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HAROLD LEGGETT, PH.D.

SECRETARY

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JUN 2 - 2008

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

Air/Toxics & Inspection
Coordination Branch
6EN-A

May 19, 2008

Samuel Coleman, P.E., Director
United States Environmental Protection Agency - Region VI
Superfund Division
1455 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

COLMAN 27 JUN 2008

RE: No Action Assurance and Exemption to Test Request
Cert. No.: 7002 0460 0001 3659 9275

Dear Mr. Coleman:

The Department of Environmental Quality (Department) has received a letter from the United States Environmental Protection Agency-Region VI (EPA) dated November 16, 2007, regarding the implementation of two volume-reduction pilot projects for hurricane debris management. In the letter, EPA initially requests that the Department "...grant a waiver from air permitting requirements..." in order to conduct the two pilot projects.

EPA's letter states that the two pilot projects will evaluate the use of grinders and air curtain destructors to potentially reduce the overall debris volume generated by hurricanes or other potential disasters. In addition the aforementioned letter, the Department has received the following documents from EPA via email on or about May 8, 2008:

- 1) Quality Assurance Plan- Evaluation of Asbestos and Other Releases From Handling and Grinding of Residential Building Debris From Hurricane Katrina;
- 2) Quality Assurance Plan- Evaluation of Asbestos and Other Releases From Handling and Burning of Residential Building Debris Using Air-Burner Technology From Hurricane Katrina; and
- 3) Air Curtain Destructor Performance Test

The Department has reviewed the two the Quality Assurance Project Plans (QAPPs) and the Performance Test Plan for the projects.

The Department is very supportive of innovative ideas and technologies that may be used to expedite cleanup efforts following natural disasters: therefore, the Department hereby issues this No Action Assurance (NAA) and Exemption to Test under the following conditions:

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- 1) EPA shall adhere to all procedures, conditions, and requirements described in the QAPPs. In addition, EPA must take all reasonable and practical measures to substantially reduce or eliminate emissions during the burning and grinding of hurricane debris.
- 2) EPA shall implement each pilot project under the terms and conditions of each approved QAPP and safety plan. Any request for a planned deviation from the corresponding QAPP must be approved by the Department prior to implementation.
- 3) Pursuant to LAC 33:III.5151.F.1.f and LAC 33:III.5151.P, only accredited workers, contractors/supervisors, inspectors, project designers, and air monitor personnel shall be utilized in the implementation of each pilot project.
- 4) Pursuant to LAC 33:III.523.B.1 and LAC 33:III.523.B.2, all testing, once started, shall not exceed three months in duration, but shall be conducted for the minimum duration consistent with obtaining valid results. **Notwithstanding the above, this No Action Assurance and Exemption to Test will expire on August 29, 2008.**
- 5) Pursuant to LAC 33:III.523.B.3, EPA shall submit the test results within 30 days of the completion of the testing, to the Office of Environmental Services.
- 6) EPA shall perform all emission testing using the air monitors described in each of the corresponding QAPPs.
- 7) EPA shall conduct all emission testing to include a minimum collection of data for the determination of emissions of NO_x, PM₁₀, CO, VOC's, asbestos, and metals as appropriate for each pilot project.
- 8) Emissions from the testing are authorized in accordance with LAC 33:III.523.B.1 which States: "...where the effect of the proposed modification cannot reliably be determined from calculations or from published technical literature..."
- 9) During operation of the air curtain destructor, opacity shall not exceed twenty percent (20%), except for a 30-minute start-up period once per day during which opacity shall not exceed thirty-five percent (35%).
- 10) Pursuant to LAC 33:III.1103, emissions of smoke which pass onto or across a public road and create a traffic hazard by impairment of visibility as defined in LAC 33:III.111 or intensify an existing traffic hazard condition are prohibited.

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- 11) Demolition of residences required to provide material to be used in the testing shall follow the "LDEQ Protocol to Comply with the LESHAP Regulations" dated 05/10/2006 and found at the following link.
<http://www.deq.louisiana.gov/portal/LinkClick.aspx?link=permits%2fAsbestosandLead%2fLDEQ+Protocol+to+Comply51006.doc&tabid=2251>
- 12) EPA shall allow authorized officers and employees of the Department, at all reasonable times and upon presentation of identification, to enter the facility were the pilot tests are being conducted:
 - a) To have access to and copy any records that are required under the terms and conditions of each QAPP, the Louisiana Air Quality Regulations, or the Act;
 - b) To inspect any facilities, equipment (including monitoring methods and an operation and maintenance inspection), or operations regulated under this permit; and
 - c) To sample or monitor, for the purpose of assuring compliance with this permit or as otherwise authorized by the Act or regulations adopted thereunder, any substances or parameters at any location.
- 13) EPA shall verbally notify the following agencies 24 hours prior to initiation of each of the projects. Additionally, EPA shall notify each agency, in writing, seven (7) days prior to the initiation of each project.
 - a) LDEQ – Surveillance Division, Southeast Regional Office
201 Evans Road, Building 4, Suite 420
New Orleans, LA 70123-5230
Attn: Mike Algero, Regional Manager
Telephone: (504) 736-7701
 - b) St. Bernard Parish Government
8201 West Judge Perez Drive
Chalmette, Louisiana 70043
Attn: Craig P. Taffaro, Jr., Parish President
Telephone:(504) 278-4227
 - c) The St. Bernard Parish Fire Department
8201 West Judge Perez Dr.
Suite 206
Chalmette, LA 70043
Attn: Thomas Stone, Fire Chief
Telephone: (504) 278-4275

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- 14) EPA shall and submit a final report to the Department within ninety (90) days after completion of the two projects. The final report will include:
- a) the volume of materials processed
 - b) the type of materials processed
 - c) the origin of materials processed
 - d) all sample analyses performed
 - e) all meteorological data

This No Action Assurance and Exemption to Test does not authorize the creation or maintenance of a nuisance or a danger to public health and safety. We appreciate your cooperation regarding this matter. If you have any other questions, please contact Jeffrey T. Nolan at 225-219-3931.

Sincerely,



Peggy Hatch
Assistant Secretary

PMH/jtn

cc: John Blevins, EPA, Director - Compliance Assurance and Enforcement Division
Betty Brousseau
Lourdes Iturralde
Jeffrey T. Nolan
Peggy Hatch
Mike Algero
Cheryl Nolan