

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
SEVERE WEATHER
MAY 17, 2021**

AGENCY INTEREST NO. 228016

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 17th day of **May, 2021**, **Severe Weather May 17, 2021** (hereinafter “the **EVENT**”) entered into the state, bringing with it heavy rain, severe storms, and flash flooding.
2. By State of Louisiana Proclamation No. **89 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 **May 17, 2021**, that a state of emergency exists in the state of Louisiana, as a result of the **EVENT** and the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.
3. The following parishes shall constitute the specific areas covered by this Declaration of Emergency and Administrative Order (hereinafter “Order”): All parishes (i.e. statewide). These areas shall herein be referred to as the “Emergency Areas.”
4. 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.

May 18, 2021

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. Wastewater Treatment Systems

a. Upset Provisions

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.

b. Appendix B sets forth guidance to operators of sanitary wastewater 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.

c. Unpermitted Emergency Discharges

However, new emergency discharges, which are eligible for coverage under the LPDES General Permit LAG420000, and are located in an area that has been included in this order are considered provisionally covered under the terms and conditions of the permit immediately and fully covered 72 hours after the postmark date or upon hand delivery of a complete and correct Notice of Intent (form STED-G). The Notice of Intent shall be submitted no later than 10 business days after commencing discharge. Any such discharges must comply with all applicable schedules in the LPDES Permit LAG420000, Short-Term and Emergency Discharges General Permit. The General Permit effluent limitations and requirements can be viewed

May 18, 2021

at <https://deq.louisiana.gov/assets/docs/Permits/LAG420000.pdf>. The application form, STED-G, can be found at http://deq.louisiana.gov/assets/docs/Permits/STED-G_2017.doc or by calling the Office of Environmental Services at (225) 219-9371.

Authorization to discharge under the LAG420000 shall terminate on the date identified by the LAG420000 permit authorization letter. Wastewater types covered under the LAG420000 include but are not limited to: treated sanitary wastewater and/or dewatering of oxidation ponds discharges; gray water; stormwater discharges; hydrostatic test wastewater; utility wash waters, including but not limited to pavement and building washdown waters with or without soaps and detergents; equipment and vehicle wash water; potable water treatment plant filter backwash, clarifier blowdown, water softening, iron and manganese removal, and disinfection of source water; discharges of landfill wastewater from a construction/demolition debris and woodwaste landfill related to post-emergency cleanup; non-contact stormwater discharges from a construction/demolition debris and woodwaste landfill related to post-emergency cleanup; and emergency discharges related to the preparation for natural disasters or the cleanup of natural disasters or in emergency situations, such as hurricanes, fires, or explosions.

d. Additional general permits may be available for other discharges, such as petroleum tank dewatering, hydrostatic test wastewater, or discharges of storm water associated with industrial or construction activities. General permits and associated Notices of Intent may be viewed at: <http://deq.louisiana.gov/page/lpdes-water-permits>. To obtain hard copies of the Notice of Intents or the General Permits, or for any additional questions, call the Office of Environmental Services at (225) 219-9371.

e. Biosolids Land Application Projects/Sites Management:

- i. If flooding should occur as a result of the **EVENT**, land application of Class B Biosolids shall not take place at permitted land application sites.
- ii. Land application of a Class B Biosolids at permitted sites shall not resume until flooding has subsided and the water table is below 2 feet.
- iii. Facilities which prepare Exceptional Quality (EQ) Biosolids shall re-prepare/retreat EQ Biosolids or dispose of the EQ Biosolids if stored “on-site” and subjected to flooding as a result of the **EVENT**.

May 18, 2021

iv. Facilities utilized to prepare sewage sludge to EQ Biosolids shall halt operation during the **EVENT** and shall not resume operation until the flooding has subsided and the facility has been properly cleaned.

For additional Biosolids information contact Rhonda Burtch, LDEQ, Office of Environmental Services, Water Permits Division, 225-219-3213.

§ 2. Records Management

Copies of LDEQ documents are usually 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 **EVENT**. Please contact Records Management with any questions at (225) 219-3171 or deqrecords@la.gov.

§ 3. General Conditions

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

b. This Order serves as relief for the duration of this Order from only 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.

§ 4. 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.

May 18, 2021

§ 5. 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.

§ 6. Completion of Authorized Activities

All activities authorized under this Order must be commenced before the expiration of this Order unless otherwise provided in an authorization or permit. The deadline for commencement under any authorization or permit issued under this Order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, or other local, state, or federal agencies.

§ 7. Amendments

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

§ 8. Expiration Date

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

DONE AND ORDERED on this 18th day of May, 2021, in Baton Rouge, Louisiana.



Chuck Carr Brown, Ph.D.
Secretary

APPENDIX A

LDEQ Regional Office Contact Information

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

May 18, 2021

APPENDIX B

GUIDANCE PROTOCOL FOR SANITARY WASTEWATER TREATMENT SYSTEMS

The following protocol is intended to assist operators of sanitary wastewater 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 the local sheriff 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 the Department of Agriculture 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 reseeded the system with activated sludge from operating aerated treatment plants. Several treatment plants are available for use in reseeded. Contact the Department's Water Permits Division, Administrator, Scott Guilliams, 225-219-3187 (email) scott.guilliams@la.gov 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

May 18, 2021

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 Department 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 Department 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 damage repairs due to the **EVENTS** are known – Federal Emergency Management Agency (FEMA) may be able to help with costs associated with damage due to the **EVENTS**.

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.