

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Emergency Response Standards for Solid Waste Facilities (LAC 33:VII.115, 513, 521, 711, 713, 715, 717, 721, 723 and 725) (SW054)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.115, 513, 521, 711, 713, 715, 717, 721, 723 and 725 (SW054).

This Rule will allow the department to implement the revised requirements for emergency response standards at solid waste facilities, as required by Act 862 of the 2010 Legislative session, which became effective on July 1, 2010. The revised requirements will help ensure that capabilities are in place for first responders in the event of accident, fire, explosion or other emergency at these facilities. Act 862 of the 2010 Legislative session repealed the statutes (R.S. 2157 and 2157.1) that provided the basis for the present emergency response standards for solid waste facilities. The Act directs the Secretary to promulgate new regulations prior to July 1, 2011. Under the new regulations, prospective applicants for new or renewal solid waste standard permits will be required to submit an emergency response plan to the Louisiana State Fire Marshal's Office, and obtain approval of the plan, before submitting an application to LDEQ. The basis and rationale of this rule creates a definitive set of standards for emergency response requirements at solid waste facilities in Louisiana. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 26, 2011, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW054. Such comments must be received no later than February 2, 2011, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to donald.trahan@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW054. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
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Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations
Chapter 1. General Provisions and Definitions

§115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

~~*Contingency Plan*—an organized, planned, coordinated course of action to be followed in the event of a fire, explosion, natural disaster, or discharge or release of waste into the environment that could endanger human health or the environment.~~repealed.

Emergency Response Plan—an organized, planned, coordinated course of action to be followed in the event of a fire, explosion, natural disaster, or discharge or release of waste into the environment that could endanger human health or the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 36:**.

Chapter 5. Solid Waste Management System

Subchapter B. Permit Administration

§513. Permit Process for Existing Facilities and for Proposed Facilities

A. – B.2.c. ...

3. The prospective applicant shall file an *emergency response plan*, as defined in LAC 33:VII.115.A, with the Louisiana State Fire Marshal as a special structures plan, prior to submittal of a new or renewal application for a solid waste permit. The content of the plan shall be in accord with applicable sections of LAC 33:VII.Chapter 7. A copy of the plan shall also be sent to the Office of Environmental Services. Except as provided for in LAC 33:VII.513.B.10, no application for a permit to process or dispose of solid waste shall be filed

with nor accepted by the administrative authority until the plan is approved by the Louisiana State Fire Marshal. The prospective applicant shall forward a copy of the approval to the Office of Environmental Services. The approved emergency response plan shall be considered applicable to subsequent permit applications submitted by the same applicant, unless a revised plan is filed with the Louisiana State Fire Marshal. After [INSERT DATE OF PROMULGATION], a revised plan shall be filed with the Louisiana State Fire Marshal prior to submittal of a renewal application.

4. The requirements of Paragraph B.3 of this Section shall not apply if the prospective applicant can demonstrate that he has the ability to meet the emergency response requirements listed below. The prospective applicant shall provide this demonstration to the Office of Environmental Services and the Louisiana State Fire Marshal, at least 30 days prior to submittal of a new or renewal solid waste application.

a. Requirements for Demonstration

i. The prospective applicant shall describe arrangements (including contracts, where applicable) for providing his own emergency response services.

ii. The minimum qualification for firefighters/emergency responders shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

iii. The demonstration shall include a list of all emergency equipment at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment.

5. The requirements of Paragraph B.3 of this Section shall not apply to permit modification requests, or to applications for permits (initial or renewal), deemed technically complete prior to [INSERT DATE OF PROMULGATION], except as directed by the administrative authority.

C. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2488 (October 2005), LR 33:1037 (June 2007), LR 33:2143 (October 2007), LR 36:**.

Subchapter D. Permit Application

§521. Part II: Supplementary Information, All Processing and Disposal Facilities

A. – G.1.e. ...

f. procedures, equipment, and ~~contingency~~ emergency response plans for protecting employees and the general public from accidents, fires, explosions, etc., and

provisions for emergency response and care, should an accident occur (including proximity to a hospital, fire and emergency services, and training programs); and

G.1.g. – M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1040 (June 2007), LR 36:**.

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, Landfarms

§711. Standards Governing Landfills (Type I and II)

A. – D.5.c. ...

6. ~~Facility Operations, Emergency Procedures, and Contingency Plans~~ Emergency Response Plan

a. ~~A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and if required under LAC 33:VII.513, an emergency response plan shall be filed with the local~~ closest fire department, emergency medical services (EMS) agency, the closest hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be updated annually reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. ...

c. ~~Applicants for Type I facilities shall submit certifications from local public service entities:~~

i. ~~Certifications shall be submitted from the local:~~

(a). ~~fire department as to whether or not that department has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association;~~

(b). ~~emergency medical services agency as to whether or not that agency has the ability to meet the response requirements of Section 473 of the Life Safety Code of the National Fire Protection Association; and~~

(c). ~~hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

ii. ~~In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause D.6.c.i of this Section, the applicant for a~~

~~Type I facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause D.6.c.i of this Section.~~

~~iii. The requirements of Clauses D.6.c.i and ii of this Section shall not apply if the applicant for a Type I facility has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association.~~

~~d. Applicants for Type II facilities shall submit certifications from local public service entities.~~

~~i. Certifications shall be submitted from the local:~~

~~(a). fire department and emergency medical services agency regarding their compliance with 29 CFR 1910.120; and~~

~~(b). hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

~~ii. In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause D.6.d.i of this Section, the applicant for a Type II facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause D.6.d.i of this Section.~~

~~iii. The provisions of this Subparagraph shall not apply to a Type I facility that is also a Type II facility.~~

~~e. Facility operators for a Type II facility shall be trained in awareness and hazardous waste operations in accordance with 29 CFR 1910.120.~~

~~c. Requirements for Emergency Response Plan~~

~~i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.~~

~~ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.~~

~~iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.~~

~~iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.~~

~~v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.~~

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

E.– F.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2492 (October 2005), LR 33:1047 (June 2007), LR 33:2145 (October 2007), LR 34:1901 (September 2008), LR 36:**.

§713. Standards Governing Surface Impoundments (Type I and II)

A. – D.4. ...

5. ~~Facility Operations, Emergency Procedures, and Contingency Plans~~ Emergency Response Plan

a. ~~A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and~~ If required under LAC 33:VII.513, an emergency response plan shall be filed with the ~~local~~ closest fire department, emergency medical services (EMS) agency, the ~~closest~~ hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be ~~updated annually~~ reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. ...

~~e. Applicants for Type I facilities shall submit certifications from local public service entities:~~

~~i. Certifications shall be submitted from the local:~~

~~(a). fire department as to whether or not that department has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association;~~

~~(b). emergency medical services agency as to whether or not that agency has the ability to meet the response requirements of Section 473 of the Life Safety Code of the National Fire Protection Association; and~~

~~(c). hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

~~ii. In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause D.5.c.i of this Section, the applicant for a Type I facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause D.5.c.i of this Section.~~

~~iii. The requirements of Clauses D.5.c.i and ii of this Section shall not apply if the applicant for a Type I facility has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association.~~

~~d. Applicants for Type II facilities shall submit certifications from local public service entities:~~

~~i. Certifications shall be submitted from the local:~~

~~(a). fire department and emergency medical services agency regarding their compliance with 29 CFR 1910.120; and~~

~~(b). hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

~~ii. In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause D.5.d.i of this Section, the applicant for a Type II facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause D.5.d.i of this Section.~~

~~iii. The provisions of this Subparagraph shall not apply to a Type I facility that is also a Type II facility.~~

~~e. Facility operators for a Type II facility shall be trained in awareness and hazardous waste operations in accordance with 29 CFR 1910.120.~~

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

E. – F.2.b.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1053 (June 2007), LR 33:2146 (October 2007), LR 36:1241 (June 2010), LR 36:**.

§715. Standards Governing Landfarms (Type I and II)

A. – D.4. ...

5. ~~Facility Operations, Emergency Procedures, and Contingency Plans~~Emergency Response Plan

a. ~~A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and~~If required under LAC 33:VII.513, an emergency response plan shall be filed with the local~~closest~~fire department, emergency medical services (EMS) agency, the closest~~hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be~~updated annually~~reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.~~

b. ...

c. ~~Applicants for Type I facilities shall submit certifications from local public service entities.~~

i. ~~Certifications shall be submitted from the local:~~

(a). ~~fire department as to whether or not that department has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association;~~

(b). ~~emergency medical services agency as to whether or not that agency has the ability to meet the response requirements of Section 473 of the Life Safety Code of the National Fire Protection Association; and~~

(c). ~~hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

ii. ~~In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause D.5.c.i of this Section, the applicant for a Type I facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause D.5.c.i of this Section.~~

iii. ~~The requirements of Clauses D.5.c.i and ii shall not apply if the applicant for a Type I facility has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association.~~

d. ~~Applicants for Type II facilities shall submit certifications from the local public service entities.~~

i. ~~Certifications shall be submitted from the local:~~

(a). ~~fire department and emergency medical services agency regarding their compliance with 29 CFR 1910.120; and~~

(b). ~~hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

~~ii. In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause D.5.d.i of this Section, the applicant for a Type II facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause D.5.d.i of this Section.~~

~~iii. The provisions of this Subparagraph shall not apply to a Type I facility that is also a Type II facility.~~

~~e. Facility operators for a Type II facility shall be trained in awareness and hazardous waste operations in accordance with 29 CFR 1910.120.~~

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

E.– F.3.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1058 (June 2007), LR 33:2147 (October 2007), LR 35:1880 (September 2009), LR 36:**.

Subchapter B. Solid Waste Processors

§717. Standards Governing All Type I-A and II-A Solid Waste Processors

A. – G.4. ...

5. ~~Facility Operations, Emergency Procedures, and Contingency Plans~~Emergency Response Plan

a. ~~A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and~~If required under LAC 33:VII.513, an emergency response plan shall be filed with the local~~closest fire department, emergency medical services (EMS) agency, the closest hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be updated annually~~reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. ...

c. ~~Applicants for Type I A facilities shall submit certifications from local public service entities.~~

i. ~~Certifications shall be submitted from the local:~~

(a). ~~fire department as to whether or not that department has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association;~~

(b). ~~emergency medical services agency as to whether or not that agency has the ability to meet the response requirements of Section 473 of the Life Safety Code of the National Fire Protection Association; and~~

(c). ~~hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

ii. ~~In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause G.5.c.i of this Section, the applicant for a Type I A facility shall identify in the permit application the closest fire department, emergency~~

~~medical services agency, and hospital that can provide the services listed in Clause G.5.c.i of this Section.~~

~~iii. — The requirements of Clauses G.5.c.i and ii of this Section shall not apply if the applicant for a Type I A facility has the ability to meet the response requirements of Section 472 of the Life Safety Code of the National Fire Protection Association.~~

~~d. — Applicants for Type II A facilities shall submit certifications from local public service entities:~~

~~i. — Certifications shall be submitted from the local:~~

~~(a). — fire department and emergency medical services agency regarding their compliance with 29 CFR 1910.120; and~~

~~(b). — hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

~~ii. — In the event any such local public service entity cannot certify that it is able to meet the requirements of Clauses G.5.d.i of this Section, the applicant for a Type II A facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause G.5.d.i of this Section.~~

~~iii. — The provisions of this Subparagraph shall not apply to a Type I A facility that is also a Type II A.~~

~~e. — Facility operators for a Type II A facility shall be trained in awareness and hazardous waste operations in accordance with 29 CFR 1910.120.~~

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment,

communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

H. – I.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 36:**.

Subchapter C. Minor Processing and Disposal Facilities

§721. Standards Governing Construction and Demolition Debris and Woodwaste Landfills (Type III)

A. – C.4. ...

~~5. Facility Operations, Emergency Procedures, and Contingency Plans~~
Emergency Response Plan

~~a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and~~
If required under LAC 33:VII.513, an emergency response plan shall be filed with the local closest fire department, emergency medical services (EMS) agency, the closest hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be updated annually reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. ...

~~e. Applicants for Type III facilities shall submit certifications from local public service entities:~~

~~i. Certifications shall be submitted from the local:~~

~~(a). fire department and emergency medical services agency regarding their compliance with 29 CFR 1910.120; and~~

~~(b). hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

~~ii. In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause C.5.e.i of this Section, the applicant for a Type III facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause C.5.e.i of this Section.~~

~~d. Facility operators for a Type III facility shall be trained in awareness and hazardous waste operations in accordance with 29 CFR 1910.120.~~

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

D. – E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:1577 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1067 (June 2007), LR 33:2149 (October 2007), LR 34:1901 (September 2008), LR 36:**.

§723. Standards Governing Composting Facilities

A. – D.5.c. ...

6. ~~Facility Operations, Emergency Procedures, and Contingency Plans~~Emergency Response Plan

a. ~~A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and if required under LAC 33:VII.513, an emergency response plan shall be filed with the local closest fire department, emergency medical services (EMS) agency, the closest hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be updated annually reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.~~

b. ...

e. ~~Applicants for Type III facilities shall submit certifications from local public service entities:~~

i. ~~Certifications shall be submitted from the local:~~

(a) ~~fire department and emergency medical services agency regarding their compliance with 29 CFR 1910.120; and~~

(b) ~~hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

ii. ~~In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause D.6.c.i of this Section, the applicant for a Type III facility shall identify in the permit application the closest fire department, emergency~~

~~medical services agency, and hospital that can provide the services listed in Clause D.6.c.i of this Section.~~

~~d. Facility operators for a Type III facility shall be trained in awareness and hazardous waste operations in accordance with 29 CFR 1910.120.~~

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

E. – E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December

1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2496 (October 2005), LR 33:1069 (June 2007), LR 33:2150 (October 2007), LR 36:**.

§725. Standards Governing Separation and Woodwaste Processing Facilities (Type III)

A. – C.4. ...

5. ~~Facility Operations, Emergency Procedures, and Contingency Plans~~Emergency Response Plan

a. ~~A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and~~If required under LAC 33:VII.513, an emergency response plan shall be filed with the local~~closest fire department, emergency medical services (EMS) agency, the closest hospital or clinic, and the Office of Environmental Services, after approval by the Louisiana State Fire Marshal. Any significant revision of the plan shall be approved and filed in the same manner. The plans shall be updated annually~~reviewed by the permit holder annually, and updated if necessary, or when implementation demonstrates that a revision is needed.

b. ...

c. ~~Applicants for Type III facilities shall submit certifications from local public service entities.~~

i. ~~Certifications shall be submitted from the local:~~

(a). ~~fire department and emergency medical services agency regarding their compliance with 29 CFR 1910.120; and~~

(b). ~~hospital as to whether it is able to accept and treat patients who are contaminated with hazardous materials.~~

ii. ~~In the event any such local public service entity cannot certify that it is able to meet the requirements of Clause C.5.c.i of this Section, the applicant for a Type III facility shall identify in the permit application the closest fire department, emergency medical services agency, and hospital that can provide the services listed in Clause C.5.c.i of this Section.~~

d. ~~Facility operators for a Type III facility shall be trained in awareness and hazardous waste operations in accordance with 29 CFR 1910.120.~~

c. Requirements for Emergency Response Plan

i. The emergency response plan shall describe the actions facility personnel must take in response to accident, fire, explosion, or other emergencies.

ii. If the owner or operator has already prepared an emergency response plan or contingency plan, he need only amend that plan to incorporate solid waste management provisions that are sufficient to comply with these requirements as applicable.

iii. The plan must designate those fire departments or mutual aid societies, emergency medical services agencies, and hospitals with which the facility will coordinate emergency services.

iv. For fire departments or mutual aid societies, the applicable response requirement shall be that of Operations Level Responder from the National Fire Protection Association, Standard 472. At least one person trained to this level shall respond in any incident requiring activation of emergency response services.

v. For emergency medical services (EMS), the response requirement shall be that of Emergency Medical Technician – Basic, or equivalent. At least one person trained to this level shall respond in any incident requiring activation of EMS.

vi. The plan must include a list of all emergency equipment (where required) at the facility, such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list and a brief outline of its capabilities.

vii. The plan shall include an evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

viii. The plan shall include emergency notification procedures required in LAC 33:I.Chapter 39.

d. The provisions of this Paragraph shall not apply if the applicant demonstrates that he meets the response requirements of the applicable sections of the National Fire Protection Association standards, in accordance with LAC 33:VII.513.B.4.

D. – D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), LR 22:280 (April 1996), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2026 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2496 (October 2005), LR 33:1073 (June 2007), LR 33:2151 (October 2007), LR 36:**.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person

Preparing Statement:	<u>Donelson Caffery</u> <u>donelson.caffery@la.gov</u> (email address)	Dept.:	<u>Environmental Quality</u>
Phone:	<u>(225) 219-3056</u>	Office:	<u>Environmental Services</u>
Return Address:	<u>602 N. Fifth Street</u> <u>Baton Rouge, LA 70802</u>	Rule Title:	<u>Emergency Response Standards</u> <u>for Solid Waste Facilities</u>
		Date Rule Takes Effect:	<u>Upon Promulgation</u>

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no significant costs or savings to state or local governmental units as a result of this proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections for state government (State Fire Marshal's Office) are expected to increase by about \$3,000.00 per year from plan review fees due to this rule. There is no estimated effect on revenue collections of local governmental units resulting from this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule should have little or no net effect to costs and/or economic benefits for small businesses that are part of the regulated community. The new requirement of an applicant to submit an emergency response plan should not significantly increase the regulated community's costs and/or third-party consulting fees, because the emergency response plan will replace the contingency plan required by the previous regulations. The regulated community should realize some savings since the previous requirement to solicit verification letters from fire departments and EMS agencies for inclusion in the permit application was very time-consuming and inefficient. The rule changes should require a one-time plan submittal and approval process, leading to fewer delays in the permitting process. This will in turn reduce paperwork costs for the regulated community.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or on employment in the public or private sector as a result of this rule.

Signature of Agency Head or Designee

Herman Robinson, Executive Counsel
Typed Name and Title of Agency Head or Designee

Date of Signature

Legislative Fiscal Officer or Designee

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This proposed rule repeals the existing regulations covering emergency response requirements for solid waste facilities, and promulgates new requirements, in accord with Act 862 of the 2010 Regular Session of the Louisiana Legislature. Under the new regulations, prospective applicants for new or renewal solid waste standard permits will be required to submit an emergency response plan to the Louisiana State Fire Marshal's Office, and obtain approval of the plan, before submitting an application to DEQ.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Act 862 of the 2010 Regular Session of the Louisiana Legislature repealed the statutes, La. R.S. 2157 and 2157.1, that provided the basis for the existing regulations covering emergency response for solid waste facilities. The new statute, La. R.S. 2154(B)(9), directs the DEQ Secretary to promulgate regulations by July 1, 2011, specifying new emergency response requirements.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

This proposed rule will not result in any increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) ___ Yes. If yes, attach documentation.

(b) ___ No. If no, provide justification as to why this rule change should be published at this time.

Not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

No costs or savings to state agencies are anticipated as a result of this proposed rule.

COSTS	FY10-11	FY11-12	FY12-13
PERSONAL SERVICES	-0-	-0-	-0-
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES	-0-	-0-	-0-
OTHER CHARGES	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR POSITIONS (#)	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be minimal costs associated with this proposed rule. No increase or decrease in workload is anticipated.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY10-11	FY11-12	FY12-13
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED DEDICATED	Minimal	Minimal	Minimal
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-
TOTAL	Minimal	Minimal	Minimal

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

LDEQ currently has sufficient funds to implement the proposed action.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

Minimal net impact on local governmental units is anticipated. Local governmental units that submit solid waste applications to DEQ will have to submit an emergency response plan to the State Fire Marshal’s Office in place of the current contingency plan submitted as part of the application. There should be no net increase in local government workload.

- 2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

It is unknown what source of funding for local governmental units will be affected by the proposed rule. The funding source that these local governmental units use to pay for the costs of producing emergency response or contingency plans most likely varies from unit to unit.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

Revenue collections for state government are expected to increase by about \$3,000.00 per year. Minimal impact expected on local government.

REVENUE INCREASE/DECREASE	FY10-11	FY11-12	FY12-13
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-3,000-	-3,000-	-3,000-
RESTRICTED FUNDS*	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
LOCAL FUNDS	-0-	-0-	-0-
TOTAL	-3,000-	-3,000-	-3,000-

*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The special structures plan review fee for the Louisiana State Fire Marshal’s Office currently varies from \$55.00 to 115.00 per facility. An assumption of 30 plans submitted at an average fee of \$100.00 each was used to calculate future self-generated funds.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Persons seeking a new or renewal permit for solid waste management in the state of Louisiana would be affected by the proposed action. Each prospective permit applicant will be required to submit an emergency response plan to the Louisiana State Fire Marshal for approval prior to submittal of his or her permit application to DEQ. The plan review fee for the State Fire Marshal is anticipated to be between \$55.00 and \$115.00 per facility. No other effect on costs, including workload adjustments or additional paperwork, is expected.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There should be no impact on receipts and/or income from this proposed rule.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule should have no effect on employment in the public or private sector.