

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
PUBLIC HEALTH EMERGENCY
EVENT NAME: COVID-19**

AGENCY INTEREST NO. 221899

SIXTH AMENDED 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, which supersede the previous declarations and orders issued in this matter on March 19, 2020, March 20, 2020, March 27, 2020, May 1, 2020, and May 15, 2020:

FINDINGS AND DECLARATION

1. Beginning on the **11th** day of **March**, a **Public Health Emergency, COVID-19** (hereinafter "**COVID-19**") is expected to adversely impact the citizens of the State of Louisiana, causing a widespread public health emergency within the State of Louisiana.
2. By State of Louisiana Proclamation No. **25 JBE 2020**, Louisiana Governor John Bel Edwards, pursuant to the Louisiana Emergency Powers Act, La. R.S. 29:760, *et seq.*, declared on **March 11, 2020**, that a statewide public health emergency exists in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by **COVID-19**, which has created emergency conditions that threaten the lives and health of the citizens of the State. Moreover, by State of Louisiana Proclamation No. **33 JBE 2020**, Governor Edwards ordered: that all state office buildings are closed to the public, that all gatherings of ten (10) people or more shall be postponed or cancelled, that all individuals within the state of Louisiana are under a general stay-at-home order and are directed to stay home unless performing an essential activity, and further closures of businesses or reduction in operations. On April 30, 2020, Governor Edwards signed an order extending the stay at home order to May 15, 2020. On May 14, 2020, Governor Edwards signed Proclamation **58 JBE 2020**, ordering the State of Louisiana into Phase I of recovery beginning May 15,

2020. Finally, on June 4, 2020, the Governor signed Proclamation 74 JBC 2020, moving the State of Louisiana into Phase 2 of recovery beginning June 5, 2020.

3. This Declaration of Emergency and Administrative Order (hereinafter "Order") shall apply statewide (Emergency Area).

4. I find that **COVID-19** has created or will create conditions that require immediate action to prevent serious threats to life or safety throughout the Emergency Area.

WHEREFORE, I hereby declare that an emergency exists, and that the following measures are necessary to prevent serious threats to life or safety throughout the Emergency Area.

ORDER

Within the Emergency Area:

§1. Public Notice and Public Participation Procedures Regarding Proposed Permit Actions

- a. All scheduled public hearings are postponed until further notice. Accompanying public comment periods will be adjusted accordingly. During this time, public comments will be accepted by LDEQ, preferably via electronic mail or mail.
- b. No new public hearings will be approved or scheduled until further notice. Requests for public hearings may be submitted.
- c. Public Notices which require placement of documents in a public repository or for which the regulatory requirements cannot otherwise be fulfilled will be postponed in areas where public libraries remain closed due to COVID-19 safety protocols.
- d. Draft air permits, which as a matter of agency practice are placed in a public repository for public review and comment, will only be available on-line on LDEQ's Electronic Document Management System (EDMS) when those public repositories are closed due to COVID-19. In these instances, any person who does not have access to the internet may request hard copies of the draft permit from LDEQ. Such requests will be processed on a case-by-case basis.

§ 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>. Please contact Records Management with any questions at (225) 219-3171 or publicrecords@la.gov.

§ 3. Invoices and Late Fees

The Department has mailed all outstanding fiscal year 2020 invoices. Late fees will be assessed beginning June 15, 2020, once at least 30 days have passed from the date invoices were mailed. Invoices that were mailed prior to COVID-19 closures may have late fees assessed for any outstanding invoices at any time.

Waste Tire Generators: invoices for late payments and late report fees will resume being mailed for all monthly waste tire reports due at this time. No late fees will be assessed for February 2020 and March 2020 reports and payments postmarked by June 30, 2020.

§ 4. 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 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 COVID-19. 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.

§ 6. Electronic Submittals to the Department for Permitting

The use of LDEQ's physical drop box remains the preferred method for submitting permit applications or other permit application related materials. However, the Department will accept electronic submittals for the duration of this Order. Hard copies shall be submitted to the Department within thirty (30) days of the expiration of this Order. Failure to submit hard copies may result in a suspension or revocation of the permit action. Email submittals are the preferred method of electronic submittals. If the file size exceeds 10 MB, please utilize LDEQ's Dropoff Application process. **Appendix A** provides guidance as to how electronic submittals should proceed for the duration of this order.

The Department will also accept DocuSign® and other e-signatures from responsible officials during this time until the expiration of this Order.

Finally, the Department will accept online payments via the Department's Business Website <https://business.deq.louisiana.gov/Payments> in lieu of checks.

§ 7. Motor Fuel Trust Fund Eligibility and Reimbursement

Motor Fuel Trust Fund Eligibility and Reimbursement applications can be mailed to Trust Fund Section, Financial Services Division, Trust Fund Section, P. O. Box 4303, Baton Rouge, LA 70821-4303. However, the Department will accept electronic submittals of the applications and supporting documentation for the duration of this Order. Hard copies of the applications and signed affidavits shall be submitted to the Department within thirty (30) days of the expiration of this Order. Failure to submit hard copies may result in the Department seeking recovery of any reimbursements made based upon the electronic submittal. Email is the preferred method of electronic submittals to MFTF@la.gov. If the file size exceeds 10 MB, please utilize LDEQ's Dropoff Application process. **Appendix B** provides guidance as to how electronic submittals should proceed for the duration of this Order.

§ 8. Radiation Regulation

For the duration of this Order, licensees, registrants, and holders of industrial radiography certifications shall follow the guidelines provided in **Appendix C**, incorporated herein by reference.

§ 9. Asbestos Refresher Training

For the duration of this order, the Department will allow and accept on-line asbestos refresher training. In order for on-line training courses to be accepted, the Louisiana approved trainer shall follow the guidelines provided in **Appendix D**, incorporated herein by reference.

§ 10. Asbestos Reaccreditation

This Order only pertains to LAC 33:III.2799.D.5, specifically for applicants seeking LDEQ reaccreditation for any asbestos discipline who has completed or will complete a refresher training, but the refresher training was not or will not be completed within two (2) years of the last asbestos course completion date and whose asbestos accreditation expired on or after March 11, 2020, the date the State of Louisiana Proclamation No. 25 JBE 2020 was signed by Louisiana Governor John Bel Edwards.

For the duration of this Order, the above described applicant can submit an AAC-1, in accordance with all applicable requirements of LAC 33:III.Chapter 27, including but not limited to, submitting a copy of their current asbestos refresher training certificate, and a signed statement with specific details and/or circumstances to demonstrate to the Department that a refresher training course, for this specific discipline, could not be scheduled and completed within the two (2) year timeframe of LAC 33:III.2799.D.5. Based on this information, the Department will determine if the applicant must retake the initial asbestos training course or if the applicant's refresher training will be used for LDEQ reaccreditation.

§ 11. 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.

§ 12. Extension of Time to Comply with Specified Deadlines

For facilities regulated by the Department in the Emergency Area, this Order extends the time for a period of thirty (30) days to comply with the following specified deadlines that occur between **March 19, 2020**, and the expiration of this Order:

a. The time deadlines to report periodic monitoring or to submit other reports required by permits, regulations, other authorizations, enforcement actions, or settlement

agreements, **except** for monitoring required by air permits issued under Title IV or V of the Clean Air Act, under the PSD program, or any other federal Clean Air Act requirement, only insofar as a facility does not have appropriate personnel available due to **COVID-19**;

b. The time deadlines to conduct periodic inspection(s) and/or monitoring required by permits, regulations, other authorizations, enforcement actions, or settlement agreements, **except** for monitoring required by air permits issued under Title IV or V of the Clean Air Act, under the PSD program, or any other federal Clean Air Act requirement, only insofar as a facility does not have appropriate personnel available due to **COVID-19**. Documentation must be maintained and made available to the Department upon request;

c. The time deadlines to file an application for renewal of an existing permit, **except** for air permits issued under Title V of the Clean Air Act. All renewal applications shall be submitted no later than the expiration date of the existing permit. This order does not suspend emergency reporting requirements under the regulations or permit requirements.

In light of personnel and technical difficulties related to **COVID-19**, the Department previously provided an extension of time from March 31, 2020 to May 1, 2020, for the submittal of Title V Semiannual Monitoring and Deviation reports and Annual Compliance Certifications. Any such report submitted after the May 1, 2020 deadline shall be considered late.

To the extent that any reports are to be submitted to the United States Environmental Protection Agency (USEPA), they should be submitted in accordance with the directions provided in "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program," issued by the USEPA on March 26, 2020, or any further USEPA guidance on this point.

§ 13. 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.

§ 14. Amendments

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

§ 15. 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 midnight on June 26, 2020, unless modified or extended by further order.

DONE AND ORDERED on this 5th day of June, 2020, in Baton Rouge, Louisiana.



Dr. Chuck Carr Brown
Secretary

APPENDIX A

GUIDANCE PROTOCOL FOR ELECTRONIC SUBMITTALS TO THE DEPARTMENT AND ONLINE PAYMENTS RELATED TO PERMITTING

The following protocol is intended to assist the regulated community in electronic submittals to the Department related to permitting for the duration of this Order.

To the extent possible and to assist the Department during this time, please submit files as one PDF file (i.e. please try to convert any Word or Excel files to PDF). This will assist the Department with processing any documentation submitted and alleviate any potential loss of documentation.

The preferred method of electronic submittals is via electronic mail. Below are the appropriate contacts for submitting documentation below 10 MB file size via email.

To submit large file size documents (over 10 MB), please follow these instructions to utilize LDEQ's Dropoff Application. Should you need to submit a large file to the Department, please begin by sending an email to one of the designated contacts to request that a Dropoff Link be sent to your email or a specified email account. The appropriate contact will generate a link to LDEQ's Dropoff Application for upload of documents. This link will be active for three (3) days, so prompt upload of documents is necessary. The assigned contact below will then download the documents, confirm receipt of the documents via email (although an automatic email should be generated by the system), and route them to the appropriate party for processing at the Department.

Due to the increased use of LDEQ's server, large file size documents should preferably be submitted before 8am or after 6pm.

Moreover, LDEQ will be accepting electronic payments for permit fees at this time in lieu of checks. Please consult <https://business.deq.louisiana.gov/Payments> for further instruction. If you have any issues with online payments please contact Elizabeth Dequeant at Elizabeth.Dequeant@LA.GOV.

Contact Information for LDEQ's Permit Application and Administrative Review Group (PAAR):

For questions regarding these procedures please contact Kaylee Fontenot, PAAR Group Supervisor, at Kaylee.Fontenot@LA.GOV.

Air Permits – airpermitapp@LA.GOV

Water Permits (including biosolids) – waterpermitapp@LA.GOV

Waste Permits (including waste tire) – wastepermitapp@LA.GOV

Expedited Permit Applications – expeditedpermit@LA.GOV

NOC-1 Forms – noc1@LA.GOV

FAC Update – facupdate@LA.GOV

APPENDIX B

GUIDANCE PROTOCOL FOR ELECTRONIC SUBMITTALS TO THE DEPARTMENT RELATED TO THE MOTOR FUEL TRUST FUND ELIGIBILITY AND REIMBURSEMENT APPLICATIONS

The following protocol is intended to assist the regulated community in electronic submittals to the Department related to the Motor Fuel Trust Fund Eligibility and Reimbursement Applications for the duration of this Order.

To the extent possible and to assist the Department during this time, please submit files as one PDF file (i.e. please try to convert any Word or Excel files to PDF). This will assist the Department with processing any documentation submitted and alleviate any potential loss of documentation.

The preferred method of electronic submittals is via electronic mail to MFTF@la.gov.

To submit large file size documents (over 10 MB), please follow these instructions to utilize LDEQ's Dropoff Application. Should you need to submit a large file to the Department, please begin by sending an email to one of the designated contacts to request that a Dropoff Link be sent to your email or a specified email account. The appropriate contact will generate a link to LDEQ's Dropoff Application for you to upload your documents. This link will be active for three (3) days, so please promptly upload your documents. The assigned contact below will then download the documents, confirm receipt of the documents via email (although an automatic email should be generated by the system), and route them to the appropriate party for processing at the Department.

Due to the increased use of LDEQ's server, large file size documents should preferably be submitted before 8am or after 6pm.

Contact Information for LDEQ's Motor Fuel Trust Fund Eligibility and Reimbursement Group:

If you have questions regarding these procedures please contact Jeffrey Baker at Jeffrey.Baker@LA.GOV. Otherwise, please send all requests for links to the LDEQ Dropoff Application to MFTF@la.gov.

APPENDIX C

GUIDANCE PROTOCOL FOR RADIATION (X-RAY) MACHINE AND RADIOACTIVE MATERIAL LICENSE COMPLIANCE AND COVID-19

The Louisiana Department of Environmental Quality, Radiation Section registers facilities possessing radiation sources such as X-ray machines, licenses facilities that utilize Radioactive Material, and is responsible for notifying the regulated community of radiation control changes.

The Louisiana Radiation Regulations on radioactive material (RAM) and X-ray machines (LAC 33:XV) include various testing and notifications to be conducted to maintain compliance. The Radiation Section is aware that some facilities are limiting access to vendors due to restrictions they have implemented because of COVID-19. Those prohibitions include restricting or barring access to licensed medical physicists and contractors who conduct required surveys at authorized radioactive material licensees, which will result in a delay in conducting required physics surveys and calibrations. The inability to complete performance testing may lead to a backlog of equipment to be tested.

In light of the COVID-19 pandemic, the Radiation Section is issuing the following guidance for registrants and licensees to ensure the continuity of radiation safety during COVID-19 related restrictions. This is a fluid situation and subject to change.

For additional information, contact the Radiation Section at (225) 219-3041.

X-RAY EQUIPMENT SURVEY GUIDANCE. The following guidance is provided for the next 90 days, effective April 3, 2020.

The State will extend the annual medical physicist equipment survey windows as outlined below. Inquiries regarding extensions to federal or accreditation requirements should be directed to those entities. The State contact is Karen Burgard, 225-219-3670. The FDA MQSA contact is Ashley Menard, 337-262-1235.

Annual Medical Physicist CT and Fluoroscopy Equipment Surveys:

May be extended to a 16-month window from date of last equipment evaluation. Surveys required following major repair or new installations may be delayed until such time as the physicist can enter the facility safely. The installation/repair report shall be maintained for inspection.

For all surveys that do not meet the required timeline, the facility shall document the reason for the delay as Covid-19, including any specific site information. This documentation shall be maintained for inspection.

Facilities needing a longer extension are asked to contact the State for further guidance.

Annual Medical Physicist Mammography Equipment Surveys:

The FDA intends to grant a 2-month extension of the annual Medical Physicist survey requirement for facilities that have Medical Physicist surveys due anytime between January 2020 and June 2020. This 2-month extension is granted from the date the facility would have met their 14-month Medical Physicist survey requirement.

Annual Medical Physicist X-Ray Therapy Equipment Calibration/Surveys:

Facilities needing an extension are asked to contact the State for further guidance. The State will evaluate these requests on a case-by-case basis.

RADIOACTIVE MATERIAL LICENSEE GUIDANCE. The following guidance is provided for the next 90 days, effective April 3, 2020.

RAM licensees:

- If the licensee *is not prohibited* by facility, local, state, or national governmental guidance or orders related to COVID-19 at the time a regulated task is required, then the licensee shall assume it must perform the task(s) in compliance with all Louisiana regulations.
- If the radiation safety officer or other person responsible for completing a required regulated task is unable to perform his or her duties due to employer or government restrictions related to COVID-19, a licensee must make reasonable efforts to find another qualified individual who can timely perform the regulated task (for example, the therapy physicist may be able to perform routine nuclear medicine tests if the diagnostic physicist is unable to enter the facility).
- All licensees must document any mitigating regulatory factors due to COVID-19 encountered during this time and make the documentation available at inspection. LDEQ will consider documented extenuating circumstances when making final decisions regarding compliance actions.
- If a licensee has documented it is unable to maintain compliance with Louisiana regulations related to RAM due to compliance with local, state, or national government guidance or orders related to the COVID-19 pandemic, this extenuating circumstance will be considered during the next inspection.

Industrial Radiography Certification:

- Industrial radiographers who possess a Louisiana issued certification card with an expiration date between March 1, 2020 and August 31, 2020, have been automatically granted a 6-month extension to allow these individuals to continue to work beyond the expiration date listed on their Industrial Radiography certification identification card. This extension is only valid in the State of Louisiana where LDEQ maintains jurisdiction. Please make sure to confirm with other jurisdictions on whether they will accept Louisiana's extension prior to using this extension to perform operations outside of Louisiana. If individuals require a letter

to establish proof of this extension for employment or regulatory purposes, they can contact this office directly.

- Industrial radiography certification programs outside of Louisiana, including the American Society of Nondestructive testing (ASNT) that issue extensions will be recognized under the contingency policies of the issuing agencies, not to exceed 12 months past expiration date. Documentation of those policies need to be available along with the industrial radiography certification card at the site of industrial radiographic operations in Louisiana.

Compliance with the following requirements is required at all times:

- **Reports of lost, stolen or missing radioactive sources**
- **Notification of incidents involving radioactive material**
- **Notification of exceeding annual dose limits**
- **Notification of medical events as described in current Louisiana regulations**

Direct your questions to:

- RAM Inspection & Rule Compliance: Karen.burgard@la.gov
- Incident or Medical Event reporting:
 - Initial reports: james.patell@la.gov
 - Follow-Up reporting: james.patell@la.gov
- RAM Licensing/SS&D/Industrial Radiography issues: Karen.burgard@la.gov
- Industrial Radiography Certification: Melanie.bauder@la.gov
- X-Ray Inspection and Rule Compliance: Jennifer.Elee@la.gov
- Mammography (MQSA): Ashley.Menard@la.gov
- X-Ray Registration issues: macy.blanchard@la.gov

APPENDIX D

REQUIREMENTS FOR LDEQ ON-LINE ASBESTOS REFRESHER TRAINING COURSES

- A. Louisiana Department of Environmental Quality (LDEQ) *will not accept* or process any Asbestos Accreditation Affidavits (AAC-1) for on-line *initial* asbestos courses.
- B. Requirements for Louisiana Recognized Asbestos Training Provider (LA RATP) Conducting On-line Asbestos Refresher Training
 1. The below requirements must be followed by LA RATPs to provide on-line asbestos training for refresher training courses for individuals seeking reaccreditation in Louisiana and by the individuals submitting Form AAC-1s for renewal of their accreditation in Louisiana for the following disciplines:
 - a. Asbestos Inspectors
 - b. Asbestos Contractor/Supervisors
 - c. Asbestos Management Planners
 - d. Asbestos Abatement Project Designers
 - e. Asbestos Abatement Worker
 - f. Two-hour training course in Louisiana regulations as specified in LAC 33:III.2799.F.2.b.ii
 2. The LA RATP shall comply with the following requirements when conducting on-line asbestos refresher training for individuals seeking reaccreditation in Louisiana:
 - a. On-line asbestos refresher training courses shall be conducted in a professional manner and in accordance with all regulations that apply to refresher training courses as stated below or in LAC 33:III.Chapter 27, Chapter 51, and TSCA title II including, but not limited to material to be reviewed and discussed during course; length of time of course; trainer and training provider requirements; foreign language requirements; training materials; training audits; refresher training completion certificates; recordkeeping requirements of LA RATP; LA RATP Notifications.
 - b. On-line asbestos refresher training course shall be specific to each asbestos discipline. Refresher courses shall be conducted as separate and distinct courses and not combined with any other training during the period of the refresher course.
 - c. To satisfy the training facility requirements of LAC 33:III.2741.B.6, the principal trainer and/or the guest instructor shall conduct the on-line refresher course training from an appropriate setting that is free of distractions, of adequate size for instruction, and contains all the equipment needed to conduct on-line training.

- d. To satisfy the training material requirements of LAC 33:III.2741.B.8, the LA RATP shall use training materials that are applicable to the course being taught and include the latest version of the course materials submitted to LDEQ with the initial or renewal application. The LA RATP shall use audio-visual methods and have a system in place to ensure students receive all training materials needed for the course and the most current versions of the LDEQ forms and regulations.
- e. For each student that successfully completes the on-line refresher course, the LA RATP shall provide each student with a face photograph (forward facing) to attach to his or her application for accreditation in accordance with LAC 33:III.2741.B.9 and a copy of his or her training certificate.
- f. To satisfy the training completion certificates requirements of LAC 33:III.2741.C, the LA RATP shall have systems in place that reduce opportunities for document fraud including a distinct, on-line training certificate that contains all the requirements of LAC 33:III.2741.C. The completion certificate shall indicate the course was taught on-line.
- g. To satisfy the requirements of LAC 33:III.2741.E, the LA RATP shall:
 - i. clearly indicate the course will be conducted on-line on the Asbestos Course Notification Form (AAC-5), including any notifications for cancelled or rescheduled courses and amendments to notifications. Notifications shall also include the name(s) of any guest instructor(s);
 - ii. on the course roster submitted to the Office of Environmental Services (OES), clearly indicate the course was conducted on-line;
 - iii. provide OES with a copy of a training certificate for each student that completed the course with the complete roster within 10 working days of the completion of the course;
 - iv. provide a photograph of each student, principal trainer, and guest trainer holding an legible identification card with their picture and name (e.g. driver's license or state identification card) to satisfy the class photograph requirements of LAC 33:III.2741.E.4.b with the complete roster within 10 working days of the completion of the course;
 - v. provide OES with documentation that verifies each student was physically present for the entire duration, as specified in LAC 33:III.2799.D.1-3, of the course

with the complete roster within 10 working days of the completion of the course;

- vi. provide OES with each student's final test scores with the complete roster within 10 working days of the completion of the course.
- h. The LA RATP shall only conduct training for asbestos disciplines in which it is recognized by LDEQ to teach.
- i. The LA RATP shall limit the number of students attending the on-line class to ensure the principal instructor has adequate time to cover the required materials for the respective asbestos discipline being taught and the LDEQ asbestos regulations and answer student's questions or resolve any problems. One (1) on-line class shall have no more than 12 students.
- j. The LA RATP shall have systems in place that authenticate the identity of the students taking the training and their eligibility to enroll in the course. It is strongly recommended that appropriate encryption technologies be employed to protect sensitive user information. Such systems will help to deter fraud, including the falsification of student identity.
- k. The LA RATP shall have systems in place that ensure students are focusing on the training material throughout the entire training period. The on-line training must have periodical interactive assessment, relevant to the material being taught, that requires the student to immediately provide feedback to the trainer. These interactive assessments must be monitored and recorded, and these records retained in accordance with LAC 33:III.2741.D.5 and provided to LDEQ upon request.
- l. The LA RATP shall have systems in place that documents the amount of time a student is logged in and out of the on-line training system; is not physically present during the training; and if connection is broken. The student must be physically present for the entire duration that is required for each course, as specified in LAC 33:III.2799.D.1-3. In addition, the student's actual time spent on-line, including applicable breaks, shall be monitored and recorded, and these records retained and provided to LDEQ upon request.
- m. The LA RATP shall have systems in place that prevent students from prematurely skipping ahead.
- n. The LA RATP shall have a technical support plan that addresses potential technical issues and how the LA RATP

will handled these issues in a timely fashion. Technical support shall be available to the students during the training periods to address any technical problems that arise. The LA RATP should respond to technical support issues as soon as possible and no later than the end of the day the class is taught. If a student is inadvertently logged out of an on-line session due to technical difficulties, the student should be given credit for the portion of the course already completed. At the same time, that student shall be required to make-up that portion of the training missed.

- o. On-line refresher courses shall be delivered live and conducted by a principal training provider in real time. The on-line course can include pre-recorded segments. The principal trainer must be present at all times during the course to ensure the student is physically present and participating in the on-line training, and to answer any questions. LDEQ will not accept or approve courses that are entirely pre-recorded.
- p. The LA RATP shall have a LDEQ approved principal instructor or approved guest instructor available to answer questions that students have while they are taking the on-line refresher course training. Student questions must be responded to as soon as possible and no later than the end of the on-line training course.
- q. After completing the course, the LA RATP shall administer a final exam containing at least 25 multiple choice questions that are adequate to determine comprehension of the materials presented during the course to all students participating in the refresher course. The student must score at least 70% on the final exam to earn a certificate for the course. Test questions should be randomized from course to course so that the same test is not given repeatedly. Controls shall be instituted to ensure that test screens cannot be saved, copied, or printed. The identity of the students taking the exam shall be verified by the LA RATP in some manner to prevent fraud. If the student scores less than 70%, they can take the test one (1) additional time the same day and must score at least 70% to earn a certificate for the course. If the student scores less than 70% on the second test, the student shall retake the course.
- r. The LA RATP shall provide the on-line refresher course training materials/content and its technical support plan. The LA RATP shall also include a statement certifying each on-line refresher course training conducted by the LA RATP complies with LAC 33:III.Chapter 27, Chapter 51, and TSCA title II or the requirements of this document. The LA RATP

shall submit this information to the Office of Environmental Services, Public Participation and Permit Support Division, Notifications and Accreditations Section within 10 working days after completing the on-line refresher course for a specific asbestos discipline for the first time using one of the following methods:

- i. Regular mail via US Postal Service at
Office of Environmental Services
Public Participation and Permit Support Division
Notifications and Accreditations Section
P.O. Box 4313
Baton Rouge, Louisiana 70821-4313, or
- ii. Physical drop box at the Galvez Building at
Office of Environmental Services
Public Participation and Permit Support Division
Notifications and Accreditations Section
602 North 5th Street
Baton Rouge, Louisiana 70821, or
- iii. Electronic submittal. Hard copies shall be submitted within thirty 30 days of the expiration of this Order. Email submittals are the preferred method of electronic submittal. Email submittals shall be sent to Charles Finley at Charles.Finley@la.gov and Tonya Landry at Tonya.Landry@la.gov. If the file size exceeds 10 MB, please email Mr. Finley and Ms. Landry to utilize LDEQ's Dropoff Application process. **Appendix A** provides guidance as to how electronic submittals should proceed of the duration of this Order.

- C. Requirements for Applicants Seeking Asbestos Reccreditation in Louisiana
1. Individuals shall have the capability to fully participate and complete the on-line refresher course training course, including but not limited to equipment, internet access, and an environment free of distractions.
 2. Individuals shall be present for the entire duration of the course as specified in LAC 33:III.2799.D.1-3.
 3. Applicants shall comply with all requirements of LAC 33:III.2799, Appendix A, including but not limited to providing latest version of Form AAC-1; a copy of the current course training certificate; fees; and a 1" x 1 ¼" photograph of the applicant's face (forward facing) labeled with their name.
- D. LDEQ will not process AAC-1 Forms if the above requirements and the requirements of LAC 33:III.Chapter 27, Chapter 51, and TSCA title II have not been fully implemented or if fraud is suspected.
- E. For failure to comply with the regulations of LAC 33:III.Chapter 27 and 51, knowingly submitting false or inaccurate information, or directing others in such

actions, civil and criminal penalties may be assessed under R.S. 30:2025 and R.S. 30:2351.25.

F. LAC 33:III.2721 Training Requirements for Custodial and Maintenance Staff

1. On-line training cannot be used to satisfy the training requirements for maintenance and custodial staff as described in LAC 33:III.2721.A.2.
2. The requirement for two (2) hour awareness training for custodial and maintenance employees, as described in LAC 33:III.2721.A.1, can be satisfied by completing on-line training as long as the on-line training meets the requirements of LAC 33:III.2721.A.1.