

## Laura Almond

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**From:** Laura Almond  
**Sent:** Tuesday, November 7, 2023 10:42 AM  
**To:** apa.s-envq@legis.la.gov; apa.h-natr@legis.la.gov; apa.housespeaker@legis.la.gov; 'apa.senatepresident@legis.la.gov'  
**Cc:** Roger Gingles; Jonathan McFarland; Courtney Burdette; Jill Clark; Deidra Johnson; William Little; Nathan Mills; Martin Perilloux  
**Subject:** Summary Report on SW071  
**Attachments:** SW071 Comment Summary Response.pdf; SW071 Register Publication NOI.pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	apa.s-envq@legis.la.gov	
	apa.h-natr@legis.la.gov	
	apa.housespeaker@legis.la.gov	
	'apa.senatepresident@legis.la.gov'	
	Roger Gingles	
	Jonathan McFarland	
	Courtney Burdette	
	Jill Clark	
	Deidra Johnson	
	William Little	
	Nathan Mills	
	Martin Perilloux	Read: 11/7/2023 10:43 AM

November 7, 2023

The Honorable Eddie Lambert, Chairman  
c/o Tyler McCloud, Attorney  
Senate Committee on Environmental Quality

The Honorable Jean-Paul Coussan, Chairman  
House Committee on Natural Resources and Environment  
c/o Committee Staff

RE: Summary Report for Proposed Rule SW071  
Standards Governing Landfills (Type I and II)  
(LAC 33:VII.711)  
Proposed on May 20, 2023

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Comments were received. No changes have been made to the proposed rule since the report provided for in R.S. 49:966(B) was submitted. Attached are computer files comprising the summary report along with a copy of the notice of intent. The original proposed rule was previously provided to you and is not being resubmitted with this report.

***We would appreciate it if you would acknowledge receipt of this message by return email.*** Please contact Laura Almond at (225) 219-3981 if you have any questions regarding this material.

Sincerely yours,

Courtney J. Burdette  
Executive Counsel

This concludes this transmission.

Laura Almond  
Environmental Project Specialist  
Louisiana Department of Environmental Quality  
Legal Affairs Division  
(225) 219-3985

~~2021, are hereby incorporated by reference as they apply to sources in the state of Louisiana.~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.~~

~~HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:~~

~~**Family Impact Statement**~~

~~This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.~~

~~**Poverty Impact Statement**~~

~~This Rule has no known impact on poverty as described in R.S. 49:973.~~

~~**Small Business Analysis**~~

~~This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.~~

~~**Provider Impact Statement**~~

~~This Rule has no known impact on providers as described in HCR 170 of 2014.~~

~~**Public Hearing**~~

~~A public hearing will be held via Zoom on June 27, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS, or Android at <https://deqlouisiana.zoom.us/j/87319253187?pwd=aUN6Vm9aQW5ndkRndV0rM1pKdWxvQT09>, or telephone by dialing (636) 651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below, or (225) 219-3985.~~

~~**Public Comments**~~

~~All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ394ft. Such comments must be received no later than June 27, 2023, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, fax (225) 219-4068, or by E-mail to [DEQ.Reg.Dev.Comments@la.gov](mailto:DEQ.Reg.Dev.Comments@la.gov). Copies of these proposed regulations can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ394ft. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).~~

~~This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.~~

~~Courtney J. Burdette  
Executive Counsel~~

~~2305#025~~

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

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

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.711 (SW071).

This Rule updates regulations governing leachate collection and removal systems for industrial and municipal landfills. These proposed regulations establish and clarify procedures, standards, requirements, and records for the measurement, collection, and control of leachate. This Rule requires record keeping of leachate systems and provides timelines to repair leachate collection systems and components in accordance with applicable regulations. The basis and rationale for this Rule are to ensure collection and treatment of leachate and to provide compliance timelines for a leachate collection system in accordance with applicable regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part VII. Solid Waste**

**Subpart 1. Solid Waste Regulations**

**Chapter 7. Solid Waste Standards**

**Subchapter A. Landfills, Surface Impoundments, and/or Landfarms**

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

A. - B.4.f.vii. ...

viii. 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 elevation of the leachate collection lines. Compliance with the 1 foot leachate head standard shall be achieved by compliance with LAC 33:VII.711.D.3.e. and f, and the provisions of the facility operational plan that address LAC 33:VII.711.D.2.g.-i.

B.4.f.ix. - C.2.e.xi. ...

xii. records on the leachate head, volume(s), and results of the leachate sampling;

xiii. - xv. ...

xvi. post-closure monitoring reports;

xvii. copies of all documents received from and submitted to the department;

xviii. records on leachate pump tests; and

xix. records of action(s) taken under LAC 33:VII.711.D.2.i.

C.3. - D.2.f. ...

g. the methods that will be used to ensure that the leachate collection/treatment system is functioning as designed including, but not limited to:

- i. the testing and inspection of system components;
- ii. the repair and/or replacement of system components; and
- iii. the time frame for such repair and/or replacements;
- h. the measuring protocol, frequency, and recordkeeping used to monitor leachate head and how the leachate will be removed and transported to the treatment facility; and
- i. the actions to be taken when monitoring indicates leachate head exceeds the standard in LAC 33:VII.711.B.4.f.viii.

3. - 3.d. ...

e. Leachate Pumps

- i. Leachate pumps shall be tested at least weekly, maintained, and operated to ensure compliance with LAC 33:VII.711.B.4.f.viii.
- ii. Testing results shall be documented within 24 hours and maintained in accordance with LAC 33:VII.711.C.2.a-c.
- iii. For nonfunctioning leachate pumps and/or not maintaining liquid head below the 1 foot leachate head standard set forth in LAC 33:VII.711.B.4.f.viii, action to repair and/or to replace pumps shall be initiated and completed within seven days, or as otherwise approved by the administrative authority.
- iv. Any request for an extension under LAC 33:VIII.711.D.3.iii shall be submitted for approval to the Office of Environmental Services and shall at a minimum include:

- (a) reason(s) for the extension; and
- (b) estimated time for repair or replacement, including supporting documentation.

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 for cells that have received final cover.

- ii. If monitoring of leachate head shows an exceedance of more than 1 foot of head above the lowest elevation of the leachate collection lines under the facility operational plan, action shall be taken in accordance with LAC 33:VII.711.D.2.i.

D.4. - F.3.d. ...

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), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2492 (October 2005), LR 33:1047 (June 2007), LR 33:2145 (October 2007), LR 34:1901 (September 2008), LR 37:1564 (June 2011), LR 37:3248 (November 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 49:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW071. Such comments must be received no later than July 4, 2023, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of these proposed regulations can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW071. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held via Zoom on June 27, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS, or Android at <https://deqlouisiana.zoom.us/j/87319253187?pwd=aUN6Vm9aQW5ndkRndWorM1pKdWxvQT09>, or telephone by dialing (636) 651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below, or (225) 219-3985.

These proposed regulations are available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
Executive Counsel

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

**RULE TITLE: Standards Governing Landfills**

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

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule change. The proposed rule change establishes and clarifies procedures, standards, requirements, and records for measuring, collecting, and controlling leachate. The proposed rule changes require record keeping of leachate systems and provides timelines to repair leachate collection systems and components in accordance with applicable regulations.

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

There is no estimated effect on revenue collections of state or local governmental units resulting from this proposed rule.

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

The proposed rule change may cause additional burden to landfill operators to record and maintain leachate collection systems. The department anticipates the economic impact to landfill operators to be minimal.

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

No effects on competition are anticipated.

Courtney J. Burdette  
Executive Counsel  
2305#024

Evan Brasseur  
Interim Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Health  
Board of Dentistry**

**Dentists; Continuing Education Requirements  
(LAC 46:XXXIII.122, 301, 1509 and 1709)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Dental Practice Act, R.S. 37:751, et seq., and particularly R.S. 37:760 (8), notice is hereby given that the Department of Health, Board of Dentistry intends to amend LAC 46:XXXIII.122, 301, 1509, and 1709.

LAC 46:XXXIII.122 provides a list of the specialties the board approves, but also has a catch all category that provides that any area of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full-time years and which program is accredited by a dental accreditation agency that is recognized by the United States Department of Education will be recognized as a specialty field. The Board of Dentistry is amending LAC 46:XXXIII.122 to remove the list and simply have the catch all category as a definition for specialties.

LAC 46:XXXIII.301 provides a list of the specialties the board approves, but also has a catch all category that provides that any area of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full-time years and which program is accredited by a dental accreditation agency that is recognized by the United States Department of Education will be recognized as a specialty field. The Board of Dentistry is amending LAC

46:XXXIII.301 to remove the list and simply have the catch all category as a definition for specialties.

The Board of Dentistry is amending LAC 46:XXXIII.1509 to clarify that any dentist with a sedation permit can provide sedation services to another dentist to the level allowed by the permit.

The Board of Dentistry is amending LAC 46:XXXIII.1709 to change the number of years that examination scores are valid for initial licensure from three years to five years following the candidate's successful completion of an accepted licensing examination.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Part XXXIII. Dental Health Profession**

**Chapter 1. General Provisions**

**§122. Scopes of Practice**

A. The board approves any specialty of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full-time years and which program is accredited by a dental accreditation agency that is recognized by the United States Department of Education.

B. - C. ...

1. The board finds that terms implying that a dentist is a specialist in some field of dentistry are terms of art indicating that the dentist has completed an accredited postdoctoral educational program in that field of at least two years. Therefore, a licensed dentist seeking specialty recognition must have successfully completed a post-doctoral program in a specialty area of dentistry consisting of at least two full-time years and which is accredited by a dental accreditation agency that is recognized by the United States Department of Education.

2. The requirements of Paragraph C.1 of this Section shall not apply to otherwise qualified specialists who have announced their ADA approved specialty prior to the date of initial promulgation of this rule in 1998.

3. - 5. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:760(8).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1114 (June 1998), amended LR 28:1776 (August 2002), LR 28:2512 (December 2002), amended by the Department of Health, Board of Dentistry, LR 43:1963 (October 2017), LR 49:

**Chapter 3. Dentists**

**§301. Advertising and Soliciting by Dentists**

A. - B. ...

C. The board approves any specialty of dentistry for which a dentist has completed a post-doctoral program consisting of at least two full-time years and which program is accredited by a dental accreditation agency that is recognized by the United States Department of Education.

D. - J. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:760(8).

**HISTORICAL NOTE:** Adopted by the Department of Health and Human Resources, Board of Dentistry, December 1970, amended 1971, amended and promulgated LR 13:179 (March 1987), amended by Department of Health and Hospitals, Board of Dentistry, LR 15:966 (November 1989), LR 18:739 (July 1992), LR 20:657 (June 1994), LR 21:567 (June 1995), LR 22:23 (January 1996), LR 22:1215 (December 1996), repromulgated LR 23:199



**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.

**Comment Summary Response  
Standards Governing Landfills (Type I and II)  
(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



## Laura Almond

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**From:** APA - House Speaker <apa.housespeaker@legis.la.gov>  
**Sent:** Tuesday, November 7, 2023 10:43 AM  
**To:** Laura Almond  
**Cc:** APA - HOUSE SPEAKER  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** APA - House Natural Res <apa.h-natr@legis.la.gov>  
**Sent:** Tuesday, November 7, 2023 10:43 AM  
**To:** Laura Almond  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** APA - Senate President <APA.senatepresident@legis.la.gov>  
**Sent:** Tuesday, November 7, 2023 10:43 AM  
**To:** Laura Almond  
**Cc:** APA - Request Senate  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** APA - Senate Environment <apa.s-envq@legis.la.gov>  
**Sent:** Tuesday, November 7, 2023 10:43 AM  
**To:** Laura Almond  
**Cc:** APA - Senate Environment  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees*

<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

## Laura Almond

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**From:** Martin Perilloux  
**To:** Laura Almond  
**Sent:** Tuesday, November 7, 2023 10:43 AM  
**Subject:** Read: Summary Report on SW071

Your message

To: Martin Perilloux  
Subject: Summary Report on SW071  
Sent: Tuesday, November 7, 2023 10:42:19 AM (UTC-06:00) Central Time (US & Canada)

was read on Tuesday, November 7, 2023 10:42:44 AM (UTC-06:00) Central Time (US & Canada).

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Deidra Johnson  
**Sent:** Tuesday, November 7, 2023 10:43 AM  
**Subject:** Delivered: Summary Report on SW071

**Your message has been delivered to the following recipients:**

Deidra Johnson (Deidra.Johnson@LA.GOV)

Subject: Summary Report on SW071



Summary Report  
on SW071



**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Roger Gingles  
**Sent:** Tuesday, November 7, 2023 10:42 AM  
**Subject:** Delivered: Summary Report on SW071

**Your message has been delivered to the following recipients:**

Roger Gingles (Roger.Gingles@la.gov)

Subject: Summary Report on SW071



Summary Report  
on SW071

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Courtney Burdette  
**Sent:** Tuesday, November 7, 2023 10:42 AM  
**Subject:** Delivered: Summary Report on SW071

**Your message has been delivered to the following recipients:**

Courtney Burdette (Courtney.Burdette@LA.GOV)

Subject: Summary Report on SW071



Summary Report  
on SW071

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Jill Clark  
**Sent:** Tuesday, November 7, 2023 10:43 AM  
**Subject:** Delivered: Summary Report on SW071

**Your message has been delivered to the following recipients:**

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report on SW071



Summary Report  
on SW071

## Laura Almond

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**From:** Microsoft Outlook  
**To:** William Little  
**Sent:** Tuesday, November 7, 2023 10:42 AM  
**Subject:** Delivered: Summary Report on SW071

### Your message has been delivered to the following recipients:

[William Little \(William.Little@la.gov\)](mailto:William.Little@la.gov)

Subject: Summary Report on SW071



Summary Report  
on SW071

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Nathan Mills  
**Sent:** Tuesday, November 7, 2023 10:42 AM  
**Subject:** Delivered: Summary Report on SW071

**Your message has been delivered to the following recipients:**

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report on SW071



Summary Report  
on SW071

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Jonathan McFarland  
**Sent:** Tuesday, November 7, 2023 10:42 AM  
**Subject:** Delivered: Summary Report on SW071

**Your message has been delivered to the following recipients:**

Jonathan McFarland (Jonathan.McFarland@LA.GOV)

Subject: Summary Report on SW071



Summary Report  
on SW071



**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Martin Perilloux  
**Sent:** Tuesday, November 7, 2023 10:42 AM  
**Subject:** Delivered: Summary Report on SW071

**Your message has been delivered to the following recipients:**

Martin Perilloux (Martin.Perilloux@LA.GOV)

Subject: Summary Report on SW071



Summary Report  
on SW071

## Laura Almond

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**From:** Jill Clark  
**Sent:** Tuesday, November 7, 2023 10:42 AM  
**To:** Laura Almond  
**Subject:** Automatic reply: Summary Report on SW071

I will be out of the office November 6. If you need immediate assistance, please contact the LDEQ Legal Division at 225-219-3985 and your call will be directed to the appropriate person.