DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF

Operations Division
Regulatory Branch

OCT 28 2011

SUBJECT: MVN-1997-04840-MA
(General Permit)NOD-20

SPECIAL PUBLIC NOTICE

ANNOUNCEMENT OF GENERAL PERMIT MODIFICATION AND TIME EXTENSION
FOR HAZARDOUS CONDITION RESPONSE ACTIVITIES
WITHIN THE NEW ORLEANS DISTRICT

On November 8, 2010, this district issued a public notice announcing consideration of a modification and time extension to the general permit for hazardous condition response activities. All available information and comments were considered in determining that the overall public interest would be best served by issuing the modification and time extension. A copy of the extended general permit for hazardous activities is attached.

We have reserved the right to modify, suspend, or revoke this general permit any time we determine it is in the public's interest to do so. Interested parties are invited to submit written comments or suggestions for modifications or improvement of this general permit to the Regulatory Branch of this district at any time.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

[redacted]

Pete J. Serio
Chief, Regulatory Branch

Attachment

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NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
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REPLY TO
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SUBJECT: MVN-1997-4840-MA
(General Permit)NOD-20

GENERAL PERMIT

HAZARDOUS CONDITION RESPONSE ACTIVITIES

WITHIN THE NEW ORLEANS DISTRICT

Authorization No.:	(General Permit)NOD-20
Initial Effective Date:	November 1, 1982
Expiration Date:	December 31, 2015

Under authorization granted by Part 325.8(b) of Title 33, Code of Federal Regulations, the District Commander at New Orleans has granted this general permit for discharge of dredge and fill material and other work to address the performance of certain activities in response to hazardous conditions. This permit authorizes work and structures under the following legislation:

a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403).

b. Section 404 of the Clean Water Act (33 USC 1344).

This permit does not authorize any work under Section 9 of the Rivers and Harbors Act of March 3, 1899 (33 USC 404) or Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 USC 1413).

This permit is applicable only within the boundaries of the New Orleans District of the U.S. Army Corps of Engineers.

Work authorized by this general permit is the minimum amount necessary to respond to oil or gas well blowouts, pipeline explosions or ruptures, explosions, fires, oil or hazardous materials spills, shipwrecks or sinking of vessels in navigation channels, or similar situations which would result in an imminent safety and/or environmental hazard.

Work authorized under this general permit is temporary. After the immediate situation has been addressed, the permittee must either restore the site to as near pre-project conditions as practical, or must apply for a permit to maintain the work initially authorized under this general permit. Permit applications to maintain work initially authorized under this general permit will be processed in the normal manner to include a public notice, water quality certification from the Louisiana Department of Environmental Quality, and coastal use permit or other authorizations from the Louisiana Department of Natural Resources, Office of Coastal Management (OCM), where applicable.

The activities authorized by this general permit include, but are not limited to:

a. Placement of a drilling rig in open waters to drill a relief well.

b. Dredging and disposal of dredged material for movement of equipment to evacuate personnel, fight fires, shutoff blow-out wells, install and service pollution control equipment, and repair ruptured pipelines.

c. Dredging and placement of fill and/or structures to collect and confine oil or hazardous materials.

d. Dredging and deposition of dredged material to remove or re-float grounded, wrecked, burned out or sunken vessels and/or structures obstructing navigation channels and resulting in a hazard to public navigation.

e. Placement of fill to provide access to a location for placement of drilling rigs to drill relief wells.

In addition to the applicable conditions of our standard permit form (copy enclosed), the following conditions apply to this general permit:

a. Dredging and other activities will be the minimum necessary to address safety and environmental hazards.

b. Work performed under this general permit must be completed within 120 days of the date that the specific authorization was granted. If work is not completed within this time-frame, the permittee may request additional time to complete the work. The District Commander will consider granting any requests for a time-extension on a case-by-case basis.

c. Restoration is required in accordance with the following:

(1) Restoration plans must be submitted to the Regulatory Branch of this district within 30 days of the date when the authorization was granted by the New Orleans District under the general permit.

(2) The District Commander will consult with appropriate federal, state, and local agencies prior to authorization of restoration plans.

(3) The restoration work must begin within 30 days of the date of authorization of plans or

lesser time when so specified by the District Commander or his representative, unless a specific time extension is granted by the New Orleans District.

(4) Once begun, restoration work will be diligently prosecuted until completed.

(5) Disturbed wetland areas shall be restored to as near pre-project conditions as practicable.

d. In appropriate cases when it may be in the public interest to allow maintenance of structures, fill areas, and/or dredged areas installed under this general permit authorization, permittees must apply for and receive a Department of the Army permit. If the permit application is denied, restoration will proceed in accordance with condition c., immediately above.

e. Applications to maintain facilities authorized by this general permit must be submitted within 30 days of the date the authorization was granted by the New Orleans District for work under this general permit, unless a specific time extension is granted by the New Orleans District. Permit applications will be processed using regular procedures, including a public notice where applicable.

f. Requests to maintain facilities authorized under this general permit must include a completed application form, letter-sized drawings illustrating the location and scope of the work, and be mailed to the Regulatory Branch at the letterhead address above. Applications for work in the Louisiana Coastal Zone must also be sent to the OCM.

g. This general permit may be modified, suspended, or revoked by the District Commander any time it is found to be in the public interest to do so.

h. Authorizations under this general permit do not relieve permittees from obtaining permits or other authorizations from any required state or local agency, or the consent of the landowner. For response activities within the Louisiana Coastal Zone, applicants must also contact OCM at (225) 342-7591 for state authorization before performing the work.

i. Other permit conditions may be added in individual authorizations for work under this general permit to address site specific conditions or situations.

Procedures to be followed in administering this general permit are as follows:

a. The initial contact may be made in person or by telephone to one of the following numbers.

(1) Regulatory Branch
(504) 862-2255

(2 Eastern Evaluation Section
(504) 862-2044

(3) Central evaluation Section
(504) 862-2276

(4) Western Evaluation Section
(504) 862-2261

For work within the Louisiana Coastal Zone also contact the OCM at (225) 342-7591.

b. Authorization under this general permit may be granted upon initial contact provided the requester can present sufficient information on the location, nature, and extent of the work to establish that the safety or environmental hazard exists. When necessary, immediate verbal authorization may be granted to perform the work, however, in other cases a written request describing the need for the work, with sketches and maps, may be needed to establish that the project qualifies for authorization under the provisions of this general permit.

c. If authorization to proceed is granted at the initial contact, the permittee must supply written documentation of the work to be done within 1 working day of the authorization being granted, including necessary maps, drawings, and sketches.

d. Permittees will supply all other information necessary to establish a complete file.

e. Written authorization will be granted after all necessary information has been provided.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

[redacted]

Pete J. Serio
Chief, Regulatory Branch
for
Edward R. Fleming
Colonel, Corps of Engineers
District Engineer

Enclosures

DEPARTMENT OF THE ARMY PERMIT

Permittee _____

Permittee No. _____

Issuing Office _____

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Project Location:

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on _____. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

_____ _____

(PERMITTEE) *(DATE)*

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

_____ _____

(DISTRICT ENGINEER) *(DATE)*

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____

(TRANSFEREE) *(DATE)*

(REVERSE OF ENG FORM 1721)