators, for whom the ninety (90) day accumulation period expires within the term of this Order.

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**§ 4. Open Burning**

a. The Department authorizes local governments or their agents to conduct the open burning of Flood-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 Flood-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.

**§ 5. Air Pollution Sources Other than Open Burning**

a. The Department authorizes the minor repair of any previously permitted stationary source of air pollution that was damaged by the Flood to restore it to its previously permitted condition without prior notice to the Department. Within thirty (30) days of commencing such repairs, however, the permittee shall notify the Department in writing, stating the location and nature of the work and providing the name, address, and telephone number of the representative of the permittee to contact concerning the work. Minor repairs are repairs that would not constitute reconstruction under any definition of 40 CFR Part 60 or 63 and that could not affect potential to emit any pollutant, and that would not constitute a violation of any other provision of the NSPS, MACT, or NESHAP standards. Repairs that would constitute reconstruction under any definition of 40 CFR

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Part 60 or 63, or repairs that could affect potential to emit any pollutant are not authorized by this Order.

b. The Department will consider, on an individual basis, requests for approval for, but not limited to, the following sources of air pollution:

i. temporary air pollution control devices, such as portable flares, used for vessel and pipeline segment purging and the limited operation of facilities with damaged vapor control equipment;

ii. portable storage tanks, used for interim storage while damaged equipment is being repaired; and

iii. repairs, other than the minor repairs addressed in Section 5.a above, of permitted stationary sources that have been damaged by the Flood, provided that the sources are restored or replaced with equipment that is identical or the functional equivalent, to meet permit conditions.

Requests should be directed to the Office of Environmental Services, Air Permits Division.

c. LAC 33:III.507.J.2 provides that an upset condition constitutes an affirmative defense to an action brought for non-compliance with technology-based emissions limitations. LAC 33:III.507.J.2.d requires the permittee to notify the Department in accordance with LAC 33:I.Chapter 39 when emissions limitations are exceeded due to an upset. Because of the circumstances caused by the Flood and the need to apply facility resources to quickly repair and correct conditions caused by the upset, the Department extends the prompt notification deadline to seven (7) days, provided the exceedance does not cause an "emergency condition" as defined in LAC 33:I.3905.

d. In accordance with LAC 33:III.501.B.1.e, owners or operators may bring on site and utilize nonroad engines, including, but not limited to, temporary portable electrical power generators, firewater pumps, and air compressors, as necessary. "Nonroad engine" is defined in LAC 33:III.502.A. Note that an internal combustion engine is not a nonroad engine if it remains or will remain at a location for

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more than twelve (12) consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced shall be included in calculating the consecutive time period.

e. For permitted internal combustion engines operated in direct response to the Flood, including, but not limited to, electrical power generators, firewater pumps, and air compressors, the Department suspends any limitations on operating time imposed by the applicable permit until such time as normal operations are restored or until the expiration of this Order, whichever is earlier. Emissions from the operation of such engines operated pursuant to this Order shall not count toward applicable ton per year limitations. All other provisions applicable to the engines shall continue to apply.

i. The owner/operator shall notify the Office of Environmental Services, Air Permits Division, in writing, by no later than thirty (30) days after the effective date of this Declaration of Emergency and Administrative Order, that operation of permitted internal combustion engines in excess of permitted limits has occurred or is anticipated. Relevant emission point and permit numbers should be included in this correspondence.

ii. A report summarizing the operating time of permitted internal combustion engines in direct response to the Flood and the resultant criteria and toxic air pollutant emissions shall be submitted to the Office of Environmental Services, Air Permits Division, by no later than ninety (90) days after the effective date of this Declaration of Emergency and Administrative Order, and quarterly thereafter until the expiration of this Order, or any extensions or revisions thereof.

f. The Department suspends applicable limitations on throughput and emissions imposed on fuel loading racks by air quality permits for fourteen (14) calendar days following the effective date of this Order in order to maximize fuel availability in response to the Flood. Emissions from loading operations during this period shall not count toward applicable ton-per-year limitations.

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i. The owner/operator shall notify the Office of Environmental Services, Air Permits Division by no later than thirty (30) days after the effective date of this Declaration of Emergency and Administrative Order, that throughput in excess of permitted limits has occurred or is anticipated. Relevant emission point and permit numbers should be included in this correspondence.

ii. A report summarizing the throughput in excess of permitted limits and the resultant criteria and toxic air pollutant emissions shall be submitted to the Office of Environmental Services, Air Permits Division, by no later than ninety (90) days after the effective date of this Declaration of Emergency and Administrative Order, and quarterly thereafter until the expiration of this Order, or any extensions or revisions thereof.

g. To accommodate the distribution of liquid materials, the Department suspends throughput and emissions limitations imposed on transfer operations, including tank truck and railcar loading racks and marine tank vessel loading operations, through the expiration of this Order provided that compliance with all applicable federal and state regulations pertaining to the transfer of the materials loaded (e.g., LAC 33:III.2107, LAC 33:III.2108, 40 CFR 63 Subpart H, 40 CFR 63 Subpart Y) is maintained.

i. The owner/operator shall notify the Office of Environmental Services, Air Permits Division by no later than thirty (30) days after the effective date of this Declaration of Emergency and Administrative Order, that throughput in excess of permitted limits has occurred or is anticipated. Relevant emission point and permit numbers should be included in this correspondence.

ii. A report summarizing the throughput in excess of permitted limits and the resultant criteria and toxic air pollutant emissions shall be submitted to the Office of Environmental Services, Air Permits Division, by no later than ninety (90) days after the effective date of this Declaration of Emergency and Administrative Order, and quarterly thereafter until the expiration of this Order, or any extensions or revisions thereof.

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h. To accommodate the storage and/or distribution of liquid materials, owners or operators may change the service of permitted storage vessels without prior approval of the department provided compliance with all applicable federal and state regulations pertaining to the storage of the material in question (e.g., LAC 33:III.2103, 40 CFR 60 Subpart Kb) is maintained. All changes of tank service effected pursuant to this paragraph shall be documented and reported to the Office of Environmental Services, Air Permits Division, by no later than thirty (30) days after the effective date of this Declaration of Emergency and Administrative Order, and quarterly thereafter until the expiration of this Order, or any extensions or revisions thereof.

**§ 6. Asbestos Clean-up**

a. Asbestos clean-up shall be conducted in accordance with the Debris Management Plan. Prior notification is not required for emergency demolition or of facilities that are structurally unsound and in danger of imminent collapse resulting from the Flood. Within one (1) business day of commencing such demolition or cleanup, however, the person responsible for such work being undertaken by order of state or local government shall notify the Department 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/DIVISIONS/PublicParticipationandPermitSupport/Asbestos/AsbestosAccreditationandNotificationForms.aspx>. 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. Residential structures including those with four or fewer dwelling units that are demolished or renovated as part of a public project are considered installations and are subject to the above provisions. Asbestos contaminated debris that contains regulated asbestos containing material must be disposed of at a Recognized Asbestos Landfill.

b. Local education agencies and state government may make emergency use of a building as a school or state building. The agency making use of the building

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may request an extension of the deadline to inspect the building within four (4) months of the decision to use the building pursuant to LAC 33:III.2707.A.2.

c. The Department waives the requirement pursuant to LAC 33:III.2723.A.2 that the local education agency or state government must submit a management plan prior to any building's use as a school or state building. A management plan shall be submitted within six (6) months of the initial use of the building.

d. In addition to the qualifications established by LAC 33:III.2799.D.3, the Department may accredit as an "abatement project designer" any individual who:

i. has a Bachelor of Science in a related scientific field with five (5) years experience as a Contractor/Supervisor working under the direction of a Louisiana Accredited Project Designer, planning and implementing asbestos abatement projects;

ii. has at least ten (10) years experience as a Contractor/Supervisor working under the direction of a Louisiana Accredited project Designer, planning and implementing asbestos abatement projects; and

iii. has completed an application developed by the Department, and received signatures from two (2) Louisiana accredited Project Designers indicating that the applicant has the knowledge and skills to perform this type of work.

e. The fee charged for the Emergency Processing of Worker Accreditation for Asbestos (i.e., LAC 33:III.223, Fee #2070) shall be reduced to \$66.00 (i.e., the same fee as for normal processing, Fee #2060).

f. The fee charged for the Emergency processing of Asbestos Notification of Demolition and Renovation Form AAC-2 (i.e. LAC 33:III.223, Fee code # 2030) shall be reduced to \$66 (sixty-six dollars) for Flood-related demolition of residential structures of four (4) units or less, subject to a government ordered demolition.

The Department shall generate a single Asbestos Disposal Verification Form ("ADVF") per day, per landfill, per contractor for use with multiple loads of C&D debris that contains asbestos containing waste material, notwithstanding any provision to the contrary in LAC 33:III.5151.F.2.g. The Department will also generate a blank "Addendum

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to ADVF for Transportation and Disposal of AWCM,” which will accompany the ADVF and which is to be completed and signed by the contractor and landfill operator. Detailed instructions and a sample Addendum are available on the Department’s Website at <http://www.deq.louisiana.gov/portal/tabid/2885/Default.aspx> under **Hurricane Demolition** or by contacting the Public Participation and Permit Support Division, Notifications and Accreditations Section, at 225-219-0789.

**§ 7. Underground Storage Tanks**

Before placing any Flood-affected Underground Storage Tank (UST) system back in operation, and no later than ninety (90) days after Flood related conditions permit, the owner and/or operator shall perform an emergency evaluation of the UST system. The evaluation shall consist of, at a minimum, a general inspection of the UST system, followed by performing the start-up protocol contained in Appendix E, “Plan For Evaluating Underground Storage Tank Sites Impacted by Flooding.” Before placing fuel into any UST system that has been damaged or has sustained a release, the owner/operator must repair or replace the UST system, perform precision tank and line tightness tests and leak detection system tests, and provide a fully functional corrosion control system.

During the time that the UST system is not accessible due to conditions resulting from the Flood, 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 seven (7) days 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 recordkeeping requirements for inoperable systems are suspended during the time of this Order. During the time of this Order, in the areas affected by the Flood, non-compliance with release detection, corrosion protection, and inventory control for UST

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owners and operators will not constitute non-compliance for purposes of the deductibles enumerated in La. R.S. 30:2195.10.

**§ 8. Special Waste (Reuse and Recycle)**

Every effort should be made to minimize the disposal of reusable and recyclable material in landfills as noted in the Debris Management Plan. Appendix F lists special waste from specific sources (households, businesses, schools, public buildings, automobiles and boats) and references the FEMA Debris Plan, which provides information intended to assist operators of solid waste facilities, recycling centers, scrap metal dealers, local governments, and contractors in handling of certain debris.

**§9. Public Notice and Public Participation Procedures Regarding Proposed Permit Actions**

Appendix G provides special procedures for public notice and public participation regarding proposed permit actions that may be activated in the event of prolonged or extensive interruption of newspaper services in the impacted areas. These procedures for comment period extension and revised public notice requirements may be revised after a full impact assessment is completed.

**§ 10. Records Management**

Hard copy or electronic copies of files associated with environmental issues for your facility may be available at the Department. Files destroyed by the Flood can be obtained by the Responsible Persons for your system from the Department free of charge. Please contact Records Management at (225) 219-3172 or online at <http://www.deq.louisiana.gov/pubRecords/>.

**§ 11. 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 this Order from the regulatory and proprietary requirements of the Department, 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.

**§ 12. General Limitations**

The Department issues this Order solely to address the emergency created by the Flood. This Order shall not be construed to authorize any activity within the jurisdiction of the Department 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.

**§ 13. Other Authorizations Required**

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

**§ 14. Extension of Time to Comply with Specified Deadlines**

For facilities regulated by the Department in the Emergency Area, this Order extends the time for a period of thirty (30) days to comply with the following specified deadlines that occur between January 6, 2016 and the expiration of this Order:

a. The time deadlines to conduct or report periodic monitoring required by permits, other authorizations, enforcement actions, or settlement agreements, except for monitoring required by air permits issued under Title IV or V of the Clean Air Act or under the PSD program;

b. The time deadlines to file an application for renewal of an existing permit, except for air permits issued under Title V of the Clean Air Act.

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**§ 15. 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 the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, or other local, state, or federal agencies.

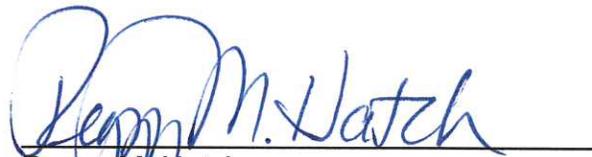
**§ 16. Amendments**

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

**§ 17. Expiration Date**

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire at midnight on the sixtieth day after the date of execution set forth below, unless modified or extended by further order.

**DONE AND ORDERED** on this 6th day of January, 2016, in Baton Rouge, Louisiana.

  
Peggy M. Hatch  
Secretary