STATE OF LOUISIANA
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

GULF OF MEXICO DEEPWATER HORIZON OIL SPILL INCIDENT
EMERGENCY ORDER NO. 2010-1

FIRST AMENDED DECLARATION OF EMERGENCY AND ADMINISTRATIVE ORDER

Pursuant to the authority granted to me by Louisiana Revised Statutes 30:1, et seq., and particularly La. R.S. 30:4(C) and 6.1, I hereby make the following findings, declaration and order, which supersede the original declaration and order in this matter.

FINDINGS AND DECLARATION

1. By State of Louisiana Proclamation No. 20 BJ 2010, Louisiana Governor Bobby Jindal declared on April 29, 2010, that a state of emergency existed in the State of Louisiana as a result of the potential impact of oil leaking from the Deepwater Horizon along the Louisiana coast which has created emergency conditions that threaten the natural resources of the State, and the economic livelihood and property of the citizens of the State.
2. On or about April 20, 2010 as result of a blowout of a well being drilled by the offshore drilling rig Deepwater Horizon, approximately 50 miles off the coast of Louisiana, oil began leaking into the Gulf of Mexico at an estimated 5,000 barrels of oil a day.
3. Federal and state agencies, as well as, BP and others are attempting to respond to the leak. As part of this response, crude oil spill clean-up waste will be contained and brought to shore for disposal. It is anticipated that a large quantity of this waste will be disposed of in South Louisiana.
4. Under Louisiana law, this crude oil spill clean-up waste, as defined in LAC 43:XIX.501, will be managed under Office of Conservation regulations as Exploration and Production (E&P) Waste.
5. Due to the high volume of crude oil spill clean-up waste currently being estimated to have been caused by the oil leak described in finding number 2 above, a shortage in adequate storage and disposal capacity for this waste threatens to exist at South Louisiana E&P Waste commercial facilities.
6. For purposes of this order, South Louisiana shall consist of the following parishes: Acadia, Ascension, Assumption, Calcasieu, Cameron, Iberia, Iberville, Jefferson, Jefferson

Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Vermilion.

7. Because the exact volume of crude oil spill clean-up waste needing to be managed at South Louisiana E&P Waste commercial facilities and transfer stations will likely not be known for weeks or even months, the Office of Conservation cannot wait until these facilities reach capacity without unduly risking a substantial or irreparable damage to the environment or serious threat to life or safety.

WHEREFORE, I hereby declare that an emergency exists for South Louisiana E&P commercial facilities and transfer stations, and that the following measures are necessary to prevent substantial or irreparable damage to the environment or a serious threat to life or safety.

ORDER

The following expedited permitting procedures for operators with existing permitted and active commercial facilities, transfer stations, or at a Department of Environmental Quality (DEQ) – permitted Type 1 landfills located in South Louisiana to construct and temporarily operate E&P Waste transfer stations as needed to ensure adequate storage and disposal capacity for managing the anticipated volumes of crude oil spill clean-up waste generated during oil recovery efforts in response to the Gulf of Mexico Deepwater Horizon oil spill incident is hereby ordered:

1. The operator of an existing permitted and active South Louisiana commercial facility, transfer station or DEQ-permitted Type 1 landfills must first provide written notification to the Office of Conservation of their intent to construct and operate a transfer station. The notification must include:
   a. the physical location of the proposed site;
   b. a map sufficiently detailing how to access the proposed site by land vehicle;
   c. a narrative explanation of the operations including E&P Waste and recovered oil storage capacities;
   d. a signed affidavit by a principal officer of the operator demonstrating landowner approval to perform E&P Waste transfer station operations at the site;
   e. an affidavit signed by a principal officer of the operator demonstrating compliance with location criteria under LAC 43:XIX.507.A.2 and 507.C; and
   f. the anticipated date the site will be complète and ready for inspection.

2. Prior to constructing the transfer station, sufficient funding for adequate closure must be provided to and accepted by the Office of Conservation in accordance with LAC 43:XIX.513.
3. Prior to approval to operate a transfer station constructed under this emergency order:
   a. acceptable evidence of financial responsibility must be provided to the Office of Conservation;
   b. the site must be thoroughly inspected by the Office of Conservation; and
   c. the site inspection report must show that the site has been constructed in accordance with the applicable design criteria of LAC 43:XIX.509.

4. Upon determination by the Commissioner of the Office of Conservation that the emergency conditions no longer exist, any site permitted under this order shall immediately cease to accept any new shipments of E&P Waste and all existing waste in storage on-site must be properly transported offsite for proper disposal within 30 calendar days and the site properly closed within 60 calendar days in accordance with LAC 43:XIX.513 and 567 as verified by Office of Conservation inspection.

5. Unless otherwise stated herein, the issuance of any temporary permit pursuant to this emergency order will not convey, grant or establish any property rights to movable or immovable property of any sort, or any exclusive privileges of servitude to or on behalf of the permittee nor will any such permit authorize any injury to private or public property, or any invasion of personal rights, or any infringement or suspension of Federal, State or local laws or regulations.

6. This Declaration of Emergency and Administrative Order shall take effect immediately upon execution, and shall expire within 120 days from its effective date, unless modified or extended by further order.

DONE AND ORDERED on this 10th day of May, 2010 in Baton Rouge, Louisiana.

James H. Welsh
Commissioner of Conservation