

UPDATED LOUISIANA SOLID WASTE REGULATIONS

On June 20, 2007 the Louisiana Department of Environmental Quality (LDEQ) made final the updated Solid Waste Regulations that have been under construction since early 2004. The regulations will become effective today, and all submittals to the LDEQ pertaining to solid waste facilities after today must comply with the new regulations.

Background

The last major revision to the Louisiana Solid Waste Regulations took place in the early 1990's. Since then, several workgroups have unsuccessfully attempted to rewrite these regulations until the workgroup was formed in September 2004 that included the following stakeholders:

- The LDEQ
- Other State Agencies
- Environmental Groups
- Industry Representatives
- Consultants

The workgroup began with three distinct goals in mind:

- To determine if the regulations meet today's environmental controls and industry standards.
- To streamline the permitting process.
- To achieve these goals with outside of the box thinking.

Overview of Changes

An overview of the changes contained in the updated Solid Waste Regulations is presented below.

- ⇒ More flexible, less prescriptive, and allows for innovative design without going through the process of seeking exemption.
- ⇒ Allows performance-based methods and pilot studies.
- ⇒ Eliminates redundant requirements.
- ⇒ Moves geological standards to a stand-alone chapter.
- ⇒ Fees and financial assurance are divided into separate chapters.
- ⇒ Moves processing and beneficial use of sewer sludge to the Water Regulations.
- ⇒ Creates a new chapter for soil reuse and beneficial use.

- ⇒ Clarifies the definitions of processing and non processing transfer stations and pick up stations.
- ⇒ Clarifies emergency response standards (2157).
- ⇒ Clarifies certain language to improve its enforceability.
- ⇒ Expands the definition of unauthorized discharges to include the use of RECAP.
- ⇒ Revises the contaminant loadings for landfarm and composting facilities.
- ⇒ Provides flexibility in landfill design and incorporates additional standards to facilitate landfill operations.
- ⇒ Provides additional air curtain destructor standards.

Major Changes in the Regulations

Several sections of the regulations experienced rather significant changes. The most noticeable change is the reformatting that has taken place. Chapter 5 is now an outline of the requirements, and the "meat" of the regulatory requirements is contained in Chapters 7 and 8. This change makes the regulations easier to follow and more user-friendly. A summary of the major changes are:

- ⇒ Requires a hazardous waste determination for waste testing per the Hazardous Waste Regulations and eliminates the prescriptive requirements.
- ⇒ Includes statutory requirements not in previous regulations.
- ⇒ Creates a new Chapter 8, which contains all geological requirements including options for performance-based geological investigations.
- ⇒ The ability to use LDEQ's RECAP to develop site-specific standards for all Constituents of Concern (COC) while in assessment monitoring.
- ⇒ Provisions for on-site reuse of contaminated soils meeting RECAP standards.
 - If below residential, documentation required.
 - If below industrial, LDEQ approval required.
- ⇒ Simplified beneficial use permit application process.

For further questions concerning these updated solid waste regulations and other solid and hazardous waste regulatory issues, please contact Gary J. Leonards or Yolunda Righteous using the following contact information.



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