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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXIII. Certified Solid Waste Operators

Chapter 1. General

§101. Authority

A. The Louisiana Solid Waste Operator Certification and Training Program Act, R.S. 37:3151 et seq., creates the Board of Certification and Training for Solid Waste Disposal System Operators and authorizes the board to adopt rules of procedure and establish fees for the certification of solid waste operators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2794 (December 2004).

§103. Policy

A. The processing, disposal, and utilization of solid waste is a matter of vital concern to all citizens of this state, and the safety and welfare of the people of Louisiana require efficient and reasonable regulation of solid waste processing and disposal practices as well as a coordinated statewide resource recovery and management program. Certification and training of solid waste operators are essential elements of the state's program and are needed to ensure the proper processing, disposal, and utilization of solid waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994).

§105. Objectives

A. The objectives of these regulations are as follows:

1. to establish a certification program for operators of Type II, II-A, and III solid waste processing and disposal facilities which accommodate residential and commercial solid waste;

2. to develop procedures related to certification, recertification, and training of applicants to meet appropriate certification requirements;

3. to establish procedures for revocation, modification, or suspension of an operator's certification;

4. to establish appropriate fees for examination, certification, and recertification to be paid by the applicant; and

5. to encourage the certification of all Louisiana Department of Environmental Quality employees involved in the inspection and permitting of solid waste processing and disposal facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2794 (December 2004).

§107. Definitions

A. As used in these rules, the following words shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise.

Board—the Board of Certification and Training for Solid Waste Disposal System Operators.

Certificate—the document or documents issued by the board which attest to the competency of the operator.

Certification—the process or act whereby an operator meets the requirements for obtaining a certificate of competency.

Certified—holding a currently valid certificate.

Commercial Solid Waste—all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial solid wastes.

Conditional Certification—allows an operator to operate only the facility at which he is employed at the time of certification for a period not to exceed six months.

Department—the Department of Environmental Quality, as created by R.S. 30:2001 et seq.

Disposal—the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste on or into any land or water so that such solid waste, or any constituent thereof, may have the potential for entering the environment or being emitted into the air or discharged into any waters of Louisiana.

Examination—a written examination taken by applicants in order to measure their knowledge of solid waste management.

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Industrial Solid Waste—solid waste generated by a manufacturing, industrial, or mining process or which is contaminated by solid waste generated by such a process. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products; by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; and transportation equipment. This term does not include hazardous waste regulated under the Louisiana Hazardous Waste Regulations or under federal law or waste which is subject to regulation under the Office of Conservation's Statewide Order No. 29-B or by other agencies.

Operator—any person employed in responsible charge of operating all or a portion of a solid waste processing or disposal facility.

Process—a method or technique, including recycling, recovering, compacting (but not including compacting which occurs solely within a transportation vehicle), composting, incinerating, shredding, baling, recovering resources, pyrolyzing, or any other method or technique designed to change the physical, chemical, or biological character or composition of a solid waste to render it safer for transport; reduced in volume; or amenable for recovery, storage, reshipment, or resale. The definition of process does not include treatment of wastewaters to meet state or federal wastewater discharge permit limits. Neither does the definition include activities of an industrial generator to simply separate wastes from the manufacturing process.

Recertification—the process whereby an operator renews an expiring certificate.

Regular Certification—allows an operator to operate any facility of the type for which the certificate is issued. Regular certificates are issued for a four-year period.

Residential Solid Waste—any solid waste (including garbage, trash, and sludges from residential septic tanks and wastewater treatment facilities) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

Solid Waste—garbage, refuse, or sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations, and from community activities; but does not include or mean solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under R.S. 30:2075, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended, or hazardous waste subject to permits under R.S. 30:2171 et seq.

Solid Waste Disposal Facility—actual land and associated appurtenances used for the function of disposing of solid wastes, except those facilities that dispose of only industrial solid waste.

Solid Waste Management Facility (SWMF)—any facility classified under the solid waste management system including, but not limited to, nonhazardous solid waste landfills, landfarming operations, incinerators, transfer stations, non-industrial surface impoundments, construction and demolition debris facilities, and composting, refuse-derived, and separation facilities.

Solid Waste Management System—the entire process of collection, transportation, storage, processing, and disposal of solid waste by any person engaged in such process as a business, municipality, authority, trust, parish or by any combination thereof.

Solid Waste Processing Facility—actual land or appurtenances used for processing solid wastes, except those facilities that process only industrial wastes.

Training—the process whereby an operator obtains required formal instruction in the area of solid waste management.

Type II Facility—a facility used for disposing of residential or commercial solid waste.

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

Type III Facility—a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (a separation facility). Residential, commercial, or industrial solid waste must not be disposed of in a Type III facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2795 (December 2004), repromulgated LR 31:43 (January 2005).

§109. Filing of Documents

A. Any notice, petition, document, or other correspondence that is required to be filed with the board shall be addressed and mailed or delivered to the Board of Certification and Training for Solid Waste Disposal System Operators at the Department of Environmental Quality, Office of Environmental Services.

B. The following requirements and rules shall apply to all documents and papers filed with the board or during a hearing or meeting.

1. The date on which the papers are actually received by the board or at the hearing shall be deemed to be the date of filing.

2. All papers shall be written in ink, typewritten, photocopied, or printed; shall be plainly legible; and shall be on strong durable paper, not larger than 8 1/2 inches by 14 inches in size. Tables, maps, charts, and other documents may be larger and folded to the size of the documents to which they are attached.

3. All applications, petitions, and other papers needing signatures must be signed in ink by the party filing the same or his duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief, every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed or filed for delay.

4. All information regarding an applicant's qualifications shall be provided at least 30 days prior to the date on which the applicant wishes to be tested. This information is to be provided on a board-prescribed application form. The form may be obtained from the Office of Environmental Services, Permits Division or from the department's website.

5. Unless otherwise specifically provided by these rules, an original and 12 copies of all documents directed to the board shall be filed.

6. The initial document filed by any person in any hearing shall state therein the name and mailing address of the person or persons who may be served with any documents filed in the proceeding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2795 (December 2004).

§111. Computation of Time

A. In computing any period of time prescribed or allowed by the rules, the day on which the designated period begins shall not be included. The last day of the designated period shall be included unless it is a Saturday, a Sunday, or a legal holiday as provided in R.S. 1:55, in which event the designated period shall run until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators LR 20:656 (June 1994).

§113. Mandatory Provisions

A. Any SWMF that requires a permit, as determined by the department, shall be categorized in accordance with LAC 33:VII.507.

B. The certificates of all of a SWMF's certified operators shall be prominently displayed at the facility.

C. Certified operators are required at all Type II, II-A, and III SWMFs requiring a permit from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3155, and 3156.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2795 (December 2004).

Chapter 3. Board of Certification and Training for Solid Waste Disposal System Operators

§301. Members

A. Except for the ex officio member, all members of the board shall be certified solid waste operators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3152 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984).

§303. Quorum

A. Six members of the board shall constitute a quorum for any meeting of the board for the transaction of business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3152 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984).

§305. Officers

A. The board shall elect a chairman and vice chairman from its membership who shall each serve a term of one year or until a successor is elected. The chairman shall preside at all meetings. In the absence of the chairman, the vice chairman shall preside.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3152 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984).

§307. Hearings and Meetings

A. The board shall meet as often as necessary to conduct its business.

B. In the performance of its duties, the board shall call and hold all meetings and hearings in accordance with the rules, or applicable state laws and the rules and regulations thereunder. All meetings or hearings shall be public and shall be conducted by the board or its designated presiding officer.

C. The time and place for all meetings or hearings shall be fixed by the board or the presiding officer. All meetings or hearings shall be held in a convenient place of public accessibility within the state.

D. Public Hearings. The board may conduct public hearings, the purpose of which is to gather data, public comments, and information, in an impartial manner, which may be used by the board in the exercise of its duties; however, hearings for the revocation, modification, or suspension of an operator's certification must be held in accordance with the provisions of Chapter 15 of these rules. The board may appoint an individual to act as presiding officer to conduct public hearings on behalf of the board.

1. Conduct

a. Public hearings shall be conducted in an orderly but expeditious manner. Any person may appear and present relevant oral or written statements and present recommendations. Reasonable restrictions, including time allotted to each speaker or group, may be imposed on such comments by the presiding officer conducting the hearing. Questions and answers are not in order unless agreed to in advance of the hearing by the presiding officer. Any person may present written statements to be included in the administrative record after the hearing and prior to the time that the record is closed to public comment.

b. At any meeting or hearing of the board, the chairman, or the presiding officer shall have the authority to regulate the course of the meeting or hearing and the conduct of all persons present, including the right to have any person, for misconduct or refusing to obey orders, removed from the hearing. The board or presiding officer may, at any time, continue the meeting or hearing to another time and/or location and/or terminate the meeting or hearing.

2. Record. All such public hearings and meetings shall be recorded verbatim. All written statements, charts, tabulations, and similar data offered at the hearing shall, subject to exclusion because of redundancy or immateriality, be admitted by the presiding officer. All evidence or materials admitted by the presiding officer at the hearing shall constitute the hearing record. If a presiding officer conducts the hearing on behalf of the board, he shall prepare a report of the proceedings for the board.

E. The board or the presiding officer may, for good cause, continue any meeting or hearing by one or more continuances of up to 60 days, each.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3152 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2795 (December 2004).

§309. Board Records: Custodian

A. The Secretary of the Department of Environmental Quality shall serve as the official custodian of all records of the board. All records of meeting notices, agendas, and other documents relating to the board shall be maintained in a central location within the Office of Environmental Services, Permits Division, Registrations and Certifications Section. All such records shall be available for public inspection in accordance with the provisions of appropriate state or federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), amended by the Office of Environmental Assessment, LR 30:2796 (December 2004).

§311. Adoption and Amendment of Rules

A. These rules of procedure shall be reviewed and revised as determined necessary by the board. All rulemaking authority shall be exercised by the board. In the exercise of the rulemaking authority to adopt or amend rules, a two-thirds vote cast by the board is required. The procedure set forth in the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., shall be followed in the adoption or amendment of the rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988).

Chapter 5. Prohibitions

§501. Operation of Facilities by Certified Personnel

A. No individual, municipality, parish, public or private corporation, partnership, firm, agency of the state, or the United States government, or any agent or subdivision thereof, or any other juridical person shall operate a classified solid waste facility unless such facility is operated by individuals who have been certified in accordance with these rules for the operation of the particular facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2796 (December 2004).

§503. Fraud in Application

A. No person shall practice fraud or deception in the application for or the operation under a certification issued under these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984).

§505. Negligence

A. No person shall be negligent if applying reasonable care, judgement, knowledge, or ability, in the performance of his duties under a certification issued to him under these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994).

§507. Incompetence

A. No person shall continue to operate a facility under a certification issued under these regulations if such person is unable to perform his duties in a proper manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2796 (December 2004).

§509. Certification Required

A. No person shall perform duties of operator without being duly certified under the provisions of R.S. 37:3151 et seq., and these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988).

Chapter 9. Operator Certification

§901. Certificate

A. The board shall certify persons as to their qualifications established by testing, training, education, and experience to operate a classified solid waste processing or disposal facility. A certificate, suitable for framing, shall be provided to each successful applicant by the board. This certificate shall clearly show the name of the operator, type of certification, any limitations imposed, the expiration date, and any other data deemed appropriate by the board. Louisiana Department of Environmental Quality employees involved in the inspection or permitting of a classified solid waste processing or disposal facility may be certified provided they meet the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3156.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid

Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2796 (December 2004).

§907. Types of Certification

A. Due to the widely divergent methodologies and technologies involved in solid waste management, operators will not be required to be certified in all aspects of solid waste management. Certification will be based upon:

1. the type of facility involved; and
2. the level of complexity of SWMF operation.

B. The certification shall be either regular or conditional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2797 (December 2004).

§909. Facility Designation

A. Each operator certification will be valid for the management of one type of facility. The classifications and sub-classifications of facilities shall be specified as follows:

1. Type II facilities:
 - a. landfills;
 - b. surface impoundments; and
 - c. landfarms;
2. Type II-A facilities:
 - a. incinerator waste-handling facilities;
 - b. refuse-derived fuel facilities; and
 - c. transfer stations;
3. Type III facilities:
 - a. construction/demolition debris or woodwaste facilities;
 - b. composting facilities; and
 - c. separation facilities.

B. These regulations may be amended by the board to include other types of solid waste systems as they become regulated and permitted by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2797 (December 2004).

§911. Facility Types

A. Facilities are required to have certified operators according to the following schedule.

1. Landfills

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a Level "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a Level "A" or Level "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

c. Each facility shall have at least one Level "C" operator for each 10 operational people during hours of operation. (Operational personnel does not include personnel solely conducting clerical duties.)

2. Surface Impoundments. Each surface impoundment shall have a Level "A" operator in responsible charge of the solid waste processing or disposal facility.

3. Landfarms, Incinerator Waste-Handling Facilities, Refuse-Derived Fuel Facilities, Transfer Stations, Construction/Demolition Debris or Woodwaste Facilities, Composting Facilities, and Separation Facilities

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a Level "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a Level "A" or Level "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2797 (December 2004).

§912. Issuance of Certificates to Operators

A. Certificates issued to operators on or after December 20, 2004, will correspond to the facility designations and levels of operator certification as defined in LAC 46:XXIII.909 and 913.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2797 (December 2004).

§913. Levels of Operator Certification

A. Each certification shall specify the level of complexity of SWMF operation for which the certificate is issued. Levels of operator certification are hereby established as "A," "B," and "C." Level "A" represents the most comprehensive level of complexity; Level "B" is an intermediate level of complexity; and Level "C" represents the least comprehensive level of complexity. Additional levels may be added by amendment to these regulations.

B. A Level "A" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform all of the duties necessary for the proper operation of an entire solid waste management facility and shall encompass both procedural and operational aspects of a processing or disposal facility (all technical, regulatory, administrative, and management duties necessary for the proper operation of the solid waste processing or disposal facility), according to the type of facility for which the applicant seeks certification.

C. A Level "B" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform the duties necessary for the proper operation of a solid waste management facility as determined by assigned duties and customary practice, and operational knowledge needed to operate a processing or disposal facility (i.e., equipment selection, maintenance, waste handling procedures, safety procedures, personnel hiring and training, reports, and special and hazardous waste identification), according to the type of facility for which the applicant seeks certification.

D. A Level "C" certificate shall encompass the operational knowledge needed to operate a portion of the waste handling aspects of a processing or disposal facility (i.e., unloading and spotting; maintaining smallest practical working face; layering, compacting, covering, cleaning, and maintaining equipment; equipment operation; and special or hazardous waste identification), according to the type of facility for which the applicant seeks certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2797 (December 2004).

§915. Qualification Requirements

A. A Level "A" operator shall have the following qualifications for regular certification.

1. The operator must possess a high school diploma or equivalency certificate.

2. Experience Requirements. The operator must have:

a. a minimum of three years of experience as described in LAC 46:XXIII.913.B in the field of solid waste management; or

b. a minimum of two years of experience as described in LAC 46:XXIII.913.B in the field of solid waste management and an engineering degree; or

c. a minimum of two years of certification as a Level "B" operator.

3. The operator must be of good character.

B. A Level "B" operator shall have the following qualifications for regular certification.

1. Experience Requirements. The operator must have:

a. a minimum of two years of experience as described in LAC 46:XXIII.913.C in the field of solid waste management; or

b. a minimum of one year of experience as described in LAC 46:XXIII.913.C in the field of solid waste management and a minimum of two years of experience as a supervisor in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ensure proper operation of a solid waste processing or disposal facility; or

c. a minimum of one year of experience as described in LAC 46:XXIII.913.C in the field of solid waste management and an engineering degree; or

d. a minimum of two years of certification as a Level "C" operator.

2. The operator must be of good character.

C. A Level "C" operator shall have the following qualifications for regular certification.

1. Experience Requirements. The operator must have:

a. a minimum of one year of experience as described in LAC 46:XXIII.913.D in the field of solid waste management; or

b. a minimum of one year of experience in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ensure proper operation of a solid waste processing or disposal facility; or

c. an engineering degree.

2. The operator must be of good character.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2798 (December 2004).

§916. Regular Certification

A. An applicant shall request consideration for certification upon the completion of the following requirements:

1. meet appropriate qualification requirements in LAC 46:XXIII.915;

2. submit an application to the board on a board-prescribed application form, which may be obtained from the Office of Environmental Services, Permits Division or from the department's website;

3. receive board approval for certification and examination;

4. achieve a passing score on the examination for the appropriate level of operation; and

5. pay all fees associated with certification.

B. Regular certification shall allow an operator to operate any facility of the type for which the certificate is issued.

C. Regular certificates are issued for a four-year period.

D. Recertification shall be in accordance with LAC 46:XXIII.923.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3159, and 3160.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2798 (December 2004).

§917. Conditional Certification

A. A conditional certificate shall allow an operator to operate only the facility at which he is employed at the time of certification.

B. Conditional certification requirements are as follows.

1. The applicant must request a conditional certification.

2. The board must determine that the applicant is qualified to perform duties at a particular facility.

3. The applicant must pass the operator examination and attend one board-approved training class (minimum of 10 hours) within six months.

C. The board may upgrade a conditional certification after receipt of an application and upon its determination that, based on the applicant's training, education, experience, and examination results, the applicant is qualified for regular certification.

D. Any person appointed to replace or succeed a regularly certified operator after August 29, 1983, may be issued a conditional certificate upon application to the board and payment of the same fees as specified for regular certificates. Application for certification must be made within one year of replacement or succession and must specify the need for conditional certification. The term of such a conditional certificate shall not exceed six months. After receipt of such a conditional certificate, the applicant must take and pass the operator examination within six months and attend 10 hours of board-approved training. If the examination is passed, the applicant may be issued an additional conditional certificate, prior to meeting other requirements for a regular certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2798 (December 2004).

§919. Operator Examinations

A. An applicant for certification must pass an operator examination as provided in this Section.

B. The board shall hold at least two examinations per year.

C. The board shall provide appropriate written examinations for each operator level of SWMFs.

D. Examinations shall be held in Baton Rouge, Louisiana unless another location is designated by the board.

E. Notice of the examination shall be published prior to the examination in a method and fashion provided by the board.

F. Within 30 days of the examination, the applicant shall be notified of the results of his or her examination.

G. All examinations will be graded on a pass/fail basis.

H. Payment of the examination fee must be submitted before an examination may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2799 (December 2004).

§923. Recertification

A. Regular certificates shall be valid for four years after issuance. An operator may be recertified upon recommendation by the board for a new four-year period after timely submission of satisfactory evidence that the operator has met the training requirements as specified by LAC 46:XXIII.1103.C. Upon receipt of such evidence, the board shall issue a new certificate.

B. Application for recertification shall be submitted to the board on a board-prescribed form no sooner than six months prior to the expiration of the certification and no later than three months after expiration of the certification. The form may be obtained from the Office of Environmental Services, Permits Division or from the department's website. The application shall contain the following documentation:

1. proof of attendance at a training session or sessions approved by the board, including but not limited to certificates of completion, date(s) of training, hours of attendance, course outline, agency or institution providing training, etc.; and

2. proof of current certification.

C. Any operator whose certificate has expired for more than three months shall be treated as a new applicant. Such a person must reapply for certification, take an examination, and otherwise meet the requirements for new applicants.

D. Persons whose certificates have expired, but who make application no later than three months after the expiration date of the certificate, can be considered by the board for recertification; however, they will be required to pay the late recertification fee as provided in LAC 46:XXIII.1305.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3160, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2799 (December 2004).

§925. Qualification by Reciprocity

A. The board may issue a certificate without examination in a comparable operator classification to any person who holds a certificate in any state, territory, or possession of the United States or any country, provided the requirements for certification of operators under which the person's certificate was issued do not conflict with the provisions of the act, are of a standard not lower than that specified by regulations adopted under the act, and reciprocal privileges are granted by said state, territory, or possession to certified operators of this state. Payment of the certification fee as specified in LAC 46:XXIII.1305 shall be made by persons applying for certification by reciprocity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3161.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994).

§927. Exemptions

A. Any person subject to these rules may petition the board for exemption from these rules or any portion thereof. Each request for an exemption must be provided in writing and:

1. identify the specific provisions of these regulations from which a specific exemption is sought; and
2. provide sufficient justification for the type of exemption sought.

B. The board may provide exemptions from these regulations or any portion thereof when petitions for such are deemed to result in no significant impact on the public health, safety, and welfare and the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), amended LR 20:656 (June 1994).

Chapter 11. Operator Training for Certification

§1101. Training

A. The content, frequency, and location of operator training shall be at the discretion of the board. Training may be modified or supplemented as needed at the discretion of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2799 (December 2004).

§1103. Responsibilities

A. The board shall:

1. approve training available to Louisiana operators, which may include short courses, workshops, etc., that meets the standards of the board;

2. determine whether its training requirements can be reasonably satisfied by the operators based on current educational offerings; and

3. provide a list of the available training that meets the requirements of these regulations upon request.

B. In the event that the board determines that adequate training is not reasonably available to the operators, it shall either:

1. promote or otherwise cause adequate training to be available; or

2. waive the training requirements in whole or in part.

C. Operator Responsibilities

1. In order to retain certification, operators must receive the number of contact training hours as set forth below during the four years after receiving certification or recertification.

a. Level "A" and "B" operators shall receive no fewer than 40 contact training hours.

b. Level "C" operators shall receive no fewer than 30 contact training hours.

c. Level "A" surface impoundment operators shall receive no fewer than 20 contact training hours.

2. The operator is responsible for determining whether a specific training course has been approved by the board. To obtain approval of specific training not listed by the board, the applicant may submit a complete course outline, the date and the place of offering, and the name of the offering entity to the board for consideration.

3. The operator is responsible for obtaining and submitting, in a timely manner, to the board, in accordance

with LAC 46:XXIII.923, adequate evidence of attendance. Such evidence may include, but is not limited to, educational certificates, certification of attendance, travel vouchers, etc. Such evidence should be submitted as soon as possible after attending a course, with copies retained in the operator's files. All such submissions shall include the operator's certificate number on all documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157, R.S. 37:3158 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2799 (December 2004).

Chapter 13. Fees

§1301. Payment

A. Each application for examination, certification, or recertification shall be accompanied by a remittance in the full amount of the fee. No application will be accepted or processed prior to payment of the full amount specified.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984).

§1303. Method of Payment

A. Fee payment shall be by check, draft, or money order made payable to the Board of Certification and Training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2800 (December 2004).

§1305. Examination, Certification, and Recertification Fees

A. The following fees are hereby established:

1. Examination Fee—\$100 per examination
2. Certification Fee—\$100
3. Recertification Fee—\$100
4. Late Recertification Fee—\$200

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994).

Chapter 15. Revocation, Modification, and Suspension of Certification

§1501. Revocation, Modification, and Suspension of Certification

A. The board may revoke, modify, or suspend an operator's certification, if it determines that the operator has practiced fraud or deception in obtaining certification or in operating thereunder, or has been negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties.

B. Written Notice

1. When the board determines that an operator's certification should be suspended, modified, or revoked, the board shall notify that operator by certified mail. Such written notice shall contain the following:

a. facts that will justify a suspension, modification, or revocation of certification;

b. a description of the general nature of the evidence supporting the suspension, modification, or revocation; and

c. a recommendation that the operator's certification be suspended, modified, or revoked, unless the operator, within 30 days after receipt of the notice, submits a request for a hearing before the board. The request for hearing shall be submitted to the Board of Certification and Training. A written statement providing the operator's view of the circumstances shall accompany the request for hearing.

2. If the operator does not mail a request for hearing and a statement of the circumstances within the time frame specified, the board shall recommend suspension for a specified period of time, modification, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2800 (December 2004).

§1505. Hearings

A. A hearing before the board on suspension, modification, or revocation shall proceed as follows.

1. At least 20 days prior to a hearing, the board shall provide the operator with a notice of the hearing. The notice shall be sent by certified mail and include the time, date, and location of the hearing.

2. The hearing shall be conducted summarily without observing all of the formalities associated with an adjudicatory hearing as defined in the Administrative Procedure Act, R.S. 49:951 et seq.

3. Within 90 days after conducting a hearing, the board shall forward its decision to the operator.

4. Upon receiving notice of suspension, modification, or revocation, an operator shall notify the owner/operator of the SWMF within 24 hours.

5. Judicial appeal from the board's decision may be taken in accordance with the Administrative Procedure Act, R.S. 49:951 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004).

§1509. Record of Hearing

A. Record. The record of proceedings conducted under this Chapter shall consist of the following:

1. the certificate;
2. the notice of the hearing;
3. all documentary evidence and written comments received;
4. written recommendations received;
5. the decision; and
6. the transcript of the proceedings.

B. Transcript. Any hearing conducted under this Chapter shall be recorded, and a copy of the transcript made available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, LR 30:2801 (December 2004).