

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF  
THE RAIN EVENT OF  
MARCH 12, 2012**

**AGENCY INTEREST NO. 181063**

**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. Beginning on March 11, 2012 through March 12, 2012, a series of strong thunderstorms passed over the State, depositing up to 15" of rain in some areas of south central Louisiana, creating dangerous conditions for motorists, and causing localized flooding of hundreds of structures in some areas with the threat of additional flooding and flash flooding in the larger, surrounding areas.
2. The National Weather Service had issued flood alerts, including special weather statements, severe weather statements, severe thunderstorm warnings, flood warnings and flash flood warnings for much of South Central Louisiana, with the possibility of record flooding in some rivers and bayous located in the affected areas.
3. The Parishes of Acadia, Lafayette, St. Landry, and St. Martin declared states of emergency. Louisiana Governor Bobby Jindal declared on March 13, 2012 that a state of emergency exists statewide, as a result of the current flooding and the threat of additional flooding that threatens the lives and property of the citizens of the State.

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4. I find that the flooding described above 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 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**

For any waste water discharge special circumstances not currently approved, please contact Mr. Melvin C. Mitchell, Administrator of the Water Permits Division at (225) 219-9371.

#### **§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,” September 29, 2010 edition (Debris Management Plan), which appears as Appendix A, except where the Debris Management Plan may be in conflict with the provisions of this Order. In the event of conflict, the provisions of this Order shall prevail.

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 storm water 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

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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.

c. Uncontaminated construction and demolition debris may be disposed of in a permitted Type III landfill, and may be temporarily managed at an emergency debris site 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, shall 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. For the term of this Order, carpet and furniture that has been destroyed by flood waters may be disposed in a Type III landfill provided they are not contaminated by hazardous wastes.

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 an emergency debris site without written authorization from the Department specifically allowing storage of those materials at the emergency debris site. All white goods shall be removed from the emergency debris site and sent offsite for recycling, or recycled onsite, within ninety (90) days of initial receipt at the site.

**§ 3. Hazardous Waste**

In accordance with the Debris Management Plan, hazardous waste generated as a result of the Flood event 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

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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**

Asbestos clean-up shall be conducted in accordance with LAC 33:III.5151, and other regulations applicable to asbestos.

**§ 5. 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/>.

**§ 6. 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 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.

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**§ 7. 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.

**§ 8. 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.

**§ 9. 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.

**§ 10. Enforcement Discretion**

The Department is vested by law with discretion as to the exercise of its enforcement authority to address violations of law, regulations, and permits. The Department will consider, on a case-by-case basis, requests for the exercise of this discretion with regard to violations that result from the Flood.

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**§ 11 Amendments**

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

**§ 12. Expiration Date**

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire ninety days from the date of execution set forth below, unless modified or extended by further order.

**DONE AND ORDERED** on this 16 day of March, 2012, in Baton Rouge, Louisiana.



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Peggy M. Hatch  
Secretary