

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES
WASTE PERMITS DIVISION**

**SLIDELL LANDFILL
TYPE III CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL
D-103-2721
MAJOR MODIFICATION APPLICATION, PERMIT NUMBER P-0345**

**SLIDELL, ST. TAMMANY PARISH, LOUISIANA
AGENCY INTEREST (AI) NUMBER 6054**

BASIS FOR DECISION

I. INTRODUCTION

The Louisiana Department of Environmental Quality (LDEQ or Department), Office of Environmental Services, Waste Permits Division, hereby issues to Slidell Landfill, LLC (Applicant), a major modification that includes an increase in capacity of the facility through lateral and vertical expansion to the Applicant's existing Solid Waste Disposal Permit, Standard Permit P-0345. The facility is located at 310 Howze Beach Road, Slidell, St. Tammany Parish, Louisiana.

An extensive analysis pursuant to the "IT" requirements,"¹ has been conducted. The Department finds that as part of the "IT" requirements, "adverse environmental impacts have

¹ The "IT Requirements" or "IT Questions" are five (5) requirements that both the permit applicant and the Department consider during certain permit application processes. Save Ourselves v. La. Env'tl. Control Commission, 452 So. 2d at 1152, 1157 (La. 1984). Although the five (5) requirements have since been expressed as three (3) requirements (see Rubicon Inc., 670 So. 2d at 475, 483), the requirements remain basically the same whether stated as five (5) or three (3). The "IT Requirements" must satisfy the issues of whether:

1. The potential and real adverse environmental effects of the proposed project have been avoided to the maximum extent possible;
2. A cost benefit analysis of the environmental impact cost balanced against the social and economic benefits of the project demonstrate that the latter outweighs the former; and
3. There are alternative projects or alternative sites or mitigating measures which would offer more protection to the environment than the proposed project without unduly curtailing non-environmental benefits to the extent applicable.

been minimized or avoided as much as possible consistently with the public welfare." Save Ourselves v. La. Env'tl. Control Comm'n, 452 So. 2d 1153, 1157 (La. 1984); see also In the Matter of Rubicon, Inc., 670 So. 2d 475 (La. App. 1st Cir. 1996), rehearing denied.

For purposes of clarity and emphasis, the "IT Requirements" will be analyzed in five (5) parts as originally set forth In the Matter of Blackett v. Department of Environmental

Quality, 506 So. 2d 749 (La. App. 1st Cir. 1987).

II. BACKGROUND

Slidell Landfill (formerly Johnny F. Smith Truck & Dragline Service, Inc.) is a permitted Type III Construction and Demolition Debris landfill. The facility is located approximately 20 miles west of New Orleans at 310 Howze Beach Road in Slidell, St. Tammany Parish, Louisiana. A Type III facility is defined in LAC 33:VII.115 as a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes. Residential, commercial, or industrial solid waste must not be disposed in a Type III facility. Construction/demolition debris is defined in LAC 33:VII.115 as non-hazardous waste generally considered non-water soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. Woodwaste debris is defined as yard trash and types of waste typically generated by 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, and plywood or other bonded materials that contain only phenolic-based glues or other glues that are approved specifically by the administrative authority. Treated or painted lumber is not considered woodwaste under this definition.

The Slidell landfill is divided into two distinct cells, Cell No. 1 and Cell No. 2. Cells No. 1 and 2 were permitted by the Louisiana Department of Environmental Quality on September 26, 2000 (Permit No. P-0345). The old Slidell Landfill, previously known as the Johnny Smith Landfill, is located contiguous to and south of Cell No. 2. The old landfill is approximately 20 acres in size and shares a common boundary with Cell No. 2 of the Slidell Landfill.

The old Slidell Landfill was previously operated as a Type III landfill and is under an “Order to Close” issued by the Louisiana Department of Environmental Quality (No. 0246-A-2). Rather than close the old landfill, Slidell Landfill, LLC. proposed to combine the old landfill with permitted Cells No. 1 and 2 to the north. The combination of the landfill footprints will increase the available airspace in a lateral and vertical direction.

III. PUBLIC NOTICE, HEARING, AND COMMENT

A Major Modification for Slidell Landfill, LLC. was submitted on May 21, 2004. The permit modification was deemed administratively complete on July 8, 2004. After several rounds of notices of deficiency, final copies of the major modification were received on April 19, 2006, and the modification application was deemed technically complete on May 17, 2006. A public notice of the technically complete modification was published on May 31, 2006. On July 5, 2006, the public comment period ended on the technically complete modification. A public hearing was held on the technically complete modification on August 17, 2006 which began an additional public comment period that was to end on September 18, 2006. The comment period for the public hearing was extended from September 18, 2006 to October 2, 2006 because the public notice was published in one of the well-circulated papers, but was not published in a second paper to which most of the residents in the area subscribe.

IV. A RESPONSE TO ALL REASONABLE COMMENTS

A response to all reasonable public comments is attached to and made part of this Basis for Decision.

V. ADDITIONAL FINDINGS

Based on the original submittal, the landfill permitted height was approximately 18 feet. The facility submitted a permit modification request on May 21, 2004 and an addendum to the permit modification dated August 30, 2004. This permit modification requested that the facility be allowed to increase the original permitted height from 18 feet to 125 feet. In response to public concerns, the facility notified the Department via correspondence dated November 28, 2006, that the proposed final elevation would be reduced from 125' to 85'; thus, reducing the remaining life of the landfill to three or four years.

VI. ANALYSIS OF ENVIRONMENTAL ASSESSMENT STATEMENT

1. LAC 33:VII.523.A. A discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible.

The Department finds that the potential and real adverse environmental effects of the facility are avoided to the maximum extent possible.

The environmental media which may be affected by the modification of the facility are groundwater, surface water, and air quality impacts. The following is a general description of real and potential adverse environmental effects and the measures to be taken to ensure maximum protection to the environment.

Groundwater and Surface Water Contamination

A potential and real adverse environmental effect is that contaminants from waste could come in contact with stormwater or exiting surfacewater. A review of the groundwater and surface water impacts concluded that such media will be protected due to the monitoring required under the facility's Louisiana Pollution Discharge Elimination System ("LPDES") permit. The facility also has in place a waste acceptance plans which ensures that only Type III waste is received and disposed of at the facility.

An in-depth geotechnical investigation was conducted as required by the Louisiana Solid Waste Regulations to properly identify subsurface conditions. The facility is permitted to discharge to surface waters pursuant to LPDES Permit No. LA0105465. The potential for impact to surface water from the facility would be minimized as the discharges would be monitored in accordance with the LPDES permit. The perimeter levees that exist at the facility ensure that all water is held on-site for treatment prior to discharge; thus, assuring an additional means of controlling the quality of the discharges.

Air Quality Impacts

The potential adverse effects to air quality posed by the facility include odor and particulate (dust) emissions. Due to the nature of waste received and the operational practices of the facility, these potential effects are minimized to the maximum extent possible. The inspection of incoming waste shall ensure no disposal of putrescible waste shall occur; thus, no degradation of air quality should be associated with the facility. Although the potential for the creation of dust is present, dust will be controlled by the application of water, frequent mechanized sweeping, and the observance of speed limits during waste transportation will serve to minimize this potential adverse impact.

Land Use

The present use of the land occupied by the landfill is specifically for the intake of Construction/Demolition Debris and Woodwaste. The acceptance of any unauthorized waste is strictly prohibited. The existing facility will be operated in an environmentally sound manner.

2. LAC33:VII.523.B. A cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental impact cost.

The social and economic benefits of the facility will greatly outweigh its environmental impact. As previously stated, the operational and permitting requirements help minimize the potential impact. Slidell Landfill provides services to the construction community and to the residents of St. Tammany that are in the process of rebuilding as well as providing a means for disposal of hurricane-generated debris. Therefore, offering a means of lowering disposal and transportation costs, reducing illegal dumping in open dumps, providing services in emergencies and disasters and stimulating the local economy. This is the only permitted Type III facility in the parish and closure of this landfill may increase the occurrence of illegal dumping throughout the parish and surrounding parishes.

3. LAC33:VII.523.C. A discussion and description of possible alternative projects which would offer more protection to the environment without duly curtailing non-environmental benefits.

The Department finds that there are no alternative projects which would offer more protection to the environment without unduly curtailing non-environmental benefits.

Construction/demolition debris and woodwaste may be disposed by various methods. In an effort to ensure proper disposal of such materials, a Type III landfill is the most environmentally safe option. Incineration is an alternative project considered, but would incur additional expenses in order to successfully execute such operations. Additionally, significant air pollution control methods would have to be implemented. There are currently no obvious benefits to obtaining a solid waste permit for incinerating woodwaste.

Composting is an alternative project considered for woodwaste, but because of the composition of C&D waste, the majority of the waste stream is not suitable for composting. There are no alternative practices that would entail less risk to human health and the environment.

Any alternative waste handling or disposal is not economically practicable and because no quantifiable adverse environmental impacts have been confirmed or projected, no alternative projects are considered necessary. Another alternative is to deny this application. This alternative would result in the immediate closure of the facility without the ability to efficiently achieve the proper grades and slopes for closure. Additionally, the parish will not have sufficient time to seek alternative disposal location for C&D debris generated in the parish.

4. LAC33:VII.523.D. A discussion of possible alternative sites which would offer more protection to the environment without unduly curtailing non-environmental benefits.

Upon evaluating this modification application, the Department concluded that there are no alternative sites that would offer more protection to the environment than the existing site, without unduly curtailing non-environmental benefits.

The Slidell Landfill is an existing facility and therefore, maximizing the current available landfill disposal area is a preferred alternative for providing available C&D capacity rather than permitting a new C&D landfill. According to the original submittal, some alternative sites were evaluated. Due to a range of findings, they were deemed unacceptable based on their environmental, social, and economical impacts.

5. LAC33:VII.523.E. A discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing non-environmental benefits.

The Department finds that there are no other mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing non-environmental benefits.

The design and operation of the proposed site will effectively curtail any negative impacts to the environment. As a permitted construction and demolition debris landfill, the facility will be required to operate in accordance with the Solid Waste Regulations and all information provided in the facility's permit modification application. The Department is requiring a minimum of two spotters at the working face during operation of the facility, in consideration of the volume of the waste accepted. The spotters will observe the unloading of the waste, activity at the working face and be available to spot and segregate any unacceptable waste.

Additionally, as part of its analysis of the social and economic benefits of the existing facility, the Department considered capacity requirements set forth by La. R.S. 30:2179 of the Environmental Quality Act. Pursuant to La. R.S. 30:2179(B)(3), the Department, specifically the Secretary of the Department, is charged with ensuring that "sufficient validly permitted waste handling, treatment, destruction, and disposal capacity exists to safely and efficiently manage or dispose of waste substances in emergency situations or waste substances originating from in-state waste sites."

The Department has determined that the issuance of the Type III Permit Modification for the existing Slidell Landfill facility is necessary for Louisiana to safely reduce, transport, manage, and dispose of these wastes. Furthermore, the Department finds no additional device, system, or procedure that would provide any greater environmental protection than that which is presently incorporated into the design and permit requirements of the facility.

VII. CONCLUSION FOR BASIS OF DECISION

Based on a careful review of the record by the Department, which includes the permit modification document, additional information submitted by the applicant, and public comments received, the Department makes the following conclusions as to the Type III C/D Landfill major modification:

1. The real and potential adverse environmental effects have been avoided to the maximum extent possible.
2. The social and economic benefits outweigh the potential or real adverse environmental impact cost.
3. The Applicant did consider alternative projects, and after conducting an independent review, the Department concurs with the Applicant's decision to employ the proposed project because the alternative projects did not offer more protection to the environment without unduly curtailing non-environmental benefits.
4. There are no alternative sites which would offer more protection to the environment without unduly curtailing non-environmental benefits.
5. There are no alternative mitigating measures, which would offer more protection to the environment than the proposed facility without unduly curtailing non-environmental benefits.

In addition, this modification has been approved with the following conditions:

1. The maximum elevation of the top of waste may not exceed the existing elevation of ± 65 feet;
2. The facility shall cease accepting waste prior to January 31, 2010 and the final closure activities must be completed by May 2010. This would allow the facility sufficient time to reach proper grades and slopes for the purpose of closure and for the parish to find an alternate disposal for C&D debris generated in the parish.

3. The facility shall have a minimum of two spotters at the working face during operating hours to monitor landfill operations; and
4. The daily Compliance Evaluation Form shall be submitted to the Department on a weekly basis.

Therefore, the Department hereby finds that the Type III C/D Landfill major modification will be protective of human health and the environment and hereby modifies Standard Permit P-0345 for Slidell Landfill, LLC.

Chuck Carr Brown, Ph. D.
Assistant Secretary
Office of Environmental Services

Date

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