

NONPRIORITIZED LIST OF INITIAL COMMENTS/CONCERNS
ON PROPOSED DRAFT NEW LOUISIANA SOLID WASTE REGULATIONS
LAC 33:VII.CHAPTERS 1 THROUGH 4, INCLUSIVE

1. Proposed §107.

The transition process/provisions need to be reconsidered, especially in light of §105, which repeals all previously promulgated regulations cited as LAC 33:VII.Subpart 1. The Department needs to clearly set forth the regulations which will be applicable to previously filed permit applications, modifications, etc. (e.g., the regulations in existence prior to the promulgation of the new regulations (in which case the total repeal of such regulations needs to be reconsidered)).

2. Prior §111.

Why has the Department repealed prior §111 regarding the review of the rules and regulations?

3. Proposed §115--Definition of Construction/Demolition Debris.

Yard waste should be added back to the last sentence of this definition so that it reads: “The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other types of solid waste (excluding woodwaste or yard waste) will cause it to be classified as other than construction/demolition debris.”

4. Proposed §115--Definition of Exploration and Production waste (E&P Waste).

To the extent this definition remains in the proposed regulations, it should be revised to indicate that no E&P waste may be accepted at solid waste facilities if such E&P waste exhibits a hazardous waste characteristic (ignitability, reactivity, toxicity, corrosivity).

5. Proposed §115--Definition of Mandatory Modification.

Proposed definition should be revised to read: “any change in a site, facility, unit, process or disposal method, or operation that is required as a result of the solid waste regulations as promulgated on February 20, 1993.”

6. Proposed §115--Definition of Process.

“Transferring” should be not considered “processing” under the Louisiana Solid Waste Regulations, LAC 33:VII (the “LSWR”), and thus the reference to “transferring” in this definition should be deleted.

7. Proposed §115--Definition of Residential Solid Waste.

The last sentence of this definition should be revised to read: “This term does not include commercial solid waste, industrial solid waste, construction/demolition debris, or woodwaste.”

8. Proposed §115--Definition of Solid Waste.

The current definition of solid waste in the LSWR should not be revised, as proposed, to add “the discharge of which is subject to a permit under R.S. 20:2074;” i.e., in the proposed phrase “Solid waste does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation-return flows, the discharge of which is subject to a permit under R.S. 30:2074;”. This is not provided for in the definition of “solid waste” in La. R.S. 30:2153(1)(a). If any change is required, the Department should simply restate the definition of “solid waste” in La. R.S. 30:2153(1)(a).

9. Proposed §115--Definitions of Transfer Station, Type I-A Facility, and Type II-A Facility.

Why must a transfer station be considered a “solid waste processing facility”? Is this necessary or correct?

10. Proposed §115--Definitions of Type I-A Facility, Type II-A Facility, and Type III Facility.

Can a composting facility really be a Type I-A Facility or a Type II-A Facility or a Type III Facility? Does the Department need to clarify this? At a minimum, the reference to “composting facilities” in the definitions of “Type I-A Facility” and “Type II-A Facility” should be changed to “composting facility”.

11. Proposed §115--Definition of Uppermost Water-Bearing Permeable Zone.

The definition should be revised to read: “any relatively permeable zone nearest the natural ground surface, other than the uppermost aquifer, that may act as a potential contaminant pathway.”

12. Proposed §115--Definition of Woodwaste.

The definition should include yard waste.

13. Proposed §115--Definition of Yard Waste.

The definition is confusing. Why does it have to be limited to “residential matter”? Should it read: “vegetative matter including, but not limited to, trees and shrubbery, leaves and limbs, stumps, grass clippings, and flowers.” ?

14. Proposed §302.B.2.

The regulation should not be revised as proposed. The reference to “(such as domestic oxidation ponds)” is helpful to a proper interpretation of the regulations. The addition of the phrase “the discharge of which is subject to a permit under R.S. 20:2074”; i.e., in the proposed phrase “solid

or dissolved material in domestic sewage, the discharge of which is subject to a permit under R.S. 30:2074, except separated sludges”, is unnecessary. This is not provided for in the definition of “solid waste” in La. R.S. 30:2153(1)(a).

15. Proposed §303.A.

The introductory clause should be rewritten as follows: “A. The following solid wastes, when processed or disposed of in an environmentally sound manner, are not subject to the permitting requirements or processing or disposal standards of these regulations:”.

16. Proposed §305.A.4.c.

The proposed provisions regarding recordation in the public records should be in accordance with La. R.S. 30:2039, upon they are assumedly based.

17. Prior §305.I.

Why has the Department repealed prior §305.I, regarding facilities at which only woodwastes resulting from utility right-of way clearing are received?

18. Proposed §305.11.

The reference to LAC 33:VII.303.C should now be to LAC 33:VII.303.A.3.

19. Prior §311.

Why has the Department repealed prior §311 regarding submittal of information by persons other than permit holder or applicant?

20. Prior §313.

Why has the Department repealed prior §313 regarding classification?

21. Proposed §315.B.

Under the proposed regulation, no solid waste shall be stored for more than 30 days. This provision should be deleted as entirely unworkable and unnecessary. The proposed regulations-- which will prohibit the storage of solid waste in a manner that will cause a health hazard or detriment to the environment as determined by the administrative authority--are all the protection required with respect to the storage of solid waste. This is not hazardous waste (e.g., which can generally be stored in tanks for 90 days without permitting).

22. Proposed §315.C.

The proposed regulation should provide “Except as otherwise provided in these regulations, all solid waste must be processed or disposed”

23. Proposed §401.A.

The reference to “store” should be deleted from the proposed regulation. Notification of the storage of solid waste is overly protective and unnecessary. The proposed regulations--which will prohibit the storage of solid waste in a manner that will cause a health hazard or detriment to the environment as determined by the administrative authority--are all the protection required with respect to the storage of solid waste. Again, this is not hazardous waste (e.g., which can generally be stored in tanks for 90 days without permitting or any notification to the Department).