Petition challenges DEQ handling of asbestos permit

By BOB ANDERSON

Louisiana Air Quality Regulations require “investigations, reporting, analysis and public comments” before issuing such a permit, Adams says in his petition.

“The record of the LADCO application is completely void of any evidence that the Office of Air Quality conducted the investigation required. There is no statement in the approval regarding any investigation nor is there any separate investigative report. The only documentation supporting the approval is the application of LADCO itself,” the petition states.

“Airborne asbestos fibers are some of the most toxic substances known, and, if LADCO fails to handle or dispose of the waste asbestos properly, airborne fibers may reach petitioner’s residence which is in the vicinity of the proposed site,” the document continues.

“It appears from the record that DEQ relies solely on the documents and information supplied LADCO and did not exercise independent investigation and decision making. There is no evidence in the record to support the decision to grant the approval,” the petition states. “This constitutes an arbitrary and capricious abuse of discretion by DEQ and was done without observance of the procedures required by law.”

Gus Von Bodungen, DEQ’s assistant secretary in charge of air quality, did not return the Morning Advocate’s call to comment on the matter.

The petition also states that since the initial granting of the petition, LADCO changed the location of the proposed site after the U.S. Army Corps of Engineers determined that the first site is a wetland. The record is also “completely void of any evidence that the new site had been subject to the investigation required” by the DEQ regulations, Adams’ petition states.

The petition also asks that
proceedings to exempt the site from jurisdiction of the Office of Solid and Hazardous Waste be dismissed.

There is no such application on record, but the Office of Solid Waste “initiated proceedings as if LADCO had applied for an exemption...,” according to the petition.

John Koury, DEQ assistant secretary for solid and hazardous waste, was in a meeting Wednesday, according to his secretary, and could not be reached for comment.

“There is no statutory provision that authorizes the department to grant an ‘exemption’ from the solid waste laws,” Adams’ petition states. State law “specifically requires the secretary to adopt regulations for the ‘permitting of all solid waste disposal facilities...’

In a letter to DEQ describing the operation, the company maintains it “will take all necessary precautions to ensure the safety of the general public and will strive to keep its disposal site neat and orderly.

“Actual burial of the package waste will be done by a track-type backhoe rather than by bulldozer in order to minimize the chances of bags ripping or tearing,” the letter states.

Burial of the asbestos-containing waste will be in “acordance with all applicable federal and state regulations,” LADCO says.