



BREAZEALE, SACHSE & WILSON, L.L.P.
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HURRICANE RESPONSE: AIR ISSUES

Here is some information you may find helpful. LDEQ issued an emergency order in the wake of Hurricane Gustav that may impact your operation or allow you some regulatory flexibility as you respond to the situation created by the hurricane.

1. Minor repairs to a previously permitted source to restore it to its previous condition are approved without prior notice. However, you must notify the LDEQ within 30 days of commencing the repairs. Minor repairs are those that do not amount to reconstruction.
2. Temporary pollution control devices, such as portable flares and portable storage tanks used for interim storage while damaged equipment is being repaired, will be considered by LDEQ on an individual bases. You must request approval from LDEQ.
3. LDEQ authored the use of "temporary portable emergency internal combustion engines, including, but not limited to, electrical power generators," until the earlier of Sep. 12 or the restoration of normal operations, if (among other things) the owner/operator notifies LDEQ by Sep. 8, complies with applicable federal requirements, includes emissions from all such emergency engines in its annual emissions statement. and keeps detailed records of the date the unit is delivered; its make, model, and manufacturer's rated horsepower; the fuel type; total operating time; and the date the unit was removed from the site (and reports all such information to LDEQ no later than October 15, 2008.



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John B. King's principal areas of practice include environmental and oil and gas regulatory permitting and defense, compliance assistance, toxic tort defense, and litigation.