



St. Bernard Parish Government

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Craig P. Taffaro, Jr.
Parish President

June 26, 2009

Lisa Jackson, Administrator
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Mail Code: 1101A
Washington, DC 20460

Re: Request to Extend the No Action Assurance

Dear Ms. Jackson:

In the wake of hurricane-related devastation visited upon our parish in 2005, we are continuing our recovery and rebuilding efforts. There have been few projects undertaken by this community that have been as dramatic and impactful as the demolition of residential homes. The dichotomy between the necessity to remove the "health and safety hazardous debris" laden within the fabric of our communities streets and subdivisions and the stark reality that this debris represents potentially the total life savings, treasures and memories of a long-standing resident in our community lies at the very heart of this process. Each demolition represents both treasure and trash. However, the reality is that my administration must rid our community of this final vestige of destruction to allow for the recovery and growth of our community.

As a result of the continued support by EPA in extending the No Action Assurance letters (hereinafter collectively referred to as the NAAs) we have completed the demolition of nearly 7500 hurricane damaged homes since the beginning of this process. Although St. Bernard Parish clearly understood that EPA had granted the last extension for the purpose of allowing the intervening months to work toward full compliance with the asbestos NESHAP, as implemented by LDEQ through its authorized Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP) program; the Parish had already established a plan and a process that would have allowed us to complete the necessary demolitions in our Parish to finally remove the scars left behind in our community from this tragic disaster well before the expiration of the current NAA extension of 30 June 2009.

Unfortunately, as we drew closer to the deadline and the completion of the process, several issues outside our control have prevented us from accomplishing this critical goal. These complications stem from delays caused by bureaucratic processes compounded by multiple interagency dynamics required that have significantly stalled the number of approved structures released to the Parish for demolition on a monthly basis resulting in a loss of nearly 4 months of work. In addition, for nearly the same amount of time the Parish was unable to contract for continued demolition due to a lack of obligated funds available to pay contractors as a result of the time required by FEMA for the versioning process. Finally, as we neared the end of the process, temporary restraining orders were issued to allow for judicial review of our process. As a result and with less than a few hundred homes to be demolished to finish this task, we

requested a 90 day extension from FEMA to complete these demolitions with the hopes that this request will be granted.

We are now coming before the EPA and requesting they too consider granting to St. Bernard Parish a 90 day extension to correspond to that granted by FEMA. Due to the limited number of structures involved and the limited time in which to accomplish this task, we believe it is in the best interest of the Federal Government, the State of Louisiana and the Parish to grant this extension. Without the extension, the time to complete these few remaining structures will be significantly increased. In addition, our progress toward recovery would further be delayed as the Parish will be required to re-bid the demolition contracts. The re-bid process alone would delay the completion of the remaining demolitions by 45 to 60 days. Processes and Procedures that all demolition crews have been trained to conduct to maximize the effectiveness of equipment and personnel will require modification during this transition period, once again jeopardizing our ability to finish this monumental objective in the limited time available.

The No action Assurance (NAA) for asbestos provides the flexibility necessary to effectively continue the demolition mission, and maintains safeguards for the protection of human health and environment. A tremendous amount of work has been accomplished; however, our work is not yet completed. The current NAA allows for our Parish to continue its demolition of storm damaged structures in a rapid and cost effective manner without sacrificing the care necessary to safeguard the environment. The demolition program, by removing these environmentally unfriendly structures, is an essential part of our recovery. We therefore request a 90 day extension to EPA's current NAA related to Hurricane Katrina recovery efforts pursuant and conditionally based on the favorable response of our request for an extension form FEMA to allow us the necessary time to finish our cleanup process.

If you have any questions, please feel free to contact me.

Sincerely,



Craig P. Taffaro, Jr.
Parish President

cc: Peggy Hatch, Assistant Secretary, Louisiana Department of Environmental Quality