

LDEQ Issues COVID-19 Declaration of Emergency and Administrative Order

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The Louisiana Department of Environmental Quality (LDEQ) issued a [Declaration of Emergency and Administrative Order](#) on March 19, 2020, and its [amendment](#) on March 20, 2020, alleviating certain regulatory requirements and deadlines. This Declaration and Order are important for all facilities coming up on a deadline for monitoring activities and for projects going through the permitting process requiring public hearings. The Declaration and Order expire at midnight on the 30th day after March 20, 2020.

The main takeaways of the Administrative Order portion are as follows:

- **Postponement of Public Hearings**

- Section 1 of the Order postpones scheduled public hearings until further notice but provides that comments will be accepted by email and mail during this time. This postponement will obviously delay the decisions on permit applications requiring a public hearing and will also delay the associated public comment periods that are required to extend a certain number of days after a public hearing.

- **Electronic Submittals**

- Section 5 of the Order provides that applications and permit materials can be submitted electronically via email if the file size allows. However, hard copies shall be submitted within 30 days after the expiration of the Order.

- **Deadline Extensions**

- Section 7 provides that for deadlines falling between March 19, 2020, and the expiration of this Order, a 30-day extension is provided in which to comply with certain deadlines. However, there is a caveat that the deadlines are extended “only insofar as

a facility does not have the appropriate personnel available due to COVID-19.” Below are the deadlines extended under the Order:

- The deadlines to conduct and also the deadlines to submit reports of periodic monitoring or other reports required by permits, regulations, other authorizations, enforcement actions, or settlement agreements, except for monitoring required by permits issued under Titles IV and V of the Clean Air Act or the Prevention of Significant Deterioration Program.
 - The monitoring under permits issued under Title V includes semiannual monitoring reports under Part 70 General Condition K, compliance certifications under Part 70 General Condition M, and permit deviations under Part 70 General Condition R.
- The deadlines to file a renewal application of an existing permit, except for Title V permits, but all renewal applications shall be submitted no later than the expiration date of the existing permit.

- **Emergency Reporting**

- Section 7 of the Order clarifies that emergency reporting requirements under the regulations or permit requirements are not suspended by this Order.

The Order also provides that the activities authorized must be commenced before expiration of the Order, unless an authorization or permit condition provides otherwise. In addition, the commencement deadlines in the Order may be extended upon demonstration of the unavailability of contractors or supplies or that additional time is needed for approval from FEMA, the US Army Corps of Engineers, or other local, state, or federal agencies.

This Order follows the Declaration of Emergency by Governor John Bel Edwards on March 11, 2020, and in particular Proclamation Number [JBE 2020-30](#), which suspended all legal deadlines, including liberative prescription and preemptive periods and all other deadlines in legal proceedings in all courts and administrative agencies until April 13, 2020.

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