

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF
WINTER WEATHER JANUARY 15, 2024**

AGENCY INTEREST NO. 233252

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 **15th** day of **January, 2024**, a winter storm (hereinafter "**the EVENT**") is anticipated to move into the state, bringing with it the severely cold temperatures which will have impacts across the state. Cold air will move into the state on Monday bringing a hard freeze and dangerous wind chills.
2. By State of Louisiana Proclamation No. **JML 24-04**, Louisiana Governor Jeff Landry, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. R.S. 29:271 *et seq.*, declared on **January 12, 2024**, that a state of emergency exists in the State of Louisiana, as a result of **the EVENT** and the State of Louisiana could potentially experience severe damage which threatens the safety, health, and security of the citizens of the State of Louisiana, along with damage to private property and public facilities.
3. I find that **the EVENT** will create conditions that require immediate action to prevent irreparable damage to the environment and serious threats to life or safety throughout the Emergency Areas.

January 12, 2024

WHEREFORE, I hereby declare that an emergency exists, and issue this Declaration of Emergency and Administrative Order (hereinafter "**Order**") that includes the following measures deemed necessary to prevent irreparable damage to the environment and serious threats to life or safety. The **Order** has statewide application, which shall be hereinafter referred to as, the "**Emergency Areas**".

ORDER

Within the **Emergency Areas**:

§ 1. Air Pollution Sources Other than Open Burning

a. The Department authorizes the minor repair of any previously permitted stationary source of air pollution damaged by the **EVENT** to restore it to its previously permitted condition without prior notice to the Department. Within thirty (30) days of commencing such repairs, however, the permittee shall notify the Department in writing, stating the location and nature of the work and providing the name, address, and telephone number of the representative of the permittee to contact concerning the work. Minor repairs are those that would not constitute reconstruction under any definition in 40 CFR Part 60 or 63 and that could not affect the potential to emit any pollutant, and that would not constitute a violation of any other provision of the NSPS, MACT, or NESHAP standards. Repairs that would constitute reconstruction under any definition of 40 CFR Part 60 or 63, or repairs that could affect the potential to emit of any pollutant are not authorized by this Order.

b. To alleviate the potential of a natural gas shortage, the Department approves the use of the plant-produced fuel gas (PPFG) to fire boilers, furnaces, heaters, and other combustion sources that are normally fired exclusively or primarily with natural gas. Emissions attributed to the combustion of PPFG shall not count toward applicable emission limitations. Nothing in this **Order** overrides any federal requirement imposed directly on the source by the U.S. Environmental Protection Agency (EPA). All other provisions applicable to the affected combustion sources shall continue to apply.

i. The owner/operator shall notify the Office of Environmental Services, Air Permits Division, in writing, by no later than thirty (30) days after the effective date of this **Order**, if combustion of PPFG in place of natural gas has occurred or is anticipated due to a natural gas shortage. Relevant emission point and permit numbers should be

January 12, 2024

included in this correspondence. The owner/operator shall also include the cause of the natural gas shortage.

ii. A report estimating the amount of PPFG combusted in place of natural gas and the resultant criteria and toxic air pollutant emissions shall be submitted to the Office of Environmental Services, Air Permits Division, by no later than ninety (90) days after the effective date of this **Order**, and quarterly thereafter until the expiration of this **Order**, or any extensions or revisions thereof.

§ 2. 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

January 12, 2024

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 the Governor declared the emergency, 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

January 12, 2024

area and sent offsite for recycling, or recycled onsite, within ninety (90) days of initial receipt at the site.

c. 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. If LDEQ Headquarters does not have communication capability, please call one of LDEQ’s regional offices listed in Appendix A.

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.

January 12, 2024

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>.

d. 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. Inability to Sample or Monitor Due to Unsafe Conditions

If a facility is affected by **the EVENT** such that its employees (including contract employees) are unable to safely take samples or monitor as required by a permit or order, such sampling and/or monitoring shall be suspended for the duration of the unsafe conditions. The facility owner/operator shall record the date upon which sampling and monitoring ceased and the date upon which sampling and monitoring commenced.

When a leaking component is detected pursuant to an applicable leak detection and repair (LDAR) program, it shall be repaired as soon as practicable, but not later than fifteen (15) calendar days after cessation of the unsafe conditions. A first attempt to repair shall be made no later than five (5) days after cessation of the unsafe conditions.

§ 4. 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.

§ 5. 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.

§ 6. 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.

§ 7. 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.

§ 8. 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.

January 12, 2024

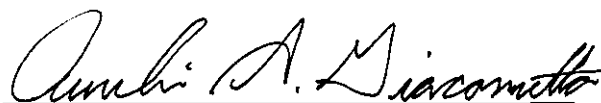
§ 9. Amendments

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

§ 10. 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 February 11, 2024, unless terminated sooner, modified, or extended by further order.

DONE AND ORDERED on this 12th day of January 2024, in Baton Rouge, Louisiana.



Aurelia S. Giacometto
Secretary

APPENDIX A

LDEQ Regional Office Contact Information

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