

# **Solid Waste Regulatory Update**

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# Overview

- Solid Waste Regulations – Title 33, Part VII of the LA Administrative Code (LAC 33:VII)
- Effective Date of New Regulations – **June 20, 2007**
- Regulations were re-structured and re-organized
- Substantive changes also made

# Solid Waste Regulatory History

- Early 1990s - major revisions to Solid Waste Regulations made
- Only minor revisions made since then
- 2004 – decision made to evaluate regulations
- Solid Waste Interest Group met for months
  - Goal: to render regulations more user-friendly

# Applicability of New Regulations

- LAC 33:VII.107
- Applicants that have submitted permit applications, renewals, or modification requests prior to 6/20/07 are not required to revise their previously submitted documents to address new regulations, unless LDEQ directs otherwise, in writing.

# Definitions

- LAC 33:VII.115
- New Definitions include, but are not limited to:
  - abandonment;
  - air curtain destructor;
  - collection facility;
  - Exploration & Production (E&P) waste;
  - transfer station (non-processing); and
  - transfer station (processing).

# Abandonment

- To leave behind/desert solid waste at a location without adhering to the standards required by the regulations.
- Proper storage of solid waste is not abandonment.

# Air Curtain Destructor

- A device that forcefully projects a curtain of air across an open chamber or pit in which combustion occurs.
- Can be constructed above or below ground and with/without refractory walls or floor.
- Also called bit burners, trench burners, air curtain incinerators.

# Collection Facility

- A facility where containers are located, that is used to accumulate solid waste generated and delivered by more than one household or commercial establishment, for pickup by a transporter.
- Includes facilities typically located in rural areas where garbage collection does not occur.



# Exploration & Production (E&P) Waste

- Drilling wastes, salt water, and other wastes that are associated with the exploration, development, or production of crude oil or natural gas wells, and that are not regulated under the LA Hazardous Waste regulations or RCRA.

# Transfer Stations

- Non-processing - a facility where solid waste is transferred from collection vehicles to other vehicles for transportation, without processing. (vehicle to vehicle)
- Processing – a facility where solid waste is transferred from collection vehicles, processed, and placed in other vehicles for transportation. (waste hits floor and is processed)

# Omitted Definitions

- Cation-Exchange Capacity
- Friable Asbestos Waste
- Mandatory Modification Document
- Observation Well
- Pickup Station
- Sanitary Landfill (“landfill” is still defined)

# Revised Definitions

- **Construction/Demolition Debris**
  - Added that it includes nonhazardous waste that is produced in the process of construction, remodeling, repair, renovation, or demolition of structures, including residential and nonresidential buildings.
- **Disposal**
  - Added that abandonment of solid waste is also considered disposal.
- **Modification**
  - Added that a facility name change does **not** constitute a modification.

# New Technologies

- LAC 33:VII.117
- Allows for submittal of request for experimental operations for new technologies (i.e., use of alternate daily cover) prior to requesting permit modification.
- Objective: to facilitate experimental operations to develop new methods or technologies.
- Detailed proposal required.
- Initial experimental operations **limited to two years.** Continuance may be granted.

# Exempted Wastes

- LAC 33:VII.303
- Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of the Regulations
- This section was revised to include “spent blasting sand generated from the preparation of unpainted surfaces.” (See, §303.13)

# Exempted Facilities

- LAC 33:VII.305
- Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations
- Added:
  - Recycling facilities that receive only source separated recyclables
  - Hospitals and other health care facilities that store or treat regulated infectious waste generated on-site or that accept waste from off-site subsidiaries

## Exempted Facilities (continued)

- Also added to existing exemption for facilities which process or reuse on-site-generated, nonhazardous, petroleum-contaminated media and debris from UST corrective action or other remedial activities, **remedial action resulting from an order issued by LDEQ per LA. RS 30:2275 that involves the processing of solid waste by the facility**



# Exemptions

- LAC 33:VII.307
- Provisions largely unchanged
- Minor revision: size of public notice no longer specified

# Mandatory Provisions

- LAC 33:VII.315
- Now explicitly requires that all solid waste be processed or disposed of at a permitted solid waste facility, unless otherwise provided in the regulations
- Abandonment of solid waste now considered an act of disposal
- Added that no solid waste shall be stored at an off-site location unless authorized by LDEQ (except if off-site location is an authorized transfer station or collection, processing, or disposal facility)

# Permit Process for Existing & Proposed Facilities

- LAC 33:VII.513
- Public notice of intent to submit permit application must be published **1 to 45 days** prior to submission of application to LDEQ (used to read “no sooner than 45 days...”)
- Size requirements for notice no longer specified (formerly, 3 columns by 5 inches required)
- Now must submit **six** copies of permit application (formerly, only four copies required)

# Modifications

- LAC 33:VII.517
- Now, six copies required. Only four copies required previously.
- Major Modifications no longer include:
  - Decrease in capacity
  - Decrease in personnel or equipment associated with a reasonable reduction in waste acceptance
  - Decrease in operating hours/days of operation
  - Change in type of cover material
  - Vertical expansions with no net increase of in-place volume.
- Now, LDEQ publishes notice; applicant bears cost (formerly, applicant published notice).

# Part I. Permit Application Form

- LAC 33:VII.519
- A-M changed to A.1-18
- Requirement that letter from LRRDA (LA Resource Recovery and Development Authority) stating that operation conforms with statewide plan be provided completely removed
- Permit Application Form itself no longer in appendix within regulations; now, directed to obtain form from Waste Permits Division or LDEQ website

# Compliance Information

- LAC 33:VII.520
- Unchanged
- Applicants must still comply with requirements of LAC 33:I.1701

# Part II. Supplementary Information

- LAC 33:VII.521
- Substantive content/requirements largely unchanged
- Of note: all geology-related provisions moved to **§522** in new regulations and re-named (i.e., general facility geology, subsurface characterization, facility groundwater monitoring)
- Much “cleaner” and more user-friendly to have geology provisions in separate section

## Part III. Additional Supplementary Information (aka IT Questions)

- LAC 33:VII.523
- Content of five questions unchanged
- **§523.B** added. Applications for renewal/extension of an existing permit need not include information in §523 **unless** said renewal/extension includes changes that must be addressed as major applications



# Standards

- LAC 33:VII.709, 711, 713, 715, 717, 719, 721, 723, 725
- These sections largely unchanged

# Geology Standards

- Now located in **Chapter 8** “Standards Governing General Facility Geology, Subsurface Characterization, and Facility Groundwater Monitoring . . .”
- These standards formerly in §709.C-E; it is much “cleaner” to have them in separate section
- Revisions to these standards include:
  - a structure contour map and an isopach map are now required for the uppermost permeable unit and its lower confining unit
  - water levels of piezometers and monitoring wells used for determining groundwater flow directions must now be measured **at least four times in a one-year period (quarterly)** to provide seasonal and temporal fluctuations in groundwater flow rates and directions.
  - a new decision tree was added as a reference for use in the selection of an appropriate statistical procedure to evaluate groundwater data (See, Section 3005, Appendix C)

# Financial Assurance

- LAC 33:VII.Chapter 13
- Formerly §727
- Reorganized these regulations; content largely unchanged
- Instead of financial document wording being embedded in regulations, it is now located in separate section (§1399).
- Much “cleaner” and more user-friendly

# On-Site Soil Reuse

- LAC 33:VII.1103.A
- Soil with contaminant levels at or below RECAP **non-industrial standards** is exempt from the regulations and may be re-used on-site if:
  - The soil is *in situ* contaminated soil
  - The soil does **not** include sludges and sediments from regulated solid waste units
  - Records are maintained documenting soils reused (i.e., soil source, quantities, and site locations where soil was reused)

# On-Site Soil Reuse (continued)

- LAC 33:VII.1103.B
- Soil with contaminant levels at or below RECAP standards applicable to surface soil located in area meeting the industrial standards (MO-1 or MO-2) is exempt from the regulations and may be reused on-site if:
  - The property is an industrial/commercial property
  - LDEQ is notified of intent to reuse soil. (Notification must contain information specified in regulations.)
  - On-site soil re-use plan is submitted
  - LDEQ approves plan

# Beneficial Use of Other Solid Waste

- LAC 33:VII.1105
- Provisions substantially revised.
- Information required in application is listed in only **one** section (five sections previously). No permit application **form** provided and **no detailed standards** contained in new regulations.
- Previous regulations required written documentation from a third party (i.e., La DOTD) that the proposed activity is a legitimate beneficial use of solid waste. This is no longer required.
- Annual reports including quantities and types of solid waste beneficially used no longer required.

# Thank You & Happy Halloween!!!

