Solid Waste
Revisions to The Regulations

“Changing The Way Garbage Flows”

Air & Waste Management Association
Louisiana Section
Environmental Focus 2015

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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); Typed 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.
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
**Generated Solid Waste Universe**

All objects or materials discarded, abandoned, or offered for disposal

- **301 exempt wastes** (NOT regulated by LDEQ)
  - Wastes while regulated by other authority
  - Wastes allowed not to go to LDEQ permitted facilities
  - Wastes not LDEQ regulated per legislative Act

- **Wastes not LDEQ regulated**
  - Inevitable recycle (white goods)
  - Scavenged without authority (hey, it happens!)

- **Diverted for recycle, resource recovery, BMP use, and special condition use**
  - Conditions not met?
  - Or
  - Waste residues produced? Or
  - Product cannot be sold?

- **303 conditionally exempt wastes & 305 conditionally exempt facilities**
  - (Environmentally sound manner with speculative accumulation & storage requirements)

- **304 conditionally exempt**
  - (Environmentally sound manner)
  - Unpermitted but authorized treatment and/or disposal

- **LDEQ Permitted processing, disposal, treatment or discharge**
  - Unacceptable wastes received?

- (Back to SW universe)

(should go to recycle or landfill)
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

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Phase II
Summary of Progress

• Three Working Subgroups Formed:
  o General
  o Recycling
  o 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
  o Encourages resource recovery (aka, recycling, reuse)
  o De-regulates vegetative debris (as much as possible)
  o Addresses various other issues

• Focus of SW061
  o Chapter 11 - SW Beneficial Use
  o Includes ‘soil reuse’ and incorporates RECAP standards
Phase II
Major Proposed Changes in SW060

• Changes to Definitions
  o Modifies ‘process’ as applicable only to SW destined for disposal, but not to SW managed for resource recovery performed in an environmentally sound manner
  o Modifies ‘woodwaste’ to exclude yard trash and other vegetative debris
  o Removes ‘yard trash’ (incorporated into ‘vegetative debris’)
  o Modifies ‘putrescible’ to specifically exclude dry wall or gypsum board
    ▪ In a C/D landfill, wet wallboard biodegrades to produce \( \text{H}_2\text{S} \) (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
  o **Expands** scope & conditions of exempt recycling materials
  o **Establishes** that petroleum refining catalysts & other materials entering stormwater surface impoundments is not exempt SW
  o **Adds** conditional exemption for recycling asphaltic roofing materials
  o **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’.
  
  o **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.)
  
  o **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*
  
  o **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
  
  o **Removes** A.4.b requirement to submit disposal report to LDEQ for on-site disposal of on-site generated C/D debris
  
  o **Adds** conditional exemption for resource recovery facilities that receive only vegetative debris
  
  o **Adds** conditional exemption for facilities that open burn (vegetative debris)
  
  o **Adds** conditional exemption for ACD facilities that burn vegetative debris
  
  o **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
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
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

• Stay tuned for SW0XX from Phase III (Geology & Groundwater)

• All proposals are still under consideration – nothing fixed in stone

? QUESTIONS ?

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