

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division

### Certified Solid Waste Operators

(LAC 46:XXIII.101, 105, 107, 109, 113, 307, 309, 501, 507, 511, 701, 703, 705, 707, 901, 903, 905, 907, 909, 911, 912, 913, 915, 916, 917, 919, 921, 923, 1101, 1103, 1303, 1307, 1501, 1503, 1505, 1507, and 1509) (SW035)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Certified Solid Waste Operators regulations, LAC 46:XXIII.101, 105, 107, 109, 113, 307, 309, 501, 507, 511, 701, 703, 705, 707, 901, 903, 905, 907, 909, 911, 912, 913, 915, 916, 917, 919, 921, 923, 1101, 1103, 1303, 1307, 1501, 1503, 1505, 1507, and 1509 (Log #SW035).

The proposed rule amends definitions to be consistent with LAC 33:VII.Solid Waste regulations, clarifies requirements, deletes the classification for Solid Waste Management Facilities, renames the operator classifications, allows the Department of Environmental Quality to establish additional numbers and levels of operators at permitted facilities, amends requirements for certification, sets specific requirements for conditional certification, and formalizes procedures for revocation, modification, and suspension of certification. The regulations require updating at periodic intervals. These amendments will bring the regulations up-to-date. The basis and rationale for this proposed rule are to update standards and requirements for operator certification.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 26, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW035. Such comments must be received no later than February 2, 2004, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Environmental Planning Division, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to [lynn.wilbanks@la.gov](mailto:lynn.wilbanks@la.gov). Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW035.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
Assistant Secretary

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XXIII. Certified Solid Waste Operators**

**Chapter 1. General**

**§101. Authority**

A. The Louisiana Solid Waste Operator ~~and~~ Certification and Training Program Act, R.S. 37:3151, et seq., creates the Board of Certification and Training for Solid Waste Disposal System Operators and authorizes the board to adopt rules of procedure and establish fees for the ~~training and~~ certification of solid waste operators.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§105. Objectives**

- A. The objectives of these ~~rules~~regulations are as follows:
1. to establish a certification program for operators of Type II, II-A, and III solid waste processing and disposal facilities which accommodate residential and commercial solid waste;
  2. to develop ~~policies~~procedures related to certification, recertification, and training of ~~candidates~~applicants to meet appropriate certification requirements;
  - ~~3. to establish standards and requirements for continuing training;~~
  - ~~4. to establish criteria certifying operators for minimum;~~
  - ~~5. to establish procedures for recertification;~~
  - ~~6.~~ 3. to establish procedures for revocation, modification, or suspension of an operator's certification;
  - ~~7. to establish procedures to immediately suspend an operator's certification if such action is deemed necessary to protect the public health and environment;~~
  - ~~8.~~ 4. to establish appropriate fees for examination, ~~training~~, certification, and recertification to be paid by the applicant; and
  - ~~9.~~ 5. to encourage the certification of all Louisiana Department of Environmental Quality employees involved in the inspection and permitting of solid waste processing and disposal facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§107. Definitions**

A. As used in these rules, the following words shall have the meanings ascribed to them in this Section unless the context clearly indicates otherwise:

~~Classify—repealed. the process and act of the board that designates a specific type of solid waste processing and disposal facility which is required to employ certified operators.~~

~~Commercial Solid Waste—all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial solid wastes.~~

~~Conditional Certification—allows an operator to operate only the facility at which he is employed at the time of certification for a period not to exceed six months.~~

~~Continuing Training—repealed. the process whereby a certified operator obtains required formal training in the area of solid waste management. Continuing training is distinct from training specifically designed to prepare operators for initial certification. Continuing training is deemed necessary to maintain a satisfactory level of operator proficiency in light of changing technologies and regulations. This continuing training would generally not be provided by the board, since it is available from other sources such as solid waste management organizations and educational institutions.~~

~~Department—the Department of Environmental Quality, as created by R.S. 30:2001 et seq.~~

\* \* \*

~~Regular Certification—allows an operator to operate any facility of the type for which the certificate is issued. Regular certificates are issued for a four-year period.~~

\* \* \*

~~Solid Waste Management Facility (SWMF)—any facility classified under the solid waste management system including, but not limited to, nonhazardous solid waste sanitary landfills, open dumps, landfarming operations, incinerators, and transfer stations, non-industrial surface impoundments, construction and demolition debris facilities, and composting, refuse-derived, and separation facilities.~~

\* \* \*

~~Training—the process whereby an operator obtains required formal instruction in the area of solid waste management.~~

\* \* \*

~~Type II-A Facility—a facility used for processing residential, infectious, or commercial solid waste (e.g., a transfer station, incinerator waste-handling facility, refuse-derived fuel facility, shredder, baler, autoclave, or compactor).~~

~~Type III Facility—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 (a separation facility). Residential, commercial, or industrial solid waste must not be disposed of in a Type III facility.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:404 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§109. Filing of Documents**

A. Any notice, petition, document, or other correspondence, ~~which~~that is required to be filed with the board shall be addressed and mailed or delivered to: the Board of Certification and Training for Solid Waste Disposal System Operators at the Department of Environmental Quality, Office of Environmental Services.

~~Board of Certification and Training  
P.O. Box 82178  
Baton Rouge, Louisiana 70884-2178~~

B. The following requirements and rules shall apply to all documents and papers filed ~~in the offices of~~ with the board or during a hearing or meeting:

1. The date on which the papers are actually received by the ~~office~~ board or at the hearing shall be deemed to be the date of filing.

2.-3. ...

4. All information regarding an applicant's qualifications shall be provided at least ~~45~~ 30 days prior to the date on which the applicant wishes to be tested. This information is to be provided on a ~~department~~ board-prescribed application form. The form may be obtained from the Office of Environmental Services, Permits Division or from the internet at [www.deq.state.la.us/misc/topics.stm](http://www.deq.state.la.us/misc/topics.stm), listed alphabetically under the letter "S."

5. Unless otherwise specifically provided by these rules, an original and ~~11~~ 12 copies of all documents directed to the board shall be filed.

6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§113. Mandatory Provisions**

A. Any SWMF that requires a permit, as determined by the department, shall be categorized in accordance with LAC 33:VII.507.

B. The certificates of all of a SWMF's certified operators shall be prominently displayed at the facility.

C. Certified operators are required at all Type II, II-A, and III SWMFs requiring a permit from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3155, and 3156.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**Chapter 3. Board of Certification and Training for Solid Waste Disposal System Operators**

**§307. Hearings and Meetings**

A. ~~The board shall meet within 14 days after the conclusion of each testing of certification candidates to conduct its business. Additionally, t[he board shall meet as often as necessary to conduct its business. Special meetings or public hearings may be called at any time by the chairman.~~

B-D.1.b. ...

2. Record\_ ~~a-~~ All such public hearings and meetings shall be recorded verbatim. All written statements, charts, tabulations, and similar data offered at the hearing shall, subject to exclusion because of redundancy or immateriality, be admitted by the presiding officer. ~~The tape recording together with a~~ All evidence or materials admitted by the presiding officer at the hearing shall constitute the hearing record. If a presiding officer conducts the hearing on behalf of the board, he shall prepare a report of the proceedings for the board.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3152 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:405 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§309. Board Records: Custodian**

A. The secretary of the Department of Environmental Quality, shall serve as the official custodian of all records of the board. All records of ~~the board~~ meeting notices, agendas, and other documents relating to the board shall be maintained in a central location within the ~~Solid Waste Division~~ Office of Environmental Services, Permits Division, Registrations and Certifications Section. All such records shall be available for public inspection in accordance with the provisions of appropriate ~~S~~state or ~~F~~federal law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3151 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**Chapter 5. Prohibitions**

**§501. Operation of Facilities by Certified Personnel**

A. ~~On or after four years following the date on which a facility is classified by the board, n~~ No individual, municipality, parish, public or private corporation, partnership, firm, agency of the state, or the United States government, ~~and~~ or any agent or subdivision thereof, or any other juridical person shall operate a classified solid waste facility unless such facility is operated by individuals who have been certified in accordance with these rules for the operation of the particular facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§507. Incompetence**

A. No person shall continue to operate a facility under a certification issued under these ~~rules~~regulations if such person ~~has become incompetent or is~~ unable to perform his duties in a proper manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§511. Display of Certificate**

Repealed.

~~A. No person shall operate a facility unless the certificates of all the facility's certified operators are prominently displayed at the facility.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**Chapter 7. Classification of Facilities**

Repealed.

**§701. Information Used to Classify Facilities**

Repealed.

~~A. It is the responsibility of the board to classify solid waste processing and disposal facilities according to the methodologies employed, types of wastes handled, and any other parameters which, in the opinion of the board, are needed to determine the certification and training requirements of the operators. Operators' certification and training is not required for operators of facilities which have not been classified. The board may receive the information necessary to make these determinations from any source. Copies of this information shall be maintained on file, and made available to the public and individual operators on request.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§703. General Classifications**

Repealed.

~~A. The general classification of facilities shall be as follows:~~

~~1. Class A facilities (Type II facilities)~~

~~a. Class A.1X Landfills~~

- b. ~~Class A.2XSurface impoundments~~
- e. ~~Class A.3XLandfills~~
- 2. ~~Class B facilities (Type II - A facilities)~~
  - a. ~~Class B.1XIncinerator waste handling facility~~
  - b. ~~Class B.2XRefuse derived fuel facility~~
  - e. ~~Class B.3XTransfer station~~
- 3. ~~Class C facilities (Type III facilities)~~
  - a. ~~Class C.1XConstruction demolition or wood waste facility~~
  - b. ~~Class C.2XComposting facility~~
  - e. ~~Class C.3XSeparation facility~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§705. Further Classification**

Repealed.

~~A. These general classifications may be further identified in terms of quantities of wastes handled, number of employees, types of wastes handled, and/or other factors which would indicate the potential for adverse impact associated with the particular operation. Further classification pursuant to this Section shall be accomplished pursuant to the rulemaking procedures in R.S. 49:950 et seq.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§707. Board's Discretion to Classify**

Repealed.

~~A. From time to time the board may classify other types of solid waste management facilities and also may further redefine the classification within general types of facilities.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§901. Certificate**

A. The board shall certify persons as to their qualifications established by testing, training, education, and experience to operate a classified solid waste processing or disposal facility. A certificate, suitable for framing, shall be provided to each successful ~~candidate~~applicant by the board. This certificate shall clearly show the name of the operator, type of certification, any limitations imposed, the expiration date, and any other data deemed appropriate by the board. Louisiana Department of Environmental Quality employees involved in the inspection or permitting of a classified solid waste processing or disposal facility may be certified provided they ~~pass the written examination~~ meet the requirements of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3156.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§903. Mandatory Certification**

Repealed.

~~A. Certified operators are required at all classified facilities.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3156 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§905. Regular Certification Validity**

Repealed.

~~A. Regular certificates shall be valid for four years from the date of issuance.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§907. Types of Certificationes**

A.-A.1. ...

2. the level of competency complexity of SWMF operation required. **B.**  
~~In addition, t~~The certification shall be either regular or conditional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### §909. Facility Designation

A. Each operator certification will be valid for the management of one type of facility ~~as classified by the board~~. The classifications and sub-classifications of facilities ~~will~~shall be specified as follows:

1. ~~Class A facilities~~ (Type II facilities):
  - a. ~~Class A.1—L~~landfills;
  - b. ~~Class A.2—S~~surface impoundments; and
  - c. ~~Class A.3—L~~landfarms;
2. ~~Class B facilities~~ (Type II-A facilities):
  - a. ~~Class B.1—I~~ncinerator waste-handling facilities;
  - b. ~~Class B.2—R~~efuse-derived fuel facilities; and
  - c. ~~Class B.3—T~~ransfer stations;
3. ~~Class C facilities~~ (Type III facilities):
  - a. ~~Class C.1—C~~onstruction/demolition debris or woodwaste facilities;
  - b. ~~Class C.2—C~~omposting facilities; and
  - c. ~~Class C.3—S~~eparation facilities.

B. These ~~rules~~regulations may be amended by the board to ~~classify~~ include other types of solid waste systems as they become subject to regulation. ~~These will be given discrete designations. These classifications may provide for limited classifications as in the case of a sanitary landfill receiving a single industrial waste.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### §911. Facility Types

A. Facilities are required, at a minimum, to have certified operators according to the following schedule.

1. ~~Class A.1 Landfills~~
  - a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a HLevel "A" operator in responsible charge of the overall solid waste processing or disposal facility.
  - b. Each facility shall have either a HLevel "A" or HLevel "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.
  - c. Each facility shall have at least one HLevel "C" operator for each 10 operational people during hours of operation. (Operational personnel does not include personnel solely conducting clerical duties.)-

2. ~~Class A.2 Surface Impoundments.~~ a. Each surface impoundment shall have a Level "A" operator in responsible charge of the solid waste processing or disposal facility.

3. Class A.3, Class B, and Class C Facilities Landfarms, Incinerator Waste-Handling Facilities, Refuse-Derived Fuel Facilities, Transfer Stations, Construction/Demolition Debris or Woodwaste Facilities, Composting Facilities, and Separation Facilities

a. Each facility providing solid waste processing or disposal for a particular parish or region shall have a Level "A" operator in responsible charge of the overall solid waste processing or disposal facility.

b. Each facility shall have either a Level "A" or Level "B" operator who is present at the facility and in direct charge of the day-to-day operation of the facility during hours of operation.

B. The department may determine additional numbers and levels of operators required at a particular facility, as specified in the permit, on a case-by-case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### **§912. Issuance of Certificates to Operators**

A. Certificates issued to operators on or after [DATE of PROMULGATION TO BE INSERTED] ~~the date of these revised regulations~~ will correspond to the classes and levels facility designations and levels of operator certification as defined in LAC 46:XXIII.909 and 913. ~~All certificates which have been issued prior to these revised regulations may remain in effect until otherwise determined by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3159 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### **§913. Levels of Operator ~~Competency Certification~~**

A. Each certification shall specify the level of competency complexity of SWMF operation for which the certificate is issued. Levels of operator certification are hereby established as "A," "B," and "C." Level "A" represents the most comprehensive level of competency complexity; Level "B" is an intermediate level of competency complexity; and Level "C" represents the ~~most limited~~ least comprehensive level of competency complexity. ~~Classifications are hereby established as "A," "B," and "C".~~ Additional classifications levels may be added by amendment to these rules regulations.

B. A Level "A" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform all of the duties necessary for the proper operation of ~~the an~~ entire solid waste management facility and shall encompass both procedural and operational aspects of a processing or disposal facility (all technical, regulatory,

administrative, and management duties necessary for the proper operation of the solid waste processing or disposal facility), according to the type of facility for which the applicant seeks certification.

C. A Level "B" certificate shall encompass all of the technical, regulatory, administrative, and management knowledge needed to perform the duties necessary for the proper operation of ~~the~~ solid waste management facility as determined by assigned duties and customary practice, and operational knowledge needed to operate ~~the~~ processing or disposal facility (i.e., equipment selection, maintenance, waste handling procedures, safety procedures, personnel hiring and training, reports, and special and hazardous waste identification), according to the type of facility for which the applicant seeks certification.

D. A Level "C" certificate shall encompass the operational knowledge needed to operate a portion of the waste handling aspects of ~~the~~ processing or disposal facility (i.e., unloading and spotting; maintaining smallest practical working face; layering, compacting, covering, cleaning, and maintaining equipment; equipment operation; and special or hazardous waste identification-), according to the type of facility for which the applicant seeks certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154 and R.S. 37:3159.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### §915. Qualification Requirements

~~A. An applicant for regular certification must possess the qualifications for each level of operator as set forth below.~~

A—~~1.~~ A Level "A" operator shall have the following qualifications for regular certification:

1—~~a.~~ The operator must possess a high school diploma or equivalency certificate. An operator qualifying as a present practitioner under LAC 46:XXIII.921 may meet this requirement by passing the operator examination required by LAC 46:XXIII.919.

2—~~b.~~ eExperience rRequirements: The operator must have:  
~~a~~—~~i.~~ have a minimum of three years of appropriate and responsible experience as described in LAC 46:XXIII.913.B in the field of solid waste management; or

~~ii.~~ have a minimum of one year of appropriate and responsible experience as described in LAC 46:XXIII.913.B in the field of solid waste management and have a minimum of three years experience as a supervisor in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to insure proper operation of a solid waste processing or disposal facility; or

~~b~~—~~iii.~~ have a minimum of one two years of appropriate and responsible experience as described in LAC 46:XXIII.913.B in the field of solid waste management and have either an engineering degree or a degree from an accredited college or university in a four-year program related to soils management and equipment operation and maintenance; or

~~c~~—~~iv.~~ have a minimum of one year of appropriate and responsible experience as described in LAC 46:XXIII.913.B in the field of solid waste management and

~~having held a certificate a minimum of two years of certification as a Level "B" operator for a minimum of one year.~~

~~3~~—e. The operator must be of good character.

~~B~~—2. A Level "B" operator shall have the following qualifications for regular certification:

~~1~~—a. ~~e~~Experience ¶Requirements: The operator must have:  
~~a~~—i. ~~have~~ a minimum of two years of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.C in the field of solid waste management; or

~~b~~—ii. ~~have~~ a minimum of one year of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.C in the field of solid waste management and ~~have~~ a minimum of two years of experience as a supervisor in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ~~ensure~~ proper operation of a solid waste processing or disposal facility; or

~~c~~—iii. ~~have~~ a minimum of one year of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.C in the field of solid waste management and ~~have either~~ an engineering degree ~~or a degree from an accredited college or university in a four-year program related to soils management and equipment operation and maintenance~~; or

~~d~~—iv. ~~have~~ a minimum of one year of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.C in the field of solid waste management and ~~having held a certificate a minimum of two years of certification as a Level "C" operator for a minimum of one year.~~

~~2~~—b. The operator must be of good character.

~~C~~—3. A Level "C" operator shall have the following qualifications for regular certification:

~~1~~—a. ~~e~~Experience ¶Requirements: The operator must have:  
~~a~~—i. ~~have~~ a minimum of one year of ~~appropriate and responsible~~ experience as described in LAC 46:XXIII.913.D in the field of solid waste management; or

~~b~~—ii. ~~have~~ a minimum of one year of experience in the construction field relating to the use of heavy equipment, good drainage practice, and other skills to ~~ensure~~ proper operation of a solid waste processing or disposal facility; or

~~c~~—iii. ~~have either~~ an engineering degree ~~or a degree from an accredited college or university in a four-year program related to soils management and equipment operation and maintenance.~~

~~2~~—b. The operator must be of good character.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### **§916. Regular Certification**

A. An applicant shall request consideration for certification upon the completion of the following requirements:

1. meet appropriate qualification requirements in LAC 46:XXIII.915;

2. submit an application to the board on a board-prescribed application form, which may be obtained from the Office of Environmental Services, Permits Division or from the internet at [www.deq.state.la.us/misc/topics.stm](http://www.deq.state.la.us/misc/topics.stm), listed alphabetically under the letter "S";

3. receive board approval for certification and examination;

4. achieve a passing score on the examination for the appropriate level of operation; and

5. pay all fees associated with certification.

B. Regular certification shall allow an operator to operate any facility of the type for which the certificate is issued.

C. Regular certificates are issued for a four-year period.

D. Recertification shall be in accordance with LAC 46:XXIII.923.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154, 3159, and 3160.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### **§917. Regular; Conditional Certification**

~~A. Certification shall be either regular or conditional. A regular certificate shall allow an operator to operate any facility of the type for which the certificate is issued. A conditional certificate shall allow an operator to operate only the facility at which he is employed at the time of certification.~~

~~B. All certificates shall be regular unless:~~ Conditional certification requirements are as follows.

~~1. The applicant must requests a conditional certification and makes application as specified in LAC 46:XXIII.923; and~~

~~2. The board must determines that based on the applicant's training, education, experience, and examination results, the applicant is qualified to perform duties at a particular facility, but not at every facility of that type.~~

3. The applicant must pass the operator examination and attend one board-approved training class (minimum of 10 hours) within six months.

~~C. The board may upgrade a conditional certification after receipt of an application therefor upon and upon its determination that, based on the applicant's training, education, experience, and examination results (if a new examination is deemed necessary), the applicant is qualified for regular certification.~~

~~D. Conditional certificates shall be recertified in the same manner as regular certificates if the continuing training requirements are met.~~

~~D.E. Any person appointed to replace or succeed a regularly certified operator after August 29, 1983, may be issued a conditional certificate upon application to the board and payment of the same fees as specified for regular certificates. Application for certification must be made within one year of replacement or succession and must specify the need for conditional certification. The term of such a conditional certificate shall not exceed one year six months. Within one year of the date of~~ After receipt of such a conditional certificate, the person applicant must take and pass the operator examination within six months for a regular certificate and attend 10 hours of board-approved training. If the examination is passed, the person applicant may be issued an additional conditional certificate, prior to meeting other requirements for a regular certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3159, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:407 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§919. Operator Examinations**

A. An applicant for certification must pass an operator examination as provided in this Section ~~except as provided by 46:XXIII.921.A.~~

B. ...

C. The board shall provide appropriate written examinations for each operator level of ~~classified facilities~~ SWMFs.

D. ...

E. ~~Notice shall be published at least 45 days before the examination in the official state journal and in such other publications determined necessary by the board to fully publicize the examination. All notices shall, at a minimum, include the time, date, and location of the examination, the examination fee, the classes of operators for which examinations will be offered, and other information relevant to the examination process. Notice of the examination shall be published prior to the examination in a method and fashion provided by the board.~~

F. ...

G. All examinations will be graded on a pass/fail basis. ~~Applicants who fail the examination may not retake the examination for a minimum of three months following the failed examination.~~

H. Payment of the examination fee must be submitted before the new an examination may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3153 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:593 (August 1984), LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§921. Certification of Present Practitioners**

Repealed.

A. ~~All operators employed in responsible charge of a classified waste management facility on August 29, 1983, or on the date the facility is classified, whichever is later, shall be granted a certificate by the board as follows:~~

1. ~~application for certification is to be made to the board on a department-prescribed form within one year of the classification of the system or facility; and~~

2. ~~the applicant attends the operator training provided by the board within six months of submission of the application, and takes the examination conducted by the board within six months of submission of the application. A passing score shall not be necessary for the applicant to receive a regular certificate; or~~

~~3. the applicant does not attend the training provided, but does take and pass the examination for certification within six months of submission of the application.~~

~~B. Any applicant not qualifying for a regular certificate but qualifying for certification under LAC 46:XXIII.921.A.2 shall be granted a conditional certification which is valid only for the system or facility in which the operator is employed, for the conditions of operation existing on August 29, 1983, or for the classification of the facility.~~

~~C. Applicants must submit a statement of qualifications to the board and must be determined by the board to meet the standards established by the board before being admitted to the examination process. All information regarding an applicant's qualifications shall be provided at least 45 days prior to the date on which the applicant wishes to be tested. This information is to be provided on a department prescribed application form. The qualifications for each level of operator authorized by these rules are as set forth in LAC 46:XXIII.915.~~

~~D. The board shall obtain from the applicant all necessary documentation needed to assure the board that the established standards have been met. These documents shall be maintained as permanent records.~~

~~E. No applicant shall be granted certification unless he or she obtains a passing score on the examination as established by the board, except as provided by LAC 46:XXIII.921.B.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3155, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:406 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### §923. Recertification

A. Regular certificates shall be valid for four years after issuance. An operator may be recertified upon recommendation by the board for a new four-year period after timely submission of satisfactory evidence that the operator has met the ~~continuing~~ training requirements as specified by LAC 46:XXIII.1103.~~EC~~. Upon ~~recertification~~ receipt of such evidence, the board shall issue a new certificate.

B. Application for recertification shall be submitted to the board on a ~~departmentboard~~-prescribed form ~~to the board~~ no sooner than six months prior to the expiration of the certification and no later than three months after expiration of the certification. The form may be obtained from the Office of Environmental Services, Permits Division or from the internet at [www.deq.state.la.us/misc/topics.stm](http://www.deq.state.la.us/misc/topics.stm), listed alphabetically under the letter "S." The application shall contain the following documentation:

1. - 2. ...

C. Any operator whose certificate has expired for more than three months shall be treated as a new ~~practitioner~~applicant. Such a person must reapply for certification, take an examination, and otherwise meet the requirements for new ~~practitioners~~applicants.

D. Persons whose certificates have expired, but ~~that~~who make application no later than three months after the expiration date of the certificate, can be considered by the board for recertification; however, they will be required to pay the late recertification fee as provided in LAC 46:XXIII.1305.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3160, R.S. 37:3160 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

## Chapter 11. Operator Training for Certification

### §1101. Initial Training

~~A. The board shall offer or establish for persons required to obtain a certification the appropriate training in all aspects of knowledge required to qualify for level certification for all classified facilities. The first presentations of such training shall be for the members of the board and state employees engaged in the regulation of solid waste facilities.~~

~~AB. This training for all operators shall be provided at reasonable intervals. Initial training may be modified or supplemented as needed at the discretion of the board. The content, frequency, and location of operator training shall be at the discretion of the board. Training may be modified or supplemented as needed at the discretion of the board.~~

~~C. The board shall make training available in a like manner for all operators who are required to obtain certification due to future classification or reclassification of a facility by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*

### §1103. Continuing Training Responsibilities

A. The board shall:

~~1. determine approve the continuing education training which is currently available to Louisiana operators, which may include short courses, workshops, etc., that meets the standards of the board;~~

~~2. define which short courses or training meet the continuing training standards of the board;~~

~~3. determine whether the continuing its training requirements can be reasonably met/satisfied by the operators based on current educational offerings; and~~

~~4. upon request by a certified operator, provide a list of the available training which that meets the requirements of these rules/regulations upon request.~~

~~B. The procedures outlined in LAC 46:XXIII.1103.B shall be reviewed and updated as needed.~~

~~CB. In the event that the board determines that adequate continuing training is not reasonably available to the operators, they it shall either:~~

~~1. promote, provide, or otherwise cause adequate continuing training to be available; or~~

~~2. waive the continuing training requirements in whole or in part.~~

~~DC. Operator Responsibilities~~

1. In order to retain certification, operators must receive the number of ~~contract contact~~ training hours as set forth below during the four years after receiving certification or recertification.

a. ~~Class A.1 and Class A.3~~ (Level "A" and "B") operators shall receive no fewer than 40 ~~contract contact~~ training hours.

b. ~~Class A.1~~ (Level "C"), ~~Class B,~~ and ~~Class C~~ operators shall receive no fewer than 30 ~~contract contact~~ training hours.

c. ~~Class A.2~~ Level "A" surface impoundment operators shall receive no fewer than 20 ~~contract contact~~ training hours.

2. The operator is responsible for determining whether ~~the~~ a specific training course has been is approved by the board. ~~This determination may be made by either of two ways:~~

a. ~~the specific training is contained on a list of approved training as published by the board; or~~

b. ~~approval is granted by the board. Application for~~ To obtain approval of specific training not listed by the board, the applicant may be submitted to the board in writing. Such submission shall contain a complete course outline, the date and the place of offering, and the name of the offering agency entity to the board for consideration.

3. The operator is responsible for obtaining and submitting, in a timely manner, to the board, in accordance with LAC 46:XXIII.923, adequate evidence of attendance. Such evidence may include, but is not limited to, educational certificates, certification of attendance, travel vouchers, etc. Such evidence should be submitted as soon as possible after attending a course, with copies retained in the operator's files. All such submissions shall include the operator's certificate number on all documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3157, R.S. 37:3158 and R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:408 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

## Chapter 13. Fees

### §1303. Method of Payment

A. Fee payment shall be by check, draft, or money order made payable to the Board of Certification and Training, ~~at the following address:~~

~~Board of Certification and Training  
P.O. Box 82178  
Baton Rouge, Louisiana 70884-2178~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 14:12 (January 1988), LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§1307. Training Fees**

Repealed.

~~A. The board shall charge a fee to all persons participating in training conducted by the board pursuant to these rules sufficient to cover the costs of such training. No person shall be allowed to attend training until all training fees have been paid in full. Fees for any board approved training not provided by the board shall be established by and paid to the individual, agency, institution, or corporation providing such training.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), repealed by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**Chapter 15. Revocation, Modification, and Suspension of Certificatesion**

**§1501. Revocation, Modification, and Suspension of Certificatesion**

A. The board may ~~revoke, or modify, or suspend~~ an operator's certificateion, if it determines that the operator has practiced fraud or deception in obtaining certification or in operating thereunder, ~~or has been significantly negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties, or has become incompetent or unable to perform his duties in a proper manner.~~

B. Written Notice

1. When the board determines that an operator's certification should be suspended, modified, or revoked, the board shall notify that operator by certified mail. Such written notice shall contain the following:

a. facts that will justify a suspension, modification, or revocation of certification;

b. a description of the general nature of the evidence supporting the suspension, modification, or revocation; and

c. a recommendation that the operator's certification be suspended, modified, or revoked, unless the operator, within 30 days after receipt of the notice, submits a request for a hearing before the board. The request for hearing shall be submitted to the Board of Certification and Training. A written statement providing the operator's view of the circumstances shall accompany the request for hearing.

2. If the operator does not mail a request for hearing and a statement of the circumstances within the time frame specified, the board shall recommend suspension for a specified period of time, modification, or revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§1503. Immediate Suspension**

Repealed.

~~A. The board may immediately suspend, upon receipt of evidence of probable cause sufficient for revocation of certification, an operator's certificate if such action is deemed necessary to protect the public health or the environment. Any operator whose certificate is so suspended shall be granted a hearing before the board within 30 days of such suspension in accordance with LAC 46:XXIII.1505 and 1507.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### **§1505. Hearings**

~~A. Revocation, modification, or suspension hearings are to be conducted expeditiously and with less formality than that required in adjudications by the Administrative Procedure Act, R.S. 49:151 et seq. and in accordance with R.S. 49:961. A hearing before the board on suspension, modification, or revocation shall proceed as follows.~~

~~1. At least 20 days prior to a hearing, the board shall provide the operator with a notice of the hearing. The notice shall be sent by certified mail and include the time, date, and location of the hearing.~~

~~2. The hearing shall be conducted summarily without observing all of the formalities associated with an adjudicatory hearing as defined in the Administrative Procedure Act, R.S. 49:951 et seq.~~

~~3. Within 90 days after conducting a hearing, the board shall forward its decision to the operator.~~

~~4. Upon receiving notice of suspension, modification, or revocation, an operator shall notify the owner/operator of the SWMF within 24 hours.~~

~~5. Judicial appeal from the board's decision may be taken in accordance with the Administrative Procedure Act, R.S. 49:951 et seq.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

### **§1507. Rule to Show Cause**

~~Repealed.~~

~~A. Upon determination that grounds exist for revocation or modification under LAC 46:XXIII.1501, or the suspension of a certification under LAC 46:XXIII.1503, the board may, by rule, compel any person to show cause why his certification should not be suspended, revoked, or modified, either in whole or in part. The rule to show cause shall specifically advise respondent of the facts on which the proposed action is based and of the time and place of the hearing to be conducted on the rule. The person served with the rule shall be given an opportunity at that hearing to show compliance, that he has not practiced fraud or deception in obtaining certification or in operating thereunder, has not been significantly negligent in applying reasonable care, judgment, knowledge, or ability in the performance of his duties, or~~

~~has not become incompetent or unable to perform his duties in a proper manner, and may file an answer or response to the rule, prior to the hearing. Judicial appeal from the board's decision may be taken pursuant to the Administrative Procedure Act, R.S. 49:951 et seq.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Board of Certification and Training for Solid Waste Disposal Operators, LR 20:656 (June 1994), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**§1509. Record of Hearing**

A. Record. The record of proceedings conducted under this ~~Part~~Chapter shall consist of the following:

1. the certificate;
2. the notice of the hearing;
3. all documentary evidence and written comments received;
4. written recommendations received;
5. the decision; and
6. the transcript ~~if transcribed, or a resume or summary~~ of the proceedings.

B. Transcript. ~~All~~Any hearings conducted under this ~~Section~~ Chapter shall be recorded, and a copy of the ~~tape transcript~~ transcript made available to the public. ~~A verbatim transcript shall not be accomplished unless ordered by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3154.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Board of Certification and Training for Solid Waste Disposal Operators, LR 10:409 (May 1984), amended by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:\*\*.

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

LOG #: SW035

Person  
Preparing  
Statement: Sharon Parker

Dept.: LA Department of Environmental  
Quality

Office of Environmental Assessment

Phone: 225-219-3559

Office: Planning Division

Return  
Address: P.O. Box 4314  
Baton Rouge, LA 70821-4314

Rule Certified Solid Waste Operators  
Title: Amendments (LAC 46:XXIII)

Date Rule  
Takes Effect: Upon Promulgation

**SUMMARY**

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no costs or savings associated with the implementation of the proposed action.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

An increase or decrease in revenues will not occur as a result of the proposed action.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**

Current and future operators of solid waste management facilities will be directly affected by the proposed action, but not economically. The effects will be changes in obtaining their continuing education; new nomenclature and some changed requirements for their various levels of certifications and clarified procedures for disciplinary actions. However, there will be no costs and/or economic benefits as a result of the proposed action.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no impact on competition and employment in the public or private sectors as a result of this proposed rule.

\_\_\_\_\_  
Signature of Agency Head or Designee

\_\_\_\_\_  
LEGISLATIVE FISCAL OFFICER OR  
DESIGNEE

James H. Brent, Ph.D, Assistant Secretary  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature  
LFO 7/1/94

\_\_\_\_\_  
Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule amends definitions to be consistent with LAC 33:VII Solid Waste regulations, clarifies requirements, deletes the classification for Solid Waste Management Facilities, renames the operator classifications, allows the Department of Environmental Quality to establish additional numbers and levels of operators at permitted facilities, amends requirements for certification, sets specific requirements for conditional certification, and formalizes procedures for revocation, modification and suspension of certification.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The regulations require updating at periodic intervals.

- C. Compliance with Act II of the 1986 First Extraordinary Session
  - (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There will be no increase in the expenditure of funds.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) \_\_\_ Yes. If yes, attach documentation.
- (b) \_\_\_ No. If no, provide justification as to why this rule change should be published at this time.

Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

**I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED**

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 03-04	FY 04-05	FY 05-06
PERSONAL SERVICES _____			
OPERATING EXPENSES _____			
PROFESSIONAL SERVICES _____			
OTHER CHARGES _____			
EQUIPMENT _____			
<b>TOTAL</b>	-0-	-0-	-0-
<b>MAJOR REPAIR &amp; CONSTR.</b>	-0-	-0-	-0-
<b>POSITIONS (#)</b>	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be no costs or savings associated with the implementation of the proposed action.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 03-04	FY 04-05	FY 05-06
STATE GENERAL FUND _____			
AGENCY SELF-GENERATED _____			
DEDICATED _____			
FEDERAL FUNDS _____			
OTHER (Specify) _____			
<b>TOTAL</b>	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The department has sufficient funds to implement the proposed action.

**B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.**

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There will be no cost or savings impact due to the proposed action on local governmental units.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

This is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

**II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS**

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 03-04	FY 04-05	FY 05-06
STATE GENERAL FUND _____			
AGENCY SELF-GENERATED _____			
RESTRICTED FUNDS* _____			
FEDERAL FUNDS _____			
LOCAL FUNDS _____			
<b>TOTAL</b>	-0-	-0-	-0-

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

An increase or decrease in revenues will not occur as a result of the proposed action.

**III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS**

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Current and future operators of solid waste management facilities will be directly affected by the proposed action, but not economically. The effects will be changes in obtaining their continuing education; new nomenclature and some changed requirements for their various levels of certifications and clarified procedures for disciplinary actions. However, there will be no costs and/or economic benefits as a result of the proposed action.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

There will be no impact on receipts and/or income resulting from this proposed rule.

**IV. EFFECTS ON COMPETITION AND EMPLOYMENT**

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There will be no impact on competition and employment in the public or private sectors as a result of this proposed rule.