Legal Division

Date Due Out_____(To be mailed or delivered)

RE: Declaration of Emergency and Administrative Order

Date	Initials	Reviewed By	Comments
3/25/13		**Peggy M. Hatch** Secretary	
3/25/13		**Executive Counsel** Herman Robinson	
3/25/13		**Assistant Secretary** Sam Phillips	
3-25-13	DK	**Deputy General Counsel** Dwana King	
		Administrator **Waste Permits** Scott Guilliams	
3/25/13		**Router** Elliott Vega Attorney	

Comments: _____

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF
SEVERE WEATHER
January 8-17, 2013

AGENCY INTEREST NO. 185504

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 January 8-17, 2013, a severe weather system passed across Louisiana, bringing severe storms and flooding. This severe weather caused extensive power outages, blocked roads and damaged homes and businesses in Acadia, Catahoula, Concordia, East Carroll, Evangeline, Franklin, Jefferson Davis, Livingston, Madison, St. Landry, and Vermilion Parishes. This severe weather will be referred to hereinafter as "the January 2013 Weather Event," or simply "the Weather Event."

2. I find that the Weather Event has created conditions that require immediate action to prevent irreparable damage to the environment and serious threats to life or safety.

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.

ORDER

Unless otherwise specified, each of the provisions below applies statewide.

§ *1.* ***Solid Waste Management***

a. Debris resulting from the Weather Event 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/news/pdf/DEQDebrisPlan-8-25-FINAL.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. Uncontaminated C&D debris may be managed at a temporary staging area authorized by the LDEQ. Uncontaminated C&D debris that is mixed with other uncontaminated debris generated by the January 2013 Weather Event, 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.

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 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.

e. 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.

§ 2. Hazardous Waste

Hazardous waste generated as a result of the Weather Event must be separated from other waste generated by the Weather Event 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.

§ 3. ***Asbestos Clean-up***

The LDEQ waives the requirement for prior notification for emergency demolition or emergency cleanup of asbestos-containing material resulting from the Weather Event. 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/tabid/2883/Default.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. 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.

§ 4. ***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.

§ 5. ***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.

§ 6. ***General Limitations***

The LDEQ issues this Order solely to address the emergency created by the Weather Event. 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.

§7. ***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.

§ 8. ***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.

§ 9. ***Amendments***

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

§ 10. ***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 11:59 p.m. on June 30, 2013, unless modified or extended by further order.

DONE AND ORDERED on this 25th day of March, 2013, in Baton Rouge, Louisiana.

Peggy M. Hatch

Peggy Hatch
Secretary
Louisiana Department of Environmental Quality