



U.S. Department of Justice

Environment and Natural Resources Division

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May 28, 2015

By E-mail

Glenn H. Curtis
Major General, Louisiana National Guard
Office of the Adjutant General
6400 St. Claude Ave.
Jackson Barracks
New Orleans, LA 70117

Re: Camp Minden removal action

Dear Major General Curtis:

I am writing in response to your letter of May 22, 2015, requesting certain assurances concerning payment for removal work to be performed at the Explo Systems, Inc. site at Camp Minden, Louisiana. I am representing the Army in this case, and this letter has been approved by that Agency.

The United States, on behalf of the United States Army, agrees to pay 100% of the "Future Removal Costs" (as defined in the October 2014 AOC) for on-site destruction of Camp Minden materials using a contained-burn system, as proposed by the Louisiana Military Department on April 14, 2015, and approved in EPA's letter of May 8, 2015.

Our understanding is that EPA Region 6 regards this contained-burn technology as open burn with the addition of an emission control system. We are willing to construe the open-burn technology with an added emission control system to be consistent with the AOC.

The United States on behalf of the Army will adhere to the payment process set forth in Paragraph 38.1 of the AOC. In that regard, while the Army (through its DOJ counsel) will certainly process future payment requests as expeditiously as practicable, the AOC does not require payment of an updated cost estimate "within 45 days of submission," as suggested in your May 22 letter. Rather, the AOC provides that payment of 80% of the amount by which any updated cost estimate exceeds the Army's original \$19.1 million payment will be made "as soon as reasonably practicable after receiving [such an] estimate, provided DOJ approves the updated cost estimate and invoice." AOC ¶ 38.1.b. Forty-five days is the amount of time that DOJ has "to review and approve, approve with modifications, or disapprove" any updated cost estimate

submitted by the State. Id. Only after that review process is complete can a request for payment be submitted for final approval to the Department of the Treasury.

We hope that this will enable the State to move towards what all parties agree is the ultimate goal – *i.e.*, the safe and expeditious destruction of the remaining Camp Minden materials. If you have further questions, please feel free to contact me.

Sincerely,



Erica M. Zilioli
Trial Attorney
Environmental Defense Section

cc: Ron Curry, Administrator, EPA Region VI.