

Waste Permitting

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Waste Permitting
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Topics

- 2010 Legislative Session
- Update on the Revisions to the Solid Waste Regulations
- Basics to Waste Permitting
- Solid Waste Permitting
- Hazardous Waste Permitting
- Emergency Debris Site – Pre-approvals
- Coal Ash Update

2010 Legislative Session

1. **Act 152** – Excludes non-processing transfer facilities from the definition of ***Solid Waste Disposal Facility***.
2. **Act 153** – Allows for the department to develop regulatory permits for certain waste processing or disposal facilities, with exceptions – notably landfills and land farms.
3. **Act 982** – Allows for a permit for a solid waste landfill to be issued for a term equaling the estimated life of the landfill based on capacity, but not to exceed 20 years.
4. **Act 983** – Provides for a buffer zone of 300 feet between landfills and other solid waste disposal facilities and churches, but does not apply to facilities that are existing as of April 1, 2010, or any future expansions at these facilities.

2010 Legislative Session (continued):

5. **Act 665** – Prohibits DEQ from authorizing or permitting a residential or commercial solid waste disposal facility or a C&D disposal facility within 10,000 feet of the Acadiana Regional Airport if the facility will not be in compliance with local zoning ordinances. Those ordinances shall comply with any FAA order, regulation, circular, safety guideline, recommendation or other official document pertaining to aviation safety and land use.

2010 Legislative Session (continued):

6. **Act 49** – Pertains to the authority of the secretary to delegate permitting actions, in this case regulatory permits, to the assistant secretary.
7. **Act 862** – Provides for changes to the emergency response requirements for waste facilities. Specifically, no application shall be filed with or accepted by the department prior to the applicant obtaining approval for their emergency response plan from the state fire marshal's office.
8. **Act 986** – Provides an opportunity for the permit applicant to review and provide comments on draft waste permits prior to a draft permit actually being issued.

Update on the Revisions to the Solid Waste Regulations

Regulations being amended based on recommendations from a workgroup consisting of representatives of regulated industry, consulting firms, attorneys, environmental protection groups, geologists, engineers, LCA, LMOGA, and LDEQ personnel from enforcement, surveillance, waste permitting, geology, and engineering

Purpose:

Develop a path forward to implement opportunities for streamlining the permit process and develop recommendations for changes to both regulations and statutes

Current Status:

The package has been developed and is currently undergoing in-house review at DEQ.

Phase I Changes:

1. Permit System Changes Include:
 - A. Standardized applications that are specific to the type of permit being requested.
 - B. Pre-application requirements pertaining to capacity evaluations, zoning, and public notice.
 - C. Written draft permits with fact sheets that detail the justifications for included permit conditions.
 - D. Construction schedules.
 - E. Permits for landfills may be issued for a term of up to 20 years versus the standard 10 years for all others.
 - F. Written final permits issued through the department's TEMPO system.

Phase I Changes (continued):

2. Addition of definitions and changes to other definitions.
3. Added an exemption for compaction that occurs in transportation vehicles and municipal or parish collection containers.
4. Added a requirement for holders of temporary permits to meet the financial assurance requirements of LAC 33:VII.Chapter 13.
5. Added closure, general, and regulatory permits as permit type options.

Phase I Changes (continued):

6. Speculative accumulation prohibition added.
7. Added requirements for an annual certification of compliance.
8. Financial assurance changes including:
 - A. Deletion of requirement to maintain liability coverage.
 - B. Timeframe for achieving compliance with financial assurance for new facility versus existing facility.
 - C. Pay-in period for trust fund changes.
 - D. Allowance for minor deviations in language (must be approved prior to use).
 - E. Allowance for local government financial test and local government guarantee to be utilized with other financial assurance mechanisms.

Phase I Changes (continued):

9. Changes in buffer zones required by Act 983 of the Regular Session, 2010. The Act specifies a 300' buffer zone for facilities that share a property line with a structure currently being used as a church. This will not affect facilities that exist on April 1, 2010 or expansions at those facilities.

Waste Permits Division

- The Waste Permits Division is responsible for all activities pertaining to the permitting of existing and proposed solid and hazardous waste processing and disposal facilities.
- Facilities include, but are not limited to:
 - Sanitary landfills
 - Industrial landfills
 - Hazardous waste landfills
 - Surface impoundments
 - Landfarms
 - Incinerators
 - Transfer stations
 - Resource recovery facilities
 - Refuse-derived fuel facilities



Waste Permits Division

The Division is divided into sections:

- Permitting
- Engineering
- Geology

Basic Process

Application Received



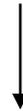
Administrative Review



Public Notice



Technical Review



Draft Permit, Including Public Notice



Final Permit



Public Notice of Final Decision

2009-2010 Goals

- Hazardous Waste Issued 8 permits in the 09-10 fiscal year=100%
- Solid Waste issued 65 permit decisions for Initials, renewals, Major mods in the 09-10 fiscal year = 154%

Solid Waste Goals

- There are only **three (3) remaining** Orders to Upgrade.
- There are 65 Pending permits in the Solid Waste Universe
- PER1994 = 19
- PER1996 = 1
- PER1997 = 2
- PER1999 = 2
- PER2000 = 6
- PER2001 = 2
- PER2002 = 2
- PER2005 = 2
- PER2006 = 7
- PER2007 = 4
- PER2008 = 4
- PER2009 = 7
- PER2010 = 7
- 85% estimated to be issued by June 30, 2011

Hazardous Waste Goals

- Initial Operating Permit, Commercial =1
- Renewal, Post Closure Permits =2

- 100% estimated to be issued by
September 30, 2011

Emergency Debris Management



Emergency Debris Management

After hurricanes Katrina and Rita, the Louisiana legislature found that a plan for future events is vital to the protection and welfare of the citizens of Louisiana. The legislature directed LDEQ to prepare and implement a comprehensive management plan for debris generated by natural disasters.

LDEQ maintains a **Comprehensive Plan for Disaster Clean-up and Debris Management**, last revised July 1, 2009. (available at <http://www.deq.louisiana.gov/portal/tabid/2853/Default.aspx>)

Emergency Debris Management Pre-approved Sites

Section 5.0 of the plan describes the need for pre-approved sites for agencies and local governments. In compliance with this part, LDEQ has begun issuing pre-approvals for certain sites requested by other agencies (such as DOTD) and local governments (such as parishes).

Emergency Debris Management Pre-approved Sites

Current system:

Local governments or agencies apply for a site to be pre-approved for use in an emergency by submitting a Emergency Debris Management Site (EDMS) Evaluation & Request Form.

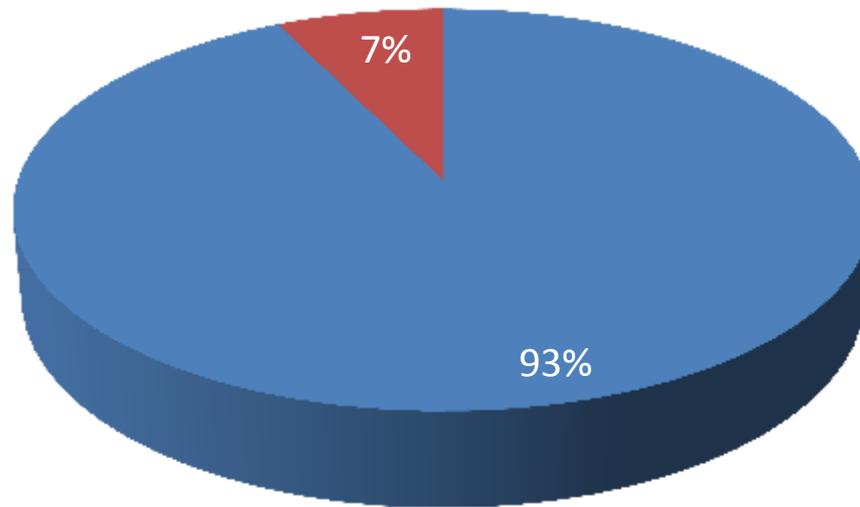
Once the form is received and evaluated, personnel from LDEQ's Surveillance Division conduct an inspection to determine suitability of the site.

If the site is found acceptable, the site is approved via an Order.

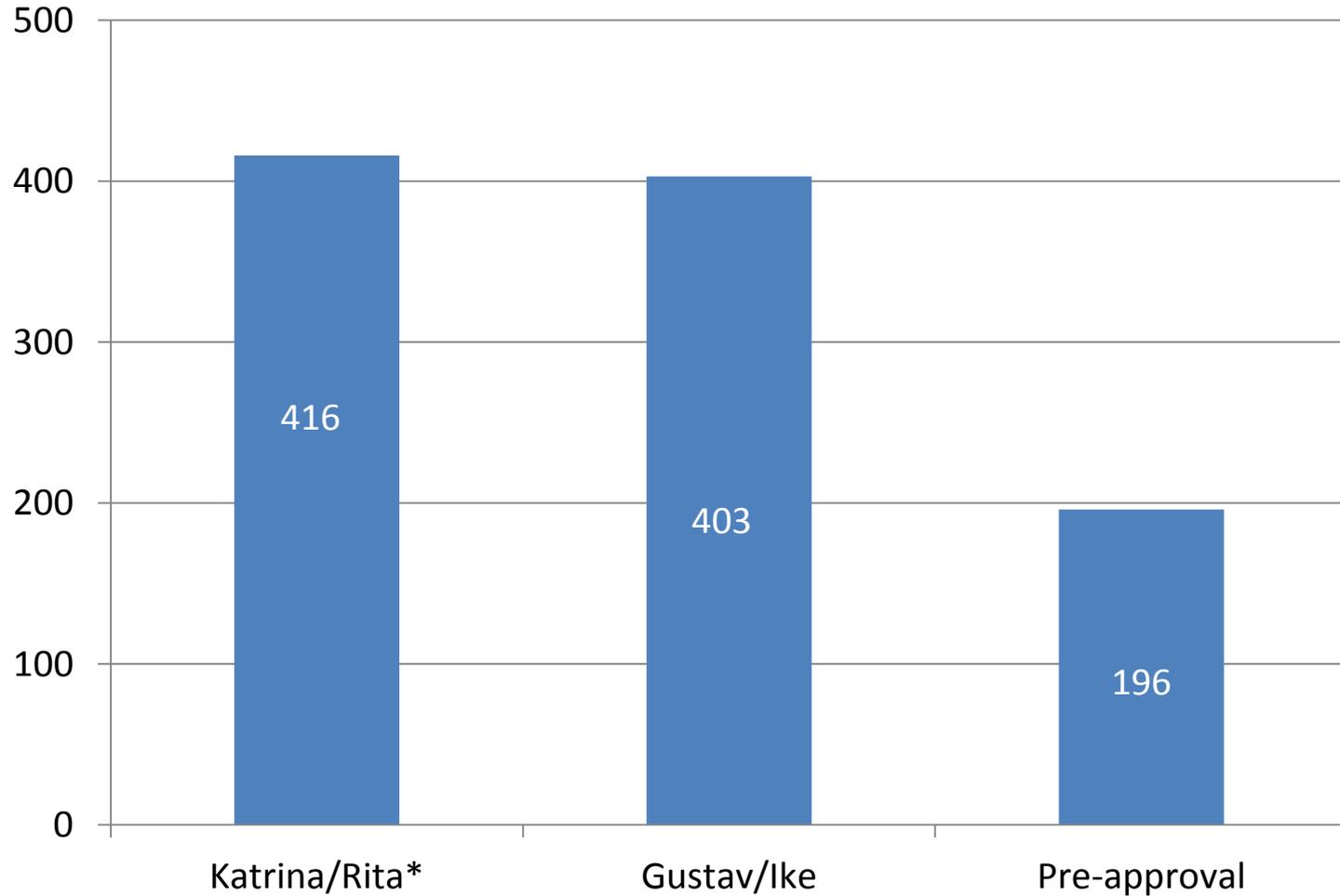
Emergency Debris Management Pre-approved Sites

Status of Pre-approval Sites

■ Issued ■ Pending Approval



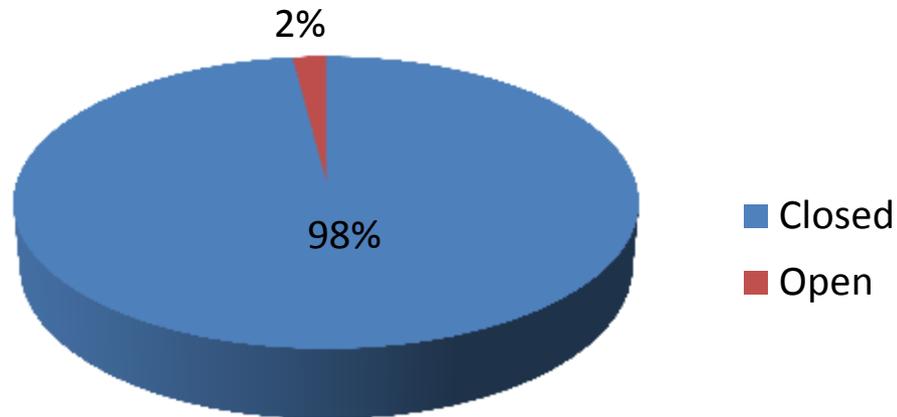
Emergency Debris Management



*Katrina/Rita numbers are approximate.

Emergency Debris Management

Status of Gustav/Ike Sites



Emergency Debris Management Pre-approved Sites

Future system:

LDEQ proposes to promulgate a regulatory permit covering the sites to be used in an emergency. As long as the site meets the requirements promulgated in the regulatory permit, the site will be considered a permitted pre-approved emergency debris site.

Coal Ash



Coal Ash Proposed Rules from EPA

- EPA has proposed two options for handling coal ash:
 - Coal Ash becomes listed hazardous waste except where beneficially reused.
 - Coal Ash remains non-hazardous solid waste.
 - Comment period supposed to end on September 19, 2010, reportedly is being extended to November 19, 2010.

Subtitle C Proposal

- Coal Ash becomes listed hazardous waste except where beneficially reused
- Listing would be new category, “Special Waste” (waste code S001) to try to avoid stigma of hazardous waste label
- Surface impoundments (wet disposal) would have to retrofit w/liners – would effectively be phased out
- Landfills will have to be constructed essentially by Subtitle D requirements, with 60 mil liner + 2 ft clay, plus GW monitoring (existing landfills do not have to retrofit)
- Rule will be Federally enforceable
- May have strong detrimental effect on beneficial reuse of coal ash

Subtitle D Proposal

- Coal Ash remains non-hazardous solid waste
- Rule will not be Federally enforceable, but will add to existing Federal standards for SW landfills and impoundments (40 CFR 257)
- Surface impoundments (wet disposal) would have to retrofit w/liners (but “D prime” sub-option would allow existing impoundments to continue to operate without retrofitting)
- Landfills will have to be constructed essentially by Subtitle D requirements, with 60 mil liner + 2 ft clay, plus GW monitoring (existing landfills do not have to retrofit)
- “D prime” option would have the least impact on LA utilities
- LDEQ has already been successfully regulating coal ash impoundments and landfills under SW permitting program since 1983

QUESTIONS?

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