



Livingston Parish Regulations Booklet

Commercial Buildings
Oil, Gas and Hydrogen Wells
Explosives/Pipelines
Emergency Response
Emergency Operations Plan Review

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Table of Contents

Definitions	2
Local Emergency Planning Committee (LEPC)	7
Operations and Activities	8
Commercial Building/Hazardous Materials Operations	8
Section 1: Purpose	8
Section 2: Requirements	8
Oil, Gas and Hydrocarbon Wells	9
Section 1: General Regulations	9
Section 2: Urban Areas	12
Section 3: Rural Areas	14
Section 4: Fences and Screening	14
Explosives/Pipelines	15
Section 1: Designated Repositories	15
Section 2: Hazardous Material and Explosives Preparedness and Response	16
Section 3: Underground Pipelines Damage Prevention	18
Section 4: New Gas or Liquid Pipeline Construction and Placement	23
Administration and Enforcement	26
Section 1: Emergency Operations Plans Review	26
Section 2: Violations	26
Section 3: Appeals and Variances	30
Section 4: Reimbursements of Costs Incurred During an Emergency Response	31

Definitions

The following words, terms and phrases, when used in this booklet, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) **Agricultural excavator** means a person who owns or operates a farm and is directly involved in the cultivation of land or crops or who raises livestock.
- (2) **Damage** means any defacing, scraping, gorging, breaking, cutting, or displacement of, impact upon or removal of an underground utility or facility or its means of primary support.
- (3) **Demolisher** means any person engaged in the act of demolishing as defined in Paragraph (2) of this Section.
- (4) **Demolition** means the total or partial wrecking, razing, rendering, moving, or removing of any building or structure, movable or immovable.
- (5) **Department** means the Livingston Parish Office of Homeland Security and Emergency Preparedness.
- (6) **Drill pad** means the total land cleared, exclusive of roadbeds and pipeline rights-of way, for the drilling of a well.
- (7) **Emergency** means any crisis situation which poses an imminent threat or danger to life, health, or property, and requires immediate action, and immediate action is taken.
- (8) **Emergency Alert System (EAS)** is a national public warning system that requires broadcasters, cable television systems, wireless cable systems, satellite digital audio radio service (SDARS) providers, and direct broadcast satellite (DBS) providers to provide the communications capability to the President to address the American public during a national emergency. The system also may be used by state and local authorities to deliver important emergency information, such as AMBER alerts and weather information targeted to specific areas.
- (9) **Environment** includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.
- (10) **Excavation** or **excavate** means any operation for the purpose of movement or removal of earth, rock, or other materials in or on the ground by the use of powered or mechanical or manual means, including pile driving, digging, blasting, auguring, boring, back filling, dredging, compressing, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing. "Excavation" or "excavate" shall not include manual probing
- (11) **Excavator** means any person who engages in excavation operations.
- (12) **Explosives:** A material that causes a sudden, almost instantaneous, release of gas, heat , and pressure, accompanied by a loud noise when subject to a certain amount of shock, pressure or temperature.
- (13) **Extremely hazardous substance (EHS)** means a hazardous substance listed by the United States Environmental Protection Agency in 40 CFR Part 355, Appendix A (the list of Extremely Hazardous Substances and Their Threshold Planning Quantities) and subject to the emergency planning, release reporting, MSDS filing, and inventory filing requirements of SARA Title III.
- (14) **Facility** means the physical premises used by the owner or operator in which the hazardous materials are manufactured, used, or stored. A natural gas pipeline shall not be classified as a compressed natural gas facility.
- (15) **FIRM** means flood insurance rate map.
- (16) **Forestry excavator** means an excavator who is a logger, prescribed burner, site preparation operator, or tree planter for commercial forestry operations.

- (17) **Gas** means any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.
- (18) **Hazardous material** means any substance deemed a hazardous material or a hazardous substance deemed hazardous under the Comprehensive Environmental Response Compensation Liability Act (CERCLA), the Superfund Amendments and Reauthorization Act (SARA, Title III U.S.C.), and certain substances included in the U.S. Department of Transportation regulations as found in 49 CFR Part 172.101.
- (19) **High Consequence Area (HCA)** means an area established by one of the methods described in paragraphs (1) or (2) as follows:
- (a) An area defined as:
 - (i) A Class 3 location under 49 CFR 192.5 or
 - (ii) A Class 4 location under 49 CFR 192.5; or
 - (iii) Any area in a Class 1 or Class 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or
 - (iv) Any area in a Class 1 or Class 2 location where the potential impact circle contains an identified site.
 - (b) The area within a potential impact circle containing:
 - (i) 20 or more buildings intended for human occupancy, unless the exception in paragraph (4) applies; or
 - (ii) An identified site.
 - (c) Where a potential impact circle is calculated under either method (1) or (2) to establish a high consequence area, the length of the high consequence area extends axially along the length of the pipeline from the outermost edge of the first potential impact circle that contains either an identified site or 20 or more buildings intended for human occupancy to the outermost edge of the last contiguous potential impact circle that contains either an identified site or 20 or more buildings intended for human occupancy. (See figure E.I.A. in appendix E.)
 - (d) If in identifying a high consequence area under paragraph (1)(iii) of this definition or paragraph (2)(i) of this definition, the radius of the potential impact circle is greater than 660 feet (200 meters), the operator may identify a high consequence area based on a prorated number of buildings intended for human occupancy with a distance of 660 feet (200 meters) from the centerline of the pipeline until December 17, 2006. If an operator chooses this approach, the operator must prorate the number of buildings intended for human occupancy based on the ratio of an area with a radius of 660 feet (200 meters) to the area of the potential impact circle (i.e., the prorated number of buildings intended for human occupancy is equal to $20 \times (660 \text{ feet})$ [or 200 meters]/potential impact radius in feet [or meters]²).

- (20) **Hospitalization** means the admission into a hospital as a patient for an overnight stay or emergency treatment at a hospital to the extent that the owner or operator requested such treatment or becomes aware of such treatment within twenty-four hours of the initiation of the relevant release.
- (21) **Immediately** means a reasonable period of time after identifying the nature, quantity, and potential off-site impact of a release considering the exigency of the circumstances.
- (22) **Inclement weather** means weather that prohibits or impedes a worker's use of his locating equipment or causes undue risk to himself or his equipment such as lightning, heavy rain, tornadoes, hurricanes, floods, sleet, snow, or flooding conditions.
- (23) **Inventory form** means the reporting form adopted by the department, and completed by owners and operators, which contains certain requested information on hazardous materials and which is used in developing the information system mandated by this Booklet.
- (24) **Local governing authority** means the parish administration or council or other primary governmental bodies of Livingston Parish.
- (25) **Mark by time** is the date and time provided by the regional notification center by which the utility or facility operator is required to mark the location or provide information to enable an excavator or demolisher, using reasonable and prudent means, to determine the specific location of the utility or facility.
- (26) **Oil** means crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well head in liquid form by ordinary production methods.
- (27) **Operator** means any person who owns or operates, a public or private underground facility or utility which furnishes a service or material or stores, transports, or transmits electric energy, steam, oil, natural gas, gas, mixture of gases, petroleum, petroleum products, hazardous or flammable fluids, toxic or corrosive fluids/gases, including telephone or telegraph system, fiber optic electronic communication systems, or water or water systems, or drainage, sewer systems, or traffic control systems or other items of like nature.
- (28) **Owner or operator** means any person, partnership, or corporation in the state including, unless otherwise stated, the state and local government, or any of its agencies, authorities, departments, bureaus, or instrumentalities engaged in business or research operations which use, manufacture, emit, or store a hazardous material at a facility.
- (29) **Person** means an individual, firm, partnership, association, limited liability company, corporation, joint venture, municipality, governmental agency, political subdivision, or agent of the state or any legal representative, thereof.
- (30) **Protected use** means a residence, religious institution, commercial building, public building, hospital building, school or public park.
- (31) **Public building** means all buildings used or designed to and intended to be used for the purpose of assembly of persons for such purposes as deliberation, entertainment, amusement, or health care. The term "public building" includes, but shall not be limited to, theaters, assembly halls, auditoriums, armories, mortuary chapels, dance halls, exhibition halls, museums, gymnasiums, bowling lanes, libraries, skating rinks, courtrooms, restaurants, shopping malls, stores, and hospitals.
- (32) **Public park** means any land area dedicated to and/or maintained by the parish for traditional park-like recreational activities, but does not include privately owned amusement parks or privately owned or privately managed golf courses.

- (33) **Reasonably be expected to affect the public safety beyond the boundaries of the facility** means fire, explosion, incident, accident, or cleanup within a facility that may reasonably impact public safety beyond the facility, including but not limited to an impact of such nature as to require shelter-in-place orders, evacuations, immediate response by emergency responders, or off-site road closures. The term shall not include facility drills, internal facility announcements, internet facility alarms and sirens, or internal facility response activities such as rolling facility fire trucks or ambulances, and movement of facility personnel in personal protective equipment.
- (34) **Regional notification center** means any one of the following:
- (a) An entity designated as nonprofit by the Internal Revenue Service under Section 501(c) of the Internal Revenue Code and which is organized to protect its members from damage and is certified by the Department of Public Safety and Corrections in accordance with this Booklet.
 - (b) An organization of operators, consisting of two or more separate operators who jointly have underground utilities or facilities in three or more parishes in Louisiana, which is organized to protect its own installation from damage and has been certified by the Department of Public Safety and Corrections in accordance with this Part.
 - (c) An operator who has underground utilities or facilities in a majority of parishes in Louisiana and is organized to protect its own installation from damage, and has been certified by the Department of Public Safety and Corrections in accordance with this Part (LACallOne . 811).
- (35) **Release** means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous material or substance. However, the term release as used in this Paragraph shall not include federal or state permitted releases.
- (36) **Religious institution** means any building in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.
- (37) **Reportable release** means a release of a regulated hazardous material or substance which causes any injury requiring hospitalization or any fatality, results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility, or exceeds the reportable quantity when that reportable quantity could be reasonably expected to escape beyond the site of the facility. A reportable release as defined herein shall be based upon the quantity of hazardous material or substance discharged continuously, intermittently, or as a one-time discharge, within any continuous twenty-four hour period.
- (38) **Repository** means the local entity designated pursuant to R.S. 30:2368 to house and record information on hazardous materials received from the department, regulated facilities, and other state agencies for public dissemination and inspection.
- (39) **Residence** means a house, duplex, apartment, townhouse, condominium, mobile home, or other building designed for dwelling purposes.
- (40) **Right-of-way** means public rights-of-way including streets, easements, servitudes, and other property within the parish which is dedicated to the use and benefit of the public.
- (41) **Rural area** means any area outside the limits of a municipality and outside the administrative jurisdiction of the Livingston Parish Council where operations are conducted outside a radius of 500 feet of a protected use. The measurement of the 500-foot distance shall be made from the well bore, in a straight line, without regard to intervening structures or objects, to the closest point of the building or property line of the protected use, or as otherwise measured under regulation of such distances by the Louisiana Office of Conservation.
- (42) **School** means any public and private, primary through post-secondary educational facility, and any licensed day care center.

- (43) **Service line or lines** means underground utilities or facilities, which provide power, gas, natural gas, communication or water capabilities to a building or structure or buildings or group of structures.
- (44) **Small business** means a single business establishment employing not more than nine full-time employees and having not more than two million dollars in average annual gross receipts. Any business employing more than nine persons shall not be considered a small business regardless of the average annual gross receipts. Any business with average annual gross receipts of over two million dollars shall not be considered a small business regardless of the number of employees.
- (45) **Street** means any street, highway, sidewalk, alley, avenue, public parking area, or other public right-of-way, including the entire right-of-way.
- (46) **Trade secret** means any confidential formula, pattern, process, device, information, or compilation of information, including chemical name or other unique identifier, that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.
- (47) **Underground utility or facility** means any pipe, conduit, duct, wire, cable, valve, line, fiber optic equipment, or other structure which is buried or placed below ground or submerged for use in connection with storage, conveyance, transmission or protection of electronics communication system, telephone or telegraph system, or fiber optic, electric energy, oil, natural gas, gases, steam, mixture of gases, petroleum, petroleum products, hazardous or flammable fluids/gases, toxic or corrosive fluids/gases, hazardous fluids/gases or other substances of like nature or water or water systems, sewer systems or traffic, drainage control systems, or other items of like nature.
- (48) **Urban area** means any area other than a rural area.
- (49) **Well** means a hole or bore to any horizon, formation, or strata for the purpose of producing gas, liquid hydrocarbon, brine water or sulphur water, or for use as an injection well for secondary recovery, disposal or production of gas or other hydrocarbons from the earth.
- (50) **Wildfire** means an uncontrolled combustion of natural vegetation.

Local Emergency Planning Committee (LEPC)

This committee shall function under the supervision and authority of the Livingston Parish Office of Homeland Security and Emergency. The Livingston Parish Office of Homeland Security and Emergency Preparedness and the Local Emergency Planning Committee shall also be responsible for the following:

- (a) Identifying facilities and transportation routes of extremely hazardous substances and explosives;
- (b) Describing emergency response procedures, on-site and off-site;
- (c) Designate a community coordinator and facility coordinator(s) to implement the plan;
- (d) Establishing and maintaining a local plant contingency plan repository.
- (e) Appointing members to the local emergency planning committee (LEPC).
- (f) Supervising and coordinating the activities of the LEPC.
- (g) Providing the administrator of the Louisiana Emergency Response Commission with Livingston Parish LEPC administrative data and activities.
- (h) Designating, as necessary, additional facilities within Livingston Parish to be covered under this Booklet.
- (i) Acting as the centralized advisory body for coordinating the local activities concerning community "Right-to-Know" legislation with regard to hazardous materials and substances.
- (j) Establishing procedures for receiving and processing requests from the public for information pertaining to hazardous materials.
- (k) Reviewing TIER II facility emergency response plans and making recommendations on revisions of the plan that may be necessary to ensure the coordination of such plan with emergency response agencies within the parish.
- (l) Designate a community coordinator and facility coordinator(s) to implement the plan;
- (m) Outline emergency notification procedures;
- (n) Describe methods for determining the occurrence of a release and the probable affected area and population;
- (o) Describe community and industry emergency equipment and facilities and identify the persons responsible for them;
- (p) Outline evacuation plans;
- (q) Describe a training program for emergency response personnel (including schedules); and,
- (r) Present methods and schedules for exercising emergency response plans
- (s) Conduct onsite audits of TIER II Facility communications, notifications, response and planning procedures.
- (t) Conduct onsite audits of magazines containing explosives in order to ascertain communications, response, notifications and planning procedures.
- (u) Issue permits for placement of explosive magazines within the parish.

Operations and Activities

Commercial Building/Hazardous Materials Operations

Section 1: Purpose

- (a) The Livingston Parish Office of Homeland Security and Emergency Preparedness is an all-hazards entity responsible for the safety pursuant to each citizen and first responder agency in Livingston Parish.
- (b) An all-hazards plan designed around a building's unique layout and function will provide guidance to the Livingston Parish Office of Homeland Security and Emergency Preparedness and building occupants in the event of an emergency, such as a fire, tornado, hurricane, active shooter, gas leak, bomb threat, etc.
- (c) The need for the ability to perform in coordination with law enforcement, fire districts, S.W.A.T. or other public service entities in the event of such hazards could arise that potentially threatens the lives of the citizens of Livingston Parish. Having a building's unique layout and function preserved in the Livingston Parish Office of Homeland Security and Emergency Preparedness will expedite coordination in the event of such hazards.

Section 2: Requirements

- (a) The operating business/owner of each commercial building, including those required to submit Tier II reporting to the State (see Title 33, Part V, Subpart 2, Chapter 101 and Summary of Right to Know Law), located within Livingston Parish is required to submit electronic floor plans/layouts, as well as a description of current operations, to the Livingston Parish Office of Homeland Security and Emergency Preparedness.
 - (1) If a commercial building/operations, including those required to submit Tier II reporting to the State (see Title 33, Part V, Subpart 2, Chapter 101 and Summary of Right to Know Law), was in existence prior to this booklet's adoption, the required floor plans/layouts must be submitted to the Livingston Parish Office of Homeland Security and Emergency Preparedness no later than sixty (60) business days from the booklet's adoption by the Livingston Parish Council and the Livingston Parish President's Office.
 - (2) Any new commercial buildings/operations, including those required to submit Tier II reporting to the State (see Title 33, Part V, Subpart 2, Chapter 101 and Summary of Right to Know Law), must submit the required floor plans/layouts to the Livingston Parish Office of Homeland Security and Emergency Preparedness no later than thirty (30) calendar days prior to the beginning of business/operations.
 - (3) If any hazardous materials are used the operations and/or maintaining of the building/operations ((including those required to submit Tier II reporting to the State (see Title 33, Part V, Subpart 2, Chapter 101 and Summary of Right to Know Law)), the locations, to include storage and usage, of these hazardous materials must be submitted along with the required floor plans/layouts. Any changes in storage and/or usage locations must be submitted to the Livingston Parish Office of Homeland Security and Emergency Preparedness five (5) business days prior to the changes.

Oil, Gas and Hydrocarbon Wells

Section 1: General Regulations

- (a) These provisions apply to all wells, both existing and future, and become effective at the time of adoption. All companies and operators with existing wells have ninety (90) days to comply with regulations outlined in this booklet.
- (b) *Site access.* No site access shall be allowed across any public park or any other property owned or maintained by the parish, except for public roads or streets which may be designated as either truck routes or commercial delivery routes by the parish as provided in this booklet, without the prior consent of the Parish Council.
- (b) *Drilling within floodplain or floodway.* Drilling activities as well as activities associated therewith within any floodplain or floodway identified by FEMA on the most current FIRM shall recognize the legal responsibilities of the parish to FEMA.
- (c) *Abatement of dust, vibration, or odors.*
 - (1) All drilling, production, compression and transmission operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for the production of oil or gas and other hydrocarbon substances in urban areas. All equipment used shall be so constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incident thereto. The site or structures located thereon shall not be permitted to become dilapidated, unsightly or unsafe. Proven reasonable and feasible technological improvements in industry standards of drilling and production in this area shall be adopted if capable of reducing factors of dust, vibration, and odor that may create a nuisance.
 - (2) In addition to the foregoing, the placement of fill material may not cause the release of dust and/or odor that may create a nuisance, or damage any public improvements or public infrastructure. Further, no fill material shall be placed in a floodplain or floodway identified by FEMA on the most current FIRM without the prior consent of the Livingston Parish Office of Homeland Security and Emergency Preparedness.
- (d) *Lighting.* No person shall permit any lights located on the site of any well to be directed in such a manner to that they shine directly on public roads or streets, adjacent property, or property within 300 feet of the site. Additionally, to the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads and streets, adjacent dwellings and buildings, and dwellings and buildings within 300 feet of the site.
- (e) *Abatement of exhaust fumes.* Exhaust from any internal combustion engine or compressor, stationary or mounted on wheels, used in connection with the drilling of any well or for use on any production equipment shall not be discharged into the open air unless it is equipped with an exhaust muffler or mufflers, or an exhaust muffler box, sufficient to suppress noise and disruptive vibrations and minimize the escape of gases, fumes, or ignited carbon or soot in order to prevent the creation of a nuisance. This equipment shall be maintained and kept in good operating condition according to the manufacturer's specifications.
- (f) *Electric pumping.* Only electric prime movers or motors shall be allowed for the purpose of pumping wells after drilling. No electric power shall be generated on location unless otherwise approved by the Livingston Parish Office of Homeland Security and Emergency Preparedness. All electrical installations and equipment shall conform to the booklets of the parish and the appropriate national codes.
- (g) *Signage.* A sign shall be immediately and prominently displayed at the gate of the site of any oil or gas well. Such sign shall be of durable material, maintained in good condition and shall have a

surface area of no less than two square feet nor more than four square feet and shall be lettered with the following:

- (1) Well name and number;
 - (2) Name of operator;
 - (3) 24-hour emergency number for operator.
- (h) *Required incident reporting.* In the event of a fire or discovery of a fire, smoke, or unauthorized release of flammable or hazardous materials on any property, or any other event requiring evacuation of residences or businesses, voluntary or mandatory, the operator shall immediately upon discovery report such condition to the Livingston Parish Office of Homeland Security and Emergency Preparedness and the 911 Communications District of Livingston Parish in addition to any other required notification. The Livingston Parish Office of Homeland Security and Emergency Preparedness is hereby designated as the local response agency to have access to all facilities with the parish pursuant to said section.
- (i) Venting. No person shall allow, or cause or permit gases to be vented into the atmosphere or to be burned by open flame except as provided by law or as allowed by the state.
- (j) *Installation of pipelines or flowlines on, under or across public property.* Except as may otherwise be specifically addressed by agreement with the parish regarding use of public rights-of-way, installation and operation of flowlines and pipelines (those not exempt from parish regulation under federal or state rules and regulations regarding mapping, inventorying, location or relocation, including pipelines over, under, along, or across a public street or alley) shall be subject to the requirement that the operator:
- (1) Not interfere with or damage existing utilities, including, but not limited to, water, sewer or gas lines, storm drains, electric lines or the facilities of any public utilities located in public rights-of-way, utility easements, or other public property.
 - (2) Furnish the Livingston Parish Office of Homeland Security and Emergency Preparedness, prior to commencement of work, with a plat showing the location of such pipelines or flowlines, including GIS information sufficient to locate the pipelines or flowlines in the future, including the beginning and end points of the pipeline or flowline and sufficient points in between the pipeline or flowline route and the depth of cover information; and detailed cross section drawing for all public rights-of-way and easement crossings as allowed by the parish. Failure to provide necessary GIS information shall act as a release of the parish from responsibility for any damages or cost of repair to such pipelines or flowlines arising from any activity by or under authority of the parish.
 - (3) Comply with parish codes and regulations.
- (k) *Use of public water supplies.* No person may use public water supplies in drilling and production operations of an oil or gas well (specifically including fracturing operations) unless the operator has complied with all regulations set forth in this section as well as any water conservation regulations which may be imposed by the parish and/or state.
- (l) *Discharge.* Unless otherwise specifically allowed by state regulation or private contract, no person shall place, deposit, discharge, or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substances or any refuse including wastewater or brine from any oil or gas operation or the contents of any container used in connection with any oil or gas operation in, into, or upon:
- (1) Any public right-of-way, alley, street, lot, storm drain, ditch or sewer, or sanitary drain without permits from the appropriate parish departments;
 - (2) Any body of water; or
 - (3) Any private property.

- (m) *Disposal wells and compressor stations limited to industrial locations.* Commercial salt water disposal wells and compressor stations shall be limited to preapproved locations but in no case shall be located within 500 feet of a protected use. The operator of the compressor station shall be responsible for establishing and reporting to the Livingston Parish Office of Homeland Security and Emergency Preparedness the pre-development ambient noise levels.
- (n) *Explosives.* Use of surface explosive charges within the parish shall require advance notification to the Livingston Parish Office of Homeland Security and Emergency Preparedness.
- (o) *No debris, grass, weeds, or trash.* The public street or road entrance and property on which a well site is located shall at all times be kept free of mud, debris, pools of water or other liquids, contaminated soil, weeds, brush, trash or other waste material within a radius on site of 100 feet around any separators, tanks and producing wells. All drill and operation sites shall be kept clear of high grass, weeds, and combustible trash within a radius on site of 100 feet around any gas tanks or producing wells.
- (p) *Accessibility to emergency shut-off valves.* All wells shall have emergency shut-off valves clearly labeled as such accessible to the district fire chief having jurisdiction at the site. However, such access shall be limited to those emergencies when the operator has failed to respond within the time frames established under its emergency response plan which shall be provided prior to commencement of drilling operations to the Livingston Parish Office of Homeland Security and Emergency Preparedness.

Operations and Activities

Oil, Gas and Hydrocarbon Wells

Section 2: Urban Areas

- (a) Any well to be drilled in an urban area must comply with the fencing and screening requirements set forth in this booklet. Additionally, except in industrial zoned districts and areas located within 500 feet of a protected use, storage of pipe, equipment or materials on a drilling or operation site is prohibited except during the drilling or servicing of a well on the site or three days thereafter.
- (b) With the exception of drilling, completion, and reworking operations, work on a drill site, access road, or pipeline, truck deliveries of equipment and materials associated with drilling and/or production, well servicing, site preparation and other related work conducted on the well site shall be subject to the following limitations, except in cases of fires, blowouts, explosions and any other emergencies or where the delivery of equipment is necessary to prevent the cessation of drilling or production:
 - (1) Operations within 500 feet of a protected use: 8:00 a.m. to 5:00 p.m., Monday through Saturday, but only with respect to a well for which a permit has been issued by the Louisiana Office of Conservation authorizing such activities.
 - (2) Operations between 500 feet and 2,500 feet of a protected use: 7:00 a.m. to 7:00 p.m., Monday through Saturday.
 - (3) Operations between 2,500 feet and 5,000 feet of a protected use: 5:00 a.m. to 10:00 p.m., Monday through Saturday.
 - (4) Operations 5,000 feet or more from a protected use: 24 hours, Monday through Saturday.

Measurement of the distances shall be made from the well bore, in a straight line, without regard to intervening structures or objects, to the closest point of the building or property line of the protected use, or as otherwise measured under regulation of such distances by the Louisiana Office of Conservation.

- (c) Noise.
 - (1) Prior to the commencement of operations, the operator shall submit to the Livingston Parish Office of Homeland Security and Emergency Preparedness a noise management plan detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of this section. The noise management plan must:
 - a. Identify operation noise impacts;
 - b. Provide documentation establishing the pre-drilling ambient noise level as required in this section;
 - c. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including, but not limited to, the following:
 - 1. Nature and proximity of adjacent development, location, and type;
 - 2. Seasonal and prevailing weather patterns, including wind directions;
 - 3. Vegetative cover on or adjacent to the site; and
 - 4. Topography.

The operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generation equipment.

- (2) No well shall be drilled, re-drilled or any equipment operated at any location within an urban area in such a manner as to create any noise which causes the exterior noise level when measured at a distance of 500 feet from the well head, or other equipment generating noise, that exceeds the ambient noise level by more than seven decibels during daytime hours and more than five decibels during nighttime hours. Fracturing operations may not exceed the ambient noise level by more than ten decibels during daytime hours; no fracturing operations shall be allowed during nighttime hours unless they exceed the ambient noise level by no more than five decibels. Backflow operations may not exceed the ambient noise level by more than five decibels during nighttime hours.
- (3) The operator shall be responsible for establishing and reporting to the Livingston Parish Office of Homeland Security and Emergency Preparedness the pre-drilling ambient noise level prior to the commencement of initial operations at the site. This shall be based on measurements during a continuous 72-hour time span, which shall include at least one 24-hour reading during either a Saturday or Sunday. Once the drilling is complete, the operator shall be required to establish a new ambient noise level prior to the installation of any new noise generating equipment.
- (4) Adjustments to the noise standards set forth in subsection (c)(1) of this section may be permitted intermittently in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes, in cumulative minutes during any one hour)
10	5
15	1
20	Less than 1

- (5) The exterior noise level generated by the drilling, re-drilling or other operations of all wells located with 500 feet of a protected use shall be continuously monitored to ensure compliance. The cost of such monitoring shall be borne by the operator.
- (6) Acoustical blankets, sound walls, mufflers or other alternative methods may be used to ensure compliance. All soundproofing shall comply with accepted industry standards.
- (7) The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recordings and analyzing equipment which will provide equivalent data.

Operations and Activities

Oil, Gas and Hydrocarbon Wells

Section 3: Rural Areas

Any well to be drilled in a rural area must comply with the fencing requirements set forth in this booklet unless otherwise specified by private contract.

Section 4: Fences and Screening

- (a) With the exception of the periods of drilling operations, permanent chain link fences with a secured gate are required on the site of any well, which fencing shall completely enclose all production equipment. Fences shall meet the following minimum specifications:
 - (1) The fence shall be at least six feet in height.
 - (2) Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence; provided, however, so long as stability of the fence is maintained, temporary fence points shall not be required to be set in concrete.
 - (3) The chain link fence shall have a minimum thickness of 11 gauge.
 - (4) Posts and rails shall be three-eighths-inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six-inch minimum take-up. Tension bars shall have a minimum thickness of one-fourth by three-fourths inch.
 - (5) A Knox padlock or Knox box with key shall be provided to the Livingston Parish Office of Homeland Security and Emergency Preparedness and the district fire chief having jurisdiction at the site to access the well site in case of emergency, with notification to the operator in accordance with the emergency response plan provided prior to commencement of drilling operations to the fire district having jurisdiction at the site.
- (b) Wells in urban areas will be subject to any additional screening measures as may be provided by the parish council or the Livingston Parish Office of Homeland Security and Emergency Preparedness.

Operations and Activities

Explosives/Pipelines

These provisions apply to all explosives activity and pipelines, both existing and future, and become effective at the time of adoption. All companies and operators with existing explosives activity and pipelines have ninety (90) days to comply with regulations outlined in this booklet.

Section 1: Designated Repositories

- (a) The Livingston Parish Office of Homeland Security and Emergency Preparedness, which manages the LEPC, shall be designated as the primary local repository for information gathered under this Booklet. Additionally, Livingston Parish has designated the Louisiana Emergency Response Commission, which operates the Louisiana Chemical Network, as the official repository for information gathered under this booklet.
 - (2) The LEPC shall provide information gathered under this Booklet to any person upon request during reasonable office hours and may charge such person a reasonable amount for copying charges and other administrative costs. The charges for the said costs shall be the same as the charges authorized for copies by parish policy. The LEPC shall provide this information within 45 days of receiving an original signed request.
 - (3) In addition, the repository may refer public requests for information regarding specific medical, toxic, and health effects to the Louisiana Regional Poison Control Center.

Operations and Activities

Explosives/Pipelines

Section 2: Hazardous Materials and Explosives Preparedness and Response

- (a) **Policy and Purpose:** The Livingston Parish Council hereby adopts as a policy that the citizens of this parish have the right and responsibility to know about and protect themselves from the risks and effects of hazardous materials in their environment. Inherent in the public's right to know is the public's need to know that the local agencies have the information to both respond to their inquiries and to protect them by:
- (1) Maintaining procedures for Emergency Alert System (EAS) activation in coordination with the Livingston Parish first responder agencies.
 - (2) Providing information to physicians for emergency medical diagnosis.
 - (3) Adequately preparing for disasters.
 - (4) Centralizing, and coordinating regional and local long-range planning concerning the environmental hazards within Livingston Parish.
 - (5) Developing information on chronic health risks which may appear as the result of the presence of hazardous materials.
- (b) The purpose of this Booklet is to, in conjunction with the Louisiana Emergency Response Commission (LERC); create a comprehensive information system containing specific data regarding the presence and location of hazardous materials in Livingston Parish. Such information should be compiled in a way which permits the data to be shared with the public and among involved agencies and local governing authorities.
- (a) The Livingston Parish Government Administration and Council recognizes that among the state and local agencies presently collecting, disseminating, and analyzing data there exists much of the technical capability, determination, and expertise to develop, implement, manage, and expand such an information system. The parish therefore supports a cooperative effort of all involved agencies to work through an interagency Local Emergency Planning Committee (LEPC) to create a comprehensive information system, implement comprehensive local planning, and as soon as practical and feasible, make this crucial information available to the public through designated local repository. The designated local repository for Livingston Parish is the Livingston Parish Office of Homeland Security and Emergency Preparedness.
- (c) Responsibilities of Owners and Operators
- (1) Administrative Reporting:
 - (i). This booklet does not relieve the owner or operator of any facility from having to file inventory forms or make emergency release notifications to the Louisiana State Police for all hazardous materials manufactured, used, or stored at their facilities and for immediately reporting releases of certain hazardous materials in certain reportable quantities to be established by rule as provided for in R.S. 30:2373(B) and (C) (2).
 - (ii). Owners or operators shall be responsible for filing, with the Local Emergency Planning Committee, inventory forms for all hazardous materials manufactured, used, or stored at their

facilities and for immediately reporting releases of certain hazardous materials in certain reportable quantities to the Livingston Parish 911 Central Dispatch Center.

(2) Emergency Response Notifications:

- (i). Owner Operators are required to notify the Livingston Parish 911 Central Dispatch Center **immediately** upon the discovery of a reportable hazardous material release.
- (ii). Local emergency response notifications are immediate and should not be misunderstood as the one hour notification grace period offered by the Louisiana State Police Emergency Services Unit as their notification policy states.
- (iii). Notification of the Livingston Parish 911 Central Dispatch Center can be accomplished telephonically or by radio.
- (iv). Once a release has occurred, Owner Operators are required to immediately report the incident information to the 911 Central Dispatch Center. Reporting will be completed in accordance with the Livingston Parish release classification and site specific notification protocol maintained by the Livingston Parish LEPC.
- (v). Should any owner/operator fail to report an obvious onsite or offsite chemical release, fire, or explosion the unified command on scene will make the following assumptions:
 - (a). Facility personnel are incapacitated as a result of the incident.
 - (d) Facility personnel have become fatalities.
 - (e) The incident has damaged all of the facility's communication equipment.
 - (d) Facility personnel are so involved in an offensive response that they have failed to communicate with responding agencies.
- (vi). As a result of the situation above, in order to ensure public safety, the on-scene Incident Commander, the sheriff, chief deputy, or the the Livingston Parish OHSEP has the authority to begin activation of the Livingston Parish site specific notification protocol.

Operations and Activities

Explosives/Pipelines

Section 3: Underground Pipeline Damage Prevention.

- (a) Purpose: It is the public policy of this parish to promote the protection of property, workmen, and citizens in the immediate vicinity of an underground pipelines from damage, death, or injury and to promote the health and well-being of the community by preventing the interruption of essential services which may result from the destruction of, or damage to, underground facilities or utilities.
- (b) Excavation and demolition; prohibitions
- (1) Except as provided in this Section, no person shall excavate or demolish in any street, highway, public place or servitude of any operator, or near the location of an underground utility or facility, or on the premises of a customer served by an underground utility or facility without having first ascertained in the manner prescribed in this booklet, the specific location of all underground utilities or facilities in the area which would be affected by the proposed excavation or demolition.
 - (2) Except as provided in R.S. 40:1749.15, prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place. The official regional notification center for Livingston Parish is LA One Call in Baton Rouge, LA. Such notice shall be given to the notification center at least forty-eight hours, but not more than one hundred twenty hours, excluding weekends and holidays, in advance of the commencement of any excavation or demolition activity. Holidays shall consist of the following: New Year's Day; Good Friday; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, and/or those days that these holidays are observed by the state.
 - (3) This notice shall contain the name, address, and telephone number of the person filing the notice of intent, and, if different, the person responsible for the excavation or demolition, the starting date, anticipated duration, and description of the specific type of excavation or demolition operation to be conducted, the specific location of the proposed excavation or demolition and a statement as to whether directional boring or explosives are to be used. If the excavation or demolition is part of a larger project, the notice shall be confined to the actual area of proposed excavation or demolition that will occur during the twenty-day time period.
 - (4) Telephonic notice shall be recorded on tape or stored into an electronic data bank by the regional notification center and a record of the notice shall be retained for a three-year period from the date of notification. A record of an electronic notice shall also be retained by the regional notification center for a three-year period from the date of notification.
 - (5) Notice shall be given and shall include a specific location request for excavation or demolition work to be performed at least forty-eight hours, but not more than one hundred twenty hours, excluding weekends and holidays, in advance of actual work commencement. Holidays shall consist of the following: New Year's Day; Good Friday; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, and/or the days on which those holidays are observed by the state. The markings of an operator's facility or utility shall be provided for excavation or demolition purposes only.
 - (6) The excavator or demolisher shall wait at least forty-eight hours, beginning at 7:00 a.m. on the next working day, following notification before commencing any excavation or demolition activity,

except in the case of an emergency as defined in the provisions of this Part or if informed by the regional notification center that no operators are to be notified.

(7) This Part shall not apply to activities by operators or land owners excavating their own underground utilities or facilities on their own property or operators' exclusive right-of-way provided there is no encroachment on the right-of-way of any operator.

(8) Excavators may use white paint as marking under American Public Works Association guidelines.

(c) Regional notification center

(1) Each operator of an underground utility or facility, including all state agencies and political subdivision of the state, shall become a member of, participate in, and share the cost of a regional notification center. Each regional notification center shall have the capability to receive emergency locate requests twenty-four hours a day and to disseminate the information as soon as it is received to the appropriate operators and all affected regional notification centers in this state.

(2) A regional notification center receiving a notice of intent to excavate shall notify all members operators having underground utilities or facilities in or near the site of the proposed excavation, except for the operator who provided the notice of intent and requested not to receive such notification. All member operators shall furnish the regional notification center with current emergency contact or notification information, including twenty-four hour telephone numbers.

(3) Each operator of an underground utility or facility, after having received the notification request from the regional notification center of an intent to excavate, shall supply, prior to the proposed excavation, the following information to the person responsible for the excavation:

(a) The specific location and type of all of its underground utilities or facilities which may be damaged as a result of the excavation or demolition.

(b) Unless otherwise required by federal or state statutes, the specific location and type of underground utility or facility may, at the operator's option, be marked to locate the utilities or facilities. If the utilities or facilities are visibly marked by the operator, they shall be marked by the operator by color coded paint, flags, or stakes or similar means using the American Public Works Association color code.

(c) The location of underground fiber optic cables shall be identified in accordance with the provisions of this Subparagraph and such identification shall also include an added special marking that is uniquely associated with fiber optic cables.

(d) When the utility or facility operator has marked the location of underground utilities or facilities, the marking shall be deemed good as long as visible but not longer than twenty calendar days, including weekends and holidays, from the "mark by" time. An additional notice to the regional notification center shall be given by the excavator or demolisher in accordance with the provision of this Part when the marks are no longer visible or if the excavation or demolition cannot be completed within twenty calendar days from the mark by time, whichever occurs first.

(e) The excavator shall use all reasonable and prudent means, within common industry practice, to protect and preserve all marks of the underground utility or facility.

(f) In the case whereby a forestry excavator or agricultural excavator has requested that the utilities and facilities be marked for location, the operator of a utility or facility shall mark the area of their utilities or facilities. The markings provided by the operator shall be deemed

good as long as the markings are visible or up to thirty calendar days from the time the markings were made, whichever is shorter.

- (1) If the operator does not visibly mark the location of these utilities or facilities, the operator shall provide information to enable an excavator using reasonable and prudent means to determine the approximate location of the utility or facility. The information provided by the operator shall include a contact person and a specific telephone number for the excavators to call. After the operator has received the notification request, the information on location, size, and type of underground utility or facility must be provided by the operator to the excavator prior to excavation.
 - (2) In the event of inclement weather as defined in this Part, the mark by time shall be extended by duration equal to the duration of the inclement weather. The owner or operator shall notify the excavator or demolisher before the expiration of the mark by time of the need for such extension.
- (g) For the purpose of this Section, the specific location of the underground facilities is defined as an area not wider than the width of the underground facility or utility as marked plus eighteen inches on either side.
- (h) An excavator or demolisher who has given notice and otherwise complied with the provisions of this Part shall be immune from civil liability for damages in the area of the proposed excavation or demolition caused by such excavation or demolition to any owner or operator who:
- (1) Was required by the provisions of this Part to become a member, participate in, or share the cost of a regional notification center, and failed to do so.
 - (2) Failed to mark or provide information as required by the provisions of this Part.
 - (3) The immunity provided by this subsection shall not apply to civil liability for damages caused by the negligence of the excavator or demolisher.
- (d) Should an owner or operator file suit against an excavator or demolisher for damages to underground utilities or facilities and the court finds in favor of the owner or operator, in addition to damages provided for by this Part, the owner or operator shall be entitled to recover reasonable attorney fees and costs. If the court finds in favor of the excavator or demolisher, the excavator or demolisher shall be entitled to recover reasonable attorney fees and costs.
- (e) Emergency excavation; notice required; penalty
- (1) Oral notice of the emergency excavation shall be given as soon as practicable to the regional notification center and The Livingston Parish Office of Homeland Security and Emergency Preparedness or each operator having underground utilities and facilities located in the area and, if necessary, emergency assistance shall be requested from each operator in locating and providing immediate protection to its underground utilities and facilities.
 - (2) The excavator shall orally certify that the situation poses an imminent threat or danger to life, health, or property and requires immediate action and that the excavator has a crew on site.
- (f) There is a rebuttable presumption that the excavator failed to give notice as required pursuant to this Section if the excavator failed to give any notice to the regional notification center within the following time periods:
- (1) Within four hours of the beginning of the emergency excavation.

(2) In the case of a gubernatorially declared state of emergency due to a tropical storm or hurricane event, within twelve hours of the beginning of the emergency excavation within the parishes to which the emergency declaration applies.

(3) In the case of a wildfire, within twenty-four hours after control of the emergency.

(g) Precautions to avoid damage

(1) In addition to the notification requirements and the emergency notification requirements, each person responsible for an excavation or demolition operation shall do the following:

(a) Plan the excavation or demolition to avoid damage to or minimize interference with underground utilities and facilities in and near the construction area.

(b) Maintain a safe clearance between the underground utilities or facilities and the cutting edge or point of any power or mechanized equipment, taking into account the known limit of control of the cutting edge or point to avoid damage to utilities or facilities.

(c) Provide support for underground utilities or facilities in and near the construction area, during excavation and back filling operations, as may be reasonably necessary to protect the facility.

(d) Dig test pits to determine the actual location of utilities or facilities handling electricity, gas, natural gas, oil, petroleum products, or other flammable, toxic, or corrosive fluid/gases if these utilities or facilities are to be exposed.

(2) For excavation of existing pipelines, or for pipelines that fall within pre-identified high consequence areas within the parish, a permit for excavation must be obtained from the Livingston Parish Office of Homeland Security and Emergency Preparedness prior to beginning operations.

(h) Excavation or demolition; repair of damage

(1) Each person responsible for any excavation or demolition operations which result in any damage to an underground utility or facility shall, immediately upon discovery of that damage, notify the owner or operator of the utility or facility of the location and nature of the damage and shall allow the owner or operator reasonable time to accomplish necessary repairs before continuing the excavation, demolition, or back filling in the immediate area of damage.

(2) Each person responsible for an excavation or demolition operation which results in damage to an underground utility or facility permitting the escape of any flammable, toxic, or corrosive fluids/gases shall, immediately upon discovery of that damage:

(a) Notify the owner or operator of the utility or facility and 911, and allow the owner or operator reasonable time to accomplish necessary repairs before continuing the excavation, demolition, or back filling in the immediate area of damage.

(b) Take any other action as may be reasonably necessary to protect persons and property and to minimize hazards until arrival of the owner or operator's personnel and first responder agencies.

(c) Comply with any other notification process required by state and federal law or regulation.

(d) After discovery of the damage, each day that an excavator or demolisher fails to comply with the provisions of this booklet shall be considered a separate violation.

(i) Pipeline Permitting, Livingston Parish

- (1) Any owner-operator, contractor, or subcontractor installing a new gas or liquid pipeline in Livingston Parish must apply for a permit in accordance with this booklet from the Livingston Parish Office of Homeland Security and Emergency Preparedness.
- (2) The Livingston Parish Office of Homeland Security & Emergency Preparedness will be notified by LA One Call of any owner-operator, contractor, or subcontractor excavating within a pre-defined high consequence area (HCA).
- (3) The Livingston Parish Office of Homeland Security & Emergency Preparedness will contact the owner-operator, contractor, or subcontractor to inform them of the parish permitting requirements of excavating existing pipelines within an HCA.

Operations and Activities

Explosives/Pipelines

Section 4: New Gas or Liquid Pipeline Construction & Placement

- (a) Permit Required: No person, firm, partnership or corporation, public or private, shall construct or cause to be constructed a facility consisting of a pipeline or main of any kind, including but not limited to, gas, petroleum products, liquids, vapors, water, sewage, drains, cables or any group of segment thereof, on, over, across or through a Parish owned road, right of way, canal, drainage ditch, levee or any bayou under the jurisdiction of the Parish Council in the Parish of Livingston, Louisiana (hereinafter referred to as "Parish") without having previously obtained a permit from the Parish in the manner hereinafter provided.
- (b) General Conditions under which permit is granted: Applications for permits shall be made in writing to the Livingston Parish Office of Homeland Security and Emergency Preparedness prior to submission to the Parish Permitting Department. Such application may be in the form of a letter and shall contain a clear description of the facility and its purpose, plans, specifications, location, map of location, and name and address of its owner and of the representative designated by such owner, who may be contacted by the Parish on all future matters, related to the construction, installation and maintenance of the facility. In addition, such application shall be accompanied by the following. A credit card, business check, certified or cashier's check and cash in the amounts stated in this Section and a letter of compliance with this booklet.
- (c) Permit - Issuance or Denial: Within thirty (30) days after receipt of an application which meets the requirements, the applicant shall receive a construction permit or be advised in writing as to why a permit cannot be issued.
- (d) Insurance: Before construction begins a certificate evidencing liability insurance in the amount of ONE MILLION AND NO/100 (\$1,000,000.00) DOLLARS, or satisfactory evidence of financial responsibility in a like amount, shall be furnished to the Parish by applicant, as well as, evidence of insurance coverage against all loss, injury, responsibility or peril for claims arising under the workman's compensation laws of the State of Louisiana and/or under any statute of the United States of America.
- (e) Specifications
 - (1) In addition to the specific requirements set forth in this Section, all plans, specifications, materials and the installation of any pipeline for which a permit is required shall comply with all parish, state and federal guidelines and procedures for construction and safety.
 - (2) Any pipeline or segment thereof, on, over, across, or through a Parish owned road or right of way shall be laid to a depth of at least six (6) feet, a depth more than six (6) feet may be required based on the individual application, alternatively, the applicant may cause the pipeline to the specifications of the Parish if it desires not to place the pipe deeper than six (6) feet beneath the roadway surface. If excavations are required they shall be backfilled and tamped in six (6+) inch layers. Adequate drainage shall be maintained at all times during the installation of pipelines. Markers shall be installed to mark the location of all pipelines on Parish owned roads and rights of way or other public project.

- (3) Pipelines crossing a Parish owned drainage ditch, canal or any bayou under the jurisdiction of the Parish shall be laid to a depth of at least five (5) feet beneath the lowest point of such ditch, canal or bayou, a depth more than five (5) feet may be required based on the individual applicant, alternatively, the applicant may cause the pipeline to the specifications of the Parish if it desires not to place the pipe deeper than five (5) feet beneath the roadway surface markers shall be installed to mark the location of any such pipeline crossing.
 - (4) Any pipeline which crosses a Parish owned levee shall be construed in accordance with the latest applicable regulations and specifications of the Louisiana Department of Public Works.
 - (5) The owner of any pipeline constructed hereunder shall conduct an annual inspection of its facility, and upon doing so, owner shall notify the Parish, through the Livingston Parish Office of Homeland Security and Emergency Preparedness, in writing that this inspection has been made with the results of nondestructive testing or visual inspections.
 - (6) Any pipeline which crosses a Parish owned roadway will have a minimum wall thickness of five-tenths (0.5) inches of unsealed pipe.
 - (7) The Parish or its delegate may grant a special exception to any requirement of subsection (A) of this Section, upon a showing that the fulfillment of such requirement would impose undue hardship upon the owner of the pipeline, or that such requirement is inappropriate due to the existence of special conditions. Any exception granted by the Parish or its delegate may be conditioned in any manner it deems necessary or appropriate.
- (f) Notice of Completion: Within thirty (30) days after the completion of any facility for which a permit is required the permittee shall file with the Parish, through the Livingston Parish Office of Homeland Security and Emergency Preparedness, a sworn declaration of completion properly identified with the application and permit, certifying that the facility and its construction and installation are in accordance with the plans and specifications approved by the permit, or any supplemental permit which may have been issued. The declaration of completion shall be accompanied by a map or plat, in a form acceptable to the Parish showing the location of the portion or portions of the facility which are located on public projects.
- (g) Inspection: Any project or facility for which a permit is required shall be inspected by the Parish, through the Livingston Parish Office of Homeland Security and Emergency Preparedness, both during and after completion. If any such inspection reveals substantial deviation from the requirements of this booklet, or from the plans and specification submitted with the application or supplemental application, the permittee shall be required to rectify such deviations at his sole cost and expense, and the Parish or its delegate shall supervise and inspect the remedial work. Should the permittee fail to commence remedial work within thirty (30) days following written notification or where said remedial work has been timely started by has not been completed within a reasonable time, the Parish, or its delegate may have the work performed at the expense of the permittee.
- (h) Relocation expenses: When any public project for the Parish is initiated, which requires the relocation, raising or lowering of a segment of a pipeline which has been constructed on an existing parish owned road, right of way, canal, drainage ditch, levee or any bayou under the jurisdiction of the Parish said relocation or change shall be at the sole cost and expense of the owner of the pipeline.

(i) Permitting Requirements

(A) Applications for permitting will be acquired from and submitted to the Livingston Parish Office of Homeland Security and Emergency Preparedness. The fees required in connection with permits will be calculated from the following schedule:

Type of Permit	Cost of Permit
(1)New Gas or Liquids Pipelines	\$2,000
(2)Existing Pipeline Excavation in a HCA	\$500
(3)Existing Pipeline Excavation in a non-HCA	\$250
(4)New pipeline initiation of work in a HCA	\$500
(5)New Pipeline initiation of work in a non-HCA	\$250
(6)Explosives magazine	\$500

(B) High Consequence Areas (HCA) are determined by the Livingston Parish Office of Homeland Security and Emergency Preparedness and those seeking HCA determination shall contact the Livingston Parish Office of Homeland Security and Emergency Preparedness.

(j) Miscellaneous provisions

(1) Except as otherwise specifically provided herein, the provisions of this Booklet shall not affect any civil remedies for personal injury or property damage, including damage to underground utilities or facilities.

NOTE: This permit is to be available at the site when and where work is being done.

NOTE: If any section, paragraph, sentence, clause or part of this Booklet shall be declared to be unconstitutional, ultra vires or otherwise invalid, the remaining parts of this booklet shall remain in full force or effect.

Administration and Enforcement

Section 1: Emergency Operations Plans Review

All Emergency Operations Plans (EOPs) that are submitted to the Livingston Parish Office of Homeland Security and Emergency Preparedness for review and record will be assessed a fee of no less than fifty dollars and no greater than one hundred dollars, depending on the degree of review needed, each time the plan is submitted.

Section 2: Violations

Failure to comply with the provisions or requirements of this booklet shall be punishable by the parish by a fine, per day, in the maximum amount authorized by the parish (not more than twenty-five thousand dollars per violation), and/or the issuance of temporary restraining orders and injunctive relief, both preliminary and permanent, without the necessity of the parish proving irreparable harm or furnishing bond or other security and with the parish, should it prevail in whole or in part, being entitled to recover all of its reasonable attorney's fees and costs. Additionally, any forbearance by the parish in any instance shall not constitute a waiver of authority to seek enforcement in any other instance.

(a) Commercial Building/Hazardous Materials Operations: Monitoring; failure to report, penalties

- (1) The Livingston Parish Office of Homeland Security and Emergency Preparedness, the Livingston Parish Sheriff's Office, and the local fire department shall have the right to reasonably monitor owners or operators, as well as conduct site visits, to ensure compliance with this Booklet. They shall have the right to enter and inspect any site for monitoring purposes.
- (2) The Livingston Parish Office of Homeland Security and Emergency Preparedness may conduct audits, investigations, make reports, conduct hearings, and conduct, directly or indirectly, the research, development, demonstration, or training activities necessary to undertake his responsibilities and exercise his authority under this Section. The Livingston Parish Office of Homeland Security and Emergency Preparedness shall act as coordinator of emergency response activities arising as a result of all hazardous events, whether natural or man-made.
- (3) Nothing in this Booklet shall be intended to diminish the responsibilities of first responder agencies with regard to his authority to address emergency response needs in the parish.
- (4) Failure to comply with requirements may result in the suspension of the business's operating license with Livingston Parish.

(b) Hazardous Materials Release: Failure to report; penalties

- (1) Owners and operators shall immediately notify the 911 Central Dispatch Center of any reportable releases, other than a federally or state permitted release or application of a pesticide or fertilizer, of a hazardous material or substance listed pursuant to this Booklet exceeding the reportable quantity when that reportable quantity could be reasonably expected to escape the site of the facility, as soon as the owner or operator has knowledge of such release. Failure to do so shall subject owners and operators to civil penalties.
- (2) Any reportable release of any hazardous material regulated by this Booklet which causes any injury requiring hospitalization or any fatality or any release which results in a fire or explosion

which could reasonably be expected to affect the public safety beyond the boundaries of the facility shall be reported immediately to the 911 Central Dispatch Center.

- (3) Any incident, accident, or cleanup within a facility, which could reasonably be expected to affect public safety beyond the boundaries of the facility or where the owner or operator knows a protective action beyond the boundaries of the facility has been initiated, shall be reported immediately to the 911 Central Dispatch Center.
- (4) Any person, owner, operator, or facility that fails to comply with acceptable cleanup measures for a reportable release of hazardous materials may be assessed civil penalties, not to exceed twenty-five thousand dollars per release per day from the date of the release until a satisfactory and regulations compliant containment and disposal action has been completed.
- (5) The Livingston Parish Office of Homeland Security and Emergency Preparedness may develop rules and regulations to implement and clarify the reporting and emergency notification requirements of this booklet and to address changes in federal or state regulations.
- (6) After receiving recommendations from the LEPC incident review board, The Livingston Parish Office of Homeland Security and Emergency Preparedness may recommend that civil penalties, not to exceed twenty-five thousand dollars per violation for failure to timely report non-permitted releases pursuant to R.S. 30:2373(B).
- (7) For owners and operators who knowingly fail to report a reportable release of a hazardous material regulated by this R.S. 30:2361, the department may assess a civil penalty not to exceed twenty-five thousand dollars per violation per day.
- (8) The LEPC shall consider, in determining whether to assess a fine, the financial situation of owners and operators of small businesses as well as any willfulness in failing to comply with the provisions of this Booklet.
- (9) Any person who handles, stores, or otherwise maintains a hazardous material regulated by this Booklet in a negligent or unreasonable manner without regard for the hazards of the material and causes a significant impact to public health and safety as a result of a reportable release of a hazardous material shall be in violation of this booklet.
- (10) No person shall intentionally handle, store, or otherwise maintain any hazardous material regulated by this Booklet in a manner which endangers human life, livestock, or wildlife.
- (11) Any person that willfully violates this Subsection may be assessed a civil penalty by the department not to exceed twenty-five thousand dollars per violation per day. Upon first conviction, said person may be imprisoned for not more than six months, as well as the above mentioned civil penalty. Upon second or subsequent conviction of a violation of R.S. 30:2373(E)(1), said person may be imprisoned with or without hard labor for not less than six months nor more than ten years as well as the above mentioned civil penalty.

(i) Access to Facilities for Emergency Response

- (1) When there has been a release subject to the reporting requirements of R.S. 30:2373(B), the owners and operators of the facility where the release occurred shall, upon the request or demand, allow access to the facility by the designated local emergency response agency without delay; however, each representative of the designated local emergency response agency seeking access to the facility shall be certified or qualified in the handling of hazardous materials by an appropriate governmental agency and qualified in dealing with the particular emergency and the equipment and/or the facility involved. The parish governing authority designates the leaders within the unified command responding to these incidents to have access to

facilities within the parish pursuant to this booklet. The unified command is comprised of but not limited to the members from the Livingston Parish Sheriff's Office, The Livingston Parish Office of Homeland Security and Emergency Preparedness, and any responding fire department. The owner or operator of a facility where a release has occurred may delay access to the facility for a reasonable period of time, to the extent necessary in order to secure the facility, insure immediate safety, preserve property, or verify the authority of those persons seeking access to the facility pursuant to this Section.

- (2) An owner or operator who fails to comply with the requirements of this Section shall be subject to a civil fine of five thousand dollars.
- (3) The fine provided for in this Subsection shall be due, in the aggregate, to the agencies denied access in violation of this Section and may be levied by the district court of the parish in which the violations occurred.
- (4) Each representative of a state or local emergency response agency provided access to a facility under this Section shall be under the strict supervision of facility personnel and shall not take any direct action to respond to the release unless specifically authorized to do so by such facility personnel.

(c) Explosives/Pipelines: Monitoring and enforcement

- (1) The Livingston Parish Office of Homeland Security and Emergency Preparedness shall have the right to reasonably monitor owners or operators to ensure their compliance with this Booklet. They shall have the right to enter and inspect any facility in which they have reasonable cause to believe hazardous materials, the reporting of which is required by this Booklet, is manufactured, stored, used, or released and which has not been reported, and to require the report of the presence of such hazardous material as required by this Booklet.
- (2) The Incident Commander through the Livingston Parish Office of Homeland Security and Emergency Preparedness may conduct audits, investigations, make reports, conduct hearings, and conduct, directly or indirectly, the research, development, demonstration, or training activities necessary to undertake his responsibilities and exercise his authority under this Section. The Livingston Parish Office of Homeland Security and Emergency Preparedness shall act as coordinator of emergency response activities arising as a result of releases of materials regulated under this Booklet.
- (3) Nothing in this Booklet shall be intended to diminish the responsibilities of all first responder agencies with regard to his authority to address emergency response needs in the parish.

(d) Explosive Magazine Permitting: Livingston Parish

- (1) Any owner, operator, contractor or subcontractor placing an explosive magazine within the parish boundaries must apply for a permit from the Livingston Parish Office of Homeland Security and Emergency Preparedness 30 working days prior to placement and must meet all parish, state and federal regulations.

(e) Underground Pipelines Damage Prevention: Violations; penalties

- (1) A person who is required by this booklet to become a member of, participate in, or share the cost of, a regional notification center and who fails to do so shall be subject to a civil penalty of not more than two hundred fifty dollars for the first violation and not more than one thousand dollars for each subsequent violation. A subsequent violation shall be deemed to have occurred if the person fails to become a member of, participate in, or share the cost of, a regional notification center as required within ninety days after issuance of a citation for the previous violation.

- (2) A person who participates in a regional notification center and who fails to mark or provide information regarding the location of underground utilities and facilities shall be subject to a civil penalty of not more than one thousand dollars. A subsequent violation shall be deemed to have occurred if a person fails to provide information or markings within two years of the issuance of a prior citation for the same or similar conduct.
- (3) A person who is required by law to participate in a regional notification center and who fails to provide information or markings to indicate hazardous material as defined in Title 30 of the Louisiana Revised Statutes of 1950 shall be subject to the following:
 - (a) For the first violation, a civil penalty of not more than two hundred fifty dollars.
 - (b) For a second violation, a civil penalty of not more than five hundred dollars.
 - (c) For a third violation, a civil penalty of not more than one thousand dollars.
 - (d) For a fourth and each subsequent violation, a civil penalty of not less than two thousand dollars or more than twenty-five thousand dollars.
- (f) Underground Pipelines Damage Prevention: An excavator or demolisher who violates the provisions set forth in Section 6 (c) and (j) shall be subject to the following:
 - (1) For the first violation, a civil penalty of not more than two hundred fifty dollars.
 - (2) For a second violation of a similar nature within a two-year period from the previous violation, a civil penalty of not more than five hundred dollars.
 - (3) For a third violation of a similar nature within a two-year period from a previous violation, a civil penalty of not more than one thousand dollars.
 - (4) For a fourth and each subsequent violation of a similar nature within a two-year period from the previous violation, a civil penalty of not less than two thousand dollars nor more that twenty-five thousand dollars.
 - (5) Any violation involving hazardous materials as defined in Title 30 of the Louisiana Revised Statutes of 1950, a civil penalty of not less than two thousand dollars or more than twenty-five thousand dollars.
 - (6) An excavator or demolisher who is issued a citation for a violation shall immediately stop all excavation or demolition activity until the requirements of this Part are met. Failure to do so shall subject the excavator or demolisher to an additional citation and civil penalty of not more than twenty-five thousand dollars for each such subsequent citation issued.
- (g) Underground Pipelines Damage Prevention: An excavator or demolisher who violates the provisions set forth in Section 6 (h) shall be subject to the following:
 - (1) For the first violation, a civil penalty of not more than fifty dollars.
 - (2) For a second violation of a similar nature within a two-year period from the previous violation, a civil penalty of not more than two hundred dollars.
 - (3) For a third violation of a similar nature within a two-year period from a previous violation, a civil penalty of not more than five hundred dollars.

- (4) For a fourth and each subsequent violation of a similar nature within a two-year period from the previous violation, a civil penalty of not less than five hundred dollars nor more than five thousand dollars.
- (h) Underground Pipelines Damage Prevention: A person may be cited with a violation and held liable for a civil penalty pursuant to this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence is sufficient to establish that the defendant has committed the offense.
- (i) Underground Pipelines Damage Prevention: Monitoring and Enforcement
- (1) The Livingston Parish Office of Homeland Security and Emergency Preparedness, the Livingston Parish Sheriff's Office, and the local fire department shall have the right to reasonably monitor owners or operators to ensure their compliance with this Booklet. They shall have the right to enter and inspect any site in which they have reasonable cause to believe that permitted or unpermitted directional boring or open trenching is occurring within a pre-identified high consequence area (HCA).
- (2) The Livingston Parish Office of Homeland Security and Emergency Preparedness may conduct audits, investigations, make reports, conduct hearings, and conduct, directly or indirectly, the research, development, demonstration, or training activities necessary to undertake his responsibilities and exercise his authority under this Section. The Livingston Parish Office of Homeland Security and Emergency Preparedness shall act as coordinator of emergency response activities arising as a result of pipeline incidents regulated under this Booklet.
- (3) Nothing in this Booklet shall be intended to diminish the responsibilities of first responder agencies with regard to his authority to address emergency response needs in the parish.

Section 3: Appeals and Variances

- (a) The Livingston Parish Office of Homeland Security and Emergency Preparedness, in addition to its authority to make decisions hereunder, also is authorized to approve minor variances from the provisions of this booklet when by reason of exceptional topographic conditions or other extraordinary and exceptional physical characteristics of particular property, the strict application of a regulation under this booklet would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship to an applicant for a minor variance. Such minor variances may be granted only if approval shall be without substantial detriment to the public good and without substantially impairing the intent and purpose of this booklet. Such minor variances shall be subject to such terms and conditions as may be fixed, in writing, by the Livingston Parish Office of Homeland Security and Emergency Preparedness.
- (b) Any appeals from decisions hereunder of the Livingston Parish Office of Homeland Security and Emergency Preparedness shall be to the LEPC. Any appeals from decisions of the LEPC hereunder shall be to the parish president. Any appeals from decisions of the parish president hereunder shall be to the parish council. Any decision rendered by the Livingston Parish Office of Homeland Security and Emergency Preparedness, LEPC, parish president, or parish council shall be deemed final if not appealed within ten days of notification thereof to the applicant. Such appeal shall be taken by filing with the Livingston Parish Office of Homeland Security and Emergency Preparedness a written notice of appeal specifying the particular grounds upon which the appeal is taken.

Administration and Enforcement

Section 4: Reimbursement of Costs Incurred During an Emergency Response

- (a) Policy and Purpose: The parish shall have authority to charge any individual, corporation or entity causing or contributing to an emergency for costs incurred by public response agencies during an incident requiring emergency response.
- (b) The Livingston Parish Office of Homeland Security and Emergency Preparedness shall have authority to charge any individual, corporation or entity causing or contributing to an emergency for costs to include but not limited to time, material and equipment.
- (c) The Livingston Parish Office of Homeland Security and Emergency Preparedness shall have authority to charge any individual, corporation or entity causing or contributing to an emergency for costs incurred in activating the emergency telephone alerting system (First Call).
- (d) The Livingston Parish Office of Homeland Security and Emergency Preparedness shall have authority to charge any individual, corporation or entity causing or contributing to an emergency for costs incurred during the remediation of an incident requiring an emergency response.
- (e) The Livingston Parish Office of Homeland Security and Emergency Preparedness may charge any individual, corporation, municipality or public entity for costs related to actions taken in response to the emergency and shall also have the authority to use any reasonable means to collect and enforce the collection of such costs. In any such action, the Livingston Parish Office of Homeland Security and Emergency Preparedness shall be entitled to recover the amount of said costs, together with all costs of court and reasonable attorney's fees, including costs associated with responding subcontractors.
- (f) The parish shall have the authority to assign the Livingston Parish Office of Homeland Security and Emergency Preparedness with the duty of billing on behalf of the unified command agencies desiring to recoup the costs of response, and of pursuing such collections. This shall include on scene data collection, invoicing, billing and coordination with any individual, corporation or entity causing or contributing to an emergency.
- (g) The parish shall have the authority to assess penalty fines to any individual, corporation, municipality or public entity causes any hazardous materials incident within the parish, no less than two hundred dollars and no greater than two hundred fifty thousand dollars.