



BOBBY JINDAL
GOVERNOR

State of Louisiana

LOUISIANA NATIONAL GUARD
OFFICE OF THE ADJUTANT GENERAL
6400 St. Claude Avenue
Jackson Barracks
New Orleans, LA 70117

GLENN H. CURTIS
MAJOR GENERAL
THE ADJUTANT GENERAL
(504) 278-8357
FAX (504) 278-8210

May 22, 2015

Erica M. Zilioli
U.S. Department of Justice
Environmental Defense Section
Post Office Box 7611
Washington, D.C. 20044

Dear Ms. Zilioli:

On April 14, 2015, the Louisiana Military Department (LMD) submitted a proposed contractor and associated method to the U.S. Environmental Protection Agency (EPA) for its review. The method chosen is disposal by burning within a contained disposal chamber. The method aligns with the Dialogue Committee's recommendations and EPA's Amended Action Memorandum dated March 18, 2015. On May 8, 2015, the EPA sent to LMD a letter approving the proposed contractor and method.

We are at a critical point in this disposal action. There are important work plan details that require contractor expertise to complete. This cannot be done until LMD can legally enter into a contract with the proposed contractor. Before I can approve any contract for disposal, LMD must either have sufficient funds on hand or confidence that follow-on funds will be available to complete the project. Therefore, it is of the utmost importance that LMD gains assurance from the Department of Justice and the Army that the Army will comply with its obligations under the AOC, based on the method chosen by LMD and approved by EPA. To that end, I request written assurance that:

1. The Army agrees that the on-site disposal method chosen by LMD and approved by EPA complies with Paragraph 16(b) of the AOC. This chosen technology utilizes burning and provides additional air controls to insure emissions are within legal limits and represent no threat to human health and the environment.

2. The Army agrees to abide by all of its funding obligations under Paragraph 38.1 of the AOC, namely:

- a. The Army will pay for 100 percent of the Future Removal Costs.

b. The Army will pay for any updated cost estimates it may be presented with in regards to the approved disposal method within 45 days of submission, as required under Paragraph 38.1 the AOC.

c. The Army will not object if LMD submits a Work and Cost Progress Report in short order after the Contractor is retained to ensure that we have 80 percent of the cost of the contract cost in hand in a timely manner.

Failure to receive the above requested written assurance as soon as possible will further delay resolution of this extremely hazardous situation.

The citizens of Louisiana expect a timely, safe and effective disposal. Your participation and willingness to move forward is of critical importance. I thank you in advance and look forward to hearing from you soon.

Sincerely,

A handwritten signature in cursive script that reads "Glenn H. Curtis". The signature is written in black ink and is positioned above the printed name and title.

Glenn H. Curtis
Major General, Louisiana National Guard
The Adjutant General

c: Mr. Ron Curry, Administrator, U.S. EPA Region VI