Guidance for Solid Waste Permits - Emergency Response Plans

Louisiana Office of State Fire Marshal

Louisiana Department of Environmental Quality

**When and why are the regulations being changed?**

The DEQ regulations giving requirements for emergency response for solid waste facilities are being updated. Act 862 of the 2010 Louisiana Legislature repealed the statutes, R.S. 30:2157 and 2157.1, that formed the basis of the former regulations, and enacted a new statute, R.S. 30:2154(B)(9), to cover emergency response for solid waste facilities. The new regulations were originally proposed in the Louisiana Register on December 20, 2010. DEQ has made needed changes and corrections to the regulations based on comments received during the public comment period, and expects the final regulations to be published and become effective on **June 20, 2011**. The proposed regulations (SW054) may be viewed at <http://www.deq.louisiana.gov/portal/tabid/3019/Default.aspx>

Recent changes to the National Fire Protection Association (NFPA) standards, and other factors, were making compliance with the old regulations difficult, if not impossible, for many facilities. The new regulations are based on the new statute, and provide standards and procedures to be followed by DEQ, the State Fire Marshal, and by affected facilities, to ensure that capabilities are in place for first responders in the event of accident, fire, explosion, or other emergency at solid waste facilities.

**What is changed in the new statute and regulations?**

* Potential applicants for a new or renewal solid waste permit must submit an emergency response plan to the State Fire Marshal’s Office for review and approval prior to submitting an application to DEQ
* The emergency response plan describes actions facility personnel must take in response to an accident, fire, explosion, or other emergency related to the solid waste units permitted by DEQ
* **The emergency response plan must be submitted to the Louisiana Office of State Fire Marshal for review and approval, rather than to DEQ. A copy of the approval letter from the State Fire Marshal must then be sent to the DEQ Office of Environmental Services (it may be included with the solid waste permit application)**
* Applicants who have their own emergency response capabilities, meeting applicable National Fire Protection (NFPA) standards, are exempt from submitting an emergency response plan (see proposed regulations)
* Louisiana State Fire Marshal contact is Chief Dan Wallis, Deputy Assistant Fire Marshal, phone (800) 256-5452 or (225) 925-4593

**What permitting actions do the new regulations cover?**

* New or renewal permits for solid waste facilities (Type I, IA, II, IIA, or III)

**What permitting actions are not subject to the new regulations?**

* Permit modifications (major or minor)
* Applicants for new or renewal permits for solid waste, whose applications have been deemed technically complete by the effective date of the new regulations, will not have to submit emergency response plans until their next renewal

**How do I submit the emergency response plan?**

* Emergency Response Plans must submitted to the Louisiana Office of State Fire Marshal, 8181 Independence Blvd., Baton Rouge, LA 70806
* Plan Review Application form, Checklist, and payment must be included with the plan
* Further details on submittal forms and procedures are available at the Office of State Fire Marshal website, <http://sfm.dps.louisiana.gov/>

**What if I have my own emergency response capabilities?**

* A letter demonstrating your firefighting / hazmat capabilities must be submitted to the DEQ Office of Environmental Services and the Louisiana Office of State Fire Marshal, at least 30 days prior to submittal of a new or renewal solid waste application
  + You must describe your emergency response arrangements (contractors may be included)
  + Minimum hazmat qualification for firefighters is Operations Level Responder, per NFPA Standard 472, OR NFPA 1081, Incipient Industrial Fire Brigade Member, OR NFPA 1001, Fire Fighter I (must be stated explicitly in the plan)
  + You must include a list of all emergency equipment at the facility pertinent to waste facilities

**GENERAL GUIDANCE FOR ALL SOLID WASTE PERMITS**

**Emergency Response Plans – general content**

All emergency response plans will require a basic set of elements as listed below:

1. Description of actions that facility personnel must take in response to accidents, fire, explosion, or other emergencies. The possible emergencies listed in the plan should primarily be those related to the permitted solid waste units. For example, if the permittee has a manufacturing plant, and the permitted solid waste units are at a significant distance (200 feet or more) from the manufacturing portion of the plant, the plan need not include possible emergencies that may arise in the manufacturing areas.
2. Many facilities already have an emergency response plan or contingency plan in place. An existing plan may be used to satisfy the new solid waste regulations, provided that it includes, or is amended to include, the applicable requirements on this list.
3. Designation of fire department(s) or mutual aid societies, emergency response services (EMS) agencies, and hospitals with which the facility will coordinate emergency services. The fire department or mutual aid society listed must have trained personnel that meet the requirements of #4 below.

(A mutual aid society is a group of facilities that have a written agreement in place to provide equipment and trained personnel to each other in case of a fire emergency. In order to claim coverage by a mutual aid society in the emergency response plan, a facility must show that it is a member of that society in good standing, and that one or more members of the society will be available to respond in case of fire)

1. The minimum qualification for fire departments or mutual aid societies is Operations Level Responder from the National Fire Protection Association (NFPA), Standard 472 (latest edition), OR NFPA 1081, Incipient Industrial Fire Brigade Member, OR NFPA 1001, Fire Fighter I (must be stated explicitly in the plan). At least one person trained to this level must respond in any incident requiring activation of emergency firefighting services.
2. The minimum qualification for emergency medical service (EMS) agencies is Emergency Medical Technician – Basic (EMT-Basic), or equivalent. At least one person trained to this level must respond in any incident requiring activation of EMS.
3. A list of all emergency equipment at the facility, as required by applicable laws and regulations, or by company policy. The list may include such items as fire extinguishing systems, mobile firefighting equipment, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment. The list must include the location and physical description of each item, and a brief description of its capabilities or capacity. This list must be kept up to date.

(Note: periodic updating of the equipment list will not be considered a significant revision of the plan and will not require resubmittal of the plan for approval.)

1. An evacuation plan for facility personnel. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes.
2. Emergency notification procedures for unauthorized discharges as required under DEQ regulations (LAC 33:I.Chapter 39). These regulations can be found online at DEQ’s website – see <http://www.deq.louisiana.gov/portal/DIVISIONS/LegalAffairs/RulesandRegulations/Title33.aspx#ERC>

**GUIDANCE FOR SPECIFIC SOLID WASTE FACILITY TYPES**

**Emergency Response Plans – specifics for commercial solid waste facilities (Type I / Type II landfills, Type IA / Type IIA / Type III processors, Type III construction / demolition landfills)**

All basic elements of the plan as listed above must be included. In addition, the following points of guidance are specific to commercial solid waste facilities:

1. Fire is a hazard often encountered at solid waste landfills. The emergency response plan must describe specifically the steps that will be taken to put out a landfill fire.
2. Another example of an emergency that might be encountered at commercial landfills or processors is an unauthorized container containing hazardous materials being included in a load arriving at the facility. The emergency response plan must describe specifically the steps that will be taken to identify and properly remove the hazard.

**Emergency Response Plans – specifics for industrial solid waste facilities (Type I landfills or surface impoundments)**

All basic elements of the plan as listed above must be included. In addition, the following points of guidance are specific to industrial solid waste facilities:

1. Examples of emergencies that might be included in regard to surface impoundments could be fire or explosion from electrical equipment located at the impoundments, or personnel slipping and falling into the impoundment. The emergency response plan must describe the steps that will be taken to respond to foreseeable emergencies.