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DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC HEARING
RIVER BIRCH, INCORPORATED

The Public Hearing conducted by the Louisiana Department of Environmental Quality Services taken at the Waggaman Gym, Meeting Room 101, 516 Dandelion Drive, Westwego, Louisiana 70094 on Thursday, June 12, 2008 at 6:15 p.m.

Reported by:
Tara Torres
Certified Court Reporter

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5 riverbirch
reflect that the time is 6:15 p.m.
6 My name is Carolyn Bryant. I am
7 employed with the Louisiana
8 Department of Environmental Quality.
9 I will be serving as the hearing
10 officer this evening, Thursday, June
11 12, 2008.

12 This hearing is scheduled to
13 accept public comments concerning a
14 Technically Complete Solid waste
15 Permit Renewal Application and the
16 Associated Environmental Assessment
17 Statement (EAS) for River Birch,
18 Incorporated, 2000 South Kenner
19 Road, Avondale, Louisiana 70094 for
20 the River Birch Landfill; Agency
21 Interest Number 32219, Permit Number
22 P-0321R1 and Activity Tracking
23 Number PER20050002.

24 The facility is located at 2000
25 South Kenner Road, Avondale,

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1 approximately one mile from
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riverbirch

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Waggaman, Jefferson Parish,
Louisiana.

River Birch, Incorporated
requested a Technically Complete
Solid waste Renewal permit for their
Type I/Type II landfill, allowing
for the disposal of Industrial,
Commercial and Residential Solid
Waste.

The EAS submitted by the

11 riverbirch
12 applicant addresses avoidance of
13 potential and real environmental
14 effects, balancing of social and
15 economic benefits against
16 environmental impact costs, and
17 alternative sites, projects and
mitigative measures.

18 This hearing is not being
19 conducted in a question and answer
20 format. Please remember that the
21 purpose of this public hearing is
22 for DEQ to receive your comments
23 concerning the Technically Complete
24 Solid Waste Permit Renewal
25 Application and the Associated

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6

1 Environmental Assessment Statement
2 (EAS).

3 This hearing is to provide all
4 individuals a chance to be heard,
5 regardless of their position on the
6 Technically Complete Application and
7 the Associated Environmental
8 Assessment Statement (EAS).

9 Courteous behavior is expected
10 of everyone at all times. You may
11 speak in support of, or in
12 opposition to, the permitting
13 actions or simply to provide

14 riverbirch
additional information. All
15 interested persons will be given a
16 reasonable opportunity to comment,
17 unless testimony is not related to
18 the purpose of the hearing. Your
19 comments will be evaluated and
20 addressed in the Department's
21 written response.

22 A public notice advertising this
23 public hearing and request for
24 public comment on the Technically
25 Complete Solid Waste Permit Renewal

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1 Application and the Associated
2 Environmental Assessment Statement
3 (EAS) was published on Friday, May
4 16, 2008 in The Times-Picayune, New
5 Orleans, LA, and also in The
6 Advocate, Baton Rouge, LA.

7 A copy of the material
8 associated with the Technically
9 Complete Solid Waste Permit Renewal
10 Application and the Associated
11 Environmental Assessment Statement
12 (EAS) is available for inspection
13 and review at the LDEQ, Public
14 Records Center, Room 127, 602 North
15 5th Street, Baton Rouge, Louisiana.
16 Viewing hours are 8:00 a.m. to 4:30

17 riverbirch
p.m., Monday through Friday, except
18 holidays.

19 The available information can
20 also be accessed electronically on
21 the Electronic Document Management
22 System (EDMS) on the DEQ public
23 website at www.deq.louisiana.gov.

24 Additional copies are also
25 available for review at the

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1 Jefferson Parish Library, Live Oak
2 Branch 125 Acadia Drive, Waggaman,
3 Louisiana 70094 and at the Jefferson
4 Parish Council Office, 200 Derbigny
5 Street, 6th Floor, Gretna, Louisiana
6 70053. Another copy is at the LDEQ
7 Southeast Regional Office, 201 Evans
8 Road, Building 4, Suite 420, New
9 Orleans, Louisiana 70123.

10 In addition, copies of the
11 Public Notice announcing this Public
12 Hearing were mailed via US Postal
13 Service and via e-mail on Wednesday,
14 May 14, 2008 to individuals who have
15 requested to be placed on the
16 mailing list maintained by the
17 Office of Environmental Services.

18 In accordance with Louisiana
19 Administrative Code, Title 33, Part

20 riverbirch
VII, Section 509.F.7, comments
21 received by 12:30 p.m., Monday, July
22 14, 2008, will be considered prior
23 to a final decision. All comments
24 received by 12:30 p.m., Monday, July
25 14, 2008, shall be retained by the

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1 Department and considered in
2 determining whether to issue or deny
3 the permit.

4 Written comments on the
5 Technically Complete Solid Waste
6 Permit Renewal Application and the
7 Associated Environmental Assessment
8 Statement (EAS) may be submitted to
9 Ms. Soumaya Ghosn, LDEQ-OES,
10 Environmental Assistance Division,
11 P.O. Box 4313, Baton Rouge,
12 Louisiana 70821-4313.

13 Under LA Revised Statutes
14 30:2017, as revised by the
15 legislature in the 2004 session, the
16 Department is required to follow the
17 following order with the provision
18 that the presiding officer may give
19 preference to a public official to
20 speak at any time during the
21 hearing. However, any time limit
22 set for citizen testimony shall

23 riverbirch
apply to public officials.

24 The Department must provide up
25 to 30 minutes to the permit

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1 applicant for an introductory
2 presentation. Thereafter,
3 preference for speaking up to one
4 hour is given as follows: For the
5 first hour, to those citizens who
6 live within a two-mile radius of the
7 location of the facility; for the
8 second hour, to those citizens who
9 work within a two-mile radius of the
10 location of the facility; and for
11 the third hour, to those citizens
12 who live within the parish of the
13 location of the facility.

14 Thereafter, each hour of the
15 hearing shall alternate between
16 those who are in support of the
17 Technically Complete Solid Waste
18 Permit Renewal Application and those
19 who are opposed to it.

20 The order of speakers for
21 tonight's hearing will be based on
22 the information provided by the
23 speaker on the registration form.
24 Anyone who registered to speak, but
25 did not provide the necessary

1 information will be given the
2 opportunity to speak; however, they
3 will be called last in the order of
4 registration.

5 This hearing is being
6 transcribed; therefore, I ask that
7 each speaker begin by stating, for
8 the Record, their name, address, and
9 any organization he or she may
10 represent. I also remind you to
11 please turn off all cell phones.
12 Thank you. At this time the permit
13 applicant's representative may come
14 forward and make their introductory
15 presentation. And that would be Mr.
16 Vic Kulpepper.

17 MR. KULPEPPER:

18 I'm Vic Kulpepper, technical
19 director for River Birch Landfill.
20 Am I talking loud enough?

21 Oh, okay. It's on? Okay. Vic
22 Kulpepper, technical director for
23 River Birch Landfill 2007 Kenner
24 Road, Avondale, Louisiana 70094.
25 And as you all know now, tonight is

riverbirch

1 a public hearing for River Birch's
2 request for the renewal of our solid
3 waste permit.

4 In most cases, upon submittal of
5 a permit renewal to LDEQ they will
6 publish a notification of this
7 renewal request in the appropriate
8 local as well as the state journal.
9 The public can then submit comments
10 and request a public hearing within
11 30 days of that notification. On
12 the basis of the public comments as
13 well as other information LDEQ will
14 determine if a public hearing is
15 necessary. If so, LDEQ will publish
16 a notification of public hearing and
17 a hearing date will be issued 20 or
18 more days after that notification
19 has been listed in the newspaper.

20 The River Birch upon submittal
21 of this application, we pretty
22 concluded that a public hearing
23 would be requested, and a public
24 hearing would be granted by DEQ.
25 Therefore, to expedite the process

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1 and eliminate the 30 to 60 days
2 longer that it would take before a
3 public hearing was issued, we

riverbirch

4 decided to request a public hearing
5 ourselves, which we did so.

6 Basically, your solid waste
7 permits they last every 10 years.
8 And after 10 years or before the 10
9 year period is over with you must
10 submit your renewal application.
11 The application goes to DEQ. And
12 DEQ reviews your application. They
13 respond back with notices of
14 deficiency if there's any
15 inconsistencies or information that
16 wasn't included that should be,
17 etc., etc.

18 You must respond to those,
19 supply that information, it's
20 reviewed again. In short, it's a
21 very lengthy process. A lot of
22 departments from DEQ review this
23 permit. It's typically four large
24 volumes long, so it takes quite a
25 bit of time to do so. So now we're

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14

1 technically complete. We're in the
2 final stages, and the public hearing
3 is the final piece to this before
4 DEQ does their final review and
5 decides whether to issue or deny us
6 a permit.

riverbirch

7 we had some changes to the solid
8 waste permit that I want you to be
9 aware of, and you can review. And I
10 encourage you to review the solid
11 waste permit in any one of these
12 locations here, or if you like
13 you're more than welcome to come to
14 our landfill and I will let you
15 review our permit application that
16 we have there if that's more
17 convenient to you.

18 But we have three significant
19 changes to our permit over the prior
20 permit that we had before this
21 renewal. One is is that we are
22 requesting an increase in tonnage
23 from 1.86 million tons a year to 2.6
24 million tons a year. The 2.6
25 million tons a year is the same

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15

1 tonnage increase that we requested
2 after we lowered it in our air
3 permit. So it essentially mirrors
4 our air permit.

5 The reason we decided on this
6 and we reduced it down to 2.6 when
7 we applied for our air permit. What
8 this number reflects is is that we
9 have to estimate and our permit

riverbirch

10 lasts for 10 years, so we have to
11 project what we may expect to
12 receive over a 10 year period. Not
13 a one-year period, not a two-year,
14 but a 10 year period.

15 So what we did is that we took
16 our current tonnage rate, the 1.86
17 million tons, and we just assumed a
18 modest 10 percent increase in
19 tonnage per year for 10 years. And
20 that figure comes out to 2.6 million
21 tons.

22 The other significant addition
23 that we added is we requested the
24 use of a spray-on applied cover as a
25 daily cover to our working face

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16

1 instead of using 6 inches of clay
2 for the cover on the working face
3 every day. Your working face,
4 you've got to cover it with 6 inches
5 of clay, this would equate to 400 to
6 500 yards of clay a day that you
7 have to apply to the landfill.

8 The spray on cover is thinner.
9 It's more effective. It can be
10 applied more effectively, and our
11 studies as well as others have shown
12 that it greatly reduces the odor

riverbirch

13 emissions coming from the working
14 face as compared to the 6 inches of
15 clay. I'd be happy to explain that
16 later at one of the meetings on why
17 that is and I can show you some
18 demonstrations, but that is the
19 reason that we're asking for that.

20 The spray-on applied daily cover
21 will reduce the amount of valuable
22 clay that's obviously needed now in
23 terms of the levee enhancements and
24 things of that sort. It will
25 increase the landfill life, and

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17

1 again, it will reduce the odor
2 emissions.

3 The other significant change is
4 is that we had to delineate on our
5 piece of property where we're going
6 to place our proposed gas-to-energy
7 plant. We're working very hard.
8 Doing a lot of research. Requesting
9 proposals and bids from several
10 different companies around the
11 country to come in and build us a
12 gas-to-energy plant, so that we can
13 - we're collecting our landfill gas
14 and we're flaring it right now.
15 It's burning through a flare. That

riverbirch

16 reduces the odors, but it wastes a
17 lot of valuable methane gas.

18 We're looking to purify that gas
19 and then utilize that gas as an
20 energy source. Whether it goes to
21 someone like Sytec Industries,
22 whether it goes to the Atmos Gas
23 pipeline, or whether we build a
24 Cogeneration plant and convert that
25 methane into electricity to go to

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18

1 energy.

2 Now, those are the significant
3 changes over the last permit. Now,
4 what I want to say is that
5 regardless of your comments tonight
6 regarding our solid waste permit
7 renewal, I will assure you that
8 River Birch will strive to maintain
9 the transparency of our operations
10 to your community. We don't want to
11 be seen, we don't want to be heard,
12 and we certainly don't want to be
13 smelled.

14 And we're working hard towards
15 that and we're going to continue to
16 work hard towards that, but where we
17 do want to have our presence and we
18 - I assure you that we will

riverbirch

19 continue to do that is that we will
20 continue to support your community
21 by hearing and acting on your
22 concerns and on your complaints and
23 supporting your various programs and
24 projects within the community.
25 Thank you.

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19

1 MS. BRYANT:
2 Thank you. I don't have any
3 other speaker registration forms,
4 but if there is anyone who would
5 like the opportunity to speak, you
6 may come forward at this time. No
7 one? well, the hearing needs to
8 remain open until 7:00 p.m., so what
9 I would like to do now is recess
10 until that time. And we'll see if
11 anyone else comes or if anyone who's
12 here now would like to give any
13 additional comments. You can do so
14 at that time. So we're at recess
15 until 7:00 p.m. Thank you.

16 (OFF THE RECORD.)

17 MS. BRYANT:
18 The hearing is reopened. It's
19 7:10 p.m. And I have a speaker
20 registration for Representative
21 Robert Billiot will speak. You may

riverbirch

22 come forward. Would you come
23 forward to the podium please and use
24 the microphone. Thank you.

25 MR. BILLIOT:

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1 Thank you. Let me first of all,
2 Robert Billiot, State Representative
3 District 83. I'm representing this
4 particular area on the state level.
5 The concern has always been about at
6 times, not all times the traffic and
7 at times it's the odor and the
8 things associated with the landfill.
9 And in this area here of Jefferson
10 Parish a real metropolitan area,
11 taking the blunt of the Katrina
12 after effects. Being so that the
13 amount of debris that needs to be
14 disposed of seems to be, the
15 majority of it seems to be coming
16 here to the Waggaman area.

17 Once again, we're hoping to be
18 able to work with these people, all
19 landfills within this area to try to
20 secure the best possible quality of
21 life for people who live in this
22 area. And people who live within
23 the area that the trucks pass
24 through. I'm not associated in this

riverbirch

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particular area, but there's a

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1 problem with a truck and some
2 situation that developed with the
3 Harvey Tunnel. So we're hoping that
4 law enforcement and people who are
5 in charge of enforcing the permits,
6 and other things that require he
7 haulers and other people involved to
8 secure their loads and make sure
9 that things are handled properly.

10 It's a very dangerous situation.
11 Lots of traffic. Lots of debris.
12 Lots of runoff water. And it goes
13 into the drainage system, which is
14 probably fine, but yet, still needs
15 to be maintained and held on the
16 property.

17 So I feel very comfortable that
18 DEQ is doing what they need to do to
19 make sure that all the requirements
20 are being met with this particular
21 landfill. And that we hope that we
22 can continue to have a cooperative
23 working relationship. I've just now
24 lately had the opportunity to meet
25 the management staff at River Birch

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1 and they've given me a full
2 commitment that they wanted to work
3 with the community and other
4 activities besides just being a
5 corporate citizen.

6 So in saying that, I would like
7 to when it's all concluded to have a
8 report of what this hearing pertains
9 to and what is the necessary next
10 steps. Thank you.

11 MS. BRYANT:

12 All right. Thank you very much.
13 Are there any other comments at this
14 time? All right. The hearing now
15 will proceed. I remind you that the
16 comment period for this technically
17 complete solid waste renewal permit
18 and the associated EAS and River
19 Birch Incorporated River Birch
20 Landfill ends at 12:30 p.m., Monday
21 July 14, 2008.

22 All comments received requests
23 for notification of the final
24 decision and the transcript for this
25 hearing are processed by the public

□

1 participation group and are

2 riverbirch
available on the electronic document
3 management system on the DEQ public
4 website. The permit writer reviews
5 all comments and uses any additional
6 information that is appropriate to
7 update the permitting information.

8 The names and addresses of all
9 the commentors, speakers, and those
10 requesting to be notified of the
11 final decision are added to the
12 public comment database. A final
13 draft of the permit and the response
14 and the public comments are prepared
15 and forwarded to the office of
16 environmental services, assistant
17 secretary for final decision.

18 Upon the issuance of the permit
19 a letter is mailed to all the
20 commentors, speakers, and those who
21 requested to be notified of the
22 final decision. The final decision
23 includes the appeal process, the
24 basis of decision, and the response
25 to all the public comments received.

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1 I have not received any exhibits
2 during this hearing. If there are
3 no other comments, I thank you for
4 your attention and participation in

5 riverbirch
this hearing. Let the Record
6 reflect that the time is 7:15 p.m.
7 This hearing is closed. Thank you.
8 (The hearing was concluded at 7:15 p.m.)
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2 R E P O R T E R ' S P A G E
3 I, Tara Torres, Certified Court
4 Reporter, in and for the State of
5 Louisiana, the officer, as defined in
6 Rule 28 of the Federal Rules of Civil
7 Procedure and/or Article 1434(b) of the

8 riverbirch
Louisiana Code of Civil Procedure,
9 before whom this sworn testimony was
10 taken, do hereby state on the Record:

11 That due to the interaction in
12 the spontaneous discourse of this
13 proceeding, dashes (--) have been used
14 to indicate pauses, changes in thought,
15 and/or talkovers; that same is the
16 proper method for a Court Reporter's
17 transcription of proceeding, and that
18 the dashes (--) do not indicate that
19 words or phrases have been left out of
20 this transcript;

21 That any words and/or names
22 which could not be verified through
23 reference material have been denoted
24 with the phrase "(phonetic)."
25

□

26

1 Tara Torres, CCR
2 Certified Court Reporter

3
4 C E R T I F I C A T E
5

6 This certification is valid only for a
7 transcript accompanied by my original signature
8 and original raised seal on this page.

9 That this testimony was reported by me in
10 the Stenomask method (voice-writing), was

11 prepared and transcribed by me or under my
12 personal direction and supervision, and is a
13 true and correct transcript to the best of my
14 ability and understanding;

15 That I am not related to counsel or to the
16 parties herein; am not otherwise interested in
17 the outcome of this matter; and am a valid
18 member in good standing of the Louisiana State
19 Board of Examiners of Certified Shorthand
20 Reporters.

21
22 Tara Torres (#22012)
23 Certified Court Reporter
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