

US EPA ARCHIVE DOCUMENT

MEMORANDUM OF AGREEMENT BETWEEN
THE STATE OF LOUISIANA
AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VI

I. GENERAL

This Memorandum of Agreement (hereinafter "Agreement") establishes policies, responsibilities, and procedures pursuant to 40 CFR 271.8 for the State of Louisiana's Hazardous Waste program (Environmental Quality Act, La. R.S. 30:Subtitle II and Louisiana Administrative Code, LAC 33:Part V Subpart I) (hereinafter "State program") authorized under Section 3006 of the Resource Conservation and Recovery Act (hereinafter "RCRA" or "the Act") of 1976 (42 USC 6901 et seq.) as amended [Public Laws 94-580, 96-482, the Hazardous and Solid Waste Amendments (HSWA) of 1984, Public Law 98-616], and the United States Environmental Protection Agency Regional Office for Region VI (hereinafter EPA). This Agreement further sets forth the manner in which the State and the EPA will coordinate in the State's administration and enforcement of the State program and pending State authorization.

This Agreement is entered into by the Secretary of the Louisiana Department of Environmental Quality (hereinafter "Secretary" or "the State" or "LDEQ") and the Regional Administrator, EPA Region VI (hereinafter "Regional Administrator" or "EPA").

For administrative purposes, the Louisiana Department of Environmental Quality, Office of the Secretary will serve as lead agency to simplify coordination of activities and communication between the State and the EPA.

Nothing in this Agreement shall be construed to restrict in any way the EPA's authority to fulfill its oversight and enforcement responsibilities under RCRA. Nothing in this Agreement shall be construed to contravene any provision of 40 CFR Part 271.

The parties will review the Agreement jointly at least once a year (and other times as appropriate) during preparation of the annual State grant work program or Performance Partnership Grant (hereinafter "Grant"), in connection with grant funding under Section 3011 of RCRA.

This Agreement replaces the Agreement that was effective on February 12, 2009. This Agreement may be modified upon the initiative of either party in order to ensure consistency with State program modifications made or for any other purpose mutually agreed upon. Any revisions

or modifications to this Agreement must be in writing and must be signed by the State and the Regional Administrator. This Agreement will remain in effect until such time as State program authorization is withdrawn by or is voluntarily transferred to the EPA according to the criteria and procedures established in 40 CFR 271.22 and 40 CFR 271.23. In the future EPA and LDEQ will work together to amend the Addendum, "Combustion Workshare Agreement".

The State program is presently authorized for the following clusters referred to by the EPA as Base Program, non-HSWA I through VI, HSWA I, HSWA II, and RCRA Clusters I through XVII. The State is currently seeking authorization for RCRA Clusters XVIII. This Agreement shall be executed by the State and the Regional Administrator and shall become effective at the time the State's authorization takes effect, which shall be the date set out in the Federal Register notice of the Regional Administrator's decision to grant authorization to the State.

II. POLICY STATEMENT

The hazardous waste program has matured from both the national and the state perspectives since the first state authorizations several years ago. This Agreement acknowledges the natural progression in the regulatory process and the resulting shift in the State and EPA roles. One of the primary purposes of this document is to clarify and delineate the respective roles of the regulatory agencies.

This Agreement recognizes the pre-eminent role that the State has as the lead agency in protecting human health and the environment in Louisiana. The EPA brings oversight and enforcement capabilities to this collaborative environmental protection effort. Where possible, with the limited exception of combustion risk evaluations, this Agreement encourages a shift by the EPA to program-wide, limited after-the-fact reviews, rather than case-by-case intervention.

Each of the parties to this Agreement is responsible for ensuring that its obligations under RCRA are met. Upon granting of final authorization by the EPA, the State assumes primary responsibility for implementing the authorized provisions of the RCRA hazardous waste program within its boundaries. The EPA retains its responsibility to ensure full and faithful execution of the requirements of RCRA. The State and the Regional Administrator agree to maintain a high level of cooperation and coordination between their respective staffs in a partnership to assure successful and effective administration of the State program.

Section 3006(g) of RCRA provides that hazardous waste requirements and prohibitions promulgated pursuant to HSWA are applicable in authorized States at the same time that they are applicable in unauthorized States, with the exception of Section 3006(f) — Availability of Information, which cannot be implemented by the EPA in authorized States. While the EPA retains responsibility for the direct implementation of those provisions of HSWA that the State is not authorized to implement, it is the intention of the EPA and the State to coordinate the implementation of such provisions to the greatest degree possible.

The EPA will oversee implementation of the authorized State program in order to ensure full execution of the requirements of RCRA, consistent with the Government Performance and Results Act of 1993 (GPRA), to promote national consistency in implementation of the hazardous waste program, to allow the EPA to report to the President and Congress on the achievements of the hazardous waste program, and to encourage States and the EPA to agree on desirable technical support and targets for joint efforts to prevent and mitigate environmental problems associated with the improper management of hazardous wastes. The EPA will accomplish oversight primarily through, but not limited to, written reporting requirements and annual review of the State's programs.

III. STATE PROGRAM REVIEW

A. General

Act 303 of the 1999 Louisiana Legislature enabled the reengineering of LDEQ with the primary objective being to streamline the operations to be more efficient and effective in meeting the needs of the customers and the citizens of Louisiana. Act 48 of the 2010 Regular Session of the Louisiana Legislature eliminated the Office of Environmental Assessment. LDEQ is now grouped into four (4) function-oriented offices with the following specific duties:

1. Office of the Secretary

The mission of the Office of the Secretary is to help the LDEQ fulfill its mission. As the managerial branch of the LDEQ, the program will facilitate achievement of environmental improvements by coordinating the other program offices' work to reduce quantity and toxicity of emissions; representing the LDEQ when dealing with external agencies; providing legal counsel to the LDEQ; communicating effectively with the public; and promoting initiatives that will serve a broad environmental mandate.

2. Office of Management and Finance

The LDEQ's budget, personnel, contracts, and general operational duties are the responsibility of the Office of Management and Finance, managed by the Undersecretary, who is appointed by the Governor.

3. Office of Environmental Services

The mission of the Office of Environmental Services (OES) is to ensure that the citizens have a clean and healthy environment to live and work in for present and future generations. This will be accomplished by regulating pollution through permitting activities consistent with laws and regulations; providing interface between the LDEQ and businesses and customers; and providing environmental assistance for and improved public participation to small businesses, schools, and community/industrial relations. The permitting activity will provide a single entry/contact point for permit submittals, technical guidance for permit

applications, improved permit tracking, and the ability to focus on applications with highest potential for environmental impact.

4. Office of Environmental Compliance

The mission of the Office of Environmental Compliance (OEC) is to ensure the public and occupational welfare of the people and environmental resources of Louisiana by conducting inspections of permitted facilities and activities, responding to environmental emergencies, and issuing sound enforcement actions. This program establishes a multi-media compliance approach, creates a uniform approach to compliance, and provides for execution and timely resolution of enforcement activities. This office will also provide technical expertise to other offices in the Department, and assess and remediate contamination in the environment. This Office uses a unified approach that simplifies and clarifies the scope of the remediation process, reduces review time and labor, and increases responsiveness and accountability to the public and regulated community.

B. State and EPA Coordination

The Regional Administrator will assess the State administration and enforcement of the Grant on a continuing basis for effectiveness, equivalency and consistency with RCRA and this Agreement. This assessment will be accomplished by the EPA review of information submitted by the State in accordance with this Agreement, the Grant, and annual review of State program activities.

The Regional Administrator may also consider, as part of this regular assessment, written comments about the State's program administration and enforcement that are received from regulated persons, the public, and Federal, State and local agencies. Copies of any such comments received by the Regional Administrator will be provided to the State.

To ensure effective program review, the State agrees to allow the EPA access to all files and other information requested by the Regional Administrator or his/her designee and deemed necessary by the EPA for reviewing State program administration and enforcement.

Review of the LDEQ files may be scheduled at quarterly intervals. Program review meetings between the State and the Regional Administrator or their assignees will be scheduled at reasonable intervals not less than annually to review specific operating procedures and schedules, to resolve problems and to discuss mutual program concerns.

These meetings will be scheduled at least fifteen (15) days in advance unless agreed to differently. The EPA will prepare a tentative agenda for the meeting.

C. Identification of Priority Activities

The State and the EPA agree to develop criteria for priority activities annually as a part of the Grant. These priority activities will include activities regarding handlers of hazardous waste. The criteria will be based on the Grant, guidance issued by the EPA in the annual National Program Manager guidance and Annual Commitment Process (NPM), the Addendum to this Agreement and other guidance documents as may be appropriate, and will serve to identify those activities which should receive the highest priority during the grant period.

Examples of activities which will be considered high priority will include, but not be limited to, facilities to be inspected, permit applications to be acted on and action concerning facilities with known or suspected groundwater contamination.

IV. INFORMATION SHARING

A. General

In order to more fully address environmental concerns and to improve our ability to measure the effect that the hazardous waste program has on the attainment of regulatory goals, the State and the EPA agree to identify and reduce significant data gaps whenever possible. As the national hazardous waste program matures, the respective roles and responsibilities in this State/Federal partnership will continue to evolve. During the annual review of this Agreement, the State and the Regional Administrator will carefully examine the following sharing provisions for needed revision.

B. EPA

1. The EPA will keep the State informed of the content and meaning of Federal statutes, regulations, guidelines, standards, policy decisions, directives, and any other factors that affect the State program. The EPA will also provide general technical guidance to the State. The EPA will share with the State any national reports developed by the EPA from the data submitted through State reporting requirements.
2. The State and the EPA agree to the sharing of information as specified in the multi-year Grant.
3. EPA will make available to the State other relevant information as requested that the State needs to implement its approved program. Information provided to the State will be subject to the terms of 40 CFR Part 2.
4. The EPA agrees to make available to the State copies of any reports and data resulting from compliance inspections within sixty (60) days of completion of the inspections.

5. The State and the EPA have agreed on procedures and responsibilities regarding the Resource Conservation and Recovery Information System (RCRA INFO) as outlined in the RCRA Information Management (RIM) Memorandum of Understanding (MOU). The RIM MOU establishes Agreements between the State and the EPA regarding RCRA INFO, the Biennial Reporting System (BRS), records management, system security, dispute resolution and grant incorporation. The State and the EPA have agreed to this MOU to better manage and share the information contained in the system.

C. State

1. The State agrees to inform the Regional Administrator, in advance when possible, of any proposed program changes that would affect the State's ability to implement the authorized program. Program changes of concern include modification of the State's legal authorities (i.e., statutes, regulations and judicial or legislative actions affecting those authorities), modifications of Memoranda of Agreement or Understanding with other agencies, and modifications of resource levels (i.e., available or budgeted personnel and funds). The State recognizes that program revisions must be made in accordance with the provisions of 40 CFR Part 271.21, and that until approved by the EPA, revisions are not authorized as RCRA Subtitle C requirements. EPA agrees to support the State with timely review of proposed State legislation that might have a significant potential to affect the authorized hazardous waste program.

2. Through development of, but not limited to, the Grant, the EPA and the State will agree on the type and frequency of reports the State will make in order for the EPA to maintain oversight of the implementation of the State's authorized program, including:

- a. compliance monitoring and enforcement information;
- b. information indicating the status of the State's permitting, closure, post-closure, and groundwater monitoring and corrective action activities;
- c. various reports designed to accurately describe the status of the State's authorized program including biennial reports summarizing the quantities and types of hazardous waste generated, transported, treated, stored and disposed in the State; and
- d. State decisions to grant variances, waivers, and de-listing requests made by hazardous waste handlers.

3. The State agrees to provide EPA with a copy of any decisions regarding requests made by hazardous waste handlers to change their classifications (e.g., requests to be deleted as generators but to retain facility status) and facility requests to make on-site changes prior to permit issuance (e.g., requests to handle additional wastes not identified on the facility's original notification and RCRA Part A Permit Application.)

4. The State agrees to provide the EPA with copies of reports on data resulting from any compliance inspection and subsequent enforcement actions, when the EPA requests such copies.

5. The State agrees to provide any pertinent information requested by the Regional Administrator or his/her designee within a mutually agreed upon time frame, as necessary for the EPA to carry out its oversight responsibilities. Unless otherwise agreed upon, the above information shall be sent to Mr. Carl Edlund, Multimedia Planning and Permitting Division, Director, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

D. Site Visits

The EPA is responsible for maintaining reliable national data on hazardous waste management. This data is used to report to the President and Congress on the achievements of the hazardous waste program and to support the EPA's regulatory development efforts. Whenever the EPA determines that it needs to obtain certain information, the EPA will first seek to gain this information from the States. The State agrees to supply the Regional Administrator with this information if readily available and as resources allow. If the State is unable to provide the information or if it is necessary to supplement the State information, the EPA may conduct a special survey or perform information collection site visits after notifying the State (normally with at least seven days advance notice). The EPA will share with the State any national reports developed by the EPA as a result of such information collection.

E. Emergency Situations

Upon receipt of any information that the handling, storage, treatment, transportation, or disposal of hazardous waste is endangering human health or the environment, the party in receipt of such information shall immediately notify by telephone the other party(ies) to this Agreement of the existence of such situation. The Addendum to this Agreement identifies alternate people for this notification.

LDEQ Contact: Peter Ricca, Environmental Scientist Manager
Emergency Response
225/342-1234 or 225/219-3700

EPA Contact: Mr. Carl Edlund, Director
Multimedia Planning and Permitting Division
214/665-7200

F. Confidentiality

1. Any information obtained or used in the administration of the State program shall be available to the EPA upon request, as appropriate. If the information has been submitted to the State under a claim of confidentiality, the State must submit that claim to the

EPA when providing information. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2.

2. The EPA agrees to furnish to the State information in its files that has not been submitted under a claim of confidentiality and which the State needs to implement its program. Subject to the conditions in 40 CFR Part 2, the EPA will furnish the State information submitted to the EPA under a claim of confidentiality which the State needs to implement its program. All information that the EPA agrees to transfer to the State will be transferred in accordance with the requirements of 40 CFR Part 2. The EPA will notify affected facilities when such information is sent to the State.

G. Notification

EPA and the State have jointly decided that the State will assign all EPA I.D. numbers and enter all notification data into the national RCRA data management system (currently RCRA INFO). If the applicant sends a notification form (8700-12 or equivalent) directly to EPA, EPA will forward the form to the State for the assignment of an I.D. number within 30 days of receipt. If the State receives a notification form from EPA or from the applicant, the State will assign an I.D. number to the applicant and inform the applicant of its number.

H. RCRA Data Management

1. The State agrees to use, maintain, and enter data into RCRA INFO.
2. The State is responsible for the correctness of the data it enters. The State will timely correct any State data errors in the RCRA INFO edit reports generated by the merge procedure. The State will provide all core data to RCRA INFO, as defined by EPA Headquarters, plus non-core data as agreed to with Region VI program offices. EPA is responsible for the correctness of the data it enters, and will timely correct any data errors that EPA has created.
3. The State will provide to EPA by the seventh working day of every month RCRA INFO data representing the previous month's activities. The EPA will run data assessment reports at least once a quarter and make indicated corrections promptly.
4. The State will collect National Biennial RCRA Hazardous Waste Report data and provide the data to EPA for loading into RCRA INFO according to the schedule promulgated by EPA Headquarters, and the schedule in the Grant.
5. EPA will be responsible for maintenance and clean-up of all EPA data entered in the RCRA INFO corrective action module prior to the State's authorization for HSWA corrective action.

6. EPA will inform the State promptly when changes are made to RCRA INFO that might affect the State's implementation of RCRA INFO. EPA will assist the State in RCRA INFO consulting and training as resources allow.

7. EPA will help the State maximize usefulness of RCRA INFO and Hazardous Waste Report data by enhancing existing reports or writing new report programs to fit specifications of the State. These reports will be available on the EPA mainframe computer. EPA will also assist the State in resolving Hazardous Waste Report data quality problems according to the schedule promulgated by EPA Headquarters.

8. Neither the State nor EPA will unilaterally change its RCRA INFO implementer system in any way without advance consultation with, and agreement of, the other party.

9. Both the Region and the State have the right, as implementers of RCRA INFO, to choose and to change their RCRA INFO hardware platforms to optimize system efficiency, but will not do so in such a way as to affect the merged database, access to the merged database reports, or the potential for updating their implementer databases with the other party's data.

V. PERMIT ISSUANCE

A. EPA Permitting

Upon authorization of the State program, EPA will suspend issuance of new Federal permits imposing requirements for hazardous waste treatment, storage, and disposal facilities for which the State is receiving authorization. EPA will continue to issue new RCRA permits imposing requirements mandated by HSWA that are not covered by the State's authorized program, until the State receives final authorization for equivalent and consistent State standards.

Permits are required by federal and state statutes for protection of human health and the environment, and are a means to control environmental impacts and to promote monitoring and the collection of invaluable data. The State will serve as lead agency for all authorized permitting activities. The State and EPA agree to share workloads in the area of pre-permit risk evaluation as outlined in the attached Addendum. The EPA has oversight authority over State permits.

The EPA will process and enforce RCRA permits in the State in areas covered by new Federal regulation until the State receives final authorization for them. At the time the State program is approved in the new areas, the EPA will suspend issuance of Federal permits in the State. The EPA will also transfer any pending permit applications, completed permits, or pertinent file information to the State within thirty (30) days of the approval of the State program in conformance with the conditions of this Agreement.

B. EPA Oversight

While the EPA may comment on any permit application or draft permit, the EPA's oversight function will focus primarily on those facilities identified in the referenced Addendum and the annual Grant.

The EPA may comment in writing on any draft permit or proposed permit modification, whether or not the EPA commented on the permit application. Where the EPA indicates in a comment that issuance, modification, re-issuance, termination, or denial of the permit would be inconsistent with the approved State program, the EPA shall include the following in the comment:

a) a statement of the reasons for the comment (including the section of the State law or regulations that supports the comment); and

b) the actions that should be taken by the State in order to address the comments (including the conditions that the permit would include if the EPA issued it).

The EPA shall send a copy of its written comments to the permit applicant.

The EPA shall withdraw such comments when satisfied that the State has met or refuted its concerns and shall also provide the permit applicant with a copy of such withdrawal.

Under Section 3008(a)(3) of RCRA, the EPA may terminate a State-issued permit in accordance with the procedures of 40 CFR Part 124, Subpart E, or bring an enforcement action in accordance with the procedures of 40 CFR Part 22 in the case of a violation of a State program requirement. In exercising these authorities, the EPA will observe the conditions established in 40 CFR 271.19(e).

C. State Permitting

The State is responsible for expeditiously drafting, circulating for public review and comment, issuing, modifying, reissuing, and terminating RCRA permits for those hazardous waste treatment, storage and disposal facilities contained in the authorized provisions of the State's programs and shall do so in a manner consistent with RCRA as amended by HSWA, this Agreement, all applicable Federal requirements, and the State's Program Description. The State has the authority to issue and enforce all portions of the EPA-issued RCRA permits or portions of permits.

The State agrees to issue, modify and reissue all permits contained in the authorized portions of the State's program in accordance with La. R.S. 30:2014, 2022, 2023, 2024, 2180, 2183 and La. R.S. 49:951 et seq., and Sections 323, 703, and 721 of the Louisiana Administrative Code (LAC) 33:V.Subpart 1; to include as permit conditions all applicable provisions of sections 309 and 311 of the LAC 33:V.Subpart 1; and to include as permit conditions all applicable provisions of relevant State environmental regulations. This Agreement also applies to permits issued after final authorization but for which the processing may have begun before final authorization.

The State agrees that any compliance schedules contained in State-issued permits will require compliance with applicable standards.

The State agrees to consider all comments the EPA makes on permit applications and draft permits. The State will satisfy or refute the EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification.

VI. PERMIT ADMINISTRATION

A. EPA

The EPA will administer any RCRA permits or portions of permits it has issued to facilities in the State until the State becomes authorized for those permits or portions. The EPA will be responsible for enforcing the terms and conditions of those Federal permits while they remain in force.

B. State

The State agrees to review all hazardous waste permits which were issued under State law prior to the effective date of this Agreement and to modify or revoke and reissue such permits as necessary to require compliance with the amended State program and La. R.S. 30:2183, La. R.S. 49:951 et seq., and LAC 33:V.Subpart 1. The State agrees to modify or revoke and reissue these State permits as RCRA permits in accordance with schedules determined in the Grant. The EPA and the State agree to concur on a reasonable time schedule relative to the permitting activities mentioned above and as outlined by the **Combustion Workshare Agreement** between EPA and LDEQ and stated in the Grant.

VII. COMPLIANCE MONITORING AND ENFORCEMENT

A. EPA

Generally, EPA may conduct inspections or take enforcement action upon request by the State, upon issues raised by Regional or National priorities, or upon determining that the State has not taken timely and appropriate enforcement action; however, nothing in this Agreement shall restrict EPA's right to inspect any hazardous waste generator, transporter, or facility, or bring enforcement action pursuant to section 3008 of RCRA against any person believed to be in violation of the State or Federal hazardous waste program or believed to have a release of hazardous waste or constituents. Before conducting an inspection of a generator, transporter, or facility, EPA will normally give the LDEQ at least seven (7) days notice of the intent to inspect in accordance with 40 CFR 271.8(b)(3)(i) and allow the LDEQ the opportunity to accompany EPA during the inspection. Additionally, EPA will normally give the LDEQ a reasonable opportunity to

conduct a compliance evaluation inspection in accordance with 40 CFR 271.8(b)(5). If the LDEQ performs a compliance inspection and submits a report and relevant data to EPA prior to an inspection by EPA, then EPA, at its discretion, will determine whether to conduct its own inspection. In case of an imminent and substantial risk to human health and the environment, the EPA may shorten or waive the notice period, but every effort shall be made to notify the LDEQ as soon as possible of any EPA action in the State.

EPA agrees to make available to the LDEQ copies of any reports and data resulting from compliance inspections conducted by EPA within a reasonable time after completion of the inspections. In the event that EPA performs an inspection and refers enforcement to the LDEQ, EPA agrees, subject to the availability of appropriated funds and EPA's budget priorities, to assist the LDEQ by providing relevant witnesses and/or technical assistance.

The frequency of EPA oversight and training inspections will be specified in the annual State grant work plan. EPA will negotiate with the LDEQ the number or percentage of the LDEQ's compliance inspections on which EPA will accompany the LDEQ.

EPA may take enforcement action against any person determined to be in violation of RCRA in accordance with section 3008. In the case of a violation of any requirement of Subtitle C of RCRA where such violation occurs in the State of Louisiana which is authorized to carry out a hazardous waste program under section 3006 of RCRA, the EPA shall give notice to the LDEQ prior to issuing an order or commencing a civil action under section 3008. EPA also maintains authority to issue orders and bring actions under sections 3008, 3013 and 7003 of RCRA and any other applicable federal statute.

B. State

The State agrees to carry out a timely and effective program for monitoring the compliance by generators, transporters, and facilities with applicable program requirements (see 40 CFR 271.15). As part of this program, the State will conduct inspections to assess compliance with generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements. Compliance monitoring activities and priorities will be specified in the State/EPA Enforcement Response Plan and the annual Grant and shall be consistent with all applicable Federal requirements and with the State's Program Description.

The LDEQ OEC (Office of Environmental Compliance) will inspect all Federal facilities in the State. The EPA may perform oversight inspections at Federal facilities.

The State agrees to take timely and appropriate enforcement action as defined in the State/EPA Enforcement Agreement or annual Grant against all persons in violation of generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements, including violations

detected by State or Federal compliance inspections. The State will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public. The State agrees to retain all records for a least three (3) years unless there is an enforcement action pending. In that case all records will be retained until such action is resolved.

VIII. AVAILABILITY OF INFORMATION (Section 3006(f))

A. General

Section 3006(f) of RCRA provides that States may be authorized by the Administrator under this Section if the State program provides for the public availability of information obtained by the State regarding facilities and sites for treatment, storage, and disposal of hazardous waste; and that such information is available to the public in substantially the same manner, and to the same degree, as would be the case if the Administrator was carrying out the provisions of this subtitle in the State.

B. Requests for Information

1. Pursuant to the Federal Freedom of Information Act (FOIA), 5 U.S.C. 552(a)(2), the State agrees to make certain materials routinely available without a formal Public Records request. Examples of these materials are final opinions or orders in case adjudication, State regulations, statements of agency policy, and administrative staff manuals affecting the public. In addition, records prepared for routine public distribution will also be made available. Examples of such records are press releases, copies of speeches, pamphlets, and educational materials. All requests for copies of public records shall be made using LDEQ Form ISD-0005-01 unless the records were prepared for sale to the public, e.g. Environmental Regulations, or the records were prepared for public dissemination, e.g. press releases, pamphlets, or educational materials.

2. The State agency agrees to make reasonable efforts to assist a requester in identifying records being sought, and helping the requester formulate his or her request.

3. If a request for information is denied, the State agrees to provide the requester the basis for the denial and notification of State judicial (or, if they exist, administrative) procedures, including statutes of limitation.

4. The State agrees to make the fullest possible disclosure of records to the public, subject to any of the exemptions under the Louisiana Public Records Law, La. R.S. Title 44.

5. A reduction or waiver of fees will be considered in connection with each request from a representative of the press or other communication medium, or from a public interest group. The State agrees to reduce or waive the fee if it determines that a reduction or waiver of the fee is in the public interest because furnishing the information can be considered as

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primarily benefiting the general public. Requests for reduced or free copies should be made on the LDEQ Form ISD-0005-02.

C. Confidentiality of Business Information

If a claim of confidentiality is asserted and cannot be resolved in the time period provided for an agency response to a request, the State agrees to notify the requester of the confidentiality claim within the maximum 20-day time limit provided for any agency response. In addition, the requester will be told that the request was denied in order to resolve the business confidentiality claim.

D. Oversight

1. The State agrees to keep a log of denials of requests for information (or a file containing copies of denial letters sent to requesters) that will be made available to the EPA during the State review.

2. The State agrees to keep the EPA fully informed of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities, as applied to Section 3006(f).

IX. CORRECTIVE ACTION

A. State Role

The State will conduct the RCRA Corrective Action Program in a manner that promotes rapid achievement of cleanups while protecting human health and the environment. Specifically, the State will, to the extent practicable:

1. embrace flexible, practical, results-based approaches that focus on control of human exposure and contaminated groundwater migration in the short term, with final cleanup being the long-term goal;

2. provide ready public access to information and meaningful opportunities for public involvement in the cleanup process;

3. foster a culture of innovation, creativity, communication and technical expertise, focused on accelerating cleanups and meeting program goals; and

4. carefully consider key program guidance (and any updates) in conducting the RCRA Corrective Action Program.

B. EPA Role

EPA will assist the State with all aspects of the cleanup program and support its efforts to conduct faster, focused and more flexible RCRA cleanups.

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL
QUALITY

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION VI

BY:

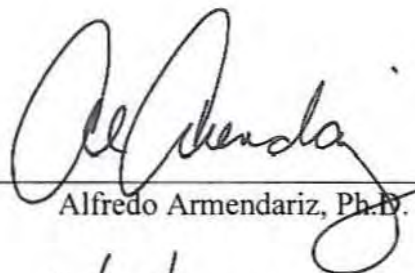


Peggy M. Hatch, Secretary

DATE:

June 3, 2011

BY:



Alfredo Armendariz, Ph.D.

DATE:

6/8/2011

Addendum

Combustion Workshare Agreement

The State and EPA agree to the following work share activities for the onsite combustion facilities (i.e. Boiler and Industrial Furnaces (BIF's), incinerators, miscellaneous units) in Louisiana.

A. EPA will:

1. Approve all Alternative Monitoring Applications, Trial Burn/Comprehensive Performance Test/Risk Plans and Reports and Quality Assurance Project Plans (QAPP's) for specifically regulated combustion units (i.e., RCRA, CAA regulated), until LDEQ receives authorization/delegation from EPA for the applicable regulations;
2. Conduct all Human Health and Ecological Risk Assessments including review of facility initiated risk assessments;
3. Recommend permit limits and/or monitoring requirements to ensure acceptable risk from combustion facilities;
4. Ensure that any measures deemed necessary to address unacceptable risk identified from the risk assessment are addressed timely and appropriately;
5. Provide copies of all draft reports as completed for trial burn oversight, audits of laboratories conducting the sample analysis, reviews of trial burn reports, and risk assessments;
6. During the permit renewals for those BIFs currently permitted as incinerators, require that during the trial burns, the facilities collect the data necessary to conduct a comprehensive risk assessment;
7. Require collection of data necessary to conduct a comprehensive risk assessment for all combustion permits (through omnibus authority); and
8. Provide joint approval of combustion documents (i.e., plan, reports, assessments) in cases where LDEQ has not received program authorization for newly promulgated regulatory requirements.

B. LDEQ will:

1. Ensure that any measures deemed necessary to address identified unacceptable risk from the EPA risk assessment are addressed timely and appropriately;

2. Ensure that all permits issued to hazardous waste combustion facilities are protective of human health and the environment;
3. Ensure compliance with all terms and conditions of trial burn plans, comprehensive performance test plans, risk burn plans and schedules approved by EPA and/or LDEQ;
4. Observe all trial burns, comprehensive performance test burns and risk burns to ensure they are conducted as prescribed in the approved plan(s);
5. Ensure any test burn (i.e., comprehensive performance test, trial burn, or risk burn) schedule extensions are coordinated with EPA prior to approval;
6. Ensure permit conditions developed by EPA are incorporated into the permit to address risk to human health and the environment from food chain and other direct or indirect pathways identified through comprehensive risk assessment;
7. Ensure the public has the opportunity to be involved in all phases of the permit process to the extent required; and
8. Acknowledge EPA's independent federal authority to collect data necessary to conduct comprehensive risk assessments.

Alternate Person for Contact in an Emergency:

1. Peter Ricca, Environmental Scientist Manager
2. Phyllis Luke, Environmental Scientist Senior Staff, Surveillance