

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
SEVERE WEATHER
JUNE 2023**

AGENCY INTEREST NO. 239214

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 through 16th** day of **June, 2023**, **Severe Weather** (hereinafter “the **EVENT**”) entered into the state, bringing with it strong winds and powerful storms that brought down trees and power lines.
2. By State of Louisiana Proclamation No. **112 JBE 2023**, 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 **June 16, 2023**, 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”): Bossier, Caddo, Union, Natchitoches, Webster, and DeSoto. 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.

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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

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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**.

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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. Solid Waste Management

- a. State of Louisiana “Comprehensive Plan for Disaster Clean-up and Debris Management,” (the Debris Management Plan)

When handling and managing wastes generated as a result of the **EVENT**, owners and operators of solid waste management facilities and local governments shall adhere to the Debris Management Plan (See Appendix F), except where the Debris Management Plan may be in conflict with the provisions of this Order, in which case the provisions of this Order shall prevail. The Debris Management Plan contains provisions and instructions for handling various types of waste material and for locating and receiving authorization for Emergency Debris Sites. A copy of the Debris Management Plan can be obtained via LDEQ’s website at the following link,

<http://deq.louisiana.gov/page/disaster-debris-management>.

- b. Permitted Solid Waste Management Facilities

i. Owners and operators of solid waste management facilities permitted by the Department before the **EVENT** are authorized to make all necessary repairs to restore essential services and the functionality of storm water management and leachate collection systems damaged by the **EVENT**, without prior notice to the Department. Within thirty (30) days of commencing the work of such repair or replacement, however, the permittee shall notify the Department in writing, describing the nature of the work, giving its location, and providing the name, address, and telephone number of the representative of the permittee to contact concerning the work.

ii. Permitted facilities within or outside of the Emergency Area, which accept **EVENT**-generated debris in accordance with the terms of this Order, may accept **EVENT**-generated debris for disposal or storage without the need to first modify existing permits, as follows:

- (1). Prior notification is submitted to the Department describing any proposed deviations from permit conditions;

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(2). Any proposed deviations from permit limits must be within the bounds of engineering assumptions used in the design of the facility, and conducted in accordance with the Debris Management Plan; and

(3) Written approval by the Department (including electronic mail) of the proposed deviations is received.

iii. Operators of permitted facilities may request extended hours of operation and increased solid waste acceptance rates to facilitate recovery and clean-up efforts. The Department may approve such requests for the duration of the Order without the need for a permit modification.

iv. Operators of permitted facilities approved for permit deviations under this Order may be required to submit application for modifications of their existing permits to address any long-term impacts of accepting **EVENT**-generated debris on operations and closure that are not addressed in existing permits if it is determined long term impacts will result from these activities. Long-term impacts are those that will extend past the expiration date of this Order. The requests for modification shall be submitted no later than six (6) months after the date the Governor declared the emergency, unless otherwise extended by the Department. No permit fee will be required for any modifications necessitated solely by the clean-up activities resulting from the **EVENT**. The Department may, for good cause shown, issue a temporary authorization pursuant to LAC 33:VII.509.B.1.a for activities that are addressed in a permit modification request as provided for in this subsection, to authorize operations after expiration of this Order, pending a decision on the modification request.

v. White goods (e.g., air conditioners, stoves, range tops, refrigerators and freezers from which food has been removed) shall be stored in an area separate from other solid wastes and in a manner that prevents vector and odor problems. No white goods may be stored in or on any permitted landfill cells that have not undergone final closure and have not received written authorization from the LDEQ specifically allowing storage in that area. All white goods shall be removed from the storage facility or staging area and sent offsite for recycling, or recycled onsite, within ninety (90) days of initial receipt at the site.

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c. Emergency Debris Sites

i. Upon the declaration of an emergency by LDEQ and the issuance of this Order, local governments and state agencies may “activate” a pre-approved emergency debris site. Upon activation, the governmental body shall notify LDEQ Headquarters via the debris hotline (225-364-7901) that the site is being activated. This verbal notification shall occur as soon as practicable depending on communication capability. If LDEQ Headquarters does not have communication capability, please call one of LDEQ’s regional offices listed in Appendix E.

Written notification (Written Notification of the Activation of Pre Approved Emergency Site) shall be sent to the LDEQ Regional Manager and the LDEQ Headquarters within five (5) days of verbally activating the site, or as soon as mail delivery is possible. A copy of the form is contained in the Debris Management Plan or can be obtained via LDEQ’s website at the following link:

<http://deq.louisiana.gov/page/disaster-debris-management>.

LDEQ Headquarters address is as follows: Waste Permits Division, Louisiana Department of Environmental Quality, Post Office Box 4313, Baton Rouge, LA 70821-4313 or fax (225) 325-8236 or email deqdebrisrequest@la.gov.

ii. New temporary emergency debris sites may be considered in accordance with procedures contained in the Debris Management Plan. Authorizations may be requested by providing a notice to the Department on approved forms (Emergency Debris Site Request Form). The request forms can be obtained via LDEQ’s website at the following link:

<http://deq.louisiana.gov/page/disaster-debris-management>.

New temporary emergency debris sites can be requested as follows:

- (1). Emailing a completed request form to deqdebrisrequest@la.gov;
- (2). Faxing a completed request form to (225) 325-8236, or
- (3). If a request form is not immediately available, the local government can call the emergency debris hotline at (225) 364-7901, and provide the information over the phone to receive verbal approval to stage. The verbal request shall be followed up with a written request as soon as possible after mail delivery is available but no later than 21 days after verbal approval is given.

iii. All temporary and activated pre-approved emergency debris sites accepting vegetative debris shall submit completed weekly debris management report

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(WDMR) forms to the Department each week, no later than Sunday, during operations until the debris site is completely closed or deactivated and the final report has been submitted in accordance with the Debris Management Plan. A copy of the WDMR form is contained in the Debris Management Plan or can be obtained via LDEQ's website at the following link,

<http://deq.louisiana.gov/page/disaster-debris-management>.

d. Construction and demolition debris generated from residential structures of four units or less that are subject to a government-ordered demolition shall be disposed of in accordance with the Debris Management Plan except Regulated Asbestos Containing Material (RACM) shall be disposed of in a Type I/II landfill. A request by a landfill owner or operator for authorization to accept such RACM must include a certification that the owner or operator will manage the RACM in accordance with the landfill's QA/QC plan and LDEQ requirements. See Section 6.a, *Asbestos Clean-up*, of this Order, for additional information on receiving RACM in Type I and II landfills. The Department will provide a written response to the request for authorization to accept solid waste and asbestos containing waste material in a Type I or II landfill.

e. Waste Tires

In accordance with the Debris Management Plan, all tires removed from vehicles within the affected areas that are salvaged and/or scrapped because of damage resulting from the **EVENT** shall be tracked and are ineligible for payment from the Waste Management Tire Fund (WTMF). All tires that are collected in the affected areas through **EVENT**-related debris collection activities and deposited at parish collection centers, if established, will be ineligible for payment of the WTMF subsidy, but are to be treated as debris under existing debris removal programs.

i. Tires must be classified for either recycling under existing approved beneficial uses, or for resale. Any person who claims for resale any tires from salvaged or scrapped vehicles in the affected area shall report to the Department the number of such tires classified for resale, and their destination, within fifteen (15) days.

ii. All tires that are removed from vehicles in the affected area that are destined for salvage because of damage resulting from the **EVENT** must be collected, transported, and either recycled or disposed of with an accompanying manifest that lists the tires as being ineligible for the WTMF. If the tires are deemed "used tires" for resale, such a declaration must be reported to the Department by the person responsible for

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removal of the tires from the vehicle being scrapped and/or salvaged. The report must contain the VIN number of the vehicle being scrapped and/or salvaged, the number of tires being removed, the number being classified for resale, and the number classified for recycling and/or disposal.

iii. Eligibility of tires for the WTMF subsidy shall be governed by the most current version of this Order.

§ 3. Hazardous Waste

a. In accordance with the Debris Management Plan, hazardous waste generated as a result of the **EVENT** must be separated from other **EVENT**-generated waste and disposed of at a permitted hazardous waste disposal facility.

b. A blanket approval of time extensions under LAC 33:V.1109.E.2 and 1109.E.9 is necessary within the Emergency Areas for hazardous waste generators for the storage of their hazardous wastes on site, pending the cleanup of the **EVENT**-related damage and restoration of essential services. The rules authorize a thirty (30) day extension because of unforeseen and uncontrollable circumstances. Therefore, to avoid having to issue a potentially large number of individual approvals on a case-by-case basis and waste limited agency resources during the time of emergency, the Department authorizes a general extension of time of thirty (30) days from the expiration of the 90-day, 180-day or 270-day accumulation period, as applicable, for the storage of hazardous wastes on site by all hazardous waste generators in the parishes within the Emergency Areas, for whom the accumulation period expires within the term of this Order.

§ 4. Open Burning

The Department will consider, on an individual basis, requests for approval for open burning, by persons other than local governments or their agents, of **EVENT**-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris. Any such burning approved by the Department must be conducted in compliance with the requirements of the Debris Management Plan and LAC 33:III.1109.D.6. Local governments and their agents shall follow the provisions of the Debris Management Plan.

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§ 5. Air Pollution Sources Other than Open Burning

a. The Department authorizes the minor repair of any previously permitted stationary source of air pollution that was damaged by the severe weather 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 those that do not constitute “reconstruction” under any definition in 40 CFR Part 60 or 63; do not affect the potential to emit of any pollutant; and do not violate any other provision of NSPS, NESHAP, or MACT standards. Repairs that constitute “reconstruction” under any definition in 40 CFR Part 60 or 63 or repairs that affect the potential to emit of any pollutant are not authorized by this Order.

b. The Department will consider, on an individual basis, requests for approval for, but not limited to, the following sources of air pollution:

i. temporary air pollution control devices, such as portable flares, used for vessel and pipeline segment purging and the limited operation of facilities with damaged vapor control equipment;

ii. portable storage tanks, used for interim storage while damaged equipment is being repaired; and

iii. repairs, other than the minor repairs addressed in Section 5.a above, of permitted stationary sources that have been damaged by the Hurricane, provided that the sources are restored or replaced with equipment that is identical or functionally equivalent, to meet permit conditions. Requests should be directed to the Office of Environmental Services, Air Permits Division.

c. In accordance with LAC 33:III.501.B.1.e, owners/operators may bring on site and utilize nonroad engines, including, but not limited to, temporary portable electrical power generators, firewater pumps, and air compressors, as necessary. “Nonroad engine” is defined in LAC 33:III.502.A. Note that an internal combustion engine is not a nonroad engine if it remains or will remain at a location for more than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced shall be included in calculating the consecutive time period.

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d. For permitted internal combustion engines operated in direct response to the Hurricane, including, but not limited to, electrical power generators, firewater pumps, and air compressors, the Department suspends any limitations on operating time imposed by the applicable permit until such time as normal operations are restored or until the expiration of this Order, whichever is earlier. Emissions from the operation of such engines shall not count toward applicable ton per year emission limitations. All other provisions applicable to the engines 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 operation of permitted internal combustion engines in excess of permitted limits has occurred or is anticipated. Relevant emission point and permit numbers should be included in this correspondence.

ii. A report summarizing the operating time of permitted internal combustion engines in excess of permitted limits 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.

§ 6. 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.

§ 7. 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 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.

§ 8. 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.

§ 9. Other Authorizations Required

Nothing in this Order shall eliminate the necessity for obtaining any other federal, state, or local permits or other authorizations that may be required.

§ 10. 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.

§ 11. Amendments

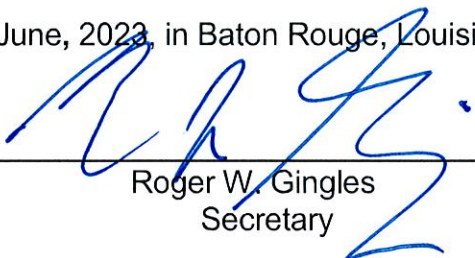
This Order may be amended as required to abate the emergency.

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§ 12. Expiration Date

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, shall expire on July 19, 2023, at 11:59 P.M., unless modified or extended by further order.

DONE AND ORDERED on this 20th day of June, 2023, in Baton Rouge, Louisiana.



Roger W. Gingles
Secretary

APPENDIX A

LDEQ Regional Office Contact Information

<p>Acadiana Regional Office</p> <p><i>Regional Manager: Rhonda McCormick</i> 111 New Center Drive Lafayette, LA 70508 phone: (337) 262-5584 fax: (337) 262-5593 email: aroadmin@la.gov</p>	<p>Parishes Served</p> <p>Acadia, Avoyelles, Catahoula, Concordia, Evangeline, Grant, Iberia, Lafayette, LaSalle, Pointe Coupee, Rapides, St. Landry, St. Martin, St. Mary, Vermilion</p>
<p>Capital Regional Office</p> <p><i>Regional Manager: April Wallace</i> PO. Box 4312 Baton Rouge, LA 70821-4312 phone: (225) 219-3600 fax: (225) 219-3017 email: croadmin@la.gov</p>	<p>Parishes Served</p> <p>Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, West Baton Rouge, West Feliciana</p>
<p>Northeast Regional Office</p> <p><i>Regional Manager: Casey Head</i> 508 Downing Pines Road West Monroe, LA 71292-0442 phone: (318) 362-5439 fax: (318) 362-5448 email: neroadmin@la.gov</p>	<p>Parishes Served</p> <p>Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn</p>
<p>Northwest Regional Office</p> <p><i>Regional Manager: Mark Juneau</i> 1525 Fairfield, Room 520 Shreveport, LA 71101-4388 phone: (318) 676-7227 fax: (318) 676-7573 email: nwroadmin@la.gov</p>	<p>Parishes Served</p> <p>Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, Webster</p>
<p>Southeast Regional Office</p> <p><i>Regional Manager: Jeffrey Leonick</i> 201 Evans Road, Building 4, Suite 420 New Orleans, LA 70123-5230 phone: (504) 736-7701 fax: (504) 736-7717 email: seroadmin@la.gov</p>	<p>Parishes Served</p> <p>Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. John the Baptist, St. Charles, St. Tammany, Tangipahoa, Terrebonne, Washington</p>
<p>Southwest Regional Office</p> <p><i>Regional Manager: Chrissie Gubancsik</i> 1301 Gadwall Street Lake Charles, LA 70615 phone: (337) 491-2756 fax: (337) 491-2682 email: swroadmin@la.gov</p>	<p>Parishes Served</p> <p>Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vernon</p>

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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 or Water Permits Division, General Permits Manager, Kimberly Corts, 225-219-3207 (email) kimberly.corts@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

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and wildlife downstream, including the possibility that drinking water intakes may be located downstream of your effluent. Notification to downstream users may be necessary to protect human health. Sample and analyze your effluent per LPDES requirements as soon as you are able.

5. Notifications and Documentation

Discharges that result in emergency conditions (threat to human health and the environment) must be reported immediately (1-877-925-6595). Discharges that result in emergency conditions (threat to human health and the environment) may require notification to affected persons. Report to the 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 **EVENT** are known – Federal Emergency Management Agency (FEMA) may be able to help with costs associated with damage due to the **EVENT**.

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.