

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In re:

**EMERGENCY AUTHORIZATION FOR
REPAIRS, REPLACEMENT,
RESTORATION, AND CERTAIN
OTHER MEASURES MADE NECESSARY
BY NORTHWEST FLORIDA MAY TORNADOES**

OGC NO. 25-0851

EMERGENCY FINAL ORDER

The State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent and immediate danger to the public health, safety, and welfare of the citizens of the State of Florida posed by **Northwest Florida May Tornadoes** (hereinafter “the Storm”).

FINDINGS OF FACT

1. On May 10, 2025, multiple rounds of showers and thunderstorms developed across the Florida panhandle. An intense thunderstorm moved inland across the Florida Panhandle bringing severe weather and heavy rainfall, with radar confirmed tornadoes causing damage to several businesses, vehicles, powerlines, residences, and other infrastructure across Holmes County. Incidents of road closures caused by large amounts of storm generated debris have been reported to the Division of Emergency Management’s State Watch Office. Accordingly, this Order shall apply to an area hereafter referred to as the “Emergency Area,” which consists of Holmes County.

2. By State of Florida Executive Order No. 25-101, the Governor declared a state of emergency throughout the Emergency Area based upon the serious threat to the public health, safety, and welfare posed by the Storm.

3. The Department finds that the effects of the Storm will create a state of emergency posing an imminent danger to the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to repair, replace, and restore structures, equipment, surface water management systems, works, and other systems damaged by the Storm.

4. The Department finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

5. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay necessary action to cope with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under State of Florida Executive Order No. 25-101, and Sections 120.569(2)(n), 252.36, and 252.46, Florida Statutes (F.S.), the Secretary or designee of the Department is authorized to issue this Order.

3. Suspending statutes and rules, as noted within this Order, is required so as not to prevent, hinder, or delay action necessary to cope with the emergency.

THEREFORE, IT IS ORDERED:

A. WASTE MANAGEMENT

Solid Waste Management

a. Pursuant to Section 403.7071, F.S., storm generated debris shall be managed at authorized staging areas or Disaster Debris Management Sites (DDMS) in accordance with the [Division of Waste Management's Guidance for the Establishment, Operation, and Closure of Disaster Debris Management Sites](#), which is incorporated into this Order.

b. Pursuant to Section 403.7071, F.S., open burning of Storm-generated vegetative debris is allowed, provided it meets the following requirements and does not create a public nuisance. Please refer to the Division of Air Resource Management's [Guidance on Site Selection Criteria for Open Burning Activities](#) for additional information.

(1) An air curtain incinerator may be used at any staging area, permitted landfill, waste-to-energy facility, registered yard trash processing facility, or transfer station so

long as the operator meets the operating requirements detailed in the Division of Air Resource Management's [Air Curtain Incinerator Worksheet](#) and does not create a public nuisance.

(2) Open pile burning may be conducted at any staging area other than staging areas located at permitted landfills or permitted disposal facilities so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's [Open Pile Burning Worksheet](#) and does not create a public nuisance.

B. AIR RESOURCE MANAGEMENT

Within the Emergency Area:

1. Open Burning Operations

a. Pursuant to Section 403.7071, F.S., open burning of storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris is allowed, provided it meets the following requirements and does not create a public nuisance. Please refer to the Division of Air Resource Management's [Guidance on Site Selection Criteria for Open Burning Activities](#) for additional information in preventing public nuisances.

(1) Air curtain incinerators may be used in the Emergency Area for a period of up to eight (8) weeks without a Department-issued air permit to combust storm-generated yard trash, other storm-generated vegetative debris, or untreated wood from construction and demolition debris so long as the operator meets the operating requirements detailed in the Division of Air Resource Management's [Air Curtain Incinerator Worksheet](#) and does not create a public nuisance.

(2) Local governments or their agents may conduct the open pile burning of Storm-generated yard trash, other Storm-generated vegetative debris, and untreated wood from construction and demolition debris at Department-authorized staging areas (other than staging areas located at permitted landfills or permitted disposal facilities), so long as they meet the operating requirements detailed in the Division of Air Resource Management's [Open Pile Burning Worksheet](#).

2. Asbestos

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. For more information on asbestos regulation, please review the Division of Air Resource Management's factsheets on [Asbestos Emergency Cleanups](#) and [Asbestos Building Debris Cleanup](#).

C. GENERAL PROVISIONS

1. General Limitations

The Department issues this Order solely to address the emergency created by the Storm. 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. This Order does not convey any property rights or any rights or privileges other than those specified in 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 only 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, as safety will allow during the emergency period, 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 and proprietary 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 or a permit holder to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of other government agencies. This Order does not provide relief from any of the requirements of Chapter 471, F.S., regarding professional engineering.

5. Expiration Date

This Order shall take effect immediately upon execution and shall expire upon expiration or rescission of EO 25-101, or as extended by subsequent orders.

6. Violation of Conditions of Emergency Final Order

Failure to comply with any conditions set forth in this Order may constitute a violation of a Department Final Order under Chapters 253, 258, 373, 376, and 403, F.S., and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

7. Applicability to Delegated Programs and Contractual Agreements

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.

NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), F.S., any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, F.S. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel by mail at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal

accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 16th day of May 2025, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION



Alexis Lambert, Secretary
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

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

Lea Crandall  Digitally signed by Lea Crandall
Date: 2025.05.16 14:24:12
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CLERK

May 16, 2025

DATE