

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
POTENTIAL HEAVY RAIN, FLASH FLOODS,
AND WINTERY WEATHER FEBRUARY 14, 2021**

AGENCY INTEREST NO. 227522

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 14th day of **February, 2021**, a winter storm with potentially heavy rain, flash flooding, and wintery weather (hereinafter "**the EVENT**") moved into the state, bringing with it the potential for heavy rains and wintery precipitation with impacts across the state. There is the potential for localized heavy rainfall and flash flooding across the state. It is anticipated that much colder air will then move into the state bringing the possibility of a hard freeze and a more significant round of winter precipitation.
2. By State of Louisiana Proclamation No. **20 JBE 2021**, Louisiana Governor John Bel Edwards, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. R.S. 29:271 *et seq.*, declared on **February 11, 2021**, that a state of emergency exists in the State of Louisiana, as a result of **the EVENT** and the State of Louisiana could potentially experience severe damage which threatens the safety, health, and security of the citizens of the State of Louisiana, along with damage to private property and public facilities.
3. I find that **the EVENT** has created or will create conditions that require immediate action to prevent irreparable damage to the environment and serious threats to life or safety throughout the Emergency Areas.

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WHEREFORE, I hereby declare that an emergency exists, and issue this Declaration of Emergency and Administrative Order (hereinafter “**Order**”) that includes the following measures deemed necessary to prevent irreparable damage to the environment *and serious threats to life or safety*. The **Order** has statewide application, which shall be hereinafter referred to as, the “**Emergency Areas**”.

ORDER

Within the **Emergency Areas**:

§ 1. 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 EVENT** to restore it to its previously permitted condition without prior notice to the Department. Within thirty (30) 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 or 63 and that could not affect potential to emit any pollutant, and that would not constitute a violation of any other provision of the NSPS, MACT, or NESHAP standards. Repairs that would constitute reconstruction under any definition of 40 CFR Part 60 or 63, or repairs that could affect potential to emit any pollutant are not authorized by this Order.

b. To alleviate the potential of a natural gas shortage, the Department approves the use of plant-produced fuel gas (PPFG) to fire boilers, furnaces, heaters, and other combustion sources that are normally fired exclusively or primarily with natural gas. Emissions attributed to the combustion of PPFG shall not count toward applicable emission limitations. Nothing in this **Order** overrides any federal requirement imposed directly on the source by the U.S. Environmental Protection Agency (EPA). All other provisions applicable to the affected combustion sources shall continue to apply.

i. The owner/operator shall notify the Office of Environmental Services, Air Permits Division, in writing, by no later than thirty (30) days after the effective date of this **Order**, if combustion of PPFG in place of natural gas has occurred or is anticipated due to a natural gas shortage. Relevant emission point and permit

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numbers should be included in this correspondence. The owner/operator shall also include the cause of the natural gas shortage.

ii. A report estimating the amount of PPFG combusted in place of natural gas and the resultant criteria and toxic air pollutant emissions shall be submitted to the Office of Environmental Services, Air Permits Division, by no later than ninety (90) days after the effective date of this **Order**, and quarterly thereafter until the expiration of this **Order**, or any extensions or revisions thereof.

§ 2. Inability to Sample or Monitor Due to Unsafe Conditions

If a facility is affected by **the EVENT** such that its employees (including contract employees) are unable to safely take samples or monitor as required by a permit or order, such sampling and/or monitoring shall be suspended for the duration of the unsafe conditions. The facility owner/operator shall record the date upon which sampling and monitoring ceased and the date upon which sampling and monitoring commenced.

When a leaking component is detected pursuant to an applicable leak detection and repair (LDAR) program, it shall be repaired as soon as practicable, but not later than fifteen (15) calendar days after cessation of the unsafe conditions. A first attempt to repair shall be made no later than five (5) days after cessation of the unsafe conditions.

§ 3. Records Management

Copies of LDEQ documents are may be available online in LDEQ's Electronic Document Management System (EDMS). The EDMS is available at <http://edms.deq.louisiana.gov>.

Additional documents may be available by placing a Public Records Request using the online form at <http://edms.deq.louisiana.gov/prr> or the printable paper form available at <http://deq.louisiana.gov/assets/docs/General/PublicRecordsRequestForm.pdf>. There is no charge to replace copies of documents destroyed by **the EVENT**. Please contact Records Management with any questions at (225) 219-3171 or deqrecords@la.gov.

§ 4. General Conditions

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

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

§ 5. General Limitations

The Department issues this **Order** solely to address the emergency created by the **EVENT**. 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.

§ 6. 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.

§ 7. Completion of Authorized Activities

All activities authorized under this **Order** must be commenced before the expiration of this **Order** unless otherwise provided in an authorization or permit. The deadline for commencement under any authorization or permit issued under this **Order** may be extended 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.

§ 8. Amendments

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


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§ 9. Expiration Date

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire at 11:59 p.m. on February 17, 2021, unless terminated sooner, modified, or extended by further order.

DONE AND ORDERED on this 14th day of February 2021, in Baton Rouge, Louisiana.



Dr. Chuck Carr Brown
Secretary

APPENDIX A

LDEQ Regional Office Contact Information

Acadiana Regional Office	Parishes Served
Regional Manager: Rhonda McCormick 111 New Center Drive Lafayette, LA 70508 phone: (337) 262-5584 fax: (337) 262-5593 email: aroadmin@la.gov	Acadia, Avoyelles, Catahoula, Concordia, Evangeline, Grant, Iberia, Lafayette, LaSalle, Rapides, St. Landry, St. Martin, St. Mary, Vermilion
Capital Regional Office	Parishes Served
Regional Manager: April Baiamonte PO. Box 4312 Baton Rouge, LA 70821-4312 phone: (225) 219-3600 fax: (225) 219-3695 email: croadmin@la.gov	Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge, West Feliciana
Northeast Regional Office	Parishes Served
Regional Manager: Casey Head 508 Downing Pines Road West Monroe, LA 71292-0442 phone: (318) 362-5439 fax: (318) 362-5448 email: neroadmin@la.gov	Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn
Northwest Regional Office	Parishes Served
Regional Manager: Mark Juneau 1525 Fairfield, Room 520 Shreveport, LA 71101-4388 phone: (318) 676-7227 fax: (318) 676-7573 email: nwroadmin@la.gov	Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, Webster
Southeast Regional Office	Parishes Served
Regional Manager: Brian Tusa 201 Evans Road, Building 4, Suite 420 New Orleans, LA 70123-5230 phone: (504) 736-7701 fax: (504) 736-7702 email: seroadmin@la.gov	Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. John the Baptist, St. Charles, St. Tammany, Terrebonne, Washington
Southwest Regional Office	Parishes Served
Regional Manager: Billy Eakin 1301 Gadwall Street Lake Charles, LA 70615 phone: (337) 491-2667 fax: (337) 491-2682 email: swroadmin@la.gov	Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vernon