

**Comment Summary Response
Standards Governing Landfills (Type I and II)
(LAC 33:VII.711) (SW071)**

COMMENT 1: WM supports SW071. The proposed rule serves to clarify procedures and requirements, including recordkeeping and plans, for the measurement, collection, and control of leachate pursuant to LAC 33: VII.711. It provides for timelines relating to the testing, inspection and repair/replacement of leachate collection system/components in accordance with applicable regulations. In doing so, the proposed rule defines compliance measures and provides certainty for the regulated community. For these reasons, WM respectfully submits that SW071 be finalized as proposed.

FOR/AGAINST: No arguments necessary; comment does not suggest amendment or change.

RESPONSE 1: The department appreciates the support.

COMMENT 2: Regarding the leachate pump test (C.2.c.viii), it would be helpful to include a definition of this term within the regulations themselves. While we understand it involves checking the operational status of the pumps, we recommend adding a clear definition to avoid any ambiguity. Furthermore, we agree the leachate management plan should be updated to incorporate this new requirement. It would also be beneficial to develop a test procedure and checklist for documentation purposes, which can be included in the leachate management plan.

For: Developing a definition of a leachate pump test or developing test procedures will allow the regulated community a better understanding of how to comply with the pump test requirements of these regulations.

Against: Adopting a definition of a leachate pump test or adopting a detailed test procedure and checklist for facilities by regulation is not feasible or appropriate due to the varying types of leachate pumps and various manufacturers that have different protocols for testing pumps, as well as updates to equipment and manufacturer specifications that may occur over time.

RESPONSE 2: Due to the varying types of leachate pumps and different

requirements for testing leachate pumps, the department will review each pump system design and specifications for testing the leachate pump systems included in the facility operational plan during the permitting process as provided for at LAC 33:VII.711.D.2.g of the proposed rule. The department will not make changes to the proposed regulatory text.

COMMENT 3: As to the proposed revisions requiring conducting weekly pump tests (3.e.i) and head monitoring based on continuous documented compliance, automating the process through direct links to a facilities' data system could enhance efficiency. This would involve a cost of approximately \$20,000, which may vary depending on the number of pumps the facility has and would be a measurable economic burden on landfill operators.

It is valuable to include clarity to landfill operators with regard to daily leachate level readings and weekly pump tests. However, we would like to emphasize the importance of differentiating between current and post closure requirements. The regulations should clearly outline the specific obligations during each phase to ensure proper compliance.

It is important to note, however, implementing these proposed changes at a closed landfill may present unique challenges. Would the DEQ consider these specific circumstances and provide appropriate guidance or exceptions to ensure practical and effective compliance with the regulations?

For: Developing test procedures with regard to active and closed landfills will allow the regulated community a better understanding of compliance with the pump test and head level monitoring requirements of these regulations.

Against: Adopting test procedures in the regulation with regard to active and closed landfills is not feasible or appropriate due to the varying types of leachate pumps and protocols for testing pumps.

RESPONSE 3: The department considered various circumstances and cannot provide appropriate guidance or exceptions due to the varying types of leachate pumps and requirements for testing of leachate pumps. The department will review each pump system design and manufacturer specifications for testing the leachate pumps during the permitting process. The department

has considered both active and closed landfills as part of the regulation development. As specified in the proposed regulation at LAC 33:VII.711.D.3.f, levels for active landfills and cells without final cover, monitoring will be required daily or as otherwise approved by the administrative authority. For cells that have received final cover, monitoring will be required at least every seven days. The department will not make changes to the proposed regulatory text.

COMMENT 4: The proposed timeline for repair and replacement of nonfunctioning leachate pumps (3.e.iii) and maintaining the leachate head below the specified standard, we believe that initiating the necessary actions within seven days, or as otherwise approved by the administrative authority, is reasonable. However, we suggest a requirement of initiating repairs within seven days and completing them as soon as possible or within 21 days. This extended timeline allows for flexibility while still ensuring timely resolution of pump issues.

For: An extended timeline of seven days for initiation of leachate pump repairs and 21 days for repair completion would ensure for appropriate leachate pump maintenance.

Against: An extended timeline of seven days for initiation of leachate pump repairs and 21 days for repair completion would allow excessive time for maintenance.

RESPONSE 4: A seven-day timeframe is sufficient to repair or replace leachate pumps and provide adequate protection for the environment. Many repairs to leachate pumps can be performed in the field, provided spare parts are maintained on site. Allowing seven days to initiate and 21 days to complete repairs on leachate pumps for all cases may cause excessive leachate head in landfill cells. Furthermore, if a seven-day timeframe proves insufficient for a repair or replacement, an extension may be submitted in accordance with LAC:33.VII.711.D.3.e.iv. The department will not make changes to the proposed regulatory text.

COMMENT 5: Considering the potential challenges and potential frequency of submitting approval requests (3.e.iv), we support the suggestion of making it a notification of an extended repair timeline rather than a request with required approval. This

approach would streamline the process and alleviate administrative burden for both landfill operators and the DEQ. We also agree that the leachate management plan should be updated to include provisions for exceptions to the repair timeline.

For: Facilities would have a streamlined approach to notify only in the event the facility could not repair or replace a leachate pump within seven days.

Against: A notification-only approach to repair or replace nonfunctioning leachate pumps would not allow the department to evaluate the reasons for the extension.

RESPONSE 5: The department will evaluate each extension request on a case-by-case basis in a timely manner. The department will not make changes to the proposed regulatory text.

COMMENT 6: Concerning the timeline for the DEQ to respond and/or approve a repair timeline extension, we kindly request further information. Specifically, please clarify the expected timeframe and the format of the DEQs approval. Will the response be conveyed through email or via formal letter sent via mail? Understanding the process and format of the approval will assist us in complying with the regulations and ensuring effective communication with the DEQ.

FOR/AGAINST: No argument is necessary; comment does not suggest an amendment.

RESPONSE 6: It is anticipated that the department will provide a standardized format for requests of timeline extensions to assist the regulated community in assuring all necessary information is provided in a manner that supports the department's timely evaluation of extension requests. It is common practice for the department to provide a letter response for this type of request, with an email copy often being provided to the owner/operator or their representative to assure timely communication. The department will not make changes to the proposed regulatory text.

COMMENT 7: The proposal to test leachate pumps at weekly intervals should be clarified regarding what would be included in the testing procedure.

The Proposal indicates at 711. D.3.e.i that *Leachate pumps shall be tested at least weekly...* It's not clear what is meant by testing leachate pumps. For example, would this require making sure the pump will turn and pump liquid? If so, there is a potential problem in that the leachate level underneath a landfill cell may not be adequate for evaluating the pump on a weekly basis. Therefore, a seven-day test-interval may not be possible. Perhaps the regulation could be written to say that Leachate pumps shall be tested at least weekly if possible or at the next weekly interval if possible.

For: Developing test procedures will allow the regulated community a better understanding of compliance with the pump test requirements of these regulations.

Against: Adopting a detailed test procedure and checklist for facilities by regulation is not feasible or appropriate due to the varying types of leachate pumps and various manufacturers that have different protocols for testing pumps, as well as updates to equipment and manufacturer specifications that may occur over time.

RESPONSE 7: Due to the varying types of leachate pumps and different requirements for testing leachate pumps, the department will review each pump system design and specifications for testing the leachate pump systems included in the facility operational plan during the permitting process as provided for at LAC 33:VII.711.D.2.g of the proposed rule. The department will not make changes to the proposed regulatory text.

COMMENT 8: The seven-day repair requirement may not be feasible.

The Proposal indicates at 711. D.3.e.iii that a nonfunctioning pump or inadequately functioning pump be repaired and or replaced within seven days. However, this may not be achievable in all situations. For example, supply chain issues may result in delays. While the regulation would allow an approved extension by the administrative authority, it is suggested that the submittal of such an extension-request toll the seven-day deadline until a response to the extension-request from the administrative authority is received.

For: An extended timeline for leachate pump repairs would ensure appropriate leachate pump maintenance without approval from the department.

Against: An extended timeline of seven days for initiation of leachate pump repairs and 21 days for repair completion would allow excessive time for maintenance.

RESPONSE 8: A seven-day timeframe is sufficient to repair or replace leachate pumps and provide adequate protection for the environment. Many repairs to leachate pumps can be performed in the field provided spare parts are maintained on site. Allowing seven days to initiate and 21 days to complete repairs on leachate pumps may cause excessive leachate head in landfill cells. Furthermore, if a seven-day timeframe proves insufficient for a repair or replacement, an extension may be submitted in accordance with LAC:33.VII.711.D.3.e.iv. The department will not make changes to the proposed regulatory text.

COMMENT 9: The required monitoring of the leachate-head every seven days may not be necessary at every facility with final cover in certain situations.

The Proposal indicates at 711. D.3.f.i.(b) that the measuring of the leachate head shall take place at least every seven days for cells that have received final cover. However, it may be that all landfills are not the same in all aspects. Therefore, there may be situations for landfills with final cover where this is not really needed as described in the Proposal. Considering this, Cleco suggests that flexibility be added to this requirement whereby the administrator could approve alternative compliance requirements with respect to the frequency of monitoring the leachate head at facilities that have received final cover.

For: The proposal would allow facilities flexibility, at the discretion of the department, with regards to the frequency of leachate head level monitoring.

Against: The proposal would not set uniform standards for all regulated facilities. Additionally, a longer timeframe to measure leachate head may result in excessive leachate levels, which lead to greater leak rates and additional adverse effects on the environment.

RESPONSE 9: Monitoring the leachate head every seven days is necessary for areas that have received final cover to ensure proper functioning of leachate collection systems. The department will

not make changes to the proposed regulatory text.

COMMENT 10: Please note the comments below in Red regarding proposed rule SW071 for your consideration:

§711. Standards Governing Landfills (Type I and II)

e. Leachate Pumps

i. Leachate pumps shall be tested at least weekly, or as otherwise approved by the administrative authority, maintained, and operated to ensure compliance with LAC 33:VII.711.B.4.f.viii.

For: The proposal will grant the administrative authority flexibility to increase or decrease the leachate pump testing frequency. This will allow facilities to test leachate collection pumps based on site-specific conditions.

Against: The proposal would not set uniform standards for all regulated facilities. Testing leachate pumps weekly will ensure proper function of leachate collection systems. Additionally, a longer timeframe to test leachate pumps may result in excessive leachate levels that lead to greater leak rates, which may have negative effects on the environment.

RESPONSE 10: Testing leachate pumps weekly is necessary to ensure proper function of leachate collection systems. The department will not make changes to the proposed regulatory text.

COMMENT 11: Please note the comments below in Red regarding proposed rule SW071 for your consideration:

§711. Standards Governing Landfills (Type I and II)

f. Leachate Head Monitoring

i. Leachate head shall be monitored and recorded:

(a) in accordance with the facility operational plan at least every normal operating day; or

(i) as otherwise approved by the administrative authority for

cells without final cover;
and
(b). at least every seven days,
or as otherwise approved by the
administrative authority, for cells
that have received final cover.

For: The proposal will grant the administrative authority flexibility to increase or decrease the leachate head monitoring frequency. This will allow facilities to test leachate collection pumps based on site-specific conditions.

Against: The proposal would not set uniform standards for all regulated facilities. Weekly leachate head monitoring for areas of landfills that received final cover will ensure proper function of leachate collection systems. Additionally, a longer timeframe to monitor leachate head may result in excessive leachate levels that lead to greater leak rates, which may have negative effects on the environment.

RESPONSE 11: Monitoring the leachate head every seven days is necessary for areas of landfills that have received final cover to ensure proper function of the leachate collection systems. The department will not make changes to the proposed regulatory text.

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(LAC 33:VII.711) (SW071)**

<u>COMMENT #</u>	<u>SUGGESTED BY</u>
01 – 01	Anne J. Crochet, on behalf of Waste Management
02 – 06	Nikki Crews, Waste Connections
07 – 09	Bill Matthews, Cleco Corporate Holdings
09 – 11	Nelson Morvant, Entergy Services, Inc.

Comments reflected in this document are repeated verbatim from the written submittal.

Total Commenters: 04

Total Comments: 11