



DEPARTMENT OF ENVIRONMENTAL QUALITY

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DEQ issues administrative order to clarify use of emergency authority regarding Gentilly Landfill

BATON ROUGE, La. – The Louisiana Department of Environmental Quality has taken action to help clarify its decision based on its emergency authority to utilize the Gentilly Landfill in New Orleans as a construction and demolition debris landfill.

DEQ revoked an “Order Authorizing Commencement of Operation” issued pursuant to its emergency authority for Gentilly Landfill on Sept. 29, 2005. For purposes of articulating its decision and the use of its emergency authority, the department has issued an Administrative Order and associated Decision, which can be read at www.deq.louisiana.gov.

While the Order Authorizing Commencement of Operation is now revoked, under the emergency declaration the Decision allows Gentilly to continue to take debris. DEQ officials remain confident that the site meets all requirements for a construction and demolition debris landfill and believe the Decision will provide the basis and rationale for DEQ’s decision to use Gentilly.

“By revoking the Order Authorizing Commencement of Operations and issuing an Administrative Order and associated Decision, the Department hopes to eliminate any confusion about the use of Gentilly Landfill,” said Chuck Brown, DEQ’s Assistant Secretary of the Office of Environmental Services. “The decision document has been issued for the sake of clarity. This document clearly articulates the reasons for using this landfill. We are issuing the decision so people can understand the reasoning behind authorizing the city to dispose of hurricane-generated construction and demolition debris at the landfill.”

After a lengthy review, a permit was issued to the city of New Orleans to use Gentilly as a construction and demolition landfill, often referred to as a C & D landfill, in 2004. This decision was based on a permit application from the city in 2002 and a scientific review of the area that was once used as a municipal waste site before being closed in 1986. After reviewing water-monitoring data, soil-boring data and other environmental issues concerning the site, DEQ felt Gentilly met the requirements of a technically sound C & D landfill. These are the same requirements for all C & D sites throughout the state.

After Hurricane Katrina blew through New Orleans and left more than 22 million tons of debris in its wake, DEQ authorized Gentilly to accept construction and demolition debris pursuant to its emergency authority and subsequently issued an Order Authorizing Commencement of Operations to the city to use Gentilly. Shortly after it began operation, a lawsuit was filed challenging the Order Authorizing Commencement of Operations.

“Although the basis for the department’s decision to authorize operations at the Gentilly Landfill was clear to the Department and based on sound scientific evaluation, the Order Authorizing Commencement of Operations may not have been the proper way to communicate DEQ’s reasoning,” Brown said. “During the litigation it became clear that some people didn’t understand that DEQ’s decision to issue the order was properly based upon the department’s emergency authority and on a thorough review of the site.”

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