ATTACHMENT 1

AUGUST 30, 2005 LDEQ DECLARATION OF EMERGENCY AND ADMINISTRATIVE ORDER

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

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 the 29th day of August, 2005, Hurricane Katrina (hereinafter "Hurricane") struck Louisiana, causing widespread damage within the parishes of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana, which parishes shall constitute the specific areas covered by this Declaration and Order. These areas shall herein be referred to as the "Emergency Areas."

2. By State of Louisiana Proclamation No. 48 KBB 2005, the Governor declared on August 26, 2005, that a state of emergency exists in the state of Louisiana, as Hurricane Katrina poses an imminent threat, carrying severe storms, high winds and torrential rain that may cause flooding and damage to private property and public facilities and threaten the safety and security of the citizens of the state of Louisiana.

3. On August 29, 2005, FEMA issued a Disaster Declaration, FEMA-1603-DR covering south Louisiana.

4. I find that the Hurricane has created 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.

ORDER

Within the Emergency Areas:

1. Waste water Treatment Systems

Permittees with Louisiana Pollutant Discharge Elimination System (LPDES) permits should consider activating the upset provisions in their permits. Under upsets caused by this hurricane, the 24 hour oral notification is waived unless the non-compliance may endanger human health. Authorization is hereby granted to discharge water placed in storage tanks, 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 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.

2. Solid Waste Management

a. Owners and operators of solid waste management facilities permitted by the Department before the Hurricane are authorized to make all necessary repairs to restore essential services and the functionality of stormwater management and leachate collection systems damaged by the Hurricane, without prior notice to the Department. Within thirty 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.

b. Uncontaminated Hurricane-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris may be disposed of in permitted Type II or Type III landfills. Disposal of any solid waste in unpermitted facilities or areas may be authorized by the Department on a case-by-case basis.

c. Construction and demolition debris that is mixed with other Hurricane-generated debris need not be segregated from other solid waste prior to disposal in a permitted landfill.

d. Except as otherwise specifically provided herein, Hurricane-generated debris shall be disposed of in a Type II or III landfill. Non-recyclables and residuals generated from segregation of Hurricane-generated debris shall also be disposed of in a Type II or III landfill.

e. Ash residue from the combustion of yard trash or clean wood wastes may be disposed of in a permitted disposal facility, or may be land spread in any areas approved by local government officials except in wellhead protection areas or water bodies.

f. Ash from the combustion of other Hurricane-generated debris shall be disposed of in a Type II or III landfill or as specified in the Department correspondence dated August 28, 2005 to the Parish Governing Authorities. Metals or other non-combustible materials segregated from the ash residue may also be disposed of in a permitted landfill.

g. White goods (i.e. unsalvageable refrigerators, freezers, air conditioners, stoves, range tops, etc) shall be stored in an area separate from other solid wastes and shall be stored in a manner that prevents vector and odor problems and shall be removed from the facility within 90 days.

h. Putrescible waste (e.g. rotting food that has been removed unsalvageable refrigerators and freezers) shall be disposed of in a Type II landfill

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

j. Permitted landfills, transfer stations, pickup stations or authorized staging areas (i.e. per Department correspondence dated August 28, 2005 to the Parish Governing Authorities) within or outside of the Emergency Area, which accept Hurricane-generated debris in accordance with the terms of this Order may accept Hurricane-generated debris for disposal or storage without the need to first modify existing permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting Hurricane-generated debris on operations and closure that are not addressed in existing permits. Long-term impacts are those that will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the Hurricane clean-up activities.

k. Authorizations may be issued prior to or following a site inspection by Department personnel for staging areas to be used for temporary storage and chipping, grinding or burning of Hurricane-generated debris. Authorizations may be requested by providing a notice to the Department containing a description of the staging area design and operation, the location of the staging area, and the name, address, and telephone number of the site manager as described in Department correspondence dated August 28, 2005 to the Parish Governing Authorities.

l. Hazardous waste generated as a result of the hurricane event must be separated from other hurricane generated waste and disposed of at a permitted commercial hazardous waste disposal facility. Household wastes are classified as solid wastes that are not hazardous wastes, it is imperative that the household waste collected during this event 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. Open Burning

The Department authorizes local governments or their agents to conduct the open burning of Hurricane-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris within or outside of the Emergency Area, without prior notice to the Department and provided that the provisions of LAC 33:III.1109.D.6. are met. This order does not authorize any other outdoor burning of non-listed debris streams. Within seven days of commencing any such burning, the local government or its agent shall notify the Department in writing, describing the general nature of the materials burned, stating the location and method of burning, and providing the name, address, and telephone number of the representative of the local government to contact concerning the work and the anticipated duration of the burning event. 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 or hazardous waste is prohibited.

4. Air Pollution Sources Other than Open Burning

The Department authorizes the minor repair of any previously permitted stationary source of air pollution that was damaged by the Hurricane to restore it to its previously permitted condition without prior notice to the Department. Within thirty 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, 61 or 63 and that could not affect potential to emit any pollutant. Repairs that would constitute reconstruction under any definition of 40 CFR Part 60, 61 or 63, or repairs that could affect potential to emit any pollutant are not authorized by this Order.

5. Asbestos Clean-up

The Department waives the requirement for prior notification for emergency demolition or emergency cleanup of asbestos-containing material resulting from the Hurricane. Within one business day of commencing such demolition or cleanup, however, the person responsible for such work shall notify the Department in writing. The notification shall be consistent with the information on the Notice for Asbestos Demolition or Renovation form, AAC-2, and shall include the location and nature of the work and the name, address, and telephone number of the operator on the project. The procedures in LAC 33:III.5151 and LAC 33:III.Chapter 27 for handling asbestos-containing material shall be complied with during demolition and cleanup. Asbestos-containing material shall be disposed of in a Type I or II landfill in accordance with LAC 33:VII of the Louisiana Administrative Code. Burning of asbestos containing material is prohibited.

6. General Conditions

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

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

7. General Limitations

The Department issues this Emergency Final Order solely to address the emergency created by the Hurricane. 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, water management district, or local permits or other authorizations that may be required.

9. 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 30 days to comply with the following specified deadlines that occur between August 28,2005 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.

10. Completion of Authorized Activities

a. All activities authorized under this Emergency Final 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 U.S. Army Corps of Engineers.

b. A blanket approval of time extensions under Louisiana Administrative Code 33:V.1109.E.2 is necessary within the Emergency Areas for hazardous waste generators and small quantity generators for the storage of their hazardous wastes on site, pending the cleanup of the Hurricane damage and restoration of essential services. The rules authorize a thirty-day extension

because of unforeseen and uncontrollable circumstances. The specific effects of the Hurricane 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 days from the expiration of this Order for all such hazardous waste generators and small quantity generators for the storage of their hazardous wastes on site, in the parishes within the Emergency Areas, and where their 90 day accumulation period expires within the term of this Order.

11. **Amendments**

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

12. Expiration Date

This Emergency Final Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire in 60 days from the date of execution set forth below, unless modified or extended by further order.

DONE AND ORDERED on this 30th day of August, 2005, in Baton Rouge, Louisiana.

_____

Mike D. McDaniel, Ph.D. Secretary

ATTACHMENT 2

SEPTEMBER 3, 2005 AMENDED LDEQ DECLARATION OF EMERGENCY AND ADMINISTRATIVE ORDER

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

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 supercede the Declaration of Emergency and Administrative Order issued by this agency on August 30, 2005 :

FINDINGS AND DECLARATION

1. On the 29th day of August, 2005, Hurricane Katrina (hereinafter "Hurricane") struck Louisiana, causing widespread damage within the parishes of Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana, which parishes shall constitute the specific areas covered by this Declaration and Order. These areas shall herein be referred to as the "Emergency Areas."

2. By State of Louisiana Proclamation No. 48 KBB 2005, the Governor declared on August 26, 2005, that a state of emergency exists in the state of Louisiana, as Hurricane Katrina poses an imminent threat, carrying severe storms, high winds and torrential rain that may cause flooding and damage to private property and public facilities and threaten the safety and security of the citizens of the state of Louisiana.

3. On August 29, 2005, FEMA issued a Disaster Declaration, FEMA-1603-DR covering south Louisiana.

4. I find that the Hurricane has created 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.

ORDER

Within the Emergency Areas:

1. Waste water Treatment Systems

a. 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. Under upsets caused by this hurricane, the 24 hour oral notification is waived unless the non-compliance may endanger human health. Authorization is hereby granted to discharge water placed in storage tanks, 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 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.

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

2. Solid Waste Management

a. Owners and operators of solid waste management facilities permitted by the Department before the Hurricane are authorized to make all necessary repairs to restore essential

services and the functionality of stormwater management and leachate collection systems damaged by the Hurricane, without prior notice to the Department. Within thirty 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.

b. Uncontaminated Hurricane-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris may be disposed of in permitted Type II or Type III landfills. Disposal of any solid waste in unpermitted facilities or areas may be authorized by the Department on a case-by-case basis.

c. Construction and demolition debris that is mixed with other Hurricane-generated debris need not be segregated from other solid waste prior to disposal in a permitted landfill.

d. Except as otherwise specifically provided herein, Hurricane-generated debris shall be disposed of in a Type II or III landfill. Non-recyclables and residuals generated from segregation of Hurricane-generated debris shall also be disposed of in a Type II or III landfill.

e. Ash residue from the combustion of yard trash or clean wood wastes may be disposed of in a permitted disposal facility, or may be land spread in any areas approved by local government officials except in wellhead protection areas or water bodies.

f. Ash from the combustion of other Hurricane-generated debris shall be disposed of in a Type II or III landfill or as otherwise specifically authorized by the Department. Metals or other non-combustible materials segregated from the ash residue may also be disposed of in a permitted landfill.

g. White goods (i.e. unsalvageable refrigerators, freezers, air conditioners, stoves, range tops, etc) shall be stored in an area separate from other solid wastes and shall be stored in a manner that prevents vector and odor problems and shall be removed from the facility within 90 days.

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

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

j. Permitted landfills, transfer stations, pickup stations and authorized staging areas that have been authorized by the Department, within or outside of the Emergency Area, which accept Hurricane-generated debris in accordance with the terms of this Order may accept Hurricane-generated debris for disposal or storage without the need to first modify existing permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting Hurricane-generated debris on operations and

closure that are not addressed in existing permits. Long-term impacts are those that will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the Hurricane clean-up activities.

k. Authorizations may be issued prior to or following a site inspection by Department personnel for staging areas to be used for temporary storage and chipping, grinding or burning of Hurricane-generated debris. Authorizations may be requested by providing a notice to the Department containing a description of the staging area design and operation, the location of the staging area, and the name, address, and telephone number of the site manager as described in Department correspondence dated September 13, 2004 to the Parish Governing Authorities.

3. Hazardous Waste

Hazardous waste generated as a result of the hurricane event must be separated from other hurricane 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.

4. Open Burning

a. The Department authorizes local governments or their agents to conduct the open burning of Hurricane-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris within or outside of the Emergency Area, without prior notice to the Department and provided that the provisions of LAC 33:III.1109.D.6. are met. This order does not authorize any other outdoor burning of non-listed debris streams. Within seven days of commencing any such burning, the local government or its agent shall notify the Department in writing, describing the general nature of the materials burned, stating the location and method of burning, and providing the name, address, and telephone number of the representative of the local government to contact concerning the work and the anticipated duration of the burning event. 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 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 Hurricane-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 Hurricane to restore it to its previously permitted condition without prior notice to the Department. Within thirty 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, 61 or 63 and that could not affect potential to emit any pollutant. Repairs that would constitute reconstruction under any definition of 40 CFR Part 60, 61 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 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 4.a above, of permitted stationary sources that have been damaged by the hurricane, provided that the sources are restored or replaced with equipment that is identical or the functional equivalent, to meet permit conditions.

c. 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 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:IX).

6. Asbestos Clean-up

a. The Department waives the requirement for prior notification for emergency demolition or emergency cleanup of asbestos-containing material resulting from the Hurricane. Within one business day of commencing such demolition or cleanup, however, the person responsible for such work shall notify the Department in writing. The notification shall be consistent with the information on the Notice for Asbestos Demolition or Renovation form, AAC-2, and shall include the location and nature of the work and the name, address, and telephone number of the operator on the project. The procedures in LAC 33:III.5151 and LAC 33:III.Chapter 27 for handling asbestos-containing material shall be complied with during demolition and cleanup. Asbestos-

containing material shall be disposed of in a Type I or II landfill in accordance with LAC 33:VII of the Louisiana Administrative Code. Burning of asbestos containing material is prohibited.

b. The Department waives the requirement pursuant to LAC 33:III.5151.F.1 that an affected facility be thoroughly inspected for the presences of asbestos. Debris generated by the renovation or demolition in the affected area does not need to be handled in accordance with the requirements of LAC 33:III.5151.F unless it is known to be Regulated Asbestos Containing Material. However, appropriate personal protection equipment (e.g., tyvek suits, appropriate respirators ~~dust masks~~, etc.) are recommended.

c. The department waives the requirement pursuant to LAC 33:III.2799.E.2.b.ii, that applicants receiving training from providers not recognized by the state of Louisiana also submit proof of training in current Louisiana asbestos regulations (see LAC 33:III.2799.F.5.g).

d. The department waives the requirement pursuant to LAC 33:III.2799.F.5.c.i that recognized asbestos Training Providers give the department notice at least five days prior to class commencement (Notification must be made at least three days prior to a course when only the state regulations are to be taught.) Notice shall be provided to the department within 24 hours of class commencement.

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

f. 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 buildings. A management plan shall be submitted within 6 months of the initial use of the building.

7. General Conditions

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

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

8. General Limitations

The Department issues this Emergency Final Order solely to address the emergency created by the Hurricane. 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.

9. 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.

10. 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 30 days to comply with the following specified deadlines that occur between August 28,2005 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.

11. Completion of Authorized Activities

a. All activities authorized under this Emergency Final 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.

b. A blanket approval of time extensions under Louisiana Administrative Code 33:V.1109.E.2 is necessary within the Emergency Areas for hazardous waste generators and small quantity generators for the storage of their hazardous wastes on site, pending the cleanup of the Hurricane damage and restoration of essential services. The rules authorize a thirty-day extension because of unforeseen and uncontrollable circumstances. The specific effects of the Hurricane 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 days from the expiration of this Order for all such hazardous waste generators and small quantity generators for the storage of their hazardous wastes on site, in the parishes within the Emergency Areas, and where their 90 day accumulation period expires within the term of this Order.

12. Amendments

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

13. ***Expiration Date***

This Amended Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire in 60 days from the date of execution set forth below, unless modified or extended by further order.

DONE AND ORDERED on this ____ day of _____, 2005, in Baton Rouge, Louisiana.

_____

Mike D. McDaniel, Ph.D. Secretary

APPENDIX A

GUIDANCE PROTOCOL FOR SANITARY WASTE WATER TREATMENT SYSTEMS

The following protocol is intended to assist operators of sanitary waste water treatment systems in the Emergency Area in start up and operation.

1. Access

Entrance to the treatment plant should be considered only after flood waters have receded enough to allow safe operation of the treatment plant including the safe conditions for staff. Accessibility to treatment plants in restricted areas may need to be cleared with the Office of Emergency Preparedness. Contact LDEQ (SPOC 225-219-3640) if assistance in gaining access to the treatment plant is required. The use of sound personal protective equipment for safety in unsanitary or unsafe conditions is required. Early return to compliant operation minimizes long term problems within the entire wastewater system.

2. Power Supply

For use of generator power, arrange for a reliable and continual fuel source. Contact LDEQ (SPOC 225-219-3640) if assistance in obtaining fuel for power generation at your treatment plant is needed. If no generation is available and you must wait for electrical providers; consider notification to residents of the effect on collection lines. If removal of clean out plugs is needed to prevent back up into homes, notify affected customers warning them to remain clear of these areas. If pump trucks are used, LDEQ can advise of locations to dispose of the pumped sewage.

3. Start Up

Once it is safe, re-power the treatment system, aerators and pumps. The primary goal is to remove sanitary wastewater from contact with humans, while making every effort to do so in a manner that is practical and least impacting on the environment. Activate disinfection units and maintain them. Initial effluent will likely be poorly treated and of a very poor quality. Adequate disinfection will be important to protect human health downstream of the discharge. If the system has been down and/or without power for an extended period of time, resident bacteria used in the treatment process may need to be re-established. Consider reseeding the system with activated sludge from operating aerated treatment plants. Several treatment plants are available for use in reseeding. Contact LDEQ for information regarding system seed sources.

4. Monitoring

Watch plant operations carefully to confirm it is functioning properly. Ensure that lift stations within the collection system are functional. Without functioning lift stations, sewage is not being removed from residences and sent for treatment. Visually observe effluent to maximize treatment effectiveness in the short term. If simple tools and/or tests are available to diagnose the plant's operational status ("sludge judge", settle-o-meter, dissolved oxygen meters, BOD analyses) use them frequently. If your plant is discharging poorly treated sewage, consider the impacts to persons, fish and wildlife downstream, including the possibility that drinking water intakes may be located downstream of your effluent. Notification to downstream users may be necessary to protect human health. Sample and analyze your effluent per LPDES requirements as soon as you are able.

5. Notifications and Documentation

Discharges that result in emergency conditions (threat to human health and the environment) must be reported immediately (1-877-925-6595). Discharges that result in

emergency conditions (threat to human health and the environment) may require notification to affected persons. Report to the DEQ any discharges that interfere with downstream uses, such as swimming or drinking water sources or if fish kills occur. Discharge Monitoring Reports (per permit requirements) should be used to notify the DEQ of non-emergency conditions. Notification to sewage users may be necessary if problem with the system prevents removal of sewage from residences (or other human contact) on an on-going basis. Notification to downstream users may be necessary to protect human health. Notify the Local Office of Emergency Preparedness when hurricane damage repairs are known – Federal Emergency Management Agency (FEMA) may be able to help with costs associated with hurricane damage.

A permittee who wishes to establish the affirmative defense of upset must document the cause of the upset, that the facility was being properly operated at the time of the upset, that notice of the upset that exceeded effluent limitations was submitted to the DEQ and that the permittee took all reasonable steps to minimize or prevent the likelihood of adversely affecting human health or the environment.

6. ***Records Management***

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

ATTACHMENT 3
EXAMPLE APPROVAL LETTER FOR STAGING AND CHIPPING WOOD WASTE

Mr. Eddie Howard
Ascension Parish Government
42077 Churchpoint Rd.
Gonzales, LA 70737

RE: Emergency Disaster Cleanup Sites
Ascension Parish
AI Number 83547

Dear Mr. Howard:

The Louisiana Department of Environmental Quality has reviewed your request to utilize the following site locations for the staging and chipping of woodwaste generated during Hurricane Katrina:

- 309 Mississippi St., Donaldsonville, owned by the City of Donaldsonville
- 9690 Airline Hwy, Sorrento, owned by the Ascension Parish School Board
- 42077 Churchpoint Rd., Gonzales, owned by Ascension Parish Government

An inspection of these sites was conducted by representatives of the Department. These site locations are now approved for the staging and chipping of woodwaste generated as a result of Hurricane Katrina. This approval will remain in effect until December 31, 2005. Disposal of any waste is **not** permitted at these sites.

If you have any questions contact Ms. Beth Scardina or Mr. Robert Thomas at 225-219-3070.

Sincerely,

Chuck Carr Brown, Ph.D.
Assistant Secretary

bls

c: CRO
Steve Aguillard, OEC-ED

ATTACHMENT 4

EXAMPLE APPROVAL LETTER FOR STAGING AND CHIPPING WOOD WASTE AND FOR STAGING OTHER TYPES OF WASTES SUCH AS WHITE GOODS AND C&D DEBRIS

Washington Parish Governing Authority
Courthouse Building
909 Pearl St.
Franklinton, LA 70438

Re: Storm Debris Chipping/Grinding Areas
Storm Debris Staging Areas
Washington Parish AI# 83603
Katrina AI# 130534

Dear Sir or Madam:

Due to the widespread damage caused by Hurricane Katrina, the Louisiana Department of Environmental Quality (LDEQ), Office of Environmental Services, Water and Waste Permits Division issues this approval to operate temporary storm debris chipping/grinding areas or temporary staging areas for construction/demolition debris, white goods, yard trash, and other woodwaste. Woodwaste, household furnishings and white goods shall be separated from C&D waste. The use of staging areas is approved based upon the attached criteria. This approval applies to the following site(s) as indicated:

Name	Location	Activity	Latitude	Longitude
Adams Estate	East of Hwy 21, Bogalusa	storm debris, chipping	30.80766	-89.82827
Kenny Gatewood	Franklinton	storm debris chipping/grinding	30.72577	-90.0706
Nellen Thomas	Franklinton	storm debris chipping	30.9499	-90.02724

This approval will allow for more efficient and expeditious management of the high volumes of storm debris resulting from Hurricane Katrina and will remain in effect until December 31, 2005. However, the Department reserves the right to reduce or extend the timeframe of this temporary approval based upon the progression of the clean-up efforts associated with the aftermath of Hurricane Katrina.

Please be aware that this letter does not authorize the burning of storm debris or onsite disposal of construction/demolition debris. A separate request for the use of a site for purposes other than that which is approved by this letter must be submitted to the Department on the enclosed form.

It is imperative that the debris collected as a result of this emergency event 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.

If you have any questions concerning this matter, please contact Mr. Rob Thomas at (225) 219-3060 or Ms. Beth Scardina at (225) 219-3043.

ATTACHMENT 5
EXAMPLE APPROVAL LETTER FOR C&D DISPOSAL SITE

St. Charles Parish Police Jury
P.O. Box 302
Hahnville, LA 70057

RE: Emergency Disaster - Pre-approved Construction and Demolition Debris Disposal Site

Operation and On-Site Closure Approval
AI Number# 83573
Katrina AI# 130534
St. Charles Parish

Dear Sir:

The Louisiana Department of Environmental Quality (hereafter referred to as "Department") hereby approves the temporary disposal of construction and demolition debris (C&D) and the closure of C&D sites resulting from the widespread damage caused by Hurricane Katrina at the location identified below. Operation and closure of the site shall be in accordance with the specifications contained in the Interim Operational Plan. (Attachment 1).

- BFI (west) Landfill, Boutte 29.91567 90.29353
- K.V. Landfill 30.00537 90.51933

This approval will allow for more efficient and expeditious management of the high volumes of storm debris resulting from Hurricane Katrina and will remain in effect until December 31, 2005. However, the Department reserves the right to reduce or extend the timeframe of this temporary approval based upon the progression of the clean-up efforts associated with the aftermath of Hurricane Katrina.

The Department would like to reiterate that the commencement of the operation of at the designated location is contingent upon the approval of the affected property owner.

Only those C&D wastes generated as a result of Hurricane Katrina are to be disposed at this location. It is imperative that the debris collected as a result of this emergency event be managed not only in an environmentally sound manner but also in accordance with the appropriate LDEQ rules and regulations governing the storage, processing and disposal of this type of waste. Operation and closure of the site shall be in accordance with the specifications contained in the Interim Operational Plan. (Attachment 1)

The materials acceptable for disposal at this location consist of the following:

- Nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project;
- Furniture, carpet, painted or stained lumber contained in the demolished buildings;
- The incidental admixture of construction and demolition debris with asbestos-contaminated waste. (i.e., incidental asbestos-contaminated debris that cannot be extracted from the demolition debris); or
- Yard Trash

The following materials shall not be disposed of in this location's pre-approved construction and demolition debris disposal site, but segregated and transported to an LDEQ approved staging area for eventual management, recycling and/or disposal at a permitted Type II Landfill:

- White goods
- Putrescible Waste

The management of Hurricane Katrina generated debris at permitted and pre-approved C&D locations shall be between the hours of 7:00 am to 7:00 pm Central Standard Time (CST) (unless alternate hours of operation are approved by the Department).

In accordance with Act 1074 of the 1990 Regular Session, the Department will provide written notice to the local governing authority of this authorization that allows the on-site disposal of solid waste.

At least five (5) days prior to the initiation of on-site closure, the Department requires that you provide written notification to:

Louisiana Department of Environmental Quality
Office of Environmental Assessment
P.O. Box 4314
Baton Rouge, La. 70821-4314
Phone:(225)219-3236
FAX: (225)219-3239
Email: deqoea@la.gov

Within thirty (30) days after completion of on-site closure, the Department requires that you submit: (1) a letter certifying that closure was conducted in accordance with the Interim Operational Plan; (2) a copy of the public notice required upon closure of the site, (Attachment 2) and a copy of the required deed recordation certified by the Clerk of Courts Office, (Attachment 3). These documents should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 4312
Baton Rouge, La. 70821-4312
Phone: (225)219-3700
FAX: (225)219-3708
Email: deqoec@la.gov

The Department will notify the local governing authority regarding the final closure of the C&D site.

If you have any questions regarding this matter, please contact Mr. Rob Thomas or Ms. Beth Scardina of the Water and Waste Permits Division at (225) 219-3070.

Sincerely,

Chuck Carr Brown, Ph.D.
Assistant Secretary

c: SERO

ATTACHMENT 6

EXAMPLE INTERIM OPERATIONAL PLAN

AUTHORIZED EMERGENCY SITES FOR DISPOSAL
CONSTRUCTION/DEMOLITION DEBRIS, WOODWASTE, YARD TRASH &
EXEMPT MATERIALS LANDFILLS

Hurricane Katrina Debris Interim Operational Plan

The operation of the disposal facility governed by this authorization will comply with the following requirements:

1. Provide adequate supervision and security of the site to control disposal of materials, allowing disposal of construction/demolition debris, woodwaste, yard trash and exempt materials as defined by LAC 33:VII.115 and as authorized for the site. Disposal of unauthorized waste is strictly prohibited and must be prevented.

2. Post a sign at the entrance to the facility listing acceptable wastes and prohibited wastes including, but not limited to, liquid waste, volatile waste, hazardous waste, flammable waste, infectious waste, domestic waste, friable asbestos and putrescible waste (garbage).

3. Personnel will maintain a daily inventory documenting each truck load of waste received and each truck load rejected at the gate. Such documentation will include some form of identification of source of generation, transporter, the approximate volume of waste received, and a general description of the waste. Also, a reason for rejecting a load of waste should be documented in the daily log.

4. All records required by this authorization will be maintained on site and available for inspection by representatives of the Department.

5. Wastes shall be dumped under supervision in the smallest practical area, spread and compacted daily. The wastes shall be deposited in such a manner as to allow daily compaction of the waste. The wastes shall be covered with twelve (12") inches of silty clays at least every fourteen (14) days, if possible. Records will be maintained to substantiate compliance with this requirement.

6. Unauthorized waste should be segregated and placed in a container as required by LAC 33:VII.703. The unauthorized waste will be removed at least every seven

(7) days, if possible. Records documenting removal and disposal of unauthorized waste as required here must be maintained for inspection.

7. Access to the facility shall be by all weather roads that can meet the demands of the facility. Roads within the facility shall be maintained as all weather roads or the facility will provide an operational change to implement during wet weather conditions as well as a means of dust control.

8. An annual report must be submitted to the administrative authority indicating quantities and types of solid wastes (expressed in wet-weight tons per year), received from generators, during the reporting period. All calculations used to determine the amounts of solid waste received for disposal during the annual reporting period shall be submitted to the administrative authority. Annual reports shall be submitted to the administrative authority by August 1st of each reporting year.

9. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state and local authorities. Should any fire start, procedures will be initiated immediately to control and to extinguish it.

10. No solid waste shall be deposited in standing water. Before any water is pumped or drained from the site, a water discharge permit must be obtained from the Office of Environmental Services, Water and Waste Permits Division.

11. Unapproved salvaging shall be prohibited and prevented. Scavenging shall be prevented.

12. Litter both within the site and along the entrance to the site shall be controlled by use of litter fences and/or regular policing of the site.

13. Adequate equipment and personnel must be provided to achieve the operational requirements of the facility as stated here and in LAC 33:VII.721. Backup equipment shall be provided in the event of equipment breakdown. Personnel will be adequately trained in the recognition of unauthorized materials, segregation procedures, and emergency procedures.

14. In the event of unauthorized disposal or deposit at the facility the Department must be notified immediately.

15. Final compacting and grading will be completed before capping. Final cover will be completed within 90 days after final grades are reached. The side slope should be no steeper than 4(H):1(V) (for above ground) and must have a minimum of a 4 percent slope on the top of the final cap. The final cover must consist of a minimum of 24 inches of silty clays, or Department approved equivalent and 6 inches of topsoil sufficient for supporting vegetative growth.

16. After closure inspection and approval, ground cover will be planted to prevent erosion and return the facility to a more natural appearance.

17. Parish mortgage and conveyance records will be updated as required by the Louisiana Statutes and state regulations. A certified true copy will be submitted as required.

18. The integrity of the grade and cap must be maintained for no less than three years after the date of administrative authority's approval of the closure of the facility. Annual reports concerning the integrity of the cap will be submitted for a period of three years after closure.

PUBLIC NOTICE

I, _____, of _____, received authorization from the Louisiana Department of Environmental Quality, for the operation and closure of an emergency authorized construction and demolition debris disposal site. The site contains approximately _____tons of _____. It is located in Section _____,Township _____, Range _____, in _____ Parish, Louisiana.

Closure activities commenced on _____ and were completed on _____.

DOCUMENT TO BE FILED IN THE PARISH RECORDS UPON
FINAL CLOSURE OF A SOLID WASTE DISPOSAL FACILITY

_____ (Name of authorized facility owner or permit owner) hereby notifies the public that the following described property was used for the disposal of solid waste. The site was closed on _____ (date) in accordance with the Louisiana Administrative Code, Title 33, Part VII. Inquiries regarding the contents of the facility may be directed to _____(name of person with knowledge of the contents of the facility) at

_____ (address of person with knowledge of the content of the facility).

Property Description:
(Provide the specific description of the location of the facility)

_____
(Signature of Person Filing Parish Record)

_____
(Typed Name & Title of Person Filing
Parish Record)

(A true copy of the document certified by the parish clerk of court must be sent to the Louisiana Department of Environmental Quality, Office of Environmental Compliance, Enforcement Division, Post Office Box 4312, Baton Rouge, Louisiana 70821-4312)

ATTACHMENT 7
EXAMPLE "BURN LETTER"

September15, 2005

Mr. Albert LaQue, President
St. Charles Parish Government
Post Office Box 302
Hahnville, LA 70057

Re: Request for Burning Storm Debris
St. Charles Parish Government
Agency Interest No.9065 N 29.91796
Davis Pond Diversion Canal Site W 90.31891

Dear Mr. LaQue:

The Louisiana Department of Environmental Quality (DEQ) has received your letter dated September 14, 2005, requesting permission on behalf of St. Charles Parish Government to burn storm debris.

According to Louisiana Air Quality Regulations, in particular LAC 33:III.1109.B, outdoor burning is prohibited. No person shall cause or allow the outdoor burning of waste material or other combustible material on any property owned by him or under his control except as provided in LAC 33:III.1109.C and D.

In accordance with LAC 33.III.1109.D.9.c, a one-time exception is hereby granted by the DEQ regarding procedures for burning storm debris. DEQ will allow fires purposely set as a part of an organized program to dispose of storm debris, such as leaves, limbs, trees, and other vegetable matter, if the following conditions are met:

1. If the burning is conducted continually, that it will not create a nuisance or health hazard:

2. Fire-fighting personnel will be advised of the burning events;

3. The debris is at least one thousand (1,000) feet (305 meters) from any inhabited dwelling;

4. The burning is controlled so that the emission of smoke, suspended particle matter, or uncombined water or any air contaminants or

combination thereof, does not cross a public road and create a traffic hazard by impairment of visibility;

5. Care is used to minimize the amount of dirt on the material that is being burned;

6. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produce unreasonable amounts of smoke may not be burned; nor may these substances be used to start a fire;

7. Prevailing winds at the time of the burning must be away from any city, town or airport, the ambient air of which may be affected by smoke from the burning; and

8. This exception applies only to burning conducted at the Davis Pond Diversion Canal Site, located at U.S. Highway 90 and Diversion Canal, St. Charles Parish, Louisiana.

To expedite the collection and disposal of related debris, we hereby issue this temporary exception allowing this open burning of storm debris through December 31, 2006.

Be advised that this exception to burn does not authorize the creation of a public nuisance as identified in LAC 33:III.1109.D and does not excuse the person responsible from the consequences of or the damages or injuries resulting from the burning.

If you have any questions regarding this matter, please contact Mr. Steve Aguillard of the Enforcement Division at (225) 219-3718.

Sincerely,

Harold Leggett, Ph.D
Assistant Secretary

HL:SRA

c: Capital Regional Office

ATTACHMENT 8
CURRENT KATRINA CONTACT LIST

LDEQ KATRINA RESPONSE TEAM CONTACT NUMBERS (area code 225 unless otherwise listed)

Revised 9/28/05

24-HOUR HOTLINE --- (888) 763-5424 or (225) 219-3640

ASSIGNMENT	NAME	WORK PH
Aerial Data/ Overflight / Agric Liaison	Jeff Nolan	219-3931
Aerial Recon Team Leader / HAWK	Bruce Hammatt	219-4070
Air Dispersion Modeling	Wilbert Jordan Jim Hazlett	219-3233 219-3484
Air Pollution Issues	Chris Roberie	219-3482
Asbestos & Lead issues	Jodi Miller	219-3004
Brownfields	Roger Gingles	219-3188
Communications	Karen Gautreaux Darin Mann Rodney Mallett Jean Kelly Tiffany Dickerson Office Emer Prep Desk	219-3951 219-0860 219-3964 219-3966 219-3967 287-7619
Complaints / Inspections	Mike Algero	219-3611
Debris Coordinator / FEMA Backup Debris Coordinator	Steve Aguillard Robert Thomas	219-3718 219-3060
DHH Contact	Bobby Savoie	763-3590
Emergency Declarations & Rules	Herman Robinson / Lou Buatt	219-3980
Emergency Operations Center	DEQ Staff	925-7395
Emergency Response Team	Jeff Meyers	219-3624
Enforcement / OEP Staffing	Peggy Hatch	219-3712
EPA Region 6	Sam Coleman / David Gray	219-0879
Executive Assistance	Marian Mergist	219-3950
FEMA Liaison Backup	Bijan Sharafkhani Rob Thomas	219-3462 219-3060
Field Activity Coordinator	Hal Leggett	219-3710
Field Response	Blaise Guzzardo	219-3699
Human Resource Issues	Thomas Bickham	219-3839
Information Technology Issues	Thomas Bickham	219-3839
Laboratory Analysis	Mitch Mitchell	219-9880
Maps/GIS Coordinator	Kevin Sweeney	278-8903
Media Liaison	Darin Mann	219-0860
Monetary Donations	Thomas Bickham Herman Robinson	219-3839 219-3980
New Orleans Mayor's Office	Yarrow Ethridge	219-3972
Offers of Resource Assistance	Karen Gautreaux	219-3951
Oil Spill (LOSCO) Liaison LOSCO Spokesperson Oil Spill / Coast Guard Spokesperson	Keith Jordan Karolien Debusschere PO Russ Tippets	219-3613 219-5800 778-3546
Permit Variances	Chuck Brown	219-3180

Radiation Sources/Contamination	Ronnie Wascom Mike Henry Joe Noble	219-3015 219-3366 219-3643
RECAP/ Toxicity	Tom Harris	219-3421
Refinery Startup	Chuck Brown	219-3180
Regional Response Team Liaison	Bob Hannah	219-4082
Response, Assessment and Recovery Plan	Mike McDaniel / Thomas Bickham	219-3950
Spill Prevention & Control	Chris Piehler	219-3609
Vendor / Innovative Technology Assessment Team	James Brent Percy Harris FAX: 219-3474	219-3393 219-3389
Underground Storage Tanks	Raul Busquet	219-3197
Visitors Housing and Logistics	Tom Patterson	219-0744
Wastewater Systems / Treatment	Lenny Young Chris Piehler	219-3013 219-3609
Water Issues	Chris Piehler Barbara Romanowsky	219-3609 219-3483