

Title 33**ENVIRONMENTAL QUALITY****Part VII. Solid Waste****Subpart 1. Solid Waste Regulations****Chapter 1. General Provisions and Definitions****§115. Definitions**

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

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Abandonment—to leave behind or desert ~~solid waste~~ objects or materials at a location without adhering to the proper disposal or processing standards required by these regulations. Storage of solid waste in accordance with the storage standards provided by these regulations does not constitute abandonment.

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Air Curtain Destructor (ACD)—a device that forcefully projects a curtain of air across an open chamber or open pit in which combustion occurs. Destructors of that type can be constructed above or below ground and with or without refractory walls or floor. *Air curtain destructors* are also referred to as ~~pit~~ burners, trench burners, and air curtain incinerators.

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Best Management Practices (BMP) - Operational planning approved by the Louisiana Department of Agriculture and Forestry (LDAF) authorizing beneficial use of agriculture, horticulture, aquaculture or silvaculture wastes, vegetative debris, and related ash residues in an environmentally sound manner.

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Biodiesel – product that is a form of diesel fuel manufactured from vegetable oils, animal fats, or recycled greases.

Brown Grease - waste fats, oils or grease recovered from a grease trap or grease interceptor.

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Construction/Demolition (C&D) Debris—nonhazardous waste generally considered not water-soluble ~~that is produced in the process of~~ resulting from the construction, remodeling, repair, renovation, or demolition of structures, including buildings of all types (both residential and nonresidential). Solid waste that is not *C&D debris* (even if resulting from the construction, remodeling, repair, renovation, or demolition of structures) includes, but is not limited to, regulated asbestos-containing material (RACM) as defined in LAC 33:III.5151.B, white goods, creosote-treated lumber and/or other woodwaste treated with chemicals including but not limited to creosote, chromated copper arsenate (CCA) or chromium trioxide, and any other item not an integral part of the structure.

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Discarded— an object or material is *discarded* when it is abandoned; or offered for regulated disposal, including those objects or materials subsequently diverted from abandonment or from the regulated disposal pathway for use, re-use, reclamation, recycling, or resource recovery; or ultimately disposed in accordance with these regulations to land, water, or air by placement, injection, discharge, evaporation, burning, or incineration (except where the material is being burned as a fuel for the purpose of recovering usable energy); or physically, chemically, or biologically treated in lieu of or prior to legal disposal.

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Emulsion - a fine, small droplet suspension of one liquid dispersed in a second liquid with which the first is not normally miscible (i.e. a homogeneous mixture of oil and water).

Emulsion Breaking - treating an emulsion with heat, chemicals, or mechanical means to separate a homogeneous mixture of normally immiscible constituents into separate phases amenable to segregation.

Environmentally Sound Manner - management practices that do not create or present environmental nuisance or unacceptable risk of harm to human health or environment through biological vectors or by contamination of soil, groundwater, surface water, or air.

* * *

Fuel - materials such as wood, coal, oil, or gas combusted to produce heat, power, or both.

* * *

Grease—a material, either liquid or solid, composed primarily of fat, oil, or grease from animal or vegetable sources. The terms *fats, oils, and grease; oil and grease; and oil and grease substances* shall all be included within this definition.

Grease Trap – a device designed to prevent grease and solids from entering a sanitary sewer collection system.

Grease Trap Waste – waste removed from a grease trap that primarily consists of brown grease and other solids.

* * *

Impacted – when soil, spent abrasive media, or other material contains a constituent of concern (i.e. contaminant, pollutant, etc.) which exceeds the residential screening standard as defined under the appropriate limiting standard under the Risk Evaluation and Corrective Action Program (RECAP).

* * *

Industrial Solid Waste—solid waste generated by a manufacturing, industrial, or mining process, or that 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; byproducts; 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 uncontaminated non-process related solid wastes generated on-site (such as, but not limited to, vegetative debris, construction & demolition debris, excavated soils, office trash, food service waste); used oil, universal waste & hazardous waste regulated under the Louisiana hazardous waste regulations or under federal law; or waste that is subject to regulation under the Office of Conservation's Statewide Order No. 29-B or by other agencies.

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Non-Processing Transfer Station— a ~~solid waste~~ facility where solid waste is transferred directly or indirectly from collection vehicles to other vehicles for transportation without processing, except compaction used for the reduction of volume in waste or separation of recyclable material from non-putrescible waste streams (see *Process*).

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Pelletizing - compressing or molding a solid into desirable uniform size and shape.

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Phase Separating - segregating two or more immiscible layers (ex. oil from water in an oil/water separator).

* * *

Process— a method or technique utilized to render solid waste more amenable for disposal, or less harmful to human health and the environment prior to disposal, including recycling, recovering, compacting (but not including compacting that occurs solely within a transportation vehicle or at a non-processing transfer station), composting, incinerating,

chipping, shredding, baling, recovering resources, pyrolyzing, autoclaving, or any other method or technique that is 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 disposal, or recovery, storage, or reshipment, or resale prior to disposal. The definition of *process* does not include evaporation of on-site generated wastewaters in tanks to reduce or eliminate a discharge, provided this activity complies with applicable Louisiana water quality regulations (LAC 33:Part IX) and air quality regulations (LAC 33:Part III); 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; ~~or nor does it include~~ resource recovery activities, including separation of recyclable material from non-putrescible commercial waste streams at a non-processing transfer station.

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Putrescible—susceptible to rapid decomposition by bacteria, fungi, or oxidation, creating noxious odors. This definition shall not apply to gypsum wall board.

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Recycling - any activity by which nonhazardous solid waste, or materials which would otherwise become solid waste, are collected, separated, improved for reuse, or returned to use in the form of raw materials or products.

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Refuse-Derived Fuel—fuel ~~processed~~ derived from combustible solid waste.

Refuse-Derived Fuel Facility—a solid waste facility where fuel is ~~processed~~ derived from combustible solid waste.

* * *

Residential Solid Waste—any solid waste (including garbage, trash, ~~yard-trash~~ vegetative debris, 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).

* * *

Resource Recovery—~~the process~~ management procedures by which solid waste that retains useful physical or chemical properties is reused or recycled for the same or other purposes, including uses as energy sources.

Resource Recovery Activities - methods or techniques utilized in an environmentally sound manner to recycle, divert, remove, extract or recover valuable materials from solid waste, or render solid waste more amenable for resource recovery, such as segregating, filtering, emulsion breaking, phase separating, size classifying, shredding, grinding, baling, composting (of vegetative debris), pelletizing, or separating recoverable materials from construction/demolition debris at sites of generation, or separating recoverable materials from vegetative debris or other material originating from service activities performed at homes or businesses by service providers such as arborists, repairmen, and contractors. Similar activities that do not relate to resource recovery are not included in this definition.

* * *

Responsible Official—the person who has the authority to sign applications for permits, ~~and~~ certifications of compliance, beneficial use plans and other official submittals requiring certification by the administrative authority. For corporations, this person shall be a *responsible corporate officer*. For a partnership or sole proprietorship, this person shall be a partner or the proprietor, respectively. For a municipality, state agency, federal agency, or other public agency, this person shall be a ranking elected official or a *principal executive officer* of a state or federal agency.

* * *

Separation Facility— a ~~Type III~~ solid waste processing facility at which recyclable materials are separated from construction/demolition-debris (e.g., a Type III-A facility), or from a nonputrescible commercial solid waste (e.g., a Type II-A facility) stream for future use. The ~~nonputrescible~~ waste streams received by the separation facility shall not contain industrial or residential waste nor more than a de minimis amount of putrescible waste that would present unacceptable environmental nuisance or endangerment to human health or environment.

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Size Classifying - separating solid mixtures into different size categories by using screens, sieves, or other means.

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Substantial Business Relationship—the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A substantial business relationship must arise from a pattern of recent or ongoing

business transactions, in addition to the guarantee itself, such that a currently existing business relationship between the guarantor and the permit holder or applicant is demonstrated to the satisfaction of the administrative authority.

* * *

Transfer Station (Processing)— a Type I-A (industrial solid waste), or Type II-A (residential or commercial solid waste) processing facility; where solid waste is transferred from collection vehicles, processed for disposal or managed for resource recovery, and placed in other vehicles for transportation to other facilities for further resource recovery or permitted disposal (e.g., a facility that separates recyclables from industrial, residential, or commercial solid putrescible waste streams).

* * *

Type I-A Facility— a facility used for processing industrial solid waste (e.g., a transfer station (processing), shredder, baler, incinerator, etc.). (If the facility ~~is used for processing~~ residential or commercial solid waste it is also a Type II-A facility.)

* * *

Type II-A Facility— a facility used for processing residential, infectious, or commercial solid waste (e.g., a separation facility receiving commercial solid waste, a transfer station (processing), ~~a composting~~ municipal solid waste composting facility, a refuse-derived fuel facility, shredder, baler, autoclave, incinerator, etc.). (If the facility ~~is used for processing~~ industrial solid waste, it is also a Type I-A facility.)

Type III Facility— a facility used for disposing ~~or processing~~ of construction/demolition debris and/or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (e.g., a construction/demolition debris and/or woodwaste landfill, separation facility, or composting facility). A Type III facility may also accept vegetative debris.

Type III-A Facility - a facility used for separating recyclable materials from construction/demolition debris (e.g., a separation facility); or processing construction/demolition debris or woodwaste destined for disposal (e.g., a construction/demolition debris processing facility); or processing woodwaste utilizing an incinerator or air curtain destructor; or non-exempt composting of organic, non-food waste to produce a usable material (e.g. an organic composting facility not managed in accordance with a *Best Management Practices* plan approved in writing by the Department of Agriculture & Forestry). A Type III-A facility may also process vegetative debris.

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Vegetative Debris— discarded vegetative matter resulting from activities such as landscaping, landscape maintenance, and right-of-way or land-clearing operations, including trees, shrubs, leaves, limbs, stumps, grass clippings, and flowers.

Water-Supply Treatment Plant--a facility that uses physical, biological, and/or chemical processes for making water suitable for human consumption and/or other purposes, including, but not limited to, industrial steam production, water supply for processes, hydrostatic testing, hydroblasting, analytical testing, safety showers, deluge systems, fire hydrant supply, and/or cooling tower or system makeup.

* * *

Woodwaste— ~~yard trash and~~ types of waste generated by ~~land and right-of-way clearing operations,~~ sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, wood-fired boiler ash, wood ash, and plywood or other bonded materials that contain only polyurethane, phenolic-based glues, or other glues that are approved specifically by the administrative authority. Uncontaminated, un-treated or un-painted lumber, board road lumber, or wooden pallets are considered woodwaste under this definition.

* * *

Yard Trash— ~~vegetative matter resulting from landscaping, maintenance, or land clearing operations, including trees and shrubbery, leaves and limbs, stumps, grass clippings, and flowers.~~

Yellow Grease – grease resulting from used cooking oil.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary,

Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011), LR 38:46 (January 2012).

§117. Experimental Operations for New Technologies

A. ...

B. Permission may be granted to facilitate experimental operations intended to develop new methods or technology ~~provided~~ ing the request demonstrates strict conformity with these regulations ~~is demonstrated in the request~~.

C.-D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1026 (June 2007), amended LR 37:3234 (November 2011).

Chapter 3. Scope and Mandatory Provisions of the Program

§301. Exempted Waste

A. All *solid wastes*, as defined by the Act and these regulations, are subject to the provisions of these regulations, except as follows:

1. wastes while regulated under other authority (state or federal) and wastes not processed or disposed of in solid waste facilities permitted under these regulations, including but not limited to, the following wastes:

A.1.a. -A.1.g. ...

h. infectious waste or other hospital or clinic wastes while subject to federal or Louisiana state agency (Department of Health & Hospitals) regulations, ~~that are not processed or disposed of in solid waste processing or disposal facilities permitted under these regulations;~~ and

A.1.i.-A.2.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), LR 28:780 (April 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2485 (October 2005), LR 33:1027 (June 2007), LR 33:2140 (October 2007), LR 33:2364 (November 2007), LR 34:612 (April 2008).

§303. Wastes Not Subject to the Permitting Requirements, ~~or Processing,~~ or Disposal Requirements and Standards of These Regulations

A. The following solid wastes, ~~when if processed~~ managed for resource recovery and/or disposed of in facilities that are operated in an environmentally sound manner, are not subject to the permitting ~~requirements, or processing,~~ or disposal requirements and standards of these regulations, but are still subject to storage and speculative accumulation regulations at LAC 33:VII.315.B, 503.A.1, and 10313:

~~1. wastes resulting from land and right-of-way clearing (trees, stumps) and disposed of on the site where generated;~~

~~21. solid wastes in facilities that have been closed in a manner acceptable to the administrative authority prior to January 20, 1981 (This Paragraph is not intended to require permitting of any facilities that have been closed in a manner acceptable to the administrative authority and which remain closed.);~~

~~32. materials such as, but not limited to, waste papers, plastics, metals, wood, and glass that are presorted, or otherwise segregated from other solid waste, to be recycled or reused or managed for resource recovery and not destined for disposal, until stored materials are no longer recyclable due to decomposition, weathering, contamination, or degradation;~~

~~4. uncontaminated earthen materials such as limestone, clays, sands, clamshells, river silt, and uncontaminated residues from beneficiation of earthen materials;~~

~~5. brick, stone, reinforced and unreinforced concrete, and asphaltic roadbeds;~~

~~6. sludges resulting from the treatment of water at public or privately owned water supply treatment plants;~~

~~73. petroleum-refining catalysts and other materials utilized as feedstocks that are managed at a facility in order to recover these wastes for further use. Petroleum-refining catalysts and other materials entering surface impoundments that manage contact stormwater runoff are not exempt;~~

~~8. agricultural wastes, including manures, that are removed from the site of generation by an individual for his own personal beneficial use on land owned or controlled by~~

~~the individual. The amount of wastes covered by this exemption shall not exceed 10 tons per year (wet weight) per individual per use location. To qualify for this exemption, records documenting the amount of wastes used for beneficial use on land owned or controlled by the generator shall be maintained. These records shall be kept for a minimum period of two years;~~

94. solid wastes that are treated or disposed of in a hazardous waste treatment or disposal facility that is regulated under LAC 33:Part.V;

105. woodwastes and/or vegetative debris that are beneficially-used in accordance with a *Best Management Practices (BMP) Pplan* approved in writing by the LDAF Department of Agriculture and submitted to the Office of Environmental Services, provided that the generator notifies the Office of Environmental Services of such activity at each site in accordance with LAC 33:VII.401.A. Woodwastes and/or vegetative debris not being properly managed in accordance with the ~~Best Management Practice~~ BMP Pplan approved by the LDAF Department of Agriculture do not meet this exemption;

116. solid wastes reused in a manner protective of human health and the environment, as demonstrated by a soil reuse plan or beneficial use plan prepared in accordance with LAC 33:VII.Chapter 11 and approved by the administrative authority;

7. used or off-spec asphaltic roofing materials which do not contain asbestos (such as but not limited to roofing shingles and felt) destined for making new asphaltic roofing products or fresh roadbed material;

8. vegetative debris destined for resource recovery into raw materials or products of commonly recognized use, such as but not limited to, lumber, construction timber, pulp wood, pelletized fuel, firewood, crafts, art, and landscaping mulch, until stored vegetative

debris, raw materials, or products are no longer recyclable or marketable due to decomposition, weathering, contamination, or degradation; and

129. other wastes deemed acceptable by the administrative authority based on possible environmental impact; ~~and~~

~~13. — spent blasting sand generated from the preparation of unpainted surfaces.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2486 (October 2005), LR 33:1027 (June 2007), LR 33:2140 (October 2007), LR 37:3235 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

§304. Wastes Not Subject to the Permitting, Processing, Disposal, or Storage

Requirements and Standards of These Regulations

A. The following solid wastes, if managed for resource recovery or disposed in an environmentally sound manner, are not subject to the permitting, processing, disposal, or storage requirements and standards of these regulations:

1. vegetative debris disposed on the site where generated;

2. uncontaminated earthen materials such as limestone, clays, sands, clamshells, river silt, and uncontaminated residues from beneficiation of earthen materials;

3. uncontaminated or non-impacted earthen materials such as soils, clays (including bentonite clays), sands, gravels, clamshells, and rock cuttings generated from non-petroleum or gas exploration & production drilling not regulated by the Department of Natural Resources, such as but not limited to, constructing water wells, heat pump wells, and horizontal power transmission line wells;

4. brick, stone, reinforced and unreinforced concrete, and asphaltic roadbeds;

5. sludges resulting from the treatment of water at public or privately owned water-supply treatment plants;

6. agricultural wastes, including manures, that are removed from the site of generation by an individual for his own personal beneficial use on land owned or controlled by the individual. The amount of wastes covered by this exemption shall not exceed 10 tons per year (wet-weight) per individual per use location. To qualify for this exemption records documenting the amount of wastes used for beneficial use on land owned or controlled by the generator shall be maintained. These records shall be kept for a minimum period of two years;
and

7. spent blasting abrasive silica sand generated from the preparation of unpainted surfaces.

AUTHORITY NOTE:

HISTORICAL NOTE:

§305. Facilities Not Subject to the Permitting, ~~Requirements or Processing,~~ or Disposal Standards and Requirements of These Regulations

A. The following facilities that are operated in an environmentally sound manner are not subject to the permitting, ~~requirements or processing,~~ or disposal requirements and standards of these regulations, but wastes stored at these facilities are still subject to storage and speculative accumulation regulations at LAC 33:VII.315.B, 503.A.1, and 10313. Facilities operating with a BMP plan must operate in accordance with the approved plan to maintain the applicable exemptions from solid waste regulation, or otherwise manage solid waste according to these regulations:

A.1-A.4.a. ...

~~b. — the facility shall submit to the Office of Management and Finance a disposer annual report in accordance with the standards for construction/demolition debris disposal facilities found in LAC 33:VII.721.B.1;~~

~~e~~b. the facility owner shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name and address of the person with the knowledge of the contents of the facility. An example of the form to be used for this purpose is provided in LAC 33:VII.3011.Appendix F. The facility shall provide the Office of Environmental Services with a true copy of the document filed and certified by the parish clerk of court;

A.5. -A.7. ...

~~8. woodwaste facilities at which only woodwaste is disposed of on property owned by the generator of the woodwaste, provided that the following requirements are met:~~

~~a. the facility shall notify the Office of Environmental Services of such activity in accordance with LAC 33:VII.401.A;~~

~~b. the facility shall comply with applicable Louisiana water quality regulations (LAC 33:Part IX); and~~

~~c. the facility shall comply with the perimeter barrier, security, and buffer zone requirements in LAC 33:VII.719.B;~~

8. resource recovery facilities that receive only vegetative debris, provided they:

a. manage waste generated at their facility (such as but not limited to, items segregated from received raw material, residues resulting from resource recovery activity, unmarketable product, ash resulting from burning residues or unmarketable product) according to these regulations or a *BMP* plan; and

b. comply with the following additional requirements if they dispose (landfill) or burn (using an ACD) waste generated on site from resource recovery of vegetative debris on property owned by the generator:

i. for landfills, 305.A.16.a-c. and

ii. for ACDs, 305.A.15.a-c.

9. facilities at which only ~~woodwaste~~ vegetative debris resulting from utility right-of-way clearing ~~are~~ is received, provided ~~the following conditions are met:~~

a. the facility property ~~shall be~~ is controlled by the utility company or governmental authority that generates the ~~woodwaste~~ vegetative debris;

b. ~~they facility shall~~ comply with the natural or manmade perimeter barrier and security requirements in LAC 33:VII.719.B.2.a-c;

c. ~~they facility shall not~~ receive ~~solid waste~~ vegetative debris from ~~any no~~ source other than the ~~utility company~~ or governmental authority (or ~~its~~ their authorized contractors) which generates the waste; and

d. they comply with the following additional requirements if they dispose (landfill) or burn (using an ACD) vegetative debris on-site:

i. for landfills, 305.A.16.a-c. and

ii. for ACDs, 305.A.15.a-c.

~~d. the facility shall notify the Office of Environmental Services of its activities in accordance with LAC 33:VII.401.A;~~

10. ...

11. recycling facilities, ~~as described in LAC 33:VII.303.A.3,~~ that receive only source-separated recyclables as described in LAC 33:VII.303.A.2;

12. hospitals and other health care facilities ~~that~~ authorized by the Department of Health and Hospitals to store and/or treat regulated infectious waste generated on-site or that accepted from off-site wholly- or partly-owned subsidiaries; and

13. transportation vehicles and municipal or parish collection containers that collect and compact solid waste;

14. facilities that open burn in accordance with R.S. 30.2001 et. seq. and LAC 33:III.1109; and

15. ACD facilities that receive and burn only vegetative debris provided they:

a. notify the Office of Environmental Services of their activities in accordance with LAC 33:VII.401.A and receive an identification number for processing and/or generating solid waste prior to commencing operations;

b. manage waste generated on-site (such as but not limited to, items segregated from vegetative debris and ash resulting from ACD activity) according to these regulations or a BMP plan; and

c. maintain at least a 1,000-foot buffer from any dwelling other than a dwelling or structure located on the property on which the burning is conducted (unless the appropriate notarized affidavit waivers are obtained according to procedures in LAC 33:VII.719.B.3).

16. vegetative debris landfill facilities that receive off site generated material operated according to a BMP plan provided they:

a. notify the Office of Environmental Services of their activities in accordance with LAC 33:VII.401.A and receive an identification number prior to commencing operations;

b. comply with the perimeter barrier, security, and buffer zone requirements in LAC 33:VII.719.B.2.a-c; and

c. manage waste generated at their facility (such as but not limited to, items segregated from vegetative debris) according to these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 26:2515, 2609 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2486 (October 2005), LR 33:1028 (June 2007), LR 33:2140 (October 2007), LR 37:3235 (November 2011).

§315. Mandatory Provisions

A. ...

B. Storage of Wastes. No solid waste shall be stored or allowed to be stored in a manner that may cause a environmental nuisance or health hazard or detriment to the environment as determined by the administrative authority. Unless authorized or approved by the

administrative authority, no solid waste (not conditionally excluded under LAC 33:VII.304) shall be stored or allowed to be stored ~~at an off-site location of generation~~ unless such off-site location is:

1. a facility exempt under Section 305;
2. a separation facility; or
3. an authorized transfer station or collection, processing, or disposal facility.

After November 20, 2011, solid wastes (not conditionally excluded under LAC 33:VII.304) may not be stored on-site or off-site of generation for greater than one year, without approval from the Office of Environmental Compliance. The facility shall maintain records reasonably acceptable to the administrative authority indicating the time frame that waste has been stored.

C.-N.2. ...

O. Generators shall not offer solid waste (not conditionally excluded under LAC 33:VII.303 or 304) to transporters, processing facilities, or disposal facilities that have not received authorization and/or the required permits necessary to receive and/or manage the generator's solid waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997),

amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1030 (June 2007), LR 34:1400 (July 2008), LR 36:1240 (June 2010), LR 37:3235 (November 2011) repromulgated LR 37:3508 (December 2011).

Chapter 4. Administration, Classifications, and Inspection Procedures for Solid Waste Management Systems

§401. Notification

A. Persons who generate industrial solid waste and/or persons who transport, process, or dispose of solid waste not conditionally excluded under LAC 33:VII.303 or 304, or persons who are otherwise required by these regulations to comply with LAC 33:VII.401.A, shall, within 30 days after they become subject to these regulations, notify the Office of Environmental Services in writing of such activity. A form to be used for notification shall be obtained from the Office of Environmental Services or through the department's website. Contractors such as, but not limited to, arborists, repairmen, appliance installers, and remodelers who only transport non-industrial solid wastes they generate while providing services to residential and commercial customers do not have to comply with LAC 33:VII.401.A.

B. Persons who generate industrial solid waste and persons who transport, process, or dispose of solid waste who have previously notified the department of such activity are not required to renotify, unless changes are warranted such as the addition of vehicles or a change of facility status (active to inactive, or inactive to active).

C. Owners or operators of non-processing transfer stations and collection facilities are required to notify the Office of Environmental Services prior to operating ~~on~~ on ~~of these types of~~ facilities. Existing facilities that have previously notified are not required to renotify unless changes are warranted such as a change of facility status (active to inactive, or inactive to active).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1031 (June 2007), LR 33:2141 (October 2007).

§405. Categorization of Facilities

A. All existing and proposed facilities shall be categorized as defined in LAC 33:VII.115 and as one or more of the following:

1. *Type I*— industrial solid waste disposal facilities (e.g., landfills, surface impoundments, or landfarms);
2. *Type I-A*— industrial solid waste processing facilities (e.g., balers, shredders, transfer stations (processing), incinerators, etc.);
3. *Type II*— ~~non-industrial~~ residential and commercial solid waste disposal facilities (e.g., landfills, surface impoundments, or landfarms);

4. ~~Type II-A—non-industrial~~ residential and commercial solid waste processing facilities (e.g., ~~composting municipal solid waste~~ composting facilities, balers, shredders, transfer stations (processing), separation facilities, refuse-derived fuel facilities, autoclaves, incinerators, etc.); or

5. ~~Type III—~~ construction/demolition debris; and/or woodwaste landfills; (which may also accept vegetative debris) separation facilities, composting facilities, or other; or

6. ~~Type III A—~~ construction/demolition debris and/or woodwaste processing facilities (e.g., separation facilities, construction/demolition debris processors, woodwaste processing facilities utilizing incinerators or air curtain destructors, non-exempt organic composting facilities, or other as determined by the administrative authority. A Type III-A facility may also accept vegetative debris.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1032 (June 2007).

§407. Inspection Types and Procedures

A.-E. ...

F. Post Closure Inspections. Post closure inspections will be conducted within 30 days after the Office of Environmental Services has received written notice from the permit holder that post closure requirements have been met in accordance with the approved closure permit or post closure plan for those facilities that began post closure activities in accordance

with an approved closure plan prior to November 20, 2011, and the permit holder has submitted a request for a post closure inspection. The administrative authority reserves the right to determine if a facility has met all post closure requirements and extend the post closure period as necessary to protect human health and the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1032 (June 2007), LR 33:2142 (October 2007), LR 37:3235 (November 2011), repromulgated LR 37:3508 (December 2011), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

Chapter 5. Solid Waste Management System

Subchapter A. General Standards for Nonpermitted Facilities

§501. Standards Governing Industrial Solid Waste Generators

A. Annual Reports

1. Generators of industrial solid waste shall submit annual reports to the Office of Environmental Services Management and Finance listing the types and quantities, in wet-weight tons per year, of industrial solid waste they have disposed of off-site. This requirement does not apply to those generators who are also permit holders required to submit annual certifications of compliance in accordance with LAC 33:VII.525.

2.-3. ...

4. The report shall be submitted to the Office of Environmental Services Management and Finance by August 1 of each reporting year.

B.5.-C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2490 (October 2005), LR 33:1033 (June 2007), LR 33:2142 (October 2007), LR 37:3236 (November 2011).

§503. Standards Governing Solid Waste Accumulation and Storage

A. Solid Waste Accumulation

1. No solid waste shall be stored or allowed to be stored long enough to cause a environmental nuisance, health hazard, or detriment to the environment as determined by the administrative authority, and after November 20, 2011, no solid waste (not conditionally excluded under LAC 33:VII.304) shall be stored on-site or off-site for greater than one year without approval from the Office of Environmental Compliance. The facility shall maintain records reasonably acceptable to the administrative authority indicating the time frame during which waste has been stored.

A.2.-A.2.c. ...

3. On-site processing or disposal, other than the exclusions provided for in LAC 33:VII.301, 303, 304, or 305, is not allowed on the sites of commercial or industrial generators, unless a permit is obtained.

B.-C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1033 (June 2007), LR 34:613 (April 2008), LR 37:3236 (November 2011) repromulgated LR 37:3509 (December 2011).

§505. Standards Governing Collectors and Off-Site Transporters of Solid Waste

A.-A.2. ...

a. The bodies of vehicles used to transport ~~trees, tree limbs~~ vegetative debris, construction/demolition (C & D) debris, ~~materials~~, or metals shall contain such waste without allowing materials to fall or blow off the vehicle.

A.b.-C.4. ...

D. Transportation to Processing and Disposal Facilities. Solid waste (not conditionally excluded under LAC 33:VII.303 or 304) shall be transported, for processing or disposal, only to facilities ~~permitted~~ authorized to receive such waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1033 (June 2007).

§508. Standards Governing Non-Processing Transfer Stations for Solid Waste

A.-A.3. ...

4. design and maintain site access roads or waterways in a manner that shall meet the facility demands of the facility and ~~is designed to~~ avoid, to the extent practicable, congestion, sharp turns, obstructions, or other hazards conducive to accidents. The surface roadways shall be adequate to withstand the weight of transportation vehicles.

B. ...

C. ... No processing or disposal shall occur at a non-processing transfer station except for ~~facilities separating non-putrescible~~ recyclable materials from commercial solid waste containing no more than a de-minimis amount of putrescible material that would present unacceptable environmental nuisance or endangerment to human health or environment as determined by the administrative authority.

C.1.-J. ...

K. ... The owner/operator of a non-processing transfer station may construct a drop-off area at the non-processing transfer station site such that certain activities can be conducted. No industrial waste shall be accepted, and materials shall be managed in accordance with LAC

33:VII.503, 507, and Subsections F, G, I, K, and L of this Section. These areas are intended for receiving the use of commercial facilities and residential solid waste. Collection and storage of the following wastes are allowed, provided ~~it~~ they does not become an environmental nuisance, a health hazard, or a detriment to the environment as determined by the administrative authority:

1. white goods;
2. presorted ~~yard trash~~ vegetative debris; or

K.3.-M.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1034 (June 2007), amended LR 33:2142 (October 2007), LR 34:613 (April 2008), LR 35:925 (May 2009), LR 38:46 (January 2012).

Subchapter B. Permit Administration

§509. Permit System

A. Scope

1. A permit shall be secured by any person who processes and/or disposes of solid waste, with the exception of those wastes or processing and disposal facilities described in LAC 33:VII.301, 303, 304, and 305. Facilities (existing and proposed) subject to the permitting requirements detailed in these regulations are defined in LAC 33:VII.115 and categorized in LAC 33:VII.405.A.

A.2. ...

3. Transporters that are not processors or disposers of solid waste are not required to secure a permit. Transporters of solid waste (not conditionally exempt under Sections 303 or 304) shall notify the Office of Environmental Services in accordance with LAC 33:VII.401.A and B. Transporters of solid waste are subject to the applicable standards provided in LAC 33:VII.505.

A.4.-B.5. ...

6. All permits, regardless of type, issued on or after February 20, 1993, shall correspond to the facility categories set forth in LAC 33:VII.405.A (*Type I, Type I-A, Type II, Type II-A, and Type III, and Type III-A*).

C.-G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2518, 2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2488 (October 2005), LR 33:1035 (June 2007), LR 33:2143 (October 2007), LR 37:3236 (November 2011) repromulgated LR 37:3509 (December 2011).

§513. Permit Process for Existing Facilities and for Proposed Facilities

A.-A.4. ...

B. Pre-Application Requirements. All prospective applicants for solid waste permits, except for those applicants exempted under Paragraphs ~~9-12~~ 10-13 of this Subsection, shall comply with the following requirements prior to submitting an application for a solid waste permit.

1. ~~The prospective applicant shall~~ Conduct a capacity evaluation regarding the need for the type of facility to be requested in at the location proposed. This capacity evaluation shall consider existing capacity within the proposed service area of the facility. The prospective applicant shall forward ~~the~~ results of the evaluation to the administrative authority ~~for review~~. The administrative authority shall ~~respond to the evaluation within 90 days of~~ submittal and the response shall indicate the administrative authority's concurrence or non-concurrence consider the capacity evaluation when making the final permitting decision.

B.2.-B.6.b. ...

7. Post-Application Public Notice

a. ~~All applicants shall publish a notice of application submittal within 45 days after submitting the application to the Office of Environmental Services~~ Within 30 days after receipt of a letter of administrative completeness, the applicant shall publish a notice, provided by the department, of the administrative completeness determination and submit proof of publication to the Office of Environmental Services. This public notice shall be published one time as a single classified advertisement in the legal or public notices section of the official journal of the state and a major local newspaper of general circulation in the area where the facility is located. If the facility is in the same parish or area as the official journal of the state, a

single classified advertisement in the legal or public notices section of the official journal of the state shall be the only public notice required.

b. ~~The public notice shall be published in accordance with the form provided in LAC 33:VII.3003. Appendix B~~ The wording of the public notice shall be identical to the wording provided by the department with the letter of administrative completeness.

B.8. – B.11. ...

12. Applicants whose types are I-A, ~~only or~~ II-A, ~~or III-A~~ only, or both I and I-A or both I-A and II-A are exempt from the requirements of Paragraphs 1 and 2 of this Subsection.

C. – C.2. ...

a. Any applicant for a standard permit for existing or proposed processing or disposal facilities shall complete all parts of a permit application as described in LAC 33:VII.519, and submit ~~three~~ five paper copies to the Office of Environmental Services. An applicant located in Calcasieu Parish or in two adjacent parishes, shall submit six (6) paper copies of the application. ~~All applicants shall also submit three electronic copies of the application, in a format acceptable to the department, with the submittal of the paper copies. All attachments shall be marked with appropriate tabs. In lieu of submitting three five paper and three electronic copies of the permit application, the applicant may submit the permit application electronically via the internet when the department's internet site allows for such submittals.~~

C.2.b.-C.2.f. ...

D. Notices to Parish Governing Authorities. As provided in R.S. 30:2022, upon receipt of a permit application the Office of Environmental Services shall provide written notice

on the subject matter to the parish governing authority within 30 days after receipt of the administratively complete application, which shall promptly notify each parish municipality affected by the application.

E.-G.2.d. ...

i. a description of the public comment period under LAC 33:VII.513.G.34 and the address where comments will be received; and

G.2.d.-G.2.f. ...

3. Once prepared, the draft permit and fact sheet are sent to the applicant for review and comment. The applicant has a minimum of seven (7) days to respond, unless otherwise specified by the administrative authority. The department will address the response before proceeding to public notice.

4. Public Notice. The Office of Environmental Services shall publish a notice of the draft permit decision one time as a single classified advertisement in the legal or public notices section of the official journal of the state and a major local newspaper of general circulation in the area where the facility is located. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement in the official journal of the state shall be the only public notice required. The public notices shall solicit comment from interested individuals and groups. Comments received by the administrative authority within the timeframe specified in the public notice shall be reviewed by the Office of Environmental Services prior to the preparation of a final decision. The costs of publication shall be borne by the applicant. The applicant shall furnish the contact information (including name and/or title, address, and telephone number) for the person who shall be responsible for receiving the invoice from the

newspaper(s). Proof of payment for the public notice shall be provided to the administrative authority if requested.

~~4~~5. A copy of the draft permit decision shall be sent to the parish library in the parish where the facility is located for public review.

~~5~~6. A copy of the draft permit decision shall be sent to the appropriate regional office and shall be made available for public review.

~~6~~7. A copy of the draft permit decision shall be sent to the parish governing authority where the facility is located.

~~7~~8. Closure permits based on closure plans or applications, if not received as part of a permit application for a standard permit, shall not follow the draft permit decision process. Once a closure plan or application is deemed adequate, the administrative authority shall issue a closure permit.

H.-K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2488 (October 2005), LR 33:1037 (June 2007), LR 33:2143 (October 2007), LR 37:1563 (June 2011),

LR 37:3238 (November 2011), repromulgated LR 37:3510 (December 2011)), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

Subchapter C. Permit System for Facilities Classified for Upgrade or Closure

§515. Permit Process for Existing Facilities Classified for Closure

A.-B. ...

1. Permit holders for facilities classified for closure shall submit to the Office of Environmental Services ~~three~~ five paper copies ~~and three electronic copies~~, in a format acceptable to the department, of a closure plan within 60 days after issuance of the temporary permit for the facility. All attachments shall be marked with appropriate tabs.

B.2.-D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2489 (October 2005), LR 33:1038 (June 2007), LR 33:2144 (October 2007), LR 37:3240 (November 2011), repromulgated LR 37:3510 (December 2011).

§517. Modifications of Permits and Other Authorizations to Operate

A.-A.1. ...

a. Modification requests shall be submitted using the appropriate permit application form. Only those sections that are proposed for modification shall be completed. The administrative authority may request further information so that a proper determination may be made. ~~Three~~ Five paper copies ~~and three electronic copies,~~ or six (6) paper copies for those located in Calcasieu Parish or in two adjacent parishes, in a format acceptable to the department, of all modification requests shall be provided to the Office of Environmental Services. The modification request shall incorporate, in the appropriate sections, all required plans and narratives and shall include appropriate tabbing, if applicable, for all attachments. A facility seeking to modify its permit to include changes that constitute a physical expansion of the area(s) in which solid wastes are disposed beyond the facility's existing boundaries as set forth in the facility's existing permit shall follow the pre-application requirements listed at LAC 33:VII.513.B.

A.1.b.-B.2. ...

a. For applications determined to be technically complete prior to November 20, 2011, the application shall be accepted for public review and the applicant shall provide additional copies as directed by the administrative authority. The department shall prepare a draft permit decision following the procedures in LAC 33:VII.513.G.2-~~67~~.

b. For applications determined to be technically complete on or after November 20, 2011, the department shall prepare a draft permit decision following the procedures of LAC 33:VII.513.G.1-~~67~~.

B.3.-D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430, 2490 (October 2005), LR 33:1039 (June 2007), LR 33:2145 (October 2007), LR 37:3241 (November 2011).

Subchapter D. Permit Application

§519. Permit Application Form(s)

A.-B.1.q. ...

r. proof of notification to the nearest airport, ~~and~~ the Federal Aviation Administration, and the Department of Transportation and Development, Aviation Section; and

B.1.s.-B.2.c. ...

d. the location of aquifer recharge areas in the site or within 1,000 feet of the site perimeter, along with a description of the measures planned to protect those areas from the adverse impact of operations at the facility (except for Type I-A, Type II-A and Type III-A facilities); and

B.2.e.-B.5.a. ...

i. waste types and characteristics of waste (including chemical, physical, and biological characteristics of industrial wastes generated on-site), maximum quantities of wastes per year, and sources of waste to be processed or disposed of at the facility;

B.5.a.ii.-B.5.a.v. ...

vi. ~~procedures, equipment, and contingency plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for emergency response and care, should an accident occur (including proximity to a hospital, fire and emergency services, and training programs)~~ a copy of the approval from the State Fire Marshal of the facility's emergency response plan if applicable; and

B.5.a.vii.-B.5.c.ii. ...

d. The following information is required for Type I-A and II-A refuse-derived fuel facilities and Type III-A ~~separation and~~ composting facilities only:

i. a description of the testing to be performed on the fuel or compost; and

ii. a description of the uses for and the types of fuel/compost to be produced.

e. Type I-A and II-A refuse-derived fuel facilities and Type III-A ~~separation and~~ composting facilities shall include a description of marketing procedures and control.

B.6.-B.6.a.iii. ...

b. The closure plan for all Type I, ~~and II and III~~ landfills and surface impoundments shall include the following:

B.6.b.i.-B.6.b.iv. ...

c. The closure plan for all Type I, II, and III ~~and II~~ facilities and Type III woodwaste and construction/demolition debris facilities shall include the following:

B.6.c.i.-G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1040 (June 2007), LR 33:2145 (October 2007), LR 37:3242 (November 2011)), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

Subchapter E. Permit Requirements

§525. Certification of Compliance

A. All permitted facilities shall submit an annual certification of compliance to be hand delivered to LDEQ or post-marked by October 1 of each year covering the period of July 1 to June 30 immediately preceding the October 1 submittal date. This certification shall be submitted to the Office of Environmental ServicesCompliance, Surveillance Division. TheA forms for Part I of the certification can be obtained from the Office of Environmental Services or the department's websiteCompliance, however, Part II of the certification will be site specific and will set forth the site specific conditions that shall be certified in compliance with the permit.

Certifications for permitted facilities not in post-closure shall include the requirements of Subsections B, C, D, and E; certifications for permitted post-closure facilities shall include the requirements of Subsections B, C, D, and F).

B. General Information. At a minimum, ~~in addition to the requirements listed in Subsections B, C, and D of this Section,~~ all certifications shall contain:

1. the name of the permit holder;
2. the address of the permitted facility;
3. the permit number and unit name(s) for the facility;
4. the solid waste site identification number of the facility;
5. the agency interest identification number of the facility;
6. the name, title, address, and ~~contact~~ telephone number for the billing contact for the facility; ~~and~~
7. the name, title, address, and telephone number for the responsible official;
8. any necessary calculations, ~~or~~ conversion factors, and recordkeeping system used for the certification; and
9. type of operation(s) covered by the permit.

BC. Deviation Reporting. As specified below, ~~t~~The certification shall identify each deviation ~~from specific permit conditions that require annual certification~~ occurring during the reporting period ~~and steps taken by the permit holder to return to permit conditions,~~ as well as

~~steps taken to insure deviations of a similar type are prevented in the future.~~ Deviations may or may not constitute a violation of the Louisiana Environmental Quality Act or the solid waste regulations.

1. Facilities with a permit that lists specific item(s) required to be annually certified (see Subsections E.12 and F.12 below) shall identify deviations from those specific permit conditions. Otherwise, if specific item(s) are not listed in the permit, facilities shall identify any deviation previously reported by the permit holder as required by LAC 33:VII.315.F (Reporting of Unauthorized Discharge) and LAC 33:VII.315.H (Notice of Fire or Damage to Structures). Reporting shall identify steps taken by the permit holder to return to permit conditions, as well as steps taken to ensure deviations of a similar type are prevented in the future.

[NOTE: Permits issued through the department’s integrated data management system (i.e., TEMPO) and certain major modifications will list those site specific conditions that require certification of compliance, as deemed necessary by the department. These site specific conditions will begin with the wording “Annual certification per LAC 33:VII.525.A required.”]

2. Facilities with a solid waste groundwater monitoring programs shall also identify any deviations or exceedances pertaining to the solid waste groundwater monitoring program as well as proposed remedial actions to achieve and maintain compliance with the facility’s solid waste permit and groundwater monitoring program.

ED. Certification

1. _____ All certification forms shall contain the following certification of truth, accuracy, and completeness:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

2. _____ This certification shall be signed and dated by a *responsible official*, as defined in LAC 33:VII.115, or by a duly authorized representative of that person. A person is a duly authorized representative only if: the authorization is made in writing by a responsible official; and the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) The written authorization must be submitted to the administrative authority. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying these requirements must be submitted to the administrative authority prior to or together with the certification or other information to be signed by an authorized representative.

DE. Information Requiring Certification For Permitted Facilities Not in Post-Closure

All permitted facilities not in post-closure shall provide and certify the following information annually, as applicable, and shall provide the methods used for determining compliance (e.g., monitoring, recordkeeping and reporting, etc.):

1. the types and quantities, in wet tons, of solid waste generated, including waste generated but sent off-site for disposal. The certification shall also include the identification number(s) of the collector/transporter and disposer~~Landfarm facilities shall report in dry and wet tons;~~

2. the types and quantities, in wet tons, of solid waste processed, including waste generated on-site and off-site, indicating percentage of each. For waste generated off-site, indicate whether the waste was generated in-state or out-of-state. The certification shall also include the identification number of the disposer~~Landfarm facilities shall report in dry and wet tons;~~

3. the types and quantities, in wet tons, of solid waste disposed, including waste generated on-site and off-site, indicating percentage of each. For waste generated off-site, indicate whether the waste was generated in-state or out-of-state. For surface impoundments, the certification shall also include the identification number(s) of the transporter and the disposer~~Landfarm facilities shall report in dry and wet tons;~~

4. for disposal facilities, the permitted capacity in cubic yards and wet tons;

5. for disposal facilities, the remaining capacity in cubic yards and wet tons;

6. for disposal facilities, the capacity used in the reporting period in cubic yards and wet tons;
7. for disposal facilities, the estimated remaining capacity in months and years;
8. the types and quantities (in wet tons ~~and dry tons~~) of materials sent off-site for reuse and/or recycling, including the end use of the material;
9. for incinerator waste-handling facilities, autoclaves, shredders, balers, compactors, and transfer stations, the types and quantities of solid waste transported for disposal, in wet tons;
10. the facility has complied with the requirements of the Solid Waste Worker Certification program, if applicable;
11. the facility has paid all fees due to the department. If an invoice is in dispute, include a statement pertaining to the dispute;
12. any specific item(s) required to be certified annually as listed in the permit. Otherwise, if specific item(s) are not listed in the permit, certify that all reports required by the permit or regulations have been submitted as required and that groundwater monitoring requirements have been met;
13. for landfill facilities, the maximum permitted elevation ~~total height~~ of the landfill, including all installed final cover materials;

14. for landfill facilities, the maximum current elevation height of the landfill, including all installed final cover. The method of measurement shall be included in the certification, as well as the date the measurement was taken;

15. for landfill facilities, any area that exceeded the permitted final elevation (including slopes);

16. for landfill facilities, information regarding certification of the landfill elevation (as required by LAC 33:711.D.7 and 721.C.6);

17. for landfill facilities, the maximum area (as stated in the permit) that will require final cover at any time during the active life of the landfill (required by LAC 33:VII.519.B.6.b.ii for financial assurance cost estimates);

18. for landfill facilities, the waste disposal area that is currently without final cover;

159. for air curtain destructors, ~~identify~~ the site location and quantity of solid waste processed at each individual site;

~~1620.~~ unauthorized waste (i.e., waste that the facility was not permitted to receive) and the facility name, agency interest number, city, and state of the ultimate disposal/management site for any unauthorized waste sent off-site for disposal and/or other management options allowed for by regulation;

~~1721.~~ the facility has updated all financial assurance cost estimates; and

~~1822.~~ the facility has updated, if required, its financial assurance mechanism.

F. Information Requiring Certification for Permitted Post-Closure Facilities. All permitted post-closure facilities shall provide and certify the following information annually, as applicable, and shall provide the methods used for determining compliance (e.g., monitoring, recordkeeping and reporting, etc.):

1. the facility has maintained the integrity and effectiveness of the final cover (including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events);

2. information on the cap and final cover including any significant erosion, any depressed areas holding water, and condition of vegetation;

3. the facility has notified the Office of Environmental Compliance of any problems and corrective action measures associated with the integrity and effectiveness of the final cover;

4. the facility has provided annual reports to the Office of Environmental Services on the integrity of the final cap;

5. the facility has maintained and operated the leachate collection and removal system;

6. information on leachate management including pump maintenance and any leachate outbreaks;

7. the facility has maintained and operated the gas collection/treatment or removal system (including gas monitoring);

8. information on the gas collection/treatment or removal system including type of collection, methane monitoring, air permitting, and any significant odors;

9. the facility has maintained the groundwater monitoring system and conducted groundwater monitoring;

10. information on groundwater monitoring including statistically significant increases and whether the site is in assessment or corrective action;

11. the facility has paid all fees due to the department. If an invoice is in dispute, include a statement pertaining to the dispute;

12. any specific item(s) required to be certified annually as listed in the permit. Otherwise, if specific items are not listed in the permit, certify that all reports required by the permit or regulations have been submitted as required;

13. the facility has updated all financial assurance cost estimates; and

14. the facility has updated, if required, its financial assurance mechanism.

~~E. In addition to those items listed in Subsection D of this Section, those permit holders who received their permit prior to November 20, 2011, shall also certify the following:~~

~~1. all reports required by the permit or regulations have been submitted as required; and~~

~~2. monitoring requirements have been met.~~

~~F. Permit holders who are issued a major modification after November 20, 2011, shall submit the annual compliance certification as specified in Subsection D of this Section and in the modified permit.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3246 (November 2011), repromulgated LR 37:3511 (December 2011).

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, Landfarms

§709. Standards Governing Type I and II Solid Waste Disposal Facilities

A.-A.1.e. ...

f. if the facility disposes of putrescible solid waste, the location of any public-use airport used by turbojet aircraft or piston-type aircraft (if within ~~a 56-mile radius~~ of the airport, as measured from the airport property line);

A.1.g.-A.3. ...

4. Facilities that dispose of putrescible solid waste shall not be located within 10,000 feet of the end of any public-use airport runway used by turbojet aircraft or within 5,000 feet of the end of any public-use airport runway used by only piston-type aircraft. Permit applicants for proposed Type II landfills to be located within ~~a 56-mile radius~~ of any airport runway must notify the affected airport and the Federal Aviation Administration, and the Department of Transportation and Development, Aviation Section.

A.5.-A.6. ...

7. Facilities located in, or within 1,000 feet of, ~~swamps, marshes,~~ wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, archaeological sites, historic

sites, publicly-owned recreation areas, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations. The following information on environmental characteristics shall be provided:

a. a list of all known historic sites, recreation areas, archaeological sites, designated wildlife-management areas, ~~swamps, marshes,~~ wetlands, habitats for endangered species, and other sensitive ecological areas within 1,000 feet of the facility perimeter, or as otherwise appropriate;

b. documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeological sites, designated wildlife-management areas, ~~swamps, marshes,~~ wetlands, habitats for endangered species, and other sensitive ecological areas within 1,000 feet of the facility perimeter; and

c. a description of the measures planned to protect the areas listed from the adverse impact of operation at the facility.

8. Units of a disposal facility that have not received waste prior to October 9, 1993, shall not be located in wetlands, unless the permit holder or applicant can provide proof to the administrative authority that the facility has submitted to the U.S. Army Corps of Engineers applicable documentation pursuant to Section 404 of the Clean Water Act. ~~make the following demonstrations to the administrative authority:~~

a. ~~where applicable under Section 404 of the Clean Water Act or applicable state wetlands laws, the presumption that a practicable alternative to the proposed landfill is available that does not involve wetlands is clearly rebutted;~~

- ~~b. — the construction and operation of the facility will not:~~
- ~~i. — cause or contribute to violations of any applicable state water quality standard;~~
 - ~~ii. — violate any applicable toxic effluent standard or prohibition under Section 307 of the Clean Water Act;~~
 - ~~iii. — jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973; and~~
 - ~~iv. — violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary;~~
- ~~c. — the facility will not cause or contribute to significant degradation of wetlands. The owner or operator must demonstrate the integrity of the facility and its ability to protect ecological resources by addressing the following factors:~~
- ~~i. — erosion, stability, and migration potential of native wetland soils, muds, and deposits used to support the facility;~~
 - ~~ii. — erosion, stability, and migration potential of dredged and fill materials used to support the facility;~~
 - ~~iii. — the volume and chemical nature of the waste managed in the facility;~~

~~iv. — impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste;~~

~~v. — the potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and~~

~~vi. — any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected;~~

~~d. — to the extent required under Section 404 of the Clean Water Act or applicable state wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent practicable as required by Paragraph A.8 of this Section; then, minimizing unavoidable impacts to the maximum extent practicable; and, finally, offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands); and~~

~~e. — sufficient information is available to make a reasonable determination with respect to these demonstrations.~~

A.9.-B.2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a

permit application. The requirement for a 300 foot buffer zone between the facility and a church shall not apply to any landfill or disposal facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility (or 300 feet for a church). The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the ~~mortgage and~~ conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of landfills that have been closed in accordance with these regulations and for existing facilities.

B.3.b.-E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1315 (October 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2490 (October 2005), LR 33:1045 (June 2007), LR 34:613 (April 2008), LR 35:925 (May 2009). LR 37:3248 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

§711. Standards Governing Type I and II Landfills Disposal Facilities (Type I and II)

A.-B.5.b.iv. ...

v. The demonstration of Clauses B.5.b.i-iv of this Section shall be based on adequate geotechnical testing and on the geotechnical and hydrogeological parameters of the site.

B.5.c.–D.4. ...

5. Segregation of Wastes

a. White goods shall not be disposed in landfills. White goods may be stored in a unit separate from other solid wastes and shall be removed every 30 days. The facility shall maintain a log of dates and volumes of white goods removed from the facility.

b. ~~Tree limbs, leaves, clippings, and similar residues~~ Vegetative debris may be segregated and deposited in a permitted unit separate from other solid waste and shall be covered every 30 days, or more often if necessary to control blowing and prevent rodent harborage.

c. ~~Construction material/demolition (C & D) debris~~ and woodwastes may be deposited in a permitted unit separate from other solid wastes and covered every 30 days. This unit must meet the standards provided in LAC 33:VII.719 and 721.

D.6.–E.2. ...

a. Final cover installation shall be initiated no later than 30 days after and shall be completed ~~no later than 90 days after final grades are reached in each unit of a facility~~ or the date of known final receipt of solid waste in the unit, ~~whichever comes first~~ provided the maximum area without final cover stated in 519.B.6.b.ii is not exceeded. These

deadlines may be extended by the administrative authority if necessary due to inclement weather or other circumstances to a maximum of 60 days for initiation and a maximum of 180 days for completion.

E.2. b. –E.3.a. ...

i. Final cover shall be placed on top of the daily or ~~intermediate~~ interim compacted cover that is used as the grading layer to provide a stable base for subsequent layers.

E.3.a.ii. –F.3.d. ...

4. Upon determination by the administrative authority that a facility has completed post-closure in accordance with an approved plan, the administrative authority shall release the post-closure financial assurance mechanisms to the permit holder. The permit holder shall submit a request for the release of the financial assurance mechanism to the Office of Management and Finance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of

the Secretary, Legal Affairs Division, LR 31:2492 (October 2005), LR 33:1047 (June 2007), LR 33:2145 (October 2007), LR 34:1901 (September 2008), LR 37:1564 (June 2011), LR 37:3248 (November 2011).

§713. Standards Governing Surface Impoundments (Type I and II)

A.-F.2.b.iv. ...

3. Upon determination by the administrative authority that a facility has completed post-closure in accordance with an approved plan, the administrative authority shall release the post-closure financial assurance mechanism to the permit holder. The permit holder shall submit a request for the release of the financial assurance mechanism to the Office of Management and Finance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1053 (June 2007), LR 33:2146 (October 2007), LR 36:1241 (June 2010), LR 37:1564 (June 2011), LR 37:3250 (November 2011), repromulgated LR 37:3511 (December 2011).

§715. Standards Governing Landfarms (Type I and II)

A.-F.3.b. ...

4. Upon determination by the administrative authority that a facility has completed post-closure in accordance with an approved plan, the administrative authority shall release the post-closure financial assurance mechanism to the permit holder. The permit holder shall submit a request for the release of the financial assurance mechanism to the Office of Management and Finance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1058 (June 2007), LR 33:2147 (October 2007), LR 35:1880 (September 2009), LR 37:1565 (June 2011), LR 37:3251 (November 2011), repromulgated LR 37:3511 (December 2011).

Subchapter B. Solid Waste Processors**§717. Standards Governing All Type I-A, II-A Solid Waste Processors**

A. Location Characteristics. The information on location characteristics listed in this Subsection is required and shall be provided for all Type I-A and II-A solid waste processing ~~and disposal~~ facilities.

A.1-A.1.e. ...

f. if the facility processes or disposes of putrescible solid waste, the location of any public-use airport used by turbojet aircraft or piston-type aircraft (if within ~~6 a 5-~~ miles radius of the airport, as measured from the airport property line);

A.1.g.-A.3. ...

4. Facilities that process or dispose of putrescible solid waste shall not be located within 10,000 feet of the end of any public-use airport runway used by turbojet aircraft or within 5,000 feet of the end of any public-use airport runway used only by piston-type aircraft. Permit applicants for proposed Type I-A and II-A processors to be located within 6-miles of any airport runway must notify the affected airport and the Federal Aviation Administration, and the Department of Transportation and Development, Aviation Section.

A.5.-A.6. ...

7. Facilities located in, or within 1,000 feet of, ~~swamps, marshes,~~ wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, archaeological sites, historic sites, publicly-owned recreation areas, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations. The following information on environmental characteristics shall be provided

a. a list of all known historic sites, recreation areas, archaeological sites, designated wildlife-management areas, ~~swamps, marshes,~~ wetlands, habitats for endangered species, and other sensitive ecological areas within 1,000 feet of the facility perimeter, or as otherwise appropriate;

b. documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeological sites, designated wildlife-management areas, ~~swamps, marshes,~~ wetlands, habitats for endangered species, and other sensitive ecological areas within 1,000 feet of the facility perimeter; and

A.7.c.-A.10. ...

B. Facility Characteristics. The following facility characteristics are required for Type I-A and Type II-A solid waste processors ~~and disposers~~.

1. Elements of the process ~~or disposal system~~ employed shall be provided, including, as applicable, property lines, original contours (shown at not greater than 5-foot intervals), buildings, units of the facility, drainage, ditches, and roads.

B.2.- B.2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. The requirement for a 300 foot buffer zone between the facility and a church

shall not apply to any processing facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted processing area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility (or 300 feet for a church). The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the ~~mortgage and~~ conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of processing facilities that have been closed in accordance with these regulations and for existing facilities.

B.3.b.- F.2.a. ...

b. The permit holder shall maintain records of transporters transporting waste for processing ~~or disposal~~ at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the administrative authority.

F.2.c.-G.2.a. ...

b. the sequence in which the waste will be processed ~~or disposed of~~ within a unit;

G.2.c.- I.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:1566 (June 2011), LR 37:3252 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

Subchapter C. Minor Processing and Disposal Facilities

§719. Standards Governing All Type III Disposal and Type III-A Processing and Disposal Facilities

A. Location Characteristics. The information on location characteristics listed in this Subsection is required and shall be provided for all Type III disposal and Type III-A solid waste processing and disposal facilities.

A.1.-A.1.e. ...

f. if the facility processes or disposes of putrescible solid waste, the location of any public-use airport used by turbojet aircraft or piston-type aircraft (if within 6 a-5- miles of the airport, as measured from the airport property line radius);

A.1.g-A.2. ...

3. Facilities that compost putrescible solid waste shall not be located within 10,000 feet of the end of any public-use airport runway used by turbojet aircraft or within 5,000 feet of the end of any public-use airport runway used by only piston-type aircraft. Permit applicants for proposed Type III disposers to be located within 6-miles of any airport runway must notify the affected airport and the Federal Aviation Administration, and the Department of Transportation and Development, Aviation Section.

4. Facilities located in, or within 1,000 feet of, ~~swamps, marshes,~~ wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, archaeological sites, historic sites, publicly-owned recreation areas, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations. The following information on environmental characteristics shall be provided:

a. a list of all known historic sites, recreation areas, archaeological sites, designated wildlife-management areas, ~~swamps, marshes,~~ wetlands, habitats for endangered species, and other sensitive ecological areas within 1,000 feet of the facility perimeter, or as otherwise appropriate;

b. documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeological sites, designated wildlife-management areas, ~~swamps, marshes,~~ wetlands, habitats for endangered species, and other sensitive ecological areas within 1,000 feet of the facility perimeter; and

A.4.c.-A.10. ...

B. Facility Characteristics. The following facility characteristics are required for all Type III and III-A solid waste facilities.

B.1.-B.2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 50 feet shall be provided between the facility and the property line. Buffer zones of not less than 200 feet shall be provided between the facility and the property line for any new facility. The requirement for a 200 foot buffer zone between the facility and the property line shall not apply to any facility existing on November 20, 2011, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. The requirement for a 300 foot buffer zone between the facility and a church shall not apply to any landfill or disposal facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 50 feet from the facility (for facilities existing on November 20, 2011), less than 200 feet from the facility (for facilities constructed after November 20, 2011), or less than 300 feet from the facility (for facilities located less than 300 feet from a church). The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the ~~mortgage and~~ conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of woodwaste/construction/demolition-debris landfills that have been closed in accordance with these regulations and for existing facilities.

Notwithstanding this Paragraph, Type III-A air curtain destructors and composting facilities that receive putrescible, residential, or commercial waste shall meet the buffer zone requirements in LAC 33:VII.717.B.3. In addition, air curtain destructors shall maintain at least a 1,000-foot buffer from any dwelling other than a dwelling or structure located on the property on which the burning is conducted (unless the appropriate notarized affidavit waivers are obtained).

B.3.b.-B.6.b. ...

7. Discharges from operating units of all facilities shall be controlled and shall conform to applicable state and federal laws, including the federal Clean Water Act and Louisiana Water Pollution Control Law. Applications for applicable state and federal discharge permits shall be filed before a standard permit may be issued.

C.-C.3. ...

4. Specific Surface Hydrology Standard for Type III-A Composting Facilities. The topography of the facility shall provide for drainage to prevent standing water and shall allow for drainage away from the facility.

D.-D.2. ...

3. Specific requirements for Type III and III-A facilities are found in LAC 33:VII.Chapter 8.

E.-E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1065 (June 2007), LR 33:2149 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:3252 (November 2011), repromulgated LR 37:3511 (December 2011), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

§721. Standards Governing ~~Construction and Demolition Debris and Woodwaste Landfills (Type III)~~ Type III Landfill Disposal Facilities

A.-B.3.a. ...

b. Type III facilities ~~receiving construction/ and demolition debris and woodwaste~~ shall have the numbers and levels of certified operators employed at the facility as required by the department in accordance with LAC 46:XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services shall be notified within 30 days of any changes in the employment status of certified operators. The requirements of this Subparagraph are not applicable to facilities meeting the criteria of LAC 33:VII.305.A.4.

C.-C.1.e.ii. ...

iii. ~~yard trash~~ vegetative debris, as defined in LAC 33:VII.115.

C.1.f.-C.3. ...

4. Segregation of Wastes. White goods shall not be disposed in landfills. Waste determined to be unacceptable at a ~~woodwaste and construction/demolition~~ Type III landfill shall be removed from the facility. Putrescible or other waste that present vector or odor problems shall be stored in a closed container and removed at least every seven days. ~~Storage of this waste shall be in a closed container that prevents vector and odor problems.~~ Other unacceptable wastes, including white goods, shall be removed from the facility within 30 days, or within a longer time period with prior approval of the administrative authority. The facility shall maintain a log of dates and volumes of waste removed from the facility.

C.5-D.2. ...

a. Final cover installation shall be ~~applied within~~ initiated no later than 30 days after and shall be completed no later than 90 days after final grades are reached in each unit of a facility or the date of known final receipt of solid waste in the unit, whichever comes first. This deadline may be extended by the administrative authority if necessary due to inclement weather or other circumstances to a maximum of 60 days for initiation and a maximum of 180 days for completion.

b. Standing water shall be ~~solidified or~~ removed.

D.2.c.-E.3. ...

4. Upon determination by the administrative authority that a facility has completed post-closure in accordance with an approved plan, the administrative authority shall release the post-closure financial assurance mechanism to the permit holder. The permit holder shall submit a request for the release of the financial assurance mechanism to the Office of Management and Finance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:1577 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1067 (June 2007), LR 33:2149 (October 2007), LR 34:1901 (September 2008), LR 37:1566 (June 2011), LR 37:3253 (November 2011).

§723. Standards Governing Type III-A Composting Facilities

A.-C.3.a. ...

b. Type III-A facilities receiving solid waste for composting shall have the number and levels of certified operators employed at the facility as required by the department in accordance with LAC 46:XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services shall be notified within 30 days of any changes in the employment status of certified operators.

D.-D.1.b. ...

i. ~~yard trash~~ vegetative debris and *woodwaste*, as defined in LAC 33:VII.115;

D.1.b.ii.-D.3.h.viii. ...

(a). *Class M1*— compost that is made only from manure or manure with ~~yard-trash~~ vegetative debris and/or woodwaste, which is mature or semimature, is fine or medium, and meets the metals concentrations of Category 1 of Clause D.3.g.iv of this Section. This compost shall have unrestricted distribution except as provided in Clause D.3.e.i of this Section.

(b). *Class M2*— compost that is made only from manure or manure with ~~yard-trash~~ vegetative debris and/or woodwaste, which is mature or semimature, is fine or medium, and meets the metals concentrations of Category 2 (but not of Category 1) of Clause D.3.g.iv of this Section. This compost shall be restricted to use with non-food-chain crops.

(c). *Class S1*— compost that is made from solid waste other than only manure or manure with ~~yard-trash~~ vegetative debris and/or woodwaste, which is mature, is fine, and meets the metals concentrations in Category 1 of Clause D.3.g.iv of this Section. This compost shall have unrestricted distribution except as provided in Clause D.3.e.i of this Section.

(d). *Class S2*— compost that is made from solid waste other than only manure or manure with ~~yard-trash~~ vegetative debris and/or woodwaste, which is mature or semimature, is fine or medium, and meets the metals concentrations in Category 1 or Category 2 of Clause D.3.g.iv of this Section, but does not meet the requirements of Class S1 compost. This compost shall be restricted to use with non-food-chain crops and shall not be used in areas where public contact is likely, such as parks or recreation areas.

(e). **Class YW**— compost that is made only from ~~yard~~ ~~trash-vegetative debris~~ and/or woodwaste, which is mature or semimature, and is fine or medium. This compost shall have unrestricted distribution except as provided in Clause D.3.e.i of this Section.

D.3.h.viii.(f).-E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2496 (October 2005), LR 33:1069 (June 2007), LR 33:2150 (October 2007), LR 37:1567 (June 2011), LR 37:3254 (November 2011).

§725. Standards Governing ~~Separation and Woodwaste~~ Type III-A Processing Facilities ~~(Type III)~~

A.-B.2.a. ...

b. The permit holder shall maintain records of transporters transporting waste for processing at the facility. The records shall include the date of receipt of

shipments of waste and the transporter's solid waste identification number issued by the administrative authority ~~Office of Environmental Services~~.

B.2.c.-B.3. ...

4. Type III-A facilities receiving solid waste for processing shall have the number and levels of certified operators employed at the facility as required by the department in accordance with LAC 46:XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services shall be notified within 30 days of any changes in the employment status of certified operators.

~~C.-C.2.d.~~ ...

3. Facility Operational Standards

a. ~~All containers shall provide waste~~ containment of the wastes and thereby shall control litter, odor, and other contaminants from ~~pollution of adjoining~~ polluting adjacent areas.

C.3.b. ...

c. No solid waste shall be stored long enough to cause a environmental nuisance, health hazard, or detriment to the environment.

C.3.d.-e. ...

f. ~~Applications~~ Applicants for air curtain destructors shall provide the specifications of the type of air curtain unit proposed and additionally adhere to the following operational requirements.

C.3.f.i. ...

ii. Ash shall be removed on a regular basis for disposal to an authorized facility so as to not cause a hazard or environmental nuisance, or managed in accordance with a BMP plan approved by LDAF, or a beneficial use plan approved by LDEQ.

C.3.f.iii. ...

iv. Excessive smoldering ~~of woodwaste~~ shall be prevented during non-operating hours.

v. Only ~~untreated woodwaste and/or yard trash~~ vegetative debris, as defined in LAC 33:VII.115, may be accepted. No burning of treated woodwaste or other solid waste is permitted.

C.3.f.vi. ...

vii. Only clean fuels (diesel fuel No. 2, etc.) shall be used to ~~light refuse~~ ignite waste.

C.3.f.viii. ...

ix. Incoming woodwaste and/or vegetative debris shall be inspected at the gate before unloading. If any waste other than woodwaste and/or vegetative debris is detected and not able to be removed from the load, the entire load shall be rejected. All rejected loads shall be recorded in the daily log.

x. Storage of woodwaste and/or ~~yard trash~~ vegetative debris shall be in a designated area.

xi. The volume of woodwaste and/or ~~yard trash~~ vegetative debris stored on-site shall not exceed 10 days of the processing capacity of the air curtain destructor unless otherwise approved by the administrative authority.

C.3.f.xii.- D.2.a. ...

b. All remaining waste shall be removed to a permitted facility for disposal or properly disposed of on-site as provided for in LAC 33:VII.305.A.8.b.ii for woodwaste and/or vegetative debris. If waste is removed from the facility, documentation shall be provided that the material was properly disposed of in a permitted facility.

D.2.c. – D.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), LR 22:280 (April 1996), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2026 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2496 (October 2005), LR 33:1073 (June 2007), LR 33:2151 (October 2007), LR 37:1567 (June 2011), LR 37:3254 (November 2011).

Chapter 8. Standards Governing General Facility Geology, Subsurface Characterization, and Facility Groundwater Monitoring for Type I, I-A, II, II-A, III, and III-A Facilities

§801. General Facility Geology

A. The following standards regarding facility geology are applicable to all Type I, Type I-A, Type II, Type II-A, Type III, and Type III-A facilities.

A.1.-A.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1075 (June 2007).

Chapter 13. Financial Assurance for All Processors and Disposers of Solid Waste**§1303. Financial Responsibility for Closure and Post-Closure Care**

A. Financial Responsibility for Type I, I-A, II, II-A, III, and III-A Facilities. Permit holders or applicants of Type I, I-A, II, II-A, III, and III-A facilities have the following financial responsibilities for closure and post-closure care.

A.1.-A.3.b. ...

c. Cost Estimate Adjustments

i. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared on the basis of either the inflation factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business* or a

reestimation of the closure and post-closure costs in accordance with Subparagraphs A.23.a and b of this Section.

ii. The permit holder or applicant must revise the cost estimate whenever a change in the closure/post-closure plans increases or decreases the cost of the closure/post-closure plans.

iii. The permit holder or applicant must submit a written notice of any ~~such~~ cost estimate adjustment to the Office of Environmental Services within 15 days following such adjustment.

A.3.d.-B.5.b. ...

c. The financial assurance mechanisms shall be obtained by the permit holder or applicant and approved by the department ~~by the effective date of these requirements or at least 60 days~~ prior to the initial receipt of solid waste, ~~whichever is later~~, and shall provide financial assurance until the permit holder or applicant is released from the financial assurance requirements under this Section.

B.5.d.-C.4. ...

5. The permit holder or applicant may accelerate payments into the trust fund or deposit the full amount of the current closure cost estimate at the time the fund is established. The permit holder or applicant must, however, maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in Subparagraph A.23.d of this Section.

C.6.-G.10. ...

H. Corporate Financial Test. A permit holder, applicant, or guarantor of the permit holder or applicant, which will be responsible for the financial obligations, may satisfy the requirements of this Section by demonstrating that he or she passes a financial test as specified in this Subsection. The assets of the guarantor of the applicant or permit holder shall not be used to determine whether the applicant or permit holder satisfies the financial test, unless the guarantor has supplied a corporate guarantee as outlined in this Subsection.

H.1.-H.2.a. ...

b. a copy of the owner's or operator's independently audited year-end financial statements for the latest fiscal year including independent certified public accountant's report the "unqualified opinion" of the auditor on the financial statements of the permit holder, applicant, or guarantor of the permit holder or applicant for the latest completed fiscal year; and

H.2.c.-H.8....

9. Corporate Guarantee. A permit holder or applicant may meet the requirements of this Subsection for closure and/or post-closure by obtaining a written guarantee, hereafter referred to as a "corporate guarantee." The guarantor must be the direct or higher-tier parent corporation of the permit holder or applicant for the solid waste facility or facilities to be covered by the guarantee, a firm whose parent corporation is also the parent corporation of the permit holder or applicant, or a firm with a "substantial business relationship" with the permit holder or applicant. The guarantor must meet the requirements and submit all information required for permit holders or applicants in Paragraphs H.1-8 of this Section and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording in LAC 33:VII.1399.Appendix J, except that instructions in brackets are

to be replaced with the relevant information and the brackets removed. The corporate A certified copy of the guarantee must accompany the items sent to the administrative authority specified in Paragraphs H.2 and 4 of this Section. The wording of the corporate guarantee must be identical to the wording in LAC 33:VII.1399. Appendix J, except that instructions in brackets are to be replaced with the relevant information and the brackets removed. One of these items must be the letter from the guarantor’s chief financial officer. If the guarantor’s parent corporation is also the parent corporation of the owner or operator, the letter must describe the value received in consideration of the guarantee. If the guarantor is a firm with a “substantial business relationship” with the permit holder or applicant, this letter must describe this “substantial business relationship” and the value received in consideration of the guarantee. The terms of the corporate guarantee must be in an authentic act signed and sworn by an authorized representative of the guarantor before a notary public and must provide that:

H.9.a.-h. ...

i. the guarantor agrees to remain bound under the guarantee for as long as the permit holder must comply with the applicable financial assurance requirements of this Section, except that the guarantor may cancel this guarantee by sending notice by certified mail to the Office of Environmental Services and the permit holder or applicant. The cancellation will become effective no earlier than ~~90~~120 days after receipt of such notice by both the administrative authority and the permit holder or applicant, as evidenced by the return receipts;

j.-k. ...

l. If notice of cancellation regarding the guarantee is given by the guarantor, the permit holder or applicant must within 90 days following receipt of the cancellation notice

submit alternate financial assurance to the administrative authority. If the permit holder or applicant fails to provide alternate financial assurance within the 90-day period, the guarantor must submit alternate financial assurance within 120 days of the cancellation notice.

m. If a guarantor no longer meets the requirements of this Section, the permit holder or applicant must, within 90 days, submit alternate financial assurance to the administrative authority. If the permit holder or applicant fails to provide alternate financial assurance within the 90-day period, the guarantor must submit alternate financial assurance to the administrative authority within the next 30 days.

I.-O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30: 2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1090 (June 2007), amended LR 33:2154 (October 2007), LR 36:2555 (November 2010), LR 37:3254 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

§1399. Financial Documents—Appendices A, B, C, D, E, F, G, H, I, and J

A.- H. ...

I. Appendix I

SOLID WASTE FACILITY

LETTER FROM THE CHIEF FINANCIAL OFFICER

(Closure and/or Post-Closure)

Secretary

Louisiana Department of Environmental Quality

Post Office Box 4313

Baton Rouge, Louisiana 70821-4313

Attention: Office of Environmental Services,

Waste Permits Division

RE: [Facility name, agency interest number, and permit number]

Dear Sir:

I am the chief financial officer of [name and address of firm, which may be the permit holder, applicant, or ~~parent corporation~~ guarantor for of the permit holder or applicant]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "closure," and/or "post-closure," as applicable] as specified in LAC 33:VII.1303.

[Fill out the following three paragraphs regarding facilities and associated closure and post-closure cost estimates. If your firm does not have facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, list the facility name, site name, agency interest number, site identification number, and facility permit number.]

1. The firm identified above is the [insert "permit holder," "applicant for a standard permit," or ~~"parent corporation of the permit holder or applicant for a standard permit"~~] of the

following facilities, whether in Louisiana or not, for which financial assurance for [insert "closure," "post-closure," or "closure and post-closure"] is guaranteed and demonstrated through a financial test similar to that specified in LAC 33:VII.1303 or other forms of self-insurance. The current [insert "closure," "post-closure," or "closure and post-closure"] cost estimates covered by the test are shown for each facility:

2. This firm guarantees through a corporate guarantee similar to that specified in LAC 33:VII.1303, for [insert "closure care," "post-closure care," or "closure and post-closure care"] of the following facilities, whether in Louisiana or not, ~~of which [insert the name of the permit holder or applicant] are/is a subsidiary of this firm~~ owned or operated by the guaranteed party. The ~~amount of annual aggregate liability coverage covered by the guarantee for each facility and/or the~~ current cost estimates for the closure and/or post-closure care so guaranteed is shown for each facility: _____ . The firm identified above is [insert one or more: (1) the direct or higher-tier parent corporation of the permit holder or applicant; (2) owned by the same parent corporation as the parent corporation of the permit holder or applicant, and receiving the following value in consideration of this guarantee _____ ; or (3) engaged in the following substantial business relationship with the permit holder or applicant _____ , and receiving the following value in consideration of this guarantee _____]. [Attach a written description of the business relationship or a copy of the contract establishing each relationship to this letter.]

3. This firm is the permit holder, ~~or applicant~~ or guarantor for ~~of~~ the following facilities, whether in Louisiana or not, ~~for which financial assurance for closure and/or post-closure care is not demonstrated either to the U.S. Environmental Protection Agency or to a state through a~~

~~financial test or any other financial assurance mechanism similar to those specified in LAC 33:VII.1303~~covered by a financial test, including, but not limited to, if applicable, UIC facilities under 40 CFR Part 144, petroleum underground storage tank facilities under 40 CFR Part 280, PCB storage facilities under 40 CFR Part 761, and hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265. The current ~~closure and/or post-closure~~ cost estimates ~~not~~ covered by such financial assurance are shown for each facility:

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed year, ended [date].

Closure and/or Post-Closure	
[Fill in Alternative I if the criteria of LAC 33:VII.1303.H.1.a are used.]	
Alternative I	
1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above)	\$
*2. Tangible net worth	\$

*3. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)	\$	
	YES	NO
4. Is line 2 at least \$10 million?		
5. Is line 2 at least 6 times line 1?		
*6. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 7.		
7. Is line 3 at least 6 times line 1?		

[Fill in Alternative II if the criteria of LAC 33:VII.1303.H.1.b are used.]	
Alternative II	
1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above)	\$
*2. Tangible net worth	\$
*3. Net worth	\$

*4. Current liabilities	\$	
*5. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)	\$	
	YES	NO
6. Is line 4 divided by line 3 less than 1.5?		
7. Is line 2 at least \$10 million?		
*8. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 9.		
9. Is line 5 at least 6 times line 1?		

<p>[Fill in Alternative III if the criteria of LAC 33:VII.1303.H.1.c are used.]</p>
<p>Alternative III</p>

<p>[Fill in Alternative III if the criteria of LAC 33:VII.1303.H.1.c are used.]</p>	
<p>Alternative III</p>	
<p>1. Sum of current closure and post-closure cost estimates (total of all cost estimates shown above)</p>	<p>\$</p>
<p>2. Current bond rating of most recent issuance of this firm and name of rating service</p>	
<p>3. Date of issuance of bond</p>	
<p>4. Date of maturity of bond</p>	
<p>*5. Tangible net worth (If any portion of the closure and/or post-closure cost estimate is included in "total liabilities" on your firm's financial statement, you may add the amount of that portion to this line.)</p>	<p>\$</p>

[Fill in Alternative III if the criteria of LAC 33:VII.1303.H.1.c are used.]		
Alternative III		
*6. Total assets in U.S. (required only if less than 90 percent of the firm's assets are located in the U.S.)	\$	
	YES	NO
7. Is line 5 at least \$10 million?		
8. Is line 5 at least 6 times line 1?		
9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10.		
10. Is line 6 at least 6 times line 1?		

[Fill in Alternative IV if the criteria of LAC 33:VII.1303.H.1.d are used.]
Alternative IV

1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above)	\$	
*2. Tangible net worth	\$	
*3. Current liabilities	\$	
*4. The sum of net income plus depreciation, depletion, and amortization	\$	
5. Line 4 minus \$10 million	\$	
*6. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)	\$	
	YES	NO
7. Is line 5 divided by line 3 greater than 0.10?		
8. Is line 2 at least \$10 million?		

<p>*9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10.</p>		
<p>10. Is line 6 at least 6 times line 1?</p>		

(The following is to be completed by all firms providing the financial test.)

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:VII.1399.Appendix I.

[Signature of Chief Financial Officer for the Firm]

[Typed Name of Chief Financial Officer]

[Title]

[Date]

J. Appendix J

SOLID WASTE FACILITY
CORPORATE GUARANTEE FOR
CLOSURE
AND/OR POST-CLOSURE CARE

[Facility name, agency interest number, and permit number]

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the state of [insert name of state], hereinafter referred to as guarantor, to the Louisiana Department of Environmental Quality, obligee, on behalf of ~~our subsidiary~~ permit holder or applicant [insert the name of the permit holder or applicant] of [business address] which is [one of the following: "our subsidiary"; "a subsidiary of (name and address of common parent corporation), of which guarantor is a subsidiary"; or "an entity with which guarantor has a substantial business relationship, as defined in LAC 33:VII.A.115"].

Recitals

1. The guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in LAC 33:VII.1303.H.9.

2. [Subsidiary] is the [insert "permit holder," or "applicant for a permit"] hereinafter referred to as [insert "permit holder" or "applicant"] for the following facility covered by this guarantee: [List the facility name, site name, agency interest number, site identification number, and facility permit number. Indicate for each facility whether guarantee is for closure and/or post-closure, and the amount of annual aggregate closure and/or post-closure costs covered by the guarantee.]

[Fill in Paragraphs 3 and 4 below if the guarantee is for closure and/or post closure.]

3. *Closure plans*, as used below, refers to the plans maintained as required by LAC 33:Part.VII, for the closure and/or post-closure care of the facility identified in Paragraph 2 above.

4. For value received from [insert "permit holder" or "applicant"], guarantor guarantees to the Louisiana Department of Environmental Quality that in the event that [insert "permit holder" or "applicant"] fails to perform [insert "closure," "post-closure care," or "closure and post-closure

care"] of the above facility in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor shall do so or shall establish a trust fund as specified in LAC 33:VII.1303.C, as applicable, in the name of [insert "permit holder" or "applicant"] in the amount of the current closure and/or post-closure estimates, as specified in LAC 33:VII.1303.

5. The guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the administrative authority and to [insert "permit holder" or "applicant"] that he intends to provide alternative financial assurance as specified in [insert "LAC 33:VII.1301 " and/or "LAC 33:VII.1303"], as applicable, in the name of the [insert "permit holder" or "applicant"], within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless [insert "permit holder" or "applicant"] has done so.

6. The guarantor agrees to notify the administrative authority, by certified mail, of a voluntary or involuntary proceeding under Title 11 (bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

7. The guarantor agrees that within 30 days after being notified by the administrative authority of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure and/or post-closure care he shall establish alternate financial assurance as specified in LAC 33:VII.1303, in the name of [insert "permit holder" or "applicant"], unless [insert "permit holder" or "applicant"] has done so.

8. The guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: [if the guarantee is for closure and post-closure insert "amendment or modification of the closure and/or post-closure care, the extension or reduction of the time of performance of

closure and/or post-closure"] or any other modification or alteration of an obligation of the [insert "permit holder" or "applicant"] pursuant to LAC 33:Part.VII.

9. The guarantor agrees to remain bound under this guarantee for as long as the [insert "permit holder" or "applicant"] must comply with the applicable financial assurance requirements of [insert "LAC 33:VII.1301" and/or "LAC 33:VII.1303"] for the above-listed facility, except that guarantor may cancel this guarantee by sending notice by certified mail, to the administrative authority and to the [insert "permit holder" or "applicant"], such cancellation to become effective no earlier than ~~90~~120 days after receipt of such notice by both the administrative authority and the [insert "permit holder" or "applicant"], as evidenced by the return receipts.

10. The guarantor agrees that if the [insert "permit holder" or "applicant"] fails to provide alternative financial assurance as specified in [insert "LAC 33:VII.1301" and/or "LAC 33:VII.1303"], as applicable, and obtain written approval of such assurance from the administrative authority within ~~60~~90 days after a notice of cancellation by the guarantor is received by the administrative authority from guarantor, guarantor shall provide such alternate financial assurance in the name of the [insert "permit holder" or "applicant"] within 120 days of the cancellation notice.

11. The guarantor expressly waives notice of acceptance of this guarantee by the administrative authority or by the [insert "permit holder" or "applicant"]. Guarantor expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that the wording of this guarantee is identical to the wording specified in LAC 33:VII.1399.Appendix J, effective on the date first above written.

Effective date: _____

[Name of Guarantor]

[Authorized signature for guarantor]

[Typed name and title of person signing]

Thus sworn and signed before me this [date].

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1098 (June 2007), amended LR 37:3258 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).

Chapter 15. Solid Waste Fees

§1501. Standard Permit Application Review Fee

A. Applicants for Type I, I-A, II, and II-A standard permits shall pay a \$3,300 permit application review fee for each facility. The fee shall accompany each permit initial or renewal application submitted.

B. Applicants for Type III and III-A standard permits or beneficial-use plans ~~permits~~ shall pay a ~~permit application~~ review fee of \$660 for each application ~~facility~~. The fee shall accompany each permit or plan application submitted.

C. Permit holders providing permit modifications for Type I, I-A, II, and II-A facilities shall pay a \$1,320 permit-modification review fee. The fee shall accompany each modification submitted. Permit holders providing mandatory modifications in response to these regulations shall pay a \$660 permit-modification fee. The fee shall accompany each mandatory modification submitted. ~~Permit modifications required by LAC 33:VII.805.A will not be subject to a permit modification fee.~~

C. ...

D. ~~Permit or beneficial use plan holders submitting providing~~ permit modifications for Type III and III-A facilities or beneficial use facilities shall pay a \$330 ~~permit~~-modification review fee. The fee shall accompany each modification submitted.

E.-E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1108 (June 2007), amended LR 37:3258 (November 2011).

§1503. Closure Plan Review Fee

A. ...

B. Applicants for Type III, III-A, or beneficial-use facilities closures shall pay a \$330 closure-plan review fee. The fee shall accompany each closure plan submitted.

C. ...

D. Permit or beneficial use plan holders providing closure-plan modifications for Type III, III-A, or beneficial-use facilities shall pay a \$165 closure-plan modification review fee. The fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1108 (June 2007).

§1505. Annual Monitoring and Maintenance Fee

A.-B.1.c. ...

2. Tonnage fees will be based on the wet-weight tonnage, as reported in the previous year's ~~disposer annual report~~ annual certification of compliance, and are calculated as follows:

B.2.a-2.e. ...

f. for Type I-A, II-A, III-A (~~except construction or demolition debris disposal facilities~~), and beneficial-use facilities, no tonnage fee.

B.3.-G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2051 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:2241 (December 2006), repromulgated LR 33:1108 (June 2007), amended LR 35:2180 (October 2009).

Chapter 30. Appendices

§3003. Public Notice Example—Appendix B

Repealed

~~A. The following is an example of a public notice to be placed in the local newspaper after submittal of a permit application to the Office of Environmental Services for existing/proposed solid waste facilities.~~

PUBLIC NOTICE

OF

SUBMITTAL OF PERMIT APPLICATION

[NAME OF APPLICANT/FACILITY]

~~FACILITY [location], PARISH [location], LOUISIANA~~

~~—Notice is hereby given that [name of applicant] submitted to the Department of Environmental Quality, Office of Environmental Services, [insert division name] an application for a permit to operate a [type of solid waste facility] in [parish name], Range __, Township __, Section __, which is approximately [identify the physical location of the site by direction and distance from the nearest town].~~

~~—Comments concerning the facility may be filed with the Secretary of the Louisiana Department of Environmental Quality at the following address:~~

~~—Louisiana Department of Environmental Quality~~

~~—Office of Environmental Services~~

~~—[insert division name]~~

~~—Post Office Box 4313~~

~~—Baton Rouge, Louisiana 70821-4313~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3259 (November 2011).

§3011. Document to be Filed in the Parish Records upon Final Closure of a Solid Waste Disposal Facility—Appendix F

Document to be Filed in the Parish Records upon Final Closure of a Solid Waste Disposal Facility

[Name of permit holder] hereby notifies the public that the following described property was used for the disposal of solid waste. This site was closed on [date facility was closed] in accordance with the *Louisiana Administrative Code*, Title 33, Part VII. Inquiries regarding ~~the contents of~~ waste type and location at [the facility] may be directed to [name of person with knowledge ~~of the contents~~ of the facility] at [address of person with knowledge ~~of the contents~~ of the facility].

Property Description

[Provide the specific description of the location of the facility]

Signature of Person Filing Parish Record

Typed Name and Title of Person Filing Parish Record

Date

(A true copy of the document must be certified by the parish clerk of court.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2537 (November 2000), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1119 (June 2007).

§3017. LPPA-LDEQ Work Group Agreement—Appendix I

LPPA-LDEQ Work Group Agreement

The Louisiana Pulp and Paper Association-Louisiana Department of Environmental Quality Solid Waste Beneficial Use Work Group (LPPA-LDEQ Work Group) established an agreement in May 1997 regarding the applicability of the Louisiana Solid Waste Regulations (LSWR) to a variety of materials produced by the pulp and paper industry. During these meetings, a number of preliminary agreements regarding the regulatory applicability of the LSWR to certain categories of materials were reached.

1.-3. ...

Only Group 2 materials, i.e., those materials destined for off-site applications to the land for such uses as soil amendments, supplements, or ingredients, are allowed to be stored on-site in a location outside of any regulated solid waste unit. Such storage shall only occur in those on-site areas where runoff is fully captured and treated by the mill's wastewater treatment system. Such materials destined for approved off-site applications shall only be held in temporary storage for a period not to exceed 24 months. No Group 3 materials, i.e., those that had been placed in, and subsequently removed from, regulated solid waste units, shall be stored on-site at any location outside of a regulated solid waste unit at any time.

Reporting Requirements. Group 1, 2, or 3 materials, when utilized or removed for one of the uses specified in Table 1 or 2, shall be reported on the Disposer Annual Report filed by the mill.

Table 1	
Group 1 Materials	
(Materials Not Applied to Land)	
Material Description	Uses
Wood-Fired Boiler Ash	<ol style="list-style-type: none"> 1. Feedstock to produce activated carbon. 2. Feedstock to produce charcoal. 3. Waste solidification or stabilization agent. 4. Feedstock to produce portland cement. 5. Any other feedstock use or substitute for a commercial product (no land application).
Coal-Fired Boiler Ash	<ol style="list-style-type: none"> 1. Waste solidification or stabilization agent. 2. Feed stock to produce portland cement. 3. Any other feedstock use or substitute for a commercial product (no land application).

Table 1 Group 1 Materials (Materials Not Applied to Land)	
Material Description	Uses
Lime and Lime Mud	1. Feedstock to produce lime. 2. Feedstock to produce portland cement. 3. Any other feedstock use or substitute for a commercial product (no land application).
Slaker Grit	1. Feedstock to produce portland cement.
Wood Fiber (Primary Clarifier Sludge)	1. Feedstock to produce absorbents. 2. Feedstock to produce tar paper or roofing felt. 3. Feedstock to produce filter paper. 4. Feedstock to produce insulation. 5. Use as ingredient or core material in structural and nonstructural concrete products. 6. Any other feed stock use or substitute for a

Table 1 Group 1 Materials (Materials Not Applied to Land)	
Material Description	Uses
	commercial product (no land application).
Recycled Fiber (Recycled Fiber Residues)	<ol style="list-style-type: none"> 1. Feed stock to produce absorbents. 2. Feedstock to produce tar paper or roofing felt. 3. Feedstock to produce filter paper. 4. Feedstock to produce insulation. 5. Use as ingredient or core material in structural and nonstructural concrete products. 6. Any other feedstock use or substitute for a commercial product (no land application).

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
Wood-Fired Boiler Ash (Produced by the pulp and paper industry in Louisiana)	Potting Soil Amendment	Those required by the LDAF and LDEQ for approval.
	Soil Liming Agent	Those required by the LDAF and LDEQ for approval.
	Soil Nutritional Supplement	Those required by the LDAF and LDEQ for approval.
	Ingredient for Landfill or Surface Impoundment Closure Caps	Those required by the LDEQ for approval.

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
	Any other use approved by the LDAF or LDOTD and LDEQ	Those required by the LDAF or LDOTD and LDEQ for approval.
Coal-Fired Boiler Ash (Produced by the pulp and paper industry in Louisiana)	Potting Soil Amendment	Those required by the LDAF and LDEQ for approval.
	Soil Liming Agent	Those required by the LDAF and LDEQ for approval.
	Soil Nutritional Supplement	Those required by the LDAF and LDEQ for approval.

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
	Ingredient for Landfill or Surface Impoundment Closure Caps	Those required by the LDEQ for approval.
	Any other use approved by the LDAF or LDOTD and LDEQ	Those required by the LDAF or LDOTD and LDEQ for approval.
Lime, Lime Mud, Lime Residues and Slaker Grit (Produced by the pulp and paper industry in Louisiana)	Potting Soil Amendment	Those required by the LDAF and LDEQ for approval.

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
	Soil Cement	Those required or adopted by the LDOTD.
	Soil Liming Agent	Those required by the LDAF for approval.
	Ingredient for Landfill or Surface Impoundment Closure Caps	Those required by the LDEQ for approval.
	Any other use approved by the LDOTD, LDAF, and LDEQ	Those required by the LDAF and LDEQ for approval or required or adopted by the LDOTD.

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
Boiler Gravel (that which becomes trapped in the bark on logs prior to debarking by the pulp and paper industry in Louisiana)	Road Base Material	None if used on-site; if used off-site, those required or adopted by the LDOTD.
	Aggregate for road surfaces	None if used on-site; if used off-site, those required or adopted by the LDOTD.
	Asphalt amendments	None if used on-site; if used off-site, those required or adopted by the LDOTD.

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
	Any other off-site use satisfying the criteria or standards of the LDOTD	If used off-site, those required or adopted by the LDOTD.
Wood fiber and recycled fiber (such as primary clarifier sludge produced by the pulp and paper industry in Louisiana)	Potting soil amendment	Those required by the LDAF and LDEQ for approval.
	Soil nutritional supplement	Those required by the LDAF and LDEQ for approval.

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
	Ingredient for landfill/surface impoundment closure caps	Those required by the LDEQ for approval.
	Cover for timber land	Those required by the LDAF and LDEQ for approval.
	Any other use approved by the LDAF or LDOTD and LDEQ	Those required by the LDAF or LDOTD and LDEQ for approval.

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
Mixtures containing boiler ash, boiler gravel, wood fiber, recycled fiber, lime residues, and slaker grit (Produced by the pulp and paper industry in Louisiana)	Potting soil amendment	Those required by the LDAF and LDEQ for approval.
	Soil Liming Agent	Those required by the LDAF and LDEQ for approval.
	Ingredient for landfill / surface impoundment closure caps	Those required by the LDEQ for approval.

Table 2 Group 2 Materials (Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
	Road Base Material	None if used on-site; if used off-site, those required or adopted by the LDOTD.
	Aggregate for Road Surfaces	None if used on-site; if used off-site, those required or adopted by the LDOTD.
	Asphalt Amendments	None if used on-site; if used off-site, those required or adopted by the LDOTD.
	Any other on-site or off-site use approved by the LDAF or LDOTD and LDEQ	Those required by the LDAF or LDOTD and LDEQ, or LDEQ only, as appropriate, for approval.

Table 2		
Group 2 Materials		
(Materials Applied to Land)		
Material Description	Uses	Specifications* That Shall Be Met for Such Use
<p>*The specifications and approval from LDEQ (<u>EDMS document 9201296</u>) consist those that are set forth in the LDEQ letter received in response to this LPPA request for reclassification dated June 18, 1999 (<u>EDMS document 9201298</u>).</p>		

Example For

Permit Condition Language For The One-Time, Facility-Specific Minor Permit Modification Addressing Materials Removed From LSWR Regulated Surface Impoundments Or Landfills In Louisiana's Pulp And Paper Industry

In accordance with LAC 33:VII.303.A.116, when the [description of material], which has not been commingled or contaminated with dissimilar solid wastes, is removed from the [name of facility-specific surface impoundment or landfill], and subsequently used as:

1. Louisiana Department of Agriculture and Forestry (LDAF) approved potting soil amendments, soil liming agents, soil nutritional supplements, or cover for timber land;
2. soil cement, road base materials, or aggregate for road surfaces that satisfy the standards or criteria approved by the Louisiana Department of Transportation and Development (LDOTD); or
3. Louisiana Department of Environmental Quality (LDEQ) approved ingredients for landfill or surface impoundment closure caps; such material, when managed in accordance with all other applicable laws, regulations, and conditions, is no longer considered to be discarded and, thus, is not subject to the generator, transporter, or permitting requirements of the Louisiana Solid Waste Regulations (LSWR).

However, while such material is present in the [name of facility-specific surface impoundment or landfill], it remains subject to all applicable requirements of the LSWR until such removal occurs.

The total tonnage of this material removed from the regulated unit for any such use shall be reported on the facility's Annual Disposer's Solid Waste Report. Any proposed new use for the material must have the approval of the LDAF or LDOTD and LDEQ, or the LDEQ only, as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1120 (June 2007).

Title 33**ENVIRONMENTAL QUALITY****Part VII. Solid Waste****Subpart 2. Recycling****Chapter 103. Recycling and Waste Reduction Rules****§10303. Definitions**

A. ...

~~*Permit* a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, closure of facilities used or intended to be used to process, collect or transport waste tires in accordance with the Act, these regulations, and specified terms and conditions.~~

~~*Process* - a method or technique utilized to render solid waste more amenable for disposal, or less harmful to human health and the environment prior to disposal, including recycling, recovering, compacting (but not including compacting that occurs solely within a transportation vehicle or at a non-processing transfer station), composting, incinerating, chipping, shredding, baling, recovering resources, pyrolyzing, autoclaving, or any other method or technique ~~that~~ is 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~~

~~disposal, or recovery; storage; or reshipment; or resale prior to disposal.~~ The definition of *process* does not include evaporation of on-site generated wastewaters in tanks to reduce or eliminate a discharge, provided this activity complies with applicable Louisiana water quality regulations (LAC 33:Part IX) and air quality regulations (LAC 33:Part III); 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; ~~or nor does it include~~ resource recovery activities, including separation of recyclable material from non-putrescible commercial waste streams at a non-processing transfer station.

Recovered Materials—those materials which have known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream, for sale, use, or reuse, by separation, collection, or ~~processing~~ resource recovery.

Recycling— any activity process by which nonhazardous solid waste, or materials which would otherwise become solid waste, are collected, separated, improved for and reused, or returned to use in the form of raw materials or products.

Resource Recovery - management procedures by which solid waste that retains useful physical or chemical properties is reused or recycled for the same or other purposes, including uses as energy sources.

Resource Recovery Activities - methods or techniques utilized in an environmentally sound manner to recycle, divert, remove, extract or recover valuable materials from solid waste, or render solid waste more amenable for resource recovery, such as segregating, filtering, emulsion breaking, phase separating, size classifying, shredding, grinding, baling, composting (of vegetative debris), pelletizing, or separating recoverable materials from construction/demolition debris at sites of generation, or separating recoverable materials from vegetative debris or other material originating from service activities performed at homes or businesses by service providers such as arborists, repairmen, and contractors. Similar activities that do not relate to resource recovery are not included in this definition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 37:3259 (November 2011).

§10305. Exemptions

The following wastes or activities are exempt from the requirements of this Chapter:

A. ...

B. recovered materials, or the products or by-products of operations that process manage or improve recovered materials, which are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water surface so that such products or by-products or any constituent thereof may enter lands or be emitted into the air or discharged into

the waters, including groundwater, or otherwise enter the environment or pose a threat to public health and safety or the environment;

C. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 37:3259 (November 2011).

§10313. Standards Governing the Accumulation of Recyclable Materials

A.-A.2. ...

2. otherwise meet the definition of solid waste; ~~and~~

3. are recyclable or recoverable, until such time stored materials are no longer recyclable due to decomposition, weathering, contamination, or degradation; and

34. are not in compliance with standards governing solid waste accumulation and storage set forth in LAC 33:VII.503 (e.g., such materials have been stored for more than one year without approval from the Office of Environmental Compliance).

B.-D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3260 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:0000 (February 2014).