

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
SEVERE STORMS AND TORNADOES
April 10, 2024**

AGENCY INTEREST NO. 241849

FIRST AMENDED DECLARATION OF EMERGENCY AND ADMINISTRATIVE ORDER

Pursuant to the authority granted to me by Louisiana Revised Statutes 30:2001 *et seq.*, and particularly La. R.S. 30:2033 and 2011(D)(6), I hereby make the following findings, declaration and order:

FINDINGS AND DECLARATION

1. On the 10th day of **April, 2024**, severe storms, heavy winds and tornadoes (hereinafter "**EVENT**") moved into Louisiana, causing widespread damage across the state. The storms generated significant storm debris.
2. I find that the **EVENT** created conditions that require immediate action to prevent irreparable damage to the environment and serious threats to life or safety. To address these conditions, I previously issued a Declaration of Emergency and Administrative Order (hereinafter "**ORDER**") on April 12, 2024. This **ORDER** was amended on April 22, 2024. After review of the conditions, I find that further extension of the **ORDER** is required.

WHEREFORE, I hereby declare that an emergency exists, and amend the previous **ORDER** issued on April 12, 2024, to include the following measures deemed necessary to prevent irreparable damage to the environment and serious threats to life or safety. This **ORDER** applies only to the parishes of Acadia, Calcasieu, East Feliciana, West Feliciana, Orleans, Point Coupee, St. Landry, and St. Tammany, (hereinafter "Emergency Area").

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ORDER

§ 1. Solid Waste Management

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

When handling and managing wastes generated as a result of the **EVENT**, owners and operators of solid waste management facilities and local governments shall adhere to the Debris Management Plan except where the Debris Management Plan may be in conflict with the provisions of this **ORDER**, in which case the provisions of this **ORDER** shall prevail. The Debris Management Plan contains provisions and instructions for handling various types of waste material and for locating and receiving authorization for Emergency Debris Sites. A copy of the Debris Management Plan can be obtained via LDEQ’s website at the following link, <http://deg.louisiana.gov/page/disaster-debris-management>.

- b. Permitted Solid Waste Management Facilities

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

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

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

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

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

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

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

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

c. Type III landfills located in the Emergency Area are authorized to dispose of furniture and carpet generated by the **EVENT** in addition to C&D debris and woodwaste if the following conditions are satisfied:

i. The facility operator shall verify that any local government or its contractor collecting the waste has an independent monitor monitoring the debris collection to ensure that non-acceptable waste is not sent to the landfill.

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ii. The facility operator shall have a minimum of two independent monitors at each landfill working face during all hours of operation to ensure that non-acceptable wastes are not disposed of in the landfill.

iii. The facility operator shall cover each landfill working face every seven days, unless a different schedule is approved by the Department.

§ 2. Emergency Debris Sites

i. Upon the declaration of an emergency by LDEQ and the issuance of this **ORDER**, local governments and state agencies may “activate” a pre-approved emergency debris site. Upon activation, the governmental body shall notify LDEQ Headquarters via the debris hotline (225) 364-7901 that the site is being activated. This verbal notification shall occur as soon as practicable depending on communication capability.

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

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

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

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

New temporary emergency debris sites can be requested as follows:

- (1). Emailing a completed request form to degdebrisrequest@la.gov;
- (2). Faxing a completed request form to (225) 325-8236, or
- (3). If a request form is not immediately available, the local government can call the emergency debris hotline at (225) 364-7901, and provide the

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information over the phone to receive verbal approval to stage. The verbal request shall be followed up with a written request as soon as possible after mail delivery is available but no later than 21 days after verbal approval is given.

iii. All temporary and activated pre-approved emergency debris sites accepting vegetative debris shall submit completed weekly debris management report “WDMR” forms to the Department each week, no later than Sunday, during operations until the debris site is completely closed or deactivated and the final report has been submitted in accordance with the Debris Management Plan. A copy of the WDMR form is contained in the Debris Management Plan or can be obtained via LDEQ’s website at the following link, <http://deq.louisiana.gov/page/disaster-debris-management>.

iv. Construction and demolition debris generated from residential structures of four units or less that are subject to a government-ordered demolition shall be disposed of in accordance with the Debris Management Plan except Regulated Asbestos Containing Material “RACM” shall be disposed of in a Type I/II landfill. A request by a landfill owner or operator for authorization to accept such RACM must include a certification that the owner or operator will manage the RACM in accordance with the landfill’s QA/QC plan and LDEQ requirements. The Department will provide a written response to the request for authorization to accept solid waste and asbestos containing material in a Type I or II landfill.

§ 3. Records Management

Copies of LDEQ documents are available online in LDEQ’s Electronic Document Management System “EDMS”. The EDMS is available at <http://edms.deq.louisiana.gov>. Additional documents may be available by placing a Public Records Request using the online form at <http://edms.deq.louisiana.gov/prr> or the printable paper form available at <http://deq.louisiana.gov/assets/docs/General/PublicRecordsRequestForm.pdf>. There is no charge to replace copies of documents destroyed by the **EVENT**. Please contact Records Management with any questions at (225) 219-3171 or degrecords@la.gov.

§ 4. General Conditions

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

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b. This **ORDER** only serves as relief for the duration of this **ORDER** from the regulatory and proprietary requirements of the Department, and does not provide relief from the requirements of other federal, state, and local agencies. This **ORDER** therefore does not negate the need for the property owner or facility operator to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of those agencies.

§ 5. General Limitations

The Department issues this **ORDER** solely to address the emergency created by the **EVENT**. This **ORDER** shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this **ORDER**. Under no circumstances shall anything contained in this **ORDER** be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise.

§ 6. Other Authorizations Required

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

§ 7. Completion of Authorized Activities

All activities authorized under this **ORDER** must be commenced before the expiration of this **ORDER** unless otherwise provided in an authorization or permit. The deadline for commencement under any authorization or permit issued under this **ORDER** may be extended if additional time is needed to obtain any required authorization from the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, or other local, state, or federal agencies.

§ 8. Amendments

This **ORDER** may be amended as required to abate the emergency.

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§ 9. Expiration Date

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire at 11:59 p.m. on August 26, 2024, unless terminated sooner, modified, or extended by further order.

DONE AND ORDERED on this 22nd day of July 2024, in Baton Rouge, Louisiana.


Aurelia S. Giacometto

APPENDIX A

LDEQ Regional Office Contact Information

<p>Acadiana Regional Office <i>Regional Manager: Rhonda McCormick</i> 111 New Center Drive Lafayette, LA 70508 phone: (337) 262-5584 fax: (337) 262-5593 email: aroadmin@la.gov</p>	<p>Parishes Served Acadia, Avoyelles, Catahoula, Concordia, Evangeline, Grant, Iberia (West of the Atchafalaya River), Lafayette, LaSalle, Rapides, St. Landry, St. Martin (West of the Atchafalaya River), St. Mary, Vermilion</p>
<p>Capital Regional Office <i>Regional Manager: April Wallace</i> PO. Box 4312 Baton Rouge, LA 70821-4312 phone: (225) 219-3600 fax: (225) 219-3695 email: croadmin@la.gov</p>	<p>Parishes Served Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Iberia (East of the Atchafalaya River), Livingston, Pointe Coupee, St. Helena, St. James, St. Martin (East of the Atchafalaya River), Tangipahoa, West Baton Rouge, West Feliciana</p>
<p>Northeast Regional Office <i>Regional Manager: Casey Head</i> 508 Downing Pines Road West Monroe, LA 71292-0442 phone: (318) 362-5439 fax: (318) 362-5448 email: neroadmin@la.gov</p>	<p>Parishes Served Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn</p>
<p>Northwest Regional Office <i>Regional Manager: Mark Juneau</i> 1525 Fairfield, Room 520 Shreveport, LA 71101-4388 phone: (318) 676-7227 fax: (318) 676-7573 email: nwroadmin@la.gov</p>	<p>Parishes Served Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, Webster</p>
<p>Southeast Regional Office <i>Regional Manager: Dionne Magness</i> 201 Evans Road, Building 4, Suite 420 New Orleans, LA 70123-5230 phone: (504) 736-7701 fax: (504) 736-7702 email: seroadmin@la.gov</p>	<p>Parishes Served Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. John the Baptist, St. Charles, St. Tammany, Terrebonne, Washington</p>
<p>Southwest Regional Office <i>Regional Manager: Chrissie Gubancsik</i> 1301 Gadwall Street Lake Charles, LA 70615 phone: (337) 491-2667 fax: (337) 491-2682 email: swroadmin@la.gov</p>	<p>Parishes Served Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vernon</p>