

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of Environmental Services

Solid Waste Permitting
(LAC 33:VII. Chapters 1, 3, 4, 5, 7, 13, 15, 30 and 103)(SW053E)

In accordance with the emergency provisions of La. R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Environmental Quality (Department) to use emergency procedures to establish rules, and La. R.S. 30:2011, the Secretary of the Department hereby finds an emergency action is necessary in order to ensure that adequate permitting capabilities exist for solid waste facilities, and accordingly adopts the following emergency rule effective November 21, 2011.

This Emergency Rule will allow the Department to change the effective date of SW053 from October 20, 2011 as it was published in the November *Louisiana Register*, to November 20, 2011, its actual day of publication.

The solid waste regulations are being updated. The November publication of SW053 in the *Louisiana Register* will change the way solid waste permits are issued along with the application process for solid waste permits. Other changes will include definition changes, additional exemptions, and the establishment of a new annual compliance certification requirement.

The Department has determined that the current solid waste permit system is not efficient. The current system has resulted in a unacceptable backlog of pending solid waste permit applications. The regulation changes will allow for a more direct permitting approach that will limit the need for the issuance of notices of deficiencies to permit applicants and will also enable Department surveillance personnel to inspect permitted facilities more efficiently by ensuring a permit that is written with clearly established conditions. The rule will also provide additional clarification with respect to definitions and exemptions. The basis of this rule is to make necessary revisions to the solid waste regulations and to provide an improved permitting process. SW053 was intended to be effective on the day of publication. This emergency rule will correct only the effective date of the rule to properly effectuate the purposes of SW053.

The Emergency Rule is effective on November 21, 2011, and shall remain in effect for 120 days. For more information concerning SW053E, you may contact the Waste Permits Division at (225) 219-3393.

Adopted this 21st day of November, 2011.



Peggy M. Hatch
Secretary