

Solid Waste & Hazardous Waste

Regulatory Updates

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TOPICS TO BE COVERED

- Rulemaking and the Rulemaking Process
- Solid Waste Updates
- Hazardous Waste Update

When Does LDEQ Initiate Rulemaking?

- For compliance with a federal law or regulation
- Legislation enacted in the Environmental Quality Act (R.S. 30:2001 et seq.)
- Emergency rule is needed to prevent imminent peril to the public health, safety, or welfare
- Updating incorporation by reference

Phases of Rulemaking

First Phase

- Once the rule package is approved within the department, the appropriate documents are submitted to the *Louisiana Register* by the 10th of the following month and published on the 20th.

Second Phase

- Once published, the comment period begins.
- 35–40 days after publication, the department holds a public hearing. The comment period closes a week after the hearing.

Phases of Rulemaking

Third Phase

- Oral/written comments are summarized, with a response provided to each.
- If the comments result in a technical amendment or substantive change to the proposed rule language then the rule is to be renoticed, with a second public hearing & comment period.
- Summary report is prepared and submitted to Legislative Oversight Committees.

Phases of Rulemaking

Final Phase of Rulemaking

- If there is no hearing held within 30 days of receipt of the Summary Report by the Legislative Oversight Committee, the proposed Final Rule can be submitted to the *Louisiana Register* as final on the 10th of the following month and published on the 20th.

Solid Waste Packages

- SW069-Revision to Update Solid Waste Regulations (Waste Tire Updates)
- SW070-Advanced Recycling
- SW068- Coal Combustion Residuals (CCR) Rule
- SW067-Medical Waste Incinerators

Solid Waste Packages

Monthly Regulation Changes 2022

<https://www.deq.louisiana.gov/page/monthly-regulation-changes-2022%20>

Monthly Regulation Changes 2022

The notices accessible within these pages are not certified as the official copies published in the *Louisiana Register* and the *Louisiana Administrative Code* as they may be subsequently revised by the Office of the State Register pursuant to La. R.S. 49:983 prior to publishing. Access to official copies of rulemaking notices are available from the **Office of the State Register**. For assistance, call the Regulation Development Section at (225) 219-3981.

REG	Title LA Administrative Code Citation	Publication Date	Status	Hearing Date	Comment Deadline
October					
RP070ft	Miscellaneous Corrections (LAC 33:XV.503, 542, 544, 545, 551, 577, 732, 762, 763, 1508, 1519, 1599, 1609, 1613, 1623, 1739, and 2022)	10/20/2022	Proposed	11/28/2022	11/28/2022
	One Time Wastes Excluded				

Regulation Updates (SW069)

SW069-Waste Tire Updates

Revision to Update Solid Waste Regulations (LAC 33:VII.115, 721, 10509, 10511, 10523, and 10529)

- Published as SW069 in Louisiana Register- September 20, 2022.
- The public hearing will be held via Zoom on October 27, 2022
- Comment period to close November 3, 2022.

Regulation Updates (SW069)

- Provides for the updates authorized in ACT 291 of the 2022 Regular Legislative Session.
- It facilitates the implementation of the legislative mandate of remediating environmental and public health problems caused by improper disposal of waste tires.
- Establishes procedures, standards, and requirements for Type III landfills to collect, process, and properly dispose of waste tires and disposable waste tire material.

Regulation Updates (SW069)

- Maintains that any person who transports more than 20 waste tires within the state of Louisiana shall comply with all of the requirements of LAC 33:VII.Chapter 105.
- Retains that the permit holder who terminates waste tire generator and/or processor manifests must comply with the current manifest requirement found in LAC 33:VII.10534.
- SW069 can viewed at:
 - https://www.deq.louisiana.gov/assets/docs/Legal_Affairs/Regulation_Changes/2022/SW069pro.doc

Regulation Updates (SW070)

SW070-Advanced Recycling

- Updates the solid waste regulations in response to ACT 460 of the 2021 Regular Legislative Session that became effective August 1, 2021.
- Provides for advanced recycling facilities and processes for the conversion of certain recovered materials.
- Updates definitions and exemptions, and adopts the advanced recycling processes, facilities and products.

Regulation Updates (SW070)

- Provides for advanced recycling facilities that store or convert post-use polymers or other recovered feedstocks, to not be subject to permitting, processing or disposal standards.
- Some of the definitions to be included in the draft rule:
 - Advanced Recycling*
 - Advanced Recycling Facility*
 - Depolymerization*
 - Gasification*
 - Pyrolysis*
 - Recovered feedstock*
 - Resource management*
 - Resource Recovery and Management Facility*

Regulation Updates (SW068)

SW068- Coal Combustion Residuals (CCR Rule)

- April 2015- EPA promulgated the Federal CCR Rule, requiring federal regulations for facilities that operate CCR landfills and surface impoundments.
- In 2016, the WIIN Act was passed by Congress allowing states to manage CCR units under state permitting programs. In order to regulate the CCR units in Louisiana, new regulations are required.

Regulation Updates (SW068)

Coal Combustion Residuals- what does this include?

- Byproducts of the combustion of coal at electric power plants
- Includes fly ash, bottom ash, boiler slag, and flue gas desulfurization materials.
- Contains contaminants such as metals, VOCs, sulfate, and chloride.

Regulation Updates (SW068)

- LDEQ has been working with the stakeholders since 2015 on how to proceed with LDEQ Permitting Program.
- Since 2017, LDEQ has had many discussions with EPA regarding the permitting program.
- Determined there are 2 options:
 - Utilize existing regulations, or
 - Adopt by reference.

Regulation Updates (SW068)

Current consensus between LDEQ and stakeholders:

- Adopt the CCR Rule, Part A, and Part B by reference.
- Utilize existing permitting, financial assurance, and enforcement requirements.
- Propose changes to the Federal Rule *(changes to be more stringent)*
- Submit draft version of regulations to EPA for “blessing” before promulgating the rule.

Regulation Updates (SW068)

Next Steps

- Submit to EPA for “blessing”
- Promulgation
- Final EPA Approval
- Federal Register
- CCR Rule Contact: Steven Forrester
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225-219-3421

Regulation Updates (SW067)

In Louisiana, there are three (3) sources of regulations for medical wastes:

- OSHA
- Louisiana Department of Health
- Louisiana Department of Environmental Quality.

Regulation Updates (SW067)

Currently, the Solid Waste Regulations address medical waste as infectious waste.

Type II-A Facility—a facility used for processing residential, infectious, or commercial solid waste (e.g., a transfer station (processing), composting municipal solid waste facility, refuse-derived fuel facility, shredder, baler, autoclave, etc.).

Regulation Updates (SW067)

SW067-Medical Waste Incinerators

- Previously proposed June 20, 1993.
(12-month time period to become final expired, rulemaking will be reinitiated)
- Currently being drafted/updated, regulations for the permitting of medical waste incinerators (as required by Act No. 163 of the 2020 Regular Legislative Session)

Regulation Updates (SW067)

Summary of Requirements (Act No. 163)

- Require a public hearing on environmental assessments.
- Restore the requirement to notify legislators.
- Restores the requirement for LDEQ to promulgate rules but removes 180-day time period for that promulgation.

Regulation Updates (SW067)

Summary of Requirements (Act No. 163)

- Require placement of the environmental assessment statement in a designated public building where the facility is located.
- Authorize the secretary to issue a permit for medical waste facilities only in parishes with a population less than 50,000 (according to the latest decennial census).

QUESTIONS?



Hazardous Waste Program

Hazardous Waste Program

- Louisiana is an authorized state for the HW program
- LDEQ's HW program is in lieu of a federal program
- LDEQ must maintain the program by adopting the federal regulations
- LDEQ is adopting four outstanding mandatory rules, and one mandatory rule that is to be adopted by 2024

Hazardous Waste Regulatory Update

- Hazardous Waste Generator Improvement Cleanup Rule
- Hazardous Waste Import/Export Rule
- Waste Pharmaceuticals Rule, Cluster XXVII

Hazardous Waste Generator Improvement Cleanup Rule

- LDEQ adopted the Generator Improvements Rule in July 2020
- This was a massive rewrite that:
 - Reorganized the regulations to make them more user-friendly by consolidating the majority of generator requirements into Chapter 10.
 - Offered more flexibility to manage HW for episodic generators & consolidation from VSQG to LQGs
 - Added closure requirements for LQGs
 - Addressed certain gaps in regulations
 - Clarifies ambiguities

Hazardous Waste Generator Improvement Cleanup Rule

Goals of the Rule

- Update and revise language that is inaccurate or unnecessary
- Correct formatting inconsistencies
- Potentially may add additional sections to the solid waste regulations identifying the waste determination process and when it should be done; instead of referencing the hazardous waste regulations LAC 33:V.1005.

Hazardous Waste Generator Improvement Cleanup Rule

Closure Guidance Document

- The HWGIR added clean and dirty closure requirements for less than 90-day storage areas, now known as “centralized accumulation areas.”
- LDEQ intends on releasing the guidance document by the end of 2022.

Hazardous Waste Import/Export Rule

Includes the adoption of 4 separate rules:

- Imports and Exports of Hazardous Waste, *Cluster XXV*
- Confidentiality Determinations for Hazardous Waste Export and Import Documents, *Cluster XXVI*
- Hazardous Waste Electronic Manifest System User Fee Rule, *Cluster XXVI*
- Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes, *Cluster XXX*

Hazardous Waste Import/Export Rule

Imports and Exports of Hazardous Waste

Cluster XXV

- Makes requirements more consistent with shipments between members of the Organization for Economic Cooperation and Development (OECD)
- Enables electronic submittal to the EPA of all import and export related documents
- Enables electronic validation of consent for export shipments subject to consent requirements

Hazardous Waste Import/Export Rule

Confidentiality Determinations for Hazardous Waste Export and Import Documents

Cluster XXVI

- Applies a confidentiality determination such that no person can assert confidential business information claims for documents related to the import, export and transit of hazardous waste and export of excluded cathode ray tubes (CRTs)

Hazardous Waste Import/Export Rule

Hazardous Waste Electronic Manifest System User Fee Rule

Cluster XXVI

- Establishes the methodology the EPA will use to determine the user fees applicable to the national electronic manifest system
- Covers other miscellaneous non-fee issues associated with the e-manifest system

Hazardous Waste Import/Export Rule

Conforming Changes to Canada-Specific Hazardous Waste Import-Export Recovery and Disposal Operation Codes

Cluster XXX

- Makes conforming changes to regulations related to 12 hazardous waste import and export recovery and disposal operations used in notices submitted to the EPA by U.S. importers and exporters, and in movement documents that accompany import and export shipments
- Solely reflect revisions made in Canadian regulations

Waste Pharmaceuticals Rule

Cluster XXVII

- Largely incorporated by reference
- Creates a new Chapter 55
- Prohibits the disposal of hazardous waste pharmaceuticals down the drain
- Eliminates the dual regulation of RCRA hazardous waste pharmaceuticals that are also Drug Enforcement Administration controlled substances by finalizing a conditional exemption

Waste Pharmaceuticals Rule

Cluster XXVII

- Maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal
- Codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics
- More stringent than the current standards except for the amendment to exempt from the P075 listing the nicotine patches, gums and lozenges that are FDA-approved OTC nicotine replacement therapies, which is less stringent and broader in scope

Contact Information

LDEQ's Rules & Regulations Webpage

<https://deq.louisiana.gov/page/rules-regulations>

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