Operations Division
Regulatory Branch

SUBJECT: EM-19-970-4840-1
SE(General Permit)NOD-20

GENERAL PERMIT

EMERGENCY OPERATIONS

WITHIN THE NEW ORLEANS DISTRICT

Authorization No.: (General Permit)NOD-20
Initial Effective Date: November 1, 1982
Expiration Date: October 31, 2007

Under authorization granted by Part 325.8(b) of Title 33, Code of Federal Regulations, the District Engineer at New Orleans has granted this general permit for certain emergency operations as described. 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 such emergencies as oil or gas well blowouts, pipeline explosions or ruptures, explosions, fires, oil or hazardous materials spills, and shipwrecks or sinkings of vessels in navigation channels or similar situations which would result in an imminent safety and/or environmental hazard, loss of property, or immediate economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process an application.

Approval to perform work under this general permit does <u>not</u> replace normal permitting approval required under our regulations. Authorization under the general permit is a <u>temporary approval</u> to allow the applicant to perform work under emergency situations. After the emergency situation has been addressed, the applicant must either restore the site to as near preproject conditions as practical, or must apply for a permit

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to maintain the work initially authorized under the general permit. Permit applications to maintain work initially authorized under this general permit would 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 approval from the Louisiana Department of Natural Resources, Coastal Management Division, where applicable.

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

a. Emergency placement of a drilling rig in open waters to drill a shutoff well.

b. Emergency 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. Emergency dredging and placement of fills to collect and confine oil or hazardous materials.

d. Emergency dredging and deposition of dredged material to remove or re-float grounded, wrecked, burned out or sunken vessels blocking major navigation channels.

e. Emergency placement of fills to provide access to a location for placement of drilling rigs to drill shutoff 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 meet the emergency.

b. 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 approval was granted by the New Orleans District for the emergency work under the general permit.

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

(3) The restoration work must begin within 30 days of approval of plans or lesser time when so specified by the District Engineer 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 preproject conditions as practicable.

c. In appropriate cases when it may be in the public interest to allow maintenance of structures, fills, 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 b., immediately above.

d. Applications to maintain facilities authorized by this general permit must be submitted within 30 days of the date when the approval was granted by the New Orleans District for the emergency work under the 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.

e. Requests to maintain facilities authorized under this general permit must include a completed application form (ENG 4345), 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 Louisiana Department of Natural Resources, Coastal Management Division.

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

g. Approval under this general permit does not relieve permittees from obtaining emergency permits or other approvals from any required state or local agency, or the consent of the landowner. For emergency work within the Louisiana Coastal Zone, applicant's must also contact Louisiana Department of Natural Resources, Coastal Management Division at (225) 342-7591 for specific approval before performing the emergency work.

h. Other conditions may be added in individual approvals 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) Western Evaluation Section
(504) 862-2044

(3) Eastern Evaluation Section
(504) 862-2261

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 emergency situation exists. Depending on the extent of the emergency, immediate verbal authorization may be granted to perform the work, however, in other cases a written request explaining the emergency, with sketches and maps, may be needed to establish that the project qualifies for approval under the provisions of the emergency 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 approval being granted, including necessary maps, drawings, and sketches.

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

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