

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF
TROPICAL STORM BERYL
8 July 2024

AGENCY INTEREST NO. 243225

FIRST EXTENSION AND AMENDMENT OF 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

On the 8th day of July 2024, Tropical Storm Beryl (hereinafter "EVENT") moved into Louisiana, causing widespread damage across the state. The Tropical Storm generated significant storm debris.

2. By State of Louisiana Executive Order Number JML 24-105, Louisiana Governor Jeffrey Martin Landry, pursuant to Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:271 *et seq.*, declared on 8 July 2024, that a state of emergency exists in the state of Louisiana, with tropical storm force winds, torrential rain and tornadic activity, threatening the lives and the property of the citizens of the state of Louisiana.

3. 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 issued a Declaration of Emergency and Administrative Order (hereinafter "Order") On 10 July 2024. After review of the conditions, I find that an additional extension of the Order is required.

WHEREFORE, I hereby declare that an emergency continues to exist, and amend the previous Order issued for this event to include the following measures deemed necessary to prevent irreparable damage to the environment and serious threats to life or safety. This Order supersedes the prior Declaration of Emergency hereinafter applying exclusively to the parish of Webster.

ORDER

§ 1. Solid Waste Management

- a. State of Louisiana “Comprehensive Plan for Disaster Clean-up and Debris Management,” (the 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://deq.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

(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.

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://deq.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 deqdebrisrequest@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://deq.louisiana.gov/page/disaster-debris-management>.

New temporary emergency debris sites can be requested as follows:

- (1). Emailing a completed request form to deqdebrisrequest@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 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 deqrecords@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**.

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.

§ 9. Expiration Date

Tropical Storm Beryl
8 August 2024

This First Extension and Amendment 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 9 September 2024, unless terminated sooner, modified, or extended by further order.

DONE AND ORDERED on this 8th day of August 2024, at Baton Rouge, Louisiana.



Aurelia S. Giacometto
Secretary