Title 33
ENVIRONMENTAL QUALITY

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

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Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
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Chapter 1. General Provisions and Definitions

§101. Scope and Purpose

The Louisiana Legislature recognizes that the safety and welfare of state citizens "require efficient and reasonable regulation of solid waste disposal practices as well as a coordinated, statewide resource recovery and management system" (R.S. 30:2152). Therefore, the Department of Environmental Quality has formulated these rules and regulations to:

A. establish standards governing the storage, collection, recovery and reuse, and disposal of solid waste;

B. implement a management program that will protect the air, groundwater, and surface water, and the environment from pollution from solid wastes and thus eliminate the potential threat to human health from such pollution;

C. encourage both citizens and industry to reduce the amount of waste developed and generated in the state; and

D. implement the program specified in R.S. 30:2305 et seq. through the Louisiana Resource Recovery and Development Authority (LRRDA) to utilize solid waste for useful purposes whenever practicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000).

§103. Authority

A. The Louisiana Environmental Quality Act (R.S. 30:2001 et seq.) established the enforcement authority and procedures for carrying out the purposes of the act. The Louisiana Resource Recovery and Development Act (R.S. 30:2301 et seq.) created a Resource Recovery and Development Authority which shall be a function and responsibility of the Department of Environmental Quality. These rules and regulations were developed under the authority of the secretary of the Department of Environmental Quality, as mandated by the Louisiana Solid Waste Management and Resource Recovery Law (R.S. 30:2151 et seq.). The Louisiana Solid Waste Operator Certification and Training Program (R.S. 37:3151 et seq.) created the Louisiana Solid Waste Operator Certification and Training Program. The principal domicile of the board shall be that of the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§105. Repeals

A. These regulations repeal and replace in their entirety all previously promulgated regulations cited as LAC 33:VII.Subpart 1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§107. Effective Date

A. These rules and regulations shall be in full force and effect on February 20, 1993. However, the effective date of these regulations as they apply to existing earthen ditches at industrial establishments and which receive solid waste is August 20, 1993.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§109. Severability

A. If any provision of these rules and regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act and these regulations that can be given effect without the invalid provision or application, and to this end provisions of these rules and regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§111. Review of the Rules and Regulations

These rules and regulations shall be reviewed and revised as follows.

A. Frequency. The department will review these rules and regulations at least once every three years.

B. Criteria. The review criteria will focus on the effectiveness of the rules and regulations in meeting the purposes set forth in LAC 33:VII.101 of these regulations.

C. Revisions. All revisions of the rules and regulations shall be adopted and promulgated in accordance with the

Administrative Procedure Act (R.S. 49:950 et seq.) and the Environmental Quality Act (R.S. 30:2001 et seq.).

D. Public Input. Participation by the public and by officials in all levels of government and industry will be solicited in the revision process, as required by LAC 33:VII.111.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000).

§113. Public Information Service

A. Responses to Suggestions and Complaints. The department will respond to complaints and suggestions and disseminate all pertinent information concerning solid waste. Information will be disseminated by letter or telephone communication in response to direct inquiries and through a departmental bulletin issued periodically that will include lists of permits, enforcement actions, and similar information of general interest, if such a bulletin is available.

B. Public Hearings. A summary of all discussions, presentations, and comments submitted will be prepared after each hearing and made available to all who request it, in accordance with R.S. 44.1, et seq.

C. Mailing List. The department will maintain a mailing list of groups or individuals interested in public hearings and other such activities of the Office of Environmental Services, Permits Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000).

§115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

100-Year Flood—a flood that has a 1 percent or greater chance of occurring in any year, or a flood of a magnitude equaled or exceeded once in 100 years on average over a significantly long period.

Access Road—a passageway for vehicles leading from the entrance of a facility to each unit of the facility.

Act—the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.).

Administrative Authority—the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

Agricultural Waste—nonhazardous waste resulting from the production and processing of agricultural products, including manures, prunings, and crop residues. Some examples of *agricultural wastes* are included in LAC 33:VII.3015. This term does not include solid wastes defined as industrial solid waste in this Section.

Animal Feed—any crop, such as pasture crops, forage, and grain grown for consumption by animals.

Applicant—any person who intends to be a standard permit-holder for a solid waste processing and/or disposal facility and who has submitted a permit application to the Department of Environmental Quality.

Aquifer—a formation, group of formations, or part of a formation that contains enough saturated permeable materials to yield significant quantities of water to wells or springs.

Areas Susceptible to Mass Movement—those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the facility, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock fall.

Assessment Well—see *Monitoring Well*.

Assets—all existing and all probable future economic benefits obtained or controlled by a particular entity.

Authority—the Louisiana Resource Recovery and Development Authority established by R.S. 30:2301.1 et seq.

Autoclave—steam sterilization at a temperature of at least 250°F and a pressure of at least 15 pounds per square inch for at least 30 minutes. Longer times are required depending on the amount of waste, the presence of water, and the type of container used. Alternate patterns of temperature, pressure, and time may be used if compatible with the sterilization equipment being used and demonstrably sufficient to kill disease-causing microorganisms.

Background Soil pH—the pH of the soil before the addition of substances that alter the hydrogen-ion concentration (see *Soil pH*).

Bailing—a method of obtaining samples of water from a groundwater monitoring well by lowering and raising a weighted bottle, capped length of pipe, or similar device.

Baler—a facility which reduces and restrains a solid waste volume by mechanical compaction to achieve a higher-density-per-unit volume.

Beneficial Use—the use of waste material for some profitable purpose (e.g., incorporating sludge into soil to amend the soil). Avoidance of processing or disposal cost alone does not constitute *beneficial use*.

Board of Certification and Training—a board for the certification and training of operators of systems or facilities

for the disposal of commercial and residential solid waste (established by R.S. 37:3151 et seq.).

Cation-Exchange Capacity—the sum of exchangeable cations a soil can absorb, expressed in milliequivalents per 100 grams of soil, as determined by sampling the soil to the depth of cultivation or solid waste placement, whichever is greater, and analyzing, by the summation method, for distinctly acid soils, or, by the sodium acetate method, for neutral, calcareous, or saline soils.

Clean Closure—the act of closing a facility whereby all solid waste is removed, including contamination that results from solid waste placement.

Closure—the act of securing a facility that has been used to process, store, or dispose of solid waste in a manner that minimizes harm to the public and the environment.

Closure Plan—a plan for closure and/or post-closure of a facility prepared in accordance with the requirements of LAC 33:VII.Subpart 1.

Coastal Zone—the coastal waters and adjacent shorelands within the boundaries of the *coastal zone* established by the State and Local Coastal Resources Management Act of 1978 (R.S. 49:213.1-213.21).

Collect—to accumulate of industrial solid waste or solid waste generated by more than one household or commercial establishment, or by a storage or processing facility.

Commercial Establishment—a business, including its structures and property, that is involved in the exchange or distribution of goods or commodities, or that rents, leases, or sells space for such activities.

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

Compactor—a solid waste facility, other than collection and transportation vehicles, which reduces a solid waste volume by mechanical compaction to achieve a higher-density-per-unit volume.

Compost—a solid waste which has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment, or other similar uses.

Composting—a controlled process of degrading organic matter with microorganisms.

Composting Facility—a facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter.

Construct—to build, erect, excavate, or form any portion of a solid waste facility.

Construction/Demolition Debris—nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. The admixture of *construction and demolition debris* with more than 5 percent by volume of paper associated with such debris or any other type of solid waste (excluding woodwaste or yard waste) will cause it to be classified other than construction/demolition debris.

Contamination (Environmental)—the degradation of naturally occurring water, air, or soil quality either directly or indirectly as a result of human activities.

Contamination (Solid Waste)—the admixture of any solid waste with any amount of hazardous waste, or any other type of waste not meeting the definition of solid waste.

Contingency Plan—an organized, planned, coordinated course of action to be followed in the event of a fire, explosion, or discharge or release of waste into the environment that could endanger human health or the environment.

Cover Material—soil, or other suitable material approved by the administrative authority, applied on the top and side slopes of disposed solid waste to control vectors, gases, erosion, fires, and infiltration of precipitation; to support vegetation; to provide trafficability; or to ensure an aesthetic appearance.

Crops for Human Consumption—crops grown for human consumption that are not processed to minimize pathogens before they are distributed to consumers.

Curing Area—an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.

Current Assets—cash, other assets, or resources commonly identified as those which are reasonably expected to be realized in cash, sold, or consumed during the normal operating cycle of the business.

Current Liabilities—obligations whose liquidation is reasonably expected to require the use of existing resources, properly classifiable as current assets, or the creation of other *current liabilities*.

Daily Cover—cover material applied at the end of the operating day to a unit, the working face of a unit, or a facility. (If earthen, cover will consist of a minimum of 6 inches of cover material).

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

Disease Vector—animals such as rodents, fleas, flies, mosquitoes, and other arthropods that are capable of transmitting diseases to humans.

Displacement—the relative movement of any two sides of a fault measured in any direction.

Disposal—the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste on or into any land or water so that such solid waste, or any constituent

thereof, may have the potential for entering the environment or being emitted into the air or discharged into any waters of Louisiana.

Ditch—an earthen trench or excavation principally used to convey wastewaters without regard to whether solids settling or treatment of wastewater occurs therein.

Emergency Exemption—a special authorization issued to a person by the administrative authority that allows freedom from obligation to these regulations or any portion thereof for a specified period of time, owing to emergencies such as strikes or acts of God.

Estimated Life of Facility—the length of time a solid waste facility is capable of accepting wastes, based on its current permit or permit application.

Exemption—a special authorization issued to a person by the administrative authority that allows freedom from obligation to these regulations or a portion thereof.

Existing Facility—any *facility* (as defined in LAC 33:VII.115) that receives solid waste or that exists or is being constructed on February 20, 1993 that does or will store, process, or dispose of solid wastes. (Facilities closed prior to January 20, 1981, or facilities that have completed the closure/post-closure requirements prior to February 20, 1993, are not considered *existing facilities*.)

Existing Operation—any solid waste operation that manages, collects, stores, processes, or receives solid waste that exists or that is being constructed on February 20, 1993. (Operations closed prior to January 20, 1981, or operations that have completed the closure and/or post-closure requirements prior to February 20, 1993, are not considered *existing operations*.)

Facility—actual land and associated appurtenances used for storage, processing, and/or disposal of solid wastes, but possibly consisting of one or more units. (Any earthen ditches leading to or from a unit of a facility and that receive solid waste are considered part of the *facility* to which they connect, except for ditches lined with materials capable of preventing groundwater contamination. The term *facility* does not necessarily mean an entire industrial manufacturing plant.)

Fault—a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to those on the other side.

Final Cover—cover material that is applied to minimize the infiltration of precipitation in a facility and revegetated to control erosion.

Flood Plain—the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by the 100-year flood.

Food-Chain Crops—crops grown for human consumption; tobacco; and crops grown to feed animals that are consumed by humans.

Freeboard—the vertical distance between the lowest point of the top of a facility levee and the surface of the liquid waste contained therein.

Freshwater Aquifer—an aquifer containing water with quantities of total dissolved solids of less than 10,000 mg/L that is capable of yielding usable quantities of groundwater to drinking-water wells, industrial pumps, springs, or streams.

Friable Asbestos Waste—asbestos waste identified as friable in the current Air Quality Regulations (LAC 33:Part III).

Garbage—solid waste that includes animal and vegetable matter from the handling, preparation, cooking, and serving of foods, but that does not include industrial solid waste.

Generator—any person whose act or process produces solid waste as defined in these regulations.

Geotechnical Borehole—an exploratory borehole drilled, augered, bored, or cored to obtain soil samples to be analyzed for chemical and/or physical properties.

Groundwater—water below the land surface in the zone of saturation.

Hazardous Waste—waste identified as hazardous in the current Louisiana Hazardous Waste Regulations (LAC 33:Part V) and/or by the federal government under the Resource Conservation and Recovery Act and subsequent amendments.

Holocene—the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present.

Implement—to carry out, accomplish, and ensure actual fulfillment by specific means or by providing instruments or means of accomplishment.

Implementation Schedule—a timetable for completing a predetermined implementation plan.

Impoundment—see *Surface Impoundment*.

Inactive (or Abandoned) Facility—a solid waste storage, processing, or disposal facility that no longer receives solid waste and has not been closed in accordance with Louisiana Solid Waste Regulations.

Incinerator—any enclosed device using controlled-flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace and is not a *boiler* nor an *industrial furnace* as defined in LAC 33:V.109.

Incinerator Ash—residual solid waste which has been received, thermally oxidized, and/or decomposed by an incinerator.

Incinerator Waste-Handling Facility—a facility which processes solid waste which has been received, thermally oxidized, and/or decomposed by an incinerator.

Incorporation into Soil—the injection of solid waste beneath the surface of soil, or the mixing of solid waste with the surface soil.

Industrial Establishment—a business, including its structures and property, that is involved in the production or manufacture of goods or commodities.

Industrial Solid Waste—solid waste generated by a manufacturing, industrial, or mining process, or which is contaminated by solid waste generated by such a process. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products; by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; and transportation equipment. This term does not include hazardous waste regulated under the Louisiana hazardous waste regulations or under federal law, or waste which is subject to regulation under the Office of Conservation's Statewide Order No. 29-B or by other agencies.

Industrial Solid Waste Facility—a facility for the processing, storage, and/or disposal of industrial solid waste.

Infectious Waste—waste that contains pathogens of sufficient virulence and quantity that exposure to it could result in an infectious disease in a susceptible host.

Initial Promulgation—the date on which the Louisiana Solid Waste Management Program first became effective, January 20, 1981.

Interim Compacted Cover—a minimum of 2 feet of compacted silty or sandy clay.

Interim Cover—a minimum of 1 foot of soil that is applied to a portion of a unit or a facility.

Karst Terranes—areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in *karst terranes* include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

Landfarm—a facility for the disposal of solid wastes in which wastes are applied to the land and/or incorporated into the soil for biological reduction and soil attenuation.

Landfill—a facility for the disposal of solid waste, other than landfarm(s) or surface impoundment(s), that disposes of solid waste by placing it on or into the land surface and usually also compacting and covering with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in a manner that protects human health and the environment.

Leachate—a liquid that has passed through or emerged from solid waste and may contain soluble, suspended, or miscible materials removed from such wastes.

Leak-Detection Well—a well used to determine the escape of liquids from a permitted solid waste facility.

Liabilities—probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

Liner—layer or layers of material(s) beneath and on the sides of a solid waste disposal facility that are designed to restrict the escape of wastes or their constituents from the facility.

Liquid Waste—any waste material that is determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test), as described in *Test Methods of Evaluating Solid Wastes, Physical/Chemical Methods* (EPA Pub. No. SW-846).

Lithified Earth Material—all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth's surface.

Litter—exposed solid waste outside the active portion of a unit of a facility.

Lower-Explosive Limit—the lowest percent by volume of a mixture of explosive gases in the air that will propagate a flame at 25 degrees centigrade and atmospheric pressure.

Major Modification—any change in a site, facility, process or disposal method, or operation which substantially deviates from the permit or tends to substantially increase the impact of the site, facility, process or disposal method, or operation on the environment.

Mandatory Modification—any change in a site, facility, unit, process or disposal method, or operation that is required as a result of these regulations.

Mandatory Modification Document—a document submitted by existing facilities in conformance with LAC 33:VII.315.G which applies for a mandatory modification and which amends or adds to each portion of the permit at issue so that the permit meets the requirements of these regulations. The document must conform to the requirements for permit modifications found in LAC 33:VII.517.

Manure—a solid waste composed of excreta of animals and any residual materials that have been used for bedding, sanitary, or feeding purposes for such animals.

Maximum Horizontal Acceleration in Lithified Earth Material—the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

Mesophilic Stage—a biological stage in the composting process characterized by active bacteria which favor a moderate temperature range of 20 to 45 degrees Centigrade. It

occurs later in the composting process than the thermophilic stage and is associated with a moderate rate of decomposition.

Minor Modification—any modification that does not meet the criteria for a major modification.

Modification—any change in a site, facility, unit, process or disposal method, or operation that deviates from the specifications in the permit. Routine or emergency maintenance which does not cause the facility to deviate from the specifications of the permit is not considered a *modification*.

Monitoring Well—a well used to obtain hydraulic and/or water-quality data and to satisfy regulatory requirements for groundwater monitoring at regulated units, usually installed at or near a known or potential source of groundwater contamination.

Municipal Solid Waste Landfill or *MSW Landfill*—an entire disposal facility in a contiguous geographical space where residential solid waste or commercial solid waste is placed in or on land.

Net Worth—total assets minus total liabilities and equivalent to the person's equity.

Observation Well—a well used to obtain information on the water resources of an area.

Off-Site Processing/Disposal Area—a location for the processing and/or disposal of solid waste that is not on the generator's site.

On-Site Processing/Disposal Area—the land area and appurtenances thereon used for processing and/or disposal of solid waste on the same property or on geographically contiguous property, where waste is generated. Two or more pieces of property that are geographically contiguous but divided by public or private right(s)-of-way are considered a single site.

Open Burning—the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.

Open Dump—a solid waste processing or disposal facility which has been issued a temporary permit and may not comply with the standards set by these regulations.

Operating Area—the portion of a facility that is actively involved in the storage, processing, or disposal of solid waste.

Order Authorizing Commencement of Operations—a written authorization issued by the administrative authority after a permit-holder has completed all upgrading measures or completed construction measures, provided the required certification and a successful initial start-up inspection has been conducted by a representative of the department.

Parent Corporation—a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the facility permit holder; the latter corporation is deemed a "subsidiary" of the *parent corporation*.

Permit—a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, closure, or post-closure of a certain facility used or intended to be used to process or dispose of solid waste in accordance with the act, these regulations, and specified terms and conditions.

Permittee/Permit Holder—a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.

Person—an individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of the state, interstate body, or the federal government or any agency of the federal government.

PH—the logarithm of the reciprocal of hydrogen-ion concentration.

Pickup Station—a facility, at which one or more containers are located, which is used to accumulate industrial solid waste or to accumulate solid waste generated by more than one household or commercial establishment for pickup by a transporter. This definition does not include containers which receive only solid waste generated on property which is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multiunit dwelling, a commercial establishment, or an industrial establishment.)

Piezometer—a well with the sole function of determining groundwater elevation.

Pilot Hole—a hole drilled with the intent to install casing and to produce water. It is usually of a smaller diameter than the proposed well and has to be reamed to a larger diameter for the installation of a casing and screen.

Poor Foundation Conditions—those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a facility.

Potable Water—water with bacteriological, physical, and chemical properties that make it suitable for human consumption.

Potentiometric Surface—the surface that represents the static head with reference to a specified datum, such as the National Geodetic Vertical Datum (NGVD). As the term relates to aquifers, it is defined by the levels to which water will rise in tightly cased wells.

Practice(s)—act(s) of storing, processing, collecting, transporting, or disposing of solid wastes.

Process—a method or technique, including recycling, recovering, compacting (but not including compacting which occurs solely within a transportation vehicle), composting, incinerating, shredding, baling, recovering resources,

pyrolyzing, or any other method or technique designed to change the physical, chemical, or biological character or composition of a solid waste to render it safer for transport; reduced in volume; amenable for recovery, storage, reshipment, or resale. The definition of *process* does not include treatment of wastewaters to meet state or federal wastewater discharge permit limits. Neither does the definition include activities of an industrial generator to simply separate wastes from the manufacturing process.

Promiscuous Dump—a solid waste disposal facility that has resulted from disposal activities of persons other than the landowner and whose operation is not permitted by the administrative authority.

Putrescible—susceptible to rapid decomposition by bacteria, fungi, or oxidation, creating noxious odors.

Reclassified Waste—a particular solid waste that the administrative authority has determined is no longer classified as a hazardous waste subject to regulation under the Louisiana hazardous waste regulations. Such wastes are "reclassified" as solid waste and are subject to regulation under these regulations.

Recovery Well—a well used to remove groundwater that has been determined to be contaminated.

Refuse-Derived Fuel—fuel processed from combustible solid waste.

Refuse-Derived Fuel Facility—a solid waste facility where fuel is processed from combustible solid waste.

Residence—a single or multiunit dwelling, whether owned, leased, or rented by its occupant(s).

Residential Solid Waste—any solid waste (including garbage, trash, and sludges from residential septic tanks and wastewater treatment facilities) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Resource Recovery—the process by which solid waste that retains useful physical or chemical properties is reused or recycled for the same or other purposes, including uses as energy sources.

Runoff—any rainwater, leachate, or other liquid that drains from any part of a facility.

Run-On—any rainwater or other liquid that drains onto any part of a facility.

Salvaging—the controlled removal of waste materials for later use.

Sanitary Landfill—a landfill for the disposal of commercial or residential solid waste by deposit in a landfill in layers covered with suitable cover material of a depth and at a frequency adequate to control disease vectors and odors, and in such a manner that minimizes the risk to human health and the environment. It is located, contoured, and designed so that it will not constitute a source of water pollution.

Scavenging—unauthorized removal of solid waste materials from a disposal or processing facility.

Seismic-Impact Zone—an area with a 10 percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in 250 years.

Separation Facility—a solid waste facility at which recyclables are separated from the solid waste stream for future use.

Septage—the contents of a septic tank, cesspool, or other individual sewage-treatment facility which receives domestic-sewage wastes.

Service Area—the geographic area serviced by a solid waste facility in which solid waste is generated, collected, and transported for delivery to that solid waste facility.

Sewage Sludge—sludge resulting from treatment of wastewater from publicly or privately owned or operated sewage-treatment plants.

Shredder—a solid waste facility which reduces the particle size of solid waste by grinding, milling, shredding, or rasping.

Site—the physical location, including land area and appurtenances, of an existing or proposed storage, processing, or disposal facility. A *site* may consist of a number of facilities, each subject to a permit to process or dispose of solid waste.

Sludge—residue produced by or precipitated from a treatment process.

Soil pH—a pH value obtained by sampling the soil to the depth of cultivation or solid waste placement. Test methodologies shall be in accordance with *Test Methods for Evaluation of Solid Waste, Physical/Chemical Methods* (EPA Pub. No. SW-846).

Solid Waste—any garbage, refuse, or sludge from a wastewater-treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. *Solid waste* does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation-return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended; or hazardous waste subject to permits under R.S. 30:2171 et seq.

Solid Waste Management System—the entire process of collection, transportation, storage, processing, and disposal of solid waste by any person engaged in such process as a business or by any municipality, authority, trust, parish, or any combination thereof.

Spill—any unauthorized discharge or release of solid waste into or onto the land, air, or water.

Stabilize (Compost)—compost that has at least passed through the thermophilic stage and in which biological decomposition of the solid waste has occurred to a sufficient degree to allow beneficial use.

Standard Permit—written authorization issued by the administrative authority to an applicant who has successfully completed the permit application process for a processing or disposal facility.

Storage—the containment of solid waste on surfaces capable of preventing groundwater contamination in a means not constituting processing or disposal.

Surface Application—placement of solid waste onto a landfarm without incorporating it into the soil.

Surface Impoundment—a facility consisting of a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), designed to hold an accumulation of liquid waste and/or sludge, that is not an injection well, landfarm, landfill, or tank. Runoff and containment areas (ROCAs) of landfarms are considered to be *surface impoundments*.

Surface-Recharge Zone—an area where a formation or formations that compose an aquifer intersect the land surface and receive water from percolation, precipitation, or surface-water bodies.

Tangible Net Worth—the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents and royalties.

Tank—a stationary device designed to contain an accumulation of solid waste and constructed of nonearthen materials that provide structural support. The term *tank* does not include underground storage tanks as defined by the Underground Storage Tank Rules and Regulations (LAC 33:Part XI).

Temporary Permit—a written authorization issued by the administrative authority for a specific amount of time to a person for the construction, installation, operation, closure, or post-closure of a particular facility used or intended to be used for processing or disposing of solid waste in accordance with the act, these regulations, and specified terms and conditions.

Thermophilic Stage—a biological stage in the composting process characterized by active bacteria which favor a high temperature range of 45°C to 75°C. It occurs early in the composting process, before the mesophilic stage, and is associated with a high rate of decomposition.

Test Hole—an exploratory borehole drilled to obtain geologic, hydrologic, or water-quality data.

Topsoil—the surface layer of soil, capable of promoting growth of vegetation.

Toxicity Characteristic Leaching Procedure (TCLP)—a method to determine if a waste exhibits hazardous characteristics conducted in accordance with LAC 33:Part V.

Transfer Station—a solid waste processing facility where solid waste is transferred from collection vehicles and placed in other vehicles for transportation.

Transport—to move industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household to a storage, processing, or disposal facility.

Transporter—any person who moves industrial solid waste off-site and/or who moves solid waste of a commercial establishment or more than one household to a storage, processing, or disposal facility.

Trash—nonputrescible refuse including white goods, furniture, and wood and metal goods.

Treatment Zone—the depth in the soil of a landfarm into which solid waste has been incorporated and additional depths to which decomposition is occurring based on site-specific conditions.

Type (of Waste)—a category of waste in a general classification defined for solid waste management purposes (e.g., commercial, industrial, residential).

Type I Facility—a facility used for disposing of industrial solid wastes. (If the facility is also used for disposing of residential or commercial solid waste, it is also a Type II facility.)

Type I-A Facility—a facility used for processing industrial solid waste (e.g., transfer station, incinerator waste-handling facility, shredder, baler, or compactor). (If the facility is also used for processing residential or commercial solid waste, it is also a Type II-A facility.)

Type II Facility—a facility used for disposing of residential or commercial solid waste. (If the facility also is used for disposing of industrial solid waste, it is also a Type I facility.)

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

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*.

Unauthorized Discharge—a continuous, intermittent, or one time discharge, whether intentional, anticipated, or unanticipated, from any source, permitted or unpermitted, which is in contravention of any provision of the act or of any permit or license terms and conditions, or of any applicable regulation, compliance schedule, variance, or exemption of the administrative authority.

Unauthorized Dump—a solid waste disposal facility whose operation is not authorized by the administrative authority.

Unit of a Facility—designated area of a facility wherein solid waste is, has been, or will be processed, stored, or disposed of.

Unstable Area—a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. *Unstable areas* can include poor foundation conditions, areas susceptible to mass movement, and Karst terranes.

Uppermost Aquifer—the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

Water Table—the upper surface of the zone of saturation at which the pressure is equal to the atmospheric pressure.

Wetlands—those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. *Wetlands* generally include swamps, marshes, bogs, and similar areas.

White Goods—discarded domestic and commercial appliances, such as refrigerators, ranges, washers, and water heaters.

Woodwaste—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.

Working Face—that portion of a landfill where waste is currently being added during the operating day.

Yard Trash—vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including tree and shrubbery leaves and limbs, grass clippings, and flowers.

Zone of Incorporation—the depth to which solid waste has been incorporated into the soil of a landfarm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000).

Chapter 3. Scope and Mandatory Provisions of the Program

§301. Wastes Governed by These Regulations

All solid wastes as defined by the act and these regulations are subject to the provisions of these regulations, except as follows:

A. Wastes regulated under other authority and not processed or disposed of in solid waste facilities permitted under these regulations, including, but not limited to, the following wastes:

1. agricultural-crop residues, aquacultural residues, silvicultural residues, and other agricultural wastes stored, processed, or disposed of on the site where the crops are grown or which are stored, processed, or disposed in accordance with a best management practice plan which has been provided to the Office of Environmental Services, Permits Division and approved in writing by the Department of Agriculture, and within the jurisdiction of the Department of Agriculture;

2. mining overburden, spoils, tailings, and related solid wastes within the jurisdiction of the Department of Natural Resources, Office of Conservation;

3. produced-waste fluids and muds resulting from the exploration for or production of petroleum and geothermal energy, and all surface and storage waste facilities incidental to oil and gas exploration and production, within the jurisdiction of the Department of Natural Resources, Office of Conservation;

4. uncontaminated dredge or earthen excavation spoil;

5. solid wastes while they are stored at residences or commercial establishments and regulated by local ordinance, or within the jurisdiction of the Department of Health and Hospitals;

6. uncontaminated residues from beneficiation of earthen material;

7. uncontaminated stormwater and uncontaminated noncontact cooling water;

8. infectious waste or other hospital or clinic wastes that are not processed or disposed of in solid waste processing or disposal facilities permitted under these regulations; and

9. sewage sludge and domestic septage as defined by LAC 33:IX.Chapter 69 of the Water Quality regulations will be exempt from all requirements of LAC 33:VII, except for the transportation requirements in LAC 33:VII.503, 529, and 705, upon the date of receipt by the department of sewage sludge program authority from EPA in accordance with 40 CFR Part 501 under the NPDES program. Provisions addressing sewage sludge and domestic septage found throughout these regulations will no longer apply once the department receives program authority.

B. Wastes excluded by the definition of solid waste in the act and/or as otherwise specified in the act including:

1. hazardous wastes subject to regulation under R.S. 30:2171 et seq.;

2. solid or dissolved material in domestic sewage (such as domestic-oxidation ponds), except separated sludges;

3. solid or dissolved materials in irrigation-return flow;

4. discharges that are downstream from point sources subject to permit under R.S. 30:2074, except waste contained in solid waste facilities prior to the final discharge point. However:

a. wastewaters in existing ditches which are downstream of a designated internal state or federal wastewater discharge point are exempt from the definition of solid waste if they require no further treatment to meet final state or federal wastewater discharge point permit limits or if they require only pH adjustment to meet final pH permit limits or suspended solids settling specifically to meet final total suspended solids permit limits;

b. wastewasters in existing ditches upstream of a designated final state or federal wastewater discharge point which require no further treatment to meet final state or federal permit limits or which only require pH adjustment to meet final pH permit limits or solids settling specifically to meet total suspended solids permit limits are exempt from the definition of solid waste;

c. solids or sludges in ditches are exempt from the definition of solid waste until such time as such solids or sludges are removed from the ditches for disposal, provided however, that this exclusion from the definition of solid waste only applies to solids and sludges derived from wastewaters described in Subparagraphs B.4.a and b of this Section;

d. the administrative authority reserves the right to withdraw the exemption for wastewaters in Subparagraphs B.4.a and b if the wastewaters contribute to groundwater contamination;

5. source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and

6. compost produced by an individual for his own use, as provided in R.S. 30:2416.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), LR 28:780 (April 2002).

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

The following solid wastes, that are processed or disposed of in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

A. wastes resulting from land and right-of-way clearing (trees, stumps) and disposed of on the site where generated;

B. solid wastes in facilities that have been closed in a manner acceptable to the administrative authority prior to January 20, 1981 (This Subsection is not intended to require permitting of any facilities which have been closed in a manner acceptable to the administrative authority and which remain closed.);

C. materials such as waste papers, metals, and glass that are presorted to be recycled or reused and not destined for disposal;

D. uncontaminated earthen materials such as limestone, clays, sands, clamshells, river silt, and uncontaminated residues from beneficiation of earthen materials;

E. brick, stone, reinforced and unreinforced concrete, and asphaltic roadbeds;

F. sludges resulting from the treatment of water at public or privately owned water-supply treatment plants;

G. petroleum-refining catalysts and other materials utilized as feedstocks which are managed at a facility in order to recover these wastes for further use;

H. agricultural wastes, including manures, that are removed from the site of generation by an individual for his own personal use on land owned or controlled by the individual. The amount of wastes covered by this exemption shall not exceed 10 tons per year (wet-weight) per individual per use location;

I. solid wastes which are treated or disposed of in a hazardous waste treatment or disposal facility which is regulated under LAC 33:Part V;

J. woodwastes which are beneficially-used in accordance with a Best Management Practice Plan approved in writing by the Department of Agriculture and submitted to the Office of Environmental Services, Permits Division, provided the following requirements are met:

1. the generator must notify the Office of Environmental Services, Permits Division of such activity at each site in accordance with LAC 33:VII.503.A;

2. the generator must submit to the Office of Management and Finance, Financial Services Division a disposer annual report in accordance with the standards in LAC 33:VII.1109, which report amounts of woodwastes beneficially-used at each site;

K. solid wastes re-used in a manner protective of human health and the environment, as demonstrated by a soil re-use plan prepared in accordance with LAC 33:I.Chapter 13 and approved by the administrative authority; and

L. other wastes deemed acceptable by the administrative authority based on possible environmental impact.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), repromulgated LR 27:703 (May 2001).

§305. Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

The following facilities that are operated in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

A. incinerators which receive only on-site-generated commercial solid waste and which have a design rate of no more than 250 pounds per hour;

B. shredders, autoclaves, balers, and compactors that receive no waste volume from off-site sources;

C. facilities which process or reuse on-site-generated, nonhazardous, petroleum-contaminated media and debris from underground storage tank corrective action, provided such processing or reuse is completed in less than 12 months and authorized by the Underground Storage Tank Regulations;

D. construction/demolition-debris disposal facilities which receive only on-site-generated construction/demolition-debris provided the following requirements are met:

1. the facility must notify the Office of Environmental Services, Permits Division of such activity in accordance with LAC 33:VII.503.A; and

2. the facility must submit to the Office of Management and Finance, Financial Services Division a disposer annual report in accordance with the standards for construction/demolition-debris disposal facilities found in LAC 33:VII.721;

E. solid waste injection wells which are under the jurisdiction of the Department of Natural Resources. However, any storage, processing, or disposal (not including injection) incidental to such injection wells is subject to these regulations;

F. industrial facilities which process solid waste by non-destructive and non-thermal means on the site where the waste is generated (i.e., none of the waste is from off-site sources);

G. secondary containment systems (e.g., sumps or dikes) which are designed and operated to contain non-routine spill events (i.e., do not routinely receive solid waste except for de minimus spillage) from manufacturing or product storage areas within an industrial establishment. This exemption does not include secondary containment systems for solid waste disposal units;

H. woodwaste facilities at which only woodwaste is disposed of on property owned by the generator of the woodwaste, provided the following requirements are met:

1. the facility must notify the Office of Environmental Services, Permits Division of such activity in accordance with LAC 33:VII.503.A;

2. the facility must submit to the Office of Management and Finance, Financial Services Division a disposer annual report in accordance with the standards for woodwaste disposal facilities in LAC 33:VII.721;

3. the facility must comply with applicable Louisiana Water Pollution Control Regulations;

4. the facility must comply with the perimeter barrier and security requirements in LAC 33:VII.719.B.1.a, b and c, and with the buffer zone requirements in LAC 33:VII.719.B.2;

I. facilities at which only woodwastes resulting from utility right-of-way clearing are received, provided the following conditions are met:

1. the facility property must be controlled by the utility company which generates the woodwaste;

2. the facility must comply with the natural or manmade perimeter barrier and security requirements in LAC 33:VII.719.B.1.a, b and c;

3. the facility must not receive solid waste from any source other than the utility company (or its authorized contractors) which generates the waste;

4. the facility must notify the Office of Environmental Services, Permits Division of its activities in accordance with LAC 33:VII.503.A;

5. the facility must submit to the Office of Management and Finance, Financial Services Division a disposer annual report which accurately estimates volumes of waste disposed in accordance with the standards for woodwaste disposal facilities found in LAC 33:VII.721; and

6. the facility must comply with applicable Louisiana Water Quality regulations (LAC 33:Part IX);

J. ditches that receive nonroutine spillage (i.e., do not routinely receive solid waste except for de minimus spillage) from manufacturing or product storage areas within an industrial establishment. This exemption does not include ditches for solid waste disposal units such as landfills, landfarms, or surface impoundments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 26:2515, 2609 (November 2000), repromulgated LR 27:703 (May 2001).

§307. Exemptions

A. Any person subject to these regulations who generates, collects, stores, transports, processes, or disposes of solid waste may petition the administrative authority for exemption from these regulations or any portion thereof.

1. The administrative authority may provide exemptions from these regulations or any portion thereof when petitions for such are deemed appropriate after consideration of the factors enumerated in Subparagraphs B.2.a and b of this Section as well as any other pertinent factors.

2. The administrative authority shall make a decision whether or not to grant the exemption requested within 180 days from the date on which the request for exemption was filed, unless a longer time period is agreed upon by mutual consent of the applicant and the administrative authority. In no case shall the time period be greater than one year.

B. Each request for an exemption must:

1. identify the specific provisions of these regulations from which a specific exemption is sought;

2. provide sufficient justification for the type of exemption sought, which includes, but may not be limited to, the following demonstrations:

a. that compliance with the identified provisions would tend to impose an unreasonable economic, technologic, or safety burden on the person or the public; and

b. that the proposed activity will have no significant adverse impact on the public health, safety, welfare, and the environment, and that it will be consistent with the provisions of the act;

3. include proof of publication of the notice as required in Paragraph C.1 of this Section, except for emergency exemptions.

C. Public Notification of Exemption Requests

1. Persons requesting an exemption shall publish a notice of intent to submit a request for an exemption, except as provided in Paragraph C.2 of this Section. This notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement measuring 3 columns by 5 inches, in the legal-notices section of the official journal of the state, will be the only public notice required.

2. Persons granted emergency exemptions by the administrative authority shall publish a notice to that effect in the legal-notices section of a newspaper of general circulation in the area and parish where the facility requesting the exemption is located. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. The notice shall describe the nature of the emergency exemption and the period of time for which the exemption was granted. Proof of publication of the notice shall be forwarded to the Office of Environmental Services, Permits Division within 60 days after the granting of an emergency exemption.

D. Innovative or Alternate Technology Exemption. Persons requesting an exemption based on innovative or alternate technology shall follow the procedure specified in Subsections A, B, and C, except for Subparagraph B.1.a of this Section. Requests for exemptions based on innovative technology may be granted by the administrative authority based on the ability of the applicant to make the following demonstrations:

1. the request is based on innovative or alternative technology;

2. the innovative or alternative technology must satisfy all of the applicable standards in LAC 33:Part VII other than those for which the exemption is sought; and

3. the innovative or alternative technology must produce performance or provide protection that is equivalent or superior to that required by all the standards for which the exemption is sought.

E. No exemptions may be granted for Type II landfills which would allow noncompliance with federal regulations, specifically 40 CFR 257 and 258, as amended on October 9, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000).

§309. Confidentiality

A. Provisions for confidential information may be found in LAC 33:I.Chapter 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 22:344 (May 1996).

§311. Submittal of Information by Persons Other than Permit Holder or Applicant

A. Documentation must be provided to the Office of Environmental Services, Permits Division by the permit holder or applicant authorizing other persons to submit information on their behalf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid

Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000).

§313. Classification

A. All solid waste facilities will be classified in accordance with the provisions of LAC 33:VII.Subpart 1.

B. All existing solid waste facilities not previously classified or issued a standard permit will be classified in accordance with the provisions of these regulations in one of the two following categories:

1. upgrade, to meet the standards set forth in LAC 33:VII.Chapter 7 of these regulations; or

2. closure, in accordance with the standards set forth in LAC 33:VII.Chapter 7 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§315. Mandatory Provisions

All persons conducting activities regulated under these regulations shall comply with the following provisions.

A. Generating, Collecting, Transporting, Storing, Processing, and Disposing of Solid Waste. Solid waste shall be generated, collected, transported, stored, processed, and disposed of only in accordance with these regulations.

B. Storage of Wastes. No solid waste shall be stored or allowed to be stored in a manner that it may cause a nuisance or health hazard as determined by the administrative authority.

C. Existing Facilities Not Operating under a Standard Permit. All facilities without a standard permit, whether operating or inactive, shall be upgraded or closed in accordance with LAC 33:VII.Subpart 1 unless they have previously been satisfactorily closed in accordance with LAC 33:VII.Subpart 1.

D. Permits for Existing Facilities Operating without a Standard Permit. All existing solid waste facilities classified for upgrading shall apply for a standard permit according to these regulations.

E. Permits for New Facilities. No new solid waste facilities shall be constructed or operated after January 20, 1981, without a permit issued by the administrative authority in accordance with these regulations.

F. Construction of New or Modified Facilities. No construction of a new facility or modification of an existing facility may commence without a permit.

G. Permit Upgrade Schedule for Existing Facilities Operating under a Standard Permit

1. Existing Type I Landfills and Type I Landfarms

a. Permit holders for existing Type I landfills and Type I landfarms operating under a standard permit must submit to the Office of Environmental Services, Permits Division, no later than February 1, 1994, a mandatory modification document to address these regulations.

b. Existing Type I landfills and Type I landfarms shall be upgraded in accordance with these regulations no later than December 31, 1997.

2. Existing Type II Landfills

a. Permit holders of existing Type II landfills operating under a standard permit must submit to the department, no later than August 1, 1994, a mandatory modification document to address these regulations.

b. Except as provided in Subparagraph G.2.c of this Section, existing Type II landfills shall be upgraded in accordance with these regulations no later than December 31, 1997.

c. Special Subtitle D Upgrade Requirements. Notwithstanding Subparagraphs G.2.a and b of this Section, the following upgrade schedule applies.

i. Existing Type II landfills must be upgraded, to comply with LAC 33:VII.709.A.2 (regarding airports), LAC 33:VII.709.B.1.a, b, and c (regarding restriction of public access), LAC 33:VII.709.B.5 and LAC 33:VII.711.D.1.a (regarding hazardous-waste exclusion), LAC 33:VII.709.B.6 (regarding discharges to surface water), LAC 33:VII.709.C.3 (regarding unstable areas), LAC 33:VII.711.A.1 (regarding 100-year floodplains), LAC 33:VII.711.A.2 and 3 (regarding run-on/runoff control), LAC 33:VII.711.B.2 (regarding daily cover), LAC 33:VII.711.D.1.b (regarding open burning), LAC 33:VII.711.D.1.g (regarding liquid waste exclusion), LAC 33:VII.711.D.3.a (regarding methane monitoring), and LAC 33:VII.711.D.3.c (regarding vector control) no later than October 9, 1993.

ii. Units of Type II landfills which did not receive solid waste prior to October 9, 1993, must comply with LAC 33:VII.709.A.4 (regarding wetlands demonstrations), LAC 33:VII.709.A.5 (regarding fault areas), LAC 33:VII.709.C.2 (regarding seismic impact zones), LAC 33:VII.709.E (regarding groundwater monitoring) and LAC 33:VII.711.B.4 and 5 (regarding plans and specifications for leachate collection and liners) before receiving solid waste.

iii. Units of Type II landfills which are less than 1 mile from a drinking water intake must be upgraded to comply with LAC 33:VII.709.E (regarding groundwater monitoring) no later than October 9, 1994.

iv. Units of Type II landfills which are less than 2 miles from a drinking water intake must be upgraded to comply with LAC 33:VII.709.E (regarding groundwater monitoring) no later than October 9, 1995.

v. Units of Type II landfills which are greater than 2 miles from a drinking water intake must be upgraded to comply with LAC 30:VII.709.E (regarding groundwater monitoring) no later than August 1, 1996.

vi. The administrative authority may extend the date for compliance with LAC 33:VII.315.G.2.c.i to April 9, 1994, for qualified existing Type II landfill units.

vii. The administrative authority may extend the post-closure waste acceptance dates in LAC 33:VII.711.F.2.a and b to April 9, 1994 for existing units of qualified Type II landfills.

viii. For the purposes of Clauses G.2.c.vi and vii, a qualified Type II landfill is one which:

(a). received no more than 100 tons per day of solid waste between October 9, 1991 and October 9, 1992, based on a calendar daily average; and

(b). will receive no more than 100 tons per day of solid waste based on a daily average computed each month between October 9, 1993 and April 9, 1994.

3. All Other Existing Type I, Type I-A, Type II, and Type II-A Facilities

a. Permit holders for all other Type I, Type I-A, Type II, and Type II-A facilities operating under a standard permit must submit to the department, no later than February 1, 1994, a mandatory modification document to address these regulations.

b. Existing Type I, Type I-A, Type II, and Type II-A facilities shall be upgraded in accordance with these regulations no later than December 31, 1997.

4. Financial Assurance. Existing Types I, II, or III facilities that are owned or operated by local governments must comply with the financial assurance requirements in LAC 33:VII.727 no later than April 9, 1997. The administrative authority may waive the requirements of this Section for up to one year until April 9, 1998, for good cause if an owner or operator demonstrates that the April 9, 1997, effective date for the requirements of this Section does not provide sufficient time to comply with these requirements and that such a waiver will not adversely affect human health and the environment. All other facilities must comply by February 20, 1995.

5. Units of existing Type II landfills which are not upgraded in accordance with these regulations must cease accepting waste and complete closure on or before December 31, 1997.

6. Units of facilities, other than Type II landfills, which are not upgraded in accordance with these regulations must cease accepting waste and complete closure on or before their respective upgrade deadlines provided in Subsection G of this Section.

7. Permit-holders of facilities which have earthen ditches that lead to or from units of the facility and receive solid waste must:

a. submit a plan to the department by February 1, 1994, to:

i. upgrade the ditches to meet these regulations (This plan must be in the form of a permit modification, and may be included in the mandatory modification document for the facility.); or

ii. remove the solid waste from the ditches and line them with materials capable of preventing groundwater contamination; or

iii. remove the solid waste from the ditches and cease disposing of solid waste in the ditches;

b. upgrade the ditches in accordance with these regulations and the permit modification by February 1, 1998.

8. Type I and II facilities with closure plans approved prior to and which do not receive solid waste on or after October 9, 1993, may complete closure and post-closure under the terms of the approved closure plan, except that Type II landfills which received solid waste on or after October 9, 1991 must meet standards for placement and maintenance of final cover in LAC 33:VII.711.E and F.

9. The permit holder of a Type II facility must submit to the department a new or amended closure plan and a post-closure plan in the form of a permit modification to address these regulations no later than October 9, 1993, or by the initial receipt of waste, whichever is later.

10. Municipal solid waste landfills that commenced construction, reconstruction, or modification or began accepting waste on or after May 30, 1991, are subject to 40 CFR Part 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit under the Air Quality regulations, LAC 33:Part III.

11. Municipal solid waste landfills that accepted waste on or after November 8, 1987, or for which construction, reconstruction, or modification was commenced before May 30, 1991, may be subject to 40 CFR Part 60, Subpart Cc-Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit under the Air Quality regulations, LAC 33:Part III.

H. Existing Facilities Operating under a Temporary Permit with Pending Permit Applications. Permit holders of existing facilities operating under a temporary permit must submit to the department, no later than January 1, 1994, an addendum to the permit application to address these regulations. Existing facilities which do not hold a standard permit must be upgraded in accordance with the applicable deadlines according to facility type in Subsection G of this Section unless earlier deadlines are required by the administrative authority.

I. Applicants of Proposed Facilities with Pending Permit Applications

1. Applicants of proposed facilities with permit applications on file with the department must submit to the Office of Environmental Services, Permits Division, no later than January 1, 1994, an addendum to their application to address these regulations.

2. Failure to submit an addendum to the application by January 1, 1994, shall be considered a withdrawal of the permit application and shall require no further action.

J. Access to Facilities. The administrative authority or his representative shall have access to the premises of all facilities used for the management of solid waste for all purposes authorized under R.S. 30:2001 et seq., particularly R.S. 30:2012. These inspections may be conducted during normal operating hours; however, the department reserves the right to conduct inspections before and after operating hours. Upon request of the operator or permit holder, the administrative authority or his representative shall discuss the preliminary findings of any such investigation before leaving the premises.

K. Reporting of Unauthorized Discharge. Any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land of the state in contravention of the act, these regulations, or the terms and conditions of a permit issued thereunder, or any accident, fire, explosion, or other emergency that results in such unauthorized solid waste discharge, shall be reported by any person causing, allowing, or suffering said discharge or by any person with knowledge of the discharge to the Office of Environmental Compliance in accordance with LAC 33:I.Chapter 39.

L. Cleanup of Unauthorized Discharge. The cleanup, isolation, removal, or otherwise rendering safe of solid waste processed or disposed of in a manner not authorized by these regulations, or at a facility not permitted to receive such wastes, shall be conducted in accordance with the terms and conditions of any order issued by the administrative authority. Such orders shall not preclude other enforcement action under R.S. 30:2025.

M. Notice of Damage to Structures in a Solid Waste Facility. The Office of Environmental Compliance shall be notified within 48 hours, in the manner provided in LAC 33:I.3923, when damage to or degradation of any structure of a solid waste facility occurs that would impair the ability of the facility to meet the conditions of its permit.

N. Hazardous or Nuclear Wastes in Solid Waste Facilities. No hazardous waste or nuclear material regulated under the Louisiana hazardous waste rules and regulations or Louisiana radiation regulations shall be processed or disposed of at a solid waste facility except in conformance with those regulations. Collectors, transporters, processors, and disposers of solid waste must determine, according to approved methods, that the waste is not hazardous before collecting, transporting, processing, or disposing of it.

O. Compliance with Other Regulations. All facilities may be subject to applicable federal and state laws and regulations, including, but not limited to Section 402 (NPDES) and Section 404 (Dredge and Fill) of the Clean Water Act; the Coastal Zone Management Act and Federal Aviation Administration regulations; the National Historic Preservation Act of 1966, as amended; the Endangered Species Act; the Wild and Scenic Rivers Act; the Fish and Wildlife Coordination Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection Research and Sanctuary Act; the Resource Recovery and Conservation Act; and the Federal Insecticide, Fungicide, and Rodenticide Act.

P. Contamination of the Waters of the State. No person(s) shall cause, allow, or permit solid waste to be disposed of in such a manner that it enters the waters of the state. This does not apply to discharges into waters of the state in accordance with state or federal wastewater-discharge permits.

Q. Open burning of solid waste is prohibited, except as otherwise provided in these regulations.

R. Spent Bauxite Waste and By-Product Gypsum and Related Wastes

1. The administrative authority may give special consideration to landfills which receive only by-product gypsum and related wastes (resulting from the production of phosphoric acid, phosphate fertilizers, and hydrofluoric acid) which is generated on-site, with regard to standards for receipt of liquid waste, standing water, specific design and operation of liners and leachate collection and removal systems, daily cover, and final cover, which may include waiver or modification of these standards.

2. The administrative authority may give special consideration to surface impoundments which receive only spent bauxite waste and related wastes (resulting from production of alumina) which is generated on-site, with regard to standards for liners and final cover which may include waiver or modification of these standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004).

§317. Division of Responsibility

A. The administrative authority is responsible for the following:

1. identifying solid waste processing and disposal facilities;

2. classifying such facilities for "closure" or "upgrade";

3. performing all necessary regulatory operations, including:

a. operating the permit system;

b. surveillance and monitoring to determine facility compliance; and

c. initiating and processing enforcement actions when necessary to meet the purposes of these regulations;

4. soliciting, administering, and distributing federal, state, and other funds; and

5. entering into contracts as necessary to carry out the mandates of the act.

B. Municipalities, parishes, and regional commissions are responsible for the following:

1. planning and operating necessary pickup and collection systems, including recycling programs, and delivering solid waste to permitted processing or disposal facilities authorized by the Louisiana Resource Recovery and Development Authority;

2. planning and operating permitted processing and/or disposal facilities authorized by the Louisiana Resource Recovery and Development Authority, or cooperating with the Louisiana Resource Recovery and Development Authority, or other entity, to implement regional management systems;

3. providing necessary financial support for the regional management systems authorized by the Louisiana Resource Recovery and Development Authority through fees, or other means;

4. administering supplementary funds received from federal or state sources through the administrative authority or Louisiana Resource Recovery and Development Authority; and

5. entering into contracts when necessary to provide for maximum efficiency of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§319. Assignment and Reassignment of Responsibilities

A. Assignment of New Responsibilities. The administrative authority may assign to local authorities new responsibilities required to implement elements of the program not assigned in LAC 33:VII.317.B.

B. Reassignment of Responsibilities. The administrative authority may reassign responsibilities within the department or to local authorities in LAC 33:VII.317.B as may be deemed necessary to operate the program more effectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000).

Chapter 5. Solid Waste Management System

Subchapter A. Administration, Classification, and Inspection Procedures

§501. Administration

A. This program shall be administered by the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000).

§503. Notification

A. Notification

1. Except as provided for in Paragraph A.2 of this Section, persons who generate industrial solid waste and/or persons who transport, process, or dispose of solid waste shall, within 30 days after they become subject to these regulations, notify the Office of Environmental Services, Permits Division in writing of such activity. A form to be used for notification shall be obtained from the Office of Environmental Services, Permits Division or through the department's website.

2. Persons who generate industrial solid waste and persons who transport, process, or dispose of solid waste who have previously notified the department of such activity are not required to renotify, unless changes are warranted.

3. Owners or operators of pickup stations are required to notify the Office of Environmental Services, Permits Division of such activities within 30 days after they become subject to these regulations. Existing facilities which have previously notified are not required to renotify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004).

§505. Classification of Existing Facilities Which Have Not Been Previously Classified or Which Are Not Presently Operating under a Standard Permit

A. Classification

1. Existing facilities which have neither been previously classified nor issued a standard permit shall be classified by the administrative authority to the classification categories of "closure" or "upgrade."

2. Within 120 days after the review and acknowledgment of the notification by the administrative

authority, a representative of the department will perform an on-site investigation of the facility to determine its classification. At the time of the classification inspection, the processor and/or disposer shall provide the representative with a map clearly depicting the location and size of each facility (and units thereof) to be classified and a schematic of the waste entering each unit of a facility to be classified.

3. Within 30 days after the classification inspection, any person who processes or disposes of solid waste shall file with the Office of Environmental Services, Permits Division a notice of his intent to upgrade or close a facility.

B. Existing facilities which have not previously been classified or which are not operating under a standard permit shall be classified for upgrade or closure as required in LAC 33:VII.313.B by the following criteria and procedure.

1. Classification criteria are based on compliance with standards detailed in LAC 33:VII.Chapter 7, with emphasis on the following:

a. potential for pollution of surface water;

b. potential for pollution of groundwater;

c. potential for pollution of air;

d. location in flood plains or in wetlands;

e. potential for danger to health due to disease vectors, use of waste-filled lands for food crops, and similar health-related practices;

f. safety considerations, including danger from explosive gases, from fires, and from birds attracted to the site that might obstruct the glide path of aircraft; and

g. threat to endangered species.

2. The classification procedure comprises identifying, evaluating, and preliminary classification of facilities.

a. An ongoing effort will be made to identify all solid waste facilities.

b. The facilities will be evaluated on the basis of the criteria listed in LAC 33:VII.505.B.1 of these regulations and based on the needs and plans of the facility.

C. Issuance of Temporary Permits

1. The administrative authority may issue a temporary permit for upgrading to persons who process or dispose of solid waste. The temporary permit shall require the submission of a permit application. The temporary permit will allow the facility to continue operations in accordance with an approved interim operational plan pending the standard permit application process.

2. The administrative authority may issue a temporary permit for closure to persons who process or dispose of solid waste. The temporary permit shall require the submission of a closure plan permit application and implementation schedule. The temporary permit may allow the facility to continue operations in accordance with an approved interim operational plan pending the closure process.

3. Temporary permits are subject to annual permit maintenance fees as provided in LAC 33:VII.529.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000).

§507. Categorization of Facilities

All existing and proposed facilities will be categorized as one of the following.

A. *Type I*—Industrial disposal facilities (landfills, surface impoundments, or landfarms).

B. *Type I-A*—Industrial processing facilities (incinerator waste-handling facilities, compactors, balers, shredders, or transfer stations).

C. *Type II*—Non-industrial disposal facilities (landfills, surface impoundments, or landfarms).

D. *Type II-A*—Non-industrial processing facilities (incinerator waste-handling facilities, compactors, balers, shredders, transfer stations, or refuse-derived fuel facilities).

E. *Type III*—Construction/demolition-debris and woodwaste landfills, separation facilities, composting facilities, or other.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§509. Inspection Procedures

The following are the types of inspections made at solid waste processing or disposal facilities.

A. Classification Inspection. A classification inspection is required for all existing facilities not previously classified, and each facility's initial classification is based on this inspection. It is performed after the department receives notification of operations (LAC 33:VII.503.A.1).

B. Compliance Inspections. The department will inspect each facility and each facility's records periodically to determine the facility's compliance with the terms of standard or temporary permits and these regulations.

C. Initial Start-Up Inspection—Newly Permitted Facilities

1. For existing facilities, the initial start-up inspection shall be made after a standard permit has been issued, all upgrading measures are completed, new activities as a result of upgrade are implemented, and certification is submitted to the Office of Environmental Services, Permits Division by a registered engineer, licensed in the state of Louisiana, that the facility is constructed and has been upgraded in accordance with the permit.

2. For new facilities, the initial start-up inspection shall be made after a standard permit has been issued, construction

measures have been completed, and certification is submitted to the Office of Environmental Assessment, Environmental Technology Division by a registered engineer, licensed in the state of Louisiana, that the facility is constructed in accordance with the permit.

3. All start-up inspections shall be initiated within 10 working days of receipt of certification by the Office of Environmental Assessment, Environmental Technology Division unless a longer time period is set by mutual agreement.

4. Within 15 working days after a new or existing facility has undergone the initial start-up inspection, the administrative authority shall either issue an order authorizing commencement of operation or a written notice of deficiency to the permittee, unless a longer time period is set by mutual agreement.

D. Construction Inspections. At least 10 days prior to commencing construction of a liner, leak-detection system, leachate-collection system, or monitoring well at a Type I or Type II facility, the permit holder shall notify the Office of Environmental Assessment, Environmental Technology Division, in writing, of the date on which construction will begin, in order to allow a representative of the division the opportunity to witness the construction.

E. Unit Start-Up Inspections—All Facilities

1. Start-up inspections for new units of a standard permitted facility shall be conducted after completion of all construction measures and after submittal of certification to the Office of Environmental Assessment, Environmental Technology Division, by a registered engineer licensed in the state of Louisiana, that the unit is constructed in accordance with the permit.

2. All start-up inspections shall be initiated within 10 working days of receipt of certification by the Office of Environmental Assessment, Environmental Technology Division.

3. Within 10 working days after a new unit of a facility has undergone a unit start-up inspection, the administrative authority shall issue either an approval of the construction or a notice of deficiency. The unit may commence operation only upon approval of the construction of the unit by the administrative authority.

F. Modification Start-Up Inspections—All Facilities

1. Start-up inspections for modified construction of a standard permitted facility shall be conducted after construction measures of the modification are completed and certification is submitted to the Office of Environmental Assessment, Environmental Technology Division by a registered engineer licensed in the state of Louisiana, that the modified feature/unit has been constructed in accordance with the modification approved by the administrative authority and any conditions specified in such approval.

2. After a modified unit/feature of a facility has successfully undergone a start-up inspection and after the permit holder has been notified in writing of this, operation of the modified unit/feature may commence.

G. Closure Inspections. Closure inspections will be conducted within 30 days after the Office of Environmental Services, Permits Division has received written notice from the permit holder that closure requirements have been met in accordance with the approved closure plan and the permit holder has filed a request for a closure inspection. Closure inspections must be conducted before backfilling of a facility takes place. The administrative authority reserves the right to determine if a facility has been closed properly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000).

Subchapter B. Permit System for Facilities Classified for Upgrade or Closure

§511. Permit System

A. Scope

1. A permit must be secured by any person who processes and/or disposes of solid waste, with the exception of those wastes or processing and disposal facilities described in LAC 33:VII.301, 303, and 305. Facilities (existing and proposed) subject to the permitting requirements detailed in these regulations are categorized in accordance with the definitions in LAC 33:VII.115 as follows:

a. *Type I*—a facility used for the disposal of industrial solid waste;

b. *Type I-A*—a facility used for processing industrial solid waste;

c. *Type II*—a facility used for the disposal of residential or commercial solid waste;

d. *Type II-A*—a facility used for processing residential or commercial solid waste; and

e. *Type III*:

i. a facility used for disposing of *construction/demolition-debris*, as defined in LAC 33:VII.115;

ii. a facility used for processing or disposing of *woodwaste* as defined in LAC 33:VII.115, and tree limbs, leaves, and stumps;

iii. a facility used to compost organic wastes to produce a usable material; and

iv. a *separation facility* as defined in LAC 33:VII.115.

2. The following will not be required to secure permits.

a. Generators who are not processors or disposers of solid waste are not required to secure a permit. Generators of industrial solid waste must notify the Office of Environmental Services, Permits Division in accordance with LAC 33:VII.503.A.1. Generators of industrial solid waste are subject to the applicable standards provided in LAC 33:VII.701.

b. Transporters who are not processors or disposers of solid waste are not required to secure a permit, but must notify the Office of Environmental Services, Permits Division in accordance with LAC 33:VII.503.A.1. Transporters of solid waste are subject to the applicable standards provided in LAC 33:VII.705.

c. Storers who are not processors or disposers of solid waste are not required to secure a permit. Storers of solid waste are subject to the applicable standards provided in LAC 33:VII.703.

d. Pickup stations at which no solid waste is processed or disposed of are not required to secure a permit. Pickup stations are subject to the standards found in LAC 33:VII.703 and 707 and must notify the Office of Environmental Services, Permits Division in accordance with LAC 33:VII.503.A.

B. Types of Permits

1. Temporary Permit

a. A temporary permit allows continued operation of an existing facility in accordance with an interim operational plan, but does not allow the expansion or modification of the facility without prior approval of the administrative authority. The administrative authority may issue a temporary permit in the following situations:

i. to allow operations to continue at an existing facility while a standard permit application is being processed;

ii. to allow operations to continue at an existing facility while a closure plan permit application is being processed or while a facility is being closed in accordance with a closure plan; or

iii. to allow an applicant for a permit for a proposed facility to begin construction and/or operation on a limited basis while an application for a proposed facility is being processed for good cause shown.

b. The types of temporary permits issued on or after February 20, 1993, will correspond to the facility categories defined in LAC 33:VII.507.A: Type I, Type I-A, Type II, Type II-A, and Type III.

c. Temporary permits which may have been issued in the form of administrative orders, compliance orders to upgrade, orders to upgrade, compliance orders to close, orders to close, and settlement agreements prior to February 20, 1993, may remain in effect until otherwise determined by the administrative authority. Notwithstanding this Subparagraph, any such temporary permit holder must comply with applicable upgrade requirements and deadlines in LAC 33:VII.315.G and H.

2. Standard Permit. Standard permits may be issued by the administrative authority to applicants for solid waste processing and/or disposal facilities that have successfully completed the standard permit application process. The types of standard permits issued on or after February 20, 1993, correspond to the facility categories defined in LAC 33:VII.507.A: Type I, Type I-A, Type II, Type II-A, and Type III.

C. Existing Facilities Not Previously Classified or Not Presently Operating Under a Standard Permit

1. Only those existing facilities that the administrative authority classifies for upgrading may apply for a standard permit. The person(s) notifying the Office of Environmental Services, Permits Division will be issued a temporary permit and may continue operations in accordance with the interim operational plan, pending a decision on the standard permit application.

2. Facilities classified for closure will be issued a temporary permit. That permit may allow operations to continue in accordance with the interim operational plan until closure activities are accomplished and may require that closure and/or post-closure activities be conducted in accordance with the approved closure plan.

D. Duration of Permit

1. Temporary permits are issued for a period not to exceed three years.

2. Standard permits are issued for a period not to exceed 10 years.

a. Processing and/or disposal facilities with an effective standard permit shall submit to the Office of Environmental Services, Permits Division a new permit application at least 455 days before the expiration date of the standard permit, unless permission for later filing is granted by the administrative authority. If the reapplication is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the reapplication on or before the expiration date of the standard permit, the standard permit shall remain in effect until the administrative authority issues a final decision.

b. Permits for processing and/or disposal facilities which have been issued with an expiration date greater than 10 years after the effective date of the permit shall expire 10 years after the date the permit was effective or on August 1, 1996, whichever is later. These facilities shall be subject to the provisions in Subparagraph D.2.a of this Section.

E. Property Rights. Permits issued by the administrative authority do not convey any property rights of any sort or any exclusive privilege.

F. Public Hearings

1. Public hearings will be held concerning standard permits for facilities when the administrative authority determines that there is sufficient public interest.

2. Public hearings will be held concerning major modifications of standard permits when the administrative authority determines that there is sufficient public interest.

3. Public hearings will not be held concerning mandatory modifications, which are considered an enhancement of a standard permitted facility.

4. Public hearings shall be conducted in accordance with the rules of procedure of the administrative authority for fact-finding hearings or other hearing procedures developed by the administrative authority and the Administrative Procedure Act (R.S. 49:950 et seq.).

G. Other Requirements

1. The applicant may be required to obtain additional permits from other local state and federal agencies. A listing of typical permits that may be needed are as follows:

a. NPDES (Section 402 of the Clean Water Act);

b. Louisiana Water Discharge Permit;

c. Louisiana Coastal Use Permit (issued by the Department of Natural Resources, Coastal Management Division);

d. Louisiana Air Emissions Permit;

e. U.S. Army Corps of Engineers Permit (Dredge and Fill, Section 404 of the Clean Water Act); or

f. appropriate local permits, licenses, certification, registration, or approval.

2. It is the responsibility of the applicant to identify the other applicable permits that may be required. A listing of the permits that the applicant intends to apply for shall be included in the solid waste permit application.

3. The applicant shall provide appropriate documentation to the Office of Environmental Services, Permits Division that the proposed use does not violate zoning or other land-use regulations that exist at the time of the submittal of the standard permit application.

H. Suspension or Revocation of Permit. The administrative authority may review a permit at any time. After review of a permit, the administrative authority may, for cause, suspend or revoke a permit in whole or in part in accordance with the procedures outlined in LAC 33:VII.Chapter 9 of these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2518 (November 2000).

§513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities

A. Applicant Public Notice

1. No sooner than 45 days prior to the submittal of a standard permit application to the Office of Environmental Services, Permits Division, the prospective applicant shall publish a notice of intent to submit an application for a standard permit. This notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches, in the legal or public notices section of the official journal of this state and in a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

2. The public notice shall be published in accordance with the form provided in LAC 33:VII.3001.

3. Proof of publication of the notice shall be included in all applications for existing and proposed facilities submitted to the administrative authority.

B. Permit Application Requirements

1. Any person who generates, transports or stores solid waste is not issued a permit but is under the jurisdiction of the department and must comply with the applicable provisions of these regulations.

2. Submittal of Permit Applications

a. Any applicant for a standard permit for existing or proposed processing and disposal facilities shall complete Part I, Part II, and Part III of the standard permit application, following the instructions for the appropriate facility class in LAC 33:VII.519, 521, and 523, and submit four copies to the Office of Environmental Services, Permits Division. Each individual copy of the application shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

b. Each application for which a standard permit application fee is prescribed shall be accompanied by a remittance in the full amount of the appropriate standard permit application review fee. No application shall be accepted or processed prior to payment of the full amount specified.

c. The completed separate standard permit application for each existing facility shall be submitted to the Office of Environmental Services, Permits Division within 180 days after issuance of the temporary permit.

C. Notices to Parish Governing Authorities. As provided in R.S. 30:2022, upon receipt of a permit application the Office of Environmental Services, Permits Division shall provide written notice on the subject matter to the parish governing authority, who shall promptly notify each parish municipality affected by the application.

D. Permit Application Review and Evaluation

1. LAC 33:VII.Chapters 5 and 7 establish the evaluation criteria used by the administrative authority.

2. The applicant shall make available to the department the assistance of professional engineers or other trained individuals responsible for the design of the facility to explain the design and operation.

3. The applicant shall furnish all other technical information the department may require to evaluate the standard permit application, monitor the performance of the facility, and insure that the purposes of this program are met.

E. Standard Permit Applications Deemed Unacceptable or Deficient

1. Applications deemed unacceptable for technical review will be rejected. For the administrative authority to reconsider the application, the applicant must resubmit the entire standard permit application to the Office of Environmental Services, Permits Division, including the review fee, by a reasonable due date set by the administrative authority.

2. Applicants submitting applications which are acceptable for technical review but lack the information outlined in these regulations will be informed of such deficiencies. These deficiencies must be corrected by the submission of supplementary information by a reasonable due date set by the administrative authority.

F. Standard Permit Applications Deemed Technically Complete

1. Applications that have been deemed technically complete will be accepted for public review. When the permit is accepted for public review, the administrative authority will request an additional five copies, or more if necessary. The copies will be distributed for public review as follows:

a. one copy to the local parish governing authority;

b. one copy to the parish public library;

c. one copy to the appropriate regional office; and

d. two copies to remain in the department's headquarters in Baton Rouge.

2. Each copy of the permit application shall be provided as a standard three-ring-bound document (8 1/2 by 11 inches). The application shall incorporate, in the appropriate sections, all required plans, narratives, and revisions made during the review process and shall include appropriate tabbing for all appendices, figures, etc. Permit applications that present revisions made during the review process as a separate supplement to the application will not be accepted.

3. After the five copies are submitted to the Office of Environmental Services, Permits Division, notices will be placed in the department's bulletin (if one is available), the official journal of the state, and in a major local newspaper of general circulation. The Office of Environmental Services, Permits Division shall publish a notice of acceptance for review one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state will be the only public notice required. The notices will solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper will be reviewed by the Office of Environmental Services, Permits Division. The notice shall be published in accordance with the sample public notice provided by the Office of Environmental Services, Permits Division. The applicant is responsible for providing the Office of Environmental Services, Permits Division with proof of publication.

4. Public hearings will be held for all facilities when the administrative authority determines, on the basis of comments received and other information, that a hearing is necessary.

5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice (LAC 33:VII.513.F.3), request that the administrative authority consider whether a public hearing is necessary. If the administrative authority determines that the requests warrant it, a public hearing will be scheduled. If the administrative authority determines that the requests do not raise genuine and pertinent issues, the Office of Environmental Services, Permits Division will send the person requesting the hearing written notification of the determination. The request for a hearing must be in writing and must contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, notices will be published at least 20 days before a fact-finding hearing in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state will be the only public notice required. Those persons on the Office of Environmental Services, Permits Division's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

7. Receipt of Comments Following a Public Hearing. Comments received by the Office of Environmental Services, Permits Division until the close of business 30 days after the date of a public hearing will be reviewed by the Office of Environmental Services, Permits Division.

G. Issuance or Denial of a Permit

1. The administrative authority will issue a standard permit or will issue a standard permit application denial, including reasons for the denial.

2. A temporary permit may be issued to allow closure activities to be accomplished at a facility which has been issued a standard permit application denial.

H. Public Notice of Permit Issuance. No later than 10 days following the issuance of a standard permit, the permit holder shall publish a notice of the issuance of the standard permit. This notice shall be published in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state will be the only public notice required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004).

§515. Permit Process for Existing Facilities Classified for Closure

A. Closure Plan Review and Evaluation. LAC 33:VII.505 and LAC 33:VII.Chapter 7 establish the evaluation criteria used by the Office of Environmental Services, Permits Division.

B. Submittal of Closure Plans

1. Permit holders for facilities classified for closure shall submit to the Office of Environmental Services, Permits Division four bound copies of a closure plan within 60 days after issuance of the temporary permit for the facility. Each individual copy of the plan shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

2. The following sections of the regulations must be addressed and incorporated in the closure plan for all solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation. All applicable sections of LAC 33:VII.Chapter 7 must be addressed and incorporated into the closure plan:

a. LAC 33:VII.519, Permit Application Form, Part I;

b. a map clearly delineating the location of the facility;

c. LAC 33:VII.521.A.2.a and b, Wells and Faults, respectively (only required for Type I and II facilities with on-site closure);

d. LAC 33:VII.521.B.1.a, Facility Characteristics;

e. LAC 33:VII.521.C.1.d, Facility Surface Hydrology;

f. LAC 33:VII.521.D.1.a-e, Facility Geology (only required for Type I and II facilities with on-site closure);

g. LAC 33:VII.521.E.1, Facility Subsurface Hydrology (only required for Type I and II facilities with on-site closure);

h. typical cross-section and geologic cross-sections showing the water table and the groundwater conditions (only required for Type I and II facilities with on-site closure);

i. LAC 33:VII.521.F.5.a-f, Facility Plans and Specifications (only required for Type I and II facilities with on-site closure);

j. LAC 33:VII.521.F.6, Facility Plans and Specifications (only required for Type I and II facilities with on-site closure and with a potential to produce gases);

k. types (including chemical and physical characteristics) and sources of waste processed or disposed of at the facility;

l. LAC 33:VII.521.J.1.b and c, Facility Closure;

m. LAC 33:VII.521.J.2, Facility Closure (only required for Type I and II facilities and Type III woodwaste and construction/demolition-debris landfills);

n. LAC 33:VII.521.K.1, Facility Post-Closure;

o. LAC 33:VII.521.K.2, Facility Post-Closure (only required for Type I and II facilities);

p. the name of the person who currently owns the land;

q. LAC 33:VII.521.L.4, Financial Responsibility; and

r. a detailed implementation schedule for closure of the facility with built-in flexibility to coincide with the date of approval of the closure plan.

3. Each closure plan for which a closure fee is prescribed shall be accompanied by a remittance in the full amount of the closure plans review fee. No closure plans shall be accepted or processed prior to payment of the full amount specified.

C. Closure Plans Determined Unacceptable or Deficient

1. Closure plans that are determined unacceptable for a technical review will be rejected. The permit holder will be required to resubmit the entire application to the Office of Environmental Services, Permits Division, including the review fee, by a date set by the administrative authority.

2. Permit holders submitting closure plans that lack the information contained in LAC 33:VII.515.B.2 and the applicable standards of LAC 33:VII.Chapter 7 will be

informed of such in a closure plan deficiency letter; these must be corrected by submission of supplementary information within 30 days after receipt of the closure plan deficiency letter.

D. Closure Plans Deemed Technically Complete. Closure plans that have been deemed technically complete will be approved. Within 30 days after receipt of closure plan approval, the permit holder shall submit to the Office of Environmental Services, Permits Division three copies of the closure plan which incorporate all revisions made during the closure plan review process. Additional copies will be required if deemed necessary by the administrative authority. Each copy shall be provided as a standard three-ring-bound document measuring 8 1/2 by 11 inches, and shall include appropriate tabbing for all appendices, figures, etc. Closure plans must incorporate revisions made during the review process. Closure plans that present revisions made during the review process as a separate supplement to the closure plan shall not be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000).

§517. Permit Modifications

A. Modification of Permits and Other Authorizations to Operate

1. Modification Requests

a. The permit holder shall notify the Office of Environmental Services, Permits Division in advance of any change in a facility or deviation from a permit. Such notification shall detail the proposed modification and shall include an assessment of the effects of the modification on the environment and/or the operation. Modification details shall include, but not be limited to, a summary detailing the modification request and all appropriate drawings, narratives, etc., which shall illustrate and describe the originally permitted representations and the proposed modifications thereto. New language requested in the permit narrative and existing language requested to be deleted from the permit narrative shall be identified therein.

i. Initially, four copies of all modification requests shall be provided to the Office of Environmental Services, Permits Division. Each individual copy of the document shall be 8 1/2 by 11 inches and shall be bound in standard three-ring binder(s).

ii. Each permit-modification request for which a permit-modification review fee is prescribed shall be accompanied by remittance of the fee. No permit modification requests shall be accepted or processed prior to payment in full of the amount specified.

b. All notifications of proposed changes in ownership of a permit for a facility are the responsibility of the permittee and shall include the following, to be submitted to the Office of Environmental Services, Permits Division:

i. a statement from the proposed permit holder assuming liability for existing violations and conditions;

ii. proof of financial responsibility by the proposed permit holder, as required by LAC 33:VII.727.A.1 and 2; and

iii. information required in LAC 33:I.1701.

2. Public Notice of Modifications

a. If not otherwise specified, the administrative authority shall determine whether or not a modification warrants public notice. Modifications to a permit which require public notice include, but are not limited to, the following:

i. change in the type(s) of waste to be received at a facility;

ii. increase in the volume or rate of waste to be received at a facility;

iii. physical expansion of the service area;

iv. change in the capacity of a facility;

v. decrease in the personnel or equipment of a facility;

vi. changes in the hours or days of operation;

vii. change in the type of cover material to be utilized at a facility;

viii. change to the facility that may have an impact on traffic patterns;

ix. reduction in the number of groundwater sampling parameters or the number of groundwater monitoring wells;

x. lateral or vertical expansion of the permitted area(s) for waste disposal; or

xi. other changes in the permit that tend to make the permit requirements less stringent.

b. Permit modifications which require public notice and that have been determined by the Office of Environmental Services, Permits Division to be technically complete will be accepted for public review. When the permit modification is accepted for public review, the permit holder must forward copies of the permit modification as follows:

i. two copies to the Office of Environmental Services, Permits Division main office in Baton Rouge;

ii. one copy to the appropriate regional office;

iii. one copy to the parish public library; and

iv. one copy to the parish governing authority.

c. The permit holder shall provide the Office of Environmental Services, Permits Division with evidence that copies of the permit modification have been forwarded to the local parish governing authority and the parish public library.

d. After distribution of the permit modification, the permit holder is responsible for placing a notice in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state will be the only public notice required. The notice will solicit comments from interested individuals and groups. Comments delivered or received within 30 days after the date the notices are published will be reviewed by the Office of Environmental Services, Permits Division. The notice shall be published in accordance with a sample public notice provided by the Office of Environmental Services, Permits Division. The permit holder is responsible for providing the Office of Environmental Services, Permits Division with proof of publication of the notice.

e. Mandatory modifications are considered to be enhancements and will require neither public notice nor public hearing.

3. No modification may be effected without the written approval of the administrative authority.

4. Operation of a modified construction feature or unit of a standard permitted facility may commence after the provisions of LAC 33:VII.509.F are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004).

Subchapter C. Permit Application

§519. Part I: Permit Application Form

The applicant shall complete a standard permit application Part I Form (LAC 33:VII.3003). The following subsections refer to the items on the form requiring that information:

A. name of applicant (prospective permit holder) applying for a standard permit;

B. facility name;

C. description of the location of the facility (identify by street and number or by intersection of roads, or by mileage and direction from an intersection);

D. geographic location (section, township, range, and parish where the facility is located, and the coordinates [as defined by the longitude and latitude to the second] of the centerpoint of the facility);

E. mailing address of the applicant;

F. contact person for the applicant (position or title of the contact person is acceptable);

G. telephone number of the contact person;

H. type and purpose of operation (check each applicable box);

I. status of the facility (if leased, state the number of years of the lease and provide a copy of the lease agreement);

J. operational status of the facility;

K. total site acreage and the amount of acreage that will be used for processing and/or disposal;

L. list of all environmental permits that relate directly to the facility represented in this application;

M. a letter attached from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the operation conforms with the applicable statewide plan;

[NOTE: In accordance with R.S. 30:2307.B, this regulation does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry, or business which generates such solid waste.]

N. zoning of the facility (if the facility is zoned, note the zone classification and zoning authority, and include a zoning affidavit or other documentation stating that the proposed use does not violate existing land-use requirements);

O. types, maximum quantities (wet tons/week), and sources (percentage of the on-site or off-site-generated waste to be received) of waste to be processed or disposed of by the facility;

P. indicate the specific geographic area(s) to be serviced by the solid waste facility;

Q. attach proof of publication of the notice regarding the submittal of the permit application as required in LAC 33:VII.513.A;

R. provide the signature, typed name, and title of the individual authorized to sign the application. Proof of the legal authority of the signatory to sign for the applicant must be provided; and

S. any additional information required by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§520. Compliance Information

A. All applicants for solid waste permits shall comply with the requirements of LAC 33:I.1701.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:661 (April 1999).

§521. Part II: Supplementary Information, All Processing and Disposal Facilities

The following information is required in the permit application for solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation. Additionally, all applicable sections of LAC 33:VII.Chapter 7 must be addressed and incorporated into the application responses. If a section does not apply, the applicant must state that it does not apply and explain why.

A. Location Characteristics. Standards pertaining to location characteristics are contained in LAC 33:VII.709.A (Type I and II facilities), LAC 33:VII.717.A (Type I-A and II-A facilities, and LAC 33:719.A (Type III facilities).

l. The following information on location characteristics is required for all facilities:

a. Area Master Plans. A location map showing the facility, road network, major drainage systems, drainage-flow patterns, location of closest population center(s), location of the public-use airport(s) used by turbojet aircraft or piston-type aircraft, proof of notification of affected airport and Federal Aviation Administration as provided in LAC 33:VII.709.A.2, location of the l00-year flood plain, and other pertinent information. The scale of the maps and drawings must be legible, and engineering drawings are required.

b. A letter from the appropriate agency or agencies regarding those facilities receiving waste generated off-site, stating that the facility will not have a significant adverse impact on the traffic flow of area roadways and that the construction, maintenance, or proposed upgrading of such roads is adequate to withstand the weight of the vehicles.

c. Existing Land Use. A description of the total existing land use within 3 miles of the facility (by approximate percentage) including, but not limited to:

i. residential;

ii. health-care facilities and schools;

iii. agricultural;

iv. industrial and manufacturing;

v. other commercial;

vi. recreational; and

vii. undeveloped.

d. Aerial Photograph. A current aerial photograph, representative of the current land use, of a 1-mile radius surrounding the facility. The aerial photograph shall be of sufficient scale to depict all pertinent features. (The administrative authority may waive the requirement for an aerial photograph for Type III facilities.)

e. Environmental Characteristics. The following information on environmental characteristics:

i. a list of all known historic sites, recreation areas, archaeologic sites, designated wildlife-management areas, swamps and marshes, wetlands, habitats for endangered species, and other sensitive ecologic areas within l,000 feet of the facility perimeter or as otherwise appropriate;

ii. documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeologic sites, designated wildlife-management areas, wetlands, habitats for endangered species, and other sensitive ecologic areas within l,000 feet of the facility; and

iii. a description of the measures planned to protect the areas listed from the adverse impact of operation at the facility.

f. A wetlands demonstration, if applicable, as provided in LAC 33:VII.709.A.4.

g. Demographic Information. The estimated population density within a 3-mile radius of the facility boundary, based on the latest census figures.

2. The following information regarding wells, faults and utilities is required for Type I and II facilities:

a. Wells. Map showing the locations of all known or recorded shot holes and seismic lines, private water wells, oil and/or gas wells, operating or abandoned, within the facility and within 2,000 feet of the facility perimeter and the locations of all public water systems, industrial water wells, and irrigation wells within 1 mile of the facility. A plan shall be provided to prevent adverse effects on the environment from the wells and shot holes located on the facility.

b. Faults

i. scaled map showing the locations of all recorded faults within the facility and within 1 mile of the perimeter of the facility; and

ii. demonstration, if applicable, of alternative fault set-back distance as provided in LAC 33:VII.709.A.5.

c. Utilities. Scale map showing the location of all pipelines, power lines, and right-of-ways within the site.

B. Facility Characteristics. Standards concerning facility characteristics are contained in LAC 33:VII.709.B (Type I and II facilities), LAC 33:VII.717.B (Type I-A and II-A facilities), and LAC 33:VII.719.B (Type III facilities). A facility plan, including drawings and a narrative, describing the information required below must be provided.

1. The following information is required for all facilities:

a. elements of the process or disposal system employed, including, as applicable, property lines, original contours (shown at not greater than 5-foot intervals), buildings, units of the facility, drainage, ditches and roads;

b. the perimeter barrier and other control measures;

c. a buffer zone;

d. fire-protection measures;

e. landscaping and other beautification efforts;

f. devices or methods to determine, record, and monitor incoming waste;

g. NPDES discharge points (existing and proposed); and

h. other features, as appropriate.

2. The following information is required for Type I and II facilities:

a. areas for isolating nonputrescible waste or incinerator ash, and borrow areas; and

b. location of leachate collection/treatment/removal system.

C. Facility Surface Hydrology. Standards governing facility surface hydrology are contained in LAC 33:VII.711.A (Type I and II landfills), LAC 33:VII.713.A (Type I and II surface impoundments), LAC 33:VII.715.A (Type I and II landfarms), LAC 33:VII.717.C. (Type I-A and II-A facilities), and LAC 33:VII.719.C (Type III facilities).

1. The following information regarding surface hydrology is required for all facilities:

a. a description of the method to be used to prevent surface drainage through the operating areas of the facility;

b. a description of the facility runoff/run-on collection system;

c. the maximum rainfall from a 24-hour/25-year storm event;

d. the location of aquifer recharge areas in the site or within l,000 feet of the site perimeter, along with a description of the measures planned to protect those areas from the adverse impact of operations at the facility; and

e. if the facility is located in a flood plain, a plan to ensure that the facility does not restrict the flow of the 100-year base flood or significantly reduce the temporary water-storage capacity of the flood plain, and documentation indicating that the design of the facility is such that the flooding does not affect the integrity of the facility or result in the washout of solid waste.

D. Facility Geology. Standards governing facility geology are contained in LAC 33:VII.709.C (Type I and II facilities), LAC 33:VII.717.D (Type I-A and II-A facilities), and LAC 33:VII.719.D (Type III facilities).

l. The following information regarding geology is required for Type I and Type II facilities:

a. isometric profile and cross-sections of soils, by type, thickness, and permeability;

b. logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings;

c. results of tests for classifying soils (moisture contents, Atterberg limits, gradation, etc.), measuring soil strength, and determining the coefficients of permeability, and other applicable geotechnical tests;

d. geologic cross-section from available published information depicting the stratigraphy to a depth of at least 200 feet below the ground surface;

e. for faults mapped as existing through the facility, verification of their presence by geophysical mapping or stratigraphic correlation of boring logs. If the plane of the fault is verified within the facility's boundaries, a discussion of measures that will be taken to mitigate adverse effects on the facility and the environment;

f. for a facility located in a seismic impact zone, a report with calculations demonstrating that the facility will be designed and operated so that it can withstand the stresses caused by the maximum ground motion, as provided in LAC 33:VII.709.C.2; and

g. for a facility located in an unstable area, a demonstration of facility design as provided in LAC 33:VII.709.C.3.

2. The following information regarding geology is required by Type III woodwaste, and construction/demolition-debris facilities:

a. general description of the soils provided by a qualified professional (a geotechnical engineer, soil scientist, or geologist) along with a description of the method used to determine soil characteristics; and

b. logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings.

E. Facility Subsurface Hydrology. Standards governing facility subsurface hydrology are contained in LAC 33:VII.715.A (Type I and II landfarms).

l. The following information on subsurface hydrology is required for all Type I facilities and Type II landfills and surface impoundments:

a. delineation of the following information for the water table and all permeable zones from the ground surface to a depth of at least 30 feet below the base of excavation:

i. areal extent beneath the facility;

ii. thickness and depth of the permeable zones and fluctuations;

iii. direction(s) and rate(s) of groundwater flow based on information obtained from piezometers and shown on potentiometric maps; and

iv. any change in groundwater flow direction anticipated to result from any facility activities;

b. delineation of the following, from all available information, for all recognized aquifers which have their upper surfaces within 200 feet of the ground surface:

i. areal extent;

ii. thickness and depth to the upper surface;

iii. any interconnection of aquifers; and

iv. direction(s) and rate(s) of groundwater flow shown on potentiometric maps.

2. The following information on subsurface hydrology is required for Type II landfarms. Delineation of the following information for the water table and all permeable zones from the ground surface to a depth of at least 30 feet below the zone of incorporation:

a. areal extent beneath the facility;

b. thickness and depth of the permeable zones and fluctuations;

c. direction(s) and rate (s) of groundwater flow based on information obtained from piezometers and shown on potentiometric maps); and

d. any change in groundwater flow direction anticipated to result from any facilities activities.

F. Facility Plans and Specifications. Standards governing facility plans and specifications are contained in LAC 33:VII.711.B (Type I and II landfills), LAC 33:VII.713.B (Type I and II surface impoundments), LAC 33:VII.715.B (Type I and II landfarms), LAC 33:717.E (Type I-A and II-A facilities), LAC 33:VII.721.A (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.A (Type III composting facilities), and LAC 33:VII.725.A (Type III separation facilities). Standards for groundwater monitoring are contained in LAC 33:VII.709.E (Type I and II facilities).

1. Certification. The person who prepared the permit application must provide the following certification:

> "I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit application and that the facility as described in this permit application meets the requirements of the solid waste rules and regulations. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

2. The following information on plans and specifications is required for Type I and II facilities:

a. detailed plan-view drawing(s) showing original contours, proposed elevations of the base of units prior to installation of the liner system, and boring locations;

b. detailed drawings of slopes, levees, and other pertinent features; and

c. the type of material and its source for levee construction. Calculations shall be submitted demonstrating that an adequate volume of material is available for the required levee construction.

3. The following information on plans and specifications is required for Type I, II, and III landfills:

a. approximate dimensions of daily fill and cover; and

b. the type of cover material and its source for daily, interim, and final cover. Calculations shall be submitted demonstrating that an adequate volume of material is available for daily, interim, and final cover.

4. The following information on plans and specifications for the prevention of groundwater contamination must be submitted for Type I and II facilities:

a. representative cross-sections and geologic cross-sections showing original and final grades, approximate dimensions of daily fill and cover, drainage, the water table, groundwater conditions, the location and type of liner, and other pertinent information;

b. a description of the liner system, which shall include: calculations of anticipated leachate volumes, rationale for particular designs of such systems, and drawings; and

c. a description of the leachate collection and removal system, which shall include calculations of anticipated leachate volumes, rationale for particular designs of such systems, and drawings.

5. The following information on plans and specifications for groundwater monitoring must be provided for Type I and II facilities:

a. a minimum of three piezometers or monitoring wells in the same zone must be provided in order to determine groundwater flow direction;

b. for groundwater monitoring wells, cross-sections illustrating construction of wells, a scaled map indicating well locations and the relevant point of compliance, and pertinent data on each well, presented in tabular form, including drilled depth, the depth to which the well is cased, screen interval, slot size, elevations of the top and bottom of the screen, casing size, type of grout, ground surface elevation, etc.;

c. a groundwater monitoring program including a sampling and analysis plan that includes consistent sampling and analysis procedures that ensure that monitoring results provide reliable indications of groundwater quality;

d. for an existing facility, all data on samples taken from monitoring wells in place at the time of the permit application must be included. (If this data exists in the department records, the administrative authority may allow references to the data in the permit application.) For an existing facility with no wells, groundwater data shall be submitted within 90 days after the installation of monitoring wells. For a new facility, groundwater data (one sampling event) shall be submitted before waste is accepted;

e. a plan for detecting, reporting, and verifying changes in groundwater; and

f. the method for plugging and abandonment of groundwater monitoring systems.

6. The facility plans and specifications for Type I and II landfills and surface impoundments (surface impoundments with on-site closure and a potential to produce gases) must provide a gas collection and treatment or removal system.

G. Facility Administrative Procedures. Standards governing facility administrative procedures are contained in LAC 33:VII.711.C (Type I and II landfills), LAC 33:VII.713.C (Type I and II surface impoundments), LAC 33:VII.715.C (Type I and II landfarms), LAC 33:VII.717.F (Type I-A and II-A facilities), LAC 33:VII.721.B (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.B (Type III composting facilities), and LAC 33:VII.725.B (Type III separation facilities).

1. The following information on administrative procedures is required for all facilities:

a. recordkeeping system; types of records to be kept; and the use of records by management to control operations;

b. an estimate of the minimum personnel, listed by general job classification, required to operate the facility; and

c. maximum days of operation per week and per facility operating day (maximum hours of operation within a 24-hour period).

2. Administrative procedures for Type II facilities shall include the number of facility operators certified by the Louisiana Solid Waste Operator Certification and Training Program (R.S. 37:3151 et seq.).

H. Facility Operational Plans. Standards governing facility operational plans are contained in LAC 33:VII.711.D (Type I and II landfills), LAC 33:VII.713.D (Type I and II surface impoundments), LAC 33:VII.715.D (Type I and II landfarms), LAC 33:VII.717.G (Type I-A and II-A facilities), LAC 33:VII.721.C (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.C (Type III composting facilities), and LAC 33:VII.725.C (Type III separation facilities).

1. The following information on operational plans is required for all facilities:

a. types of waste (including chemical, physical, and biological characteristics of industrial wastes generated on-site), maximum quantities of wastes per year, and sources of waste to be processed or disposed of at the facility;

b. waste-handling procedures from entry to final disposition, which could include shipment of recovered materials to a user;

c. minimum equipment to be furnished at the facility;

d. plan to segregate wastes, if applicable;

e. procedures planned in case of breakdowns, inclement weather, and other abnormal conditions (including detailed plans for wet-weather access and operations);

f. procedures, equipment, and contingency plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for emergency care should an accident occur (including proximity to a hospital, fire and emergency services, and training programs); and

g. provisions for controlling vectors, dust, litter, and odors.

2. The following information on operational plans is required for Type I and II facilities:

a. a comprehensive operational plan describing the total operation, including (but not limited to) inspection of incoming waste to ensure that only permitted wastes are accepted (Type II landfills must provide a plan for random inspection of incoming waste loads to ensure that hazardous wastes or regulated PCB wastes are not disposed of in the facility.); traffic control; support facilities; equipment operation; personnel involvement; and day-to-day activities. A quality-assurance/quality-control [QA/QC] plan shall be provided for facilities receiving industrial waste; domestic-sewage sludge; incinerator ash; friable asbestos; nonhazardous petroleum-contaminated media; and debris generated from underground storage tanks [UST], corrective action, or other special wastes as determined by the administrative authority. The QA/QC plan shall include (but shall not be limited to) the necessary methodologies; analytical personnel; preacceptance and delivery restrictions; and appropriate responsibilities of the generator, transporter, processor, and disposer. The QA/QC plan shall ensure that only permitted, nonhazardous wastes are accepted;

b. salvaging procedures and control, if applicable; and

c. scavenging control.

3. The following information on operational plans is required for Type I and II landfarms:

a. items to be submitted regardless of land use:

i. a detailed analysis of waste, including (but not limited to) pH, phosphorus, nitrogen, potassium, sodium, calcium, magnesium, sodium-adsorption ratio, and total metals (as listed in LAC 33:VII.715.D.3.b);

ii. soil classification, cation-exchange capacity, organic matter, content in soil, soil pH, nitrogen, phosphorus, metals (as listed in LAC 33:VII.715.D.3.b), salts, sodium, calcium, magnesium, sodium-adsorption ratio, and PCB concentrations of the treatment zone;

iii. annual application rate (dry tons per acre) and weekly hydraulic loading (inches per acre); and

iv. an evaluation of the potential for nitrogen to enter the groundwater;

b. items to be submitted in order for landfarms to be used for food-chain cropland:

i. a description of the pathogen-reduction method for septage, domestic sewage sludges, and other sludges subject to pathogen production;

ii. crops to be grown and the dates for planting;

iii. PCB concentrations in waste;

iv. annual application rates of cadmium and PCBs; and

v. cumulative applications of cadmium and PCBs;

c. items to be submitted for landfarms to be used for nonfood-chain purposes:

i. description of the pathogen-reduction method in septage, domestic sewage sludges, and other sludges subject to pathogen production; and

ii. description of control of public and livestock access.

4. The following information on operational plans is required for Type I-A and II-A incinerator waste-handling facilities and refuse-derived energy facilities:

a. a description of the method used to handle process waters and other water discharges which are subject to NPDES permit and state water discharge permit requirements and regulations; and

b. a plan for the disposal and periodic testing of ash (all ash and residue must be disposed of in a permitted facility).

5. The following information on operational plans is required for Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities:

a. a description of the testing to be performed on the fuel or compost; and

b. a description of the uses for and the types of fuel/compost to be produced.

6. The operational plans for Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities must include a description of marketing procedures and control.

7. The operational plans for Type I and II facilities receiving waste with a potential to produce gases must include a comprehensive air monitoring plan.

I. Implementation Plan. Standards governing implementation plans are contained in LAC 33:VII.709.D (Type I and II facilities), LAC 33:VII.717.H (Type I-A and II-A facilities), and LAC 33:VII.719.E (Type III facilities).

1. The implementation plans for all facilities must include the following:

a. a construction schedule for existing facilities which shall include beginning and ending time-frames and time-frames for the installation of all major features such as monitoring wells and liners. (Time-frames must be specified in days, with day one being the date of standard permit issuance); and

b. details on phased implementation if any proposed facility is to be constructed in phases.

2. The implementation plans for Type I and II facilities must include a plan for closing and upgrading existing operating areas if the application is for expansion of a facility or construction of a replacement facility.

J. Facility Closure. Standards governing facility closure are contained in LAC 33:VII.711.E (Type I and II landfills), LAC 33:VII.713.E (Type I and II surface impoundments), LAC 33:VII.715.E (Type I and II landfarms), LAC 33:VII.717.I (Type I-A and II-A facilities), LAC 33:VII.721.D (construction and demolition debris and woodwaste landfills), LAC 33:VII.723.D (Type III composting facilities), and LAC 33:VII.725.D (Type III separation facilities).

1. The closure plan for all facilities must include the following:

a. the date of final closure;

b. the method to be used and steps necessary for closing the facility; and

c. the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive.

2. The closure plan for Type I and II landfills and surface impoundments must include:

a. a description of the final cover and the methods and procedures used to install the cover;

b. an estimate of the largest area of the facility ever requiring a final cover at any time during the active life;

c. an estimate of the maximum inventory of solid waste ever on-site over the active life of the facility; and

d. a schedule for completing all activities necessary for closure.

3. The closure plan for all Type I and II facilities and Type III woodwaste and construction/demolition debris facilities shall include the following:

a. the sequence of final closure of each unit of the facility, as applicable;

b. a drawing showing final contours of the facility; and

c. a copy of the document that will be filed upon closure of the facility with the official parish recordkeeper indicating the location and use of the property for solid waste disposal, unless the closure plan specifies a clean closure.

K. Facility Post-Closure. Standards governing post-closure requirements are contained in LAC 33:VII.711.F (Type I and II landfills), LAC 33:VII.713.F (Type I and II surface impoundments), LAC 33:VII.715.F (Type I and II landfarms), and LAC 33:VII.721.E (Type III construction and demolition debris and woodwaste landfills).

1. The post-closure plan for all facilities must include the following:

a. specification of the long-term use of the facility after closure, as anticipated; and

b. the cost of conducting post-closure of the facility, based on the estimated cost of hiring a third party to conduct post-closure activities in accordance with the closure plan.

2. The post-closure plan for Type I and II facilities must include the following:

a. the method for conducting post-closure activities, including a description of the monitoring and maintenance activities and the frequency at which they will be performed;

b. the method for abandonment of monitoring systems, leachate collection systems, gas-collection systems, etc.;

c. measures planned to ensure public safety, including access control and gas control; and

d. a description of the planned uses of the facility during the post-closure period.

L. Financial Responsibility. Standards governing financial responsibility are contained in LAC 33:VII.727. A section documenting financial responsibility according to LAC 33:VII.727 which contains the following information, must be included for all facilities:

1. the name and address of the person who currently owns the land and the name and address of the person who will own the land if the standard permit is granted (if different from the permit holder, provide a copy of the lease or document which evidences the permit holder's authority to occupy the property); or

2. the name of the agency or other public body that is requesting the standard permit; or, if the agency is a public corporation, its published annual report; or, if otherwise, the names of the principal owners, stockholders, general partners, or officers;

3. evidence of liability coverage, including:

a. personal injury, employees, and the public (coverage, carriers, and any exclusions or limitations);

b. property damage (coverage and carrier);

c. environmental risks; and

4. evidence of a financial assurance mechanism for closure and/or post-closure care and corrective action for known releases when needed.

M. Special Requirements. The administrative authority may require additional information for special processes or systems and for supplementary environmental analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000).

§523. Part III: Additional Supplementary Information

The following supplementary information is required for all solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation:

A. a discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible;

B. a cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental-impact costs;

C. a discussion and description of possible alternative projects which would offer more protection to the environment without unduly curtailing nonenvironmental benefits;

D. a discussion of possible alternative sites that would offer more protection to the environment without unduly curtailing nonenvironmental benefits; and

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 nonenvironmental benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Waste Services, Solid Waste Division, LR 23:1685 (December 1997).

Subchapter D. Solid Waste Fees

§525. Standard Permit Application Review Fee

A. Applicants for Type I, I-A, II, and II-A standard permits shall pay a $3,300 permit application review fee for each facility. The fee shall accompany each permit application submitted.

B. Applicants for Type III standard permits or beneficial-use permits shall pay a permit application review fee of $660 for each facility. The fee shall accompany each permit application submitted.

C. Permit holders providing permit modifications for Type I, I-A, II, and II-A facilities shall pay a $1,320 permit-modification review fee. The fee shall accompany each modification submitted. Permit holders providing mandatory modifications in response to these regulations shall pay a $660 permit-modification fee. The fee shall accompany each mandatory modification submitted. Permit modifications required by LAC 33:VII.709.E.1 will not be subject to a permit modification fee.

D. Permit holders providing permit modifications for Type III facilities or beneficial use facilities shall pay a $330 permit-modification review fee. The fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003).

§527. Closure Plan Review Fee

A. Applicants for Type I, I-A, II, and II-A closures shall pay a $1,320 closure-plan review fee. The fee shall accompany each closure plan submitted.

B. Applicants for Type III or beneficial-use facilities closures shall pay a $330 closure-plan review fee. The fee shall accompany each closure plan submitted.

C. Permit holders providing closure-plan modifications for Type I, I-A, II, and II-A facilities shall pay a $660 closure-plan modification review fee. The fee shall accompany each modification submitted.

D. Permit holders providing closure-plan modifications for Type III or beneficial-use facilities shall pay a $165 closure-plan modification review fee. The fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003).

§529. Annual Monitoring and Maintenance Fee

A. An initial fee is charged for the processing of transporter notifications.

1. The fee shall be calculated by the following formula:

Initial fee per notification + Fee based on each vehicle owned by the transporter = Notification fee

2. No fee is assessed for modifying an existing notification form. The fee shall accompany the notification form at the time of its filing.

Initial fee	$132
Fee Per Vehicle	$33

B. All holders of permits for solid waste processing and/or disposal facilities that have not completed closure, including post-closure activities, in accordance with an approved plan, shall be charged an annual monitoring and maintenance fee for each permit. This annual monitoring and maintenance fee shall be calculated by the following formula:

Base fee per permit + Fee based on tonnage = Annual monitoring and maintenance fee

1. Base fees are as follows:

a. $7,920 for Type I facilities (including facilities that handle both industrial and nonindustrial waste);

b. $1,980 for Type II facilities; and

c. $660 for Type I-A, II-A, III, and beneficial-use facilities.

2. Tonnage fees will be based on the wet-weight tonnage, as reported in the previous year's disposer annual report, and are calculated as follows:

a. for industrial wastes (Type I facilities, except surface impoundments), $0.79/ton;

b. for nonindustrial wastes (Type II facilities, except surface impoundments), $0.20/ton for amounts exceeding 75,000 tons;

c. for surface impoundments, no tonnage fee;

d. for publicly operated facilities that treat domestic sewage sludge, no tonnage fee; and

e. for Type I-A, II-A, III, and beneficial-use facilities, no tonnage fee.

3. The maximum annual monitoring and maintenance fee per facility for Type I facilities (including facilities that handle both industrial and nonindustrial solid wastes) is $105,600. The maximum fee per facility for Type II facilities is $26,400. Surface impoundments, as noted above, are assessed only the base fee.

C. The annual monitoring and maintenance period shall be from July 1 through June 30, commencing upon promulgation of these regulations and terminating upon completion of closure or post-closure activities for the facility in accordance with the permit of the administrative authority. The annual monitoring and maintenance fee for facilities during post-closure shall be 25 percent of the applicable base fee in Paragraph B.1 of this Section.

D. Fee payment shall be made by check, draft, or money order payable to the Department of Environmental Quality and mailed to the department at the address provided on the invoice.

E. Late Payment Fee. Payments not received within 15 days of the due date will be charged a late payment fee. Any late payment fee shall be calculated from the due date indicated on the invoice.

1. Payments not received by the department by the fifteenth day from the due date will be assessed a 5 percent late payment fee on the original assessed fee.

2. Payments not received by the department by the thirtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

3. Payments not received by the department by the sixtieth day from the due date will be assessed an additional 5 percent late payment fee on the original assessed fee.

F. Failure to pay the prescribed application fee or annual fee as provided herein, within 90 days after the due date, will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the act including, but not limited to, revocation or suspension of the applicable permit, license, registration, or variance.

G. The annual fees prescribed herein shall be effective retroactive for the state fiscal year in which these fee regulations are published in the *Louisiana Register* as adopted and each state fiscal year thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2051 (October 2003).

Chapter 7. Solid Waste Standards

Subchapter A. General Standards

§701. Standards Governing Industrial Solid Waste Generators

A. Annual Reports

1. Generators of industrial solid waste shall submit annual reports to the Office of Management and Finance, Financial Services Division listing the types and quantities, in wet-weight tons per year, of industrial solid waste they have disposed of off site.

2. The generator's annual report shall name the transporter(s) who removed the industrial solid waste from the generator's site and the permitted solid waste processing or disposal facility or facilities that processed or disposed of the waste. The form to be used shall be obtained from the department or through the department's website.

3. The reporting period shall be from July 1 through June 30.

4. The report shall be submitted to the Office of Management and Finance, Financial Services Division by August 1 of each reporting year.

5. Generators of industrial solid waste shall maintain, for two years, all records concerning the types and quantities of industrial solid waste disposed of off site.

B. Generator Notification and Waste Testing

1. Prior to the initial transport of an industrial solid waste off site, generators of industrial solid waste shall:

a. submit to the Office of Environmental Services, Permits Division a generator notification form (which is to be provided by the administrative authority) which includes analysis, analytical data, and/or process knowledge which confirms that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:Part V or by federal regulations; and

b. obtain an industrial waste code number from the Office of Environmental Services, Permits Division.

2. Subsequent movements of the same industrial waste off site shall not require new waste testing or a new industrial waste code number unless the process which generates the waste or the characteristics of the waste change. However, the waste characterization data and the waste code required in Paragraph B.1 of this Section must be maintained by the generator.

3. Paragraphs B.1 and 2 of this Section are applicable to solid waste shipments on or after April 1, 1993.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004).

§703. Standards Governing Solid Waste Accumulation and Storage

A. Solid Waste Accumulation

1. No solid waste shall be stored or allowed to be stored long enough to cause a nuisance, health hazard, or detriment to the environment as determined by the administrative authority.

2. Containers used for solid waste shall prevent access by rodents and insects, shall minimize the escape of odors, and shall keep out water.

3. On-site processing or disposal, other than the exclusions provided for in LAC 33:VII.301, 303, or 305, is not allowed on the sites of commercial or industrial generators, unless a permit is obtained.

B. Solid Waste Stored in Tanks

1. Storage tanks shall be designed, constructed, and operated to prevent release of their solid waste contents into the surrounding environment.

2. A storage vessel that is partially buried underground must meet the definition of tank provided in LAC 33:VII.115 in order to be considered a tank; otherwise, it will be considered a surface impoundment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§705. Standards Governing Collectors and Off-Site Transporters of Solid Waste

A. Vehicle Requirements

1. The type and size of vehicles shall comply with the regulations and licensing of the Department of Transportation and Development and with applicable local ordinances governing weight and size for the streets that must be traveled for solid waste pickup.

2. Cover

a. The bodies of vehicles used to transport trees, tree limbs, construction materials, or metals shall contain such

waste without allowing materials to fall or blow off the vehicle.

b. The bodies of vehicles used to collect or transport all other solid waste shall be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching waste, inhibits access by rodents and insects, prevents waste from falling or blowing from the vehicle, minimizes escape of odors, and does not create a nuisance.

c. The bodies of vehicles used for the transportation of ash shall be leak-resistant and covered so as to prevent emissions.

3. The bodies of all vehicles used to transport solid waste that produces leachate shall be equipped with a collection and containment system to ensure that leachate from the waste is not discharged in violation of these regulations.

4. The interior and exterior of the body of a vehicle used to transport putrescible solid waste shall be washed down as often as needed to ensure that odors generated by putrescible matter are minimized.

B. Vehicle Washdown Area

1. The vehicle washdown area shall be designed, constructed, and operated to prevent leakage which may lead to groundwater contamination or uncontrolled contaminated surface runoff.

2. Water collected shall be discharged and the containment system thoroughly cleaned as often as is needed to minimize odors. The leachate and the cleanout water shall be discharged in accordance with all applicable state and federal regulations.

C. Standards Governing Waste Transportation by Other Modes

1. Barge and Ship Transport

a. Barge and ship transport shall be governed by Paragraphs A.2, 3, and 4 and B.1 and 2 of this Section.

b. Loading and unloading facilities shall comply with LAC 33:VII.707, as applicable.

2. Pipelines

a. Transfer points, pumping stations, and other facilities with a potential for spillage shall be located above grade, or in watertight compartments, and shall be in containment areas constructed to hold the maximum potential spill.

b. Containment areas shall consist of a base and dikes constructed of concrete, compacted clay, or other impervious materials. All joints must be sealed.

3. Rail

a. Rail car transport shall be governed by Paragraphs A.2, 3, and 4 and B.1 and 2 of this Section.

b. Loading and unloading facilities shall comply with LAC 33:VII.707, as applicable.

4. Other. Collectors and off-site transporters utilizing facilities not covered by Subsections A and C of this Section shall apply to the administrative authority for regulations governing the proposed facility.

D. Transportation to Processing and Disposal Facilities. Solid waste shall be transported, for processing or disposal, only to facilities permitted to receive such waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§707. Standards Governing Pickup Stations for Solid Waste

A. Pickup stations must comply with existing local zoning and comprehensive land-use regulations and ordinances. They must also occupy sufficient land so that vehicles using the station will not block traffic or otherwise constitute a hazard or endanger public safety.

B. Containers shall provide complete containment of waste, thereby preventing litter, discharges, odor, and other pollution of adjoining areas. Pickup stations must meet the standards found in LAC 33:VII.703.A.

C. Cleanup of the station must be timed at intervals in order to comply with the requirements of LAC 33:VII.705.B.1 and 2.

D. No processing or disposal shall occur at a pickup station unless a standard permit is obtained.

E. Each person must provide written notice to the parish governing authority, at least 30 days prior to construction, of his intent to operate a pick-up station for the offloading and/or transloading of processed solid waste and sewage sludge destined for disposal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2609 (November 2000).

Subchapter B. Landfills, Surface Impoundments, Landfarms

§709. Standards Governing All Solid Waste Disposal Facilities (Type I and II)

A. Location Characteristics

1. Access to facilities by land or water transportation shall be by all-weather roads or waterways that can meet the demands of the facility and are designed to avoid, to the extent practicable, congestion, sharp turns, obstructions, or other hazards conducive to accidents; and the surface roadways shall be adequate to withstand the weight of transportation vehicles.

2. Facilities that dispose of putrescible solid waste shall not be located within 10,000 feet of any public-use airport runway end used by turbojet aircraft or within 5,000 feet of any public-use airport runway end used by only piston-type aircraft. Permit applicants for proposed Type II landfills to be located within a 5-mile radius of any airport runway must notify the affected airport and the Federal Aviation Administration.

3. Environmental Characteristics. Facilities located in, or within 1,000 feet of, swamps, marshes, wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, archaeologic sites, historic sites, publicly owned recreation areas, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations.

4. Units of a facility which have not received waste prior to October 9, 1993, shall not be located in wetlands, unless the permit holder or applicant can make the following demonstrations to the administrative authority:

a. where applicable under Section 404 of the Clean Water Act or applicable state wetlands laws, the presumption that a practicable alternative to the proposed landfill is available which does not involve wetlands is clearly rebutted;

b. the construction and operation of the facility will not:

i. cause or contribute to violations of any applicable state water-quality standard;

ii. violate any applicable toxic effluent standard or prohibition under Section 307 of the Clean Water Act;

iii. jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973; and

iv. violate any requirement under the Marine Protection, Research, and Sanctuaries Act of 1972 for the protection of a marine sanctuary;

c. the facility will not cause or contribute to significant degradation of wetlands. The owner or operator must demonstrate the integrity of the facility and its ability to protect ecological resources by addressing the following factors:

i. erosion, stability, and migration potential of native wetland soils, muds, and deposits used to support the facility;

ii. erosion, stability, and migration potential of dredged and fill materials used to support the facility;

iii. the volume and chemical nature of the waste managed in the facility;

iv. impacts on fish, wildlife, and other aquatic resources and their habitat from release of the solid waste;

v. the potential effects of catastrophic release of waste to the wetland and the resulting impacts on the environment; and

vi. any additional factors, as necessary, to demonstrate that ecological resources in the wetland are sufficiently protected;

d. to the extent required under Section 404 of the Clean Water Act or applicable state wetlands laws, steps have been taken to attempt to achieve no net loss of wetlands (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent practicable as required by Paragraph A.4 of this Section; then, minimizing unavoidable impacts to the maximum extent practicable; and, finally, offsetting remaining unavoidable wetland impacts through all appropriate and practicable compensatory mitigation actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands); and

e. sufficient information is available to make a reasonable determination with respect to these demonstrations.

5. Units of a facility which have not received waste prior to October 9, 1993, shall not be located within 200 feet (60 meters) of a fault that has had displacement in Holocene time unless the permit holder or applicant demonstrates to the administrative authority that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the unit and will be protective of human health and the environment.

6. Disposal facilities may be subject to a comprehensive land-use or zoning plan established by local regulations or ordinances.

B. Facility Characteristics

1. Perimeter Barriers, Security, and Signs

a. Facilities must have a perimeter barrier around the facility that prevents unauthorized ingress or egress, except by willful entry.

b. During operating hours, each facility entry point shall be continuously monitored, manned, or locked.

c. During non-operating hours, each facility entry point shall be locked.

d. Facilities that receive wastes from off-site sources shall post readable signs that list the types of wastes that can be received at the facility.

2. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with the permission, in the form of a notarized affidavit, of the adjoining landowner and occupants. A copy of the notarized affidavit waiving the 200-foot buffer zone shall be entered in the mortgage and conveyance records of the parish for the adjoining landowner's property. Buffer zone requirements may be waived or modified by the administrative authority for areas of landfills which have been closed in accordance with

these regulations and for existing facilities, or in accordance with LAC 33:VII.307.

b. No storage, processing, or disposal of solid waste shall occur within the buffer zone.

3. Fire Protection and Medical Care. Facilities shall have access to required fire protection and medical care, or such services shall be provided internally.

4. Landscaping. All proposed facilities, other than those which are located within the boundaries of a plant, industry, or business which generates the waste to be processed or disposed of, must provide landscaping to improve the aesthetics of the facility.

5. Receiving and Monitoring Incoming Wastes

a. Each facility shall be equipped with a device or method to determine quantity (by wet-weight tonnage); sources (whether the waste was generated in-state or out-of-state and, if it is industrial solid waste, where it was generated); and types of incoming waste (i.e., commercial, residential). The facility shall also be equipped with a device or method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous waste, PCB waste, and unauthorized or unpermitted solid waste). At Type II landfills, this method shall include random inspections of incoming waste loads at a frequency to reasonably ensure exclusion of such prohibited wastes.

b. Each facility shall be equipped with a central control and recordkeeping system for tabulating the information required in Subparagraph B.5.a of this Section.

6. Discharges from operating units of all facilities must be controlled and must conform to applicable state and federal laws including the federal Clean Water Act and Louisiana Water Pollution Control Law. Applications for applicable state and federal discharge permits must be filed before a standard permit may be issued.

C. Facility Geology

1. Soils

a. Except as provided in Subparagraph C.1.b of this Section, facilities shall have natural soils of low permeability for the area occupied by the solid waste facility, including vehicle parking and turnaround areas, that should provide a barrier to prevent any penetration of surface spills into groundwater aquifers underlying the area or to a sand or other water-bearing strata that would provide a conduit to such aquifers.

b. A design for surfacing natural soils that do not meet the requirement in Subparagraph C.1.a of this Section shall be prepared and installed under the supervision of a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and geohydrology. Written certification by the engineer that the surface satisfies the requirements of Subparagraph C.1.a of this Section shall be provided.

c. The subsurface soils and groundwater conditions at Type I facilities and at Type II surface impoundments and landfills shall be characterized by a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and geohydrology or by a geologist with expertise in these fields. The characterization shall meet the following guidelines.

i. Geotechnical borehole spacing shall be no greater than 450 feet (minimum of four borings required).

ii. All boreholes shall extend to a depth of at least 30 feet below the lowest point of the excavation. At least 10 percent of the borings (minimum of three borings) shall extend to 100 feet below grade level to characterize the shallow geology.

iii. All borings shall be continuously sampled to at least 30 feet below the base of excavation, with the use of thin-wall and/or split-spoon devices or similar coring devices. After 30 feet, samples shall be at 5-foot intervals.

iv. Borings, geotechnical field tests, and laboratory tests shall be conducted according to the standards of the American Society for Testing and Materials (ASTM) or the Environmental Protection Agency (EPA), or other applicable standards approved by the administrative authority.

d. The subsurface soils and groundwater conditions at Type II landfarms shall be characterized by a licensed engineer with expertise in geotechnical engineering and geohydrology or by a geologist with expertise in these fields. The characterization shall meet the following guidelines.

i. The number of borings shall be sufficient to reflect the subsurface soils and groundwater conditions for the facility.

ii. All boreholes shall extend to a depth of at least 30 feet below the lowest point of the zone of incorporation.

iii. All borings shall be continuously sampled to at least 30 feet below the base of the zone of incorporation with the use of thin wall and/or split spoon devices or similar devices.

iv. Borings, geotechnical field tests, and laboratory tests shall be conducted according to the standards of the American Society for Testing and Materials (ASTM) or the Environmental Protection Agency (EPA) or other applicable standards approved by the administrative authority.

2. Units of a facility located in a seismic impact zone which have not received waste prior to October 9, 1993, shall be designed and operated so that all containment structures, including liners, leachate collection systems, and surface water control systems, can withstand the stresses caused by the maximum horizontal acceleration in lithified earth material for the site.

3. Facilities shall not be located in an unstable area unless the permit holder or applicant can demonstrate that the facility is designed to ensure the integrity of structural components, such as liners, leak-detection systems, leachate collection, treatment and removal systems, final covers, run-on/runoff systems (or any other component used in the construction and operation of the facility that is necessary for

the protection of human health or the environment). In determining whether an area is unstable, the permit holder or applicant must consider, at a minimum, the following factors:

a. on-site or local soil conditions that may result in significant differential settling;

b. on-site or local geologic or geomorphological features; and

c. on-site or local human-made features or events (both surface and subsurface).

D. Implementation Plans

1. All facilities shall have implementation plans.

2. The implementation plan must include a plan for closing and upgrading existing operating areas if the application is for expansion of a facility or construction of a replacement facility.

E. Groundwater Monitoring

1. Groundwater Monitoring System

a. At each facility, a groundwater-monitoring system must be installed that consists of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer (and the uppermost water-bearing permeable zone which will yield sufficient quantities of water for sampling if different from the uppermost aquifer and if deemed necessary by the administrative authority for adequate groundwater monitoring at the facility) that:

i. represent the quality of the background groundwater that has not been affected by leakage from a unit; and

ii. represent the quality of groundwater passing the relevant point of compliance. For the purposes of these regulations, the relevant point of compliance is the vertical surface which is located no more than 150 meters downgradient from the unit(s) being monitored and extends down into the uppermost aquifer underlying the facility and any other permeable zones being monitored. The relevant point of compliance must be on property owned or controlled by the permit holder and must be selected and subject to the approval of the administrative authority based on at least the following factors:

(a). hydrological characteristics of the facility and the surrounding land;

(b). volume and physical and chemical characteristics of the leachate;

(c). quantity, quality, and direction of flow of groundwater;

(d). proximity and withdrawal rate of the groundwater users;

(e). availability of alternative drinking water supplies;

(f). existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater, and whether the groundwater is currently used or reasonably expected to be used for drinking water;

(g). public health, safety, and welfare effects; and

(h). practicable capability of the owner or operator.

b. Location of Wells

i. Enough monitoring wells must be located hydraulically upgradient of the facility to yield samples that represent background groundwater quality as required in Subparagraph E.1.a of this Section.

ii. A minimum of one upgradient well per zone monitored is required.

iii. Monitoring wells other than upgradient of the facility may be sampled for background groundwater quality if:

(a). hydrologic conditions do not allow the permit holder to determine which wells are hydraulically upgradient; or

(b). sampling at other wells will provide an indication of background groundwater quality that is more representative than sampling of upgradient wells.

iv. Enough monitoring wells must be located hydraulically downgradient from the facility to yield samples that are representative of the groundwater passing the relevant point of compliance. At least two downgradient wells per zone monitored must be provided. The downgradient wells must be screened in the same zone as the upgradient wells. Spacing between downgradient wells shall not exceed 800 feet.

v. The number, spacing, and depths of monitoring wells shall be determined based upon site-specific technical information that must include thorough characterization of:

(a). aquifer thickness, groundwater flow rate, groundwater flow direction including seasonal and temporal fluctuations in groundwater flow; and

(b). saturated and unsaturated geologic units and fill materials overlying the uppermost aquifer, materials comprising the uppermost aquifer, and materials comprising the confining unit defining the lower boundary of the uppermost aquifer; including, but not limited to: thickness, stratigraphy, lithology, hydraulic conductivities, porosities, and effective porosities.

vi. The administrative authority will consider for approval multi-unit groundwater monitoring systems, provided these systems meet the requirements of Paragraph E.1 of this Section and will be as protective of human health and the environment as groundwater monitoring systems for individual units.

vii. The administrative authority may modify the requirements of Subparagraph E.l.b of this Section for site-specific considerations in approving groundwater monitoring systems for ditches.

c. Well Construction

i. Well construction shall be in accordance with the "Water Wells Rules, Regulations, and Standards, State of Louisiana" (LAC 70:Part XIII) as adopted by the Louisiana Department of Transportation and Development, Water Resources Section.

ii. Construction of monitoring wells for facilities regulated by the department shall require approval of the administrative authority prior to construction.

iii. In addition to the construction standards set forth in the "Water Wells Rules and Regulations," the following is required.

(a). All wells must have protective casing with locking covers and a secure locking device in place.

(b). All wells must have guard posts firmly anchored outside the well slab, but not in contact with the slab.

(c). The maximum allowable screen length must not exceed 10 feet.

(d). The borehole diameter must allow at least 3 inches between the well casing and the borehole wall.

(e). A sign or plate must be permanently affixed to the protective well casing and must prominently display:

(i). well identification number;

(ii). identification of well as upgradient or downgradient;

(iii). elevation of top of well casing in relation to mean sea level;

(iv). screen depth in relation to mean sea level; and

(v). date of well installation and any subsequent repairs.

d. Post Construction. Within 90 days after construction of the wells, the permit holder or applicant must submit to the Office of Environmental Services, Permits Division well-completion details to verify that the wells were constructed according to the approved specifications and to document construction procedures. A permit modification fee will not be required. Well-completion details should include, but are not limited to:

i. daily field notes documenting construction procedures and any unusual occurrences such as grout loss, etc.;

ii. boring log for each well including surface elevation(s) with respect to mean sea level or comparable reference points;

iii. as-built diagrams for each well showing all pertinent features such as elevation of reference point for measuring groundwater levels, screen interval, and ground surface. If features change from the approved plans, then a permit-modification request must be submitted in accordance with LAC 33:VII.517.

e. Plugging and Abandonment of Monitoring Wells and Geotechnical Borings

i. The "Water Wells Rules and Regulations, State of Louisiana" (LAC 70:Part XIII), as adopted by the Louisiana Department of Transportation and Development, Water Resource Section, shall apply to all plugging and abandonment of wells and holes including, but not limited to, observation wells, monitoring wells, piezometer wells, leak-detection wells, assessment wells, recovery wells, abandoned pilot holes, test holes, and geotechnical boreholes.

ii. In addition to the standards in LAC 70:Part XIII, the following standards shall apply to plugging and abandonment.

(a). For any well, the primary method of plugging and abandonment shall be removal of the well's casing and other components of the well including but not limited to the screen, grout, bentonite seal, filter pack, concrete slab, protective casing, guard posts, and native soil in immediate contact with the grout and subsequent installation of cement-bentonite grout, from the bottom of the resulting borehole to the ground surface using the tremie method.

(b). In areas where all or a part of the well's casing and other components of the well cannot be plugged and abandoned in accordance with the procedure stated in Subclause E.1.e.ii.(a) of this Section, the well shall be plugged and abandoned by installation of cement-bentonite grout inside the well's casing, from the bottom of the well to the ground surface, provided that the annular seal is demonstrated to be adequately sealed and the following items are submitted:

(i). supporting documentation, prior to plugging the well that demonstrates that removal of all or part of the well's casing and other components of the well in accordance with the procedure stated in Subparagraph E.1.e of this Section, will be detrimental to the environment; and/or

(ii). certification and supporting documentation by a qualified professional that shows that removal of the well's casing was attempted and that continued attempts to remove all or a part of the well's casing and other components of the well as stated in Subparagraph E.1.e of this Section, would have been detrimental to the environment.

(c). After plugging and abandoning a well, all surface features of the well including but not limited to the concrete slab, guard posts and protective casing, shall be dismantled and disposed of in an environmentally sound manner and the surface shall be restored to its original condition.

(d). The permit holder must notify the Office of Environmental Services, Permits Division of the plugging and abandonment of monitoring wells or geotechnical borings and keep records of such abandonments.

f. Monitoring wells, piezometers, and other measurement, sampling, and analytical devices must be

operated and maintained so that they perform to design specifications throughout the life of the monitoring program.

2. Groundwater Sampling and Analysis Requirements

a. A groundwater-monitoring program must be implemented at each facility which includes consistent sampling and analysis procedures that ensure monitoring results are representative of groundwater quality at the background and downgradient well locations.

b. A groundwater sampling and analysis plan must be prepared which meets the requirements of Subparagraph E.2.a of this Section as well as the requirements of LAC 33:VII.3005, and which includes procedures and techniques for:

i. sample collection which ensures that collected samples are representative of the zone(s) being monitored and prevents cross-contamination of or tampering with samples;

ii. sample preservation and shipment which ensure the integrity and reliability of the sample collected for analysis;

iii. chain of custody control; and

iv. quality-assurance/quality-control, including detection limits, precision and accuracy of analyses, field blanks, and laboratory spikes and blanks.

c. The sampling and analysis plan must also include the:

i. selection of parameters or constituents to be sampled and analyzed during detection monitoring and justification for parameters or constituents where applicable;

ii. identification of analytical procedures to be followed (reference source of analytical method);

iii. sampling frequency during the detection monitoring program;

iv. statistical method to be used in evaluating the groundwater-monitoring data for each groundwater parameter or constituent sampled at each monitoring well; and

v. practical quantitation limit for each parameter or constituent.

d. Background groundwater quality must be established for the facility in a hydraulically upgradient well(s), or other well(s) as provided in Clause E.1.b.iii of this Section, for each groundwater parameter or constituent.

e. Statistical Methods

i. The number of samples collected to establish groundwater quality data must be consistent with the appropriate statistical procedures used.

ii. One of the following statistical methods to be used in evaluating groundwater data must be specified in the sampling and analysis plan for each parameter or constituent to be monitored. The statistical test chosen shall be conducted separately for each parameter or constituent in each well:

(a). a parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each parameter or constituent;

(b). an analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each parameter or constituent;

(c). a tolerance or prediction interval procedure in which an interval for each parameter or constituent is established from the distribution of the background data, and the level of each parameter or constituent in each compliance well is compared to the upper tolerance or prediction limit;

(d). a control chart approach that gives control limits for each parameter or constituent;

(e). another statistical test method that meets the performance standards of Clause E.2.e.iii of this Section. The permit holder must place a justification for this alternative in the operating record and notify the administrative authority of the use of this alternative test. The justification must demonstrate that the alternative method meets the performance standards of Clause E.2.e.iii of this Section.

iii. Any statistical method chosen under Clause E.2.e.ii of this Section shall comply with the following performance standards, as appropriate.

(a). The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of the parameters or constituents. If the distribution of the chemical parameters or constituents or hazardous parameters or constituents is shown by the permit holder to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the parameters or constituents differ, more than one statistical method may be needed.

(b). If an individual well comparison procedure is used to compare an individual compliance well parameter or constituent concentration with background parameters or constituent concentrations or a groundwater protection standard, the test shall be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experimentwide error rate for each testing period shall be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.

(c). If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart

and its associated parameter or constituent values shall be protective of human health and the environment. The parameters or constituents shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each parameter or constituent of concern.

(d). If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, shall be protective of human health and the environment. These parameters or constituents shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each parameter or constituent of concern.

(e). The statistical method shall account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit (pql) that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(f). If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

iv. The permit holder must determine whether or not there is a statistically significant increase over background values for each parameter or constituent required in the particular groundwater monitoring program that applies to the facility, as determined under Paragraph E.3, 4, or 8 of this Section.

(a). In determining whether a statistically significant increase has occurred, the permit holder must compare the groundwater quality of each parameter or constituent at each monitoring well designated pursuant to Clause E.1.a.ii of this Section to the background value of that parameter or constituent, according to the statistical procedures and performance standards specified under Clauses E.2.e.ii and iii of this Section.

(b). Within 90 days after the date of sampling, the permit holder must determine whether there has been a statistically significant increase over background at each monitoring well.

3. Detection Monitoring Program

a. All Type I and II facilities must conduct a detection monitoring program as described in Paragraph E.3 of this Section.

b. Initial Sampling

i. For a new facility, monitoring wells must be sampled and the analytical data for a sampling event must be submitted to the Office of Environmental Assessment, Environmental Technology Division before waste is accepted.

ii. For an existing facility with no wells in place at the time of the application submittal or at the time at which the facility becomes subject to these regulations, the analytical data shall be submitted to the Office of Environmental Assessment, Environmental Technology Division within 90 days after installation of the monitoring wells.

iii. A minimum of four independent samples from each well (upgradient and downgradient) must be collected and analyzed during the first sampling event for a facility. Thereafter, at least one sample must be collected and analyzed at each well for each sampling event.

c. For the first year of monitoring and thereafter, sampling and analysis of all wells must be conducted every six months.

d. The groundwater monitoring program must be conducted for the life of the facility and for the duration of the post-closure care period of the facility which is specified in LAC 33:VII.711.F, 713.F, or 715.F. Groundwater monitoring may be extended beyond the period specified if deemed necessary by the administrative authority.

e. The permit holder or applicant must submit four bound copies (8 1/2 by 11 inches) of a report of all groundwater sampling results to the Office of Environmental Assessment, Environmental Technology Division no later than 90 days after each sampling event. The reports must be submitted on forms provided by the administrative authority and shall include at a minimum:

i. documentation of the chain of custody of all sampling and analyses;

ii. scaled potentiometric surface maps showing monitoring-well locations, groundwater elevations with respect to mean sea level for each stratum monitored;

iii. isopleth map for each well of all parameters or constituents or plots by well of concentration of parameters or constituents versus time;

iv. for the initial sampling only, a boring log for each well showing the screened interval and ground surface elevation with respect to mean sea level; and

v. a statement of whether a statistically significant difference in concentration over background concentrations is detected.

f. If a statistically significant increase over background concentrations is determined for one or more parameters or constituents required to be monitored, the permit holder must:

i. notify the administrative authority in accordance with the Notification Regulations and Procedures for Unauthorized Discharge (LAC 33:I.Subpart 2);

ii. submit to the Office of Environmental Assessment, Environmental Technology Division, within 14 days after the determination is made, a report that identifies which parameters or constituents were determined to have shown statistically significant changes from background levels; and

iii. within 90 days after the determination is made:

(a). initiate an assessment monitoring program for the facility meeting the requirements of Paragraph E.4 or 8 of this Section; or

(b). submit a report to the Office of Environmental Assessment, Environmental Technology Division demonstrating that a source other than the facility being sampled caused the contamination or that the statistically significant increase resulted from an error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality.

iv. If the administrative authority approves this demonstration in Subclause E.3.f.iii.(b) of this Section in writing, the permit holder may continue the detection monitoring program. If the administrative authority does not approve the demonstration in writing, the permit holder must establish an assessment monitoring program meeting the requirements of Paragraph E.4 of this Section within 90 days after the determination in Subparagraph E.3.f of this Section is made.

g. Detection Monitoring Parameters or Constituents

i. During detection monitoring, Type I landfills and Type I surface impoundments (except Type I landfills that are also Type II landfills and Type I surface impoundments that are associated with such Type I landfills) shall monitor for at least 10 chemical parameters or constituents, both inorganic and organic, which are indicator parameters or constituents or reaction products of the waste and that provide a reliable indication of the presence of contaminants in the groundwater. The administrative authority may reduce the number of parameters if appropriate based on site-specific and waste-specific consideration. Selection of these parameters or constituents is subject to the approval of the administrative authority and must be based on the following factors:

(a). types, quantities, and concentrations of constituents in the wastes disposed of at the facility;

(b). mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the facility;

(c). detectability of indicator parameters, waste constituents, or their reaction products in the groundwater; and

(d). concentrations or values and coefficients of variation of the proposed monitoring parameters or constituents in the background groundwater at the facility.

ii. During detection monitoring, Type II landfills, including Type II surface impoundments associated with Type II landfills, shall be monitored for all the parameters or constituents listed in LAC 33:VII.3005.Table 1.

iii. During detection monitoring, Type I landfarms, including runoff and containment areas (ROCAs) or surface impoundments associated with Type I landfarms, shall be monitored for the same parameters or constituents as provided for Type II landfarms in Clause E.3.g.iv of this Section and also for at least six parameters or constituents, both organic and inorganic, which are intrinsic to the wastes being disposed at the facility. The intrinsic parameters or constituents shall be selected on the basis of the factors in Subclauses E.3.g.i.(a)-(d) of this Section and shall be subject to the approval of the administrative authority.

iv. During detection monitoring, Type II landfarms which receive domestic sewage sludge and any runoff and containment areas (ROCAs) or surface impoundments associated with such landfarms shall be monitored for 5-day biochemical oxygen demand (BOD_5), fecal coliform, total dissolved solids (TDS), nitrate, total Kjeldahl nitrogen, and polychlorinated biphenyls (PCBs), if applicable.

v. Type II surface impoundments which receive domestic sewage sludge shall be monitored for the same parameters or constituents as provided for Type II landfarms in Clause E.3.g.iv of this Section.

vi. The administrative authority may waive or require additional parameters or constituents, based on site-specific or waste-specific information.

4. Assessment Monitoring Program for Type II Landfills and Associated Type II Surface Impoundments

a. An assessment monitoring program as described in Paragraph E.4 of this Section is required to be conducted at Type II landfills and associated Type II surface impoundments whenever a statistically significant increase over background concentrations is detected for one or more of the parameters or constituents sampled and analyzed during the detection monitoring program.

b. Within 90 days of triggering an assessment monitoring program, and annually thereafter, the permit holder must sample and analyze the groundwater for all the parameters or constituents identified in LAC 33:VII.3005.Table 2. A minimum of one sample from each downgradient well must be collected and analyzed during each sampling event. For any parameter or constituent detected in the downgradient wells as a result of the complete LAC 33:VII.3005.Table 2 analysis, a minimum of four independent samples from each well (background and downgradient) must be collected and analyzed to establish background for the parameters or constituents. The administrative authority:

i. may specify an appropriate subset of the wells to be sampled and analyzed for LAC 33:VII.3005.Table 2 parameters or constituents during assessment monitoring; and

ii. may delete any of the LAC 33:VII.3005.Table 2 parameters or constituents for a facility if it can be shown that the omitted parameters or constituents are not reasonably expected to be in or derived from the waste contained in the unit.

c. No later than 90 days after the completion of the initial or subsequent sampling events for all LAC 33:VII.3005.Table 2 parameters or constituents required in Subparagraph E.4.b of this Section, the permit holder must

submit a report to the Office of Environmental Assessment, Environmental Technology Division identifying the LAC 33:VII.3005.Table 2 parameters or constituents that have been detected. No later than 180 days after completion of the initial or subsequent sampling events for all LAC 33:VII.3005.Table 2 parameters or constituents required in Subparagraph E.4.b of this Section, the permit holder must:

i. resample all wells and analyze for all parameters or constituents in LAC 33:VII.3005.Table 1 and for those parameters or constituents in LAC 33:VII.3005.Table 2 that are detected in response to Subparagraph E.4.b of this Section. At least one sample must be collected from each well (background and downgradient) during these sampling events. This sampling must be repeated semiannually thereafter;

ii. establish background groundwater concentrations for any parameter or constituent detected pursuant to Subparagraph E.4.b or c of this Section; and

iii. establish groundwater protection standards for all parameters or constituents detected pursuant to Subparagraph E.4.b or c of this Section. The groundwater protection standards shall be established in accordance with Subparagraph E.4.g of this Section.

d. If the concentrations of all LAC 33:VII.3005.Table 2 parameters or constituents are shown to be at or below background values, using the statistical procedures in Subparagraph E.2.e of this Section, for two consecutive sampling events, the permit holder must notify the Office of Environmental Assessment, Environmental Technology Division, and upon written approval of the administrative authority, may return to detection monitoring.

e. If the concentrations of any LAC 33:VII.3005.Table 2 parameters or constituents are above background values, but all concentrations are below the groundwater protection standard established under Subparagraph E.4.g of this Section, using the statistical procedures in Subparagraph E.2.e of this Section, the permit holder must continue assessment monitoring.

f. If one or more LAC 33:VII.3005.Table 2 parameters or constituents are detected at statistically significant levels above the groundwater protection standard established under Subparagraph E.4.g of this Section, in any sampling event, using the statistical procedures in Subparagraph E.2.e of this Section, the permit holder must, within 14 days of the determination, notify all appropriate local government officials and submit a report to the Office of Environmental Assessment, Environmental Technology Division identifying the LAC 33:VII.3005.Table 2 parameters or constituents which have exceeded the groundwater protection standard. The permit holder must also:

i. within 90 days after the determination is made, submit four bound copies (8 1/2 x 11 inches) of an assessment plan to the Office of Environmental Assessment, Environmental Technology Division, as well as any necessary permit modification, to the Office of Environmental Services, Permits Division that provides for:

(a). characterization of the nature and extent of the release by installing and sampling additional monitoring wells as necessary;

(b). installation of at least one additional monitoring well at the facility boundary in the direction of the contaminant migration and sampling of this well in accordance with Clause E.4.c.ii of this Section; and

(c). a schedule for implementing the plan;

ii. notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off site as indicated by the sampling of the wells in accordance with Clause E.4.f.i of this Section; and

iii. upon consultation with and approval of the administrative authority, implement any interim measures necessary to ensure the protection of human health and the environment. Interim measures should, to the greatest extent practicable, be in accordance with LAC 33:I.Chapter 13 and be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to Paragraph E.6 of this Section. The following factors must be considered by a permit holder in determining whether interim measures are necessary:

(a). time required to develop and implement a final remedy;

(b). actual or potential exposure of nearby populations or environmental receptors to hazardous parameters or constituents;

(c). actual or potential contamination of drinking water supplies or sensitive ecosystems;

(d). further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;

(e). weather conditions that may cause hazardous parameters or constituents to migrate or be released;

(f). risk of fire or explosion, or potential for exposure to hazardous parameters or constituents as a result of an accident or failure of a container or handling system; and

(g). other situations that may pose threats to human health and the environment;

iv. initiate an assessment of corrective measures as required by Paragraph E.5 of this Section; or

v. may submit a report to the Office of Environmental Assessment, Environmental Technology Division demonstrating that a source other than the facility being sampled caused the contamination, or the statistically significant increase resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality. If the administrative authority approves this demonstration in writing, the permit holder must continue assessment monitoring at the facility in accordance with

Paragraph E.4 of this Section, or may return to detection monitoring if the LAC 33:VII.3005.Table 2 parameters or constituents are below background as specified in Subparagraph E.4.d of this Section. Until such a written approval is given, the permit holder must comply with Subparagraph E.4.f of this Section, including initiating an assessment of corrective action measures.

g. The permit holder must establish a groundwater protection standard for each LAC 33:VII.3005.Table 2 parameter or constituent detected in the groundwater. The groundwater protection standard shall be in accordance with LAC 33:I.Chapter 13 and shall be:

i. for parameters or constituents for which a maximum contaminant level (MCL) has been promulgated under the federal Safe Drinking Water Act, (the MCL for that parameter or constituent);

ii. for parameters or constituents for which the state of Louisiana has promulgated a MCL, the MCL for that parameter or constituent;

iii. for parameters or constituents for which MCLs have not been promulgated, the background concentration for the parameter or constituent established from wells in accordance with Paragraph E.4 of this Section, or the administrative authority may allow the standard to be set in accordance with LAC 33:I.Chapter 13 on a case-by-case basis;

iv. for Type I facilities, the administrative authority may allow the standard for all parameters or constituents to be set in accordance with LAC 33:I.Chapter 13 on a case-by-case basis;

v. for parameters or constituents for which the background level is higher than the MCL identified under Clause E.4.g.i or ii of this Section, the background concentration for the parameter or constituent established from wells in accordance with Paragraph E.4 of this Section; or

vi. the administrative authority may establish a more stringent groundwater protection standard if necessary to protect human health or the environment.

5. Assessment of Corrective Measures at Type II Landfills and Associated Surface Impoundments

a. Within 90 days of finding that any of the parameters or constituents listed in LAC 33:VII.3005.Table 2 have been detected at a statistically significant level exceeding the groundwater protection standards defined under Subparagraph E.4.g of this Section, the permit holder must initiate an assessment of corrective measures.

b. The permit holder must continue to monitor in accordance with the assessment monitoring program throughout the period of corrective action, as specified in Paragraph E.4 of this Section.

c. The assessment shall include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under Paragraph E.6 of this Section addressing at least the following:

i. performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;

ii. time required to begin and complete the remedy;

iii. costs of remedy implementation; and

iv. institutional requirements such as state or local permit requirements or other environmental or public health requirements that may substantially affect implementation of the remedy.

d. The results of the corrective measures assessment must be discussed by the permit holder, in a public meeting prior to the selection of remedy, with interested and affected parties.

6. Selection of Remedy and Corrective Action Plan at Type II Landfills and Associated Surface Impoundments

a. Based on the results of the corrective measures assessment conducted under Paragraph E.5 of this Section, the permit holder must select a remedy that, at a minimum, meets the standards of Subparagraph E.6.b of this Section. Within 180 days after initiation of the corrective measures assessment required in Paragraph E.5 of this Section, the permit holder must submit four bound copies (8 1/2 by 11 inches) of a corrective-action plan to the Office of Environmental Assessment, Environmental Technology Division, describing the selected remedy, which will meet the requirements of Subparagraphs E.6.b-d of this Section and be in accordance with LAC 33:I.Chapter 13. The corrective-action plan must also provide for a corrective-action groundwater monitoring program as described in Clause E.7.a.i of this Section.

b. Remedies must:

i. be protective of human health and the environment;

ii. attain the groundwater protection standard as specified pursuant to Subparagraph E.4.g of this Section;

iii. control the source(s) of releases so as to reduce or eliminate, to the maximum extent practicable, further releases of LAC 33:VII.3005.Table 2 parameters or constituents into the environment that may pose a threat to human health or the environment; and

iv. comply with standards for management of wastes as specified in Subparagraph E.7.g of this Section.

c. In selecting a remedy that meets the standards of Subparagraph E.6.b of this Section, the permit holder shall consider the following evaluation factors:

i. long- and short-term effectiveness and protectiveness of the potential remedy(s), along with the degree of certainty that the remedy will prove successful based on consideration of the following:

(a). magnitude of reduction of existing risks;

(b). magnitude of residual risks in terms of likelihood of further releases due to waste remaining following implementation of a remedy;

(c). type and degree of long-term management required, including monitoring, operation, and maintenance;

(d). short-term risks that might be posed to the community, workers, or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal of containment;

(e). time until full protection is achieved;

(f). potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, redisposal, or containment;

(g). long-term reliability of the engineering and institutional controls; and

(h). potential need for replacement of the remedy;

ii. effectiveness of the remedy in controlling the source to reduce further releases based on consideration of the following factors:

(a). extent to which containment practices will reduce further releases;

(b). extent to which treatment technologies may be used;

iii. ease or difficulty of implementing a potential remedy(s) based on consideration of the following types of factors:

(a). degree of difficulty associated with constructing the technology;

(b). expected operational reliability of the technologies;

(c). need to coordinate with and obtain necessary approvals and permits from other agencies;

(d). availability of necessary equipment and specialists; and

(e). available capacity and location of needed treatment, storage, and disposal services;

iv. practicable capability of the permit holder, including a consideration of the technical and economic capability; and

v. degree to which community concerns are addressed by a potential remedy(s).

d. The permit holder shall specify as part of the selected remedy a schedule(s) for initiating and completing remedial activities. Such a schedule must require the initiation of remedial activities within a reasonable period of time. The permit holder must consider the following factors in determining the schedule of remedial activities:

i. extent and nature of contamination;

ii. practical capabilities of remedial technologies in achieving compliance with groundwater protection standards established under Subparagraph E.4.g of this Section and other objectives of the remedy;

iii. availability of treatment or disposal capacity for wastes managed during implementation of the remedy;

iv. desirability of utilizing technologies that are not currently available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives;

v. potential risks to human health and the environment from exposure to contamination prior to completion of the remedy;

vi. resource value of the aquifer including:

(a). current and future uses;

(b). proximity and withdrawal rate of users;

(c). groundwater quantity and quality;

(d). potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to parameters or constituents;

(e). hydrogeologic characteristic of the facility and surrounding land;

(f). groundwater removal and treatment costs; and

(g). cost and availability of alternative water supplies;

vii. practicable capability of the permit holder; and

viii. other relevant factors.

e. The administrative authority may determine that remediation of a release of an LAC 33:VII.3005.Table 2 parameter or constituent from a facility is not necessary if the permit holder demonstrates to the satisfaction of the administrative authority that:

i. the groundwater is additionally contaminated by substances that have originated from a source other than a facility and those substances are present in such concentrations that cleanup of the release from the facility would provide no significant reduction in risk to actual or potential receptors; or

ii. parameter or constituent is present in groundwater that:

(a). is not currently or reasonably expected to be a source of drinking water; and

(b). is not hydraulically connected with waters to which the parameters or constituents are migrating or are likely to migrate in a concentration that would exceed the groundwater protection standards established under Subparagraph E.4.g of this Section; or

iii. remediation of the release(s) is technically impracticable; or

iv. remediation results in unacceptable cross-media impacts.

f. A determination by the administrative authority pursuant to Subparagraph E.6.e of this Section shall not affect the authority of the administrative authority to require the permit holder to undertake source control measures or other measures that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically practicable and that significantly reduce threats to human health or the environment.

7. Implementation of the Corrective Action Programs at Type II Landfills and Associated Type II Surface Impoundments

a. After the corrective action plan has been approved by the administrative authority and, based on the corrective action plan schedule established under Subparagraph E.6.d of this Section for initiation and completion of remedial activities, the permit holder must:

i. implement a corrective-action groundwater monitoring program as described in the approved corrective-action plan that:

(a). at a minimum, meets the requirements of an assessment monitoring program under Paragraph E.4 of this Section;

(b). indicates the effectiveness of the corrective action remedy; and

(c). demonstrates compliance with the groundwater protection standard pursuant to Subparagraph E.4.g of this Section;

ii. implement the corrective-action plan established under Paragraph E.6 of this Section.

b. A permit holder may submit a report to the Office of Environmental Assessment, Environmental Technology Division demonstrating, based on information developed after implementation of the corrective action plan has begun or other information, that compliance with requirements of Subparagraph E.6.b of this Section are not being achieved through the remedy selected. A revised corrective-action plan providing other methods or techniques that could practically achieve compliance with the requirements of Subparagraph E.6.b of this Section must accompany the demonstration.

c. If the administrative authority approves, in writing, the demonstration and revised corrective action plan submitted pursuant to Subparagraph E.7.b of this Section, the permit holder must implement the revised corrective-action plan.

d. The permit holder may submit a report to the Office of Environmental Assessment, Environmental Technology Division demonstrating that compliance with the requirements under Subparagraph E.6.b of this Section cannot be achieved with any currently available methods.

e. If the administrative authority approves, in writing, the demonstration submitted pursuant to Subparagraph E.7.d of this Section, the permit holder must, within 30 days of the approval, submit a plan to the Office of Environmental Assessment, Environmental Technology Division (which includes an implementation schedule) to implement alternate measures in accordance with LAC 33:I.Chapter 13:

i. to control exposure of humans and the environment to residual contamination as necessary to protect human health and the environment; and

ii. for the control of the sources of contamination, or for the removal or decontamination of equipment, devices, or structures, that are technically practicable and consistent with the overall objective of the remedy.

f. If the administrative authority approves the plan for alternate measures submitted pursuant to Subparagraph E.7.e of this Section, the permit holder must implement the plan.

g. All solid wastes that are managed pursuant to a remedy required under Paragraph E.6 of this Section, or an interim measure required under Clause E.4.f.iii of this Section, shall be managed in a manner:

i. that is protective of human health and the environment; and

ii. that complies with applicable RCRA requirements.

h. Remedies selected pursuant to Paragraph E.6 of this Section shall be considered complete when:

i. the permit holder complies with the groundwater protection standards established under Subparagraph E.4.g of this Section at all points within the plume of contamination that lie beyond the groundwater monitoring well system established under Paragraph E.1 of this Section; and

ii. compliance with the groundwater protection standards established under Subparagraph E.4.g of this Section has been achieved by demonstrating that concentrations of LAC 33:VII.3005.Table 2 parameters or constituents have not exceeded the groundwater protection standard(s) for a period of three consecutive years using the statistical procedures and performance standards in Subparagraph E.2.e of this Section. The administrative authority may specify an alternative length of time during which the permit holder must demonstrate that concentrations of LAC 33:VII.3005.Table 2 parameters or constituents have not exceeded the groundwater protection standard(s) taking into consideration:

(a). extent and concentration of the release(s);

(b). behavior characteristics of the hazardous parameters or constituents in the groundwater;

(c). accuracy of monitoring or modeling techniques, including any seasonal, meteorological, or other environmental variabilities that may affect the accuracy; and

(d). characteristics of the groundwater;

iii. all actions required to complete the remedy have been satisfied.

(a). Upon completion of the remedy, the permit holder must submit to the administrative authority within 14 days a certification that the remedy has been completed in compliance with the requirements of Subparagraph E.7.h of this Section. The certification must be signed by the permit holder and approved by the administrative authority.

(b). When, upon completion of the certification, the administrative authority determines that the corrective action remedy has been completed in accordance with the requirements under Subparagraph E.7.h of this Section, the permit holder shall be released from the requirements for financial assurance for corrective action under LAC 33:VII.727.B.

8. Assessment Monitoring Program for Solid Waste Disposal Facilities Other than Type II Landfills and Associated Type II Surface Impoundments

a. An assessment monitoring program as described in Paragraph E.8 of this Section is required to be conducted at solid waste disposal facilities other than Type II landfills and associated Type II surface impoundments whenever a statistically significant increase over background concentrations is detected for one or more of the parameters or constituents sampled and analyzed during the detection monitoring program. The assessment monitoring parameters or constituents shall consist of the detection monitoring parameters or constituents, although the administrative authority may add additional parameters or constituents on a site-specific and waste-specific basis.

b. Within 90 days after triggering an assessment monitoring program, the permit holder must sample and analyze the groundwater at all wells for all the assessment monitoring parameters or constituents.

c. If assessment monitoring parameters or constituents are detected at concentrations significantly different from background in the resampling event in Subparagraph E.4.b of this Section, the permit holder must, within 14 days of the determination, submit a report to the Office of Environmental Assessment, Environmental Technology Division identifying the assessment monitoring parameters or constituents which are statistically different from background concentrations. The permit holder must also:

i. within 90 days after the determination is made, submit four bound copies (8 1/2 by 11 inches) of an assessment plan to the Office of Environmental Assessment, Environmental Technology Division, as well as any necessary permit modification, to the Office of Environmental Services, Permits Division that provides for:

(a). characterization of the nature and extent of the release by installing and sampling additional monitoring wells as necessary;

(b). installation of at least one additional monitoring well in the direction of the contaminant migration and sampling of this well in accordance with Subclause E.8.c.i.(c) of this Section;

(c). sampling, analysis, and reporting of results of all wells for all assessment monitoring parameters or constituents at least once every 90 days; and

(d). a schedule for implementing the plan;

ii. notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off site as indicated by the sampling of the wells in accordance with Clause E.8.c.i of this Section;

iii. upon consultation with and approval of the administrative authority, must implement any interim measures necessary to ensure the protection of human health and the environment. Interim measures should be in accordance with LAC 33:I.Chapter 13 and, to the greatest extent practicable, be consistent with the objectives of and contribute to the performance of any remedy that may be required pursuant to Paragraph E.6 of this Section. The following factors must be considered by a permit holder in determining whether interim measures are necessary:

(a). time required to develop and implement a final remedy;

(b). actual or potential exposure of nearby populations or environmental receptors to hazardous parameters or constituents;

(c). actual or potential contamination of drinking water supplies or sensitive ecosystems;

(d). further degradation of the groundwater that may occur if remedial action is not initiated expeditiously;

(e). weather conditions that may cause hazardous parameters or constituents to migrate or be released;

(f). risk of fire or explosion, or potential for exposure to hazardous parameters or constituents as a result of an accident or failure of a container or handling system; and

(g). other situations that may pose threats to human health and the environment.

9. Corrective Action for Solid Waste Disposal Facilities Other than Type II Landfills and Associated Type II Surface Impoundments

a. Corrective action at solid waste disposal facilities other than Type II landfills and associated Type II surface impoundments must be performed in accordance with Paragraph E.9 of this Section and LAC 33:I.Chapter 13.

b. Within 270 days after the submission of the assessment plan, the permit holder must submit four bound copies (8 1/2 by 11 inches) of a corrective-action plan to remediate the groundwater to the Office of Environmental Assessment, Environmental Technology Division, describing the selected remedy, which shall also include:

i. a corrective-action groundwater monitoring program which, at a minimum, meets the requirements of an assessment monitoring program under Paragraph E.8 of this Section, and which indicates the effectiveness of the corrective action remedy;

ii. a schedule for initiating and completing remedial activities.

c. After the corrective-action plan has been approved by the administrative authority and based on the schedule established in Clause E.9.b.ii of this Section, the permit holder must implement a corrective-action program to remediate the groundwater.

d. Upon completion of the remedy, the permit holder must submit to the administrative authority within 14 days a certification that the remedy has been completed in compliance with the requirements of Subparagraph E.7.h of this Section. The certification must be signed by the permit holder and approved by the administrative authority.

10. Applicability to Type II Landfills and Associated Surface Impoundments which are also Type I Landfills and Surface Impoundments. Assessment monitoring, assessment of corrective measures, selection of remedies and corrective action plans, and implementation of corrective action plans at landfills and their associated surface impoundments which are both Type I and Type II (i.e., receive both nonindustrial and industrial solid wastes) are governed by Paragraphs E.4-7 of this Section. These facilities are not governed by Paragraphs E.8 and 9 of this Section, which govern all other solid waste disposal facilities. All solid waste disposal facilities are governed by Paragraphs E.1-3 of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1315 (October 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000).

§711. Standards Governing Landfills (Type I and II)

A. Facility Surface Hydrology

1. Facilities located in the 100-year flood plain must be filled to bring site elevation above flood levels or perimeter levees or other measures must be provided to maintain adequate protection against the 100-year flood elevation.

2. Facilities located in or within 1,000 feet of an aquifer recharge zone shall be designed to protect the areas from adverse impacts of operations at the facility.

3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility which have not received final cover to adjoining areas during a 24-hour/25-year storm event. When maximum rainfall records are not available, the design standard shall be 12 inches of rainfall below 31 degrees north latitude and 9 inches of rainfall above 31 degrees north latitude. If the 24-hour/25-year storm-event level is lower, the design standard shall be required.

4. Facilities located in the 100-year floodplain shall not restrict the flow of the 100-year flood or significantly reduce the temporary water-storage capacity of the floodplain, and the design shall ensure that the flooding does not affect the integrity of the facility or result in the washout of solid waste so as to pose a threat to human health and the environment.

5. Runoff from operating areas or areas which contain solid waste and have not yet received interim compacted cover or final cover shall be considered contaminated and shall not be allowed to mix with noncontaminated surface runoff.

6. A run-on control system shall be installed to prevent run-on during the peak discharge from a 25-year storm event.

7. Trenches or areas used for waste disposal shall be graded to facilitate drainage.

B. Facility Plans and Specifications

1. Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana.

2. Daily and Interim Cover Requirements

a. Cover material must:

i. minimize vector-breeding areas and animal attraction by controlling:

(a). fly, mosquito, and other insect emergence and entrance;

(b). rodent burrowing for food and harborage; and

(c). bird and animal attraction;

ii. control leachate generation by:

(a). minimizing external-moisture infiltration;

(b). minimizing erosion; and

(c). utilizing materials with minimum free-liquid content and minimum concentrations of constituents monitored in leachate;

iii. reduce fire-hazard potential by minimizing inward movement of atmospheric oxygen;

iv. minimize blowing paper and litter;

v. reduce noxious odors by minimizing outward movement of methane and other gases;

vi. provide an aesthetic appearance to the landfill operation; and

vii. allow accessibility regardless of weather.

b. Silty or sandy clays applied a minimum of 6 inches thick at the end of each operating day are satisfactory for daily cover, and silty clays applied a minimum of 1 foot thick are satisfactory for interim cover.

c. Alternative daily cover materials may be approved by the administrative authority provided the standards of Subparagraph B.2.a of this Section are met. The administrative authority reserves the right to require testing to confirm acceptability. The administrative authority may waive the requirements for daily cover, for Type I landfills only, if the permit holder or applicant can demonstrate that the nature of the waste is such that daily cover is not necessary. Daily cover requirements may not be waived for Type II landfills.

d. Alternative daily cover materials submitted for approval should be available on a regular basis and demonstrate reasonably consistent composition and performance characteristics.

e. Interim cover or interim compacted cover shall be applied on all operating areas of a facility which will not receive solid waste for a period longer than 60 days. Interim cover or interim compacted cover must be applied within 48 hours of the of the last receipt of solid waste in the operating area. Facilities that provide interim cover or interim compacted cover shall also implement an erosion control plan.

f. Daily and interim cover must be applied and maintained in a condition that will meet the purposes of Subparagraph B.2.a of this Section.

g. The source of daily and interim cover must be accessible regardless of weather.

3. Levee Construction

a. Levees or other protective measures must be provided in order to protect the facility against the 100-year flood so as to prevent the washout of solid waste.

b. If levees are required to protect the facility against the 100-year flood, such perimeter levees shall be engineered to minimize wind and water erosion and shall have a grass cover or other protective cover to preserve structural integrity and shall provide adequate freeboard above the 100-year flood elevation.

4. Leachate Control, Collection, Treatment, and Removal Systems

a. The standards in Paragraph B.4 of this Section apply to leachate control, collection, treatment, and removal systems for proposed landfills and units of existing landfills which receive waste on or after the required upgrade date specified in LAC 33:VII.315.G. These standards also apply to units of Type II landfills which have not received waste prior to October 9, 1993.

b. Leachate Control, Collection, Treatment and Removal Standards

i. Leachate shall not be managed by allowing the leachate to be absorbed in the waste.

ii. Infiltration of water into the waste shall be minimized by daily, interim, and final cover, as required by these regulations.

iii. The impact of leachate on the environment shall be minimized by a leachate collection and removal system and a leachate treatment system designed to ensure positive removal and treatment of generated leachate.

iv. Leachate removed shall be handled in such a manner that it does not adversely affect the environment.

v. Migration of leachate shall be prevented by liners or other barriers.

vi. Representative samples of raw leachate shall be collected and analyzed annually for the same parameters which are required for the facility groundwater monitoring wells in LAC 33:VII.709.E.4.

vii. The following minimum standards apply to leachate collection and removal systems.

(a). The leachate collection system shall be located above the primary liner.

(b). All leachate collection pipes shall be perforated, a minimum of 6 inches in diameter, and constructed of materials resistant to the leachate.

(c). Leachate cleanout risers or manholes must be provided for each leachate collection line. The maximum length of leachate collection lines shall not exceed the capabilities of the cleanout device.

(d). A granular leachate collection drainage blanket or a synthetic drainage blanket must be provided to trap fines and prevent waste from entering the drainage layer while allowing the passage of leachate.

(e). The flow path of leachate on the liner surface shall be no greater than 100 feet to the point of collection. (For the purpose of determining this distance, the permit holder or applicant may assume that the leachate flow path is perpendicular to the leachate collection pipe.)

(f). The slope on the surface of the liner toward the leachate collection lines shall be a minimum of 2 percent.

(g). The slope of all leachate collection pipes shall be a minimum of 1 percent.

(h). The leachate head shall be maintained in a pumped-down condition such that not more than 1 foot of head shall exist above the lowest bottom elevation of the leachate collection lines.

(i). The equipment used to remove leachate from the collection system shall be adequately sized to accommodate normal facility operations.

(j). Trenches or swales shall be provided to protect the leachate collection pipes.

(k). The leachate collection lines shall be sloped down toward the perimeter of the unit.

(l). An adequate thickness of gravel shall be placed on all sides of the leachate pipes.

(m). Gravel size shall be selected carefully to ensure that it is larger than the perforations in the collection pipe.

(n). A geotextile shall be used to line the base and sidewalls of all leachate collection trenches or swales. The migration of fines into the tops of the trenches shall be minimized by a properly designed, graded soil filter or geotextile.

(o). Materials such as limestone and dolomite shall not be used in the leachate collection system. However, the administrative authority may allow alternate materials to be used in construction of the leachate collection system if the permit holder or applicant can demonstrate that the materials can provide equivalent or superior performance.

(p). Leachate lines (and other engineering structures) shall not penetrate the liner. The administrative authority may waive this requirement to allow horizontal penetration of the liner only if the permit holder or applicant can demonstrate that special or unusual circumstances warrant such a waiver and that liner integrity can be protected.

(q). An antiseep collar should be placed around the leachate line that penetrates the liner. A minimum of 3 feet of recompacted clay or equivalent material shall be placed around the collar.

(r). All leachate transfer (force-main) lines shall be pressure tested prior to their use.

(s). All control systems for pumps, valves, and meters shall be designed to be operated from the ground level.

5. Liners

a. The standards in Paragraph B.5 of this Section apply to liners for proposed landfills and units of existing landfills which receive waste on or after the required upgrade date in LAC 33:VII.315.G. These standards also apply to units of Type II landfills which did not receive waste before October 9, 1993, as provided in LAC 33:VII.315.G.

b. The permit holder or applicant must provide and implement a quality-control and quality-assurance plan for liner construction and maintenance that will ensure that liners are designed, constructed, installed, and maintained properly. All facilities must have quality-control plans for the excavations. All excavations and liners shall be inspected and certified by a registered engineer, licensed in the state of Louisiana, with the appropriate expertise.

c. The permit holder or applicant must demonstrate that the liner is placed upon a base that provides the following:

i. adequate support for the contents;

ii. maximum resistance to settlement of a magnitude sufficient to affect the integrity of the liner or the proper positioning of the leachate collection or leak-detection system;

iii. maximum resistance to hydrostatic heave on the sides or bottom of the excavation; and

iv. maximum resistance to desiccation.

d. Units of landfills shall be lined along the sides and bottom with a liner system installed under the supervision of a registered engineer, licensed in the state of Louisiana and with the appropriate expertise, which consists of the following, in descending order:

i. a leachate collection system designed and constructed in accordance with Paragraph B.4 of this Section; and

ii. a composite liner which consists of a geomembrane liner at least 30-mil thick installed directly above and in uniform contact with a 3-foot recompacted clay liner having a hydraulic conductivity no greater than 1×10^{-7} cm/sec (If the geomembrane component is high-density polyethylene, then the geomembrane component must be at least 60-mil thick. Any geomembrane liner used must be compatible with the solid waste and leachate in the unit.); or

iii. subject to the approval of the administrative authority, an alternative liner. Permit holders or applicants seeking to use an alternative liner must successfully make the following demonstration to the administrative authority:

(a). the unit receives and will receive only industrial solid waste generated on site; and

(b). the alternative liner system will provide equivalent or greater groundwater protection at the site as compared to the composite liner design in Clause B.5.d.ii of this Section, as demonstrated by generally accepted modeling techniques and based on factors specific to the site and to the solid wastes received. The burden of proof of adequacy of the alternate liner design shall be on the permit holder or applicant.

e. Secondary liners may be constructed below and in addition to the required composite liner. The specifications of secondary liners must be approved by the administrative authority on an individual basis.

f. A leak-detection system may be constructed between the required composite liner and any secondary liner.

g. Special design conditions may be required in areas where the groundwater table is high or where other circumstances warrant such conditions as determined by the administrative authority. These special design standards may include more protective or stringent standards, such as secondary liners (described in Subparagraph B.5.e of this Section) or leak-detection systems, or other conditions.

6. Gas Collection and Treatment or Removal System

a. Each unit of the facility with a potential for methane gas production and migration shall be provided with a methane gas collection and treatment or removal system.

b. The collection system shall be vented to the atmosphere or connected to a dispersal system or resource recovery system in accordance with accepted practices.

c. The gas collection and treatment or removal system shall be such that it limits methane gas to lower-explosive limits at the facility boundary and to 25 percent of the lower explosive limits in facility buildings.

d. Sampling protocol, chain of custody, and test methods shall be established for all gas collection and treatment or removal systems.

C. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. The annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal during the annual-reporting period and to determine remaining capacity shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division or through the department's website.

ii. The reporting period for the disposer annual report shall be from July l through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

iii. Annual reports shall be submitted to the administrative authority by August l of each reporting year.

iv. The annual report is to be provided for each individual permitted facility on a separate annual reporting form.

v. A facility which receives industrial solid waste shall utilize, in its annual report, the seven-digit industrial waste number that has been assigned by the administrative authority to the industrial solid waste generator.

b. Recordkeeping

i. The permit holder shall maintain at the facility all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the administrative authority.

iii. Records kept on site for all facilities shall include but not be limited to:

(a). copies of the current Louisiana solid waste rules and regulations;

(b). the permit;

(c). the permit application;

(d). permit modifications;

(e). certified field notes for construction;

(f). operator training programs;

(g). daily log;

(h). quality-assurance/quality-control records;

(i). inspections by the permit holder or operator including but not limited to inspections to detect incoming hazardous waste loads;

(j). Board of Certification and Training for Solid Waste Disposal System Operator Certificates (if applicable);

(k). records demonstrating that liners, leachate-control systems, and leak-detection and cover systems are constructed or installed in accordance with appropriate quality assurance procedures;

(l). records on the leachate volume and results of the leachate sampling;

(m). monitoring, testing, or analytical data;

(n). any other applicable or required data deemed necessary by the administrative authority;

(o). records on groundwater sampling results;

(p). post-closure monitoring reports; and

(q). copies of all documents received from and submitted to the department.

2. Personnel

a. Facilities shall have the personnel necessary to achieve the operational requirements of the facility. All personnel involved in waste handling at the facility must be trained adequately in procedures to recognize and exclude receipt or disposal of hazardous wastes and PCB wastes.

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

D. Facility Operations

1. Facility Limitations

a. The receipt of hazardous waste and PCB waste shall be strictly prohibited and prevented. Permit holders of Type II landfills must implement a program of random inspections of incoming loads to detect and prevent the

disposal of hazardous waste or PCB waste and must keep records of these inspections. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning of solid waste shall not be practiced at Type I or II landfills.

c. Salvaging shall be prevented unless approved by the administrative authority.

d. Scavenging shall be prevented.

e. Only infectious waste from hospitals or clinics which has been properly packaged and identified and is certified noninfectious by the Department of Health and Hospitals may be deposited in Type I or II landfills.

f. Grazing of domestic livestock shall not be allowed on operating areas.

g. Except as provided in Clauses D.1.g.i and ii of this Section, liquid wastes shall not be disposed of in a landfill and facilities that plan to accept liquid wastes shall provide a means for solidifying and an appropriate quality assurance/quality-control program.

i. Bulk or noncontainerized liquid may not be placed in a landfill unless the waste is household waste, other than septic waste.

ii. Containers holding liquid waste may not be placed in a landfill unless:

(a). the container is a small container similar to that normally found in household waste;

(b). the container is designed to hold liquids for use other than storage; or

(c). the waste is household waste.

h. Residential, commercial, and other wastes deemed acceptable by the administrative authority on a site-specific basis may be disposed of in Type I and II landfills. A comprehensive quality-assurance/quality-control plan shall be provided for facilities receiving friable asbestos and dewatered domestic wastewater treatment plant sludge.

i. No solid waste shall be deposited in standing water.

j. The following limitations apply to Type I landfills.

i. Industrial solid waste and nonhazardous petroleum-contaminated media and debris generated by underground storage tanks (UST) corrective action may be disposed of only in Type I facilities. A comprehensive quality-assurance/quality-control plan shall be in place before the receipt of these wastes.

ii. Incinerator ash may be disposed of only in a Type I facility. A comprehensive quality-assurance/quality-control program shall be in place before the receipt of this waste.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of disposal operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management);

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented;

e. the sampling protocol, chain of custody, and test methods that will be used in the gas-monitoring systems;

f. the engineering protocols and testing frequencies that will be used to ensure that the grade and slope of both the on-site drainage system and the run-on diversion system are maintained and serve their intended functions;

g. the engineering protocols and testing frequencies that will be used to ensure that the leachate collection and treatment system is functioning as designed; and

h. the measuring protocol to be used and the frequency with which the depth of leachate within the collection system will be checked, as well as how the leachate will be removed and transported to the treatment facility.

3. Facility Operational Standards

a. Air-Monitoring Standards

i. Facilities receiving waste with a potential to produce methane gas shall be subject to the air-monitoring requirements.

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the Office of Environmental Services, Permits Division a comprehensive air-monitoring plan that will limit methane gas to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

(a). The type and frequency of monitoring must be determined based on the following factors:

(i). soil conditions;

(ii). hydrogeologic conditions surrounding the facility;

(iii).hydraulic conditions surrounding the facility; and

(iv).the location of facility structures and property boundaries.

(b). The minimum frequency of monitoring shall be quarterly.

iii. If methane gas levels exceeding the limits specified in Clause D.3.a.ii of this Section are detected, the permit holder must:

(a). immediately take all necessary steps to ensure protection of human health and notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923;

(b). within 30 days of detection, submit a remediation plan to the Office of Environmental Assessment, Environmental Technology Division for the methane gas releases. The plan shall describe the nature and extent of the problems and the proposed remedy and shall include an implementation schedule. The plan must be implemented within 60 days of detection.

iv. The permit holder shall make prompt notification to the Office of Environmental Compliance in accordance with LAC 33:I.3923 when strong odors occur at facility boundaries.

v. Records of inspections, surveys, and all gas monitoring results shall be maintained at the facility.

vi. Odors shall be controlled by the best means practicable.

vii. Facilities must ensure that the units do not violate any applicable requirements developed under a state implementation plan (SIP) approved or promulgated pursuant to Section 110 of the Clean Air Act, as amended.

b. Waste shall be deposited under facility supervision in the smallest practicable area, spread in layers, and compacted to approximately 2 feet thick or, if baled, stacked and daily cover applied.

c. Vector Control

i. Food or harborage shall be denied to rats, insects, and birds to the extent possible by using proper cover or other means acceptable on a site-specific basis. Where necessary, an approved pesticide shall be applied in accordance with applicable state and federal laws.

ii. A schedule of the type and frequency of vector control measures to be used shall be submitted to the Office of Environmental Services, Permits Division for approval in the operational plan.

d. Waste Testing. The following operational standards apply to waste testing for facilities receiving domestic sewage sludge, industrial solid waste, incinerator ash, or nonhazardous petroleum contaminated media and debris generated by underground storage tanks (UST) corrective action.

i. Facilities which receive domestic septage or sewage sludge from publicly owned treatment works shall require the waste be tested for toxicity characteristics leachate procedure (TCLP) analysis and priority pollutants prior to acceptance of the waste and annually for two years following acceptance. Every year thereafter, the generator must certify that the waste remains unchanged.

ii. Facilities which receive industrial waste (Type I) shall require testing for TCLP constituents prior to acceptance of the waste and annually thereafter, or documented process knowledge which confirms that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:V.Subpart 1, or by federal regulations. Nonhazardous petroleum-contaminated media and debris generated from underground storage tanks (UST) corrective action will require testing for the appropriate constituents of TCLP prior to acceptance of the waste.

iii. Type I facilities which receive incinerator ash shall require testing of the ash for TCLP metals and dioxins prior to acceptance and thereafter quarterly for TCLP metals and annually for dioxins.

4. Sufficient equipment shall be provided and maintained at all facilities to meet the facilities' operational needs.

5. Segregation of Wastes

a. White goods may be stored in a unit separate from other solid wastes and shall be removed every 30 days. The facility shall maintain a log of dates and volumes of white goods removed from the facility.

b. Tree limbs, leaves, clippings, and similar residues may be segregated and deposited in a permitted unit separate from other solid waste and shall be covered every 30 days, or more often if necessary to control blowing and prevent rodent harborage.

c. Construction material and woodwastes may be deposited in a permitted unit separate from other solid wastes and covered every 30 days. This unit must meet the standards provided in LAC 33:VII.719 and 721.

6. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph D.6.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure;

b. changes, if any, requested in the approved closure plan; and

c. closure schedule and estimated cost.

2. Preclosure Requirements

a. Final cover installation shall be initiated no later than 30 days after and shall be completed no later than 90 days after final grades are reached in each unit of a facility or the date of known final receipt of solid waste in the unit, whichever comes first. These deadlines may be extended by the administrative authority if necessary due to inclement weather or other circumstances to a maximum of 60 days for initiation and a maximum of 180 days for completion.

b. Standing water shall be solidified or removed.

c. The runoff-diversion system shall be maintained until the final cover is installed.

d. The runoff-diversion system shall be maintained and modified to prevent overflow of the landfill to adjoining areas.

e. Insect and rodent inspection is required to be documented before installation of final cover, and extermination measures must be provided if required as a result of the facility inspection.

f. Final machine compacting and grading shall be completed before capping.

g. All facilities with a potential for gas production or migration shall provide a gas collection and treatment or removal system.

3. Closure Requirements

a. Final Cover

i. Final cover shall be placed on top of the daily or intermediate cover that is used as the grading layer to provide a stable base for subsequent layers.

ii. Final cover shall be a minimum of 24 inches of recompacted clay with a permeability of less than 1×10^{-7} cm/sec or shall be at least as impermeable as the liner system beneath the cover, whichever is less.

iii. A minimum of 6 inches of topsoil shall be installed on top of the soil cover to support vegetative growth.

iv. Other covers that satisfy the purposes of minimizing infiltration of precipitation, fire hazards, odors, vector food and harborage, as well as discouraging scavenging and limiting erosion, may be submitted for consideration by the administrative authority.

v. Synthetic material or a combination of clay and synthetic material approved by the administrative authority may also be used as a final cover.

vi. Alternate final cover used pursuant to Clauses E.3.a.iv and v of this Section must provide performance equivalent to or better than the final cover requirements in Clauses E.3.a.ii and iii of this Section.

vii. For effective drainage, the side slopes shall be no steeper than 3(H):1(V) and the top of the final cap shall be at minimum a 4 percent slope.

b. After a closure inspection and approval, the permit holder shall plant a ground cover to prevent erosion and to return the facility location to a more natural appearance.

c. Landfills must be closed in a manner that minimizes the need for further maintenance and minimizes the post-closure release of leachate to ground or surface waters to the extent necessary to protect human health and the environment. Quality-control procedures must be developed and implemented to ensure that the final cover is designed, constructed, and installed properly.

d. The permit holder shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name and address of the person with knowledge of the contents of the facility. A form to be used for this purpose is provided in LAC 33:VII.311. The facility shall provide the Office of Environmental Services, Permits Division with a true copy of the document filed and certified by the parish clerk of court.

4. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority shall release the closure fund to the permit holder.

F. Facility Post-Closure Requirements

1. The length of the post-closure care period for landfills may be:

a. decreased by the administrative authority if the permit holder demonstrates that the reduced period is sufficient to protect human health and the environment in accordance with LAC 33:I.Chapter 13, and this demonstration is approved by the administrative authority (Any demonstration must provide supporting data, including adequate groundwater monitoring data.); or

b. increased by the administrative authority if the administrative authority determines that the lengthened period is necessary to protect human health and the environment in accordance with LAC 33:I.Chapter 13.

2. Post-Closure Care Length

a. Facilities which receive solid waste on or after October 9, 1993, must remain in post-closure care for 30 years after closure of the facility.

b. Existing facilities which do not receive waste on or after October 9, 1993, must remain in post-closure care for three years after closure of the facility.

c. However, if the facility received waste on or after October 9, 1991, the final cover must be maintained as specified in Subparagraph F.3.a of this Section for 30 years after closure.

3. The post-closure care, except as otherwise specified above, must consist of at least the following:

a. maintaining the integrity and effectiveness of the final cover (including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events), preventing run-on and runoff from eroding or otherwise damaging the final cover; and providing annual

reports to the Office of Environmental Compliance, Surveillance Division on the integrity of the final cap;

b. maintaining and operating the leachate collection and removal system, until leachate is no longer generated or until the permit holder can demonstrate that the leachate no longer poses a threat to human health or the environment in accordance with LAC 33:I.Chapter 13;

c. maintaining and operating the gas collection and treatment or removal system and the gas monitoring system; and

d. maintaining the groundwater-monitoring system and monitoring the groundwater in accordance with LAC 33:VII.709.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004).

§713. Standards Governing Surface Impoundments (Type I and II)

A. Facility Surface Hydrology

1. Facilities located in a the 100-year flood plain must be filled to bring site elevation above flood levels or perimeter levees or other measures must be provided to maintain adequate protection against the 100-year flood elevation.

2. Facilities located in or within 1,000 feet of an aquifer recharge zone shall be designed to protect the areas from adverse impacts of operations at the facility.

3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility which have not received final cover to adjoining areas during a 24-hour/25-year storm event. When rainfall records are not available, the design standard shall be 12 inches of rainfall below 31 degrees north latitude and 9 inches of rainfall above 31 degrees north latitude. If the 24-hour/25-year storm-event level is lower, the design standard shall be required. Adequate freeboard shall be provided to prevent over-topping by wave action.

4. Facilities located in the 100-year floodplain shall not restrict the flow of the 100-year flood or significantly reduce the temporary water-storage capacity of the floodplain, and the design should ensure that the flooding does not affect the integrity of the facility or result in the washout of solid waste so as to pose a threat to human health and the environment.

5. Surface run-on from outside the facility shall be diverted and prevented from entering the facility, with provisions for maintaining adequate freeboard above the requirements of Paragraph A.1. of this Section. A run-on control system shall be installed to prevent run-on during the peak discharge from a 25-year storm event.

6. Existing surface impoundments, including existing ditches which receive solid waste, which are designed to collect or transport run-on (e.g., stormwater) are not required to comply with any of the requirements of LAC 33:VII.713.A.3, 4, and 5. This Subsection does not relieve such facilities from compliance with the Louisiana Water Quality regulations (LAC 33:Part IX).

B. Facility Plans and Specifications

1. Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana.

2. Levee Construction

a. Levees or other protective measures must be provided in order to protect the facility against the 100-year flood so as to prevent the washout of solid waste.

b. If levees are required to protect the facility against the 100-year flood, such perimeter levees shall be engineered to minimize wind and water erosion and shall have a grass cover or other protective cover to preserve structural integrity and shall provide adequate freeboard above the 100-year flood elevation.

3. Liners

a. The standards in Paragraph B.3 of this Section apply to liners for Type I and II proposed surface impoundments and for surface impoundments constructed subsequent to the required upgrade date specified in LAC 33:VII.315.G. (Units of surface impoundments on which construction is completed prior to the upgrade date specified in LAC 33:VII.315.G and which have received a temporary permit or standard permit prior to February 1, 1993, are not governed by these liner standards.)

b. The permit holder or applicant must provide and implement a quality-control and quality-assurance plan for liner construction and maintenance that will ensure that liners are designed, constructed, installed, and maintained properly. All facilities must have quality-control plans for the excavations. All excavations and liners shall be inspected and certified by a registered engineer, licensed in the state of Louisiana, with the appropriate expertise.

c. The permit holder or applicant must demonstrate that the liner is placed upon a base that provides the following:

i. adequate support for the contents;

ii. maximum resistance to settlement of a magnitude sufficient to affect the integrity of the liner or the proper positioning of the leachate-collection or leak-detection system;

iii. maximum resistance to hydrostatic heave on the sides or bottom of the excavation; and

iv. maximum resistance to desiccation.

d. Units of surface impoundments shall be lined along the sides and bottom with a composite liner consisting of a geomembrane liner at least 30-mil thick installed directly above and in uniform contact with a 3-foot recompacted clay liner having a hydraulic conductivity no greater than 1 x 10^{-7} cm/sec which has been installed under the supervision of a registered engineer, licensed in the state of Louisiana and with the appropriate expertise. (If the geomembrane component is high-density polyethylene, then the geomembrane component must be at least 60-mil thick. Any geomembrane liner used must be compatible with the solid waste and leachate in the unit.) An alternative liner system which will provide equivalent or greater groundwater protection at the site as compared to the composite liner, as demonstrated by generally accepted modeling techniques and based on factors specific to the site and to the solid wastes received, may be used. The burden of proof of adequacy of the alternate liner design shall be on the permit holder or applicant.

e. Secondary liners may be constructed below and in addition to the required composite liner. The specifications of secondary liners must be approved by the administrative authority on an individual basis.

f. A leak-detection system may be constructed between the required composite liner and any secondary liner. The specifications of the leak-detection system must be approved by the administrative authority on an individual basis.

g. Special design conditions may be required in areas where the groundwater table is high or where other circumstances warrant such conditions as determined by the administrative authority. These special design standards may include more protective or stringent standards such as secondary liners (described in Subparagraph B.3.e of this Section) or leak-detection systems, or other conditions.

4. Gas Collection and Treatment or Removal System. The following standards apply to Type I and II surface impoundments not performing clean closure.

a. Each unit of the facility with a potential for methane gas production and migration shall be provided with a methane gas collection and treatment or removal system.

b. The collection system shall be vented to the atmosphere or connected to a dispersal system or resource recovery system in accordance with accepted practices.

c. The gas collection and treatment or removal system shall be such that it limits methane gas to lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

d. Sampling protocol, chain of custody, and test methods shall be established for all gas collection and treatment or removal systems.

C. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. If applicable, the annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal and to determine remaining capacity during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division or through the department's website.

ii. The reporting period for the processor and/or disposer annual report shall be from July l through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

iii. Annual reports shall be submitted to the administrative authority by August l of each reporting year.

iv. The annual report is to be provided for each individual permitted facility on a separate annual-reporting form.

v. A facility which receives industrial solid waste shall utilize, in its annual report, the seven-digit industrial waste number that has been assigned by the administrative authority to the industrial solid waste generator.

b. Recordkeeping

i. The permit holder shall maintain at the facility all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the administrative authority.

iii. Records kept on site for all facilities shall include, but not be limited to:

(a). copies of the current Louisiana solid waste rules and regulations;

(b). the permit;

(c). the permit application;

(d). permit modifications;

(e). certified field notes for construction;

(f). operator training programs;

(g). daily log;

(h). quality-assurance/quality-control records;

(i). inspections by the permit holder or operator;

(j). Board of Certification and Training for Solid Waste Disposal System Operator Certificates (if applicable);

(k). records demonstrating that liners and leak-detection and cover systems are constructed or installed in accordance with appropriate assurance procedures;

(l). monitoring, testing, or analytical data;

(m). any other applicable or required data deemed necessary by the administrative authority;

(n). records on groundwater sampling results;

(o). post-closure monitoring reports; and

(p). copies of all documents received from or submitted to the department.

2. Personnel

a. Facilities shall have the personnel necessary to achieve the operational requirements of the facility.

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

D. Facility Operations

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state, and local authorities.

c. Salvaging shall be prevented unless approved by the administrative authority.

d. Scavenging shall be prevented.

e. The following limitations apply to Type I surface impoundments.

i. Industrial solid waste and nonhazardous petroleum-contaminated media and debris generated by underground storage tanks (UST) corrective action may be processed or disposed of only in Type I facilities. A comprehensive quality-assurance/quality-control plan shall be in place before the receipt of these wastes.

ii. Incinerator ash may be disposed of only in a Type I facility. A comprehensive quality-assurance/quality-control program shall be in place before the receipt of this waste.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of disposal operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management);

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented;

e. the sampling protocol, chain of custody, and test methods that will be used in the gas-monitoring systems;

f. the engineering protocols and testing frequencies that will be used to ensure that the grade and slope of both the on-site drainage system and the run-on diversion system are maintained and serve their intended functions;

g. the engineering protocols and testing frequencies that will be used to ensure that the designed capacity of the impoundment remains unchanged; and

h. the methods and inspection frequencies that will be used to establish that the levees and required freeboards are maintained.

3. Facility Operational Standards

a. Air-Monitoring Standards

i. Facilities receiving waste with a potential to produce methane gas shall be subject to the air-monitoring requirements.

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the Office of Environmental Services, Permits Division a comprehensive air-monitoring plan that will limit methane gas levels to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

(a). The type and frequency of monitoring must be determined based on the following factors:

(i). soil conditions;

(ii). hydrogeologic conditions surrounding the facility;

(iii). hydraulic conditions surrounding the facility; and

(iv). the location of the facility structures and property boundaries.

(b). The minimum frequency of monitoring shall be quarterly.

iii. If methane gas levels exceeding the limits specified in Clause D.3.a.ii of this Section are detected, the owner or operator must:

(a). immediately take all necessary steps to ensure protection of human health and notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923;

(b). within 30 days of detection, submit a remediation plan for the methane gas releases to the Office of Environmental Assessment, Environmental Technology Division. The plan shall describe the nature and extent of the problem and the proposed remedy, and shall include an implementation schedule. The plan must be implemented within 60 days of detection.

iv. The permit holder shall make prompt notification to the Office of Environmental Compliance in accordance with LAC 33:I.3923 when strong odors occur at facility boundaries or when methane gas levels exceed the limit specified in Clause D.3.a.ii of this Section.

v. Records of inspections, surveys, and gas monitoring results shall be maintained at the facility.

vi. Odors shall be controlled by the best means practicable.

vii. Facilities must ensure that the units not violate any applicable requirements developed under a state implementation plan (SIP) approved or promulgated pursuant to Section 110 of the Clean Air Act, as amended.

b. Surface impoundments shall be designed, constructed, maintained, and operated to prevent overtopping by overfilling, wave action, or action of storms.

c. Surface impoundments shall be inspected daily and after storms to detect evidence of deterioration of the dikes and levees, overtopping, malfunctions, or improper operation. Excessive vegetative growth that prevents proper access, inspection, or operation, or may provide a conduit for groundwater contamination shall be removed.

d. If a leak in an impoundment is found, the administrative authority shall be notified in accordance with LAC 33:I.Chapter 39.

e. Waste Testing. The following operational standards apply to waste testing for facilities receiving domestic sewage sludge, industrial solid waste, incinerator ash, or nonhazardous petroleum-contaminated media and debris generated by underground storage tanks (UST) corrective action.

i. Facilities which receive domestic septage or sewage sludge from publicly owned treatment works shall require the waste be tested for toxicity characteristics leachate procedure (TCLP) analysis and priority pollutants prior to acceptance of the waste and annually for two years following acceptance. Each year thereafter, the generator must certify that the waste remains unchanged.

ii. Facilities which receive industrial waste (Type I) shall require testing for TCLP constituents prior to acceptance of the waste and annually thereafter, or documented process knowledge which confirms that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:V.Subpart 1, or by federal regulations. Nonhazardous petroleum-contaminated media and debris generated from underground storage tanks (UST) corrective action will require testing for the appropriate constituents of TCLP prior to acceptance of the waste.

iii. Type I facilities which receive incinerator ash shall require testing of the ash for TCLP metals and dioxins prior to acceptance and thereafter quarterly for TCLP metals and annually for dioxins.

4. Sufficient equipment shall be provided and maintained at all facilities to meet the facilities' operational needs.

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph D.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure;

b. changes, if any, requested in the approved closure plan; and

c. closure schedule and estimated cost.

2. Preclosure Requirements. The following standards apply to preclosure requirements for surface impoundments with on-site closure.

a. All facilities with a potential for gas production or migration shall provide a gas collection and treatment or removal system.

b. The runoff-diversion system shall be maintained and modified to prevent overflow of the facility to adjoining areas.

3. Closure Requirements

a. Surface liquids and sludges containing free liquids shall be dewatered or removed.

b. If a clean closure is achieved, there are no further post-closure requirements. The closure plan must reflect a method for determining that all waste has been removed and such a plan shall, at a minimum, include the following:

i. identification (waste analysis) of the wastes that have entered the facility;

ii. selection of the indicator parameters to be sampled which are intrinsic to the waste that have entered the facility in order to establish clean-closure criteria. Justification of the parameters selected shall be provided in the closure plan;

iii. sampling and analyses of the uncontaminated soils in the general area of the facility for a determination of background levels using the indicator parameters selected. A diagram showing the location of the area proposed for the background sampling, along with a description of the sampling and testing methods, shall be provided;

iv. a discussion of the sampling and analyses of the "clean" soils for the selected parameters after the waste and contaminated soils have been excavated. Documentation regarding the sampling and testing methods (i.e., including a plan view of the facility, sampling locations, and sampling quality-assurance/quality-control programs) shall be provided;

v. a discussion of a comparison of the sample(s) from the area of the excavated facility to the background sample. Concentrations of the selected parameter(s) of the bottom and side soil samples of the facility must be equal to or less than the background sample to meet clean closure criteria;

vi. analyses to be sent to the Office of Environmental Services, Permits Division confirming that clean closure has been achieved;

vii. identification of the facility to be used for the disposal of the excavated waste; and

viii. a statement from the permit holder indicating that, after the closure requirements have been met, the permit holder will file a request for a closure inspection with the Office of Environmental Services, Permits Division before backfilling takes place. The administrative authority will determine whether the facility has been closed properly.

c. If solid waste remains at the facility, the closure and post-closure requirements for industrial (Type I) solid waste landfills or non-industrial landfill (Type II) shall apply.

4. If the permit holder demonstrates that removal of most of the solid waste to achieve an alternate level of contaminants based on indicator parameters in the contaminated soil will be adequately protective of human health and the environment (including groundwater) in accordance with LAC 33:I.Chapter 13, the administrative authority may decrease or eliminate the post-closure period.

a. If levels of contamination at the time of closure meet residential standards as specified in LAC 33:I.Chapter 13 and approval of the administrative authority is granted, the requirements of Subparagraph E.4.b of this Section shall not apply. The requirements of Subsection F of this Section, "Facility Post-Closure Requirements," shall apply.

b. Excepting those sites closed in accordance with Subparagraph E.4.a of this Section, within 90 days after a closure is completed, the permit holder must have entered in the mortgage and conveyance records of the parish for the property, a notation stating that solid waste remains at the site and providing the indicator levels obtained during closure.

5. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority shall release the closure fund to the permit holder.

F. Facility Post-Closure Requirements

1. The length of the post-closure care period for surface impoundments may be:

a. decreased by the administrative authority if the permit holder demonstrates that the reduced period is sufficient to protect human health and the environment in accordance with LAC 33:I.Chapter 13 and this demonstration is approved by the administrative authority (Any demonstration must provide supporting data, including adequate groundwater monitoring data.); or

b. increased by the administrative authority if the administrative authority determines that the lengthened period is necessary to protect human health and the environment in accordance with LAC 33:I.Chapter 13.

2. The following standards regarding post-closure requirements apply to surface impoundments with on-site closure.

a. Post-Closure Care Length

i. Facilities which receive solid waste on or after October 9, 1993, must remain in post-closure care for 30 years after closure of the facility.

ii. Existing facilities which do not receive waste on or after October 9, 1993, must remain in post-closure care for three years after closure of the facility.

iii. However, if the facility received waste on or after October 9, 1991, the final cover must be maintained as specified in Subparagraph F.2.b of this Section for 30 years after closure.

b. The post-closure care, except as otherwise specified above, must consist of at least the following:

i. maintaining the integrity and effectiveness of the final cover (including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events), preventing run-on and runoff from eroding or otherwise damaging the final cover; and providing annual reports to the Office of Environmental Compliance, Surveillance Division on the integrity of the final cap;

ii. maintaining and operating, if applicable, the leak-detection system;

iii. maintaining and operating the gas collection, and treatment or, removal system and the gas-monitoring system; and

iv. maintaining and monitoring the groundwater-monitoring system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004).

§715. Standards Governing Landfarms (Type I and II)

A. Facility Surface and Subsurface Hydrology

1. Surface Hydrology

a. Facilities located in the 100-year flood plain must be filled to bring site elevation above flood levels or perimeter levees or other measures must be provided to maintain adequate protection against the 100-year flood elevation.

b. Facilities located in or within 1,000 feet of an aquifer recharge zone shall be designed to protect the areas from adverse impacts of operations at the facility.

c. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility which have which have not completed the post-closure period to adjoining areas during a 24-hour/25-year storm event. When rainfall records are not available, the design standard shall be 12 inches of rainfall below 31 degrees north latitude and 9 inches of rainfall above 31 degrees north latitude. If the 24-hour/25-year storm-event level is lower, the design standard shall be required.

d. Facilities located in the 100-year floodplain shall not restrict the flow of the 100-year flood or significantly reduce the temporary water-storage capacity of the floodplain, and the design should ensure that the flooding does not affect the integrity of the facility or result in the washout of solid waste so as to pose a threat to human health and the environment.

e. A run-on control system shall be installed to prevent run-on during the peak discharge from a 25-year storm event.

f. Land slope shall be controlled to prevent erosion.

g. The topography of the facility shall provide for drainage to prevent standing water and shall allow for drainage away from the facility.

2. Facility Subsurface Hydrology. Landfarms shall be located in a hydrologic section where the historic high-water table is at a minimum 3-foot depth below the zone of incorporation, or the water table at the facility shall be controlled to a minimum of a 3-foot depth below this zone.

B. Facility Plans and Specifications

1. Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana.

2. Levee Construction

a. Levees or other protective measures must be provided in order to protect the facility against the 100-year flood so as to prevent the washout of solid waste.

b. If levees are required to protect the facility against the 100-year flood, such perimeter levees of all facilities shall be engineered to minimize wind and water erosion and shall have a grass cover or other protective cover to preserve structural integrity and shall provide adequate freeboard above the 100-year flood elevation.

C. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division indicating quantities and types of solid waste (expressed in wet-weight and dry-weight tons per year) received from in-state generators and from out-of-state generators during the reporting period. The annual report shall also indicate the estimated remaining permitted capacity at the facility as of the end of the reporting period (expressed in wet-weight tons). All calculations used to determine the amounts of solid waste received for disposal during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division or through the department's website.

ii. The reporting period for the disposer annual report shall be from July l through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

iii. Annual reports shall be submitted to the administrative authority by August l of each reporting year.

iv. The annual report is to be provided for each individual permitted facility on a separate annual-reporting form.

v. A facility which receives industrial solid waste shall utilize, in its annual report, the seven-digit industrial waste number that has been assigned by the administrative authority to the industrial solid waste generator.

vi. Reports shall be submitted as provided in Subclauses C.1.b.iii.(o)-(r) of this Section.

b. Recordkeeping

i. The permit holder shall maintain at the facility all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the administrative authority.

iii. Records kept on site for all facilities shall include, but not be limited to:

(a). copies of the current Louisiana solid waste rules and regulations;

(b). the permit;

(c). the permit application;

(d). permit modifications;

(e). certified field notes for construction;

(f). operator training programs;

(g). daily log;

(h). quality-assurance/quality-control records;

(i). inspections by the permit holder or operator;

(j). Board of Certification and Training for Solid Waste Disposal System Operator Certificates (if applicable);

(k). monitoring, testing, or analytical data;

(l). any other applicable or required data deemed necessary by the administrative authority;

(m). records on groundwater sampling results;

(n). post-closure monitoring reports;

(o). copies of all documents received from or submitted to the department;

(p). a copy of the semiannual soil waste mixtures tests and analyses of the results with conclusions shall be submitted semiannually to the Office of Environmental Assessment, Environmental Technology Division or more frequently if deemed necessary by the administrative authority;

(q). test parameters shall consist of cation-exchange capacity, soil pH, total nitrogen, phosphorus, organic matter, salts (intrinsic to the waste), cumulative metals, and others as deemed necessary on a site and waste specific basis;

(r). annual reports of the analysis of all tests results on the soils; land-use; and crop information, calculated amounts of waste applied per acre; total amounts of nitrogen applied per acre; and cumulative-metals loading; and

(s). annual reports shall be submitted to the Office of Environmental Assessment, Environmental Technology Division for a minimum of three years (Type II landfarms) and 10 years (Type I landfarms) after closure and shall contain analyses of all test results of the soils. The post-closure monitoring annual reporting may be reduced for certain types of landfarms if the permit-holder demonstrates to the administrative authority satisfaction that such is warranted.

2. Personnel

a. Facilities shall have the personnel necessary to achieve the operational requirements of the facility.

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

D. Facility Operations

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state, and local authorities.

c. Salvaging shall be prevented unless approved by the administrative authority.

d. Scavenging shall be prevented.

e. The following limitations apply to Type I landfarms.

i. Industrial solid waste and nonhazardous petroleum-contaminated media and debris generated by underground storage tanks (UST) corrective action may be disposed of only in Type I facilities. A comprehensive quality-assurance/quality-control plan shall be in place before the receipt of these wastes.

ii. Incinerator ash may be disposed of only in a Type I facility. A comprehensive quality-assurance/quality-control program shall be in place before the receipt of this waste.

iii. Grazing by animals whose products are consumed by humans shall be prevented.

f. Only waste which is demonstrated to be biodegradable will be considered for disposal in a landfarm.

g. A comprehensive quality-assurance/quality-control plan shall be provided to ensure that incoming wastes are in conformance with the facility permit.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of processing or disposal operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management);

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented;

e. the sampling protocol, chain of custody, and test methods that will be used in the gas-monitoring systems;

f. the engineering protocols and testing frequencies that will be used to ensure that the grade and slope of both the on-site drainage system and the run-on diversion system are maintained and serve their intended functions;

g. a comprehensive operational management plan for the facility that indicates with calculations that the acreages and methods are adequate for treating the type and volume of wastes anticipated. The plan shall include contingencies for variations.

3. Facility Operational Standards

a. Air-Monitoring Standards

i. Facilities receiving waste with a potential to produce gases shall be subject to the air-monitoring requirements.

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the Office of Environmental Services, Permits Division a comprehensive air-monitoring plan that will limit methane gas levels to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

(a). The type and frequency of monitoring must be determined based on the following factors:

(i). soil conditions;

(ii). hydrogeologic conditions surrounding the facility; and

(iii). location of facility structures and property boundaries.

(b). The minimum frequency of monitoring shall be quarterly.

iii. If methane gas levels exceeding the limits specified in Clause D.3.a.ii of this Section are detected, the owner or operator must:

(a). immediately take all necessary steps to ensure protection of human health and notify the Office of Environmental Compliance in the manner provided in LAC 33:I.3923;

(b). within 60 days of detection, submit a remediation plan for the methane gas releases to the Office of Environmental Assessment, Environmental Technology Division. The plan shall describe the nature and extent of the problem and the proposed remedy, and shall include an implementation schedule.

iv. The permit holder shall make prompt notification to the Office of Environmental Compliance in accordance with LAC 33:I.3923 when strong odors occur at facility boundaries.

v. Records of inspections, surveys, and gas-monitoring results shall be maintained at the facility.

vi. Odors shall be controlled by the best means practicable.

vii. Facilities must ensure that the units not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated pursuant to Section 110 of the Clean Air Act, as amended.

b. The maximum allowable lifetime-metals loading for soils at facilities shall be restricted to the following.

Maximum Allowable Metal Loading (lb/acre)*			
Soil Cation-Exchange Capacity (meq/l00 g)			
Metal	**<5**	**5-15**	**>15**
Lead (Pb)	500	1000	2000
Zinc (Zn)	250	500	1000
Copper (Cu)	125	250	500
Nickel (Ni)	125	250	500
Cadmium (Cd)	5	10	20

*Other metals not listed may be subject to restrictions based upon the metal content of the waste.

c. Surface application of liquid waste shall not exceed 2 inches per week.

d. Soils shall maintain a sufficiently high cation-exchange capacity (CEC) to absorb metallic elements in the solid waste by natural (pH range of soil) or artificial (additives) means. Soil in the zone of incorporation must be monitored to assess the effectiveness of ongoing treatment, management needs, and soil integrity.

e. Nitrogen concentrations in the waste must be within the limits deemed acceptable, as determined by plant-nitrogen uptake and soil and waste analyses (which shall indicate the movement of all forms of nitrogen). The potential for nitrogen to enter the groundwater shall be addressed.

f. Waste shall be applied to the land surface or incorporated into the soil within 3 feet of the surface.

g. A comprehensive quality-assurance/quality-control plan shall be provided to ensure that all incoming wastes are in conformance with the facility permit and these regulations.

h. Tests of soil/waste mixtures and analyses of the results, with conclusions, shall be conducted semiannually, or more frequently if deemed necessary by the administrative authority. Test parameters shall consist of cation-exchange capacity, soil pH, total nitrogen, phosphorus, salts intrinsic to

waste, cumulative metals, organic matter, and others deemed necessary by the administrative authority.

i. The administrative authority may provide additional requirements necessary on a site-specific basis depending on waste type and method of application.

j. Landfarms that Receive Domestic Sewage Sludge and Septic Tank Pumpings

i. If spread or incorporated in non-food-chain cropland, waste shall be treated by a process to significantly reduce pathogens (LAC 33:VII.3007) prior to application or incorporation, and public access shall be controlled for 12 months following the final application. Grazing by animals whose products are consumed by humans shall be prevented for at least 30 days.

ii. If spread on or incorporated into land used to grow crops for human consumption, the waste must be treated by a process to further reduce pathogens (LAC 33:VII.3005) before application or incorporation. If there is no contact between the waste and edible portions of the crop, or if crops are grown more than 18 months after application or incorporation, the conditions specified in Clause D.3.j.i of this Section apply.

iii. The administrative authority may provide additional requirements necessary on a site-specific basis, depending upon waste type, land use, and methods of application.

k. Land-Use Requirements

i. Food-Chain Cropland

(a). The pH of the solid waste and soil mixture shall be maintained at or above 6.5.

(b). The annual application of cadmium from the waste shall not exceed 0.5 lb/acre.

(c). Cumulative application of cadmium from sewage sludge for soils with a background pH of less than 6.5 shall not exceed 5 lb/acre unless the pH of the sludge and soil mixture is adjusted and maintained at 6.5 or greater whenever food-chain crops are grown.

ii. Land Used for Animal Feed Only

(a). The pH of the waste-soil mixture must be 6.5 or greater at the time of solid waste application or when the crop is planted, whichever occurs later, and this pH level must be maintained whenever food-chain crops are grown. Crops requiring a lower pH will be considered on a site-specific basis.

(b). An operating plan for the facility shall be filed with the Office of Environmental Services, Permits Division that demonstrates how the animal feed will be distributed to preclude ingestion by humans and that describes the measures to be taken to safeguard against possible health hazards from the entry of cadmium or other heavy metals into the food chain, as may result from alternative land use.

(c). Solid waste with concentrations of polychlorinated biphenyls (PCBs) of l0 mg/kg or more shall not be allowed.

l. Waste Testing. The following operational standards apply to waste testing for facilities receiving domestic sewage sludge, industrial solid waste, incinerator ash, or nonhazardous petroleum-contaminated media and debris generated by underground storage tanks (UST) corrective action.

i. Facilities which receive domestic septage or sewage sludge from publicly owned treatment works shall require the waste be tested for toxicity characteristics leachate procedure (TCLP) analysis and priority pollutants prior to acceptance of the waste and annually for two years following acceptance. Each year thereafter, the generator must certify that the waste remains unchanged.

ii. Facilities which receive industrial waste (Type I) shall require testing for TCLP constituents prior to acceptance of the waste and annually thereafter, or documented process knowledge which confirms that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:V.Subpart 1 or by federal regulations. Nonhazardous petroleum-contaminated media and debris generated from underground storage tanks (UST) corrective action will require testing for the appropriate constituents of TCLP prior to acceptance of the waste.

iii. Facilities which receive incinerator ash shall require testing of the ash for TCLP metals and dioxins prior to acceptance and thereafter quarterly for TCLP metals and annually for dioxins.

4. Sufficient equipment shall be provided and maintained at all facilities to meet the facility's operational needs.

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph D.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Permits Division.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure;

b. changes, if any, requested in the approved closure plan; and

c. closure schedule and estimated cost.

2. Closure Requirements. During the closure period the permit holder must:

a. continue with all operations (including pH control) necessary to continue normal waste treatment within the treatment zone;

b. maintain the run-on control system;

c. maintain the runoff management system;

d. control wind dispersal of odors and/or waste; and

e. continue to comply with any prohibitions or conditions concerning growth of food-chain crops.

3. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority shall release the closure fund to the permit holder.

F. Facility Post-Closure Requirements

1. The length of the post-closure care period for landfarms may be:

a. decreased by the administrative authority if the permit holder demonstrates that the reduced period is sufficient to protect human health and the environment in accordance with LAC 33:I.Chapter 13 and this demonstration is approved by the administrative authority (Any demonstration must provide supporting data, including adequate groundwater monitoring data.); or

b. increased by the administrative authority if the administrative authority determines that the lengthened period is necessary to protect human health and the environment in accordance with LAC 33:I.Chapter 13.

2. Type I Landfarms. For facilities which receive waste on or after October 9, 1993, the permit holder shall continue to comply with any prohibitions or conditions under LAC 33:VII.715 for 10 years after closure. For facilities which did not receive waste on or after October 9, 1993, the permit holder shall continue to comply with any prohibitions or conditions under LAC 33:VII.715 for three years after closure.

3. Post-Closure Requirements Type II Landfarms

a. The permit holder shall continue to comply with any prohibitions or conditions under LAC 33:VII.715 for three years after closure.

b. Annual reports shall be submitted to the Office of Environmental Compliance, Surveillance Division for a period of three years after closure and shall contain results of analysis of all soil/waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004).

Subchapter C. Solid Waste Processors

§717. Standards Governing All Solid Waste Processors (Type I-A and II-A)

A. Location Characteristics

1. Access to facilities by surface or water transportation shall be by all-weather roads or waterways that can meet the demands of the facility and are designed to avoid, to the extent practicable, congestion, sharp turns, obstructions, or other hazards conducive to accidents; and the surface roadways shall be adequate to withstand the weight of transportation vehicles.

2. Environmental Characteristics. Facilities located in or within 1,000 feet of swamps, marshes, wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, archaeologic sites, historic sites, publicly owned recreation areas, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations.

3. Processing facilities may be subject to a comprehensive land-use or zoning plan established by local regulations or ordinances.

B. Facility Characteristics

1. Perimeter Barriers, Security, and Signs

a. Facilities must have a perimeter barrier around the facility that prevents unauthorized ingress or egress, except by willful entry.

b. During operating hours, each facility entry point shall be continuously monitored, manned, or locked.

c. During nonoperating hours, each facility entry point shall be locked.

d. Facilities that receive wastes from off-site sources shall post readable signs that list the types of waste that can be received at the facility.

2. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with the permission, in the form of a notarized affidavit, of the adjoining landowner and occupants. A copy of the notarized affidavit waiving the 200-foot buffer zone shall be entered in the mortgage and conveyance records of the parish for the adjoining landowner's property. Buffer-zone requirements may be waived or modified by the administrative authority for areas of landfills which have been closed in accordance with these regulations and for existing facilities, or in accordance with LAC 33:VII.307.

b. No storage, processing, or disposal of solid waste shall occur within the buffer zone.

3. Fire Protection and Medical Care. All facilities shall have access to required fire protection and medical care, or such services shall be provided internally.

4. Landscaping. All proposed facilities, other than those which are located within the boundaries of a plant, industry, or business which generates the waste to be processed or disposed of, must provide landscaping to improve the aesthetics of the facility.

5. Receiving and Monitoring Incoming Wastes

a. Each processing facility shall be equipped with a device or method to determine quantity (by wet-weight tonnage); sources (whether the waste was generated in-state or out-of-state and, if it is industrial solid waste, where it was generated); and types of incoming waste (i.e., commercial, residential, infectious). The facility shall also be equipped with a device or method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste).

b. Each processing facility shall be equipped with a central control and recordkeeping system for tabulating the information required in Subparagraph B.5.a of this Section.

6. Discharges from operating units of all facilities must be controlled and must conform to applicable state and federal laws. Applications for applicable state and federal discharge permits must be filed before a standard permit may be issued.

C. Facility Surface Hydrology

1. Facilities located in a floodplain, wetlands, or areas historically subject to overflow from floods must be filled to bring site elevation above flood levels or otherwise protected by measures approved on a site-specific basis. Perimeter levees or other measures must provide and maintain adequate protection against the 100-year flood elevation.

2. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility which have not received final cover to adjoining areas during a 24-hour/25-year storm event. When rainfall records are not available, the design standard shall be 12 inches of rainfall below 31 degrees north latitude and 9 inches of rainfall above 31 degrees north latitude. If the 24-hour/25-year storm-event level is lower, the design standard shall be required.

D. Facility Geology

1. Except as provided in Paragraph D.2 of this Section, facilities shall have natural stable soils of low permeability for the area occupied by the solid waste facility, including vehicle parking and turnaround areas, that should provide a barrier to prevent any penetration of surface spills into groundwater aquifers underlying the area or to a sand or other water-bearing stratum that would provide a conduit to such aquifers.

2. A design for surfacing natural soils that do not meet the requirement in Paragraph D.1 of this Section shall be prepared and installed under the supervision of a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and geohydrology. Written certification by the engineer or geologist that the surface satisfies the requirements of Paragraph D.l of this Section shall be provided.

E. Facility Plans and Specifications

1. Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana.

2. Levee Construction

a. Levees or other protective measures must be constructed adjacent to the facility in order to provide an adequate freeboard above the 100-year flood elevation.

b. The perimeter levees of all facilities shall be engineered to minimize wind and water erosion and shall have a grass cover or other protective cover to preserve structural integrity.

F. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division or through the department's website.

ii. The reporting period for the processor annual report shall be from July l through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

iii. Annual reports shall be submitted to the administrative authority by August l of each reporting year.

iv. The annual report is to be provided for each individual permitted facility on a separate annual-reporting form.

v. A facility which receives industrial solid waste shall utilize, in its annual report, the seven-digit industrial waste number that has been assigned by the administrative authority to the industrial solid waste generator.

vi. The annual report for incinerator waste-handling facilities, shredders, balers, compactors, and transfer stations shall identify the quantity (expressed in wet-weight tons per

year), and types of solid waste transported for disposal. The report shall also identify the permitted facility used for disposal of the waste.

b. Recordkeeping

i. The permit holder shall maintain at the facility all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the administrative authority.

iii. Records kept on site for all facilities shall include, but not be limited to:

(a). copies of the current Louisiana solid waste rules and regulations;

(b). the permit;

(c). the permit application; and

(d). permit modifications.

2. Personnel

a. All facilities shall have the personnel necessary to achieve the operational requirements of the facility.

b. Facilities receiving residential and commercial solid waste shall have the numbers and levels of certified operators employed at the facility, as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

G. Facility Operations

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state, and local authorities.

i. Salvaging shall be prevented unless approved by the administrative authority.

ii. Scavenging shall be prevented.

c. The following limitation applies to Type I-A processing facilities: industrial solid waste, incinerator ash, and nonhazardous petroleum-contaminated media and debris generated by underground storage tanks (UST) corrective action may be processed only in Type I-A facilities. A comprehensive quality-assurance/quality-control plan shall be in place before the receipt of these wastes.

d. The receipt of mercury and/or cadmium-bearing batteries by Type I-A and II-A incinerator waste-handling facilities is strictly prohibited.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of processing operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management); and

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented.

3. Facility Operational Standards

a. Waste Testing. The following operational standards apply to waste testing for facilities receiving domestic sewage sludge, industrial solid waste, incinerator ash, or nonhazardous petroleum-contaminated media and debris generated by underground storage tanks (UST) corrective action.

i. Facilities which receive domestic septage or sewage sludge from publicly owned treatment works shall require the waste be tested for toxicity characteristics leachate procedure (TCLP) analysis and priority pollutants prior to acceptance of the waste and annually for two years following acceptance. Each year thereafter, the generator must certify that the waste remains unchanged.

ii. Facilities which receive industrial waste (Type I) shall require testing for TCLP constituents prior to acceptance of the waste and annually thereafter, or documented process knowledge which confirms that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:V.Subpart 1 or by federal regulations. Nonhazardous petroleum contaminated media and debris generated from underground storage tanks (UST) corrective action will require testing for the appropriate constituents of TCLP prior to acceptance of the waste.

b. All containers shall provide containment of the wastes and thereby control litter, odor, and other pollution of adjoining areas.

c. Provisions shall be made for at least daily cleanup of the facility, including equipment and waste-handling areas.

d. No solid waste shall be stored long enough to cause a nuisance, health hazard, or detriment to the environment.

e. Treatment facilities for washdown and other contaminated water shall be provided.

f. Facilities that employ incineration shall develop an ash-management plan that includes, at a minimum, testing, handling, transportation, and disposal of ash at a permitted facility.

g. Facilities shall have a plan for handling contaminated water.

h. Specific Operational Standards for Incinerator Waste-Handling Facilities

i. Handling. Ash shall be properly wetted and contained so as to ensure that there are no dust emissions during loading, transporting, or unloading.

ii. Testing

(a). Testing procedures, schedules, and methods must be submitted to the Office of Environmental Services, Permits Division for review and approval before disposal operations begin. Disposal of ash shall be only in a permitted Type I facility. Processing of ash shall be only in a permitted Type I-A facility.

(b). Testing of ash shall be performed quarterly for TCLP metals and annually for dioxins.

4. Sufficient equipment shall be provided and maintained at all facilities to meet their operational needs.

5. The following standards apply to facility operations, emergency procedures, and contingency plans for all facilities.

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph G.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Permits Division.

H. Implementation Plans. All facilities shall have implementation plans.

I. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure;

b. changes, if any, requested in the approved closure plan; and

c. closure schedule and estimated cost.

2. Closure Requirements

a. An insect and rodent inspection is required before closure. Extermination measures, if required, must be provided.

b. All remaining waste shall be removed to a permitted facility for disposal.

c. The permit holder shall verify that the underlying soils have not been contaminated due to the operation of the facility. If contamination exists, a remediation/removal program developed to meet the standards of LAC 33:VII.713.E.3, 4, and 5 must be provided to the administrative authority.

3. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority shall release the closure fund to the permit holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004).

Subchapter D. Minor Processing and Disposal Facilities

§719. Standards Governing All Minor Processing and Disposal Facilities (Type III)

A. Location Characteristics

1. Access to facilities by land or water transportation shall be by all-weather roads or waterways that can meet the demands of the facility and are designed to avoid, to the extent practicable, congestion, sharp turns, obstructions, or other hazards conducive to accidents; and the surface roadways shall be adequate to withstand the weight of transportation vehicles.

2. Facilities that compost putrescible solid waste shall not be located within 10,000 feet of any public-use airport runway used by turbojet aircraft or within 5,000 feet of any public-use airport runway used by only piston-type aircraft.

3. Environmental Characteristics. Facilities located in or within 1,000 feet of swamps, marshes, wetlands, estuaries, wildlife-hatchery areas, habitat of endangered species, archaeologic sites, historic sites, publicly owned recreation areas, and similar critical environmental areas shall be isolated from such areas by effective barriers that eliminate probable adverse impacts from facility operations.

4. Processing or disposal facilities may be subject to a comprehensive land-use or zoning plan established by local regulations or ordinances.

B. Facility Characteristics

1. Perimeter Barriers, Security, and Signs

a. All facilities must have a perimeter barrier around the facility that prevents unauthorized ingress or egress, except by willful entry.

b. During operating hours, each facility entry point shall be continuously monitored, manned, or locked.

c. During nonoperating hours, each facility entry point shall be locked.

d. All facilities that receive wastes from off-site sources shall post readable signs that list the types of wastes that can be received at the facility.

2. Buffer Zones

a. Buffer zones of not less than 50 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with the permission, in the form of a notarized affidavit, of the adjoining landowner and occupants. A copy of the notarized affidavit waiving the 50-foot buffer zone shall be entered in the mortgage and conveyance records of the parish for the adjoining landowner's property. Buffer-zone requirements may be waived or modified by the administrative authority for areas of woodwaste/construction/demolition-debris landfills which have been closed in accordance with these regulations and for existing facilities, or in accordance with LAC 33:VII.307. Notwithstanding this Paragraph, Type III composting facilities which receive sewage sludge, septage, residential, or commercial waste must meet the buffer-zone requirements in LAC 33:VII.717.B.2.

b. No storage, processing, or disposal of solid waste shall occur within the buffer zone.

3. Fire Protection and Medical Care. All facilities shall have access to required fire protection and medical care, or such services shall be provided internally.

4. Landscaping. All proposed facilities, other than those that are located within the boundaries of a plant, industry, or business that generates the waste to be processed or disposed of, must provide landscaping to improve the aesthetics of the facility.

5. Receiving and Monitoring Incoming Wastes

a. Each processing or disposal facility shall be equipped with a device or method to determine quantity (by wet-weight tonnage) sources (whether the waste was generated in-state or out-of-state and types of incoming waste. The facility shall also be equipped with a device or method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste).

b. Each processing or disposal facility shall be equipped with a central control and recordkeeping system for tabulating the information required in Subparagraph B.5.a. of this Section.

6. Discharges from operating units of all facilities must be controlled and must conform to applicable state and federal laws. Applications for applicable state and federal discharge permits must be filed before a standard permit may be issued.

C. Facility Surface Hydrology

1. Facilities located in a floodplain, wetlands, or areas historically subject to overflow from floods must be filled to bring site elevation above flood levels or otherwise protected by measures approved on a site-specific basis. Perimeter levees or other measures must provide and maintain adequate protection against the 100-year flood elevation.

2. Facilities located in or within 1,000 feet of an aquifer recharge zone shall be designed to protect the areas from adverse impacts of operations at the facility.

3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility which have not received final cover to adjoining areas during a 24-hour/25-year storm event. When rainfall records are not available, the design standard shall be 12 inches of rainfall below 31 degrees north latitude and 9 inches of rainfall above 31 degrees north latitude. If the 24-hour/25-year storm-event level is lower, the design standard shall be required.

4. Specific Surface Hydrology Standard for Type III Composting Facilities. The topography of the facility shall provide for drainage to prevent standing water and shall allow for drainage away from the facility.

D. Facility Geology

1. Except as provided in Paragraph D.2 of this Section, facilities shall have natural stable soils of low permeability for the area occupied by the solid waste facility, including vehicle parking and turnaround areas, that should provide a barrier to prevent any penetration of surface spills into groundwater aquifers underlying the area or to a sand or other water-bearing stratum that would provide a conduit to such aquifers.

2. A design for surfacing natural soils that do not meet the requirement in Paragraph D.l of this Section shall be prepared and installed under the supervision of a registered engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering and geohydrology. Written certification by the engineer that the surface satisfies the requirements of Paragraph D.l of this Section shall be provided to the Office of Environmental Services, Permits Division.

E. Implementation Plans. All facilities shall have implementation plans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000).

§721. Construction and Demolition Debris and Woodwaste Landfills and Processing Facilities (Type III)

A. Facility Plans and Specifications

1. Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana.

2. Interim Cover Requirements

a. Cover material must:

i. minimize vector-breeding areas and animal attraction by controlling:

(a). fly, mosquito, and other insect emergence and entrance;

(b). rodent burrowing for food and harborage; and

(c). bird and animal attraction;

ii. control leachate generation by:

(a). minimizing external-moisture infiltration;

(b). minimizing erosion;

(c). utilizing materials with minimum free-liquid content and minimum concentrations of constituents monitored in leachate;

iii. reduce fire-hazard potential by minimizing inward movement of atmospheric oxygen;

iv. minimize blowing paper and litter;

v. reduce noxious odors by minimizing outward movement of methane and other gases;

vi. provide aesthetic appearance to the landfill operation; and

vii. allow accessibility regardless of weather.

b. Wastes shall be deposited in the smallest practical area each day and compacted. The wastes shall be covered with silty clays applied a minimum of 12 inches thick, at least every 30 days.

3. Levee Construction

a. Levees or other protective measures must be constructed adjacent to the facility in order to provide an adequate freeboard above the 100-year flood elevation.

b. The perimeter levees of all facilities shall be engineered to minimize wind and water erosion and shall have a grass cover or other protective cover to preserve structural integrity.

B. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing or disposal during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division or through the department's website.

ii. The reporting period for the processor and/or disposer annual report shall be from July l through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

iii. Annual reports shall be submitted to the administrative authority by August l of each reporting year.

iv. The annual report is to be provided for each individual permitted facility on a separate annual reporting form.

b. Recordkeeping

i. The permit holder shall maintain at the facility all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the department.

iii. Records kept on site for all facilities shall include, but not be limited to:

(a). copies of the current Louisiana solid waste rules and regulations;

(b). the permit;

(c). the permit application; and

(d). permit modifications.

2. Personnel. All facilities shall have the personnel necessary to achieve the operational requirements of the facility.

3. Type III facilities receiving construction and demolition debris and woodwaste shall have the number and levels of certified operators employed at the facility as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

a. The requirements of LAC 33:VII.721.B.3 are not applicable to facilities meeting the criteria of LAC 33:VII.305.D.

C. Facility Operations

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state, and local authorities.

c. Salvaging shall be prevented unless approved by the administrative authority.

d. Scavenging shall be prevented.

e. The following types of waste may be disposed of:

i. *construction/demolition debris* as defined in LAC 33:VII.115 and a maximum of 5 percent by volume of paper waste associated with such debris;

ii. *woodwastes* as defined in LAC 33:VII.115; and

iii. yard waste as defined in LAC 33:VII.115.

f. The disposal of liquid waste, infectious waste, residential waste, industrial waste, commercial waste, friable asbestos, and putrescible waste shall be strictly prohibited and prevented.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of processing or disposal operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management); and

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented.

3. Sufficient equipment shall be provided and maintained at all facilities to meet the facilities' operational needs.

4. Segregation of Wastes. Waste determined not acceptable at a woodwaste/construction/demolition-debris landfill shall be removed from the facility at least every seven days. Storage of this waste shall be in a closed container that prevents vector and odor problems. The facility shall maintain a log of dates and volumes of waste removed from the facility.

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph C.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Permits Division.

D. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure;

b. changes, if any, requested in the approved closure plan; and

c. closure schedule and estimated cost.

2. Preclosure Requirements

a. Final cover shall be applied within 30 days after final grades are reached in each unit of a facility. This deadline may be extended by the administrative authority if necessary due to inclement weather or other circumstances.

b. Standing water shall be solidified or removed.

c. The runoff-diversion system shall be maintained until the final cover is installed.

d. The runoff-diversion system shall be maintained and modified to prevent overflow of the landfill to adjoining areas.

e. Insect and rodent inspection is required to be documented before installation of final cover, and extermination measures must be provided, if required, according to the facility inspection.

f. Final machine compacting and grading shall be completed before capping.

3. Closure Requirements

a. Final Cover

i. Final cover shall consist of a minimum of 24 inches of silty clays and 6 inches of topsoil cover for supporting vegetative growth; however, other covers that provide a more practical answer and satisfy the purposes of minimizing fire hazards, odors, vector food and harborage, and infiltration of precipitation, as well as discouraging scavenging and limiting erosion, may be submitted for approval by the administrative authority.

ii. The side slope should be no steeper than 3(H):1(V) and must have a minimum of a 4 percent slope on the top of the final cap.

iii. A combination of clay and synthetic material approved by the administrative authority may also be used as final cover.

b. After a closure inspection and approval, the permit holder shall plant a ground cover to prevent erosion and to return the facility location to a more natural appearance.

c. The permit holder shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name and address of the person with knowledge of the contents of the facility. A form to be used for this purpose is provided in LAC 33:VII.3011. The facility shall provide the Office of Environmental Services, Permits Division with a true copy of the document filed and certified by the parish clerk of court.

4. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority may release the closure fund to the permit holder.

E. Facility Post-Closure Requirements

1. The time-frame of post-closure care may be lengthened, if necessary, to protect human health or the environment in accordance with LAC 33:I.Chapter 13.

2. The integrity of the grade and cap must be maintained for no less than three years after the date of administrative authority's approval of the closure of the facility.

3. Annual reports concerning the integrity of the cap shall be submitted to the Office of Environmental Compliance, Surveillance Division for a period of three years after closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004).

§723. Composting Facilities (Type III)

A. Facility Plans and Specifications

1. Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana.

2. Levee Construction

a. Levees or other protective measures must be constructed adjacent to the facility in order to provide an adequate freeboard above the 100-year flood elevation.

b. The perimeter levees of all facilities shall be engineered to minimize wind and water erosion and shall have a grass cover or other protective cover to preserve structural integrity.

3. Leachate Management

a. Leachate produced in the composting process must be collected and treated or disposed of at a permitted facility; or

b. leachate may also be reused in the composting process as a source of moisture.

B. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division or through the department's website.

ii. The reporting period for the processor and/or disposer annual report shall be from July l through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

iii. Annual reports shall be submitted to the administrative authority by August l of each reporting year.

iv. The annual report is to be provided for each individual permitted facility on a separate annual reporting form.

v. The annual reports for composting facilities shall identify the quantity (expressed in wet-weight tons per year) and types of solid waste distributed for reuse and/or recycling and the ultimate use of the product or the quantity (expressed in wet-weight tons per year) of solid waste disposed of. The report shall also identify the permitted facility used for the disposal of the waste.

b. Recordkeeping

i. The permit holder shall maintain at the facility all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the department.

iii. Records kept on site for all facilities shall include, but not be limited to:

(a). copies of the current Louisiana solid waste rules and regulations;

(b). the permit;

(c). the permit application; and

(d). permit modifications.

2. Personnel. All facilities shall have the personnel necessary to achieve the operational requirements of the facility.

3. Type III facilities receiving solid waste for composting shall have the number and levels of certified operators employed at the facility as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal System Operators and the Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

C. Facility Operations

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state, and local authorities.

c. Salvaging shall be prevented unless approved by the administrative authority.

d. Scavenging shall be prevented.

e. The following types of wastes may be processed:

i. *yard trash* and *woodwaste* as defined in LAC 33:VII.115;

ii. *manure* as defined in LAC 33:VII.115;

iii. *sewage sludge* or *septage* as defined in LAC 33:VII.115;

iv. *residential* or *commercial solid waste* as defined in LAC 33:VII.115;

v. other materials deemed acceptable by the administrative authority.

f. The processing of infectious waste and asbestos waste shall be strictly prohibited and prevented.

g. No solid waste shall be deposited in standing water.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of processing operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management); and

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented.

3. Facility Operational Standards

a. Composting facilities which receive domestic septage or sewage sludge from publicly owned treatment works shall require the waste be tested for toxicity characteristics leachate procedure (TCLP) analysis and priority pollutants prior to acceptance of the waste and annually for two years following acceptance. Each year thereafter, the generator must certify that the waste remains unchanged.

b. The operation of composting facilities shall be by methods which result in the aerobic, biochemical decomposition of the organic material received.

c. The facility must be designed and operated to control vectors, odors, dust, and litter.

d. The construction and turning frequency (if turning is necessary) of a composting facility must be sufficient to maintain aerobic conditions and to produce a compost product in a time-frame which is consistent with the level of technology employed and acceptable to the administrative authority.

e. In-vessel composting shall be conducted in accordance with the manufacturer's specifications and these regulations.

f. The following special requirements apply to facilities handling sewage sludge, septage, and residential or commercial waste.

i. If the compost is to be used exclusively for application to non-food-chain cropland, the criteria for a process to significantly reduce pathogens (LAC 33:VII.3007) must be met. Otherwise, the facility must meet the criteria for a process to further reduce pathogens (LAC 33:VII.3009).

ii. The facility must include the following components:

(a). a receiving area, mixing area, curing area, compost storage area, drying and screening areas, and truck wash area located on surfaces capable of preventing groundwater contamination (periodic inspections of the surface shall be made to ensure that the underlying soils and the surrounding land surface are not being contaminated);

(b). runoff collection system; and

(c). leachate collection and on-site/off-site treatment system.

g. The following parameters are to be monitored and recorded during the operation in the time-frame specified below (the samples taken for the parameters listed below shall be representative of the compost unit):

i. temperature, daily;

ii. process odors, daily;

iii. blower operation, daily; and

iv. other parameters as deemed appropriate by the administrative authority.

h. Compost shall be classified based on the type of waste processed, compost maturity, particle size, and organic matter. The following characteristics shall be used.

i. Compost Maturity

(a). Fresh organic matter—raw material before undergoing decomposition (or at beginning of process).

(b). Fresh compost—organic matter that has been through the thermophilic stage and has undergone partial decomposition.

(c). Semimature compost—compost material that is at the mesophilic stage.

(d). Mature compost—a highly stabilized product which results from exposing compost to a prolonged period of humidification and mineralization, beyond the stage of maturity. Mature compost shall have been cured for at least 60 days after the mesophilic stage is complete. Minimum starting moisture content for curing semimature compost should be above 45 percent (by weight) and should be raised to this value if necessary.

(e). A plot of time versus temperature (to indicate that the temperature of the compost has stabilized over a period of time) or other acceptable methods may be used to determine the level of maturity of compost as defined in Subclauses C.3.h.i.(b), (c), and (d), of this Section.

ii. Particle size shall be determined by using the screen size that the compost passed through. Organic matter content shall be determined by measuring the volatile solids content using the Environmental Protection Agency's approved methods.

(a). Fine: < 12 mm and organic matter > 25 percent.

(b). Medium: < 15 mm and organic matter > 30 percent.

(c). Coarse: < 30 mm and organic matter > 35 percent.

iii. The moisture content in the finished compost shall not exceed 55 percent (by weight). The moisture content shall be determined by using the Environmental Protection Agency's approved methods.

iv. Concentration levels (shown in mg/kg in dry weight) of finished compost:

Parameter	Category 1	Category 2
Cadmium	<15	15-25
Copper	<450	450-1000
Lead	<200	200-800
Nickel	<50	50-100
Zinc	<1000	1000-2000

i. Finished Compost

i. The finished compost shall be sufficiently stable that it can be stored or applied to land without causing a health hazard, detriment, or nuisance to the environment as determined by the administrative authority.

ii. All distributed compost must be accompanied with a label or leaflet which indicates, at a minimum, the type of waste from which the compost was derived, any restriction on the use of the product, and recommended application rates.

iii. Compost derived from sewage sludge, septage, or residential or commercial waste must meet the criteria of the process to further reduce pathogens (LAC 33:VII.3009) or the process to significantly reduce pathogens (LAC 33:VII.3007) as provided in Clause C.3.f.i of this Section. Such compost shall not be offered for sale to or otherwise distributed to the general public unless it meets the criteria of the process to further reduce pathogens.

iv. Any compost made from solid waste which cannot be used pursuant to these regulations shall be reprocessed or disposed of in an approved solid waste facility.

v. Waste received at a composting facility shall be used as compost, sold as compost, or disposed of at a permitted disposal facility within 36 months after receipt.

vi. The sampling and testing methods shall be the Environmental Protection Agency's approved methods.

vii. Compost produced outside of the state of Louisiana, which is used or sold for use within the state, shall comply with the requirements of these regulations.

viii. Classes of Finished Compost

(a). Class M1—compost made only from manure or manure with yard trash and/or woodwaste which is mature or semimature, fine or medium, and which meets the metals concentrations of Category 1 of Clause C.3.h.iv of this Section shall have unrestricted distribution except as provided in Clause C.3.f.i of this Section.

(b). Class M2—compost made only from manure or manure with yard trash and/or woodwaste which is mature or semimature, fine or medium, and which meet the metals concentrations of Category 2 (but not of Category 1) of Clause C.3.h.iv of this Section shall be restricted to use with non-food-chain crops.

(c). Class S1—compost made from solid waste, other than only manure or manure with yard trash and/or woodwaste, which is mature, fine, and which meets the metals concentrations in Category 1 of Clause C.3.h.iv of this Section shall have unrestricted distribution except as provided in Clause C.3.f.i of this Section.

(d). Class S2—compost made from solid waste, other than only manure or manure with yard trash and/or woodwaste, which is mature or semimature, fine or medium, and which meets concentrations in Category 1 or Category 2 of Clause C.3.h.iv of this Section, but which does not meet the requirements of Class S1 compost, shall be restricted to use with non-food-chain crops and shall not be used in areas where public contact is likely, such as parks or recreation areas.

(e). Class YW—compost made only from yard trash and/or woodwaste which is mature or semimature, fine or medium shall have unrestricted distribution except as provided in Clause C.3.f.i of this Section.

(f). All classes of compost shall be used in accordance with the maximum-loading rates provided in the following table and are subject to the restrictions provided in Clause C.3.f.i of this Section. The following loading rates apply unless soil analyses of cation-exchange capacity and pH justify higher loadings.

Maximum Applied Metal (lb/acre)	
Lead	500
Zinc	250
Copper	125
Nickel	125
Cadmium	5

ix. Testing of Finished Compost. Composite samples of batches produced at compost facilities shall be analyzed in accordance with SW-846 at intervals of every three months for the following parameters:

(a). moisture;

(b). total nitrogen;

(c). total phosphorus;

(d). total potassium;

(e). pH;

(f). cadmium;

(g). copper;

(h). lead;

(i). nickel;

(j). zinc;

(k). fecal coliform (analyze in accordance with Standard Methods for the Examination of Water and Wastewater, 18th edition).

4. Sufficient equipment shall be provided and maintained at all facilities to meet the facility's operational needs.

5. Segregation of Waste

a. Composting facilities involving residential and commercial solid waste shall provide a waste-segregation plan and a recyclables separation program which shall be instituted prior to composting operations.

b. Wastes not intended for composting shall be removed from the facility to a permitted facility at least every seven days. Storage of wastes not intended for composting shall be in a closed container that prevents vector and odor problems. The facility shall maintain a log of dates and volumes of waste removed from the facility due to its inability to be composted.

c. Recyclable waste removed from the waste stream shall be stored in a manner that prevents vector and odor problems and shall be removed from the facility at least every 90 days. The facility shall maintain a log of dates and volumes of recycled waste removed from the facility.

6. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the administrative authority and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph C.6.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the administrative authority.

D. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure;

b. changes, if any, requested in the approved closure plan; and

c. closure schedule and estimated cost.

2. Closure Requirements

a. An insect and rodent inspection is required before closure. Extermination measures, if required, must be provided.

b. All remaining waste shall be removed to a permitted facility for disposal.

c. The permit holder shall verify that the underlying soils have not been contaminated in the operation of the facility. If contamination exists, a remediation/removal program developed to meet the standards of LAC 33:VII.713.E.3, 4, and 5 must be provided to the Office of Environmental Services, Permits Division.

3. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority shall release the closure fund to the permit holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004).

§725. Separation and Woodwaste Processing Facilities (Type III)

A. Facility Plans and Specifications

1. Plans, specifications, and operations represented and described in the permit application or permit modifications for all facilities must be prepared under the supervision of and certified by a registered engineer, licensed in the state of Louisiana.

2. The following standards apply to construction of levees for all facilities requiring levees.

a. The perimeter levees of all facilities shall be engineered to minimize wind and water erosion and shall have a grass cover or other protective cover to preserve structural integrity.

b. Levees or other protective measures must be constructed adjacent to the facility in order to provide an adequate freeboard above the 100-year flood elevation.

B. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division indicating quantities and types of solid waste (expressed in wet-weight tons per year), received from in-state generators and from out-of-state generators, during the reporting period. All calculations used to determine the amounts of solid waste received for processing during the annual-reporting period shall be submitted to the administrative authority. A form to be used for this purpose must be obtained from the Office of Management and Finance, Financial Services Division or through the department's website.

ii. The reporting period for the processor annual report shall be from July l through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

iii. Annual reports shall be submitted to the administrative authority by August l of each reporting year.

iv. The annual report is to be provided for each individual permitted facility on a separate annual reporting form.

v. The annual report for separation facilities shall identify the quantity (expressed in wet-weight tons per year), and types of solid waste transported for disposal. The report shall also identify the permitted facility used for disposal of the waste.

vi. The annual reports for separation facilities shall identify the quantity (expressed in wet-weight tons per year) and types of solid waste distributed for reuse and/or recycling and the ultimate use of the product.

vii. The annual report for portable air curtain destructors shall identify the site and quantity of solid waste processed at each individual site.

b. Recordkeeping

i. The permit holder shall maintain at the facility all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

ii. The permit holder shall maintain records of transporters transporting waste for processing or disposal at the facility. The records shall include the date of receipt of shipments of waste and the transporter's solid waste identification number issued by the Office of Environmental Services, Permits Division.

iii. Records kept on site for all facilities shall include, but not be limited to:

(a). copies of the current Louisiana solid waste rules and regulations;

(b). the permit;

(c). the permit application; and

(d). permit modifications.

2. Personnel. All facilities shall have the personnel necessary to achieve the operational requirements of the facility.

3. Type III facilities receiving solid waste for separation shall have the number and levels of certified operators employed at the facility as required by the *Louisiana Administrative Code*, Title 46, Part XXIII. Operator certificates shall be prominently displayed at the facility. The Board of Certification and Training for Solid Waste Disposal

System Operators and the Office of Environmental Services, Permits Division shall be notified within 30 days of any changes in the employment status of certified operators.

C. Facility Operations

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Open burning shall not be practiced unless authorization is first obtained from the administrative authority and any other applicable federal, state, and local authorities.

c. Salvaging shall be prevented unless approved by the administrative authority.

d. Scavenging shall be prevented.

2. Facility Operational Plans. Operational plans shall be provided which describe in specific detail how the waste will be managed during all phases of processing operations. At a minimum, the plan shall address:

a. the route the waste will follow after receipt;

b. the sequence in which the waste will be processed or disposed of within a unit;

c. the method and operational changes that will be used during wet weather (particular attention should be given to maintenance of access roads and to water management); and

d. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented.

3. Facility Operational Standards

a. All containers shall provide containment of the wastes and thereby control litter, odor, and other pollution of adjoining areas.

b. Provisions shall be made for at least daily cleanup of the facility, including equipment and waste-handling areas.

c. No solid waste shall be stored long enough to cause a nuisance, health hazard, or detriment to the environment.

d. Treatment facilities for washdown and other contaminated water shall be provided.

e. Facilities shall have a plan for handling contaminated water.

4. Sufficient equipment shall be provided and maintained at all facilities to meet the facilities' operational needs.

5. Facility Operations, Emergency Procedures, and Contingency Plans

a. A plan outlining facility operations and emergency procedures to be followed in case of accident, fire, explosion, or other emergencies shall be developed and filed with the Office of Environmental Services, Permits Division and with the local fire department and the closest hospital or clinic. The plans shall be updated annually or when implementation demonstrates that a revision is needed.

b. Training sessions concerning the procedures outlined in Subparagraph C.5.a of this Section shall be conducted annually for all employees working at the facility. A copy of the training program shall be filed with the Office of Environmental Services, Permits Division.

D. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services, Permits Division in writing at least 90 days before closure or intent to close, seal, or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure;

b. changes, if any, requested in the approved closure plan; and

c. closure schedule and estimated cost.

2. Closure Requirements

a. An insect and rodent inspection is required before closure. Extermination measures, if required, must be provided.

b. All remaining waste shall be removed to a permitted facility for disposal or properly disposed of on-site as provided for in LAC 33:VII.305.H.

c. The permit holder shall verify that the underlying soils have not been contaminated from the operation of the facility. If contamination exists, a remediation/removal program developed to meet the standards of LAC 33:VII.713.E.3, 4, and 5 must be provided to the Office of Environmental Services, Permits Division.

3. Upon determination by the administrative authority that a facility has completed closure in accordance with an approved plan, the administrative authority shall release the closure fund to the permit holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), LR 22:280 (April 1996), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2026 (September 2004).

Subchapter E. Financial Assurance for All Processors and Disposers of Solid Waste

§727. Financial Assurance

A. Financial Responsibility During Operation and for Closure and Post-Closure Care

1. Financial Responsibility During Operation. Permit holders or applicants for standard permits of Type I, I-A, II, II-A, and III facilities have the following financial responsibilities while the facility is in operation:

a. Permit holders or applicants for Type I and II facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of $1 million per occurrence and $1 million annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Management and Finance, Financial Services Division.

b. Permit holders or applicants for Type I-A and II-A facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of $500,000 per occurrence, and $500,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Management and Finance, Financial Services Division.

c. Permit holders or applicants for Type III facilities shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of $250,000 per occurrence, and $250,000 annual aggregate, per site, exclusive of legal-defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Evidence of this coverage shall be updated annually and provided to the Office of Management and Finance, Financial Services Division.

d. The financial responsibility may be established by any one or a combination of the following.

i. Evidence of liability insurance may consist of either a signed duplicate original of a solid waste liability endorsement, or a certificate of insurance. All liability endorsements and certificates of insurance must include:

(a). a statement of coverage relative to environmental risks;

(b). a statement of all exclusions to the policy; and

(c). a certification by the insurer that the insurance afforded with respect to such sudden accidental occurrences is subject to all of the terms and conditions of the policy, provided, however, that any provisions of the policy inconsistent with the following Clauses (i) through (vi) are amended to conform with said clauses:

(i). bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy;

(ii). the insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in Clause A.1.d.ii, iii, or iv of this Section;

(iii). whenever requested by the administrative authority, the insurer agrees to furnish to the administrative authority a signed duplicate original of the policy and all endorsements;

(iv). cancellation of the policy, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the Office of Management and Finance, Financial Services Division;

(v). any other termination of the policy will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the Office of Management and Finance, Financial Services Division;

(vi). the insurer is admitted, authorized, or eligible to conduct insurance business in Louisiana.

(d). The wording of the liability endorsement shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY LIABILITY ENDORSEMENT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4303
Baton Rouge, Louisiana 70821-4303
Attention: Office of Management and Finance,
Financial Services Division

Dear Sir:

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering bodily injury and property damage in connection with [name of the insured, which must be either the permit holder, the applicant, or the operator. (NOTE: The operator will provide the liability-insurance documentation only when the permit holder/applicant is a public governing body and the public governing body is not the operator.)] The insured's obligation to demonstrate financial responsibility is required in accordance with LAC 33:VII.727.A.1. The coverage applies at [list the site identification number, site name, facility name, facility permit number and facility address] for sudden and accidental occurrences. The limits of liability are per occurrence, and annual aggregate, per site, exclusive of legal-defense costs.

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with Subclauses (a) through (e) below are hereby amended to conform with Subclauses (a) through (e) below:

(a). Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this endorsement is attached.

(b). The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in LAC 33:VII.727.A.1.d.ii, iii, or iv.

(c). Whenever requested by the administrative authority, the insurer agrees to furnish to the administrative authority a signed duplicate original of the policy and all endorsements.

(d). Cancellation of this endorsement, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the administrative authority.

(e). Any other termination of this endorsement will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the administrative authority.

3. Attached is the endorsement which forms part of the policy [policy number] issued by [name of insurer], herein called the insurer, of [address of the insurer] to [name of the insured] of [address of the insured], this [date]. The effective date of said policy is [date].

4. I hereby certify that the wording of this endorsement is identical to the wording specified in LAC 33:VII.727.A.1.d.i.(d), effective on the date first written above and that insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and is admitted, authorized, or eligible to conduct insurance business in the state of Louisiana.

[Signature of authorized representative of insurer]

[Typed name of authorized representative of insurer]

[Title of authorized representative of insurer]

[Address of authorized representative of insurer]

(e). The wording of the certificate of insurance shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY CERTIFICATE OF LIABILITY INSURANCE

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4303
Baton Rouge, Louisiana 70821-4303
Attention: Office of Management and Finance,
Financial Services Division

Dear Sir:

1. [Name of insurer], the "insurer" of [address of insurer] hereby certifies that it has issued liability insurance covering bodily injury and property damage to [name of insured, which must be either the permit holder or applicant of the facility], the "insured", of [address of insured] in connection with the insured's obligation to demonstrate financial responsibility under LAC 33:VII.727.A.1. The coverage applies at [list solid waste identification number, site name, facility name, facility permit number, and site address] for sudden and accidental occurrences. The limits of liability are each occurrence and annual aggregate, per site, exclusive of legal-defense costs. The coverage is provided under policy number [policy number], issued on [date]. The effective date of said policy is [date].

2. The insurer further certifies the following with respect to the insurance described in Paragraph 1:

(a). Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy.

(b). The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in LAC 33:VII.727.A.1.d.ii, iii, or iv.

(c). Whenever requested by the administrative authority, the insurer agrees to furnish to him a signed duplicate original of the policy and all endorsements.

(d). Cancellation of the insurance, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the administrative authority.

(e). Any other termination of the insurance will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the administrative authority.

3. I hereby certify that the wording of this certificate is identical to the wording specified in LAC 33:VII.727.A.1.d.i.(e) as such regulations were constituted on the date first written above, and that the insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and is admitted, authorized, or eligible to conduct insurance business in the state of Louisiana.

[Signature of authorized representative of insurer]

[Typed name of authorized representative of insurer]

[Title of authorized representative of insurer]

[Address of authorized representative of insurer]

ii. Letter of Credit. A permit holder or applicant may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the following requirements, and by submitting the letter to the administrative authority.

(a). The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

(b). A permit holder or applicant who uses a letter of credit to satisfy the requirements of this Section must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund. The wording of the standby trust fund agreement shall be as specified in Clause A.2.d.ix of this Section.

(c). The letter of credit must be accompanied by a letter from the permit holder or applicant referring to the letter of credit by number, name of issuing institution, and date, and providing the following information: solid waste identification number, site name, facility name, facility permit number, and the amount of funds assured for liability coverage of the facility by the letter of credit.

(d). The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the Office of Management and Finance, Financial Services Division receive the notice, as evidenced by the return receipts.

(e). The wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY IRREVOCABLE LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4303
Baton Rouge, Louisiana 70821-4303
Attention: Office of Management and Finance,
Financial Services Division
Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. [ ] at the request and for the account of [permit holder's or applicant's name and address] for its [list site identification number, site name, facility name, and facility permit number] at [location], Louisiana, in favor of any governmental body, person, or other entity for any sum or sums up to the aggregate amount of U.S. dollars [ ] upon presentation of:

1. A final judgment issued by a competent court of law in favor of a governmental body, person, or other entity and against [permit holder's or applicant's name] for sudden and accidental occurrences for claims arising out of injury to persons or property due to the operation of the solid waste site at the [name of permit holder or applicant] at [site location] as set forth in the LAC 33:VII.727.A.1.

2. A sight draft bearing reference to the Letter of Credit No. [ ] drawn by the governmental body, person, or other entity, in whose favor the judgment has been rendered as evidenced by documentary requirement in Paragraph 1.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder/applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:VII.727.A.1.d.ii.(e), effective on the date shown immediately below.

[Signature(s) and title(s) of official(s)

of issuing institution(s)]

[date]

iii. Financial Test

(a). To meet this test, the applicant, permit holder, parent corporation of the applicant (corporate guarantor), or permit holder must submit to the Office of Management and Finance, Financial Services Division the documents required by Paragraph A.2 of this Section demonstrating that the requirements of that Subsection have been met. Use of the financial test may be disallowed on the basis of the accessibility of the assets of the permit holder, applicant, or parent corporation (corporate guarantor). If the applicant, permit holder, or parent corporation is using the financial test to demonstrate liability coverage and closure and post-closure care, only one letter from the chief financial officer is required.

(b). The assets of the parent corporation of the applicant or permit holder shall not be used to determine whether the applicant or permit holder satisfies the financial test, unless the parent corporation has supplied a corporate guarantee as authorized in Clause A.1.d.iv of this Section.

(c). The wording of the financial test shall be as specified in Subclause A.2.i.iv.(e) of this Section.

iv. Corporate Guarantee

(a). A permit holder or applicant may meet the requirements of Paragraph A.1 of this Section for liability coverage by obtaining a written guarantee, hereafter referred to as a "corporate guarantee." The guarantor must demonstrate to the administrative authority that the guarantor meets the requirements in Subparagraph A.2.i of this Section and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Clauses A.2.i.ii and iv of this Section. The terms of the corporate guarantee must be in an authentic act signed and sworn to by an authorized officer of the corporation before a notary public and must provide that:

(i). the guarantor meets or exceeds the financial-test criteria and agrees to comply with the reporting requirements for guarantors as specified in Subparagraph A.2.i of this Section;

(ii). the guarantor is the parent corporation of the permit holder or applicant of the solid waste facility or facilities to be covered by the guarantee, and the guarantee extends to certain facilities;

(iii). if the permit holder or applicant fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden and accidental occurrences (or both as the case may be), arising from the operation of facilities covered by the corporate guarantee, or fails to pay an amount agreed to in settlement of the claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage;

(iv). the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial-test criteria, the guarantor shall send within 90 days, by certified mail, notice to the Office of Management and Finance, Financial Services Division, and to the permit holder or applicant, that he intends to provide alternative financial assurance as specified in Paragraph A.1 of this Section, in the name of the permit holder or applicant, and that within 120 days after the end of said fiscal year the guarantor shall establish such financial assurance, unless the permit holder or applicant has done so;

(v). the guarantor agrees to notify the Office of Management and Finance, Financial Services Division by certified mail of a voluntary or involuntary proceeding under

Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(vi). the guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial-test criteria or that he or she is disallowed from continuing as a guarantor of closure or post-closure care, he or she shall establish alternate financial assurance as specified in Paragraph A.1 of this Section in the name of the permit holder or applicant unless the permit holder or applicant has done so;

(vii). the guarantor agrees to remain bound under the guarantee notwithstanding any or all of the following: amendment or modification of the permit, or any other modification or alteration of an obligation of the permit holder or applicant pursuant to these regulations;

(viii). the guarantor agrees to remain bound under the guarantee for as long as the permit holder or applicant must comply with the applicable financial assurance requirements of Paragraph A.2 of this Section for the above-listed facilities, except that the guarantor may cancel this guarantee by sending notice by certified mail to the administrative authority and the permit holder or applicant. Such cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the permit holder, as evidenced by the return receipts;

(ix). the guarantor agrees that if the permit holder or applicant fails to provide alternate financial assurance, as specified in Paragraph A.1 of this Section, and obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the permit holder or applicant;

(x). the guarantor expressly waives notice of acceptance of the guarantee by the administrative authority or by the permit holder or applicant. Guarantor also expressly waives notice of amendments or modifications of the facility permit(s);

(xi). the wording of the corporate guarantee shall be as specified in Subclause A.2.i.ix.(l) of this Section.

(b). A corporate guarantee may be used to satisfy the requirements of this Section only if the attorney general(s) or insurance commissioner(s) of the state in which the guarantor is incorporated, and the state in which the facility covered by the guarantee is located, has submitted a written statement to the Office of Management and Finance, Financial Services Division that a corporate guarantee is a legally valid and enforceable obligation in that state.

e. The use of a particular financial responsibility mechanism is subject to the approval of the administrative authority.

f. Permit holders of existing facilities must submit, on or before February 20, 1995, financial responsibility documentation that complies with the requirements of Paragraph A.1 of this Section. Applicants for permits for new facilities must submit evidence of financial assurance in accordance with this Section at least 60 days before the date on which solid waste is first received for processing or disposal.

2. Financial Responsibility for Closure and Post-Closure Care. Permit holders or applicants of Type I, I-A, II, II-A, and III facilities have the following financial responsibilities for closure and post-closure care.

a. Permit holders or applicants for processing or disposal facilities shall establish and maintain financial assurance for closure and post-closure care.

b. The applicant or permit holder shall submit to the Office of Management and Finance, Financial Services Division the estimated closure date and the estimated cost of closure and post-closure care in accordance with the following procedures.

i. The applicant or permit holder must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in these rules. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by the closure plan, and shall be based on the cost of hiring a third party to close the facility in accordance with the closure plan.

ii. The applicant or permit holder of a facility subject to post-closure monitoring or maintenance requirements must have a written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the provisions of these rules. The estimate of post-closure costs is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required and shall be based on the cost of hiring a third party to conduct post-closure activities in accordance with the closure plan.

iii. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared on the basis of either the inflation factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business* or a reestimation of the closure and post-closure costs in accordance with Clauses A.2.b.i and ii of this Section. The permit holder or applicant must revise the cost estimate whenever a change in the closure/post-closure plans increases or decreases the cost of the closure plan. The permit holder or applicant must submit a written notice of any such adjustment to the Office of Management and Finance, Financial Services Division within 15 days following such adjustment.

iv. For trust funds, the first payment must be at least equal to the current closure and post-closure cost estimate, divided by the number of years in the pay-in period.

Subsequent payments must be made no later than 30 days after each annual anniversary of the date of the first payment. The amount of each subsequent payment must be determined by subtracting the current value of the trust fund from the current closure and post-closure cost estimates and dividing the result by the number of years remaining in the pay-in period. The initial pay-in period is based on the estimated life of the facility.

c. Financial Assurance Mechanisms. The financial assurance mechanism must be one or a combination of the following: a trust fund, a financial guarantee bond ensuring closure funding, a performance bond, a letter of credit, an insurance policy, or the financial test. The financial assurance mechanism is subject to the approval of the administrative authority and must fulfill the following criteria.

i. Except when a financial test, trust fund, or certificate of insurance is used as the financial assurance mechanism, a standby trust fund naming the administrative authority as beneficiary must be established at the time of the creation of the financial assurance mechanism into which the proceeds of such mechanism could be transferred should such funds be necessary for either closure or post-closure of the facility, and a signed copy must be furnished to the administrative authority with the mechanism.

ii. A permit holder or applicant may use a financial assurance mechanism specified in this Section for more than one facility, if all such facilities are located within Louisiana and are specifically identified in the mechanism.

iii. The amount covered by the financial assurance mechanism(s) must equal the total of the current closure and post-closure estimates for each facility covered.

iv. When all closure and post-closure requirements have been satisfactorily completed, the administrative authority shall execute an approval to terminate the financial assurance mechanism(s).

d. Trust Funds. A permit holder or applicant may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the following requirements and submitting an originally signed duplicate of the trust agreement to the Office of Management and Finance, Financial Services Division.

i. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

ii. Trusts must be accomplished in accordance with and subject to the laws of Louisiana. The beneficiary of the trust shall be the administrative authority.

iii. Trust-fund earnings may be used to offset required payments into the fund, to pay the fund trustee, or to pay other expenses of the funds, or may be reclaimed by the permit holder or applicant upon approval of the administrative authority.

iv. The trust agreement must be accompanied by an affidavit certifying the authority of the individual signing the trust on behalf of the permit holder or applicant.

v. The permit holder or applicant may accelerate payments into the trust fund or deposit the full amount of the current closure cost estimate at the time the fund is established. The permit holder or applicant must, however, maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in Clause A.2.b.iv of this Section.

vi. If the permit holder or applicant establishes a trust fund after having used one or more of the alternate mechanisms specified in this Section, his first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to the specifications of this Paragraph.

vii. After the pay-in period is completed, whenever the current cost estimate changes, the permit holder must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the permit holder or applicant, within 60 days after the change in the cost estimate, must either deposit an amount into the fund that will make its value at least equal to the amount of the closure/post-closure cost estimate or it must estimate or obtain other financial assurance as specified in this Section to cover the difference.

viii. After beginning final closure, a permit holder, or any other person authorized by the permit holder to perform closure and/or post-closure may request reimbursement for closure and/or post-closure expenditures by submitting itemized bills to the Office of Management and Finance, Financial Services Division. Within 60 days after receiving bills for such activities, the administrative authority will determine whether the closure and/or post-closure expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the trustee to make reimbursement in such amounts as the administrative authority specifies in writing. If the administrative authority has reason to believe that the cost of closure and/or post-closure will be significantly greater than the value of the trust fund, he may withhold reimbursement for such amounts as he deems prudent until he determines that the permit holder is no longer required to maintain financial assurance.

ix. The wording of the trust agreement shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted. The trust agreement shall be accompanied by a formal certification of acknowledgement.

SOLID WASTE FACILITY TRUST
AGREEMENT/STANDBY TRUST AGREEMENT

Trust Agreement, the "Agreement" entered into as of [date] by and between [name of permit holder or applicant], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the state of" or "a national bank" or a "a state bank"], the "Trustee."

WHEREAS, the Department of Environmental Quality of the State of Louisiana, an agency of the state of Louisiana, has established certain regulations applicable to the Grantor, requiring that a permit holder or applicant for a permit of a solid waste processing or disposal facility shall provide assurance that funds will be available when needed for [closure and/or post-closure] care of the facility;

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facility identified herein;

WHEREAS, the Grantor, acting through its duly authorized officers, has selected [the Trustee] to be the trustee under this Agreement, and [the Trustee] is willing to act as trustee.

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

SECTION 1. DEFINITIONS

As used in this Agreement:

(a). The term *Grantor* means the permit holder or applicant who enters into this Agreement and any successors or assigns of the Grantor.

(b). The term *Trustee* means the Trustee who enters into this Agreement and any successor trustee.

(c). The term *Secretary* means the Secretary of the Louisiana Department of Environmental Quality.

(d). The term *administrative authority* means the Secretary or a person designated by him to act therefor.

SECTION 2. IDENTIFICATION OF FACILITIES AND COST ESTIMATES

This Agreement pertains to the facilities and cost estimates identified on attached Schedule A. [On Schedule A, list the site identification number, site name, facility name, facility permit number, and the annual aggregate amount of liability coverage or current closure and/or post-closure cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement.]

SECTION 3. ESTABLISHMENT OF FUND

The Grantor and the Trustee hereby establish a trust fund, the "Fund", for the benefit of the Louisiana Department of Environmental Quality. The Grantor and the Trustee intend that no third party shall have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. [NOTE: Standby Trust Agreements need not be funded at the time of execution. In the case of Standby Trust Agreements, Schedule B should be blank except for a statement that the Agreement is not presently funded but shall be funded by the financial assurance document used by the Grantor in accordance with the terms of that document.] Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, in trust, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the administrative authority.

SECTION 4. PAYMENT FOR CLOSURE AND/OR POST-CLOSURE CARE OR LIABILITY COVERAGE

The Trustee shall make payments from the Fund as the administrative authority shall direct, in writing, to provide for the payment of the costs of [liability claims, closure and/or post-closure] care of the facility covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the administrative authority from the Fund for [liability claims, closure and/or post-closure] expenditures in such amounts as the administrative authority shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the administrative authority specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

SECTION 5. PAYMENTS COMPRISED BY THE FUND

Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

SECTION 6. TRUSTEE MANAGEMENT

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims, except that:

(a). Securities or other obligations of the Grantor, or any owner of the [facility or facilities] or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government.

(b). The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(c). The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

SECTION 7. COMMINGLING AND INVESTMENT

The Trustee is expressly authorized, at its discretion:

(a). To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b). To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1, et seq., including one which may be created, managed, or underwritten, or one to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares at its discretion.

SECTION 8. EXPRESS POWERS OF TRUSTEE

Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a). To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b). To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c). To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all securities are part of the Fund;

(d). To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with

the Trustee, to the extent insured by an agency of the federal or state government; and

(e). To compromise or otherwise adjust all claims in favor of, or against, the Fund.

SECTION 9. TAXES AND EXPENSES

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and other proper charges and disbursements of the Trustee shall be paid from the Fund.

SECTION 10. ANNUAL VALUATION

The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the administrative authority a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee, within 90 days after the statement has been furnished to the Grantor and the administrative authority, shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

SECTION 11. ADVICE OF COUNSEL

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

SECTION 12. TRUSTEE COMPENSATION

The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

SECTION 13. SUCCESSOR TRUSTEE

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor or trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall in writing specify to the Grantor, the administrative authority, and the present Trustee by certified mail 10 days before such change becomes effective the date on which it assumes administration of the trust. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

SECTION 14. INSTRUCTIONS TO THE TRUSTEE

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by the persons designated in the attached Exhibit A or such other persons as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the administrative authority to the Trustee shall be in writing and signed by the administrative authority. The Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or termination of the authority of any person to act on behalf of the Grantor or administrative authority hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or administrative authority, except as provided for herein.

SECTION 15. NOTICE OF NONPAYMENT

The Trustee shall notify the Grantor and the administrative authority, by certified mail, within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

SECTION 16. AMENDMENT OF AGREEMENT

This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist.

SECTION 17. IRREVOCABILITY AND TERMINATION

Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

SECTION 18. IMMUNITY AND INDEMNIFICATION

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any direction by the Grantor or the administrative authority issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all reasonable expenses incurred in its defense in the event that the Grantor fails to provide such defense.

SECTION 19. CHOICE OF LAW

This Agreement shall be administered, construed, and enforced according to the laws of the state of Louisiana.

SECTION 20. INTERPRETATION

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized [and their corporate seals to be hereunto affixed] and attested to as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in LAC 33:VII.727.A.2.d.ix, on the date first written above.

WITNESSES: GRANTOR:

_____ _____

_____ By:_____

Its:_____

[Seal]

TRUSTEE:

_____

By:_____

Its:_____

[Seal]

THUS DONE AND PASSED in my office in _____, on the_____day of_____, 20_____, in the presence of _____and _____ competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

_____

Notary Public

x. The following is an example of the certification of acknowledgement which must accompany the trust agreement.

STATE OF LOUISIANA

PARISH OF _____

BE IT KNOWN, that on this _____ day of _____, 20_____, before me, the undersigned Notary Public, duly commissioned and qualified within the State and Parish aforesaid, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared _____, to me well known, who declared and acknowledged that he had signed and executed the foregoing instrument as his act and deed, and as the act and deed of the _____, a corporation, for the consideration, uses, and purposes and on terms and conditions therein set forth.

And the said appearer, being by me first duly sworn, did depose and say that he is the _____ of said corporation and that he signed and executed said instrument in his said capacity, and under authority of the Board of Directors of said corporation.

Thus done and passed in the State and Parish aforesaid, on the day and date first hereinabove written, and in the presence of _____ and _____, competent witnesses, who have hereunto subscribed their name as such, together with said appearer and me, said authority, after due reading of the whole.

WITNESSES:

_____

_____

_____

NOTARY PUBLIC

e. Surety Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Management and Finance, Financial Services Division.

i. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury and approved by the administrative authority.

ii. The permit holder or applicant who uses a surety bond to satisfy the requirements of this Section must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust fund shall be as specified in Clause A.2.d.ix of this Section.

iii. The bond must guarantee that the operator will:

(a). fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility; or

(b). fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure or post-closure is issued; or

(c). provide alternate financial assurance as specified in this Section and obtain the administrative authority's written approval of the assurance provided, within 90 days after receipt by both the permit holder and the administrative authority of a notice of cancellation of the bond from the surety.

iv. Under the terms of the bond, the surety will become liable on the bond obligation when the permit holder fails to perform as guaranteed by the bond.

v. The penal sum of the bond must be at least equal to the current closure and post-closure cost estimates.

vi. Whenever the current cost-estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure estimate and submit evidence of such increase to the Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate following written approval by the administrative authority.

vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the administrative authority. Cancellation may not occur, however, before 120 days have elapsed, beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts.

viii. The wording of the surety bond guaranteeing payment into a standby trust fund shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets delete.

SOLID WASTE FACILITY FINANCIAL

GUARANTEE BOND

Date bond was executed:_____

Effective date:_____

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:_____

Surety: [name and business address]

[site identification number, site name, facility name, facility permit number and current closure and/or post-closure amount(s) for each facility guaranteed by this bond]

Total penal sum of bond: $_____

Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name

of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the solid waste facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure and/or post-closure care, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required by the *Louisiana Administrative Code*, Title 33, Part VII, when a surety bond is used to provide such financial assurance;

NOW THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of the facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

OR, if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to close is issued by the administrative authority or a court of competent jurisdiction,

OR, if the Principal shall provide alternate financial assurance as specified in LAC 33:VII.727.A.2 and obtain written approval from the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification or amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receive written authorization for termination of the bond by the administrative authority.

Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:VII.727.A.2, and the conditions of the solid waste facility permit so that it guarantees a new closure and/or post-closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in LAC 33:VII.727.A.2.e.viii, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

CORPORATE SURETIES

[Name and Address]

State of incorporation:_____

Liability limit:_____

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[This information must be provided for each cosurety]

Bond Premium: $_____

f. Performance Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Management and Finance, Financial Services Division.

i. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury and approved by the administrative authority.

ii. The permit holder or applicant who uses a surety bond to satisfy the requirements of this Section must also provide to the administrative authority evidence of establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust fund shall be as specified in Clause A.2.d.ix of this Section.

iii. The bond must guarantee that the permit holder or applicant will:

(a). perform final closure and post-closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or

(b). provide alternate financial assurance as specified in this Section and obtain the administrative authority's written approval of the assurance provided within 90 days after the date both the permit holder and the administrative authority receive notice of cancellation of the bond from the surety.

iv. Under the terms of the bond, the surety will become liable on the bond obligation when the permit holder fails to perform as guaranteed by the bond. Following a determination by the administrative authority that the permit holder has failed to perform final closure and post-closure in accordance with the closure plan and other permit requirements when required to do so, under the terms of the

bond the surety will perform final closure and post-closure as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.

v. The penal sum of the bond must be at least equal to the current closure and post-closure cost estimates.

vi. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the permit holder, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Section. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate after written approval of the administrative authority.

vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the Office of Management and Finance, Financial Services Division. Cancellation may not occur before 120 days have elapsed beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts.

viii. The wording of the performance bond shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY PERFORMANCE BOND

Date bond was executed:_____

Effective date:_____

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:_____

Surety: [name(s) and business address(es)]

[Site identification number, site name, facility name, facility permit number, facility address, and closure and/or post-closure amount(s) for each facility guaranteed by this bond (indicate closure and/or post-closure costs separately)]

Total penal sum of bond: $_____

Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surety hereto are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the solid waste facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure and/or post-closure care, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

AND, if the Principal shall faithfully perform post- closure care of each facility for which this bond guarantees post-closure care, in accordance with the closure plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in LAC 33:VII.727.A.2 and obtain written approval of the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of the *Louisiana Administrative Code*, Title 33, Part VII, or of its permit, for the facility for which this bond guarantees performances of closure, the Surety shall either perform closure, in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has been found in violation of the post-closure requirements of the *Louisiana Administrative Code*, Title 33, Part VII, or of its permit for the facility for which this bond guarantees performance of post-closure, the Surety shall either perform post-closure in accordance with the closure plan and other permit requirements or place the post-closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance as specified in LAC 33:VII.727.A.2 and obtain written approval of such assurance from the administrative authority during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permit, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have lapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:VII.727.A.2 and the conditions of the solid waste facility permit so that it guarantees a new closure and/or post-closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in LAC 33:VII.727.A.2.f.viii, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate seal]

CORPORATE SURETY

[Name and address]

State of incorporation:_____

Liability limit: $_____

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond premium: $_____

g. Letter of Credit. A permit holder or applicant may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the following requirements and submitting the letter to the Office of Management and Finance, Financial Services Division.

i. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

ii. A permit holder or applicant who uses a letter of credit to satisfy the requirements of this Section must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund. The wording of the standby trust fund shall be as specified in Clause A.2.d.ix of this Section.

iii. The letter of credit must be accompanied by a letter from the permit holder or applicant referring to the letter of credit by number, issuing institution, and date, and providing the following information: solid waste identification number, site name, facility name, facility permit number, and the amount of funds assured for closure and/or post-closure of the facility by the letter of credit.

iv. The letter of credit must be irrevocable and issued for a period of at least one year, unless, at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the Office of Management and Finance, Financial Services Division by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the administrative authority receive the notice, as evidenced by the return receipts.

v. The letter of credit must be issued in an amount at least equal to the current closure and post-closure cost estimates.

vi. Whenever the current cost estimates increase to an amount greater than the amount of the credit, the permit holder, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure and post-closure cost estimates upon written approval of the administrative authority.

vii. Following a determination by the administrative authority that the permit holder has failed to perform final closure or post-closure in accordance with the closure plan and other permit requirements when required to do so, the administrative authority may draw on the letter of credit.

viii. The wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY IRREVOCABLE

LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4303
Baton Rouge, Louisiana 70821-4303
Attention: Office of Management and Finance,
Financial Services Division
Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in favor of the Department of Environmental Quality of the state of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the [closure and/or post-closure] fund for its [list site identification number, site name, facility name, facility permit number] at [location], Louisiana, for any sum or sums up to the aggregate amount of U.S. dollars $_____ upon presentation of:

1. A sight draft, bearing reference to the Letter of Credit No. _____ drawn by the administrative authority, together with;

2. A statement, signed by the administrative authority, declaring that the amount of the draft is payable into the standby trust fund pursuant to the Louisiana Environmental Quality Act, R.S. 30:2001, et seq.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration

date, we notify both the administrative authority and [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event that we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder or applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:VII.727.A.2.g.viii, effective on the date shown immediately below.

[Signature(s) and title(s) of

official(s) of issuing

institution(s)]

[date]

h. Insurance. A permit holder or applicant may satisfy the requirements of this Section by obtaining insurance that conforms to the requirements of this Subparagraph and submitting a certificate of such insurance to the Office of Management and Finance, Financial Services Division.

i. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess- or surplus-lines insurer in one or more states, and authorized to transact insurance business in Louisiana.

ii. The insurance policy must be issued for a face amount at least equal to the current closure and post-closure cost estimates.

iii. The term *face amount* means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

iv. The insurance policy must guarantee that funds will be available to close the facility and provide post-closure care once final closure occurs. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds up to an amount equal to the face amount of the policy, upon the direction of the administrative authority, to such party or parties as the administrative authority specifies.

v. After beginning final closure, a permit holder or any other person authorized by the permit holder to perform closure and post-closure may request reimbursement for closure or post-closure expenditures by submitting itemized bills to the Office of Management and Finance, Financial Services Division. Within 60 days after receiving such bills, the administrative authority will determine whether the expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the insurer to make reimbursement in such amounts as the administrative authority specifies in writing.

vi. The permit holder must maintain the policy in full force and effect until the administrative authority consents to termination of the policy by the permit holder.

vii. Each policy must contain a provision allowing assignment of the policy to a successor permit holder. Such assignment may be conditional upon consent of the insurer, provided consent is not unreasonably refused.

viii. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the permit holder and the Office of Management and Finance, Financial Services Division. Cancellation, termination, or failure to renew may not occur, however, before 120 days have elapsed, beginning on the date that both the administrative authority and the permit holder receive notice of cancellation, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect in the event that, on or before the date of expiration:

(a). the administrative authority deems the facility abandoned; or

(b). the permit is terminated or revoked or a new permit is denied; or

(c). closure and/or post-closure is ordered; or

(d). the permit holder is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or

(e). the premium due is paid.

ix. Whenever the current cost estimate increases to an amount greater than the face amount of the policy, the permit holder, within 60 days after the increase, must either increase the face amount to at least equal to the current closure and post-closure cost estimates and submit evidence of such increase to the Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current closure and post-closure cost estimates following written approval by the administrative authority.

x. The wording of the certificate of insurance shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY CERTIFICATE OF INSURANCE FOR CLOSURE AND/OR POST-CLOSURE CARE

Name and Address of

Insurer: _____(hereinafter called the "Insurer")

Name and Address of

Insured: _____(hereinafter called the "Insured") (NOTE: Insured must be the permit holder or applicant)

Facilities covered: [list the site identification number, site name, facility name, facility permit number, address, and amount of insurance for closure and/or post-closure care] (These amounts for all facilities must total the face amount shown below.)

Face Amount: _____

Policy Number: _____

Effective Date: _____

The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for [insert "closure and/or post-closure care"] for the facilities identified above. The Insurer further warrants that such policy conforms in all respects to the requirements of LAC 33:VII.727.A.2 as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the administrative authority, the Insurer agrees to furnish to the administrative authority a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the Insurer is admitted, authorized, or eligible to conduct insurance business in the state of Louisiana and that the wording of this certificate is identical to the wording specified in LAC 33:VII.727.A.2.h.x, effective on the date shown immediately below.

[Authorized signature of Insurer]

[Name of person signing]

[title of person signing]

Signature of witness or notary:_____

[Date]

i. Financial Test. A permit holder, applicant, or parent corporation of the permit holder or applicant, which will be responsible for the financial obligations, may satisfy the requirements of this Section by demonstrating that he or she passes a financial test as specified in this Subparagraph. The assets of the parent corporation of the applicant or permit holder shall not be used to determine whether the applicant or permit holder satisfies the financial test, unless the parent corporation has supplied a corporate guarantee as outlined in Clause A.1.d.iv of this Section.

i. To pass this test, the permit holder, applicant, or parent corporation of the permit holder or applicant, must meet the criteria of either Subclause (a) or (b) below.

(a). The permit holder, applicant, or parent corporation of the permit holder or applicant must have:

(i). tangible net worth of at least six times the sum of the current closure and post-closure estimates to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test; and

(ii). tangible net worth of at least $10 million; and

(iii).assets in the United States amounting to either at least 90 percent of his total assets, or at least six times the sum of the current closure and post-closure estimates, to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test.

(b). The permit holder, applicant, or parent corporation of the permit holder or applicant must have:

(i). a current rating for his most recent bond issuance of AAA, AA, A, or BBB, as issued by *Standard and Poor's*, or Aaa, Aa, or Baa, as issued by *Moody's*; and

(ii). tangible net worth of at least $10 million; and

(iii).assets in the United States amounting to either 90 percent of his total assets or at least six times the sum of the current closure and post-closure estimates, to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test.

ii. To demonstrate that he or she meets this test, the permit holder, applicant, or parent corporation of the permit holder or applicant must submit the following three items to the Office of Management and Finance, Financial Services Division:

(a). a letter signed by the chief financial officer of the permit holder, applicant, or parent corporation demonstrating and certifying the criteria in Clause A.2.i.i of this Section and including the information required by Clause A.2.i.iv of this Section. If the financial test is provided to demonstrate both assurance for closure and/or post-closure care and liability coverage, a single letter to cover both forms of financial responsibility is required;

(b). a copy of the independent certified public accountant (CPA)'s report on the financial statements of the permit holder, applicant, or parent corporation of the permit holder or applicant for the latest completed fiscal year;

(c). a special report from the independent CPA to the permit holder, applicant, or parent corporation of the permit holder or applicant stating that:

(i). he or she has computed the data specified by the chief financial officer as having been derived from the independently audited, year-end financial statements with the amounts for the latest fiscal year in such financial statements; and

(ii). in connection with that procedure, no matters came to his attention that caused him to believe that the specified data should be adjusted.

iii. The administrative authority may disallow use of this test on the basis of the opinion expressed by the independent CPA in his report on qualifications based on the financial statements. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The administrative authority will evaluate other qualifications on an individual

basis. The administrative authority may disallow the use of this test on the basis of the accessibility of the assets of the parent corporation (corporate guarantor), permit holder, or applicant. The permit holder, applicant, or parent corporation must provide evidence of insurance for the entire amount of required liability coverage, as specified in this Section, within 30 days after notification of disallowance.

iv. The permit holder, applicant, or parent corporation (if a corporate guarantor) of the permit holder or applicant shall provide to the Office of Management and Finance, Financial Services Division a letter from the chief financial officer certifying the following information:

(a). a list of solid waste facilities, whether in Louisiana or not, owned or operated by the permit holder or applicant of the facility, for which financial assurance for liability coverage is demonstrated through the use of financial tests, including the amount of liability coverage;

(b). a list of solid waste facilities, whether in Louisiana or not, owned or operated by the permit holder or applicant, for which financial assurance for the closure or post-closure care is demonstrated through the use of a financial test or self-insurance by the permit holder or applicant, including the cost estimates for the closure and post-closure care of each facility;

(c). a list of the solid waste facilities, whether in Louisiana or not, owned or operated by any subsidiaries of the parent corporation for which financial assurance for closure and/or post-closure is demonstrated through the financial test or through use of self-insurance, including the current cost estimate for the closure or post-closure care for each facility and the amount of annual aggregate liability coverage for each facility; and

(d). a list of solid waste facilities, whether in Louisiana or not, for which financial assurance for closure or post-closure care is not demonstrated through the financial test, self-insurance, or other substantially equivalent state mechanisms, including the estimated cost of closure and post-closure of such facilities.

(e). The wording of the letter from the chief financial officer shall be identical to the wording as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY LETTER FROM THE CHIEF FINANCIAL OFFICER

(Liability Coverage, Closure, and/or Post-Closure)

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4303
Baton Rouge, Louisiana 70821-4303
Attention: Office of Management and Finance,
Financial Services Division
Dear Sir:

I am the chief financial officer of [name and address of firm, which may be either the permit holder, applicant, or parent corporation of the permit holder or applicant]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "liability coverage," "closure," and/or "post-closure," as applicable] as specified in [insert "LAC 33:VII.727.A.1," "LAC 33:VII.727.A.2," or LAC 33:VII.727.A.1 and A.2"].

[Fill out the following four paragraphs regarding facilities and associated liability coverage, and closure and post-closure cost estimates. If your firm does not have facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, list the site identification number, site name, facility name, and facility permit number.]

1. The firm identified above is the [insert "permit holder," "applicant for a standard permit," or "parent corporation of the permit holder or applicant for a standard permit"] of the following solid waste facilities, whether in Louisiana or not, for which liability coverage is being demonstrated through the financial test specified in LAC 33:VII.727.A.1. The amount of annual aggregate liability coverage covered by the test is shown for each facility:

2. The firm identified above is the [insert "permit holder," "applicant for a standard permit," or "parent corporation of the permit holder or applicant for a standard permit"] of the following solid waste facilities, whether in Louisiana or not, for which financial assurance for [insert "closure," "post-closure," or "closure and post-closure"] is demonstrated through a financial test similar to that specified in LAC 33:VII.727.A.2 or other forms of self-insurance. The current [insert "closure," "post-closure," or "closure and post-closure"] cost estimates covered by the test are shown for each facility:

3. This firm guarantees through a corporate guarantee similar to that specified in [insert " LAC 33:VII.727.A.2," or LAC 33:VII.727.A.1 and 2"], [insert "liability coverage," "closure," "post-closure," or "closure and post-closure"] care of the following solid waste facilities, whether in Louisiana or not, of which [insert the name of the permit holder or applicant] are/is a subsidiary of this firm. The amount of annual aggregate liability coverage covered by the guarantee for each facility and/or the current cost estimates for the closure and/or post-closure care so guaranteed is shown for each facility:

4. This firm is the owner or operator of the following solid waste facilities, whether in Louisiana or not, for which financial assurance for liability coverage, closure and/or post-closure care is not demonstrated either to the U.S. Environmental Protection Agency or to a state through a financial test or any other financial assurance mechanism similar to those specified in LAC 33:VII.727.A.1 and/or 2. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility.

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed year, ended [date].

[Fill in Part A if you are using the financial test to demonstrate coverage only for the liability requirements.]

PART A. LIABILITY COVERAGE FOR ACCIDENTAL OCCURRENCES

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

ALTERNATIVE I

1.	Amount of annual aggregate liability coverage to be demonstrate	$_____
*2.	Current assets	$_____
*3.	Current liabilities	$_____
*4.	Tangible net worth	$_____
*5.	If less than 90 percent of assets are located in the U.S., give total U.S. assets	$_____

		YES	NO
6.	Is line 4 at least $10 million?	_____	_____
7.	Is line 4 at least 6 times line 1?	_____	_____

*8. Are at least 90 percent of assets located in the U.S.? If not, complete line 9. _____ _____

9. Is line 4 at least 6 times line 1? _____ _____

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

ALTERNATIVE II

1. Amount of annual aggregate liability coverage to be demonstrated $_____

2. Current bond rating of most recent issuance of this firm and name of rating service _____

3. Date of issuance of bond _____

4. Date of maturity of bond _____

*5. Tangible net worth $_____

*6. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.) _____

	YES	NO
7. Is line 5 at least $10 million?	_____	_____
8. Is line 5 at least 6 times line 1?	_____	_____
*9. Are at least 90 percent of assets located in the U.S.? If not, complete line 10.	_____	_____
10. Is line 6 at least 6 times line 1?	_____	_____

[Fill in Part B if you are using the financial test to demonstrate assurance only for closure and/or post-closure care.]

PART B. CLOSURE AND/OR POST-CLOSURE

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

ALTERNATIVE I

1. Sum of current closure and/or post-closure estimate (total all cost estimates shown above) $_____

*2. Tangible net worth $_____

*3. Net worth $_____

*4. Current Assets $_____

*5. Current liabilities $_____

*6. The sum of net income plus depreciation, depletion, and amortization $_____

*7. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.) $_____

	YES	NO
8. Is line 2 at least $10 million?	_____	_____
9. Is line 2 at least 6 times line 1?	_____	_____
*10. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 11.	_____	_____
11. Is line 7 at least 6 times line 1?	_____	_____

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

ALTERNATIVE II

1. Sum of current closure and post closure cost estimates (total of all cost estimates shown above) $_____

2. Current bond rating of most recent issuance of this firm and name of rating service _____

3. Date of issuance of bond _____

4. Date of maturity of bond _____

*5. Tangible net worth (if any portion of the closure and/or post-closure cost estimate is included in "total liabilities" on your firm's financial statement, you may add the amount of that portion to this line) $_____

*6. Total assets in U.S. (required only if less than 90 percent of the firm's assets are located in the U.S.) $_____

	YES	NO
7. Is line 5 at least $10 million?	_____	_____
8. Is line 5 at least 6 times line 1?	_____	_____
9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10.	_____	_____
10. Is line 6 at least 6 times line 1?	_____	_____

[Fill in Part C if you are using the financial test to demonstrate assurance for liability coverage, closure, and/or post-closure care.]

PART C. LIABILITY COVERAGE, CLOSURE, AND/OR POST-CLOSURE

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i-i.(a) are used.]

ALTERNATIVE I

1. Sum of current closure and/or post-closure cost estimates (total of all cost estimates listed above $_____

2. Amount of annual aggregate liability coverage to be

demonstrated $_____

3. Sum of lines 1 and 2 $_____

*4. Total liabilities (If any portion of your closure and/or post-closure cost estimates is included in your "total liabilities" in your firm's financial statements, you may deduct that portion from this line and add that amount to lines 5 and 6.) $_____

*5. Tangible net worth $_____

*6. Net worth $_____

*7. Current assets $_____

*8. Current liabilities $_____

*9. The sum of net income plus depreciation, depletion, and amortization $_____

*10. Total assets in the U.S. (required only if less than 90 percent of assets are located in the U.S.) $_____

		YES	NO
11.	Is line 5 at least $10 million?	_____	_____
12.	Is line 5 at least 6 times line 3?	_____	_____
*13.	Are at least 90 percent of assets located in the U.S.? If not, complete line 14.	_____	_____
14.	Is line 10 at least 6 times line 3?	_____	_____

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

ALTERNATIVE II

1. Sum of current closure and/or post-closure cost estimates (total of all cost estimates listed above $_____

2. Amount of annual aggregate liability coverage to be demonstrated $_____

3. Sum of lines 1 and 2 $_____

4. Current bond rating of most recent issuance of this firm and name of rating service _____

5. Date of issuance of bond _____

6. Date of maturity of bond _____

*7. Tangible net worth (If any portion of the closure and/or post-closure cost estimates is included in the "total liabilities" in your firm's financial statements, you may add that portion to this line.) $_____

*8. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.) $_____

		YES	NO
9.	Is line 7 at least $10 million?	_____	_____
10.	Is line 7 at least 6 times line 3?	_____	_____
*11.	Are at least 90 percent of assets located in the U.S.? If not, complete line 12.	_____	_____
12.	Is line 8 at least 6 times line 3?	_____	_____

(The following is to be completed by all firms providing the financial test)

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:VII.727.A.2.i.iv.(e).

[Signature of chief financial officer for the firm]

[Typed name of chief financial officer]

[Title]

[Date]

v. For the purposes of Paragraph A.2 of this Section, the phrase "tangible net worth" shall mean the tangible assets that remain after liabilities have been deducted; such assets would not include intangibles such as good will and rights to patents or royalties.

vi. The phrase "current closure and post-closure cost estimates," as used in Clause A.2.i.i of this Section, includes the cost estimates required to be shown in Division A.2.i.i.(a).(i) of this Section.

vii. After initial submission of the items specified in Clause A.2.i.ii of this Section, the permit holder, applicant, or parent corporation of the permit holder or applicant must send updated information to the Office of Management and Finance, Financial Services Division within 90 days after the close of each succeeding fiscal year. This information must include all three items specified in Clause A.2.i.ii of this Section.

viii. The administrative authority may, on the basis of a reasonable belief that the permit holder, applicant, or parent corporation of the permit holder or applicant may no longer meet the requirements of Subparagraph A.2.i of this Section, require reports of financial condition at any time in addition to those specified in Clause A.2.i.ii of this Section. If the administrative authority finds, on the basis of such reports or other information, that the permit holder, applicant, or parent corporation of the permit holder or applicant no longer meets the requirements of Clause A.2.i.ii of this Section, the permit holder or applicant, or parent corporation of the permit holder or applicant must provide alternate financial assurance as specified in Paragraph A.2 of this Section within 30 days after notification of such a finding.

ix. A permit holder or applicant may meet the requirements of Subparagraph A.2.i of this Section for closure and/or post-closure by obtaining a written guarantee, hereafter referred to as a "corporate guarantee." The guarantor must be the parent corporation of the permit holder or applicant. The guarantor must meet the requirements and submit all information required for permit holders or applicants in Clauses i-viii of this Subparagraph and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Clauses ii and iv of this Subparagraph. The terms of the corporate guarantee must be in an authentic act signed and sworn by an authorized officer of the corporation before a notary public and must provide that:

(a). the guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in Subparagraph A.2.i of this Section;

(b). the guarantor is the parent corporation of the permit holder or applicant of the solid waste management facility or facilities to be covered by the guarantee, and the guarantee extends to certain facilities;

(c). "closure plans," as used in the guarantee, refers to the plans maintained as required by the Louisiana solid waste rules and regulations for the closure and post-closure care of facilities, as identified in the guarantee;

(d). for value received from the permit holder or applicant, the guarantor guarantees to the Louisiana Department of Environmental Quality that the permit holder or applicant will perform closure, post-closure care, or closure and post-closure care of the facility or facilities listed in the guarantee, in accordance with the closure plan and other permit or regulatory requirements whenever required to do so. In the event that the permit holder or applicant fails to perform as specified in the closure plan, the guarantor shall do so or establish a trust fund as specified in Subparagraph A.2.d of this Section, in the name of the permit holder or applicant, in the amount of the current closure or post-closure cost estimates or as specified in Subparagraph A.2.b. of this Section;

(e). guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days after the end of the fiscal year, by certified mail, notice to the Office of Management and Finance, Financial Services Division and to the permit holder or applicant that he intends to provide alternative financial assurance as specified in Paragraph A.2 of this Section, in the name of the permit holder or applicant, and that within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the permit holder or applicant has done so;

(f). the guarantor agrees to notify the Office of Management and Finance, Financial Services Division by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(g). the guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure or post-closure care, he shall establish alternate financial assurance as specified in Paragraph A.2 of this Section in the name of the permit holder or applicant, unless the permit holder or applicant has done so;

(h). the guarantor agrees to remain bound under the guarantee, notwithstanding any or all of the following: amendment or modification of the closure plan, amendment or modification of the permit, extension or reduction of the time of performance of closure or post-closure, or any other modification or alteration of an obligation of the permit holder or applicant pursuant to these regulations;

(i). the guarantor agrees to remain bound under the guarantee for as long as the permit holder must comply with the applicable financial assurance requirements of Paragraph A.2 of this Section for the above-listed facilities, except that the guarantor may cancel this guarantee by sending notice by certified mail to the Office of Management and Finance, Financial Services Division and the permit holder or applicant. The cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the permit holder or applicant, as evidenced by the return receipts;

(j). the guarantor agrees that if the permit holder or applicant fails to provide alternative financial assurance as specified in Paragraph A.2 of this Section, and to obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the owner or operator;

(k). the guarantor expressly waives notice of acceptance of the guarantee by the administrative authority or by the permit holder. Guarantor also expressly waives notice of amendments or modifications of the closure plan and of amendments or modifications of the facility permit(s).

(l). The wording of the corporate guarantee must be as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SOLID WASTE FACILITY CORPORATE GUARANTEE FOR LIABILITY COVERAGE, CLOSURE, AND/OR POST-CLOSURE CARE

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the state of [insert name of state], hereinafter referred to as guarantor, to the Louisiana Department of Environmental Quality, obligee, on behalf of our subsidiary [insert the name of the permit holder or applicant] of [business address].

Recitals

1. The guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in LAC 33:VII.727.A.2.i.ix.

2. [Subsidiary] is the [insert "permit holder," "applicant for a permit"] hereinafter referred to as [insert "permit holder" or "applicant"] for the following solid waste facility covered by this guarantee: [List the site identification number, site name, facility name, and facility permit number. Indicate for each facility whether guarantee is for liability coverage, closure, and/or post-closure and the amount of annual aggregate liability coverage, closure, and/or post-closure costs covered by the guarantee]

[Fill in Paragraphs 3 and 4 below if the guarantee is for closure and/or post-closure.]

3. "Closure plans" as used below refers to the plans maintained as required by the *Louisiana Administrative Code*, Title 33, Part VII, for the closure and/or post-closure care of the facility identified in Paragraph 2 above.

4. For value received from [insert "permit holder" or "applicant"], guarantor guarantees to the Louisiana Department of Environmental Quality that in the event that [insert "permit holder" or "applicant"] fails to perform [insert "closure," "post-closure care," or "closure and post-closure care"] of the above facility in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor shall do so or shall establish a trust fund as specified in LAC 33:VII.727.A.2.d as applicable, in the name of [insert "permit holder" or "applicant"] in the amount of the current closure and/or post-closure estimates as specified in LAC 33:VII.727.A.2.

[Fill in Paragraph 5 below if the guarantee is for liability coverage.]

5. For value received from [insert "permit holder" or "applicant"], guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden and accidental occurrences arising from operations of the facility covered by this guarantee that in the event that [insert "permit holder" or "applicant"] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by sudden and accidental occurrences arising from the operation of the above-named facilities, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s), or settlement agreement(s) up to the coverage limits identified above.

6. The guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the administrative authority and to [insert "permit holder" or "applicant"] that he intends to provide alternative financial assurance as specified in [insert "LAC 33:VII.727.A.1" and/or "LAC 33:VII.727.A.2"], as applicable, in the name of the [insert "permit holder" or "applicant"], within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless [insert "permit holder" or "applicant"] has done so.

7. The guarantor agrees to notify the administrative authority, by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

8. The guarantor agrees that within 30 days after being notified by the administrative authority of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of [insert "liability coverage" or "closure and/or post-closure care"] he shall establish alternate financial assurance as specified in [insert "LAC 33:VII.727.A.1" and/or "LAC 33:VII.727.A.2"] as applicable, in the name of [insert "permit holder" or "applicant"] unless [insert "permit holder" or "applicant"] has done so.

9. The guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: [if the guarantee is for closure and post-closure insert "amendment or modification of the closure and or post-closure care, the extension or reduction of the time of performance of closure and/or post-closure"] or any other modification or alternation of an obligation of the [insert "permit holder" or "applicant"] pursuant to the *Louisiana Administrative Code*, Title 33, Part VII.

10. The guarantor agrees to remain bound under this guarantee for as long as the [insert "permit holder" or "applicant"] must comply with the applicable financial assurance requirements of [insert "LAC 33:VII.727.A.1" and/or "LAC 33:VII.727.A.2"] for the above-listed facility except that guarantor may cancel this guarantee by sending notice by certified mail, to the administrative authority and to the [insert "permit holder" or "applicant"], such cancellation to become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the [insert "permit holder" or "applicant"], as evidenced by the return receipts.

11. The guarantor agrees that if the [insert "permit holder" or "applicant"] fails to provide alternative financial assurance as specified in [insert "LAC 33:VII.727.A.1" and/or "LAC 33:VII.727.A.2"], as applicable, and obtain written approval of such assurance from the administrative authority within 60 days after a notice of cancellation by the guarantor is received by the administrative authority from guarantor, guarantor shall provide such alternate financial assurance in the name of the [insert "permit holder" or "applicant"].

12. The guarantor expressly waives notice of acceptance of this guarantee by the administrative authority or by the [insert "permit holder" or "applicant"]. Guarantor expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that the wording of this guarantee is identical to the wording specified in LAC 33:VII.727.A.2.i.ix.(l), effective on the date first above written.

Effective date:_____

[Name of Guarantor]

[Authorized signature for guarantor]

[Typed name and title of person signing]

Thus sworn and signed before me this [date].

j. Local Government Financial Test. An owner or operator that satisfies the requirements of Clauses A.2.j.i-iii of this Section may demonstrate financial assurance up to the amount specified in Clause A.2.j.iv of this Section.

i. Financial Component

(a). The owner or operator must satisfy the following conditions, as applicable:

(i). if the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by *Moody's*, or AAA, AA, A, or BBB, as issued by *Standard and Poor's,* on all such general obligation bonds; or

(ii). the owner or operator must satisfy the ratio of cash plus marketable securities to total expenditures being greater than or equal to 0.05 and the ratio of annual debt service to total expenditures less than or equal to 0.20 based on the owner or operator's most recent audited annual financial statement.

(b). The owner or operator must prepare its financial statements in conformity with *Generally Accepted Accounting Principles* for governments and have its financial statements audited by an independent certified public accountant (or appropriate state agency).

(c). A local government is not eligible to assure its obligations under Subparagraph A.2.j of this Section if it:

(i). is currently in default on any outstanding general obligation bonds;

(ii). has any outstanding general obligation bonds rated lower than Baa as issued by *Moody's* or BBB as issued by *Standard and Poor's*;

(iii). operated at a deficit equal to 5 percent or more of total annual revenue in each of the past two fiscal years; or

(iv). receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant (or appropriate state agency) auditing its financial statement as required under Subclause A.2.j.i.(b) of this Section. The administrative authority may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the administrative authority deems the qualification insufficient to warrant disallowance of use of the test.

(d). The following terms used in this Subsection are defined as follows:

(i). *Deficit*—total annual revenues minus total annual expenditures.

(ii). *Total Revenues*—revenues from all taxes and fees, but does not include the proceeds from borrowing or asset sales, excluding revenue from funds managed by local government on behalf of a specific third party.

(iii). *Total Expenditures*—all expenditures, excluding capital outlays and debt repayment.

(iv). *Cash Plus Marketable Securities*—all the cash plus marketable securities held by the local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.

(v). *Debt Service*—the amount of principal and interest due on a loan in a given time period, typically the current year.

ii. Public Notice Component. The local government owner or operator must place a reference to the closure and post-closure care costs assured through the financial test into its next comprehensive annual financial report (CAFR) after the effective date of this Section or prior to the initial receipt of waste at the facility, whichever is later. Disclosure must include the nature and source of closure and post-closure care requirements, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years. A reference to corrective action costs must be placed in the CAFR not later than 120 days after the corrective action remedy has been selected in accordance with the requirements of LAC 33:VII.709.E.6. For the first year the financial test is used to assure costs at a particular facility, the reference may be placed in the operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget. For closure and post-closure costs, conformance with *Government Accounting Standards Board Statement 18* assures compliance with this public notice component.

iii. Recordkeeping and Reporting Requirements

(a). The local government owner or operator must place the following items in the facility's operating record:

(i). a letter signed by the local government's chief financial officer that lists all the current cost estimates covered by a financial test, as described in Clause A.2.j.iv of this Section. It must provide evidence that the local government meets the conditions of Subclauses A.2.j.i.(a), (b), and (c) of this Section, and certify that the local government meets the conditions of Subclauses A.2.j.i.(a), (b), (c), ii, and iv of this Section;

(ii). the local government's independently audited year-end financial statements for the latest fiscal year (except for local governments where audits are required every two years and unaudited statements may be used in years when audits are not required), including the unqualified opinion of the auditor who must be an independent certified public accountant or an appropriate state agency that conducts equivalent comprehensive audits;

(iii). a report to the local government from the local government's independent certified public accountant or the appropriate state agency based on performing an agreed upon procedures engagement relative to the financial ratios required by Division A.2.j.i.(a).(ii) of this Section, if applicable, and the requirements of Subclauses A.2.j.i.(b) and (c).(iii) and (iv) of this Section. The certified public accountant or state agency's report should state the procedures performed and the certified public accountant or state agency's findings; and

(iv). a copy of the comprehensive annual financial report (CAFR) used to comply with Clause A.2.j.ii of this Section (certification that the requirements of *General Accounting Standards Board Statement 18* have been met).

(b). The items required in Subclauses A.2.j.iii.(a) of this Section must be placed in the facility operating record as follows:

(i). in the case of closure and post-closure care, either before the effective date of this Section, which is April 9, 1997, or prior to the initial receipt of waste at the facility, whichever is later; or

(ii). in the case of corrective action, not later than 120 days after the corrective action remedy is selected in accordance with the requirements of LAC 33:VII.709.E.6.

(c). After the initial placement of the items in the facility's operating record, the local government owner or operator must update the information and place the updated information in the operating record within 180 days following the close of the owner or operator's fiscal year.

(d). The local government owner or operator is no longer required to meet the requirements of Clause A.2.j.iii of this Section when:

(i). the owner or operator substitutes alternate financial assurance, as specified in this Section; or

(ii). the owner or operator is released from the requirements of this Section in accordance with Paragraph A.1 or 2 of this Section.

(e). A local government must satisfy the requirements of the financial test at the close of each fiscal year. If the local government owner or operator no longer meets the requirements of the local government financial test, it must, within 210 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Section, place the required submissions for that assurance in the operating record, and notify the Office of Management and Finance, Financial Services Division that the owner or operator no longer meets the criteria of the financial test and that alternate assurance has been obtained.

(f). The administrative authority, based on a reasonable belief that the local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the local government at any time. If the administrative authority finds, on the basis of such reports or other information, that the owner or operator no longer meets the local government financial test, the local government must provide alternate financial assurance in accordance with this Section.

iv. Calculation of Costs to be Assured. The portion of the closure, post-closure, and corrective action costs for which an owner or operator can assure under Subparagraph A.2.j of this Section is determined as follows:

(a). if the local government owner or operator does not assure other environmental obligations through a financial test, it may assure closure, post-closure, and corrective action costs that equal up to 43 percent of the local government's total annual revenue;

(b). if the local government assures other environmental obligations through a financial test, including those associated with UIC facilities under 40 CFR 144.62, petroleum underground storage tank facilities under 40 CFR Part 280, PCB storage facilities under 40 CFR Part 761, and hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, or corresponding state programs, it must add those costs to the closure, post-closure, and corrective action costs it seeks to assure under Subparagraph A.2.j of this Section. The total that may be assured must not exceed 43 percent of the local government's total annual revenue;

(c). the owner or operator must obtain an alternate financial assurance instrument for those costs that exceed the limits set in Subclauses A.2.j.iv.(a) and (b) of this Section.

k. Local Government Guarantee. An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, as required by Paragraphs A.1-2 of this Section, by obtaining a written guarantee provided by a local government. The guarantor must meet the requirements of the local government financial test in Subparagraph A.2.j of this Section, and must comply with the terms of a written guarantee.

i. Terms of the Written Guarantee. The guarantee must be effective before the initial receipt of waste or before the effective date of this Section, whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of LAC 33:VII.709.E.6. The guarantee must provide that:

(a). if the owner or operator fails to perform closure, post-closure care, and/or corrective action of a facility covered by the guarantee, the guarantor will:

(i). perform, or pay a third party to perform closure, post-closure care, and/or corrective action as required; or

(ii). establish a fully funded trust fund as specified in Subparagraph A.2.d of this Section in the name of the owner or operator;

(b). the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Office of Management and Finance, Financial Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts; and

(c). if a guarantee is canceled, the owner or operator must, within 90 days following receipt of the cancellation notice by the owner or operator and the administrative authority, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the Office of Management and Finance, Financial Services Division. If the owner or operator fails to provide alternate financial assurance within the 90-day period, then the owner or operator must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Office of Management and Finance, Financial Services Division.

ii. Recordkeeping and Reporting

(a). The owner or operator must place a certified copy of the guarantee, along with the items required under Clause A.2.j.iii of this Section, into the facility's operating record before the initial receipt of waste or before the effective date of this Section, whichever is later, in the case of closure or post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of LAC 33:VII.709.E.6.

(b). The owner or operator is no longer required to maintain the items specified in Clause A.2.k.ii of this Section when:

(i). the owner or operator substitutes alternate financial assurance as specified in this Section; or

(ii). the owner or operator is released from the requirements of this Section in accordance with Paragraphs A.1-2 of this Section.

(c). If a local government guarantor no longer meets the requirements of Subparagraph A.2.j of this Section, the owner or operator must, within 90 days, obtain alternate assurance, place evidence of the alternate assurance in the facility operating record, and notify the Office of Management and Finance, Financial Services Division. If the owner or operator fails to obtain alternate financial assurance within that 90-day period, the guarantor must provide that alternate assurance within the next 30 days.

l. Use of Multiple Mechanisms. An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, as required by Paragraphs A.1-2 of this Section, by establishing more than one financial mechanism per facility, except that mechanisms guaranteeing performance, rather than payment may not be combined with other instruments. The mechanisms must be as specified in Subparagraphs A.2.d-i of this Section, except that financial assurance for an amount at least equal to the current cost estimate for closure, post-closure care, and/or corrective action may be provided by a combination of mechanisms, rather than a single mechanism.

m. Discounting. The administrative authority may allow discounting of closure and post-closure cost estimates in Paragraph A.2 of this Section, and/or corrective action costs in Paragraph A.1 of this Section up to the rate of return for essentially risk-free investments, net of inflation, under the following conditions:

i. the administrative authority determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a registered professional engineer to the Office of Management and Finance, Financial Services Division so stating;

ii. the state finds the facility in compliance with applicable and appropriate permit conditions;

iii. the administrative authority determines that the closure date is certain and the owner or operator certifies that there are no foreseeable factors that will change the estimate of site life; and

iv. discounted cost estimates must be adjusted annually to reflect inflation and years of remaining life.

B. Financial Responsibility for Corrective Action for Type II Landfills

1. A permit holder of a Type II landfill required to undertake a corrective action program under LAC 33:VII.709.E must provide to the Office of Management and Finance, Financial Services Division a detailed written estimate, in current dollars, of the cost of hiring a third party to perform the corrective action in accordance with the program required under LAC 33:VII.709.E. The corrective action cost estimate must account for the total costs of corrective action activities as described in the corrective action plan for the entire corrective action period.

a. The permit holder must provide an annual adjustment of the estimate for inflation to the Office of Management and Finance, Financial Services Division until the corrective action program is completed in accordance with LAC 33:VII.709.E.

b. The permit holder must provide an increased corrective action cost estimate to the Office of Management and Finance, Financial Services Division and the amount of financial assurance provided under Paragraph B.2 of this Section if changes in the corrective action program or landfill conditions increase the maximum costs of corrective action.

c. Subject to approval of the administrative authority, the permit holder may provide a reduced corrective action cost estimate to the Office of Management and Finance, Financial Services Division and the amount of financial assurance provided under Paragraph B.2 of this Section if the cost estimate exceeds the maximum remaining costs of corrective action. The permit holder must provide the Office of Management and Finance, Financial Services Division justification for the reduction of the corrective action cost estimate and the revised amount of financial assurance.

2. The permit holder of each Type II landfill required to undertake a corrective action program under LAC 33:VII.709.E must establish, in a manner in accordance with Paragraph A.2 of this Section, financial assurance for the most recent corrective action program. The financial assurance must be provided within 120 days after the selection of the corrective action remedy in LAC 33:VII.709.E.6. The permit holder must provide continuous coverage for corrective action until released from financial assurance requirements for corrective action by demonstrating compliance with LAC 33:VII.709.E.7.h.iii.(a) and (b). For the purpose of corrective action financial assurance only the words "corrective action" shall be substituted for the words "closure" or "post-closure" throughout Paragraph A.2 of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1316 (October 1993), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2529 (November 2000), repromulgated LR 27:39 (January 2001), amended by the Office of Environmental Assessment, LR 30:2026 (September 2004).

Chapter 9. Enforcement

§901. Failure to Comply

A. Failure of any person to comply with any of the provisions of these regulations or of the terms and conditions of any permit granted or order issued hereunder constitutes a violation of the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§903. Investigations: Purposes, Notice

A. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the persons or parties involved. The results of an investigation shall be given to any complainant who provided the information prompting the investigation, upon written request and, if advisable, to the person under investigation, if the identity of such person is known.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§905. Development of Facts, Reports

A. The administrative authority may conduct inquiries and develop facts in investigations by staff investigatory procedures or formal investigations and may conduct inspections and examinations of facilities and records. The administrative authority or his presiding officer may hold public hearings and/or issue subpoenas pursuant to R.S. 30:2025(I) and require attendance of witnesses and production of documents, or may take such other action as may be necessary and authorized by the act or rules promulgated by the administrative authority. At the conclusion of the investigation, all facts and information concerning any alleged violation that have been developed shall be compiled by the staff of the department. A report of the investigation shall be presented to the administrative authority for use in possible enforcement proceedings. Any complainant who provided the information prompting the investigation shall be notified of its results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§907. Enforcement Action

A. When the administrative authority determines that a violation of the act or these regulations or the terms and conditions of any permit issued hereunder has occurred or is about to occur, he shall initiate one or more of the actions set forth in R.S. 30:2025, or as otherwise provided by appropriate rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§909. Closing Unauthorized and Promiscuous Dumps

Unauthorized and promiscuous dumps shall be closed through the following procedure.

A. After an unauthorized or promiscuous dump is discovered, the administrative authority may issue an enforcement action with a closure directive to the person or persons legally responsible for the facility. Directives issued for unauthorized or promiscuous dumps shall require closure of the facility in accordance with the following procedures.

B. Unauthorized or promiscuous dumps may be closed either by removal to a solid waste facility or by completing on-site closure requirements.

C. Requirements for on-site closure are as follows:

1. if required, or authorized and approved, by the administrative authority, closure shall be conducted in accordance with LAC 33:I.Chapter 13. However, the requirements of Subparagraph C.2.g of this Section will apply. If closure in accordance with LAC 33:I.Chapter 13 results in constituent-of-concern levels remaining above those allowed for residential scenarios, the requirements of Subparagraph C.2.f of this Section will also apply; and

2. if closure will not be conducted in accordance with Paragraph C.1 of this Section, then approval or authorization may be granted by the administrative authority for the following alternative closure requirements:

a. extinguish all fires;

b. dewater and either solidify waste for return to the landfill or discharge it as governed by a NPDES permit, if applicable;

c. implement a rodent-extermination program, if applicable, to prevent migration of rats;

d. compact the waste with suitable equipment;

e. provide a final cover consisting of a minimum of 24 inches of silty clays and 6 inches of topsoil cover for supporting vegetative growth and revegetate the area to control erosion if necessary;

f. record in the parish mortgage and conveyance records a document describing the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name of the person with knowledge of the contents of the facility, as well as providing the chemical levels remaining, if present. A true copy of the document, filed and certified by the parish clerk of court, shall be sent to the Office of Environmental Compliance; and

g. conduct long-term monitoring in accordance with Subsection E of this Section, if deemed necessary by the administrative authority.

D. Inspection and Reports. The administrative authority reserves the right to inspect the facility to determine if the requirements for closure have been met.

E. Long-Term Monitoring Responsibilities. The administrative authority may require the following or other long-term monitoring responsibilities of the person legally responsible for the unauthorized or promiscuous dump if deemed necessary:

1. Installation of groundwater monitoring wells in accordance with LAC 33:VII.709.E may be required along with semiannual reporting for a period of 10 years of monitoring of the facility after closure, or longer if deemed necessary, on a facility-specific basis.

2. Annual reports may be required for a period of three years, or longer if deemed necessary, on the condition of the final cover and the use of the property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:1051 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2536 (November 2000).

Chapter 11. Beneficial-Use Facilities

§1101. General Requirements

A. Except as otherwise specified in this Chapter, beneficial-use facilities and permit holders shall be subject to the requirements of LAC 33:VII.Chapters 1, 3, 5, 7 and 9, including but not limited to definitions, permitting and public notice requirements, fees, standards, and enforcement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§1103. Permit Requirements

A. Solid waste shall not be discharged, applied, incorporated, injected, or deposited onto or into the land for the purpose of beneficial use unless a beneficial-use permit is first obtained from the administrative authority. If a beneficial-use permit is issued to anyone other than the generator of the solid waste, the permit holder must comply with the financial assurance requirements in LAC 33:VII.727.A.1 for Type III facilities during operation, except that the liability amount shall be $250,000 per permit, rather than per site.

B. No permit for beneficial use can be issued by the administrative authority unless the applicant supplies written documentation from a qualified, independent third party, such as the Louisiana Cooperative Extension Service, the Louisiana Department of Agriculture, the Louisiana Department of Transportation and Development, or other appropriate organization that the proposed activity is a legitimate beneficial use of solid waste.

C. The administrative authority may issue a single beneficial-use permit for multiple beneficial-use locations provided that the permit application includes required information for each location, each location meets the standards provided in this Chapter, and the same solid waste stream (from a single generation site) is disposed of at all locations. The multiple locations will be considered as one facility and each location will be a unit of the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§1105. Part I Application Form for Beneficial-Use Facilities

The applicant shall complete a beneficial-use application Part I Form (see LAC 33:VII.3013). The following notes refer to the items on the form requiring that information:

A. name of applicant (prospective permit holder) applying for a beneficial-use permit (also name of property owner if different from permit holder);

B. facility name;

C. description of the location(s) of the facility (identify by street and number or by intersection of roads, or by mileage and direction from an intersection);

D. geographic location(s) (section, township, range, and parish where the facility is located), and the coordinates (as defined by the longitude and latitude to the second) of the centerpoint of the facility;

E. mailing address of the applicant and the name(s) of the property owner if different from applicant;

F. contact and phone number for the applicant and for the property owner (position or title of the contact person is acceptable);

G. type and purpose of operation (check each applicable block);

H. a list of all environmental permits that relate directly to the facility represented in this application;

I. a letter from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the operation conforms to the applicable statewide plan;

> [NOTE: In accordance with R.S. 30:2307(B), this regulation does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry or business which generates such solid waste.]

J. zoning of the facility (If the facility is zoned, note the classification and zoning authority, and include a zoning affidavit or other documentation stating that the proposed use does not violate existing land use requirements.);

K. types and maximum quantities (wet-weight tons per week) of waste to be applied at the facility;

L. proof of publication of the notice regarding submittal of the permit application as required in LAC 33:VII.513.A;

M. the signature, typed name, and the title of the individual(s) authorized to sign the application by the applicant and the property owner (Proof of legal authority of the signatory to sign for the applicant must be provided.);

N. third party documentation as required in LAC 33:VII.1103.B; and

O. other information required by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2536 (November 2000).

§1107. Part II Supplementary Information Required for Beneficial-Use Facilities

The following information is required in the permit application for beneficial-use facilities. All responses and exhibits must be identified within the following sequence to facilitate the evaluation. Additionally, all applicable sections of LAC 33:VII.1109 must be addressed and incorporated into the application responses. If a section does not apply, the applicant must state that it does not apply and why it does not apply.

A. Location Characteristics. Standards pertaining to location characteristics are contained in LAC 33:VII.1109.A.

1. Area Master Plan. A location map showing the facility, major drainage systems, drainage flow patterns, location of the 100-year floodplain, and other pertinent information. The scale of the maps and drawings must be legible, and engineering drawings are required.

2. Environmental Characteristics. The following information is required:

a. a list of all known recreation areas, designated wildlife management areas, swamps and marshes, wetlands, habitat for endangered species, and other sensitive ecologic areas within 1,000 feet of the facility perimeter or as otherwise appropriate;

b. documentation from the appropriate state and federal agencies substantiating the recreation areas, designated wildlife management areas, wetlands, habitat for endangered species, and other sensitive ecologic areas within 1,000 feet of the facility; and

c. a map showing the locations of all known locations of all public water systems, industrial water wells and irrigation wells within 1 mile of the facility.

B. Facility Characteristics. Standards concerning facility characteristics are contained in LAC 33:VII.1109. A facility plan, including drawings and a narrative, describing the information required below must be provided:

1. elements of the beneficial-use system employed, including as applicable, property lines, original contours (shown at not greater than 5-foot intervals), units of the facility, drainage, ditches, and roads;

2. security and signs;

3. buffer zone; and

4. other features, as appropriate.

C. Facility Geology. The following information regarding geology is required:

1. a general description of the soils, provided by a qualified professional (such as a geotechnical engineer, soil scientist, or geologist) along with a description of the method used to determine soil characteristics; and

2. logs of all known soil borings taken on the facility.

D. Certification. The person preparing the permit application must provide the following certification:

> "I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit application and that the facility as described in this permit application meets the requirements of the solid waste rules and regulations. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

E. Facility Administrative Procedures. Standards governing facility administrative procedures are contained in LAC 33:VII.1109. The following information on administrative procedures is required for all facilities:

1. a recordkeeping system, types of records to be kept, and the use of records by management to control operations;

2. an estimate of the minimum personnel, listed by general job classification, required to operate the facility; and

3. the maximum days of operation per week and per facility operating-day (the maximum hours of operation within a 24-hour period).

F. Facility Operational Plans. Standards governing facility operational plans are contained in LAC 33:VII.1109. The following information is required:

1. types of waste (including chemical, physical, and biological characteristics), maximum quantities of wastes per year, and sources of wastes that are to be beneficially used;

2. waste-handling procedures from entry to final application;

3. minimum equipment to be used at the facility;

4. procedures planned in case of breakdowns, inclement weather, and other abnormal conditions;

5. procedures, equipment, and contingency plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for emergency care should an accident occur (include the proximity to a hospital, fire and emergency services, and training programs);

6. provisions for vector, dust, litter, and odor control;

7. a comprehensive operational plan describing the total operation including, but not limited to, inspection of incoming waste to ensure that only permitted wastes are accepted, equipment operation, personnel involvement, and day-to-day activities;

8. detailed analysis of waste including, but not limited to, pH, phosphorus, nitrogen, potassium, sodium, calcium,

magnesium, sodium adsorption ratio, and total metals (as listed in LAC 33:VII.1109.G.3.a.i);

9. soil classification, cation-exchange capacity, organic matter, content in soil, soil pH, nitrogen, phosphorus, metals (as listed in LAC 33:VII:1109.G.3.a.i), salts, sodium, calcium, magnesium, sodium adsorption ratio, and PCB concentrations of the treatment zone;

10. annual application rate (dry-tons per acre) and weekly hydraulic loading (inches per acre);

11. an evaluation of the potential for nitrogen to enter the groundwater; and

12. if the facility is to be used for food-chain cropland, the following information is required:

a. a description of the pathogen-reduction method for domestic septage, sewage sludges, and other sludges subject to pathogen production;

b. crops to be grown and the dates for planting;

c. PCB concentrations in waste;

d. annual application rates of cadmium and PCB application; and

e. cumulative applications of cadmium and PCBs;

13. if the facility is to be used for non-food-chain purposes the following information is required:

a. a description of the pathogen-reduction method in septage, domestic sewage sludges, and other sludges subject to pathogen production; and

b. a description of control of public and livestock access.

G. Facility Closure. The facility must provide the date of final closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§1109. Standards Governing Beneficial-Use Facilities

A. Location Characteristics. Processing or disposal facilities may be subject to a comprehensive land use or zoning plan established by local regulations or ordinances.

B. Facility Characteristics

1. The following standards apply to perimeter barriers, security, and signs of all facilities: all facilities must have signs of sufficient size posted that warn of restricted access.

2. Buffer Zones

a. The following standards apply to buffer zones for beneficial-use facilities.

i. Buffer zones of not less than 100 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with the permission (in the form of a notarized affidavit) of the adjoining landowner and occupants. Buffer zone requirements may be exempted by the administrative authority in accordance with LAC 33:VII.307.

ii. No storage or application of solid waste shall occur within the buffer zone.

3. All facilities shall have access to required fire protection and medical care.

4. The following standards for receiving and monitoring incoming wastes shall apply for beneficial-use facilities.

a. Each facility shall control the entry of waste and prevent entry of unrecorded or unauthorized waste.

b. Each facility shall maintain records regarding application rates, application dates, and methods of application.

5. Discharges from beneficial-use facilities must be controlled and must conform to applicable state and federal laws.

C. Facility Surface Hydrology. The following standards regarding surface hydrological characteristics apply to beneficial-use facilities.

1. Land slope shall be controlled to prevent erosion.

2. Waste shall be applied in accordance with the slope guidelines in the following table.

Slope Percent	Application Restriction
0-3	None; liquid or solid material may be applied to surface.
3-6	Surface application of liquid or solid material may be made; a 100-foot vegetated runoff area is required at the downslope end of the application area with liquid applications.
6-12	Liquid material must be injected; solid material must be incorporated into soil if not vegetated; a 100-foot vegetated runoff area is required at the downslope end of the application area for all application.
>12	Unsuitable for application unless a 200-foot buffer area with slope less than 3 percent is provided at the downslope edge of the application area.

3. The topography of the facility shall provide for drainage to prevent standing water and shall allow for drainage away from the facility.

4. Wastes shall not be surface-applied within 100 feet of clean water ponds, lakes, or the 10-year high water mark for streams. In this 100-foot zone wastes must be injected.

5. Wastes shall not be applied within 300 feet of drinking water wells, irrigation wells, or industrial water supply wells.

D. Facility Geology

1. Facilities shall have natural stable soils suitable for the beneficial application of the waste.

2. Documentation shall be provided by a soil scientist or other individual with expertise in this area that soils meet the requirements in Paragraph D.1 of this Section.

E. Facility Subsurface Hydrology. The following standard applies to subsurface hydrology for beneficial-use facilities: The facilities shall be located in a hydrologic section where the historic high water table is at a minimum of a 3-foot depth below the zone of incorporation, or the water table at the facility shall be controlled to a minimum of a 3-foot depth below this zone.

F. Facility Administrative Procedures

1. Recordkeeping and Reports

a. Reports

i. The permit holder shall submit annual reports to the Office of Management and Finance, Financial Services Division indicating quantities and types of solid waste beneficially used, (expressed in wet-weight tons and dry-weight tons per year), during the reporting period. All calculations used to determine the amounts of solid waste received for processing or disposal during the annual reporting period shall be submitted to the administrative authority. A form for this purpose must be obtained from the Office of Management and Finance, Financial Services Division or through the department's website.

ii. The reporting period for the annual report shall be from July 1 through June 30, commencing July 1, 1992, and terminating upon closure of the facility in accordance with the permit.

iii. Annual reports shall be submitted to the administrative authority by August 1 of each reporting year.

iv. The annual report is to be provided for each individual permitted facility on a separate annual reporting form.

v. Facilities which receive industrial solid waste shall utilize, in their annual report, the seven-digit industrial waste number that has been assigned by the department to the industrial solid waste generator.

vi. Reports shall be submitted as provided in Subclauses F.1.b.ii.(f)-(h) of this Section.

b. Recordkeeping

i. The permit holder shall maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports. These records shall be maintained for the life of the facility and shall be kept on file for at least three years after closure.

ii. Records kept by the permit holder shall include (but not be limited to):

(a). daily log;

(b). quality-assurance/quality-control records;

(c). inspections by the permit holder or operator;

(d). monitoring, testing, or analytical data;

(e). any other applicable or required data deemed necessary by the administrative authority; and

(f). copy of the semiannual soil waste mixtures tests and analyses of the results, with conclusions, submitted semiannually to the Office of Environmental Assessment, Environmental Technology Division, or more frequently if deemed necessary by the administrative authority.

(g). Test parameters shall consist of cation-exchange capacity, soil pH, total nitrogen, phosphorus, organic matter, salts (intrinsic to the waste), cumulative metals, and any others deemed necessary on a site- and waste-specific basis.

(h). Annual reports of the analysis of all tests results on the soils; land-use, and crop information; calculated amounts of waste applied per acre; total amounts of nitrogen applied per acre; and cumulative metals loading per acre shall be submitted to the Office of Environmental Assessment, Environmental Technology Division.

2. Personnel. All facilities shall have the personnel necessary to achieve the operational requirements of the facility.

G. Facility Operations

1. Facility Limitations

a. The receipt of hazardous waste shall be strictly prohibited and prevented. Any other wastes that present special handling or disposal problems may be excluded by the administrative authority.

b. Only waste with a demonstrated beneficial use may be applied.

c. A comprehensive quality-assurance/quality-control plan shall be on place to ensure that incoming wastes are in conformance with the facility permit.

2. Facility Operational Plans

a. The following standards apply to operational plans for beneficial-use facilities. Operational plans shall be provided which describe in specific detail how the waste will be managed. At a minimum, the plan shall address:

i. the sequence in which the waste will be applied; and

ii. the recordkeeping procedures to be employed to ensure that all pertinent activities are properly documented.

b. The comprehensive operational plans for beneficial-use facilities shall also include a comprehensive operational management plan for the facility which indicates with calculations that the acreages and methods are adequate for treating the type and volumes of wastes anticipated. The plan shall include contingencies for variations.

3. Facility Operational Standards

a. The following operational standards apply to beneficial-use facilities.

i. The maximum allowable lifetime metals loading shall be restricted to the following:

Maximum Allowable Metal Loading (lb/acre)*

Soil Cation-exchange Capacity (meq/100 g)

Metal	<5	5-15	>15
Lead (Pb)	500	1000	2000
Zinc (Zn)	250	500	1000
Copper (Cu)	125	250	500
Nickel (Ni)	125	250	500
Cadmium (Cd)	5	10	20

*Other metals not listed may be subject to restrictions based upon the metals content of the waste.

ii. Surface application of liquid wastes shall not exceed 2 inches per week.

iii. Soils shall maintain a sufficiently high cation-exchange capacity (CEC) to absorb metallic elements in the solid waste by natural (pH range of soil) or artificial (additives) means. Soil in the zone of incorporation must be monitored to assess the effectiveness of ongoing treatment, management needs, and soil integrity.

iv. Nitrogen concentrations in the waste must be within the limits deemed acceptable, as determined by plant nitrogen uptake, and soil and waste analyses (which shall indicate the movement of all forms of nitrogen). The potential for nitrogen to enter the groundwaters shall be addressed.

v. Wastes shall be applied to the land surface or incorporated into the soil within 3 feet of the surface.

vi. A comprehensive quality-assurance/quality-control plan shall be in place to ensure that all incoming wastes are in conformance with the facility's permit and these regulations.

vii. Tests of soil/waste mixtures and an analysis of the results with conclusions shall be conducted semi annually or more frequently if deemed necessary by the administrative authority. Test parameters shall consist of cation-exchange capacity, soil pH, total nitrogen, phosphorus, organic matter, salts (intrinsic to the waste), cumulative metals, and others as deemed necessary by the administrative authority.

viii. The administrative authority may provide additional requirements as necessary on a site-specific basis depending on waste type and method of application.

b. The following operational standards apply to beneficial-use facilities that receive domestic sewage sludge and septic tank pumpings.

i. If spread on or incorporated into non-food-chain cropland, waste shall be treated by a process to significantly reduce pathogens (LAC 33 VII.3007) prior to application or incorporation, and public access shall be controlled for 12 months following the final application. Grazing by animals whose products are consumed by humans shall be prevented for at least 30 days.

ii. If spread on or incorporated into land used to grow crops for human consumption, the waste must be treated by a process to further reduce pathogens (LAC 33:VII.3009) before application or incorporation. If there is no contact between the waste and edible portions of the crop, or if crops are grown more than 18 months after application or incorporation, the conditions specified in Clause G.3.b.i of this Section only apply.

iii. The administrative authority may provide additional requirements necessary on a site-specific basis, depending upon waste type, land use, and methods of application.

c. The following standards apply to land use requirements for beneficial-use facilities.

i. Food-Chain Cropland

(a). The pH of the solid waste and soil mixture shall be maintained at or above 6.5.

(b). The annual application of cadmium from the waste shall not exceed 0.5 lb per acre.

(c). Cumulative application of cadmium from sewage sludge for soils with a background pH of less than 6.5 shall not exceed 5 lb per acre unless the pH of the sludge and soil mixture is adjusted and maintained at 6.5 or greater whenever food-chain crops are grown.

ii. Land Used for Animal Feed Only

(a). The pH of waste-soil mixture must be 6.5 or greater at the time of solid waste application or when the crop is planted, whichever occurs later; and this pH level must be maintained whenever food-chain crops are grown. Crops requiring a lower pH will be considered on a site-specific basis.

(b). An operating plan for the facility shall be filed with the administrative authority demonstrating how the animal feed will be distributed to preclude ingestion by humans and that describes the measures to be taken to safeguard against possible health hazards from the entry of cadmium or other heavy metals into the food chain, as may result from alternative land use.

(c). Solid waste with concentrations of polychlorinated biphenyls (PCBs) of 10 mg/kg or more shall not be allowed.

d. The following operational standards apply to waste testing.

i. Facilities which receive sewage sludge, domestic septage or incinerator ash shall require the waste be tested for TCLP constituents prior to acceptance of the waste and annually for two years following acceptance.

ii. Facilities which receive industrial solid waste (type I) shall require testing for TCLP constituents prior to acceptance of waste and annually thereafter, or documented process knowledge that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:V.Subpart 1 or by federal regulations.

H. Facility Closure Requirements

1. All permit holders shall notify the Office of Environmental Services, Permits Division in writing at least 90 days before closure or intention to close or abandon any individual units within a facility and shall provide the following information:

a. date of planned closure; and

b. closure schedule.

2. During the closure period the permit holder must continue to comply with any prohibitions or conditions concerning growth of food-chain crops.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2536 (November 2000), repromulgated LR 27:40 (January 2001), LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004).

Chapter 13. Statewide Beautification

§1301. Purpose

A. It is declared to be the purpose of these rules and regulations to:

1. control and reduce litter; and

2. create a statewide beautification program to enhance the tourist, recreational, and economic development of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2521 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2610 (November 2000).

§1303. Definitions

A. The following words, terms, and phrases, when used in conjunction with LAC 33:VII. Subpart 1, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning.

Commission—the Louisiana Litter Reduction and Public Action Commission.

Dump—to throw, discard, place, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance.

Litter—all waste material, except as provided and defined in R.S. 30:2173(2), including but not limited to, disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, debris, dead animals, furniture or appliances, automotive parts including, but not limited to, tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials, or other discarded materials of any kind and description. *Litter* shall not include agricultural products that are being transported from the harvest or collection site to a processing or market site if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle. *Litter* shall also not include recyclable cardboard being transported in compressed bundles to processing facilities. *Agricultural product*, as used in this definition, means all crops, livestock, poultry, and forestry; and all aquacultural, floracultural, horticultural, silvicultural, and viticultural products.

Local Governing Authority—the governing authority of the parish or the governing authority of the municipality in which the littering offense was committed.

Public or Private Property—the right-of-way of any road or highway, levee, any body of water or watercourse or the shores or beaches thereof, any park, playground, building, refuge, or conservation or recreation area, and residential or farm properties, timberland, or forests.

Section—the Litter Reduction and Public Action Section located within and acting through the Office of Environmental Services of the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2522 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2610 (November 2000).

§1305. Louisiana Litter Abatement Program

A. The purpose of the Louisiana Litter Abatement Program shall be to support the community-based litter abatement programs.

B. Program Award

1. Program awards shall be made available to local governments and nonprofit organizations.

2. Funding through the program shall be subject to the availability of funds.

3. All requests for awards shall be made in writing on a form provided by the department to the Litter Reduction and Public Action Section of the Office of Environmental Services.

4. The monies awarded through the award shall be used to further the administration and execution of the Keep Louisiana Beautiful Program. Allowable uses of award funding shall include, but not be limited to:

a. Keep America Beautiful fees;

b. Keep America Beautiful precertification training, education curriculums, and workshops;

c. law enforcement seminars;

d. litter surveys;

e. projects, services, activities, and operational costs of litter abatement programs;

f. materials and services for program development and training;

g. direct expenditures for materials that can facilitate litter reduction, recycling, waste reduction, reuse, and general solid waste management programs;

h. minimal advertising, public relations, and promotional materials necessary for publicity and promotion of program activities; and

i. salary of the program coordinator.

5. Each successful applicant shall supplement award funds with a 25 percent match from other sources. All matching funds must be available to the program after the date of the program award, and funds spent prior to the program award shall not be considered eligible in fulfilling the match requirement.

6. Awards shall be awarded based on a comparative basis as determined by the Litter Reduction and Public Action Section of the Office of Environmental Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2524 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:2610 (November 2000).

Chapter 30. Appendices

§3001. Appendix A

Example of a Public Notice to be Placed in the Local Newspaper for Intention to Submit a Permit Application to the Office of Environmental Services, Permits Division for Existing/Proposed Solid Waste Facilities

Public Notice

of

Intent To Submit Permit Application

(Name of Applicant/Facility)

Facility (location), Parish (location), Louisiana

Notice is hereby given that (name of applicant) does intend to submit to the Department of Environmental Quality, Office of Environmental Services, Permits Division, an application for a permit to operate a (type of solid waste facility) in (parish name), Range__, Township__, Section__, which is approximately (identify the physical location of the site by direction and distance from the nearest town).

Comments concerning the facility may be filed with the secretary of the Louisiana Department of Environmental Quality at the following address:

Louisiana Department of Environmental Quality
Office of Environmental Services
Permits Division
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2536 (November 2000), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004).

§3003. Appendix B

Solid Waste Standard Permit Application—Part I

(The form shall be completed in accordance with the instructions found in LAC 33:VII.513.A.1)

A. Applicant (Permit Holder)_____

_____

B. Facility Name:_____

C. Facility Location/Description:_____

_____

D. Location: Section ___ Township____ Range____

Parish _____

Coordinates: Latitude–

Degrees _ Minutes _ Seconds __

Longitude–

Degrees _ Minutes _ Seconds __

E. Mailing Address: _____

F. Contact:_____

G. Telephone:_____

H. Type and Purpose of Operation:

(Check each applicable line)

Type I

Industrial Landfill __

Industrial Surface Impoundment __

Industrial Landfarm __

Type I-A

Industrial Incinerator Waste Handling Facility __

Industrial Shredder/Compactor/Baler __

Industrial Transfer Station __

Type II

Sanitary Landfill __

Residential/Commercial Surface Impoundment __

Residential/Commercial Landfarm __

Type II-A

Residential/Commercial Incinerator Waste Handling Facility __

Residential/Commercial Shredder/Compactor/Baler __

Residential/Commercial Transfer Station __

Residential/Commercial Refuse-Derived Fuel __

Type III

Construction/Demolition-Debris Landfill __

Woodwaste Landfill __

Compost Facility __

Resource Recovery/Recycling Facility __

Other

Describe_____

_____

I. Site Status: Owned__ Leased __ Lease Term __ Years__

(NOTE: If leased, provide copy of lease agreement)

J. Operation Status: Existing Proposed

K. Total Acreage___Processing Acreage____Disposal Acreage____

L. Environmental Permits: (List)

_____

_____

_____

M. Conformity with Regional Plans. Attach letter from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the facility is an acceptable part of the state-wide program.

[NOTE: In accordance with R.S. 30:2307(B), LRRDA authority does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry, or business which generates such solid waste.]

N. Zoned: Yes ___ No ___ Zoning Requested

Zone Classification _____

[NOTE: If zoned, include zoning affidavit and/or other documentation stating that the proposed use does not violate existing land-use requirements.]

O. Types, Quantities, and Sources of Waste:

	Processing		Disposal	
	On-Site	Off-Site	On-Site	Off-Site
Residential				
Industrial				
Commercial				
Other				

P. Service Area:

List of Parishes:_____

_____

Statewide _____ Unlimited _____

Q. Proof of Operator's Public Notice. Attach proof of publication of the notice regarding the permit application submittal as required by LAC 33:VII.513.A.

R. Certification. I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information is true, accurate, and complete to the best of my knowledge. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

Signature

_____

Date

_____

Typed Name and Title _____

[NOTE: Attach proof of the legal authority of the signee to sign for the applicant.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§3005. Appendix C

Groundwater Sampling and Analysis Plan

i. All wells must be measured for total depth and depth to water on the same day and immediately prior to purging. Measurements must be to the nearest 0.01 foot, and the values must be recorded in the field notebook. If 10 percent of the screened interval is blocked by sediments, the well must be redeveloped prior to the next required sampling event. Wells with dedicated sampling devices which preclude total-depth measurement must be measured annually.

ii. Each well must be purged by evacuation to dryness or by removing a minimum of three casing volumes. The well must be sampled immediately upon purging and/or when sufficient water for sampling has recharged the well. Purging and sampling methods must be consistent throughout the life of the facility. Samples shall not be field filtered prior to laboratory analysis.

iii. Samples must be withdrawn using dedicated or adequately cleaned equipment for each well. No equipment or method may be used that will chemically alter or influence the sample. Sampling devices, other than bailers, must be approved by the administrative authority prior to use in monitoring programs. Care must be taken to avoid placing clean sampling equipment on the ground or on any contaminated surface. Sampling methods and equipment must be compatible throughout the life of the facility.

iv. Sample preservation, handling, and analysis must meet the specifications of the *Test Methods for Evaluating Solid Waste Physical/Chemical Methods*, third edition (EPA Publication Number SW-846, 1986, as revised December, 1987) or an equivalent substitute as approved by the administrative authority. Parameters, containers, preservation methods, and analytical limits are listed in Tables 1 and 2.

v. Analytical methods with the equivalency to SW-846, or analytical methods for parameters not listed in SW-846, must be approved by the administrative authority prior to implementation.

vi. A chain of custody must be employed that will allow for the possession and handling of samples to be traced from the time of collection through laboratory analysis. All sample containers must be labeled to prevent misidentification, have proper seals, and indicate the test parameters required.

vii. At the site, an up-to-date field logbook must be kept which documents for each sample the well identification number, total well depth, elevation of top of casing, water level, water color, well-evacuation procedures and equipment, date, time, sample identification numbers, field measurements (pH, specific conductance, etc.) and methods, name of collector, field observations, calculations of the standing-water volume in the well, and the total volume evacuated.

Table 1

Detection Monitoring Parameters[1]

	Common Name[2]	CAS RN[3]
(1)	Antimony	(Total)
(2)	Arsenic	(Total)
(3)	Barium	(Total)
(4)	Beryllium	(Total)
(5)	Cadmium	(Total)
(6)	Chromium	(Total)
(7)	Cobalt	(Total)
(8)	Copper	(Total)
(9)	Lead	(Total)
(10)	Nickel	(Total)
(11)	Selenium	(Total)
(12)	Silver	(Total)
(13)	Thallium	(Total)
(14)	Vanadium	(Total)
(15)	Zinc	(Total)
Organic Constituents:		
(16)	Acetone	67-64-1
(17)	Acrylonitrile	107-13-1
(18)	Benzene	71-43-2
(19)	Bromochloromethane	74-97-5
(20)	Bromodichloromethane	75-27-4
(21)	Bromoform; Tribromomethane	75-25-2
(22)	Carbon disulfide	75-15-0
(23)	Carbon tetrachloride	56-23-5
(24)	Chlorobenzene	108-90-7
(25)	Chloroethane; Ethyl chloride	75-00-3
(26)	Chloroform; Trichloromethane	67-66-3
(27)	Dibromochloromethane; Chlorodibromomethane	124-48-1
(28)	1,2-Dibromo-3-chloropropane; DBCP	96-12-8
(29)	1,2-Dibromoethane; Ethylene dibromide; EDB	106-93-4
(30)	o-Dichlorobenzene; 1,2-Dichlorobenzene	95-50-1
(31)	p-Dichlorobenzene; 1,4-Dichlorobenzene	106-46-7
(32)	trans-1,4-Dichloro-2-butene	110-57-6
(33)	1,1-Dichloroethane; Ethylidene chloride	75-34-3
(34)	1,2-Dichloroethane; Ethylene dichloride	107-06-2
(35)	1,1-Dichloroethylene; 1,1- Dichloroethene; Vinylidene chloride	75-35-4
(36)	cis-1,2-Dichloroethylene; cis-1,2- Dichloroethene	156-59-2
(37)	trans-1,2-Dichloroethylene; trans-1,2- Dichloroethene	156-60-5
(38)	1,2-Dichloropropane; Propylene dichloride	78-87-5
(39)	cis-1,3-Dichloropropene	10061-01-5
(40)	trans-1,3-Dichloropropene	10061-02-6
(41)	Ethylbenzene	100-41-4
(42)	2-Hexanone; Methyl butyl ketone	591-78-6
(43)	Methyl bromide; Bromomethane	74-83-9
(44)	Methyl chloride; Chloromethane	74-87-3
(45)	Methylene bromide; Dibromomethane	74-95-3
(46)	Methylene chloride; Dichloromethane	75-09-2
(47)	Methyl ethyl ketone; MEK; 2-Butanone	78-93-3
(48)	Methyl iodide; Iodomethane	74-88-4
(49)	4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1
(50)	Styrene	100-42-5
(51)	1,1,1,2-Tetrachloroethane	630-20-6

Table 1
Detection Monitoring Parameters[1]

	Common Name[2]	CAS RN[3]
(52)	1,1,2,2-Tetrachloroethane	79-34-5
(53)	Tetrachloroethylene; Tetrachloroethene; Perchloroethylene	127-18-4
(54)	Toluene	108-88-3
(55)	1,1,1-Trichloroethane; Methylchloroform	71-55-6
(56)	1,1,2-Trichlolroethane	79-00-5
(57)	Trichloroethylene; Trichloroethene	79-01-6
(58)	Trichlorofluoromethane; CFC-11	75-69-4
(59)	1,2,3-Trichloropropane	96-18-4
(60)	Vinyl acetate	108-05-4
(61)	Vinyl chloride	75-01-4
(62)	Xylenes	1330-20-7

Notes:

[1] This list contains 47 volatile organics for which possible analytical procedures provided in EPA Report SW-846 "Test methods for Evaluating Solid Waste," third edition, November 1986, as revised December 1987, includes Method 8260; and 15 metals for which SW-846 provides either Method 6010 or a method from the 7000 series of methods.

[2] Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

[3] Chemical Abstracts Service registry number. Where "Total" is entered, all species in the groundwater that contain this element are included.

Table 2
Assessment Monitoring Parameters[1]

Common Name[2]	CAS RN[3]	Chemical Abstracts Service Index Name[4]	Suggested Methods[5]	PQL[6] (μg/L)
Acenaphthene	83-32-9	Acenaphthylene, 1,2- dihydro-	8100 8270	200 10
Acenaphthylene	208-96-8	Acenaphthylene	8100 8270	200 10
Acetone	67-64-1	2-Propanone	8260	100
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile	8015	100
Acetophenone	98-86-2	Ethanone, 1-phenyl-	8270	10
2-Acetylaminofluorene; 2-AAF	53-96-3	Acetamide, N-9H- fluoren-2-yl-	8270	20
Acrolein	107-02-8	2-Propenal	8030 8260	5 100
Acrylonitrile	107-13-1	2-Propenenitrile	8030 8260	5 200
Aldrin	309-00-22	1,4:5,8-Dimethano-naphthalene; 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a,-hexa-hydro-(1α,4α,4aβ,5β,8α,8aβ)	8080 8270	0.05 10
Allyl chloride	107-05-1	1-Propene, 3-chloro-	8010 8260	5 10
4-Amino-bipheny	92-67-1	[1,1'-Biphenyl]- 4-amine	8270	20
Anathracene	120-12-7	Anthracene	8100 8270	200 10
Antimony	(Total)	Antimony	6010 7040 7041	300 2,000 30
Arsenic	(Total)	Arsenic	6010 7060 7061	500 10 20
Barium	(Total)	Barium	6010 7080	20 1,000
Benzene	71-43-2	Benzene	8020 8021 8260	2 0.1 5
Benzo[a]anthracene Benzanthracene	56-55-3	Benz[a]anthracene	8100 8270	200 10
Benzo[b]fluoranthene	205-99-2	Benz[e]acephenanthrylene	8100 8270	200 10
Benzo[k]fluoranthene	207-08-9	Benzo[k]fluoranthene	8100 8270	200 10

Table 2
Assessment Monitoring Parameters[1]

Common Name[2]	CAS RN[3]	Chemical Abstracts Service Index Name[4]	Suggested Methods[5]	PQL[6] (µg/L)
Benzo[ghi]perylene	191-24-2	Benzo[ghi]perylene	8100 8270	200 10
Benzo[a]pyrene	50-32-8	Benzo[a]pyrene	8100 8270	200 10
Benzyl alcohol	100-51-6	Benzenemethanol	8270	20
Beryllium	(Total)	Beryllium	6010 7090 7091	3 50 2
alpha-BHC	319-84-6	Cyclohexane; 1,2,3, 4,5,-hexachloro-,(1α, 2α,3β,4α,5β,6β)	8080 8270	0.05 10
beta-BHC	319-85-7	Cyclohexane; 1,2,3, 4,5,6-hexa-chloro-,(1α,2β,3α,4β,5α,6β)-	8080 8270	0.05 20
delta-BHC	319-86-8	Cyclohexane,1,2,3,4,5,6-hexachloro- (1α,2α,3α,4β, 5α,6β)-	8080 8270	0.1 20
gamma-BHC; Lindane	58-89-9	Cyclohexane, 1,2, 3,4,5,6-hexachloro-, (1α,2α,3β,4α,5α,6β)	8080 8270	0.05 20
Bis(2-chloroethoxy)methane	111-91-1	Ethane; 1,1'-[methylenebis(oxy)]bis[2- chloro-	8110 8270	5 10
Bis(2-chloroethyl)ether	111-44-4	Ethane, 1,1'-oxybis[2-chloro-	8110 8270	3 10
Bis(2-chloro- 1-methylethyl) ether; 2,2'-Dichlorodiisopropyl ether	108-60-1 See Note 7	Propane, 2,2'-oxybis [1-chloro-	8110 8270	10 10
Bis(2-ethyl-hexyl) phthalat	117-81-7	1,2-Benzene- dicarboxylic acid, bis(2-ethyl-hexyl) ester	8060	20
Bromochloro methane; Chloro-bromomethane	74-97-5	Methane, bromochloro-	8021 8260	0.1 5
Bromodichloro methane	75-27-4	Methane, bromodichloro-	8010 8021 8260	1 0.2 5
Bromoform; Tribromomethane	75-25-2	Methane, tribromo-	8010 8021 8260	2 15 5
4-Bromophenyl phenyl ether	101-55-3	Benzene, 1-bromo-4-phenoxy-	8110 8270	25 10
Butyl benzyl phthalate; Benzyl butyl phthalate	85-68-7	1,2-Benzene-dicarboxylic acid, butyl phenylmethyl ester	8060 8270	5 10
Cadmium	(Total)	Cadmium	6010 7130 7131	40 50 1
Carbon disulfide	75-15-0	Carbon disulfide	8260	100
Carbon tetrachloride	56-23-5	Methane, tetrachloro-	8010 8021 8260	1 0.1 10
Chlordane	57-74-9 See Note 8	4,7-Methano-1H- indene,1,2,4,5,6,7,8, 8-octachloro-2,3,3a,4, 7,7a-hexahydro-	8080 8270	0.1 50
p-Chloroaniline	106-47-8	Benzenamine, 4-chloro-	8270	20
Chlorobenzene	108-90-7	Benzene, chloro-	8010 8020 8021 8260	2 2 0.1 5
Chlorobenzilate	510-15-6	Benzeneacetic acid, 4-chloro-α-(4- chlorophenyl)-α- hydroxy-, ethyl ester	8270	10
p-Chloro-m-cresol	59-50-7	Phenol, 4-chloro- 3-methyl-	8040 8270	5 20
Chloroethane; Ethyl chloride	75-00-3	Ethane, chloro-	8010 8021 8260	5 1 10
Chloroform	67-66-3	Methane, trichloro-	8010 8021 8260	0.5 0.2 5
2-Chloronaphthalene	91-58-7	Naphthalene, 2-chloro-	8120 8270	10 10
2-Chlorophenol	95-57-8	Phenol, 2-chloro-	8040 8270	5 10
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4-phenoxy-	8110 8270	40 10

Table 2
Assessment Monitoring Parameters[1]

Common Name[2]	CAS RN[3]	Chemical Abstracts Service Index Name[4]	Suggested Methods[5]	PQL[6] (µg/L)
Chloroprene	126-99-8	1,3-Butadiene, 2- chloro-	8010 8260	50 20
Chromium	(Total)	Chromium	6010 7190 7191	70 500 10
Chrysene	218-01-9	Chrysene	8100 8270	200 10
Cobalt	(Total)	Cobalt	6010 7200 7201	70 500 10
Copper	(Total)	Copper	6010 7210	60 200
m-Cresol	108-39-4	Phenol, 3-methyl-	8270	10
o-Cresol	95-48-7	Phenol, 2-methyl-	8270	10
p-Cresol	106-44-5	Phenol, 4-methyl-	8270	10
Cyanide	57-12-5	Cyanide	9010	200
2,4-D; 2,4-Dichloro-phenoxyacetic acid	94-75-7	Acetic acid, (2,4- dichlorophenoxy)-	8150	10
4,4'-DDD	72-54-8	Benzene 1,1'-(2,2- dichloroethylidene) bis[4-chloro-	8080 8270	0.1 10
4,4'-DDE	72-55-9	Benzene, 1,1'-(dichloroethenylidene) bis[4-chloro-	8080 8270	0.05 10
4,4'-DDT	50-29-3	Benzene, 1,1'-(2,2,2-trichloro-ethylidene) bis[4-chloro-	8080 8270	0.1 10
Diallate	2303-16-4	Carbamothioic acid, bis(1-methyl- ethyl)-, S-(2,3-dichloro-2-propenyl) ester	8270	10
Dibenz[a,h]- anthracene	53-70-3	Dibenz[a,h] anthracene	8100 8270	200 10
Dibenzofuran	132-64-9	Dibenzofuran	8270	10
Dibromochloromethane; Chlorodibromomethane	124-48-1	Methane, diboro-chloro-	8010 8021 8260	1 0.3 5
1,2-Dibromo-3-chloropropane; DBCP	96-12-8	Propane, 1,2-dibromo-3-chloro-	8011 8021 8260	0.1 30 25
1,2-Dibromoethane; Ethylene dibromide	106-93-4	Ethane, 1,2-dibromo-	8011 8021 8260	0.1 10 5
Di-n-butyl phthalate	84-74-2	1,2-Benzene dicarboxylic acid, dibutyl ester	8060 8270	5 10
o-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-	8010 8020 8021 8120 8260 8270	2 5 0.5 10 5 10
m-Dichlorobenzene	541-73-1	Benzene, 1,3- dichloro-	8010 8020 8021 8120 8260 8270	5 5 0.2 10 5 10
p-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-	8010 8020 8021 8120 8260 8270	2 5 0.1 15 5 10
3,3'-Dichlorobenzedine	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	8270	20
trans-1,4-; Dichloro-2-butene	110-57-6	2-Butene, 1,4-dichloro-, (E)-	8260	100
Dichlorodifluoromethane	75-71-8	Methane, dichlorodifluoro-	8021 8260	0.5 5
1,1-Dichloroethane	75-34-3	Ethane, 1,1-dichloro-	8010 8021 8260	1 0.5 5
1,2-Dichloroethane; Ethylene dichloride	107-06-2	Ethane, 1,2-dichloro-	8010 8021 8260	0.5 0.3 5

Table 2
Assessment Monitoring Parameters[1]

Common Name[2]	CAS RN[3]	Chemical Abstracts Service Index Name[4]	Suggested Methods[5]	PQL[6] (µg/L)
1,1-Dichloroethylene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro	8010 8021 8260	1 0.5 5
cis-1,2-Dichloro-ethylene; cis-1,2-Dichloroethene	156-59-2	Ethene, 1,2-dichloro-, (Z)-	8021 8260	0.2 5
trans-1,2-Dichloroethylene	156-60-5	Ethene, 1,2-dichloro-(E)-	8010 8021 8260	1 0.5 5
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-	8040 8270	5 10
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-	8270	10
1,2-Dichloropropane	78-87-5	Propane, 1,2-dichloro-	8010 8021 8260	0.5 0.05 5
1,3-Dichloropropane; Trimethylene dicholride	142-28-9	Propane, 1,3-dichloro-	8021 8260	0.3 5
2,2-Dichloropropane; Isopropylidene chloride	594-20-7	Propane, 2,2-dichloro-	8021 8260	0.5 15
1,1-Dichloropropene	563-58-6	1-Propene, 1,1-dichloro-	8021 8260	0.2 5
cis-1,3-Dichloropropene	10061-01-5	1-Propene, 1,3-dichloro-,(Z)-	8010 8260	20 10
trans-1,3-Dichloropropene	10061-02-6	1-Propene, 1,3-dichloro-,(E)-	8010 8240	5 5
Dieldrin	60-57-1	2,7:3,6-Dimethano-naphth[2,3-b]oxi-rene,3,4,5,6,9,9-hexachloro-1a,2, 2a,3,6,6a,7,7a-octa-hydro-,(1aα,2β,2aα,3β,6β,6aα,7β,7aα)-	8080 8270	0.05 10
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	8060 8270	5 10
O,O-Diethyl O-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	8141 8270	5 20
Dimethoate	60-51-5	Phosphorodithioic acid, O,O-dimethyl-S-[2-(methylamino)-2-oxoethyl] ester	8141 8270	3 20
p-(Dimethylamino)azobenzene	60-11-7	Benzenamine, N,N-dimethyl-4- (phenylazo)-	8270	10
7,12-Dimethylbenz[a] anthracene	57-97-6	Benz[a]anthracene, 7,12-dimethyl-	8270	10
3,3'-Dimethylbenzidine	119-93-7	[1,1'-Biphenyl]-4,4'- diamine, 3,3'-dimethyl-	8270	10
2,4-Dimethylphenol	105-67-9	Phenol, 2,4-dimethyl-	8040	5
Dimethyl phthalate	131-11-3	1,2-Benzenedicar-boxylic acid, dimethyl ester	8060 8270	5 10
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-	8270	20
4,6-Dinitro-o-cresol	534-52-1	Phenol, 2-methyl-4,6-dinitro-	8040 8270	150 50
2,4-Dinitrophenol	51-28-5	Phenol, 2,4-dinitro-	8040 8270	150 50
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-	8090 8270	0.2 10
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-	8090 8270	0.1 10
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methyl- propyl)-4,6-dinitro-	8150 8270	1 20
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	8060 8270	30 10
Diphenylamine	122-39-4	Benzenamine, N-phenyl-	8270	10
Disulfoton	298-04-4	Phosphorodithioic acid, O,O-diethyl S- [2-(ethylthio) ethyl]ester	8140 8141 8270	2 0.5 10
Endosulfan I	959-98-8	6,9-Methano-2,4,3 benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a, 6,9,9a-hexahydro-, 3-oxide,(3α,5aβ,6α, 9α,9aβ)-	8080 8270	0.1 20
Endosulfan II	33213-65-9	6,9-Methano-2,4,3 benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a, 6,9,9a-hexahydro-, 3-oxide,(3α,5aα,6β, 9β,9aα)-	8080 8270	0.05 20
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3 benzodioxathiepin, 6,7,8,9,10,10-hexa-chloro-1,5,5a,6,9, 9a-hexahydro-,3,3-dioxide	8080 8270	0.5 10
Endrin	72-20-8	2,7:3,6-Dimethano- naphth[2,3-b]oxi-rene,3,4,5,6,9,9-hexachloro-1a,2,2a, 3,6,6a,7,7a-octa-hydro-,(1aα,2β,2aβ,3α,6α,6aβ,7β,7aα)-	8080 8270	0.1 20

Table 2
Assessment Monitoring Parameters[1]

Common Name[2]	CAS RN[3]	Chemical Abstracts Service Index Name[4]	Suggested Methods[5]	PQL[6] (µg/L)
Endrin aldehyde	7421-93-4	1,2,4-Metheno-cyclopenta[cd]-pentalene-5-car-boxaldehyde, 2,2a,3,3,4,7-hexachlorodeca-hydro-,(1α,2β,2aβ, 4β,4aβ,5β,6aβ,6bβ, 7R*)	8080 8270	0.2 10
Ethylbenzene	100-41-4	Benzene, ethyl-	8020 8221 8260	2 0.05 5
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester	8015 8260 8270	5 10 10
Ethyl methanesulfonate	62-50-0	Methanesulfonic acid, ethyl ester	8270	20
Famphur	52-85-7	Phosphorothioic acid, O-[4-[(dimethyl-amino)-sulfonyl] phenyl]-O,O-di- methyl ester	8270	20
Fluoranthene	206-44-0	Fluoranthene	8100 8270	200 10
Fluorene	86-73-7	9H-Fluorene	8100 8270	200 10
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8, 8-heptachloro-3a, 4,7,7a-tetrahydro-	8080 8270	0.05 10
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno [1,2-b]oxi- rene,2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1aα,1bβ,2α,5α, 5aβ,6β,6aα)	8080 8270	1 10
Hexachlorobenzene	118-74-1	Benzene, hexachloro-	8120 8270	0.5 10
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	8021 8120 8260 8270	0.5 5 10 10
Hexachlorocyclopentadiene	77-47-4	1,3-Cyclopentadiene	8120 8270	5 10
Hexachloroethane	67-72-1	Ethane, hexachloro-	8120 8260 8270	0.5 10 10
Hexachloropropene	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	8270	10
2-Hexanone	591-78-6	2-Hexanone	8260	50
Indeno(1,2,3-cd) pyrene	193-39-5	Indeno[1,2,3-cd] pyrene	8100 8270	200 10
Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-	8015 8240	50 100
Isodrin	465-73-6	1,4,5,8-Dimethano-naphthalene,1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a hexahydro- (1α,4α,4aβ,5β,8β, 8aβ)-	8270 8260	20 10
Isophorone	78-59-1	2-Cyclohexen-1- one, 3,5,5-tri-methyl-	8090 8270	60 10
Isosafrole	120-58-1	1,3-Benaodioxole, 5-(1-propenyl)-	8270	10
Kepone	143-50-0	1,3,4-Metheno-2H- cylobuta-[cd] pentalen-2-one,1,1a, 3,3a,4,5,5,5a,5b,6-decachloro-octahydro-	8270	20
Lead	(Total)	Lead	6010 7420 7421	400 1,000 10
Mercury	(Total)	Mercury	7470	2
Methacrylonitrile	126-98-7	2-Propene, nitrile 2-methyl-	8015 8260	5 100
Methapyrilene	91-80-5	1,2,Ethanediamine, N,N-dimethyl-N'-2- pyridinyl-N'-(2-thienylmethyl)-	8270	100
Methoxychlor	72-43-5	Benzene, 1,1'-(2,2,2, trichloroethylidene) bis[4-methoxy-.	8080 8270	2 10
Methyl bromide; Bromomethane	74-83-9	Methane, bromo-	8010 8021	20 10
Methyl chloride; Chloromethane	74-87-3	Methane, chloro-	8010 8021	1 0.3
3-Methylchol anthrene	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	8270	10
Methyl ethyl ketone; MEK	78-93-3	2-Butanone	8015 8260	10 100
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-	8010 8260	40 10
Methyl methacrylate	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	8015 8260	2 30

Table 2
Assessment Monitoring Parameters[1]

Common Name[2]	CAS RN[3]	Chemical Abstracts Service Index Name[4]	Suggested Methods[5]	PQL[6] (µg/L)
Methyl methanesulfonate	66-27-3	methanesulfonic acid, methyl ester	8270	10
2-Methylnaphthalene	91-57-6	Naphthalene, 2-methyl-	8270	10
Methyl parathion; arathion methyl	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	8140 8141 8270	0.5 1 10
4-Methyl-2- pentanone; Methyl isobutyl ketone	108-10-1	2-Pentanone, 4-methyl	8015 8260	5 100
Methylene bromide; Dibromo-methane	74-95-3	Methane, dibromo-	8010 8021 8260	15 20 10
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-	8010 8021 8060	5 0.2 10
Naphthalene	91-20-3	Naphthalene	8021 8100 8260 8270	0.5 200 5 10
1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione	8270	10
1-Naphthylamine	134-32-7	1-Naphthalenamine	8270	10
2-Naphthylamine	91-59-8	2-Naphthalenamine	8270	10
Nickel	(Total)	Nickel	6010 7520	50 400
o-Nitroaniline	88-74-4	Benzenamine, 2-nitro-	8270	50
m-Nitroaniline	99-09-2	Benzenamine, 3-nitro-	8270	50
p-Nitroaniline	100-01-6	Benzenamine, 4-nitro-	8270	50
Nitrobenzene	98-95-3	Benzene, nitro-	8090 8270	40 10
o-Nitrophenol	88-75-5	Phenol, 2-nitro-	8040 8270	5 10
p-Nitrophenol	100-02-7	Phenol, 4-nitro	8040 8270	10 50
N-Nitrosodi-n-butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso	8270	10
N-Nitroso-diethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso	8270	20
N-Nitroso-dimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-	8070	2
N-Nitroso-diphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-	8070	5
N-Nitroso-dipropylamine; Di-n-propyl-nitrosamine	621-64-7	1-Propanamine, N-nitroso-N-propyl-	8070	10
N-Nitrosom-ethylethylamine	10595-95-6	Ethanamine, N-methyl-N-nitroso-	8270	10
N-Nitrosopiperidine	100-75-4	Piperidine, 1-nitroso-	8270	20
N-Nitrosopyrrolidine	930-55-2	Pyrrolidine, 1-nitroso-	8270	40
5-Nitro-o-toluidine	99-55-8	Benzenamine, 2- methyl-5-nitro-	8270	10
Parathion	56-38-2	Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester	8141 8270	0.5 10
Pentachlorobenzene	608-93-5	Benzene, pentachloro-	8270	10
Pentachloro-nitrobenzene	82-68-8	Benzene, penta-chloronitro-	8270	20
Pentachlorophenol	87-86-5	Phenol, pentachloro-	8040 8270	5 50
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenyl)	8270	20
Phenanthrene	85-01-8	Phenanthrene	8100 8270	200 10
Phenol	108-95-2	Phenol	8040 8270	1 10
p-Phenylenediamine	106-50-3	1,4-Benzenediamine	8270	10
Phorate	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)-methyl] ester	8140 8141 8270	2 0.5 10
Polychlorinated biphenyls; PCBs	See Note 9	1,1'-Biphenyl, chloro derivatives	8080 8270	50 200
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-di-methyl-2-propynyl)-	8270	10
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile	8015 8260	60 150
Pyrene	129-00-0	Pyrene	8100 8270	200 10
Safrole	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	8270	10

Table 2
Assessment Monitoring Parameters[1]

Common Name[2]	CAS RN[3]	Chemical Abstracts Service Index Name[4]	Suggested Methods[5]	PQL[6] (µg/L)
Selenium	(Total)	Selenium	6010 7740 7741	750 20 20
Silver	(Total)	Silver	6010 7760	70 100
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5-trichloro-phenoxy)-	8150	2
Styrene	100-42-5	Benzene, ethenyl-	8020 8021 8260	1 0.1 10
Sulfide	18496-25-8	Sulfide	9030	4,000
2,4,5-T; 2,4,5- Trichloro-phenoxyacetic acid	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	8150	2
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-	8270	10
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetrachloro-	8010 8021 8260	5 0.05 5
1,1,2,2-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-	8010 8021 8260	0.5 0.1 5
Tetrachloroethylene; Perchloroethylene; Tetrachloroethene	127-18-4	Ethene, tetrachloro-	8010 8021 8260	0.5 0.5 5
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-	8270	10
Thallium	(Total)	Thallium	6010 7840 7841	400 1,000 10
Tin	(Total)	Tin	6010	40
Toluene	108-88-3	Benzene, methyl-	8020 8021 8260	2 0.1 5
o-Toluidine	95-53-4	Benzenamine, 2- methyl-	8270	10
Toxaphene	8001-35-2 See note 10	Toxaphene	8080	2
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro	8021 8120 8260 8270	0.3 0.5 10 10
1,1,1-Trichloroethane; Methylchloroform	71-55-6	Ethane, 1,1,1- trichloro-	8010 8021 8260	0.3 0.3 5
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-	8010 8260	0.2 5
Trichloroethylene; Trichloroethene	79-01-6	Ethene, trichloro-	8010 8021 8260	1 0.2 5
Trichlorofluoromethane	75-69-4	Methane, trichlorofluoro-	8010 8021 8260	10 0.3 5
2,4,5-Trichlorophenol	95-95-4	Phenol, 2,4,5-trichloro-	8270	10
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-	8040 8270	5 10
1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-	8010 8021 8260	10 5 15
O,O,O-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, O,O,O-tri-ethyl ester	8270	10
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro	8270	10
Vanadium	(Total)	Vanadium	6010 7910 7911	80 2,000 40
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester	8260	50
Vinyl chloride	75-01-4	Ethene, chloro-	8010 8021 8260	2 0.4 10
Xylene (total)	1330-20-7 See Note 11	Benzene, dimethyl-	8020 8021 8260	5 0.2 5

Table 2
Assessment Monitoring Parameters[1]

Common Name[2]	CAS RN[3]	Chemical Abstracts Service Index Name[4]	Suggested Methods[5]	PQL[6] (μg/L)
Zinc	(Total)	Zinc	6010 7950 7951	20 50 0.5

Notes:

[1] The regulatory requirements pertain only to the list of substances; the right-hand columns (Methods and PQL) are given for informational purposes only. See also footnotes 5 and 6.

[2] Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.

[3] Chemical Abstracts Service registry number. Where "Total" is entered, all species in the groundwater that contain this element are included.

[4] CAS index numbers are those used in the 9th Collective Index.

[5] Suggested Methods refer to analytical procedure numbers used in EPA Report SW-846 "Test Methods for Evaluating Solid Waste," third edition, November 1986, as revised, December 1987. Analytical details can be found in SW-846 and in documentation on file at the agency.

Caution: The methods listed are representative SW-846 procedures and may not always be the most suitable method(s) for monitoring an analyte under the regulations.

[6] Practical Quantitation Limits (PQLs) are the lowest concentrations of analytes in ground waters that can be reliably determined within specified limits of precision and accuracy by the indicated methods under routine laboratory operating conditions. The PQLs listed are generally stated to one significant figure. PQLs are based on 5-ml samples for volatile organics and 1-L samples for semivolatile organics.

Caution: The PQL values in many cases are based only on a general estimate for the method and not on a determination for individual compounds; PQLs are not a part of the regulation.

[7] This substance is often called Bis(2-chloroisopropyl) ether, the name Chemical Abstracts Service applies to its noncommercial isomer, Propane, 2,2"-oxybis[2-chloro- (CAS RN 39638-32-9).

[8] Chlordane: This entry includes alpha-chlordane (CAS RN 5103-71-9), beta-chlordane (CAS RN 5103-74-2), gamma-chlordane (CAS RN 5566-34-7), and constituents of chlordane (CAS RN 57-74-9 and CAS RN 12789-03-6). PQL shown is for technical chlordane. PQLs of specific isomers are about 20 ug/L by method 8270.

[9] Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals, including constituents of Aroclor 1016 (CAS RN 12674-11-2), Aroclor 1221 (CAS RN 11104-28-2), Aroclor 1232 (CAS RN 11141-16-5), Aroclor 1242 (CAS RN 53469-21-9), Aroclor 1248 (CAS RN 12672-29-6), Aroclor 1254 (CAS RN 11097-69-1), and Aroclor 1260 (CAS RN 11096-82-5). The PQL shown is an average value for PCB congeners.

[10] Toxaphene: This entry includes congener chemicals contained in technical toxaphene (CAS RN 8001-35-20), i.e., chlorinated camphene.

[11] Xylene (total): This entry includes o-xylene (CAS RN 96-47-6), m-xylene (CAS RN 108-38-3), p-xylene (CAS RN 106-42-3), and unspecified xylenes (dimethylbenzenes) (CAS RN 1330-20-7). PQLs for method 8021 are 0.2 for o-xylene and 0.1 for m- or p-xylene. The PQL for m-xylene is 2.0 ug/L by method 8020 or 8260.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§3007. Appendix D

Processes to Significantly Reduce Pathogens	
Aerobic Digestion	A process conducted by agitating sludge with air or oxygen to maintain aerobic conditions at residence times ranging from 60 days at 15°C to 40 days at 20°C, with a volatile-solids reduction of at least 38 percent.
Air Drying	A process that allows liquid sludge to drain and/or dry on under-drained sand beds, or on paved or unpaved basins in which the depth of the sludge is 9 inches. A minimum of three months is needed for this process; during two of these months daily temperatures must average above 0°C.
Anaerobic Digestion	A process conducted in the absence of air during a residence time ranging from 60 days at 20°C to 15 days at 35-55°C, with a volatile-solids reduction of at least 38 percent.
Composting	A process conducted by either the within-vessel, static-aerated-pile, or windrow method whereby the solid waste is maintained at minimum operating conditions of 40°C for five days. For four hours during this period, the temperature must exceed 55°C.
Lime Stabilization	A process in which sufficient lime is added to produce a pH of 12 after two hours of contact.
Other Methods	Other methods or operating conditions for significantly reducing pathogens may be acceptable if pathogens and vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the above methods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§3009. Appendix E

Processes to Further Reduce Pathogens	
Composting	A process conducted by either the within-vessel, static aerated-pile, or windrow method. If the within-vessel or static-aerated-pile method is used, the solid waste is maintained at operating conditions of 55°C or greater for three days. If the windrow method is used, the solid waste attains a temperature of 55°C or greater for at least 15 days during the composting period, and the windrow is turned at least five times during this high-temperature period.
Heat Drying	A process in which dewatered sludge cake is dried by direct or indirect contact with hot gases, and moisture content is reduced to 10 percent or less. Sludge particles reach temperatures well in excess of 80°C; or the wet-bulb temperature of the gas stream, in contact with the sludge at the point where it leaves the dryer, is in excess of 80°C.
Heat Treatment	A process in which liquid sludge is heated to temperatures of 180°C for 30 minutes.
Thermophilic Aerobic Digestion	A process in which liquid sludge is agitated with air or oxygen to maintain aerobic conditions at residence times of 10 days at 55-60°C, with a volatile-solids reduction of at least 38 percent.
Other Methods	Other methods or operating conditions for further reducing pathogens may be acceptable if pathogens and vector attraction of the waste (volatile solids) are reduced to an extent equivalent to the reduction achieved by any of the above methods.
Any of the processes listed below, used in conjunction with the processes described above, will further reduce pathogens. The processes listed below will not, however, reduce the attraction of disease vectors if they are not used in conjunction with one of the above processes, and therefore are not sufficient alone.	
Beta-Ray Irradiation	A process in which sludge is irradiated with beta rays from an accelerator at dosages of at least 1.0 megarad at room temperature (ca. 20°).
Gamma-Ray Irradiation	A process in which sludge is irradiated with gamma rays from certain isotopes, such as ^{60}Cobalt and ^{137}Cesium, at dosages of at least 1.0 megarad at room temperature (ca. 20°).
Pasteurization	A process in which sludge is maintained for at least 30 minutes at a minimum temperature of 70°C.
Other Methods	Other methods or operating conditions may be acceptable if pathogens are reduced to an extent equivalent to the reduction achieved by any of the above add-on methods.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§3011. Appendix F

Document to be Filed in the Parish Records upon Final Closure of a Solid Waste Disposal Facility

(Name of permit holder) hereby notifies the public that the following described property was used for the disposal of solid waste. This site was closed on (date facility was closed) in accordance with the *Louisiana Administrative Code*, Title 33, Part VII. Inquiries regarding the contents of (the facility) may be directed to (name of person with knowledge of the contents of the facility) at (address of person with knowledge of the content of the facility).

Property Description

(Provide the specific description of the location of the facility)

_____

Signature of Person Filing Parish Record

_____

Typed Name and Title of Person Filing Parish Record

_____

Date

(A true copy of the document must be certified by the parish clerk of court.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2537 (November 2000).

§3013. Appendix G

Solid Waste Standard Permit Application for Beneficial-Use Facilities-Part I

(The form shall be completed in accordance with the instructions found in LAC 33:VII.1105.)

A. Applicant (Permit Holder): _____

Name of Property Owner if Different: _____

B. Facility Name: _____

C. Facility Location/Description: _____

D. Location: Township__ __Range_____Parish_____

Coordinates: Latitude - Degrees__Minutes___Seconds__

Longitude - Degrees__Minutes__Seconds__

E. Mailing Address: (applicant)_____

(property owner)_____

F. Contact: (applicant)_____

(property owner)_____

G. Telephone: (applicant)_____

(property owner)_____

H. Type and Purpose of Operation: (check appropriate line)

Beneficial Use:

Liquid Applications_____

Solid Applications_____

Describe_____

I. Environmental Permits: (List)

_____

_____

_____

_____

_____

_____

_____

_____

J. Conformity with Regional Plans. Attach letter from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the facility is an acceptable part of the statewide program.

[NOTE: In accordance with R.S. 30:2307(B), LRRDA authority does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry, or business which generates such solid waste.]

K. Zoned: Yes__ No __ Zoning Requested_____

Zone Classification: _____

[NOTE: If zoned, include zoning affidavit and/or other documentation stating that the proposed use does not violate existing land-use requirements.]

L. Types of Wastes

Maximum Quantities (wet-weight tons per week) to be applied at the facility

M. Proof of Public Notice - Attach proof of publication of the notice regarding the permit application submittal as required by LAC 33:VII.513.A.

N. Certification: I have personally examined and am familiar with the information submitted in the attached document, and I hereby certify under penalty of law that this information is true, accurate, and complete to the best of my knowledge. I am aware that there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment.

Signature: (applicant) _____

(property owner) _____

Date: _____

Typed Name and Title: _____

[NOTE: Attach proof of the legal authority of the signee to sign for the applicant.]

O. Third party documentation as required in LAC 33:VII.1103.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§3015. Appendix H

Examples of agricultural wastes which may be managed under approved best management practice plans:

Sugar mill bagasse ash

Bagasse

Filter press mud from sugar mills

Chicken litter

Dead poultry carcasses

Rice hulls

Rice hull ash

Shells from crawfish and shellfish processing

Potato peels from potato processing

Cotton gin trash

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling

Chapter 103. Recycling and Waste Reduction Rules

§10301. Purpose

It is declared to be the purpose of these rules and regulations to:

A. establish a goal of reducing the amount of solid waste being disposed of in the state by 25 percent by December 31, 1992;

B. encourage the development of solid waste reduction and recycling as a management procedure at all solid waste facilities in the state and to promote recovery of recyclable materials so as to preserve and enhance the quality of air, water, and land resources of or in Louisiana;

C. encourage the development of the state's recycling industry, thereby conserving the natural resources and energy through reuse;

D. encourage state agencies to procure recycled goods to the extent possible;

E. encourage political subdivisions in the state to explore and develop the recycling programs most advantageous to each;

F. develop and implement effective public education programs concerning recycling in order to encourage recycling so as to preserve and enhance the natural beauty of the land, water, and air of or in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992).

§10303. Definitions

A. The following words, terms, and phrases, when used in conjunction with LAC 33:VII.Subpart 1, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning.

Elements of Nature—acts of God.

Label—a molded imprint or raised symbol on or near the bottom of a plastic product.

Permit—a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, closure of facilities used or intended to be used to process, collect or transport waste tires in accordance with the Act, these regulations, and specified terms and conditions.

Permittee/Permit Holder—a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.

Plastic Bottle—a plastic container, that has a neck that is smaller than the body of the container, accepts a screw-type, snap cap, or other closure, and has a capacity of 16 fluid ounces or more, but less than 5 gallons.

Premises—a unit of land and/or buildings, or any portion thereof. Property shall be considered as contiguous parcels even if separated by a utility easement or road or railroad right of way.

Process—a method or technique, including recycling, recovering, compacting (but not including compacting which occurs solely within a transportation vehicle), composting, incinerating, shredding, baling, recovering resources, pyrolyzing, or any other method or technique designed to change the physical, chemical, or biological character or composition of a solid waste to render it safer for transport; or a method to reduce it in volume; or a method which renders it amenable for recovery, storage, reshipment or resale.

Recovered Materials—those materials which have known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream, for sale, use, or reuse, by separation, collection, or processing.

Recyclable Materials—those materials which are capable of being recycled and which would otherwise be processed or disposed of as nonhazardous solid waste.

Recycled Content—materials that contain a percentage of post-consumer materials as determined by the department in the products or materials to be procured, including but not limited to paper, aluminum, glass, and composted materials.

Recycling—any process by which nonhazardous solid waste, or material which would otherwise become solid waste, is collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Rigid Plastic Container—any formed or molded container, other than a bottle, intended for single use, composed predominantly of plastic resin, and having a relatively inflexible finite shape or form with a capacity of 8 ounces or more but less than 5 gallons.

White Goods—inoperative and/or discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial appliances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992).

§10305. Exemptions

The following wastes or activities are exempt from the requirements of this Chapter:

A. recovered materials, if a majority of the recovered materials at a facility is demonstrated to be sold, used, or reused in a manner satisfactory to the department within 12 months of their receipt by the facility;

B. recovered materials, or the products or by-products of operations that process recovered materials, which are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water surface so that such products or by-products or any constituent thereof may enter lands or be emitted into the air or discharged into the waters, including groundwater, or otherwise enter the environment or pose a threat to public health and safety or the environment;

C. recovered materials which are hazardous wastes and have not been recovered from solid waste and which are defined as hazardous wastes under applicable state or federal regulations; and

D. those wastes exempt under the Louisiana Solid Waste Management and Resource Recovery Law and the Louisiana Solid Waste Rules and Regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992).

§10307. Development of Local Plan

A. Each parish, in conjunction with its municipalities, shall submit to the department for its approval a plan for attaining a 25 percent waste reduction goal by December 31, 1992.

1. All parishes and major municipalities shall have implementation plans on file. Such a plan shall, at a minimum contain the following:

a. proposed educational programs;

b. recycling programs;

c. incentives to promote recycling and waste reduction;

d. review of recycling products, markets and backup markets;

e. review of existing recycling programs (public and private);

f. contingency measures, if necessary in case of an emergency; and

g. a mathematical formula on how the parish, in conjunction with its municipalities intends to calculate the percentage of waste reduction. Two acceptable methods are as follows:

METHOD ONE

$$\%\ reduction = \frac{A}{A+B} x 100$$

A = waste reduction total (tons)

(Waste Reduction Total must be determined as provided in LAC 33:VII.10307.B.1.a.)

B = total waste landfilled (tons)

METHOD TWO

$$Z = \frac{X}{Y}\ x\ 100$$

% Reduction = 100% - Z

X = current year tonnage landfilled.

Y = tonnage landfilled in base year (1989 or another year approved by the administrative authority).

[NOTE: If only volume measurements are available the conversion factor to tons for household garbage is 3.5 cubic yards of household garbage = 1 ton.]

2. Such plan shall be reviewed at least annually by the local governing institution that prepared the plan and the department with the following conditions:

a. revisions or modifications must be submitted to the department when applicable according to these regulations; and

b. an annual progress report must be submitted to the Office of Environmental Services, Environmental Assistance Division no later than December 31st of each year after submittal and approval.

3. Adequate public notice shall be given by the local governing bodies of the preparation, development, implementation, and annual review of such plan in combination with the following.

a. Each parish shall provide written notice of the following to all municipalities within the parish which are not directly involved with plan development:

i. when the recycling program development begins;

ii. periodic progress reports concerning the preparation of the recycling program;

iii. the availability of the plan for review and comment;

iv. the development of any revisions or modifications to the plan; and

v. the availability of the modified plan for review and comment.

b. Each parish shall seek the input, during the entire planning process, of the general public and/or persons engaged in recycling, waste reduction, and solid waste collection and disposal.

c. Each parish in conjunction with its municipalities is encouraged to inform residents of the full cost of solid waste management.

4. Local governments are encouraged to give consideration to and involve for-profit and non-profit, organizations engaged in collection, marketing, and disposition of recyclable materials in the implementation of such plans.

B. Measurement and Reporting

1. The following credits may be earned in attaining the 25 percent reduction goal.

a. Waste reduction totals resulting from composting, recycling or resource recovery shall be based on the actual volume or tonnage percentage of waste reduction, provided that at least three recycling approaches are utilized (including, but not limited to waste tire recycling, composting, curbside recycling, buyback centers, dropoff centers, etc.).

b. No credit may be earned from volume or weight reductions due to the incineration process, unless this process is part of a waste-to-energy program and does not have a negative impact on the recycling program.

c. Separation of recyclables before incineration may receive credit for volume or weight reduction toward the 25 percent reduction goal.

C.1.The cost of solid waste management within the service area of the parish and for each municipality within the plan (if solid waste is managed by the municipality) must be determined on an annual basis. The cost determination should include:

a. facilities cost (construction, land, etc.);

b. collection;

c. transportation;

d. disposal;

e. recycling;

f. maintenance and monitoring.

2. The cost information should be made available to residents within the parish or municipal service area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992) repromulgated LR 18:164 (February 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2537 (November 2000).

§10309. List of Recyclers and Recyclable Materials

A. The department shall compile, publish, and provide upon request a list of recyclers including their name, address and the materials recycled. The list shall be reviewed and updated annually as needed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:36 (January 1992).

§10311. Recycling Fees

A. Effective January 1, 1993, a tipping fee of $.20 per ton of waste entering a solid waste management facility is hereby established to support local recycling programs. The administrative authority may waive the fee for any solid waste management facility that reaches the 25 percent waste reduction goal and meets the criteria established herein. In the event that it is determined by the administrative authority that a parish and its major municipalities have failed to achieve the 25 percent waste reduction goal by January 1, 1993, a tipping fee may be imposed by the secretary. This fee shall not exceed $.20 per ton and shall apply to all solid waste generated within the parish that is not recycled or reused. The proceeds of the fee shall be used to administer the provisions of Act 185. The portion of the proceeds which is allocated to the department shall be applied to actual costs of any program developed pursuant to Act 185. The remainder of any fee shall be reimbursed to the payee for use in recycling programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:36 (January 1992).

Chapter 104. Credit for Recycling Equipment

§10401. Authority

A. These regulations are hereby established by the Department of Environmental Quality (DEQ) in consultation with the Department of Revenue and Taxation (DRT) as mandated by Act 1052 of the 1991 Louisiana Legislative Session. These regulations are to establish technical specifications and certification requirements for the qualification of recycling equipment for the credit against income and corporate franchise taxes provided by R.S. 47:6005 relative to the purchase of qualified recycling equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:841 (August 1992).

§10403. Applicability

A. These regulations apply to taxpayers who purchase *qualified recycling equipment*, as defined in

LAC 33:VII.10405, on or after September 1, 1991, and on or before December 31, 1996, and who apply for tax credit pursuant to R.S. 47:6005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:841 (August 1992).

§10405. Definitions

A. For the purpose of this Chapter the terms below shall have the meaning specified herein as follows.

Post-Consumer Waste Material—any product generated by a business or consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, marketing and disposition and which does not include secondary waste material, hazardous waste, or demolition waste.

Qualified Recycling Equipment—new machinery or new apparatus used exclusively to process post-consumer waste material, recovered material, or both and manufacturing machinery used exclusively to produce finished products, the composition of which is at least 50 percent post-consumer waste material, recovered material, or both. For the purposes of this Chapter *qualified recycling equipment* does not include vehicles, and does not include structures, equipment, or devices used to store or incinerate waste material.

Recovered Material—material which has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid waste stream for sale, use, or reuse, by separation, collection or processing, as defined in R.S. 30:2412(7) and which would otherwise be processed or disposed of as nonhazardous solid waste.

Recycling—any process by which nonhazardous solid waste, or material which would otherwise become solid waste, is collected, separated, or processed and reused or returned to use in the form of raw material or products.

Secondary Waste Material—waste material generated after the completion of a manufacturing process.

Solid Waste—any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant; or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include or mean solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under R.S. 30:2074, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. §2011 et seq.), or hazardous waste subject to permits under R.S. 30:2171 et seq. The definition of solid waste shall not include uncontaminated scrap metal materials which are purchased for resale to be recycled or reused and are not destined for disposal.

Vehicle—an automobile; motorcycle; truck; trailer; semitrailer; truck, tractor and semitrailer combination; or any other vehicle used to transport persons or property and propelled by power.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:841 (August 1992), repromulgated LR 18:960 (September 1992).

§10407. Technical Specifications for Qualified Recycling Equipment

A. In order to qualify for certification as qualified recycling equipment, the equipment must process nonhazardous solid waste and meet the following requirements:

1. be new machinery or new apparatus used exclusively to process post-consumer waste material, recovered material, or both; or

2. be manufacturing machinery used exclusively to produce finished products, the composition of which is at least 50 percent post-consumer waste material, recovered material or both; and

3. be used exclusively in Louisiana.

B. The following categories of equipment will be excluded from certification as qualified recycling equipment:

1. *vehicles* as defined in LAC 33:VII.10405;

2. in-kind replacement of parts for machinery or apparatus;

3. structures, machinery, equipment, or devices used to store or incinerate waste materials; and

4. used equipment.

C. The department shall determine the costs to obtain and construct the qualified equipment that may be allowed for the credit. When the equipment is built from components and assembled at the installation site or a site separate from the installation site, and subsequently transported and installed at the installation site, the costs of the components, the costs to assemble the components, and the costs to install the components shall be considered the allowed costs.

D. The costs of material and labor to construct a building or other structure necessary to support the equipment or to protect the equipment and operators from the elements while they operate the equipment shall be allowed costs, provided that the building or structure is used exclusively in connection with the recycling operations.

E. Under no circumstances shall any of the following be considered allowed costs:

1. financial charges;

2. the costs of acquiring land or rights in land and any costs incidental thereto, including recording fees; and

3. the costs to construct a building or structure to store raw material or finished products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:841 (August 1992), amended LR 24:27 (January 1998).

§10409. Application Requirements

A. Application Form

1. In order to qualify for the tax credit provided for in R.S. 47:6005, the applicant must first complete an application form provided by the Department of Environmental Quality for certification from the secretary of the DEQ that the equipment purchased is *qualified recycling equipment* as defined in LAC 33:VII.10405 and will be used exclusively in Louisiana.

2. In addition to information provided on the application form, the DEQ may require and the applicant shall provide cost estimates, engineering drawings, specifications sheets and any other documentation as may be necessary to establish with sufficient specificity the equipment qualifying for the tax credit.

3. In addition to information provided on the application form, the DEQ may require and the applicant shall provide documentation as may be necessary to establish with sufficient specificity that the post-consumer waste material or recovered material proposed to be recycled is a nonhazardous solid waste under applicable state and federal law and regulations.

B. The applicant must report final cost of recycling equipment purchases to the Department of Revenue and Taxation and the Department of Environmental Quality. Audits will be performed by the Department of Revenue and Taxation and the Department of Environmental Quality as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:841 (August 1992).

§10411. Applicant Certification

A. Included with the application for certification shall be a statement acknowledging that the applicant shall make a good faith effort to utilize post-consumer waste material or recovered material generated within the state of Louisiana, or destined to be land-filled within the state; and the post-consumer waste material or recovered material proposed to be recycled is a nonhazardous solid waste under applicable state and federal law and regulations.

B. The applicant shall certify to the accuracy of the information contained in the application regarding the equipment description, date of purchase and cost. The certification shall also state that the equipment is used exclusively in Louisiana and has not previously qualified for an income and corporation franchise tax credit pursuant to R.S. 47:6005 either for the owner or for a previous owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:842 (August 1992).

§10413. Department of Environmental Quality Certification

A. Prior to certification, the secretary of the Department of Environmental Quality shall determine that any post-consumer waste material or recovered material proposed to be recycled by the applicant is a nonhazardous solid waste under applicable state and federal law and regulations.

B. The secretary of the Department of Environmental Quality shall examine the application and, if qualified, shall certify that the equipment described therein is qualified recycling equipment used exclusively in Louisiana and is eligible for credit against state income and corporation franchise taxes pursuant to R.S. 47:6005.

C. Upon certification, the secretary of the Department of Environmental Quality shall submit a copy of the signed, certified application to the applicant and to the secretary of the Department of Revenue and Taxation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:842 (August 1992).

§10415. Amount of Credit

A. The maximum total credit related to a purchase of qualified recycling equipment which may be allowable for all taxable periods is 20 percent of the cost of the qualified recycling equipment, less the amount of any other Louisiana tax credits for purchase of the equipment. Example:

Cost of equipment	$1,000,000
	X .20
	$ 200,000
Less other Louisiana credit on purchase	$ 100,000
Maximum credit for all taxable periods	$ 100,000

B. One-fifth (20 percent) of the maximum total credit related to a purchase of qualified recycling equipment is earned each taxable period in which the equipment continues to be in use exclusively in Louisiana to a maximum of five periods. Example:

Maximum credit for all taxable periods	$ 100,000
	X .20
Credit earned for this taxable period	$ 20,000

C. The maximum credit which may be claimed for all purchases of qualified recycling equipment, including carryover of previously earned but unused credits, in any taxable period shall not exceed 50 percent of the tax which would be otherwise due. Example:

Tax otherwise due: Income tax	$ 12,000
Franchise tax	$ 18,000
Total	$ 30,000
	X .50
Maximum credit to be claimed on return	$ 15,000

D. Any unused credit for a taxable period in which a credit is earned may be carried forward to subsequent years until the credit is exhausted.

E. If the qualified recycling equipment is sold or exchanged before the entire credit is claimed, any unearned portion of the credit shall be canceled for all periods following the period of sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6005.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 18:842 (August 1992).

Chapter 105. Waste Tires

§10501. Purpose

A. The legislature finds that removal of waste tires from the solid waste stream going into landfills currently being utilized for the disposal of solid waste in Louisiana is necessary to protect our environment; prevent nuisances; protect the public health, safety, and welfare; extend the usable life of the facilities; aid in the conservation and recovery of valuable resources; and to conserve energy by efficient reuse of these products, thereby benefiting all citizens of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994).

§10503. Administration

A. This program shall be administered by the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000).

§10505. Definitions

A. The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Act—the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.).

Adjustment Tire—a tire that becomes unusable for any reason within the manufacturer's control and is returned to the dealer under a tire warranty by the tire manufacturer. Tire adjustments are initiated by the consumer.

Administrative Authority—the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

Agreement—a written contract or other written arrangement between recipient persons and the administrative authority that outlines specific goals or responsibilities.

Authorization Certificate—written authorization issued by the administrative authority.

Clean Closure—the act of closing a facility whereby all waste tires and waste tire material are removed, including any resulting on-site or off-site contamination.

Collection Center—a permitted or authorized location denoted on an authorization certificate where waste tires and waste tire material can be stored and/or collected.

Collector—a person who operates a collection center.

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

Destination Facility—a facility where waste tires and/or waste tire material is processed, recycled, collected, stored and/or disposed after transportation.

Disease Vector—animals such as rodents, fleas, flies, mosquitoes and other arthropods that are capable of transmitting diseases to humans.

Disease Vector Control Plan—a plan approved by the administrative authority to control the growth and spread of disease vectors.

Disposal—the depositing, dumping, or placing of waste tires or waste tire material on or into any land or water so that such waste tires, waste tire material, or any constituent thereof, may have the potential for entering the environment, or being emitted into the air, or discharged into any waters of Louisiana.

Facility—any land and appurtenances thereto used for storage, processing, recycling, and/or disposal of solid waste or tire material, but possibly consisting of one or more units. (Any earthen ditches leading to or from a facility that receive waste are considered part of the facility to which they connect; except ditches which are lined with materials which are capable of preventing groundwater contamination.)

Fraudulent Taking—the value gained from acts committed by an offender in violation of LAC 33:VII.10537.E.

Generator—a facility that generates waste tires as a part of its business operations.

Government Agencies—local, parish, state, municipal, and federal governing authorities having jurisdiction over a defined geographic area.

Major Highway—all asphaltic concrete and concrete interstate and intrastate highways and roads maintained by the United States government or Louisiana state government, or both, or any agencies or departments thereof.

Manifest—the form, provided by the department, used for identifying the quantity, composition, origin, routing, and destination of waste tires and/or waste tire material during transportation from the point of generation to the authorized destination.

Marketing—the selling and transferring of waste tires or waste tire material for recycling and/or beneficial use or reuse.

Medium Truck Tire—a tire weighing 100 pounds or more and normally used on semi-trailers, truck-tractor, semi-trailer combinations or other like vehicles used primarily to commercially transport persons or property on the roads of this state or any other vehicle regularly used on the roads of this state.

Mobile Processor—a standard permitted processor who has processing equipment capable of being moved from one location to another.

Modification— any change in a site, facility, unit, process or disposal method, or operation that deviates from the specification in the permit. Routine or emergency maintenance that does not cause the facility to deviate from the specification of the permit is not considered a modification.

Motor Vehicle—an automobile, motorcycle, truck, trailer, semi-trailer, truck-tractor and semi-trailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power.

Off-Road Tire—a tire weighing 100 pounds or more and that is normally used on off-road vehicles.

Off-Road Vehicle—a vehicle used for construction, farming, industrial uses, or mining, not normally operated on the roads of the state. This term does not include vehicles propelled solely by muscular power.

Passenger/Light Truck/Small Farm Service Tire—a tire weighing less than 100 pounds and normally used on automobiles, pickup trucks, sport utility vehicles, front steer tractors, and farm implement service vehicles.

Permittee/Permit Holder—a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.

Person—an individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of the state, interstate body, or the federal government or any agency of the federal government.

Premises—a unit of land and/or buildings, or any portion thereof. Property shall be considered as contiguous parcels even if separated by a utility easement or road or railroad right of way.

Processing—any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, a tire is considered processed only if its volume has been reduced by cutting it in half along its circumference.

Processor—a person that collects and processes waste tires.

Program Eligible Waste Tires—those waste tires generated within Louisiana.

Qualified Recycler—any entity who uses waste tire material in a beneficial manner as determined by the administrative authority.

Recall Tire—a tire that is specified as defective by the manufacturer and returned to the dealer so that the dealer may provide a replacement or repair. Recalls are initiated by the manufacturer.

Recycling—any process by which waste tires, waste tire material, or residuals are reused or returned to beneficial use in the form of products or as a fuel source.

Standard Permit—a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, or closure of facilities or equipment used or intended to be used to process or collect waste tires in accordance with the act, these regulations, specified terms and conditions, and the permit application.

Temporary Permit—a written authorization issued by the administrative authority for a specific amount of time to a person for the construction, installation, operation, closure, or post-closure of a particular facility used or intended to be used for processing waste tires or waste tire material in accordance with the act, these regulations, and specified terms and conditions.

Tire—a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or off-road vehicle.

Tire Dealer—any person, business, or firm that engages in the sale of new tires for use on motor vehicles.

Tire Wholesaler—any wholesaler, supplier, distributor, jobber, or other entity who distributes tires to retail dealers in this state or to its own retail establishments in this state.

Transporter—a person who transports waste tires.

Unauthorized Waste Tire Pile—a pile in excess of 20 waste tires whose storage and/or disposal is not authorized by the administrative authority.

Used Tire—a tire that can be salvaged and sold as a good, functional vehicle tire.

Used Tire Dealer—any person, business, or firm that engages in the sale of used tires for use on motor vehicles.

Waste Tire—a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect.

Waste Tire Generation—the replacement of an unserviceable tire with a serviceable tire. The sorting, collection, exchange, trade, or transportation of waste tires is not waste tire generation.

Waste Tire Material—waste tires after processing; such as, but not limited to, chipped, shredded, cut, or sliced tires, crumb rubber, steel cord, cord material, oil, or carbon black.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR 29:2779 (December 2003).

§10507. Exemptions

A. Any persons, facilities, or other entities subject to these regulations may petition the department for exemption from these regulations or certain portions thereof in accordance with LAC 33:VII.307.

B. A vehicle operated by a local governmental body that is engaged in the collection of waste tires that are located on governmental property or on road rights of way with the tires to be taken to an authorized waste tire collection center or permitted processing facility may be granted an exemption to the transporter authorization application fee and the transporter maintenance and monitoring fee specified in LAC 33:VII.10535. A maximum of one vehicle is allowed for each governmental body under this exemption. In order to be recognized as exempt under this Subsection, the local governmental body shall submit a transporter notification form to the administrative authority indicating the governmental body's desire to take advantage of this exemption.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), LR 27:2227 (December 2001).

§10509. Prohibitions and Mandatory Provisions

A. No person may knowingly or intentionally dispose unprocessed waste tires in a landfill within the boundaries of Louisiana.

B. Upon promulgation of these regulations, no person may store more than 20 whole waste tires unless they are authorized by the administrative authority and:

1. collected and stored at a registered tire dealer, registered used tire dealer, or registered other generator of waste tires;

2. collected and stored at an authorized waste tire collection center or permitted waste tire processing facility; or

3. collected and stored at an authorized waste tire recycling facility.

C. No person may transport more than 20 waste tires without first obtaining a transporter authorization certificate.

D. No person may receive payment from the Waste Tire Management Fund for processing tires without a standard permit issued by the department.

E. No regulated generator, collector, or processor may store any waste tire for longer than 365 days.

F. All persons subject to these regulations are subject to inspection and/or enforcement action by the administrative authority, in accordance with LAC 33:VII.10537.

G. All persons subject to these regulations shall maintain all records required to demonstrate compliance with these regulations for a minimum of three years. The department may extend the record retention period in the event of an investigation. The records shall be maintained at the regulated facility or site unless an alternate storage location is approved in writing by the administrative authority. All records shall be produced upon request for inspection by the department.

H. All persons who sell new tires shall retain and make available for inspection, audit, copying, and examination, a record of all tire transactions in sufficient detail to be of value in determining the correct amount of fee due from such persons. The records retained shall include all sales invoices, purchase orders, inventory records, and shipping records pertaining to any and all sales and purchases of tires. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A).

I. Each tire wholesaler shall maintain a record of all new tire sales made to dealers in this state. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A). These records shall contain and include the name and address of each tire purchaser and the number of tires sold to that purchaser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000).

§10511. Permit System

A. Permit Requirements

1. Scope. Persons, other than generators and government agencies, operating collection facilities that collect waste tires and/or waste tire material and/or process waste tires or waste tire material for payment from the Waste Tire Management Fund must secure a permit and are subject to the requirements detailed in these regulations.

2. Types of Permits

a. Temporary Permits. A temporary permit allows continued operation of an existing collector and/or processor, in accordance with an approved interim operational plan, but does not allow the expansion or modification of the facility without approval of the administrative authority. The administrative authority may issue a temporary permit in the following situations:

i. order to upgrade—to allow operations to continue at an existing facility while a standard permit application is being processed; or

ii. order to close—to allow operations to continue at an existing facility while a closure plan is being processed or while a facility is being closed in accordance with a closure plan.

b. Standard Permit. The permit issued by the administrative authority to applicants of facilities that have successfully completed the standard permit application process.

3. Permit Provisions

a. Permit Duration. A standard permit issued under Paragraphs A.1 and 2 of this Section shall be valid for five years from the date of issuance.

b. Transfer of Permit. Permits issued pursuant to these regulations are assigned only to the permittee and cannot be transferred, sublet, leased, or assigned, without prior approval of the administrative authority.

B. Modifications. Modification requests shall be tendered in accordance with LAC 33:VII.517. No modifications shall be made to the permit or facility without prior written approval from the administrative authority.

C. Suspension or Revocation of Permit. The administrative authority may review a permit at any time. After review of a permit, the administrative authority may, for cause, suspend or revoke a permit in whole or in part in accordance with procedures outlined in LAC 33:Part VII.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2775 (December 2000).

§10513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities

A. Applicant Public Notice

1. No sooner than 45 days prior to the submittal of a standard permit application to the Office of Environmental Services, Permits Division, the prospective applicant shall publish a notice of intent to submit an application for a waste tire standard permit. This notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches, in the legal or public notices section of the official journal of this state and a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

2. The public notice shall be published in accordance with the form provided by the administrative authority.

3. Proof of publication of the notice shall be included in the waste tire standard permit application.

B. Submittal of Permit Applications

1. Any applicant for a standard permit for an existing or proposed facility shall complete a waste tire standard permit application, and submit four copies to the Office of Environmental Services, Permits Division. Each individual copy of the application shall be in standard three-ring-bound documents measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

2. Each waste tire standard permit application shall be accompanied by a remittance in the full amount of the appropriate waste tire standard permit application fee. No application shall be accepted or processed prior to payment of the full amount as specified in LAC 33:VII.10535.

C. Requirements for Public Notification of Permit Application

1. As provided in R.S. 30:2022 and 2418, upon receipt of a permit application the department shall provide written notice on the subject matter to the parish governing authority and each municipality affected by the application.

2. The department shall hold a public hearing within 60 days of submission of an application.

3. The applicant shall cause the notice of the hearing to be published in the official journal of the parish or municipality on two separate days preceding the hearing. The last day of publication of such notice shall be at least 10 days prior to the hearing. The applicant shall provide the department with proof of publication.

4. The applicant shall post a notice of the hearing, in prominent view of the public, for two weeks prior to the hearing, in the courthouse, government center, and all the libraries of the parish.

5. A public comment period of at least 30 days shall be allowed following the public hearing.

D. Permit Application Review and Evaluation

1. The applicant shall make available to the department the assistance of registered engineers or other trained individuals responsible for the design of the facility to explain the design and operation.

2. The applicant shall furnish all other technical information the department may require to evaluate the waste tire standard permit application, monitor the performance of the facility, and ensure that the purposes of this program are met.

E. Waste Tire Standard Permit Application Review

1. An application deemed unacceptable for technical review shall be rejected. Applications shall be subject to the completeness review requirements of LAC 33:I.1505.A.

2. Applications shall be subject to the technical review requirements of LAC 33:I.1505.B.

3. Closure plans that are determined to be unacceptable for a technical review shall be rejected. The applicant shall be required to resubmit the closure plan to the administrative authority.

4. An applicant whose closure plan is acceptable for technical review, but lacks the necessary information, shall be informed of such in a closure plan deficiency letter. These deficiencies shall be corrected by submission of supplementary information within 30 days after receipt of the closure plan deficiency letter. Closure plans that have been deemed technically complete shall be approved.

F. Standard Permit Applications Deemed Technically Complete

1. An application that has been deemed technically complete will be accepted for public review. When the permit application is accepted for public review, the administrative authority shall request an additional six copies, or more if necessary. The copies shall be distributed for public review as follows:

a. one copy to the local parish governing authority;

b. one copy to the municipal governing authority;

c. one copy to each parish public library;

d. one copy to a department regional office; and

e. two copies to remain with the administrative authority.

2. Each copy of the permit application shall be provided as a standard three-ring-bound document (8 1/2 by 11 inches). The application shall incorporate, in the appropriate sections, all required plans, narratives, and revisions made during the review process and shall include appropriate tabbing for all appendices, figures, etc. A permit application that presents revisions made during the review process as a separate supplement to the application shall not be accepted.

3. After the six copies are submitted to the department, a notice shall be placed in the office bulletin (if one is available), the official journal of the state, and a major local newspaper of general circulation. The department shall publish a notice of acceptance for review one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state shall be the only public notice required. The notice shall solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper shall be reviewed by the department. The notice shall be published in accordance with the sample public notice provided by the department.

4. A public hearing shall be held for any proposed standard permit application when the administrative authority determines, on the basis of comments received and other information, that a hearing is necessary.

5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice required in Paragraph F.3 of this Section, request that a public hearing be held. If the administrative authority determines that the hearing is warranted, a public hearing shall be held. If the administrative authority determines not to hold the requested hearing, the department shall send the person requesting the hearing written notification of the determination. The request for a hearing must be in writing and must contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, a notice shall be published at least 20 days before a fact-finding hearing in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state shall be the only public notice required. Those persons on the department's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

7. Receipt of Comments Following a Public Hearing. The department shall receive comments for 30 days after the date of a public hearing.

G. Issuance or Denial of a Permit

1. The administrative authority shall issue a standard permit or shall issue a standard permit application denial, including reasons for the denial.

2. A temporary permit may be issued to allow closure activities to be accomplished at a facility which has been issued a standard permit application denial.

H. Public Notice of Permit Issuance. No later than 10 days following the issuance of a standard permit, the permit holder shall publish a notice of the issuance of the standard permit. This notice shall be published in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring 3 columns by 5 inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring 3 columns by 5 inches in the official journal of the state will be the only public notice required. The permit holder shall provide proof of publication of the notice(s) to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2775 (December 2000), LR 27:829 (June 2001), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004).

§10515. Agreements with Waste Tire Processors

Standard permitted waste tire processors may apply to the Office of Management and Finance, Financial Services Division for subsidized funding to assist them with waste tire processing and marketing costs. This application form is available from the Office of Management and Finance, Financial Services Division.

A. Maximum Payments to Processors

1. Standard permitted processors shall be eligible to receive a minimum of $1.50 per tire equivalent unit of 20 pounds of waste tire material that is actually recycled or that reaches certifiable end-market uses provided.

a. Standard permitted processors shall provide documentation to prove that they are contracted with a qualified recycler. Proof shall be provided in the form of a letter or other document from the qualified recycler.

b. Standard permitted processors shall provide a certificate of end use demonstrating that the waste tire material has been recycled.

c. Standard permitted processors shall provide a Department of Agriculture certified scale-weight ticket including gross, tare and net weights.

2. Standard permitted processors shall be eligible to receive a minimum of $1.50 per 20 pounds of whole waste tire that is marketed and shipped to a qualified recycler in accordance with LAC 33:VII.10535.D.4.

a. Standard permitted processors must apply and obtain approval from the department in order to market and ship whole waste tires. At this time they shall provide a detailed description of the operational plan to market and ship whole waste tires to a qualified recycler, including:

i. shipping destination;

ii. place of origin of the tires;

iii. name of the qualified recycler;

iv. method of recycling authorized or allowed under applicable state and federal laws;

v. detailed description of product material or fuel source; and

vi. a copy of an agreement with the qualified recycler who will accept whole waste tires for recycling.

b. The standard permitted processor shall ensure the qualified recycler accepts whole waste tires or baled waste tires from the processor in accordance with its agreement and Subparagraph A.2.a of this Section.

B. The standard permitted processor shall provide, with the monthly report required by LAC 33:VII.10535.D.6, a certificate of end use by the qualified recycler, demonstrating that it has recycled the waste tires or waste tire material.

C. The standard permitted processor shall comply with LAC 33:VII.10533.

D. The standard permitted processor shall provide all documentation to demonstrate that all the requirements of this Section have been met.

E. Once the application is approved, the department shall issue an agreement in accordance with Subsection A of this Section.

F. General Conditions of Agreements. It shall be the responsibility of processors to make payments to authorized waste tire transporters who provide them with waste tires. This includes making payments to local governmental bodies acting as transporters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2776 (December 2000), LR 27:830 (June 2001).

§10517. Standard Waste Tire Permit Application

Each applicant requesting a standard permit in accordance with these regulations shall complete the permit application, including, but not limited to, the information included in this

Section and submit it to the Office of Environmental Services, Permits Division.

A. Processing Facility. The permit application shall include:

1. the name of the applicant;

2. the name and phone number of the owner/contact;

3. the business address, including city, state, parish, and zip code;

4. the location of the processing/collection facility, including section, township, and range;

5. the business telephone number;

6. the federal identification number and state tax identification number;

7. the name, address, and phone number of a contact person in case of an emergency, other than the individual specified in Paragraph A.2 of this Section;

8. a certification in writing that all the information provided in the application and in accordance with the application is true and correct. Providing false or incorrect information may result in criminal or civil enforcement. The applicant shall also provide the site master plan, including property lines, building, facilities, excavations, drainage, roads, and other elements of the process system employed, certified by a registered engineer licensed in the state of Louisiana;

9. a copy of written notification to the appropriate local governing authority, stating that the site is to be used as a waste tire processing and/or collection facility;

10. written documentation from the appropriate local governing authority, stating that the facility is in compliance with local zoning and permitting requirements;

11. written documentation from the property owner granting approval for use of property as a waste tire processing and/or collection facility, if property owner is other than applicant;

12. proof of publication of Notice of Intent to submit an application for a standard waste tire permit;

13. a letter of compliance and certification of premises and buildings from the state fire marshal;

14. an operational plan addressing the following:

a. facility access and security;

b. waste tire acceptance plan, to count, record, and monitor incoming quantities of waste tires;

c. method to control water run-on/runoff;

d. days and hours of operation;

e. waste tire storage method:

i. dimensions of waste tire piles;

ii. maximum number of waste tires and volume of waste tire material to be stored at any one time. The total amount of waste tires and volume of waste tire material shall not exceed 60 times the daily capacity of the processing unit;

iii. width of fire lanes;

iv. method of storage to exclude standing water, including inside storage;

v. type of access roads and buffer zones; and

vi. emergency control plans in case of fire or accident, etc.;

f. a detailed description of the waste tire processing method to be used, including daily capacity;

g. site grounds maintenance and disease vector control to minimize vector-breeding areas and animal attraction:

i. controlling fly, mosquito, and other insect emergence and entrance;

ii. controlling rodent burrowing for food or harborage; and

iii. controlling bird and animal attraction;

h. buffer zones;

i. method to store waste tire material in detail;

j. end market of the waste tire material; and

k. method to control and/or treat any process water;

15. evidence of general liability insurance in the amount of $1 million provided by an insurer who is admitted, authorized, or eligible to conduct insurance business in Louisiana;

16. site closure plan to assure clean closure. The closure plan must be submitted as a separate section with each application. The closure plan for all facilities must ensure clean closure and must include the following:

a. the method to be used and steps necessary for closing the facility;

b. the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive;

c. an estimate of the maximum inventory of whole waste tires and waste tire material on-site at any one time over the active life of the facility;

d. a schedule for completing all activities necessary for closure; and

e. the sequence of final closure as applicable;

17. site closure financial assurance fund;

18. plans, specifications, and operations represented and described in the permit application or permit

modifications for all facilities must be prepared under the supervision of and certified by a registered engineer licensed in the state of Louisiana;

19. certification. The applicant must provide and sign legal certification that all information provided in the application is true and correct with the knowledge of the possibility of punishment under the law for false information;

20. signature and date; and

21. name of authorized agent of process, if applicable.

B. Waste Tire Collection Center. Waste tire processors or other persons may operate a waste tire collection center in accordance with LAC 33:VII.10527. All information required in Subsection A of this Section must be provided in a permit application for each waste tire collection center.

C. Governmental Agencies. Government agencies intending to operate collection centers and/or tire processing equipment for the purposes of volume reduction prior to disposal will not be required to possess permits provided that:

1. the governmental agency collection centers shall be located on property owned or otherwise controlled by the governmental agency, unless otherwise authorized by the department;

2. governmental agency collection centers shall be attended during operational hours and have controlled ingress and egress during non-operational hours;

3. governmental agency collection center personnel shall witness all loading and unloading of waste tires;

4. governmental agency collection centers may accept waste tires from roadside pickup, from rights-of-way, individual residents, and unauthorized waste tire piles. For the tires from unauthorized waste tire piles to be eligible for the $1.50 per 20 pounds marketing payment to permitted processors as indicated in LAC 33:VII.10535, the governmental agency must notify the Office of Management and Finance, Financial Services Division, in writing, of the agency's intent prior to removing the tires from said site;

5. governmental agencies shall develop fire control plans and disease vector control plans for the collection center and/or tire processing equipment; and

6. governmental agencies shall satisfy the requirements of LAC 33:VII.10509 and 10533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2776 (December 2000), LR 27:830 (June 2001).

§10519. Standards and Responsibilities of Generators of Waste Tires

A. Within 30 days of commencement of business operations, generators of waste tires shall notify the Office of Environmental Services, Permits Division of their existence and obtain a generator identification number prior to initiating a waste tire manifest. Notification shall be on a form provided by the Office of Environmental Services, Permits Division.

B. Tire dealers must accept one waste tire for every new tire sold from the purchaser of the new tire at the time of purchase, unless the purchaser elects to retain the waste tire.

C. Each tire dealer doing business in the state of Louisiana shall be responsible for the collection of the $2 waste tire fee upon the sale of each new passenger/light truck tire, $5 waste tire fee upon the sale of each new medium truck tire, and $10 waste tire fee upon the sale of each new off-road tire. No fee shall be collected on tires weighing more than 500 pounds or solid tires. *Tire dealers* includes any dealer selling new tires in Louisiana.

D. Each dealer of passenger/light truck tires, medium truck tires, or off-road tires shall remit all waste tire fees collected as required by LAC 33:VII.10535.B and C to the department on a monthly basis on or before the twentieth day following the month during which the fees were collected. The fees shall be remitted to the Office of Management and Finance, Financial Services Division. Each such dealer shall also submit a Monthly Waste Tire Fee Report (Form WT02, available from the Office of Management and Finance, Financial Services Division), to the Office of Management and Finance, Financial Services Division, on or before the twentieth day of each month for the previous month's activity, including months in which no fees were collected. Each tire dealer required to make a report and remit the fee imposed by this Section shall keep and preserve records as may be necessary to readily determine the amount of fee due. Each such dealer shall maintain a complete record of the quantity of tires sold, together with tire sales invoices, purchase invoices, inventory records, and copies of each Monthly Waste Tire Fee Report for a period of no less than three years. These records shall be made available for inspection by the administrative authority at all reasonable hours.

E. Tire dealers must provide notification to the public sector via signs, made available by the Office of Management and Finance, Financial Services Division, indicating that:

1. "It is unlawful for any person to dispose, discard, burn, or otherwise release waste tires to the environment in a manner in contravention to the Louisiana Solid Waste Regulations. A fine of up to $25,000 per day per violation may be imposed on any company or individual who violates these rules and regulations."

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of $2 for each passenger/light truck tire, $5 for each medium truck tire, and

$10 for each off-road tire, upon sale of each new tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every new tire sold, unless the purchaser elects to retain the waste tire."

F. The waste tire fee established by R.S. 30:2418 shall be listed on a separate line of the retail sales invoice. No tax of any kind shall be applied to this fee.

G. Generators of waste tires shall comply with the manifest requirements of LAC 33:VII.10533.

H. For all waste tires and waste tire material collected and/or stored, generators must provide:

1. a cover adequate to exclude water from the waste tires;

2. vector and vermin control; and

3. means to prevent or control standing water in the containment area.

I. Generators of waste tires may store waste tires up to 120 days after receipt or generation; however, a generator of waste tires may store waste tires a maximum of 365 days, provided:

1. the storage is solely for the purpose of accumulating such quantities as are necessary to facilitate proper processing;

2. documentation supporting the storage period and the quantity required for proper processing are available at the generator's facility for department inspection; and

3. no more than 150 tires shall be stored at the generator's place of business at one time, unless stored in a transportable collection container.

J. All waste tires and waste tire material must be collected and/or stored on property contiguous to the tire dealership or other waste tire generator facility.

K. No generator shall allow the removal of waste tires from his place of business by anyone other than an authorized transporter, unless the generator generates 50 or less waste tires per month from the sale of 50 new tires. In this case, the generator may transport his waste tires to an authorized collection or permitted processing facility provided LAC 33:VII.10523.C is satisfied.

L. A generator who ceases the sale of tires at the registered location shall notify the Office of Environmental Services, Permits Division within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the tire sale and monthly report records.

M. Generators of waste tires shall segregate the waste tires from any new or used tires offered for sale.

N. Governmental agencies are not required to comply with this Section, except Subsections A, G, I, and J of this Section.

O. All tire wholesalers shall keep a record of all tire sales made in Louisiana. These records shall contain the name and address of the purchaser, the date of the purchase, the number of tires purchased, and the type and size of each tire purchased. These records shall be kept for a period of three years and shall be available and subject to inspection by the administrative authority at all reasonable hours.

P. Generators other than new tire dealers (e.g., used tire dealers, salvage yards, and recappers) shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than three years. These records shall be open for inspection and/or audit by the administrative authority at all reasonable hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:1818 (September 2003), LR 29:2780 (December 2003).

§10523. Standards and Responsibilities of Waste Tire Transporters

A. Transporters of waste tires shall complete the application for transporter authorization form and submit the application, with the payment of the transporter fees as specified in LAC 33:VII.10535.A, to the Office of Management and Finance, Financial Services Division.

B. A transporter authorization certificate shall be valid for a maximum of one year from the date of issuance. All transporter authorization certificates expire on June 30 of each calendar year. The administrative authority shall issue to the transporter an appropriate number of transporter decals to be placed in accordance with Subsection F of this Section.

C. No person shall transport more than 20 waste tires without a completed manifest satisfying the requirements of LAC 33:VII.10533.

D. For in-state waste tire transportation, the transporter shall transport all waste tires to an authorized collection center or a permitted processing facility.

E. Any person who engages in the transportation of waste tires from Louisiana to other states or countries or from other states to Louisiana, or persons who collect or transport waste tires in Louisiana, but have their place of business in another state, shall comply with all of the requirements for transporters contained in this Section.

F. The transporter shall affix to the driver's door, along with the transporter decal, and the passenger's door of each truck or tractor listed on the notification form, the

authorization certificate number in characters no less than 3 inches in height.

G. All persons subject to this Section shall notify the Office of Management and Finance, Financial Services Division in writing within 10 days when any information on the authorization certificate form changes, or if they close their business and cease transporting waste tires.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2778 (December 2000), LR 27:831 (June 2001), repromulgated LR 27:1885 (November 2001).

§10525. Standards and Responsibilities of Waste Tire Processors

A. Receipt of Tires

1. Upon receiving a shipment containing waste tires, the processor shall be responsible for verifying the number of waste tires in the shipment by actually counting each waste tire. The processor shall sign each waste tire manifest upon receiving waste tires. Processors can be reimbursed from the Waste Tire Management Fund for only those eligible tires accepted from authorized Louisiana transporters or from generators as specified in LAC 33:VII.10519.K.

2. Each processor shall accept no more than five unmanifested tires per day per customer. The processor shall maintain a log for all unmanifested loads. The log shall include, at the minimum, the following:

a. the name and address of the customer;

b. the license plate number of the vehicle delivering the tires;

c. the phone number of the customer;

d. the number of tires received;

e. the date;

f. the time; and

g. the signature of the customer delivering the tires.

B. On a form obtained from the Office of Management and Finance, Financial Services Division, all processors shall submit to the Office of Management and Finance, Financial Services Division a monthly report, which shall include a certified record of pounds of tires processed during the month, along with all completed manifests for the month and the log recording all unmanifested waste tires deposited at the facility. The monthly report shall also include a certified record of the pounds of waste tire material that have been marketed and delivered as a product or raw material for beneficial reuse. An alternative method of reporting sale of waste tire material shall be developed and approved for each processor that uses a process other than shredding. The alternative method shall be approved by the administrative authority.

C. Waste tire facility operators shall provide completed copies of waste tire manifests to the appropriate waste tire generator within 30 days of the origination date of the manifest.

D. All waste tire facilities must meet the following standards.

1. All processors shall control ingress and egress to the site through a means approved by the administrative authority, with at least one entrance gate being a minimum of 20 feet wide.

2. All facilities shall have a buffer zone of 100 feet. Waste tires and waste tire material shall not be placed in the buffer zone.

3. Fire Protection

a. There shall be no open burning.

b. The facility operator shall enter into a written agreement with the local fire department regarding fire protection at the facility.

c. The facility operator shall develop and implement a fire protection and safety plan for the facility to ensure personnel protection and minimize impact to the environment.

4. Suitable drainage structures or features shall be provided to prevent or control standing water in the waste tires, waste tire material, and associated storage areas.

5. All water discharges, including stormwater runoff, from the site shall be in accordance with applicable state and federal rules and regulations.

6. All waste tire processors, collectors, and associated solid waste management units shall comply with LAC 33:VII.Subpart 1.

7. Waste tires and waste tire material shall be treated according to an acceptable and effective disease vector control plan approved by the administrative authority.

8. Waste tires and waste tire material stored outside shall be maintained in piles, the dimensions of which shall not exceed 10 feet in height, 20 feet in width, and 200 feet in length or in such dimensions as approved by the administrative authority.

9. Waste tire or waste tire material piles shall be separated by lanes with a minimum width of 50 feet to allow access by emergency vehicles and equipment.

10. Access lanes to and within the facility shall be free of potholes and ruts and be designed to prevent erosion.

11. The storage limit for waste tires and waste tire material shall be no more than 60 times the daily permitted processing capacity of the processing facility.

12. All waste tire facility operators shall maintain a site closure financial assurance fund in an amount based on the

maximum number of pounds of waste tire material that will be stored at the processing facility site at any one time. This fund shall be in the form of a financial guarantee bond, performance bond, or an irrevocable letter of credit in the amount of $20 per ton of waste tire material on the site. A standby trust fund shall be maintained for the financial assurance mechanism that is chosen by the facility. The financial guarantee bond, performance bond, irrevocable letter of credit, or standby trust fund must use the exact language included in the documents in LAC 33:VII.11101. The financial assurance must be reviewed at least annually.

13. An alternative method of determining the amount required for financial assurance shall be as follows:

a. the waste tire facility operator shall submit to the Office of Management and Finance, Financial Services Division an estimate of the maximum total amount by weight of waste tire material that will be stored at the processing facility at any one time;

b. the waste tire facility operator shall also submit to the Office of Management and Finance, Financial Services Division two independent, third-party estimates of the total cost of cleaning up and closing the facility, including the cost of loading the waste tire material, transportation to a permitted disposal site, and the disposal cost; and

c. if the estimates provided are lower than the required $20 per ton of waste tire material, the administrative authority shall evaluate the estimates submitted and determine the amount of financial assurance that the processor is required to provide.

14. Financial assurances for closure and post-closure activities must be in conformity with the standards contained in LAC 33:VII.727.A.2.i.

E. Mobile Processors

1. Only standard permitted processors shall be eligible to apply for mobile processor authorization certificates. Any mobile processor without a standard permit whose certificate expires after the effective date of these regulations may have the certificate renewed for a one-time period of 365 days upon request of the mobile processor.

2. The appropriate mobile processor application fee must be submitted with the application in accordance with LAC 33:VII.10535.A.3.

3. Upon review and approval of the mobile processor authorization application form, the administrative authority shall issue a mobile processor authorization certificate.

4. A mobile processor authorization certificate shall be valid for one year from the date of issuance.

5. Each applicant requesting a mobile processor authorization certificate pursuant to these regulations shall complete the mobile processor authorization application form, including, but not limited to, the following information:

a. the name of the business owner;

b. the name of the business or organization;

c. the business location address, including street, city, state, parish, and zip code;

d. the complete mailing address;

e. the business telephone number;

f. the name, business address, and telephone number of the contact person associated with the applicant;

g. the federal identification number of the business or organization and the state tax identification number;

h. a description of each vehicle, truck, trailer, and/or processing unit which will be used by the applicant for the processing of waste tires including the make, model, year, license number, and name of registered owner if different from that of the processor;

i. evidence of general liability insurance in the amount of $1 million provided by an insurer who is admitted, authorized, or eligible to conduct insurance business in Louisiana;

j. a signed legal certification that all information provided in the application is true and correct with the knowledge of the possibility of punishment under the law for false information;

k. the name of the authorized agent of process, if applicable; and

l. the signature of the applicant and the date.

6. For mobile waste tire processing, the processor shall operate only at an authorized collection center, a permitted processing facility, or other site authorized by the administrative authority; such sites shall meet all applicable requirements of this Chapter.

7. Mobile processors are responsible for notifying the Office of Environmental Services, Permits Division in writing within 10 days when any information on the notification changes or if they cease processing waste tires with a mobile unit.

F. Governmental agencies may operate tire splitting equipment for the purposes of volume reduction prior to disposal without a permit to process waste tires, provided they meet the requirements outlined in LAC 33:VII.10517.C and request authorization from the Office of Management and Finance, Financial Services Division before initiating any processing.

G. Processors shall maintain a complete set of records pertaining to manifested tires or shredded waste tire material coming in or leaving their place of business. This shall include, but is not limited to, manifests, monthly reimbursement reports, records of all payments from/to end markets, inventory records, logs, any documents related to out-of-state tire activity, and financial records. These records shall be maintained for a period of no less than three years and shall be open for inspection by the administrative authority at all reasonable hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2779 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 28:1953 (September 2002), LR 29:2780 (December 2003).

§10527. Standards and Responsibilities for Waste Tire Collectors and Collection Centers

A. Receipt of Tires

1. All collection center operators shall satisfy the manifest requirements of LAC 33:VII.10533. All collection center operators shall be responsible for counting the tires in the shipment. The collection center shall report monthly to the administrative authority, due no later than the fifteenth of the following month, the total number of tires received at the facility. These records shall be maintained by the collection center for a minimum of three years and are subject to audit by the administrative authority.

2. Each collection center shall accept no more than five unmanifested tires per day per customer. The collection center shall maintain a log for all unmanifested loads. The log for all unmanifested loads shall include, at the minimum, the following:

a. the name and address of the customer;

b. the license plate number of the vehicle delivering the tires;

c. the phone number of the customer;

d. the number of tires received;

e. the date;

f. the time; and

g. the signature of the customer delivering the tires.

B. All collection center operators shall meet the standards in LAC 33:VII.10525.D.1-10 and 12-14.

C. The storage limit for a collection center shall be 3000 whole waste tires or 60 times the daily permitted processing capacity, whichever is greater.

D. Use of mobile processing units are allowed at collection centers only when processed waste tire material is immediately deposited in a trailer or other suitable container for immediate removal from the site.

E. No processed waste tire material shall be deposited on the ground at a collection center at any time.

F. All collection centers shall provide a method to control and/or treat process water if applicable.

G. The closure plan for all collection centers must ensure clean closure and must include the following:

1. the method to be used and steps necessary for closing the center;

2. the estimated cost of closure of the center, based on the cost of hiring a third party to close the center at the point in the center's operating life when the extent and manner of its operation would make closure the most expensive;

3. an estimate of the maximum inventory of whole waste tires ever on-site over the active life of the center;

4. a schedule for completing all activities necessary for closure; and

5. the sequence of final closure as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 29:2780 (December 2003).

§10529. Standards and Responsibilities of Property Owners

A. Owners of property on which unauthorized waste tire piles are located shall remediate the site or reimburse the department for the cost of remediation, except as provided by R.S. 30:2156.

B. Owners of property on which unauthorized waste tire piles are located shall provide disease vector control measures adequate to protect the safety and health of the public, and shall keep the site free of excess grass, underbrush, and other harborage.

C. Owners of property on which unauthorized waste tire piles are located shall limit access to the piles to prevent further disposal of tires or other waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000).

§10531. Standards and Responsibilities of Qualified Recyclers

A. Within 30 days of promulgation of these rules and regulations, recyclers shall notify the Office of Environmental Services, Permits Division of their existence and obtain an identification number. Notification shall be on a form provided by the Office of Environmental Services, Permits Division, including, but not limited to:

1. name of the business owner;

2. name of the business;

3. mailing address, including city, state, zip code, and parish;

4. street address, including city, state, zip code, and parish;

5. business telephone number;

6. federal identification number and state tax identification number;

7. site master plan, including, when applicable, property lines, buildings, facilities, excavations, drainage, roads, and other elements of the process system employed;

8. name, address, and phone number of a contact person in case of an emergency, if different from the owner; and

9. signature and date.

B. All facilities recycling waste tires and/or waste tire material in Louisiana shall meet the requirements of LAC 33:VII.10525.D.

C. The storage limit for waste tire material shall be no more than 180 times the daily recycling capacity of the recycling facility. The facility must maintain records to document its compliance with this provision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:831 (June 2001).

§10533. Manifest System

A. All shipments of more than 20 waste tires shall be accompanied by a waste tire manifest provided by the department and executed in accordance with this Section. Tires transported in Louisiana that are not eligible tires, as defined in LAC 33:VII.10505, shall be clearly labeled ineligible on the manifest.

B. The manifest document flow is as follows:

1. the generator initiates the manifest (original and at least five copies), completing all of Section 1 and designating the destination facility in Section 3. After the transporter signs the manifest, the generator retains one copy for his files, and the original and all other copies accompany the waste tire shipment. Upon receipt of the waste tires, the transporter completes the Section 2, Transporter 1 information. If applicable, upon surrender of the shipment to a second transporter, the second transporter completes the Section 2, Transporter 2 information. After Transporter 2 signs the manifest, Transporter 1 retains his copy of the manifest;

2. the transporter secures signature of the designated destination facility operator upon delivery of waste tires and/or waste tire material to the designated destination facility. The transporter retains one copy for his files and gives the original and remaining copies to the designated destination facility operator;

3. the designated processing facility operator completes Section 3 of the manifest and retains a copy for his files. The designated processing facility operator shall submit the original manifest to the Office of Management and Finance, Financial Services Division with the monthly processor report. The designated processing facility shall send all remaining copies to the generator no later than seven days after delivery;

4. a generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated destination facility within 30 days of the date the waste tires and/or waste tire material was accepted by the initial transporter must contact the transporter and/or the owner or the operator of the designated destination facility to determine the status of the shipment; and

5. a generator must submit to the Office of Management and Finance, Financial Services Division written notification, if he has not received a copy of the manifest with the handwritten signature of the designated destination facility operator within 45 days of the date the shipment was accepted by the transporter. The notification shall include:

a. a legible copy of the manifest for which the generator does not have confirmation of delivery; and

b. a cover letter signed by the generator explaining the efforts taken to locate the shipment and the results of those efforts.

C. Upon discovering a discrepancy in the number or type of tires in the load, the designated destination facility must attempt to reconcile the discrepancy with the generator(s) or transporter(s). The destination facility operator must submit to the Office of Management and Finance, Financial Services Division, within five working days, a letter describing the discrepancy and attempts to reconcile it and a copy of the manifest(s). After the discrepancy is resolved a corrected copy is to be sent to the Office of Management and Finance, Financial Services Division.

D. Completed manifests shall be maintained by all parties for a minimum of three years and shall be made available for audit at the place of business during regular business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 29:2780 (December 2003).

§10535. Fees and Fund Disbursement

A. Permit and Application Fees. Each applicant shall submit to the Office of Environmental Services, Permits Division a non-refundable application fee in the amount specified, according to the categories listed below. The appropriate fee must accompany the permit application or authorization application form.

1. Transporter authorization application fee—$100.

2. Collection center application fee—$800.

3. Mobile processor annual application fee—$600.

4. Standard permit application fee—$1,250.

5. Permit modification fee—$100.

6. Transporter maintenance and monitoring fee—$25/vehicle per fiscal year. This fee is to be paid on each truck listed on the transporter application form, or if the vehicle used to transport tires is a tractor and trailer rig, the vehicle fee must be paid for each tractor.

7. Transporter modification fee—$25/vehicle transfer. This fee is charged each time a vehicle is added or substituted on a transporter authorization certificate.

8. Recycler authorization application fee—$250.

B. Waste Tire Fee upon Promulgation of These Regulations. A waste tire fee is hereby imposed on each new tire sold in Louisiana, to be collected by the tire dealer from the purchaser at the time of retail sale. The fee shall be $2 for each passenger/light truck tire, $5 for each medium truck tire, and $10 for each off-road tire. No fee shall be collected on tires weighing more than 500 pounds or solid tires.

C. The disposition of the fee shall be as follows.

1. The entire waste tire fee shall be forwarded to the Office of Management and Finance, Financial Services Division by the tire dealer and shall be deposited in the Waste Tire Management Fund.

2. The waste tire fee shall be designated as follows: a minimum of $1.50 per 20 pound equivalent will be utilized to pay waste tire processors that are working under agreement with the administrative authority for the processing of currently generated waste tires marketed in accordance with Paragraph D.4 of this Section, a maximum of 10 percent of the waste tire fees collected may be utilized for program administration, 5 percent of the waste tire fees collected may be used for research and market development, and 10 percent of the waste tire fees collected may be used for unauthorized tire pile cleanup.

D. Payments for Processing and Marketing Waste Tires and Waste Tire Material. Payments made by the state of Louisiana are meant to temporarily supplement the business activities of processors and are not meant to cover all business expenses and costs associated with processing and marketing. Payments shall only be paid to standard permitted processors under written agreement with the department in accordance with LAC 33:VII.10515.

1. Payments shall be paid for the processing and marketing of waste tires generated after January 1, 1995, as outlined in LAC 33:VII.10515.

2. No payments shall be made for waste tires generated outside of the state of Louisiana.

3. No payments shall be made for marketing used tires or for tires destined to be retreaded.

4. The payment for marketing or recycling of shredded waste tire material shall be a minimum of $1.50 per 20 pounds of waste tire material that is recycled by a qualified recycler. The processor shall demonstrate that the waste tire material has been recycled. The determination that waste tire material is being marketed to a qualified recycler shall be made by the administrative authority; this determination may be reviewed at any time.

5. The payment for marketing waste tire material produced by means other than shredding shall be determined on a case-by-case basis, but shall be a minimum of $1.50 per 20 pounds of waste tire material.

6. The marketing payments shall be made to the processor for whole waste tires or baled waste tires that are marketed and shipped to a qualified recycler by the processor.

7. Payments shall be made to the processor on a monthly basis, after properly completed monthly reports are submitted by the processor to the Office of Management and Finance, Financial Services Division. Reporting forms will be provided by the Office of Management and Finance, Financial Services Division.

8. The amount of payments made to each processor is based on the availability of monies in the Waste Tire Management Fund.

9. All, or a portion, of a processor's payments may be retained by the administrative authority if the administrative authority has evidence that the processor is not fulfilling the terms of his agreement and/or his standard permit.

10. Waste tire material that was produced prior to January 1, 1998, and for which processing payments were made are only eligible for the additional $ .15 incentive for marketing the waste tire material when the material is marketed after December 31, 1997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001).

§10536. Remediation of Unauthorized Tire Piles

A. Upon promulgation of these regulations, the administrative authority may issue agreements for remediation of unauthorized waste tire piles. The number of agreements issued each year shall be determined based on the availability of funds in the Waste Tire Management Fund that are designated for unauthorized waste tire pile remediation. Any such agreements shall designate specific eligible sites and the department shall monitor the remediation activities, which shall be made in accordance with the standards and responsibilities outlined in the Solid Waste Regulations, LAC 33:Part VII. Any such agreements shall stipulate a maximum amount of total allowable costs that shall be paid from the Waste Tire Management Fund. These monies shall not be applied to indirect costs and other unallowable costs, which include but are not limited to, administrative costs, consulting fees, legal fees, or premiums

for performance bonds. Furthermore, they shall not be applied to reclamation efforts or remediation costs associated with other types of contaminants, which may be detected during the remediation process. Rather, these funds shall be applied to direct costs such as labor, transportation, processing, recycling, and disposal costs of the waste tires.

B. In order to apply for and receive funding for unauthorized waste tire site remediation, local governments must provide the Office of Management and Finance, Financial Services Division with unauthorized waste tire site information. This information includes, but is not limited to, accurate site location, number of tires on site, visual report on site with photographs and proximity to residences, schools, hospitals and/or nursing homes, and major highways. Such information shall be submitted using forms available from the Office of Management and Finance, Financial Services Division.

C. Unauthorized waste tire piles shall be chosen for remediation based on their placement on the waste tire priority remediation list. Point values shall be assigned in accordance with the Waste Tire Management Fund Prioritization System located in LAC 33:VII.11103. These ranking criteria were developed in consideration of threat to human health, threat of damage to surrounding property, and adverse impact on the environment.

D. State agencies, parish, or local governments may consolidate several smaller waste tire piles provided they obtain prior approval from the Office of Management and Finance, Financial Services Division. Consolidating the piles for the purpose of remediation may increase the priority ranking of the site in question.

E. Waste tires may not be removed from unauthorized waste tire piles without prior approval of the Office of Management and Finance, Financial Services Division.

F. The administrative authority will seek reimbursement from all responsible parties for any waste tire cleanup costs incurred by the state by any method allowed by law, provided same is practicable and cost effective.

G. The department may enter into agreements with processors holding either a standard waste tire processing permit or a mobile processor authorization certificate for the remediation of promiscuous/unauthorized waste tire sites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 27:832 (June 2001).

§10537. Enforcement

A. Failure to Comply. Failure of any person to comply with any of the provisions of these regulations, or of the terms and conditions of any permit granted or order issued pursuant to law and hereunder, constitutes a violation of the act.

B. Investigations and Audits: Purposes, Notice. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the identity of the persons or parties involved. Upon written request, the results of an investigation shall be given to any complainant who provided the information prompting the investigation and, if advisable, to any person under investigation, if the identity of such person is known. In cases where persons selling new tires have failed to report and remit the waste tire fee to the administrative authority, and the person's records are inadequate to determine the proper amount of fee due, or in cases(s) where a grossly incorrect report or a report that is false or fraudulent has been filed, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the audited entity.

C. Development of Facts, Reports. The administrative authority may conduct inquiries and develop facts through staff investigatory procedures or formal investigations and may conduct inspections and examinations of facilities and records. The administrative authority may hold public hearings and/or issue subpoenas pursuant to R.S. 30:2025.I requiring attendance of witnesses and production of documents or take such other action as may be necessary and authorized by the act or rules promulgated by the administrative authority. At the conclusion of the investigation, all facts and information that have been developed concerning any cited violation shall be compiled by the staff of the department. A report of the investigation shall be presented to the administrative authority for use in possible enforcement proceedings.

D. Enforcement Action. When the administrative authority determines that a violation of the act or these regulations or the terms and conditions of any permit issued hereunder has occurred or is about to occur, he or she shall initiate one or more of the actions set forth in R.S. 30:2025, or as otherwise provided by appropriate rules or statutes.

E. Fraudulent Takings

1. No person shall, with the intent to defraud, prepare, submit, tender, sign, make an entry upon, or certify any invoice, report, manifest, request for payment, claim, or other document in connection with the origin, transportation, storage, transfer, assignment, sale, or disposal of *waste tires* as defined by LAC 33:VII.10505.

2. Penalties for a violation of Paragraph E.1 of this Section shall be based on the value of the fraudulent taking. When the fraudulent taking results from a number of distinct acts by the offender, the aggregate amount of the payments, subsidies, credits, other disbursements, or things of value obtained shall determine the grade of the offense. Penalties shall be as follows.

a. If the fraudulent taking amounts to a value of $500 or more, the offender shall be imprisoned, with or without hard labor, for not more than 10 years, or may be fined not more than $3,000, or both.

b. When the fraudulent taking amounts to a value of $300 or more, but less than $500, the offender shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than $2,000, or both.

c. When the fraudulent taking amounts to less than $300, the offender shall be imprisoned for not more than six months, or may be fined not more than $500, or both. However, if such a conviction is the offender's third or subsequent conviction for violation of this Subsection, the offender shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than $2,000, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 28:1954 (September 2002).

Chapter 111. Appendices

§11101. Appendix A

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
FINANCIAL ASSURANCE DOCUMENTS FOR
WASTE TIRE FACILITIES
(AUGUST 4, 1994)

The following documents are to be used to demonstrate financial responsibility for the closure of waste tire facilities. The wording of the documents shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

SAMPLE DOCUMENT 1:

WASTE TIRE FACILITY FINANCIAL GUARANTEE BOND

Date bond was executed: [Date bond executed]

Effective date: [Effective date of bond]

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety: [name and business address]

[site identification number, site name, facility name, and current closure amount for each facility guaranteed by this bond]

Total penal sum of bond: $

Surety's bond number:

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality Waste Tire Management Fund in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all or us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the waste tire facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure care, as a condition of the permit;

NOW THEREFORE, if the Principal shall provide alternate financial assurance as specified in LAC 33:VII.10525.D.12-14 and obtain written approval from the Office of Management and Finance, Financial Services Division of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform closure in accordance with the closure plan and permit requirements as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Office of Management and Finance, Financial Services Division. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the Office of Management and Finance, Financial Services Division, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.11101 Appendix A dated August 4, 1994, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

CORPORATE SURETIES

[Name and Address]

State of incorporation:

Liability limit:

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[This information must be provided for each cosurety]

Bond Premium: $

SAMPLE DOCUMENT 2:

WASTE TIRE FACILITY PERFORMANCE BOND

Date bond was executed: [date bond executed]

Effective date: [effective date of bond]

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety: [name(s) and business address(es)]

[Site identification number, site name, facility name, facility address, and closure amount(s) for each facility guaranteed by this bond]

Total penal sum of bond: $

Surety's bond number:

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality, Waste Tire Management Fund, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Resource Conservation and Recovery Act as amended (RCRA) and the Louisiana Environmental Quality Act, R.S. 30:2001, et seq., to have a permit in order to own or operate the waste tire facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure care, as a condition of the permit;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in LAC 33:VII.10525.D.12-14 and obtain written approval of the Office of Management and Finance, Financial Services Division of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of the *Louisiana Administrative Code*, Title 33, Part VII, or of its permit, for the facility for which this bond guarantees performances of closure, the Surety shall either perform closure, in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance as specified in LAC 33:VII.10525.D.12-14 and obtain written approval of such assurance from the Office of Management and Finance, Financial Services Division during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the surety shall place funds in the amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Office of Management and Finance, Financial Services Division. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified by the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.11101 Appendix A dated August 4, 1994, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

CORPORATE SURETY

[Name and Address]

State of incorporation:

Liability limit:

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond Premium: $

SAMPLE DOCUMENT 3:

WASTE TIRE FACILITY IRREVOCABLE LETTER OF CREDIT

Secretary

Louisiana Department of Environmental Quality

Post Office Box 4303

Baton Rouge, Louisiana 70821-4303

Attention: Office of Management and Finance,

Financial Services Division

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit Number [number] in favor of the Department of Environmental Quality of the State of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the closure fund for its [list site identification number, site name, and facility name] at [location], Louisiana for any sum or sums up to the aggregate amount of U.S. dollars $ [number] upon presentation of:

(1) A sight draft, bearing reference to the Letter of Credit Number [number] drawn by the administrative authority together with;

(2) A statement signed by the administrative authority, declaring that the operator has failed to perform closure in accordance with the closure plan and permit requirements and that the amount of the draft is payable into the Waste Tire Management Fund.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date, and on each successive expiration date thereof, unless, at least 120 days before the then current expiration date, we notify both the Office of Management and Finance, Financial Services Division and the [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder/applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft to the Department of Environmental Quality for deposit into the Waste Tire Management Fund in the name of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except as otherwise expressly agreed upon, this credit is subject to the uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Publication Number 400, or any revision thereof effective on the date of issue of this credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.11101 Appendix A dated August 4, 1994, effective on the date shown immediately below.

[Signature(s) and Title(s) of Official(s) of Issuing Institutions]

[Date]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1214 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 27:832 (June 2001), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004).

§11103. Appendix B

Waste Tire Management Fund Prioritization System

Each waste tire site for which cleanup funds are solicited will be ranked according to the point system described below. The total number of points possible for any one site is 145 points. The points shall be allocated according to the following criteria.

I. Approximate Number of Tires in the Pile. This figure shall be an estimate by the department.

Number of Tires in Pile	Point Value
>1,000,000	50
250,001 - 1,000,000	40
100,001 - 250,000	30
50,001 - 100,000	20
50,000 or less	10

II. Proximity to Nearest Schools. If a school is located within the radius described below then the corresponding point value is assigned. Only one category may be chosen such that the maximum value allowed is 25.

Proximity to Nearest School	Point Value
School within 2 mile radius	25
School within 4 mile radius	17
School within 6 mile radius	9

III. Proximity to Residences. If 50 or more residences are located within the radius described below then the corresponding point value is assigned. Only one category may be chosen such that the maximum value allowed is 25.

Proximity to 50+ Residences	Point Value
50 or more within 2 mile radius	25
50 or more within 4 mile radius	17
50 or more within 6 mile radius	9

IV. Proximity to Hospitals and/or Nursing Homes. If a hospital and/or nursing home is located within the radius described below then the corresponding value is assigned. Only one category may be chosen such that the maximum value is 25.

Proximity to Hospital and/or Nursing Home	Point Value
Hospital and/or nursing home within 2 mile radius	25
Hospital and/or nursing home within 4 mile radius	17
Hospital and/or nursing home within 6 mile radius	9

V. Proximity to Major Highways. If a major highway is located within the radius described below then the corresponding value is assigned. Only one category may be chosen such that the maximum value is 20.

Proximity to Major Highway	Point Value
Major highway within 3 mile radius	20
Major highway within 2 mile radius	10

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1214 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2786 (December 2000).