



Solid Waste Revisions to The Regulations

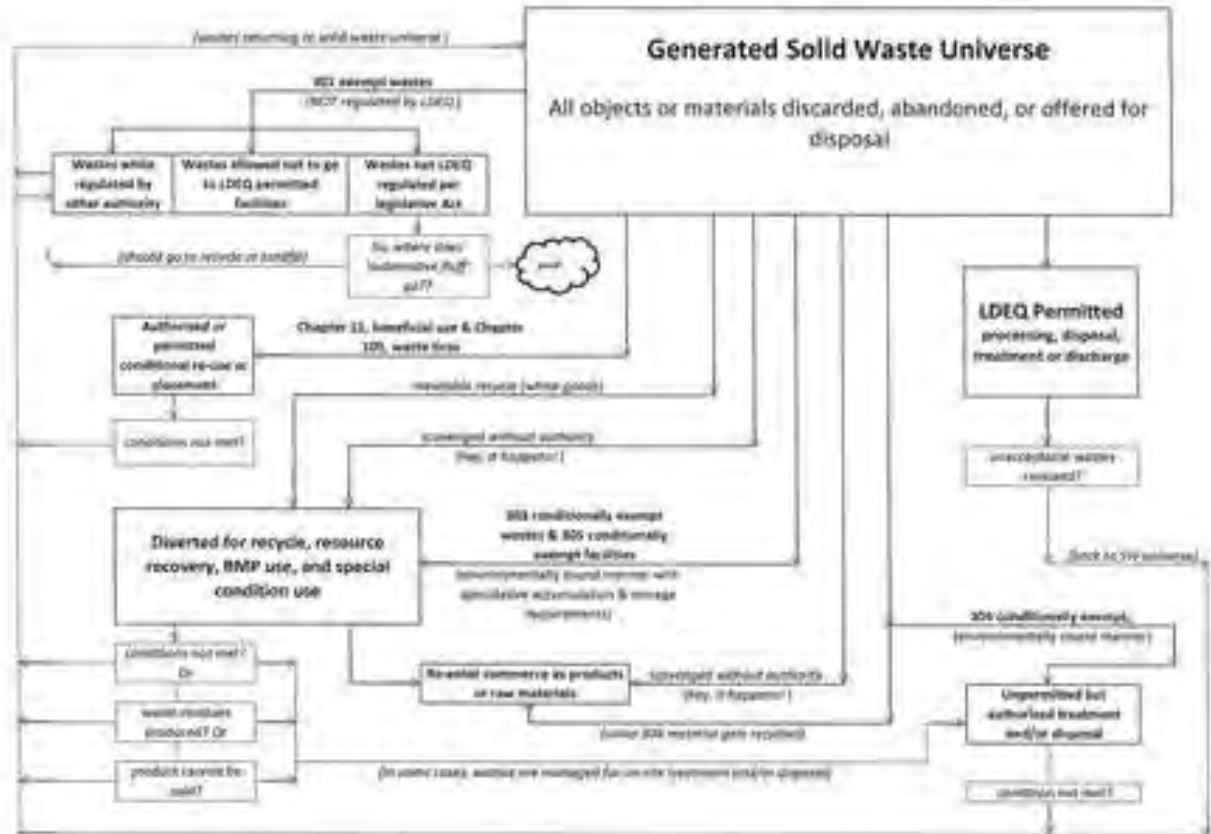
“Changing The Way Garbage Flows”

**Air & Waste Management Association
Louisiana Section
Environmental Focus 2015**

October 29, 2015

Mike Hahn

**LDEQ Waste Permits Division
Phone: (225) 219-3464
Email: mike.hahn@la.gov**





Solid Waste Revisions to The Regulations

“Changing The Way Garbage Flows”

- **START:** Circa 2006
- **PURPOSE:** Investigate opportunities to improve the permit process; promote resource recovery & recycling
- **STRATEGY:** Propose revisions to regs based on workgroup recommendations
- **STAKEHOLDERS:** Environmental advocacy groups; regulated industry; LA Chemical Association (LCA); LA Mid-Continent Oil & Gas Association (LMOGA); consultants; LDEQ (permitting, inspections, & enforcement); geologists, engineers, environmental scientists & attorneys
- **RESULTS THUS FAR:** three major revision phases
- ***NOTE: All proposals are tentative and subject to change.***



Solid Waste Management

Existing Regulatory Framework Overview

- ‘Solid Waste’ is basically ‘anything discarded or abandoned’; even if segregated for recycling or resource recovery, it remains SW until returned to commerce or authorized beneficial use
- ‘Process’ is anything done to change the character or composition of a SW
- SW categories: municipal, commercial, industrial, construction & demolition (C&D); woodwaste
- Permitted SW facility types: Type I (industrial); Type II (commercial & municipal); Type III (C&D & woodwaste disposal, composting, separating recyclables)
- SW Management:
 - Standards for collection, storage & transport, but not permitted
 - Permitted processing & disposal facilities
 - Approved beneficial use plans
- RCRA Subtitle D mostly regulates municipal solid waste landfills



Solid Waste Management

Existing Regulatory Framework Overview

(Continued)

- **Exempt SW & Facilities (from all or part of regulations):**
 - **Section 301:** conditionally exempts specific SW from all regulations (regulated by other authorities and will not be processed or disposed at permitted SW facilities), & unconditionally exempts specific materials from SW definition by law
 - Examples: agricultural, mining, O&G, sewage sludge, hazardous waste
 - **Section 303:** conditionally exempts specific SW from permitting requirements & processing/disposal standards if managed 'in an environmentally sound manner'
 - Examples: woodwaste beneficially used under BMP, spent blasting sand from unpainted surfaces
 - **Section 305:** conditionally exempts specific SW facilities from permitting requirements & standards if operated 'in an environmentally sound manner'
 - Examples: on-site vegetative debris & C&D debris disposal; on-site shredders, autoclaves, balers, & compactors



Existing SW Regulations Perceived Shortcomings

By letter of the law, current SW management pipeline is strict:

- **Section 303 (waste conditionally exempt from permitting and processing/disposal standards):** but not exempt from storage or speculative accumulation standards & requirements
- **Section 315.O:** generators must offer SW only to transporters & processing/disposal facilities authorized or permitted to receive and/or manage the generators' SW
- **Section 401.A:** all SW transporters must notify LDEQ (Notification, 401.A)

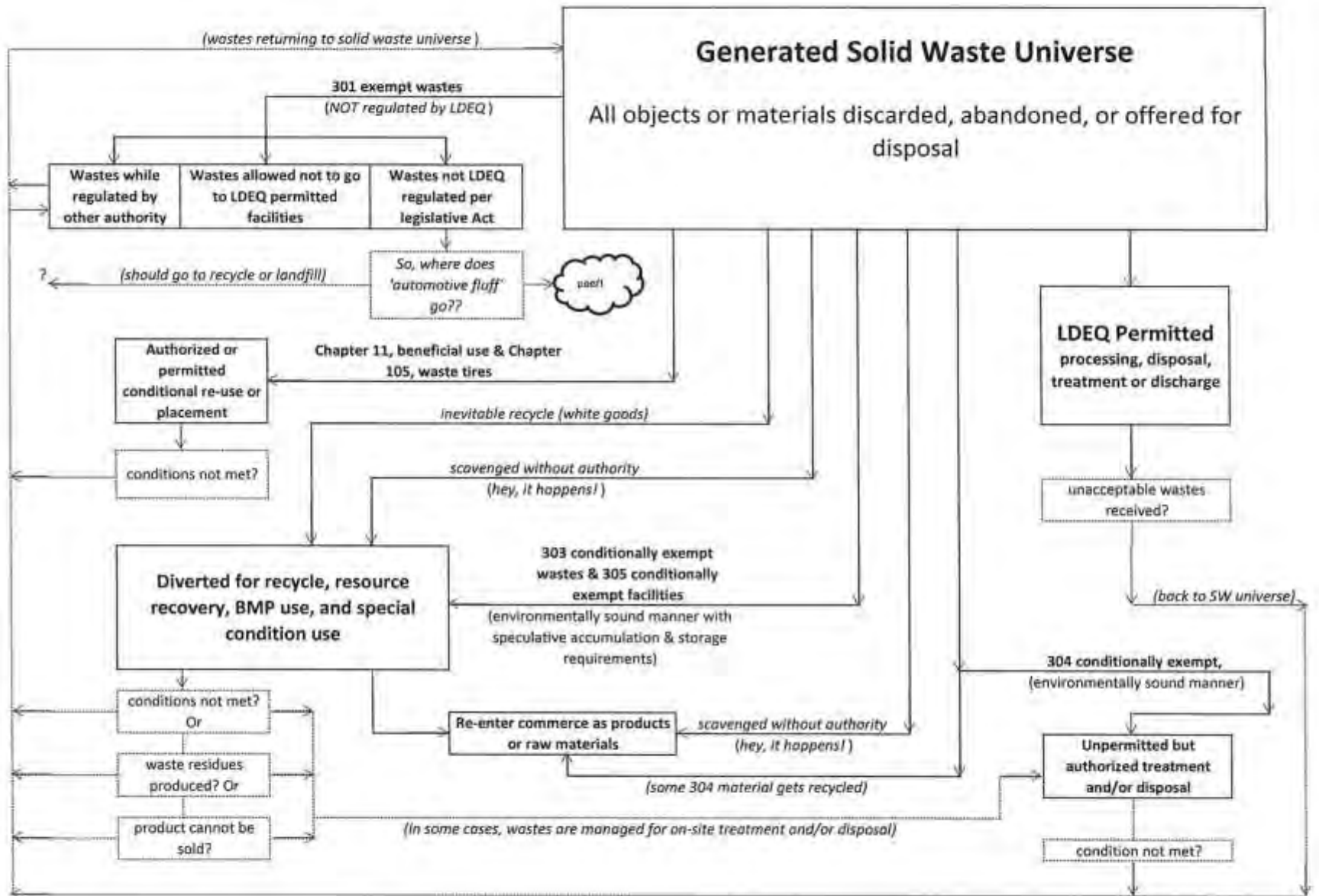


Existing SW Regulations Perceived Shortcomings

(Continued)

By letter of the law, current SW management pipeline is strict:

- **Section 505.D:** all SW shall only be transported, for processing or disposal, to facilities permitted to receive such waste
- **‘Process’:** too broadly defined, and all ‘processing’ activities require a permit
 - Examples: producing lumber, firewood, or mulch from discarded trees currently requires a SW processing permit
- **Alternatives needed:** some SW need revised definition & explicit exemption to protect & encourage legitimate resource recovery or beneficial use
 - Examples: vegetative debris, spent asphaltic material, spent abrasives





Phase I

Summary of SW053

(Finalized November 20, 2011)

- **Permit System Changes:** standardized permit applications; pre-application requirements; written draft permits; construction schedules, etc.
- **Provides** for TEMPO-generated permits
- **Exempts** compaction 'process' in vehicles & collection containers
- **Provides** for closure, general, and regulatory permits
- **Prohibits** speculative accumulation
- **Requires** annual certification-of-compliance
- **Financial assurance changes:** liability coverage (delete); compliance timeframes; trust fund pay-in period; allowance for minor deviations; allow local government financial test/corporate guarantee to be used with other mechanisms; requirement for temporary permits, etc.
- **300-foot buffer zone** next to churches



Phase II

LDEQ Committee Members

TECHNICAL ADVISOR

Patrick Devillier, Engineer
LDEQ Waste Permits Division
Phone: 225 219-3466
Email: patrick.devillier@la.gov

TECHNICAL EDITOR

Jodie Diamond, ES Supervisor
LDEQ Waste Permits Division
Phone: (225) 219-3464
Email: mike.hahn@la.gov

CHAIRMAN

Dutch Donlon, Administrator
LDEQ Waste Permits Division
Phone: (225) 219-3386
Email: dutch.donlon@la.gov

COORDINATOR

Mia Townsel, ES Manager
LDEQ Waste Permits Division
Phone: (225) 219-3043
Email: mia.townsel@la.gov

MODERATOR

Mike Hahn, Staff Environmental Scientist
LDEQ Waste Permits Division
Phone: (225) 219-3464
Email: mike.hahn@la.gov



Phase II

Summary of Progress

- Three Working Subgroups Formed:
 - General
 - Recycling
 - Geology & Groundwater (now moved to Phase III)
- LDEQ Waste Permits Division has drafted proposed revisions
- Proposed Rule SW060 and SW061 are now posted on LDEQ website for review; still undergoing internal review
- Focus of SW060
 - Encourages resource recovery (aka, recycling, reuse)
 - De-regulates vegetative debris (as much as possible)
 - Addresses various other issues
- *Focus of SW061*
 - Chapter 11 - SW Beneficial Use
 - Includes 'soil reuse' and incorporates RECAP standards



Phase II

Major Proposed Changes in SW060

- **Changes to Definitions**

- **Newly defines** '*discard*', 'best management practices', 'impacted', '*environmentally sound manner*', 'resource recovery activities', 'substantial business relationship', 'Type III-A facility', 'vegetative debris', etc.
- **Modifies** '*abandonment*', 'construction/demolition debris', 'industrial solid waste', 'non-processing transfer station', 'separation facility', 'transfer station (processing)', 'Type I-A & II-A', etc.
- **Modifies** 'process' as applicable only to SW destined for disposal, but not to SW managed for resource recovery performed in an environmentally sound manner
- **Modifies** 'woodwaste' to exclude yard trash and other vegetative debris
- **Removes** 'yard trash' (incorporated into 'vegetative debris')
- **Modifies** 'putrescible' to specifically exclude dry wall or gypsum board
 - In a C/D landfill, wet wallboard biodegrades to produce H₂S (noticeable odor)

** Red lettered items were originally proposed in the workgroup, but did not make the final version.*



Phase II

Major Proposed Changes in SW060

(Continued)

- **A.1.h of Section 301(SW conditionally exempt SW from all regulation):** modified to ensure medical waste is exempt from SW regulation only while subject to other regulatory authorities (LDHH)
- **Section 303 (SW conditionally exempt from permitting requirements & processing/disposal standards):** modified to explicitly state that storage & speculative accumulation regulations do apply to these conditionally exempt materials, and
 - **Expands** scope & conditions of exempt recycling materials
 - **Establishes** that petroleum refining catalysts & other materials entering stormwater surface impoundments is not exempt SW
 - **Adds** conditional exemption for recycling asphaltic roofing materials
 - **Adds** conditional exemption for vegetative debris destined for recycling



Phase II

Major Proposed Changes in SW060 (Continued)

- **Section 304:** new section created to exempt some SW from all regulation including storage requirements but not transportation standards, provided they are managed 'in an environmentally sound manner'.
 - **Includes** some materials currently exempt under Section 303 (permitting and processing/disposal standards, but not storage requirements)
 - Examples: vegetative debris, uncontaminated earthen materials, brick, stone, agricultural wastes, water-supply treatment sludges, etc.)
 - **Adds** conditional exemption for spent abrasive media generated from surface coating (paint) removal, provided it meets RECAP non-industrial (residential) standards – *this will be part of SW060*
 - **Adds** conditional exemption for potentially impacted soil, provided it meets RECAP non-industrial (residential) standards– *this will be part of SW060*



Phase II

Major Proposed Changes in SW060

(Continued)

- **Section 305 (facilities exempt from permitting & processing/disposal standards):** modified to emphasize that storage & speculative accumulation regulations still apply to facilities, & explicitly requires facilities operating under an LDAF-approved BMP plan to follow BMP as a condition of exemption
 - *Removes A.4.b requirement to submit disposal report to LDEQ for on-site disposal of on-site generated C/D debris*
 - **Adds** conditional exemption for resource recovery facilities that receive only vegetative debris
 - **Adds** conditional exemption for facilities that open burn (vegetative debris)
 - **Adds** conditional exemption for ACD facilities that burn vegetative debris
 - **Adds** conditional exemption for vegetative debris landfills operating under an LDAF-approved BMP plan



Phase II

Major Proposed Changes in SW060

(Continued)

- **Section 315.B (storage of wastes):** modified to disallow storage of SW that presents *environmental* nuisance, and conditionally limits speculative accumulation applicability to non-304-exempt SW
- **Section 315.O:** modified to allow generators to offer Sections 303 & 304-exempt SW to non-registered transporters, resource recovery facilities, or non-permitted disposal facilities
- **Section 401.A (notification):** modified to exclude:
 - SW transporters/processors/disposers of Sections 303 & 304-exempt SW
 - Contractors who transport non-industrial SW generated while performing residential or commercial services
- **Section 405 (permitted facility categories):** created Type III-A facility for C/D and/or woodwaste processing facilities



Phase II

Major Proposed Changes in SW060

(Continued)

Safeguards for Conditionally Exempt SW and/or Facilities

- **Section 303, 304, and 305 exemptions:** conditioned upon SW and/or facilities being managed 'in an environmentally sound manner'
 - LDEQ may resume regulating wastes and/or facilities that present unacceptable adverse impact upon human health & environment, on a case-by-case basis, as determined by the administrative authority
- **LDEQ and LDAF** has negotiated a memorandum of understanding (MOU)
 - LDAF-approved best management practice (BMP) plans will include additional conditions to minimize adverse impact upon human health & environment



Phase II

Major Proposed Changes in SW060

(Continued)

Other Proposed Changes

- **Section 407.F:** new section for *post*-closure inspections
- **Section 503.A.1:** modified to exclude 304-exempt SWs from speculative accumulation & storage standards (very similar to 315.B)
- **Section 505.D:** modified to exclude 303 & 304-exempt SWs from requirement to be transported only to permitted facilities
- **Section 508.C:** modified to allow separating recyclable material from commercial SW at a non-processing transfer station, provided no more than a de-minimus amount of putrescible material
- **Section 525:** modified to clarify requirements for Annual Certificate of Compliance



Phase II

Major Proposed Changes in SW060

(Continued)

Other Proposed Changes

- **Section 709.A.7 (and other places):** modifies reference to *wetlands* instead of *swamps, marshes*
- **Section 709.8:** simplifies section by requiring proof that permit applicant has submitted 404 permit application to USACE if waste to be placed in wetlands
- **Section 711.D.5.a & 721.C.4:** modified to explicitly prohibit white goods disposal to landfills (by law)
- **Sections 711.F.4, 713.F.3, 715.F.4 & 721.E.4:** adds release requirements for financial assurance back to permit holder after post-closure
- **Section 721.C.4:** modifies timeframes for removing unacceptable (segregated & stored) SW from a Type II landfill
- **Section 721.D.2.a:** modifies deadlines for installing final cover



Phase II

Major Proposed Changes in SW060

(Continued)

Miscellaneous Changes

- **Chapter 13:** various changes regarding financial assurance
- **Chapter 15:** small language changes regarding SW fees
- **Chapter 30:** small changes in appendices
- **Chapter 103:** removes definition of tire permit from Section 10303 (should be under 10505)
- **Section 10313:** clarifies standards governing accumulation of recyclable material



Phase II

Major Proposed Changes in SW061

(separated from SW060 in order to expedite)

Significantly Modifies Chapter 11 on SW Beneficial Use

- **Clarifies** technical requirements
- **Creates** a 3-tier approach (potentially impacted, impacted, other)
- **Incorporates** soil reuse requirements to be taken out of RECAP
- **Combines** 'beneficial use' and 'soil reuse' as 'beneficial use'
- **Expands** applicability beyond just SW generators
- **Adds** conveyance notice requirement for impacted material placement on-site or off-site of generation
- **Section 1103** applicable to 'potentially impacted soil' and 'spent abrasive media'
 - **1103.A:** properly characterized material can be beneficially used anywhere, provided it meets RECAP non-industrial (residential) standard
 - **1103.B:** properly characterized material can be beneficially used on-site of generation only, provided it meets RECAP industrial standard
- **Section 1105** beneficial use plan format (revised)



Solid Waste Reg Rewrite

Phase II

Proposed Draft SW060 & SW061 are reality!

THANK YOU

PATRICK DEVILLIER

&

JODIE DIAMOND!



Solid Waste Reg Rewrite

Phase III (Geology & Groundwater)

- Geology & Groundwater workgroup convened in Spring 2015 & mtg monthly
- Mostly updating Chapter 8 (standards governing general facility geology, subsurface characterization, and facility groundwater monitoring for Type I, I-A, II, II-A, and III Facilities)
- Major focus on 801 (general facility geology) and 805.D (assessment monitoring program for Type I and Type II facilities)
- Stay tuned for Proposed Rule SW0??



Revisions to The Solid Waste Regulations

Final Thoughts

- Draft SW060 & SW061 were posted on the LDEQ Public Website
www.ldeq.org - Divisions - Waste Permits; Solid Waste Permits

or

www.deq.louisiana.gov/portal/DIVISIONS/WastePermits/SolidWastePermits/SolidWasteRegulationsReviewPhaseII2011.aspx

- Stay tuned for SW0XX from Phase III (Geology & Groundwater)
- All proposals are still under consideration – nothing fixed in stone

? QUESTIONS ?

Mike Hahn

LDEQ Waste Permits Division

Phone: (225) 219-3464

Email: mike.hahn@la.gov