

# **Solid Waste Public Interest Group**

## **January 5, 2005 Meeting Summary**

Bijan Sharafkhani began the meeting by calling on Estuardo Silva to discuss the recommendations from the Geology/Groundwater group. Upon completion of his summary Estuardo asked for comments on their recommendations to be sent to him. The recommendations are attached to this report. Jason Meyers with Permitting group presented their recommendations and requested comments, also. Those recommendations are also attached. Beneficial Use group report was presented by Joey Hebert. Recommendations are not final, but the group presented their main points.

1. Sewage sludge should be regulated under the water regulations with some modifications for permitting. It should be eliminated from the SW regs and referred to the water regs.
2. A draft recommendation was sent for review for Soil Reuse. A sub-group will meet within the next week to discuss proposal made to the workgroup.
3. A list of materials exempt from the regs when used in a certain fashion will be created and presented for review by the workgroup.

Bijan discussed the Processing workgroup issues. The main issue is the disposition of E&P waste into Solid Waste landfills. The DNR rule promulgated several years ago allows for the disposal of E&P waste (EPW) in SW landfills upon approval of the department. A workgroup (Stronger Rpt.) from the early 90's, recently updated in 2004, suggested that this be a resolution to the high transportation cost from sites in northeast LA. The SW regulations have no standards for this waste stream and have concerns in regards to accepting the new waste stream into the SW universe. Several initial standards were identified as follows; EPW must

1. test as nonhazardous by TCLP;
2. be disposed of in type I landfill only;
3. be considered a major modification to a permit requiring public notice and maybe public hearing; and
4. meet all other SW regulations for disposal.

Department concerns are as follows:

1. What is the volume of this waste stream?
2. Will it fill up our SW landfills depriving the citizens of their waste disposal?
3. What are the Chloride leachate levels and how will they be dealt with?
4. Will there be problems with odors resulting in public outcry?
5. What landfills will be interested in meeting the criteria to take the waste stream?

Barbara Dodd stated that according to the published purpose of the workgroup, this issue was inappropriate for discussion and decision by the workgroup. Kathy Wascom with the LA Wildlife Federation requested a separate workgroup be organized, with other interested parties included, to thoroughly evaluate the issue. Gary Snellgrove, from Department of Natural Resources, claims neutrality by his department. DNR's approval of EPW going to a SW landfill is contingent upon DEQ's acceptance of the waste stream. DNR will still control the manifesting and management of the EPW until it enters a landfill's door.

Sharon Parker proposed that the subgroup develop potential standards for accepting the waste stream and publish them in a Potpourri in the state register and the newspapers soliciting comment and information regarding the waste stream. This idea gained consensus from the group and will be created and sent for review by the workgroup prior to publishing. Once approval is gained the Potpourri will be published so that comments can be received.

Bijan requested that the workgroup review Chapters 1-4 of the Version 2B and send comments to Sharon regarding issues that need to be discussed.

Richard offered research links to documents that may be useful in the evaluation of the waste stream.

STRONGER Home Page

<http://www.strongerinc.org/>

2000 Guidelines (on which the 2003 LA Review was based)

[http://www.strongerinc.org/pdf/Final\\_Guidelines.pdf](http://www.strongerinc.org/pdf/Final_Guidelines.pdf)

Louisiana Report

<http://www.strongerinc.org/pdf/Final LA Report.pdf>

Also Office of CONservation Link for E&P wastes

<http://dnr.louisiana.gov/CONS/CONSERIN/Waste.ssi>

The next meeting will be Jan. 19. at 1:30 p.m.

The meeting adjourned at 3:15 p.m.

Those in attendance were Troy Barber, Paul Bouchereau, Bill Branch, Rep. N.J. Damico, Barbara Dodds, Henry Graham, Joey Hebert, Dwayne Johnson, Mary Lindsey, Tyler McCloud, Richard Metcalf, Paul Miller, Amanda Olsen, Gerald Perry, Kenny Qualls, Gary Snellgrove, Butch Stegall, Joseph Viecele, Cathy Wells, Fred Goodson, George Ferrar, Sharon Parker, Bijan Sharafkhani, Jason Meyers, Estuardo Silva, Melissa Boles, Rob Thomas, Steve Aguillard, and Jonathan Mac Farland.

## Solid Waste Regulations Committee Recommendations – Geology and Groundwater Group

### I. Editing Issues

#### 1. Add definitions for the following terms:

- a. Saturated Permeable Zone
- b. Topographic Map
- c. Potentiometric Map

#### 2. Match the nomenclature of definitions with the text of the regulations.

Example: Page 148 of Draft 2B refers to structure map and in the definitions it is defined as a structure contour map.

3. Change the definition of aquifer to explain what we mean by significant quantities of water (After a maximum of 24 hours, yields enough water to take a groundwater sample.)
4. On page 148 of Draft 2B, change text in 803.C.2b from “all saturated permeable zones to a depth of at least 30 feet...” to “all zones to a depth of at least 30 feet...”
5. On page 152 of Draft 2B, change text in 805.5.b.ii from “Clause A.5.b.i.” to “Subsection A.5.b.i”
6. Insert into the regulations the stipulation that all analytical data used for groundwater has to be analyzed by a LA certified lab.
7. Change wording of 805.B.4.b. on page 153 to language similar to 805.D.8.c. on page 161

### II. Our recommendation concerning Performance Based Geology Requirements is that this method for describing the subsurface geology be used only as an option for existing permitted facilities, which are planning a lateral and/or vertical expansion or changing the permitted lowest point of excavation within the permitted foot print. A work plan to characterize the geology shall be submitted to the LDEQ for prior approval if an existing facility would like to use this option. (We suggest that the performance based geology option be added in as 803.A.2.b. while the current “b” would be moved to “c” etc.)

### III. Concerning Type III facility boring requirements, we should incorporate the “GRID” documents language of “installing a minimum of 3 borings and at least 1 boring for every 8 acres of regulated unit (s) to a minimum depth of 5

feet below the lowest point of excavation,” into the Standards. We suggest that the Type III boring requirement information be added in at 803.A.1.a.

**December 20, 2004**

## **Solid Waste Interest Group (Permits) Recommendations:**

**Issue #1:** Simplify permit approval/renewal process.

Conclusion of Issue # 1:

- A summary of the proposed changes is to be included with the final application. The permittee will be responsible for the summary.
- Instead of submitting the entire document, submit only the sections that changes are requested and when approved, incorporate the changes into the whole document for submittal. The initial submittal would be similar to a major modification request.
- The copy of the application that is distributed for public review will include the proposed changes in strikeout/underline and bold.
- Once the permit is approved, the facility will submit a clean copy (no strikeout/underline) because the strikeout/underline version is too difficult to go back and modify at a later date.

**Issue #2:** Evaluate facilities previous performance.

Conclusion of Issue #2:

- Make the history a part of the renewal. Making this information available for public review along with the renewal will help the facility by showing the improvements that the facility has made.

**Issue #3:** Simplify permitting for new regulations. When are facilities going to have to comply to the new regulations?

Conclusion of Issue #3:

- Allow the facility to address any changes to the regulations on the next permit renewal provided there are no substantial changes.

**Issue #4:** Exempt Woodwaste.

Conclusion of Issue #2:

- Exempt facilities that deal with yard/greenwaste as long as that facility has an approved BMP.

**Issue #5:** Alternate Daily Cover.

Conclusion of Issue #5:

- Provide a method for approving alternate daily cover without a modification. It should be easier to use alternate cover once the

department has agreed to the use in principle. Provide a list of approved covers and be consistent for all permits.

**Issue #6:** Address Bioreactor landfills.

Conclusion of Issue #6:

- Maybe the regulations are adequate to address bioreactors as written with the exception of 711.D.1.g (liquid waste prohibition) and 711.B.4.b.i.

**Issue #7:** Alternate liners.

Conclusion of Issue #7:

- Remove 711.B.5.d.ii from the regulations to allow the approval of alternate liners for Type II facilities without the need for an exemption.

**Issue #8:** Stormwater design.

Conclusion of Issue #8:

- 711.A.3 provides design standards for the 24-hour/25-year storm event. The last sentence states “If the 24-hour/25-year storm-event is lower, the design standard shall be required.” It has been requested for this sentence to be removed.

**Issue #9:** Final elevations.

Conclusion of Issue #9:

- We discussed whether the final elevation provided is post or pre-settlement. The group came to a consensus that the elevation provided should be post-settlement at the time of cap placement. Clarification may be necessary.

**Issue #10:** Type II and Type III Separation facilities.

Conclusion of Issue #10:

- We are to clarify the distinction between Type II and Type III separation facilities. There is a loophole in the regulations regarding the classification of these facilities that needs to be addressed.

**Issue #11:** Major Modifications.

Conclusion of Issue #11:

- It was suggested that the criteria for determining if a modification is major or minor provided in 517.A.2 be reviewed to determine if some items need to be removed. For example, in order to avoid a major

modification, facilities may request an unlimited service area or 24 hour operation when the intention is not to operate 24 hours per day.

Beneficial Use Committee  
1/05/05 Meeting Recap

The Beneficial Use Committee met on January 5, 2005 and discussed the following issues.

- 1) The current regulations regarding the beneficial use of agricultural waste are working quite well. Dr. Bill Branch and Mr. Butch Stegall will provide some clarification language to be incorporated into the rewrite.
- 2) There currently exist two sets of regulations addressing the beneficial use of sewer sludge. The solid waste regulations and the water regulations both contain sections on sewer sludge. The committee recommends that the regulation of beneficial use of sewer sludge be addressed under the water regulation and that the Department move toward delegation of the sewer sludge program.
- 3) The committee briefly discussed the latest proposal on on-site soil reuse. This issue will be further discussed in a sub-committee meeting next week.
- 4) The last topic to be discussed was to develop a streamlined process to address the beneficial reuse of other waste streams other than the waste streams mentioned above. The committee discussed two avenues of accomplishing this task. One is to consider exempting some waste stream by rule and the second is to develop criteria for the submittal of a BMP for a waste that if approved would exempt the waste stream from the solid waste regulatory scheme.

Attached are two documents that the committee will review and comment on. We should be ready to submit recommendations at the next meeting.

*This memo addresses two items: The proposed list of additional exempted residuals, and guidelines for meeting exemption requirements for non-specified residuals.*

*Contaminated soil should be addressed in a revised 303.A.11. My opinion is that this section should read "solid wastes, that are not hazardous wastes, including contaminated soil, primary treatment sludge, and secondary treatment dredge materials re-used in a manner protective of human health and the environment, as demonstrated by a plan prepared in accordance with RECAP standards for soil reuse. If solid waste or contaminated soil are to be re-used on site, administrative authority approval is not required, otherwise administrative authority approval is required."*

### **303. Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations**

*(Number the new paragraphs after 303.A.10)*

11. Sand blasting abrasives (not including lead based paint) for use as raw material in the manufacture of cement or concrete products, asphalt products or abrasive products, sub base for hard surface road construction, or fill material\*.

12. Pulp and Paper Mill Residuals meeting the September 9, 1999 Administrative Authority approved standards for the reuse of materials in Louisiana.

13. Circulating Fluidized Bed (CFB) boiler bottom ash and fly ash used as a solidification agent or as a road stabilization agent meeting applicable US DOT or LA DOTD specifications.

14. Foundry sand for use as raw material in the manufacture of cement or concrete products, asphalt products or abrasive products, leachate control drainage material at a sanitary landfill, sub base for hard surface road construction, emergency flood control use for sandbags, or fill material\*. May also be used as alternative cover at a sanitary landfill when mixed with soil in a 50/50 volume.

15. Carbon filtration media used in ambient, uncontaminated conditions (this exemption does not apply to remediation projects).

16 Anion or cation exchange media used in uncontaminated water treatment applications.

17. Insulation that is non-asbestos, non hazardous for listed or characteristic criteria, and which meets a visibly clean criteria. This exemption allows this material to be disposed in a sanitary landfill.

18. Fiberglass from used piping or tanks that meets a visibly clean criteria and is non hazardous for listed or characteristic criteria. This exemption allows this material to be disposed in a sanitary landfill.

19. Cooling tower debris that meets a visibly clean criteria and is non hazardous for listed or characteristic criteria. This exemption allows this material to be disposed in a sanitary landfill.

20. *(was number 12)* Other wastes or residuals may be approved for general use, that is not specific to a site, based on the following information submitted to the Administrative Authority:

- Property owner(s) documentation that they have been given analytical data as to the contents of the material and been given the opportunity to analyze the material with no restrictions.
- A description of the residual and its proposed use, as well as a chemical and physical description of the residual and the proposed product.
- Demonstration that there is a known or reasonably probable market for the intended use of the residual, such as a contract to purchase or utilize the residual, a description of how it will be used, a demonstration that the product complies with industry standards for a product or other documentation that a market exists.
- Demonstration that the residual is not a threat to human health or the environment using TCLP, SPLP and total metals testing.
- A residual management plan or best practice describing the sources of the residual, procedures for periodic testing for quality control purposes, and a description of the storage procedures. Storage procedures must describe run-on/run-off control, maximum anticipated inventory, measures to ensure no contamination of underlying soil or groundwater, dispersion control due to wind, and maximum storage time. At least 75% of the material placed in storage during a year must be sent to market or to other secure storage within the following year unless the operator demonstrates that a particular order requires greater than one year of product storage prior to shipment. The plan must also address record keeping procedures.

22. Non hazardous bottom sludge from permitted solid waste treatment ponds that are used on-site for fill or road improvement projects are exempt from these regulations and do not require approval as long as the Department is notified at least 30 days in advance with a residual management plan and analytical data and only if the run off from the application site(s) is captured by the source pond.

23. Waste that has already been landfill disposed in such a way that it has not been mixed with other waste may be removed from the landfill for a beneficial reuse project if the waste otherwise meets an exclusion provision, after approval from the Department. Department approval will be based on review of a residual management plan that describes the intended use and the method of extracting

the material from the landfill in a way that does not impact the integrity of the landfill liner system.

24. Asphalt shingles (certified as not having more than 1% asbestos) used in the manufacture of asphalt, subbase for hard-surface road construction, or road surfacing granular material. This material may also be used for alternate cover at a sanitary landfill if ground to an average size of 3 inches or less and mixed with soil in a 50/50 mixture.

\* Any excluded waste for use as fill material must not be putrescible and must meet RECAP standards for soil re-use to qualify for the exemption. Administrative authority is not required as long as the owner or operator maintains documentation of the RECAP demonstration on site.

# Beneficial Use Regulations

CODE OF MASSACHUSETTS REGULATIONS  
TITLE 310: DEPARTMENT OF ENVIRONMENTAL PROTECTION  
CHAPTER 19.000: SOLID WASTE MANAGEMENT  
Current through November 19, 2004 Register #1013

## 19.060: Beneficial Use of Solid Wastes

(1) Applicability. No person shall make beneficial use of a solid waste material unless they obtain a prior written determination of beneficial use from the Department.

(2) Submittal Requirements. An application for a beneficial use determination shall be submitted to the appropriate Regional Office and a copy of the application shall be filed with the board of health of jurisdiction unless the Department determines that the proposed use is not limited to a specific location and therefore it is not practical to identify the board of health of jurisdiction. The application shall be filed on a form as may be supplied by the Department and contain the following information:

- (a) chemical and physical characterization of the discarded material;
- (b) identification of the quantity, quality and source of the material;
- (c) the proposed method of handling and utilization of the material;
- (d) a description of how the proposed utilization will result in a viable and beneficial substitution of a discarded material for a commercial product or commodity;
- (e) a demonstration that the proposed methods of handling and storing the discarded material will not adversely affect the public health, safety or the environment; and
- (f) a demonstration that the proposed utilization or end-products will not adversely affect the public health, safety or the environment.

(3) Board of Health Comments. The Department shall accept comments from the board of health regarding the application for a period not less than 21 days before issuing a final determination, unless the Department has determined in accordance with 310 CMR 19.060(2) that a copy of the application was not required to be sent to a board of health.

(4) Department Determination of Beneficial Use. The Department shall not make a positive determination of beneficial use unless the applicant affirmatively demonstrates that:

- (a) the application is accurate and complete;
- (b) the material will not be handled or utilized in a manner which will result in the material becoming a solid waste;
- (c) the identified material can be feasibly processed and put to beneficial use under the proposal set forth in the application;
- (d) the proposed project can be successfully completed in compliance with appropriate rules and regulations;

(e) any mixing of different types of material, if applicable, improves the usefulness of the material; and

(f) the proposed operation and beneficial use will not cause or threaten to cause an adverse impact.

(5) Effect of Determinations. A determination of beneficial use means the material is not classified as a solid waste only when used in accordance with the Department's determination of beneficial use. Where the processing of material is necessary for its beneficial use the processing activity shall be subject to the provisions of 310 CMR 16.00 where it occurs at a location other than the site of beneficial use. Where the processing occur at the site of beneficial use the Department shall determine the conditions and degree of processing applicable to the particular use.