LDEQ Issues Second Amended COVID-19 Emergency Declaration and Administrative Order

Tuesday, March 31, 2020

On March 27, 2020, the Louisiana Department of Environmental Quality (LDEQ) issued its Second Amended Emergency Declaration and Administrative Order, which supersedes its two previous declarations and orders issued on March 19 and 20, 2020. Both of these declarations and orders were addressed in our previous blog entry titled LDEQ Issued COVID-19 Declaration and Administrative Order.

This second amended declaration and order maintains the same information found in the previous declarations and orders but adds the following:

- Late fees for outstanding invoices beginning March 19, 2020, until the expiration of this Order will not be assessed. The resumption of late fees will begin when declared by the LDEQ Secretary.

- Late waste tire report or payment fees will be not be assessed for the February 2020 (due 3/20/2020) or March 2020 (due 4/20/2020) reports. However, waste tire generators shall continue to submit monthly waste tire reports by the 20th of the month following the month in which tires were sold.

- Electronic submittals of Motor Fuel Trust Fund Eligibility and Reimbursement
applications for the duration of this Order is acceptable. However, hard copies must be submitted within 30 days of the expiration of this Order; failure to do so may result in LDEQ seeking recovery of any reimbursements made pursuant to the electronic submittal.

- The extension of time to conduct and report certain monitoring activities required by permits, regulations, other authorizations, enforcement actions, or settlement agreements except for monitoring required by air permits under Title IV and V is maintained, but this Order also excludes monitoring required under “any other federal Clean Air Act Requirement” from this extension.

- Title V semiannual monitoring and deviation reports and annual compliance certifications due dates are now extended from March 31, 2020, to May 1, 2020. However, LDEQ still will accept reports submitted before March 31, 2020.

- This Order also includes a provision that any reports required to be submitted to the Environmental Protection Agency (EPA) should be submitted in accordance with COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program, issued on March 26, 2020. This EPA instruction was covered in our previous blog entry EPA Exercises Enforcement Discretion in Response to COVID-19 Pandemic.

- This Order expires at midnight on April 25, 2020, unless modified or extended.

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