

DECLARATION OF EMERGENCY

Department of Environmental Quality Office of the Secretary

Beetle Emergency Rule
(LAC 33:III.1109 and LAC 33:VII.1505, (MM023E))

In accordance with R.S. 49:962 of the Administrative Procedure Act, which allows the Department of Environmental Quality to use emergency procedures to establish rules, and R.S. 30:2011 and 2054, which authorize the Department to promulgate rules and regulations, the Secretary of the Department hereby declares that an emergency action is necessary to prevent imminent peril to the public health, safety, or welfare.

Executive Order JML 24-161 was issued on October 21, 2024, directing the Secretary of the Department of Environmental Quality to issue an emergency rule to address the forest devastation caused by bark beetles in which the severe drought and subsequent wildfires have caused extensive tree loss, and the loss of between 312 and 325 million dollars to Louisiana's forestry industry that covers 15 million acres with pine trees being the main species, of which 10.8 million acres are nonindustrial-privately owned forests.

Proclamation 141 JBE 2023 declared a State of Emergency on August 11, 2023, due to the excessive heat, drought conditions, and saltwater intrusion and has been renewed and extended every 30 days through Executive Order Number JML 24-159, which expires November 17, 2024.

R.S. 30:2057 prohibits a person from discharging air contaminants into the air of this state in violation of regulations of the Department of Environmental Quality without a variance, unless statutorily exempted.

R.S. 30:2057(5)(a) already exempts the burning of trees, brush, grass, or other vegetable matter in parishes with a population of 90,000 or less when the location is outside the city limits and not adjacent to a city in such proximity that the ambient air of the city or town will be affected by smoke from the burning.

The Department of Environmental Quality is issuing an emergency rule providing for the application and issuance of a variance to parishes with populations greater than 90,000 and prospectively waiving the \$500 fee for all qualifying variance applications with the issuance of this emergency rule and also prospectively waiving the \$250 annual fee for transporters of wood waste generated by land and right-of-way clearing operations, wood chips, bark, wood refuse, wood ash, and vegetative matter resulting from land clearing operations including trees and shrubbery, leaves, limbs, stumps, and grass clippings regardless of the number of vehicles in the service of the transporter.

This Emergency Rule is effective on **October 23, 2024**, and shall remain in effect for the maximum period allowed under the Act. For more information concerning MM023E, you may contact Kyle Prestenbach with the Air Permits Division at Kyle.Prestenbach@la.gov or (225) 219-3457 or Karla Vidrine with the Waste Permits Division at Karla.Vidrine@la.gov or (225) 219-3047.

Adopted this 23rd day of October, 2024.



Aurelia S. Giacometto
Secretary