

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

AGENCY INTEREST NO. 221899

**SECOND AMENDED DECLARATION OF EMERGENCY AND ADMINISTRATIVE
ORDER**

Pursuant to the authority granted to me by Louisiana Revised Statutes 30:2001 *et seq.*, and particularly La. R.S. 30:2033 and 2011(D)(6), I hereby make the following findings, declaration and order, which supersede the previous declarations and orders issued in this matter on March 19, 2020 and March 20, 2020:

FINDINGS AND DECLARATION

1. Beginning on the **11th** day of **March**, a **Public Health Emergency, COVID-19** (hereinafter "**COVID-19**") is expected to adversely impact the citizens of the State of Louisiana, causing a widespread public health emergency within the State of Louisiana.
2. By State of Louisiana Proclamation No. **25 JBE 2020**, Louisiana Governor John Bel Edwards, pursuant to the Louisiana Emergency Powers Act, La. R.S. 29:760, *et seq.*, declared on **March 11, 2020**, that a statewide public health emergency exists in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by **COVID-19**, which has created emergency conditions that threaten the lives and health of the citizens of the State. Moreover, by State of Louisiana Proclamation No. **33 JBE 2020**, Governor Edwards ordered: that all state office buildings are closed to the public, that all gatherings of ten (10) people or more shall be postponed or cancelled, that all individuals within the state of Louisiana are under a general stay-at-home order and are directed to stay home unless performing an essential activity, and further closures of businesses or reduction in operations.
3. This Declaration of Emergency and Administrative Order (hereinafter "Order") shall apply statewide (Emergency Area).
4. I find that **COVID-19** has created or will create conditions that require immediate action to prevent serious threats to life or safety throughout the Emergency Area.

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

ORDER

Within the Emergency Area:

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

All scheduled public hearings are postponed until further notice. Accompanying public comment periods will be adjusted accordingly. During this time, public comments will be accepted by LDEQ, preferably via electronic mail or mail.

§ 2. Records Management

Copies of LDEQ documents are usually available online in LDEQ's Electronic Document Management System (EDMS). The EDMS is available at <http://edms.deq.louisiana.gov>.

Additional documents may be available by placing a Public Records Request using the online form at <http://edms.deq.louisiana.gov/prr> or the printable paper form available at <http://deq.louisiana.gov/assets/docs/General/PublicRecordsRequestForm.pdf>. Please contact Records Management with any questions at (225) 219-3171 or publicrecords@la.gov.

§ 3. Late Fees

Due to **COVID-19**, DEQ will not assess any late fees for outstanding invoices beginning March 19, 2020 until the expiration of this Order. The Department's Staff is working from home as much as possible and will continue to process and post customer payments for any outstanding invoices. Resumption of the assessment of late fees will begin when declared by the Secretary.

Any invoices that are typically mailed during March or April will be uploaded to our website <http://deq.louisiana.gov/page/invoices-accounts-receivables> and may be paid online via credit card or e-check at <https://business.deq.louisiana.gov/Payments>, or via

check. If you are paying via check, please print a copy of your invoice and mail the coupon portion along with your payment to our Lockbox at PO Box 733676, Dallas, TX 75373-3676.

Waste Tire Generators, shall continue to submit your monthly waste tire reports by the 20th of the month following the month in which the tires were sold. No late report or payment fees will be assessed for the February 2020 (due 3/20/2020) or March 2020 (due 4/20/2020) reports. Depending on the duration of the public health emergency, additional months may be added to this waiver.

§ 4. General Conditions

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

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

§ 5. General Limitations

The Department issues this Order solely to address the emergency created by **COVID-19**. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order.

§ 6. Electronic Submittals to the Department for Permitting

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

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

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

§ 7. Motor Fuel Trust Fund Eligibility and Reimbursement

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

§ 8. 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.

§ 9. Extension of Time to Comply with Specified Deadlines

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

- a. The time deadlines to report periodic monitoring or to submit other reports required by permits, regulations, other authorizations, enforcement actions, or settlement agreements, except for monitoring required by air permits issued under Title IV or V of the Clean Air Act, under the PSD program, or any other federal Clean Air Act requirement, only insofar as a facility does not have appropriate personnel available due to **COVID-19**;
- b. The time deadlines to conduct periodic monitoring required by permits, regulations, other authorizations, enforcement actions, or settlement agreements, except

for monitoring required by air permits issued under Title IV or V of the Clean Air Act, under the PSD program, or any other federal Clean Air Act requirement, only insofar as a facility does not have appropriate personnel available due to **COVID-19**. Documentation must be maintained and made available to the Department upon request;

c. The time deadlines to file an application for renewal of an existing permit, except for air permits issued under Title V of the Clean Air Act. All renewal applications shall be submitted no later than the expiration date of the existing permit.

This order does not suspend emergency reporting requirements under the regulations or permit requirements.

In light of personnel and technical difficulties related to **COVID-19**, Title V Semiannual Monitoring and Deviation reports and Annual Compliance Certifications, which are ordinarily required to be submitted on March 31st of the calendar year, shall be submitted no later than May 1, 2020. To the extent that such reports can be submitted to the Department by the March 31st deadline, the Department maintains the capability to physically receive the reports.

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

§ 10. Completion of Authorized Activities

All activities authorized under this Order must be commenced before the expiration of this Order unless otherwise provided in an authorization or permit. The deadline for commencement under any authorization or permit issued under this Order may be extended on a showing that contractors or supplies are not available to commence the work, or if additional time is needed to obtain any required authorization from the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, or other local, state, or federal agencies.

§ 11. Amendments

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

§ 12. Expiration Date

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire at midnight on the thirtieth day after the date of execution set forth below, unless modified or extended by further order.

DONE AND ORDERED on this **27th** day of **March**, 2020, in Baton Rouge, Louisiana.



Dr. Chuck Carr Brown
Secretary

APPENDIX A

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

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

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

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

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

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

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

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

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

Air Permits – airpermitapp@LA.GOV

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

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

Expedited Permit Applications – expeditedpermit@LA.GOV

NOC-1 Forms – noc1@LA.GOV

FAC Update – facupdate@LA.GOV

APPENDIX B

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

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

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

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

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

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

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

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