

Office of Environmental Assessment
Remediation Services Division
Environmental Technology Division
Underground Storage Tank Division

*Annual Legislative Report for
Fiscal Year 2007-08*



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Executive Summary

The Remediation Services Division (RSD), the Environmental Technology Division (ETD) and the Underground Storage Tank Division (USTD) within the Office of Environmental Assessment (OEA) prepared this report to provide a brief overview of these divisions' remediation process activities for FY 2007-08. This report also functions to submit the site lists as required by La. R.S. 30:2226.H.

RSD and ETD continue to work on investigation and cleanup of all solid waste, hazardous waste, groundwater, Voluntary Remediation Program (VRP), and inactive and abandoned sites (IAS) involved in the remediation process. USTD manages the Underground Storage Tank (UST) site universe and ensures state compliance with the 2005 Underground Storage Tank Compliance Act. The portion of the UST site universe in need of cleanup is also managed by the USTD with limited assistance from RSD and ETD in accordance with the remediation process.

During FY 2007-08, the remediation process divisions completed 356 sites. (See Appendix A.) These included UST sites, groundwater sites, solid waste sites, hazardous waste sites, VRP sites, and IAS or portions thereof. (See Figure 1, page 9.) As of June 30, 2008, there were 162 confirmed IAS needing cleanup action and 428 potential IAS awaiting assessments. (See Appendix D.) ETD also continues to add sites to the VRP. An updated list of VRP sites is located in Appendix E of this report. RSD, ETD, and USTD continue to seek innovative ways to enhance the site remediation process and improve the efficiency with which the entire site remediation universe is managed.

**Remediation Program Updates and Site Activities
FY 2007-08**

Hurricane Response Activities

Assessment of Underground Storage Tanks and Facilities

In the fiscal year beginning July 1, 2007, the USTD awarded the post-hurricane assessment contract to SEMS, Inc. Beginning in August 2007, 120 facilities were assessed under the terms of this contract. Assessment activities included a general site reconnaissance inspection, an in-depth inspection of the UST system, a compliance evaluation inspection, and a comprehensive soil and groundwater assessment. Releases from 102 UST systems have been confirmed at 102 facilities. Multiple releases have been confirmed at 42 facilities. Prior to corrective action (CA), further delineation of the hydrocarbon plume and a risk evaluation will be completed where necessary by SEMS, Inc.

Technical review of the results of the post-hurricane assessment will be completed by the USTD Support Section. Releases that do not warrant further risk evaluation based on contaminant concentrations present, and risk evaluation using groundwater classification of remediation sites within a one-mile radius of the hurricane impacted facility, will be closed through issuance of a comfort letter. A comfort letter is a letter sent by LDEQ to a property owner or other potentially responsible party which states that no additional activities are needed to assess environmental conditions based on current information for the property. Facilities that exceed the regulatory standards will be evaluated further.

A contract for Risk Evaluation and Corrective Action Program (RECAP) planning was awarded to Tetra Tech, EMI in March 2008. Risk evaluation and CA program planning will be completed by Tetra Tech as determined by the results of the comprehensive site assessment activities completed by SEMS, Inc. CA plans will be developed by Tetra Tech based on the results of the RECAP evaluations.

Use of Dedicated State Remediation Funds

Hazardous Waste Site Cleanup Fund

The Hazardous Waste Site Cleanup Fund (HWSCF) provides for statewide identification, investigation, containment, control and cleanup of both hazardous and non-hazardous waste sites that have been determined priority sites by LDEQ. In addition to providing for state-funded work at these waste sites, the HWSCF is also used to match EPA-funded cleanup work at Superfund sites, to fund long-term operation and maintenance contracts at Superfund sites where construction of the remedy has been completed, and to provide supplemental funding for abandoned UST sites.

As of the end of FY 2007-08 there were 162 confirmed inactive and abandoned waste sites in the RSD site universe. RSD sites with no financially solvent responsible parties may be eligible for remediation with government funding from EPA Superfund (if they qualify) or the HWSCF. Priority ranking of these sites is based on risk to human health and the environment, on the availability of funding sources from financially solvent responsible parties, and other relevant factors. In addition to the 162 confirmed sites, there were 428 potential sites needing initial evaluation as of the end of FY 2007-08.

During FY 2007-08, RSD continued utilizing the HWSCF for contracts to conduct coring services, monitoring well installation and sampling, data validation, analytical services and remediation services. This work was performed for investigation and cleanup at the high priority RSD confirmed sites.

One of the major state-funded remediation projects completed by RSD during this fiscal year was the Teche Sugar Mill site removal. LDEQ spent \$409,202 from the HWSCF to remove: all asbestos-containing materials (including buildings); over 200 drums; approximately 289 tons of contaminated soils; approximately 19,500 gallons

of waste water; and to close four USTs. Additional information about this project can be found in Appendix B of this report.

LDEQ paid a total of \$164,825 from the HWSCF to EPA Region 6 during FY 2007-08 as state match for EPA-lead work at two Superfund sites: American Creosote and Central Wood Preserving. At the American Creosote site, a long-term remediation process is continuing; however, remediation at the Central Wood Preserving site is complete. Future state match payments will also be required for remediation work at the Marion Pressure Treating site pending the availability of federal funding.

Additionally, LDEQ paid the state's share for a priority EPA removal action at the Pointe Coupee Wood Treating site during FY 2007-08. LDEQ paid \$422,285 from the HWSCF for soil removal beyond the EPA-standard two-foot excavation limit for EPA removal actions. This agreement with EPA Region 6 provided for removal of the additional soils that exceeded LDEQ remediation standards with the intent to avoid the necessity for follow-up state-funded remediation work. Once the entire EPA removal action is complete during FY 2008-09, LDEQ will also pay the final state 10% match for the remainder of the work done for this removal.

In addition to EPA Superfund match payments, LDEQ paid a total of \$555,124 from the HWSCF to its contractors for continuing long-term maintenance work at three Superfund sites: Bayou Bonfouca, Delatte Metals, and Madisonville Wood Preserving. The state is responsible for funding and implementing long-term operation and maintenance at these sites until determined to be no longer necessary through five-year reviews. In future years, the state will be responsible for maintenance at additional Superfund sites, as remedial work is completed.

During FY 2007-08, LDEQ also continued working extensively with EPA and the Federal Emergency Management Agency (FEMA) to address site damage resulting from Hurricane Katrina. At the Bayou Bonfouca site, additional site repair work was

conducted. This work included repairs to the site fence, the groundwater extraction system, electrical system, piping system, and control building, as well as debris removal. A total of \$225,707.75 was spent on Bayou Bonfouca site repairs. LDEQ anticipates FEMA reimbursement for these expenses in lieu of using the state HWSCF.

Abandoned Underground Storage Tank (UST) Trust Fund

All interest monies earned by the Motor Fuels Underground Storage Tank Trust Fund are used for the closure of abandoned motor fuel USTs and assessment and remediation of property contaminated by abandoned motor fuel USTs. LDEQ uses an identification and ranking process to prioritize remediation activities at designated abandoned UST sites. The abandoned UST identification and ranking process addresses the eligibility requirements and utilizes a numerically-based ranking system for quantifying risk to public health and the environment.

Concurrent with abandoned UST site identification, eligibility determination, and ranking, the USTD has been working with LDEQ's Office of Management and Finance and the Division of Administration's Offices of State Purchasing and Contractual Review to procure and award two separate UST investigation and remediation contracts. One contract is a professional services contract for UST site investigation used to determine the nature and extent of subsurface contamination, to remove abandoned USTs, and to identify appropriate remedial technologies. The second contract is a general services contract for UST remediation. Two separate contracts are required because of the differences in the types of expertise necessary to complete these activities.

A remediation contract for Burt's Chevron in Ruston, LA is currently being implemented. This remediation contract will be completed under a pay for performance agreement with stipulations that payment is contingent upon completion of pre-determined percentages of cleanup. In addition, a professional

services contract for UST site investigation and tank removal has been awarded and is currently being implemented at R & T Auto Care in Donaldsonville, LA.

The USTD has designated its UST Support Section as the liaison to work with the Office of Management and Finance and Division of Administration in contract development and program implementation. The UST Support Section is responsible for the development and maintenance of the abandoned UST site identification and ranking process, maintenance of the abandoned UST site list, contract development and coordination, and contract oversight in conjunction with assigned team leaders.

In the site remediation process, sites are assigned to team leaders based on their knowledge of applicable regulations and expertise in appropriate investigative and remedial technologies. When assigned abandoned UST sites, team leaders employ the abandoned UST eligibility determination and ranking system to verify eligibility and determine prioritization. Based on the verification of eligibility, ranking, and the availability of funding, team leaders then determine the type of work required (investigation or remediation) and coordinate with the UST Support Section supervisor to provide contract implementation and oversight. Efforts continue through the remediation sub-processes until a determination is made that the environmental threat has been mitigated and No Further Action (NFA) is required.

Supplemental Funding for the Leaking Underground Storage Tanks (LUST) Trust Fund Program

The HWSCF is also being used to supply match funding for two special appropriation post-hurricane grants. During FY 2006-07, LDEQ applied for and received two grant awards from EPA for assessment and CA at UST sites affected by Hurricanes Katrina and Rita. These two awards total over \$12 million including the 10% state match provided by the HWSCF. LDEQ is utilizing the awarded Gulf of Mexico Hurricanes Supplemental Funding for evaluation and subsequent remediation of the hurricane-impacted UST sites. LDEQ is employing contractors for the assessment and remediation to maximize agency personnel resources and

complete the work as expeditiously as possible. Post-hurricane UST site assessment, risk evaluation and CA planning began in August, 2007, as discussed in more detail on page 3 of this report.

Louisiana Motor Fuels Underground Storage Tank Trust Fund

The Motor Fuels UST Trust Fund is administered by LDEQ Office of Management and Finance. In accordance with the UST regulations (LAC 33:XI.101 et seq), UST owners or operators, who are eligible participants in the Motor Fuels UST Trust Fund program, may receive payment or cost reimbursement for assessment, investigation or remediation work that is necessary to mitigate releases from UST systems into the environment. A detailed financial report is prepared and submitted annually to the legislature by the LDEQ Office of Management and Finance regarding use of this fund. Oversight of the work performed is conducted by remediation process site team leaders and paid with monies from this fund.

During FY 2007-08, LDEQ continued its efforts to utilize limited state funding for remediation at UST sites, as well as other priority waste sites, seeking innovation and improvement where possible in the management of available state funds.

Site Remediation Activities

Remediation Process and Accomplishments

The remediation process site universe consists of several different types of sites, all of which are governed by the Environmental Quality Act, LDEQ RECAP regulations, and specific LDEQ program and media regulations. These types include UST, solid waste, hazardous waste, groundwater, VRP, and inactive and abandoned confirmed and potential sites. Figure 1 indicates the number of active sites for each media group, as of June 30, 2008. The IAS with significant potential to pose a threat to human health or the environment, and scoring above a specific federal threshold, may be placed on the National Priority List (Superfund list), and are governed by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also referred to as Superfund. Within the IAS universe at the state level, there are 162 inactive and abandoned confirmed sites awaiting cleanup action, and 428 inactive and abandoned potential sites awaiting assessment. Appendices C, D and E provide statewide information about the Superfund sites, inactive and abandoned confirmed and potential sites, and the VRP sites, respectively.

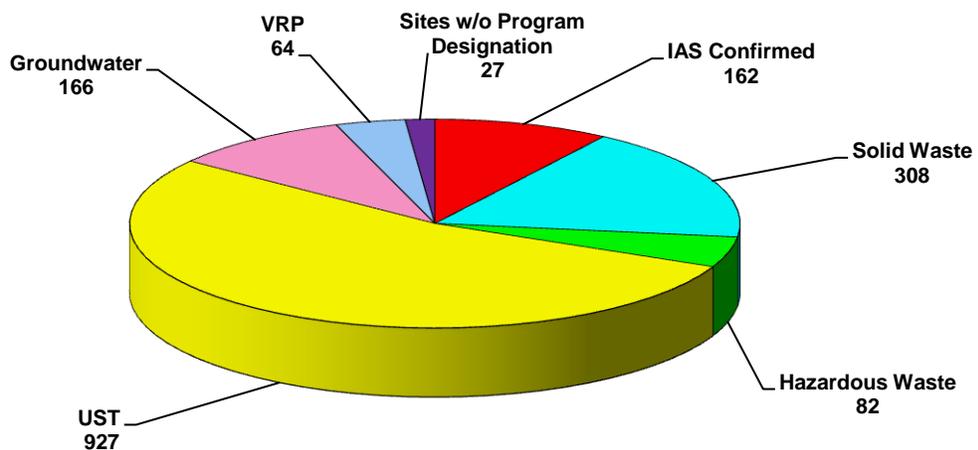


Figure 1: Remediation Process Universe by Site Type as of June 30, 2008

*Not shown are an additional 428 Potential Sites awaiting assessment.

All of the major site remedial activities are conducted by LDEQ under a single remediation process administered by the RSD, ETD, and USTD. This process which includes site identification, investigation and cleanup tasks is outlined in detailed Standard Operating Procedures (SOPs). Site work is prioritized based on risk to human health and the environment, availability of funding sources, and other relevant factors.

The RSD, ETD, and USTD site remediation process groups effectively operate under shared SOPs to ensure efficient use of available resources. Staff duties in the RSD, ETD, and USTD site remediation process groups include serving as a team leader and/or team support on projects involving remediation of soil and/or groundwater. The project team leader is the single point of contact for the regulated community and the general public, and is the person accountable for the progress and completion of assigned site work.

During FY 2007-08, the remediation process divisions completed 356 sites and concluded that NFA is needed based on the current conditions and the intended uses of the properties. However, changes in land use (i.e. industrial to residential) or construction of enclosed structures could trigger the need for additional action due to changes in exposure scenarios.

A statewide map and list of completed sites by parish along with definitions for site types are included in Appendix A of this report. Classification of the completed sites list is as follows: 227 UST sites, 69 solid waste sites, 21 groundwater sites, 14 inactive and abandoned confirmed sites, 17 hazardous wastes sites, and 8 VRP sites. Figure 2 on the next page is a graph depicting the number of completed sites by site type.

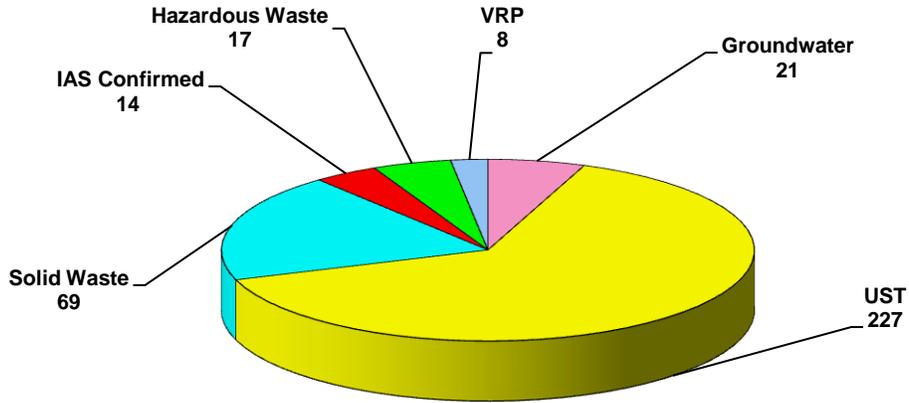


Figure 2: Remediation Sites Completed in FY 2007-08

This report also contains eight site summaries updating progress of sites the remediation process divisions are currently working on or have completed. These site summaries including photos can be found in Appendix B of this report.

Additionally, during FY 2007-08 the remediation process divisions reviewed 93 Requests for Review of Environmental Conditions. These requests are unsolicited Phase 2 Environmental Site Assessments or more detailed site evaluations that are a necessary function of real estate transactions. Their review is managed by LDEQ in accordance with new regulations promulgated in March 2007, and the RECAP regulations. Those submittals that met the appropriate risk based standards were closed by a comfort letter as defined on page 3 of this report. The assessments requiring more detailed evaluation and perhaps additional investigation and/or evaluation were closed with a letter of No Further Action At This Time while others remain in the remediation process site universe.

Voluntary Remediation and Brownfields Programs

Voluntary Remediation Program (VRP)

During FY 2007-08, the VRP received voluntary remedial investigation or voluntary remediation applications for 17 properties, bringing the total to 80 site properties participating in the program this fiscal year. The VRP provides the participant with a release of liability for future cleanup of historical contamination at the site. This release of liability also flows to future owners of the property. Eight properties completed VRP remediation which increased the total cumulative number of properties completing the VRP to 33 by the end of the fiscal year, increasing the universe of completed VRP properties by over 37 percent. Appendix E of this report provides a list of VRP sites and their site status as of June 30, 2008. Of notable mention is the Amax Metals Recovery Inc., Port Nickel Facility (Amax) which received a Certificate of Completion (COC) on November 15, 2007. A complete site summary is provided in Appendix B of this report. To date, over 1100 acres of property in Louisiana have been addressed by the VRP. In addition, ETD brownfields staff met with more than 40 potential and ongoing VRP participants to provide technical and regulatory assistance.

Brownfields Activities

EPA defines brownfields as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties relieves development pressures on undeveloped, open land (greenfields) and improves and protects the environment. LDEQ has been working with EPA Region 6 since its initial efforts to develop the federal Brownfields program approximately eleven years ago.

For LDEQ, its brownfields outreach activities from previous years bore fruit during FY 2007-08. LDEQ had previously sponsored several “brownfields breakfast”

workshops focused on local “movers and shakers” around the state to stimulate brownfields interest and activity. One of these workshops was held in Alexandria and the City of Alexandria was awarded their first EPA brownfields grant in June, 2008. LDEQ is pleased to have this new local brownfields partner.

The Brownfields program staff conducted five RECAP workshops around the state that were sponsored with federal brownfields funding to provide the public and private sector with practical introductory and advanced RECAP instruction. The workshops were conducted in the Baton Rouge, Lake Charles, and Shreveport areas and reached nearly 600 participants.

The 2007 Louisiana Legislature passed legislation to enhance the existing Louisiana Brownfields Investor Tax Credit in the regular session, including amendments to increase the tax credit for brownfields cleanups from 25 percent to 50 percent of cleanup costs and to provide for the credits to be transferable, making the program more attractive and flexible.

During FY 2007-08, LDEQ finalized procedures, application forms, and other documents on the LDEQ website to implement the tax credit program. LDEQ received five applications for tax credits in FY 2007-08 and expects many more in the coming year.

Targeted Brownfields Assessments

LDEQ Brownfields staff continued work on the Targeted Brownfield Assessments (TBA) program also during FY 2007-08. This work is being conducted with funds awarded by EPA under two contracts for \$934,874 for eligible properties that are not privately owned. Through contracts, the Brownfields program staff can direct the performance of Phase I (document review of site history for potential areas of concern) and Phase II (on-site investigatory sampling of areas of potential concern) environmental site assessments, as well as RECAP investigations to delineate areas of concern on eligible properties. The Brownfields program staff designed a process

for determining eligibility and prioritizing applications for the TBA program. The two new TBA contracts were awarded in August 2008.

Other Remediation Program Activities

Ready for Reuse

Ready for Reuse is a key component of EPA's National Land Revitalization Initiative. The U.S. EPA Region 6, in Dallas, Texas, developed the concept. The goal of this initiative is to make land revitalization and reuse a fundamental element of all EPA and state cleanup programs (e.g., Resource Conservation and Recovery Act (RCRA), Superfund, Brownfields, USTs, voluntary cleanups, etc.) to help foster economic development, and return previously contaminated or abandoned properties back to productive use.

This is not intended to be a clean-closure approach; rather, it encourages cleanups that will quickly support protective redevelopment opportunities. As part of this effort, a regulatory "certification" is provided that will be an affirmatory determination that the site is considered acceptable for its designated reuse. The Ready for Reuse Determination verifies that the environmental conditions on a property are protective of human health and the environment based on its current use and anticipated future use as a commercial/industrial operation.

Louisiana's Participation in the Ready for Reuse Program

LDEQ has committed to utilize the land use revitalization program Ready for Reuse, together with the existing Brownfields and Voluntary Remediation Programs, to help promote redevelopment opportunities at facilities and sites throughout the state. These include operating facilities as well as facilities that are not in full use, where there is development or redevelopment potential, and where reuse or development of these sites is slowed due to concerns about RCRA requirements. LDEQ began participation with EPA in the Ready for Reuse program in July, 2003, and completed eight facilities prior to this fiscal year.

During FY 2007-08, LDEQ signed a Ready for Reuse Determination for the ExxonMobil Chemical Corp. – Baton Rouge Polyolefins Plant (AI 3519), and with EPA Region 6, jointly signed two more determinations: Former Pan American Southern Refinery, Destrehan (AI 4356) and AMAX Metals Recovery, Inc., Braithwaite, (AI 16817). Future Ready for Reuse projects are being developed at a number of additional facilities:

- Marathon Petroleum Co., Garyville (AI 3165) (ceremony was held August 20, 2008)
- Syngenta Crop Protection Inc., St. Gabriel Plant (entire facility) (AI 2367)
- Chemtura Corporation, Harahan (AI 1615)
- Dixie Metals (Exide), Heflin (AI 2411)
- Microchemical Co. Inc., Winnsboro (AI 1387)
- Pearl River Polymers (Polychemie, Inc.), Pearl River (AI 4766)
- Chemtura (formerly Crompton) , Gretna (AI 2119)

Resource Conservation and Recovery Act (RCRA) Corrective Action Program

As part of its commitments under the Performance Partnership Grant (PPG) with EPA, LDEQ currently measures RCRA Corrective Action (CA) progress to meet programmatic objectives from the Government Performance Results Act of 1993 (GPRA). This Act was mandated by the U. S. Congress and requires federal agencies such as EPA to develop measures for tracking environmental results. The environmental objectives are referred to as Environmental Indicators (EIs) and carry CA codes that are entered by states into EPA's RCRAInfo database. RCRA CA tracking is performed at those facilities included in a Baseline List of Facilities developed by EPA, with input from LDEQ. The 2008 Baseline List is in effect for Louisiana for FY 2007-08 and includes 47 facilities. Beginning October 1, 2008, EPA initiated the 2020 Baseline. This Baseline includes 17 additional facilities and brings the total of facilities eligible for environmental indicator tracking and reporting to 64.

For FY 2007-08, LDEQ reported RCRA CA progress to EPA for four primary EIs (also known as events):

- (1) Human Exposures Controlled
- (2) Groundwater Releases Controlled
- (3) Remedy Selected for the Entire Facility
- (4) Remedy Construction Completed for the Entire Facility

LDEQ also began using two of these EIs to report progress to the Louisiana Legislature in accordance with its Operational Plan (Remedy Selected and Remedy Construction Completed for the entire facility) beginning in FY 2007-08. In addition, LDEQ also tracks other CA activities at RCRA facilities for EPA grant commitment purposes.

- (1) Human Exposures Controlled (RCRAInfo Code CA725)

This is the event by which LDEQ formally makes the determination that human exposures to contamination are under control for the entire facility.

EPA's goal for Louisiana for the 2008 Baseline is to have 95 percent of the eligible facilities with a positive determination for this indicator. LDEQ's completion of this determination at one facility during FY 2007-08 (Georgia Pacific Plaquemine) brought LDEQ's total to 46 of 47 facilities, or 98 percent. Therefore, LDEQ has exceeded EPA's goal for the 2008 Baseline.

- (2) Groundwater Releases Controlled (RCRAInfo Code CA750)

This is the event by which LDEQ formally makes the determination that the migration of contaminated groundwater is under control for the entire facility.

EPA's goal for Louisiana for the 2008 Baseline is to have 80 percent of facilities with a positive determination for this indicator. LDEQ's completion of this determination at one facility during FY 2007-08 (Georgia Gulf Plaquemine) brought LDEQ's total to 43 of 47 facilities, or 91 percent. Therefore, LDEQ also exceeded EPA's goal for the 2008 Baseline for this indicator.

(3) Remedy Selected for the Entire facility (RCRAInfo Code CA 400)

This is the event whereby LDEQ formally selects a remedy designed to meet the RCRA CA long term goals of protection of human health and the environment for the entire facility. CA 400 also applies when no further action is required because stabilization measures have been implemented or because site characterization/risk evaluation demonstrates that CA goals have been achieved. If remedies are selected on a unit-by-unit basis (e.g., Solid Waste Management Units, Areas of Concern, etc.), the facility-wide determination is made when the remedy is selected for the last unit.

EPA's goal for Louisiana for the 2008 Baseline is to have 25 percent of eligible facilities with a remedy selected for the entire facility. By completing this indicator at five facilities during FY 2007-08 (Amax Metals Recovery Inc., Clean Harbors Baton Rouge, ExxonMobil Baton Rouge Plastics Plant, CECOS International Lake Charles, and Georgia Pacific Plaquemine), LDEQ exceeded EPA's goal and brought the total completed to 13 of 47 facilities, or 28 percent.

(4) Remedy Construction Completed for the Entire Facility (RCRAInfo Code CA 550)

This is the event by which LDEQ determines that the RCRA facility has completed construction of a remedy that was designed to achieve long-term protection of human health and the environment for the entire facility. CA 550 requires that the remedy is functioning as designed, whether or not final cleanup goals or other requirements have been achieved. CA 550 applies when construction is complete or documentation of no physical construction of a remedy is needed. If CA occurs on a unit-by-unit basis (e.g., Solid Waste Management Units (SWMUs)), the facility-wide determination is made when remedy construction is completed for the last unit.

EPA's goal for Louisiana for the 2008 Baseline is to have 20 percent of eligible facilities with the remedy construction completed for the entire facility. By completing this indicator at four facilities during FY 2007-08 (Dixie Metals, Colfax Treating Company Pineville, Amax Metals Recovery Inc., and ExxonMobil Baton Rouge Plastics Plant), LDEQ met its annual goal and brought the total completed to 10 of 47 facilities, or 21 percent.

(5) Other Unit Level Corrective Action Activities

Other unit level (SWMUs, AOCs, etc.) CA events tracked by LDEQ to meet grant commitment goals include risk assessments (cleanup standards approved) (CA 204), approval of corrective measures studies (CA 350), determinations of NFA (CA 375), selection of remedies and remedy completed/construction completed at the unit level (CA 400 and CA 550), implementation and completion of stabilization measures (CA 600 and CA 650), and facility-wide termination of corrective action (CA 999). These events are grouped by EPA for the purposes of setting goals. EPA's goal for Louisiana for FY 2007-08 for these activities as a group was a total of 18. Louisiana exceeded its corrective action goal for these activities during FY 2007-08 by completing a total of 151 at eligible 2008 Baseline facilities. Unit level accomplishments included Risk Assessments (clean-up standards approved) (CA 204) for eight CA units, approval of a Corrective Measures Studies (CA 350) for one CA unit, Petitions for NFA (CA 375) approved for 44 CA units, Remedy Selection Imposed (CA 400) for 37 units, Certification of Remedy Construction Complete/Construction Completion (CA 550) at 55 CA units, Stabilization Measures Implemented (CA 600) at four CA units, and Stabilization Measures Completed (CA 650) at two CA units. This extraordinary number of activities is largely due to the completion of CA at the AMAX Metals Recovery Inc. (AMRI) facility in Braithwaite, Louisiana. A total of 89 of the 151 activities were completed at AMRI alone as a result of its participation in LDEQ's Voluntary Remediation Program and Ready for Reuse Program.

Remediation Program Regulatory Update

During FY 2007-08, LDEQ proposed and promulgated new regulations designed to make the UST program more efficient and to comply with mandates of the 2005 Underground Storage Tank Compliance Act, a federal law contained in the 2005 Energy Act. This federal law requires that Louisiana adopt certain regulations setting minimum standards for owners and operators of USTs, in order to remain eligible for federal grants. The regulations LDEQ has adopted and proposed in the last year consist of: 1) a prohibition on the delivery of fuel to systems not meeting regulatory standards; 2) the use of a lien in lieu of the owners' financial responsibility for site eligibility for Motor Fuel Underground Storage Tank Trust Fund (MFUSTTF) reimbursement, for owners exhibiting a financial inability to pay; 3) a process to ensure quick and efficient cleanup of sites where there is a private dispute over successive releases; and 4) a requirement for secondary containment of UST systems. A synopsis of these regulations is provided below.

On September 20, 2007, the final rule was enacted on LAC 33:XI.401 and 403, UST, Chapter 4, 2005 Federal UST Compliance Act Mandated Requirements, and Delivery Prohibition of Regulated Substances to Underground Storage Tank Systems. The purpose of this rule is to prohibit delivery of regulated substances to noncompliant UST systems, except for those systems deferred or exempted. Noncompliant systems shall be subject to the status of red tag/delivery prohibition of regulated substances if they fail to have:

- installation of spill prevention equipment
- installation of overfill protection equipment
- establishment of release detection methods or installation of release detection equipment
- installation of corrosion protection equipment
- compliance with LAC 33:XI.301.C.4; or

- upon evidence of a below-surface release from an UST system, initiation by the owner/operator of release investigation and confirmation steps in accordance with LAC 33:XI.711, or compliance with the release response and corrective action requirements in LAC 33:XI.715

On May 20, 2008, the final rule was enacted on LAC 33:XI.1121 UST, Chapter 11. Financial Responsibility, Substitution of a Department Lien. The purpose of this rule is to provide for a lien filed by the department to substitute for the financial responsibility requirement (deductible) for owners that show that they are financially unable to pay the owner's share and who will no longer operate the UST system.

In addition, for sites with more than one eligible release and with multiple owners and/or operators wishing to use MFUSTTF monies, cost effectiveness procedures shall require that the multiple owners and/or operators provide to the administrative authority a single investigation and CA plan. The MFUSTTF shall reimburse the owners and/or operators only after the submittal of one certified request for reimbursement for work that has been completed according to the administrative authority's approved investigation and CA plan.

For sites with more than one eligible release and with multiple owners and/or operators wishing to use MFUSTTF monies who cannot agree on the selection of a single qualified response action contractor (RAC) or single plan, or who have failed to begin investigation or CA within the time required by the administrative authority, the administrative authority shall select a RAC to carry out the investigation and/or CA or order the respective owners and/or operators to begin investigation or CA without MFUSTTF monies. The administrative authority, in choosing a RAC, shall solicit notices of interest in the project from all approved RACs and select a RAC randomly through a public drawing from all RACs expressing an interest in the project. The RAC selected shall not be one currently under contract to any one of the multiple owners and/or operators of the site. Owners and/or operators shall continue to monitor site cleanup and shall sign and submit a sworn application requesting reimbursement. Thereafter, the administrative authority shall determine

all reasonable costs and shall pay the RAC directly. The purpose of the requirement is to insure that the MFUSTTF reimbursement costs are not duplicated on sites with multiple releases and to insure that the cleanups proceed in a timely manner.

On June 20, 2008, LDEQ proposed a rule titled Notice of Intent, Secondary Containment for UST Systems to amend various sections of the UST regulations (LAC 33:XI.103, 301, 303, 403, 507, 509, 701, 703, and 903). This proposed rule will require owners and/or operators of UST systems to install secondary containment with new installations or replacements of tanks and/or piping, and also to install under-dispenser containment and submersible pump containment, after December 20, 2008. The rule will also require the installation of secondary containment for certain repairs to tanks or piping made after December 20, 2008. This secondary containment action must be implemented to maintain federal funding of the UST program in the state and to maintain federal delegation of the UST program. This will further enhance LDEQ's effort to maintain protection of human health and the environment. The basis and rationale for this rule are to comply with the federal guidelines required by the 2005 Underground Storage Tank Compliance Act. It is anticipated that the final rule will be enacted in FY 2008-09.