STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF: **AGENCY INTEREST NO. 224213**

HURRICANE LAURA

TWELFTH (12th) 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:

FINDINGS AND DECLARATION

1. Hurricane Laura, (hereinafter referred to as "the **EVENT**") made landfall as a category 4 storm, causing adverse impact and widespread damage to the State of Louisiana.

2. By State of Louisiana Proclamation No. **108 JBE 2020,** Louisiana Governor John Bel Edwards, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. R.S. 29:271 *et seq.,* declared on August 21, 2020, that a state of emergency exists in the State of Louisiana, as the **EVENT** posed significant risk for storm surge, high winds, and flooding from rainfall in multiple parishes, thereby threatening the lives and property of the citizens of the State of Louisiana. The Governor extended the State of Emergency for Hurricane Laura with the issuance of Louisiana Proclamations **141 JBE 2020**, **166 JBE 2020, 207 JBE 2020, 10 JBE 2021, 24 JBE 2021, 61 JBE 2021, 74 JBE 2021, 88 JBE 2021,** and **113 JBE 2021**.

3. I find that the **EVENT** has created conditions continue to exist that require immediate action to prevent irreparable damage to the environment and serious threats to life or safety. To address these conditions, I previously issued a Declaration of Emergency and Administrative Order (hereinafter "Order) on August 25, 2020. This Order was amended on September 4, 2020, September 18, 2020, October 30, 2020, November 16, 2020, November 28, 2020, December 28, 2020, January 27, 2021, February 26, 2021, March 29,

2021, April 28, 2021, and May 28, 2021. After review of the conditions, I find that an additional amendment to and extension of the DEAO is required.

WHEREFORE, I hereby declare that an emergency continues to exist, and amend the previous the previous Orders 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 all prior Declarations of Emergency and Administrative Orders that I have issued to address this **EVENT.** This Order applies to the following parishes that shall herein be referred to as the "Emergency Areas:" Acadia, Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, DeSoto, Evangeline, Franklin, Grant, Jackson, Jefferson Davis, Lafayette, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, St. Landry, St. Mary, Tensas, Union, Vermilion, Vernon, Webster, West Carroll, and Winn.

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 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 **EVENT**-generated debris in accordance with the terms of this Order, may accept **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 **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.

i. 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. Except as indicated herein, Type III (C&D debris and woodwaste) landfills shall only dispose of C & D debris (i.e., nonhazardous waste generally considered not water-soluble that is produced in the process of construction, remodeling, repair, renovation, or demolition of structures, including buildings of all types (both residential and nonresidential) as defined in LAC 33:VII.115, and any other materials that may be allowed by the facility's permit. Solid waste that is not C&D debris (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC33:III5151.B, white goods, creosote-treated lumber, and any other item not an integral part of the structure. Solid waste and debris other than C&D debris and woodwaste, such as white goods, putrescible waste, and household waste, shall be removed from the waste stream prior to disposal in a permitted Type III landfill.

Type III landfills located in Cameron Parish and Calcasieu Parish are authorized to dispose of furniture, carpet, and mattresses 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 wastes are 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.

iv. The facility operator shall transport non-acceptable solid waste and other debris removed from the waste stream to an approved site for management, recycling and/or disposal.

d. 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.

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.

§ 2. Asbestos

a. The Department waives the requirement, under LAC 33:III.5151.F.2.e, to provide notification by phone, fax, email, or voice mail to the Office of Environmental Services (OES) and DEQ regional office responsible for inspecting the project site as soon as possible, but in no case later than four (4) hour after learning of the incident resulting from the EVENT. However, no later than one (1) business day of commencing such demolition, renovation, or asbestos-contaminated debris activity (ACDA), the person responsible for such work shall notify the OES and the DEQ regional office responsible for inspecting the project by email. The Notification of Demolition and Renovation and Asbestos Contaminated Debris Activity Form AAC-2(a), which may be found at https://www.deq.louisiana.gov/resources/category/asbestos?y=1900&keyword=&pn=1,

shall be submitted within five (5) working days together with required fees, in accordance with LAC 33:III.5151.F.2.e.ii, after the emergency notification is made by email. The procedure in LAC 33:III.5151 (demolition/renovation/ACDA/response action) and LAC 33:III.Chapter 27 (accreditation and training requirements) for handling asbestos-containing material shall be complied with during demolition, renovation, ACDA, transportation, and disposal, except as otherwise provided herein. 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. Burning of asbestos-containing material is prohibited.

b. Building debris on the ground from structures totally destroyed by natural forces (as opposed to structures demolished in whole or in part by human activities) is not subject to LAC 33:III.5151 requirements related to demolition and renovations, transport, or disposal requirements. This debris did not originate because an owner or operator destroyed the building. Note: if someone demolished a building that was subject to the LAC 33:III.5151, the debris on the ground would be subject to the LAC 33:III.5151 requirements even if the demolition occurred prior to or after the EVENT. If the debris is not broken into pieces but requires further demolition, it is subject to LAC 33:III.5151.

c. The Department waives the requirement pursuant to LAC 33:III.2741.E.2.c, that recognized asbestos Training Providers give the Department notice at least five (5) working days prior to class commencement or one (1) working day prior to class commencement, if only the Louisiana regulations course will be taught. Notice shall be provided to OES no later than 24 hours after class commencement.

d. The duration of worker, contractor/supervisor, and inspector initial and refresher training courses is specified in numbers of days. A day of training may equal nine or ten consecutive hours, including breaks and lunch. For example, a 32-hour worker class may be taught in 9-hour days, reducing the class time on the fourth day by six (6) hours, a 40-hour contractor/supervisor class may be taught in 10-hour days, reducing the class time to four (4) days, and a 24-hour inspector class may be taught in 10-hour days, reducing the class time to 2.5 days.

e. The Department waives the requirement pursuant to LAC 33:III.2707.A.3, in the event that emergency use of an uninspected building as a school or state building is necessitated, such building shall be inspected within 30 days after the decision to use them. If an inspection of the building cannot be conducted within 30 days of the decision to use the building as a result of the EVENT, the agency using the building as a school or state building may request an extension of the deadline to inspect the building of not more than four (4) month after the decision to use the building. The request for extension shall be submitted to OES.

f. The Department waives the requirement pursuant to LAC 33:III.2723.A.1 that the local education agency or state government must submit a management plan prior to all building that are leased, owned, or used as a school or state building. A management plan shall be submitted within six (6) months of the initial use of the building.

g. Office Environmental Services and Surveillance Contact Information:

Office of Environmental Services
Notifications and Accreditations Section
By Mail:
LDEQ Office of Environmental Services
Public Participation and Permit Support Division
Notifications and Accreditations Section
P.O. Box 4313
Baton Rouge, LA 70821-4313

By Overnight or Hand-delivery:
LDEQ Office of Environmental Services
Public Participation and Permit Support Division
Notifications and Accreditations Section
602 North 5th Street
Baton Rouge, LA 70802

Asbestos Training Notification email for OES
Asbestos-Lead.TrainingNotification@LA.GOV

Asbestos AAC-2 Notification for OES
DEQ.ASBESTOSNOTIFICATIONS@LA.GOV

Office of Environmental Compliance
Surveillance Division
Regional Office Contacts

Acadiana Regional Office
(Serves the following parishes: Acadia, Avoyelles, Catahoula, Concordia, Evangeline, Grant, Iberia, Lafayette, LaSalle, Rapides, St. Landry, St. Mary, Vermillion)
AROasbestos_admin@LA.GOV

Capital Regional Office
(Serves the following parishes: Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, St. Martin, Tangipahoa, West Baton Rouge, West Feliciana)
CROasbestos_admin@LA.GOV

Northeast Regional Office
(Serves the following parishes: Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn)
NEROasbestos_admin@LA.GOV

Northwest Regional Office
(Serves the following parishes: Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster)
NWROasbestos_admin@LA.GOV

Southeast Regional Office
(Serves the following parishes: Jefferson, Lafouche, Orleans, Plaquemines, St. Bernard, St. John the Baptist, St. Charles, St. Tammany, Terrebonne, Washington)
SEROasbestos_admin@LA.GOV

Southwest Regional Office
(Serves the following parishes: Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vernon)
SWROasbestos_admin@LA.GOV

§ 3. Open Burning

The Department will consider, on an individual basis, requests for approval for open burning, by persons other than local governments or their agents, of **EVENT**-generated trees, leaves, vines, twigs, branches, grass, and other vegetative debris. Any such burning approved by the Department must be conducted in compliance with the requirements of the Debris Management Plan and LAC 33:III.1109.D.6. and as authorized by the Department.

Local governments and their agents shall follow the provisions of the Debris Management Plan.

§ 4. 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. There is no charge to replace copies of documents destroyed by **EVENT**. Please contact Records Management with any questions at (225) 219-3171 or deqrecords@la.gov.

§ 5. Fees and Invoices

The LDEQ Office of Management and Finance, Billing and Invoice Management Section, will continue to mail invoices according to its annual schedule. However, if your facility is located in the Emergency Areas and you need additional time to pay, please send an email to DEQ-Invoices@la.gov and someone will assist you.

§ 6. 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.

§ 7. 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.

§ 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. 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.

§ 10. Amendments

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

§ 11. Expiration Date

This Declaration of Emergency and Administrative Order shall take effect immediately upon execution by the Secretary of the Department, and shall expire on July 28, 2021, at 11:59 P.M., unless modified or extended by further order.

DONE AND ORDERED this 28th day of June, 2021, in Baton Rouge, Louisiana.

Chuck Carr Brown, Ph.D
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, Lafayette, LaSalle, Rapides, St. Landry, St. Martin, St. Mary, Vermilion
Capital Regional Office	**Parishes Served**
Regional Manager: April Baiamonte PO. 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, Livingston, Pointe Coupee, St. Helena, St. James, 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: Brian Tusa 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: Billy Eakin 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