

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

**AGENCY INTEREST NO. 202449**

**SECOND 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 and August 18, 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."
2. By State of Louisiana Proclamation No. 111 JBE 2016, issued on August 12, 2016, Louisiana Governor John Bel Edwards, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. R.S. 29:271 *et seq.*, declared that a state of emergency exists in the parishes affected by the Severe Weather.
3. Parishes in which local government and/or the Governor has declared or declares an emergency shall constitute the specific areas covered by this Declaration of Emergency and Administrative Order (hereinafter "Order"). These areas shall herein be referred to as the "Emergency Areas."
4. I find 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 Emergency Areas.

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**

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 noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance 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 noncompliance 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 flooding, the 24-hour oral notification requirement is waived unless the non-compliance may endanger human health.

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

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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/Portals/0/permits/lpdes/pdf/STED-G%201-12.pdf>, 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.

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.

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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.

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/Portals/0/permits/lpdes/pdf/2014%20FINAL%20LAR100000.pdf>, 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:

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

v. 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.

vi. 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.

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vii. 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 Todd Franklin, LDEQ, Office of Environmental Services, Water Permits Division, 225-219-3209.

g. This section applies to applicants submitting a Notice of Intent for coverage under a self-implementing general permit. Self-implementing refers to any general permit for which coverage is granted either upon hand-delivery of a complete and correct Notice of Intent and/or after a short waiting period (48 to 72 hours) after the postmark date. Self-implementing general permits that are typically (but not exclusively) utilized during emergencies include LPDES Permit Nos. LAG420000, LAG300000, and LAR100000. For the duration of this Order and for facilities within the affected parishes only, LDEQ will accept scanned, emailed copies of a complete and correct Notice of Intent in lieu of a mailed or hand-delivered hardcopy. The waiting period, as specified in the applicable general permit, will be waived. The Notice of Intent must be emailed to [deq-wwwwaterpermits@la.gov](mailto:deq-wwwwaterpermits@la.gov). In order for coverage to be effective, the applicant must receive an email acknowledgement from a Water Permits Division staff person. A hard-copy must also be sent following the email submittal.

**§ 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.

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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 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 parishes of Acadia, Ascension, Avoyelles, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, Washington, and West Feliciana.

The following materials generated by the Severe Weather shall be allowed for disposal at a permitted C&D debris landfill located in the parishes of Acadia, Ascension, Avoyelles, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, and Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, Washington, and West Feliciana.:

- 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 parishes of Acadia, Ascension, Avoyelles, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, and

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Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Tammany, Tangipahoa, Vermilion, Washington, and West Feliciana. 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.

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:

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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.

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.

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**§ 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 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

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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 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 Severe Weather, 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.

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**§ 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.

**§ 8. 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 Severe Weather 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 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:

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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 Severe Weather, 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. The Department authorizes temporary gasoline and diesel fueling stations at regulated industrial facilities for the express purpose of refueling onsite vehicles essential for plant operations and vehicles of employees.

d. The throughput of any temporary gasoline storage vessels used exclusively for providing gasoline to employees of the tank operator will not be counted toward the annual or thirty (30) day average throughput for purposes of determining the applicability of control requirements under LAC 33:III.2131. This subparagraph applies only to gasoline provided to employees at or below the operator's cost. This subparagraph does not exempt the operator from any other applicable regulatory requirements, specifically including, but not limited to, the spill prevention and control requirements of the Louisiana Water Quality Regulations (LAC 33: Part IX).

e. LAC 33:III.507.J.2 provides that an upset condition constitutes an affirmative defense to an action brought for noncompliance 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 Severe Weather 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.

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f. 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 more than 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.

g. For permitted internal combustion engines operated in direct response to the Severe Weather, 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 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 Severe Weather 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 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.

h. 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 Severe Weather. Emissions from loading operations during this period shall not count toward

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applicable ton per year limitations.

i. The owner/operator shall notify the Office of Environmental Services, Air Permits Division by no later than thirty 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 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.

i. 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 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 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.

j. 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

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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 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.

k. In the event of a natural gas shortage, the Department approves the use of plant fuel gas in combustion sources. Emissions from the operation of such combustion sources operated pursuant to this Order shall not count toward applicable ton per year limitations. Nothing in this provision overrides a provision imposed directly on the source by the EPA. All other provisions applicable to the combustion sources 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 days after the effective date of this Declaration of Emergency and Administrative Order, that the use of plant fuel gas and the operation of permitted combustion sources in excess of permitted limits has occurred or is anticipated. Relevant emission point and permit numbers should be included in this correspondence. The owner/operator shall also include the cause of the natural gas shortage.

ii. A report summarizing the operating time of permitted combustion sources 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 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.

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

Any public comment periods relating to permits for facilities in the parishes listed in Section 2.d above that were in effect between the dates of August 12, 2016 and August 22, 2016 shall hereby be extended by thirty days.

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**§ 10. General Conditions**

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

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.

**§ 11. 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.

**§12. 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.

**§13. 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.

**§ 14. Amendments**

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

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**§ 15. Expiration Date**

This Second Amended Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire at 11:59 P.M. on September 30, 2016, unless modified or extended by further order.

**DONE AND ORDERED** on this 23 day of August, 2016, in Baton Rouge, Louisiana.



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Chuck Carr Brown, Ph.D.  
Secretary