

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In re:

**EMERGENCY AUTHORIZATION FOR
A DISASTER DEBRIS MANAGEMENT
SITE MADE NECESSARY BY THE
COLLAPSE OF THE CHAMPLAIN TOWERS**

OGC NO. 21-0628

EMERGENCY ORDER

WHEREAS, on June 24, 2021, Governor Ron DeSantis issued Executive Order (“EO”) 21-148, declaring a state of emergency in Miami-Dade County (Emergency Area).

WHEREAS, the Governor, in EO 21-148, granted the State Coordinating Officer the authority to suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with the emergency.

WHEREAS, state law imposes permitting requirements for the storage and processing of solid waste, including disaster debris and asbestos management.

WHEREAS, the Department of Environmental Protection’s (Department) normal permitting and authorization procedures for managing disaster debris would hinder ongoing rescue and recovery missions.

NOW, THEREFORE, I, John J. Truitt, Deputy Secretary for the Department of Environmental Protection, pursuant to the authority granted by the State Coordinating Officer pursuant to EO 21-148, promulgate the following Emergency Order to take immediate effect within the Emergency Area:

Section 1: SOLID WASTE MANAGEMENT

1. Field authorizations may be issued following a site inspection by Department personnel or delegated local program for staging areas, known as DDMSs (Disaster Debris Management Sites). Such staging areas are to be used for temporary storage of Incident-generated debris. Field authorizations should be requested by the local, state, or federal government entity responsible for disaster debris management within the jurisdiction and may be requested by providing a notice to the local office of the Department containing a description of the staging area design and operation, the location of the staging area, and the name, address, and telephone number of the site manager. Written records of all field authorizations shall be created and maintained by Department staff. Field authorizations may include specific conditions for the operation and closure of the staging area and may include a required closure date which extends beyond the expiration date of this Order. Staging areas must not be located within 500 feet of a potable water well, unless otherwise approved by the Department. Staging areas must not be located within 200 feet of a natural or artificial body of water, unless otherwise approved by the Department. Staging areas shall avoid wetlands and other surface waters to the greatest extent possible. Such areas that are used or affected must be fully restored upon cessation of use of the area. Staging areas must cease operation, and all Incident-generated debris must be removed from the site, by the date specified in the field authorization. Failure to comply with the conditions of the field authorization, or failure to adequately close the site by the required closure date, may result in enforcement actions by the Department.

2. Incident-generated vegetative debris that is managed at an authorized staging area may be disposed of in permitted lined or unlined landfills, permitted land clearing debris facilities, or permitted construction and demolition debris disposal facilities. Such vegetative debris may also be managed at a permitted waste processing facility or a registered yard trash processing facility in accordance with the terms of the applicable rules and permit conditions.

3. Construction and demolition debris that is mixed with other incident-generated debris need not be segregated from other solid waste prior to disposal in a lined landfill. Construction and demolition debris that is either source-separated or is separated from other incident-generated debris at an authorized staging area, or at another area specifically authorized by the Department, may be managed at a permitted construction and demolition debris disposal facility, Class III landfill, or recycling facility upon approval by the Department of the methods and operational practices used to inspect the waste during segregation.

4. Except as otherwise specifically provided herein, incident-generated debris shall be disposed of in a Class I landfill or, except for asbestos-containing materials, in a waste-to-energy facility. Non-recyclables and residuals generated from segregation of incident-generated debris shall also be disposed of in a Class I landfill or waste-to-energy facility.

5. Unsalvageable refrigerators and freezers containing solid waste such as rotting food that may create a sanitary nuisance may be disposed of in a Class I landfill, however, chlorofluorocarbons and capacitors must be removed and recycled to the

greatest extent practicable using techniques and personnel meeting the requirements of 40 CFR Part 82.

6. Permitted landfills, waste-to-energy facilities, and transfer stations which accept incident-generated debris in accordance with the terms of this Order may accept incident-generated debris for disposal or storage without the need to first modify existing solid waste permits or certifications. Operators of landfills shall seek modifications of their existing permits to address any long-term impacts of accepting incident-generated debris on operations and closure that are not addressed in existing permits. Long-term impacts are those which will extend past the expiration date of this Order. The requests for modification shall be submitted as soon as possible, but no later than the expiration date of this Order. No permit fee will be required for any modifications necessitated solely by the incident cleanup activities. This paragraph does not authorize the permanent lateral or vertical expansion of any facility beyond its permitted limits.

Section 2: AIR RESOURCE MANAGEMENT

1. 40 CFR Part 61, Subpart M does not apply to the renovations or demolitions of residential buildings with four or fewer dwelling units. Owners of these types of residential buildings may commence a renovation or demolition without notice to the Department.

2. Consistent with 40 CFR Part 61, Subpart M, the Department will not require a 10-working day prior notification for ordered (emergency) demolitions and emergency renovations at non-residential buildings (or residential buildings with more than four dwelling units) of asbestos-containing material resulting from the incident. An emergency demolition may commence without prior 10-working day notification if the activity occurs

at a building or structure that is structurally unsound and in imminent danger of collapse. An emergency demolition also requires that a state or local government official that has the authority to order the demolition declare the building or structure to be structurally unsound.

3. Post-Commencement Notification. Within one business day of commencing such emergency demolition or emergency renovation, the person responsible for such work shall notify the Department in writing and consistent with the information on the Notice of Demolition or Asbestos Renovation, and shall include the location and nature of the work, name, address, and telephone number of operator on the project, and the nature of the safety or public health hazard. For an emergency demolition, the post-commencement notification must include a copy of the order declaring the building or structure to be structurally unsound. For an emergency renovation, a justification must be provided in the post-commencement notification describing the nature of the emergency and why a 10-working day notification is overly burdensome.

4. Persons responsible for such work shall comply with the procedures in 40 CFR Part 61, Subpart M, for handling asbestos-containing material during demolition and renovation. Asbestos-containing material shall be disposed of in a Class I or III landfill in accordance with Rule 62-701.520(3), Florida Administrative Code. Burning of asbestos-containing material is prohibited.

5. Cleanup of asbestos-containing debris that is not generated from a demolition or renovation is not subject to 40 CFR Part 61, Subpart M, including the 10-working day prior notification requirement, handling, and disposal requirements. To minimize the risk of exposure to asbestos during cleanup activities associated with

Incidents, the Department recommends that people involved in building debris management adhere to the following best management practices:

- a) Before disturbing piles of building debris, make sure that the piles have been "adequately wetted." To "adequately wet" building debris means to sufficiently mix or penetrate the material with water to prevent the release of particulates. Wetting will reduce the possibility of releasing asbestos fibers along with other harmful particulates. If visible emissions are observed, then the material has not been adequately wetted.
- b) Personnel handling building debris should consider the use of personal protective equipment, including respirators. The U.S. Environmental Protection Agency recommends that personnel wear gloves, goggles, pants, shirts, socks, and most importantly, a tightly-fitted N-95 Occupational Safety and Health Administration-approved respiratory mask. A regular dust mask is not enough to protect against lead or asbestos. Carefully follow instructions when using a respiratory mask to make sure it fits correctly. A tight fit is important and, despite the heat, it is the best way to protect yourself from asbestos.
- c) Efforts should be made to minimize crushing or grinding of building debris or otherwise creating dust. Such volume reduction activities have the potential to release asbestos fibers that would have otherwise remained intact.

6. Any other waivers of notification requirements in this Order are not applicable to operations under 40 CFR Part 61, Subpart M.

Section 3: GENERAL PROVISIONS

1. General Limitations

The Department issues this Order solely to address the emergency created by the incident. 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.

2. Suspension of Statutes and Rules

Within the Emergency Area, the requirements and effects of statutes and rules which conflict with the provisions of this Order are suspended to the extent necessary to implement this Order.

To the extent that any requirement to obtain a permit, lease, consent of use, or other authorization is waived by this Order, it should also be construed that the procedural requirements for obtaining such permit, lease, consent of use or other authorization, including requirements for fees and publication of notices, are suspended for the duration of this Order.

3. Review of Requests for Field Authorizations

It is the intent of the Department to act on requests for field authorizations in a timely and expeditious manner. The Department may require the submission of additional information as is necessary.

4. Other Authorizations Required

This Order only provides relief from the specific regulatory requirements addressed herein for the duration of the Order and does not provide relief from the requirements of other federal, state, water management district or local agencies. This Order therefore does not negate the need for the property owner to obtain any other required permits or

authorizations, nor from the need to comply with all the requirements of those agencies. This Order does not provide relief from any of the requirements of Chapter 471, Florida Statutes, regarding professional engineering.

Activities subject to federal consistency review that are emergency actions necessary for the repair of immediate, demonstrable threats to public health or safety are consistent with the Florida Coastal Management Program if conducted in strict conformance with this Order.

5. Expiration Date

This Order shall take effect immediately upon execution and shall expire upon the expiration or rescission of EO 21-148, as modified or extended.

6. Violation of Conditions of Emergency Final Order

Failure to comply with any condition set forth in this Order shall constitute a violation of a Department Emergency Order under Chapters 403, Florida Statutes, and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

7. Applicability to Delegated Programs

The provisions of this Order apply in those cases where a water management district, local government, or other entity is acting for the Department in accordance with a delegation agreement, operating agreement, or contract. Such water management district, local government, or other entity shall comply with the terms of this Order to the extent that it is acting as an agent of the Department. This Order does not apply in those cases where a water management district, local government, or other entity is acting under its own independent authority.

8. Ratification. All actions taken by the Department with respect to this emergency before the issuance of this Emergency Order are hereby ratified and approved.

DONE AND ORDERED on this 29th day of June 2021, in Tallahassee, Florida.

**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**



John J. Truitt
Deputy Secretary
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, Florida 32399

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lea Crandall

CLERK

Digitally signed by Lea Crandall
Date: 2021.06.29 12:24:45 -04'00'

DATE