

***Common Environmental Non-Compliances:
“When the Worlds of Air, Water, and Waste Collide”***

Presented At:

***Air & Waste Management Association
2023 Louisiana Section Annual Fall Conference***

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Presented By:

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Office of Environmental Compliance
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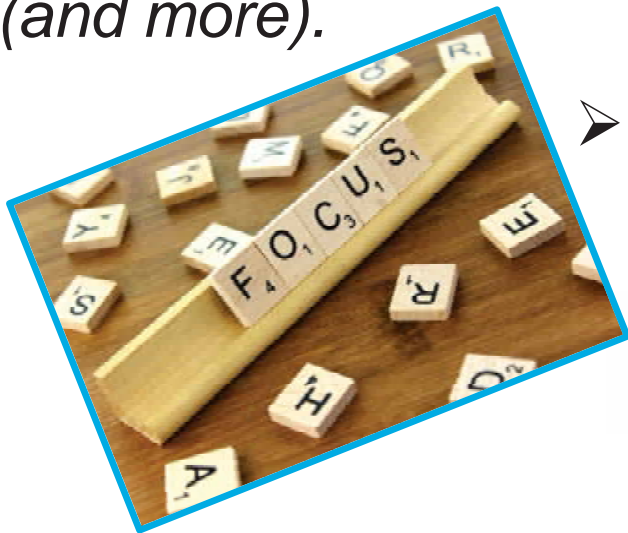




“Material contained in this presentation is intended for training and/or environmental educational purposes only. The specifics of each individual non-compliance matter and/or case shall be discussed with the Department.”

What's "On Deck"

- *This presentation will focus on frequent permit non-compliances, which are noted at regulated facilities, related to Part 70 (Title V) Operating Permits and Minor Source Permits, Louisiana Pollutant Discharge Elimination System (LPDES) Permits, and Solid and Hazardous Waste Regulations (and more).*



- In addition, the presentation will take a deeper dive into potential compliance opportunities when the **“Worlds of Air, Water, and Waste...COLLIDE”**, particularly at landfills.

What's "On Deck" (continued)



- Please note that these are non-compliances regularly addressed by the Department, via issuance of enforcement actions, after periodic facility inspections, file reviews, and/or citizen compliant investigations have been conducted.



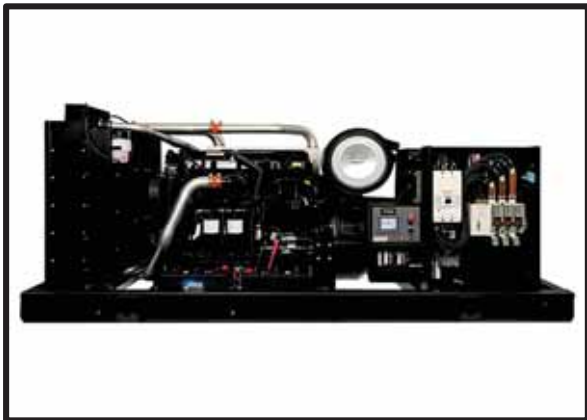
- The goal of this presentation is to foster engaged discussions relative to those common non-compliances, with an end result of everyone becoming more familiar with common non-compliances, and ultimately initiating thoughts of and promoting a proactive plan to prevent and/or reduce identified non-compliances.

Media Specific Violations for Air

❑ Unauthorized operation/unauthorized emission sources/unauthorized emissions

➤ *LAC 33:III.501.C.1 and LAC 33:III.501.C.2*

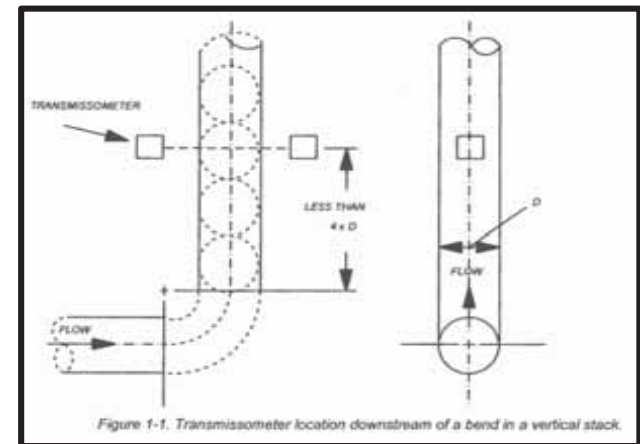
- Do I need an air permit?
- My facility is exempt from needing an air permit, but my process/operation has changed.
- Installation and/or operation of new equipment.



Media Specific Violations for Air

□ Emissions/Performance Testing

- *Required per federal regulation, state regulation, and/or permit requirement.*
 - Failure to timely submit testing notification.
 - Failure to timely submit test results.
 - Failure to timely submit a permit modification after discovering the permitted limits are inadequate, i.e., test result demonstrate an emission exceedance.



Media Specific Violations for Air

□ Monitoring

- *Required per federal regulation, state regulation, and/or permit requirement.*
 - Failure to include all components in the LDAR program (failure to monitor).
 - Failure to properly equip open-ended valves or lines.
 - Failure to timely: initiate initial repair attempt/complete repair/place on delay of repair.

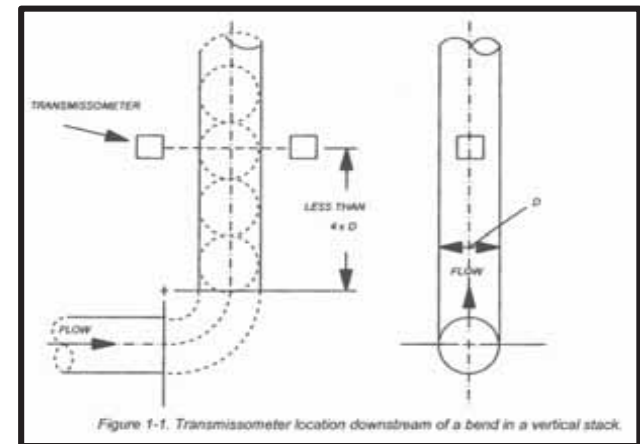


Figure 1-1. Transmissometer location downstream of a bend in a vertical stack.

Media Specific Violations for Air



Source: World Meteorological Organization

❑ Failure to take all reasonable precautions to prevent particulate matter from becoming airborne

➤ *LAC 33:III.1305*

Media Specific Violations for Air



❑ Recordkeeping and Reporting

➤ *LAC 33:III.501.C.4*

- Required per the regulations, specific or general, as well as Specific Requirement (Condition) per the permit.
- Failure to submit a notification for exceedances that last 7 days or longer. [LAC 33:III.535 or LAC 33:III.537]

Media Specific Violations for Waste

❑ Failure to Perform a Proper Hazardous Waste Determination

➤ LAC 33:V.1005

- *Failure to perform a proper waste determination can lead to a cascade of additional violations and increased risk of harm to human health and or the environment.*

Note: A proper hazardous waste determination is the keystone to proper waste management!!!



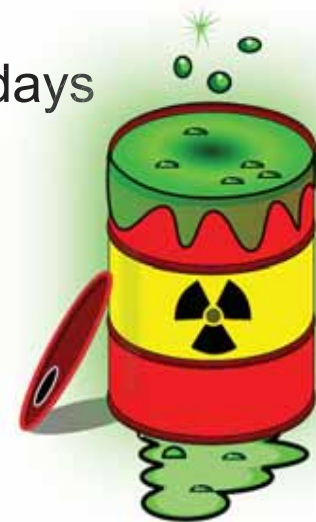


Media Specific Violations for Waste

☐ Unauthorized/Unpermitted Treatment/Storage/Disposal of Hazardous Waste

➤ LAC 33:V.303.B

- Storing hazardous waste on-site in excess of 90/180 days
- Unauthorized treatment hazardous waste
- Unpermitted disposal of hazardous waste



Note: Unauthorized treatment and disposal of hazardous waste typically occur due to the generator failing to perform a proper hazardous waste determination!!!

Media Specific Violations for Waste



❑ Improper Hazardous Waste Container Management

➤ *LAC 33:V.1015.B.1*

- Failure to close hazardous waste containers
- Failure to inspect hazardous waste containers weekly
- Failure to properly label hazardous waste containers
 - “Hazardous Waste” or Satellite Accumulation
 - Accumulation Date
 - Indication of the hazards

Media Specific Violations for Waste

❑ Failure to Maintain Waste Determination and Generator Status Records

➤ *LAC 33:V.1005 and 1007*

- Failure to maintain records documenting an accurate waste determination for each generated waste stream
 - This pertains to both waste sampling and analysis data and generator knowledge determinations. If generator knowledge is utilized, records must be maintained that clearly explains the rationale supporting the determination.
- Failure to maintain records demonstrating hazardous waste generator status

Media Specific Violations for Waste

□ PLANS

➤ *LAC 33:V.1051 - 1057*

- Failure to prepare or an inadequate or out-of-date Contingency Plan

➤ *LAC 33:V.2245.J&K*

- Failure to prepare a Waste Minimization Plan
- Failure to have the Waste Minimization Plan certified by a Louisiana-registered professional engineer

NON-COMPLIANCE

Common/General Violations (Applicable to all Media)



- Unauthorized/unpermitted discharge/emissions;
- Exceeding permit limit(s);
- Failure to monitor, as required by permit;
- Failure to timely comply with permit reporting requirements;
- Failure to maintain records;
- Failure to prepare, development and/or implement required plans
- Failure to submit Name/Ownership/Operator Change Form (NOC-1 Form);
- Failure to submit relevant facts in a permit application; and
- Failure to update the administrative record and receive subsequent permit modification, prior to implementing facility/process changes governed by a permit.

“The Crossover”: When the Three Worlds Collide

Wastewater Treatment Units



While the Industrial Wastewater Discharge and Wastewater Treatment Exclusion and Exemption were promulgated to avoid overlap between RCRA and the CWA, there are circumstances where RCRA, and even the CAA, can and do have authority over wastewater treatment operations.

➤ Wastewater Treatment Exemption

If influent into a wastewater treatment system is a characteristic or listed hazardous waste, the treatment must be conducted in a “**Tank**” as defined in **LAC 33:V.109**. However, those tanks are exempted from RCRA permitting requirements. Yet, releases or overflows from a tank system must still be managed as **hazardous waste**. Additionally, **hazardous wastewaters** cannot be diverted to earthen features, such as a **surface impoundment**.

“The Crossover”: When the Three Worlds Collide

Wastewater Treatment Units (continued)

➤ Wastewater Treatment Sludges

Any **sludges removed** from the wastewater treatment system are subject to a **hazardous waste determination**. The makeup of wastewater treatment sludges can be highly variable due to process upsets or upstream process changes. Additionally, non-hazardous wastewater influents can still lead to a characteristic hazardous waste sludge.



➤ Wastewater Treatment Air Emissions

Air emissions from wastewater treatment operations have not historically undergone the same level of regulatory scrutiny as other common facility operations. Facilities must ensure that air emissions from their wastewater treatment operations are accurately accounted for in its air permit applications.

“The Crossover”: When the Three Worlds Collide

Landfill “Watch Outs”

➤ Leachate

Liquid generated from rainfall and the natural decomposition of waste filtered through a leachate collection system.

- Leachate Management Systems are various structures constructed and operated to contain, transport, and treat leachate, which includes but is not limited to, liners, collection pipes, detention systems, holding areas, and treatment facilities.

➤ Storm Water Runoff

Aqueous surface runoff including any soluble or suspended material mobilized by naturally occurring precipitation events.



Note: Proper management of leachate and storm water runoff is critical!!!

“The Crossover”: When the Three Worlds Collide

Landfill “Watch Outs” (continued)

➤ Leachate + Non-Process Area Storm Water =

Leachate is the primary contributor and volume of waste liquid, which is produced by a landfill cell. However, any opportunity with storm water entering the leachate collection system, it too becomes leachate.

- The **greater risk** is when there is improper management of the leachate collection system and the **non-process storm water drainage area(s)** are compromised.

➤ **Gas Collection and Control Systems**

In an effort to help **control odors**, and **minimize organic releases to the atmosphere** (specifically methane), this safety system (also known as gas wells) directs the collected gas to a central point where it can be processed and treated.

- Depending upon the ultimate use for the gas, collected gas can be flared or beneficially used.



“The Crossover”: When the Three Worlds Collide

Incidents/Releases/Spills



➤ Releases

The accidental or intentional **spilling, leaking, pumping, pouring, emitting, escaping, leaching, or dumping** of hazardous substances or other pollutants into or on any land, air, water, or groundwater.

- Chapter 39 of Part I - Office of the Secretary
 - Applies to all persons or parties [**permitted, unpermitted, licensed, unlicensed**]
 - The regulations and reporting obligations aid in:
 - Protecting the health and well being of Louisiana’s citizens;
 - Preventing and mitigating damage to property or the environment, due to unauthorized discharges/releases to land, water or air;
 - Provides a uniform notification and reporting procedure;
 - Enables the appropriate emergency response(s) to events/incidents; and
 - Provides the Department with event/incident information to further facilitate and assess compliance with permit terms and conditions.

“The Crossover”: When the Three Worlds Collide

Incidents/Releases/Spills

(continued)

➤ Incident Scenario:

On April 1, 2022, a drain valve on a tank was inadvertently opened releasing approximately five (5) barrels of an undetermined liquid. The secondary containment failed and allowing the liquid to flow to a nearby ditch and a surface impoundment. The discharge from the surface impoundment flows to a local waterbody.



What are things to take into consideration?

Note: Don't have “tunnel vision” and only focus on one media, but consider environmental impacts to other media. After all, their worlds may have actually “COLLIDED”!!!

In Closing...

- The Mission of the Office of Environmental Compliance is to ensure the public and occupational welfare of the people and protect the environmental resources of Louisiana by...issuing **sound** enforcement actions.
- ❑ By providing educational opportunities to the regulated community regarding achieving and/or maintaining compliance, it is anticipated that common non-compliances will be reduced and/or eliminated to prevent or decrease the pollution in the state via emissions, discharges, and/or disposal efforts.
- ❑ In addition, educational opportunities afforded to public stakeholders regarding the Department's expectations and processes regarding environmental compliance has the potential to reduce the number of citizen complaints received, and ultimately investigated.





Here to Assist...

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...for your attendance and engagement!