

SW Chapters 1-4 metcalf

From: Richard Metcalf [metcalf@lmoga.com]
Sent: Tuesday, January 18, 2005 10:34 AM
To: Sharon Parker
Cc: dwayne.johnson@keanmiller.com
Subject: Comments on SW Chapters 1-4

Sharon - per your request, here are my comments. I did not include for now any involving the E&P waste issue.

1) I am not sure if you want to handle this now or when we discuss Chapter 6. Industrial solid waste generators have to provide an annual report of wastes "disposed" off-site. (Section 601.A.). The definition of "disposal" (there is no definition of "disposed"), really speaks only of wastes that affect the "environment" of Louisiana. The question is whether industrial solid wastes that are "disposed" out of state are or are not included in the generator annual report. I have received this question in the past. I think DEQ historically wanted out of state wastes listed but I am not sure the words actually require this.

2) Definition "separation facility" - we discussed this in our workgroup. The 1 % by weight of petrescible waste limit is unenforceable and changes should be made. It may be better to put language in the design section for these facilities regarding this issue and remove from definition.

3) There is some confusion regarding the definition (and exclusions) of "solid waste" in the hazardous waste rules and the solid waste rules.

For example: the DEQ HW rule definition of solid wastes states:

5. Materials That Are Not Solid Waste When Recycled

- a. Materials are not solid wastes when they can be shown to be recycled by being:
- i. used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - ii. used or reused as effective substitutes for commercial products; or
 - iii. returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on land. In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at LAC 33:V.105.D.1.p apply rather than this Paragraph.
- b. The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in preceding paragraphs of this definition):
- i. materials used in a manner constituting disposal, or used to produce products that are applied to the land; or
 - ii. materials burned for energy recovery, used to produce a fuel, or otherwise contained in fuels; or
- c. materials accumulated speculatively; or
- d. inherently waste-like materials listed in Paragraph 4 of this definition.

Unfortunately (to my knowledge), no such language appears in the solid

SW Chapters 1-4 metcalf

waste rules.

I think the federal intent is that they are not solid wastes under either set of rules and the DEQ should include the HW exclusions in the SW set of rules in Chapter 3

4) Is Section 405 really necessary? No big deal - just seems obvious. If keep it should be "one or more of the following". Current language limits to one type.

If all I have to do is through Chapter 4, then this is it. rtm