



# Waste Permits 101: UNDERSTANDING THE BASICS

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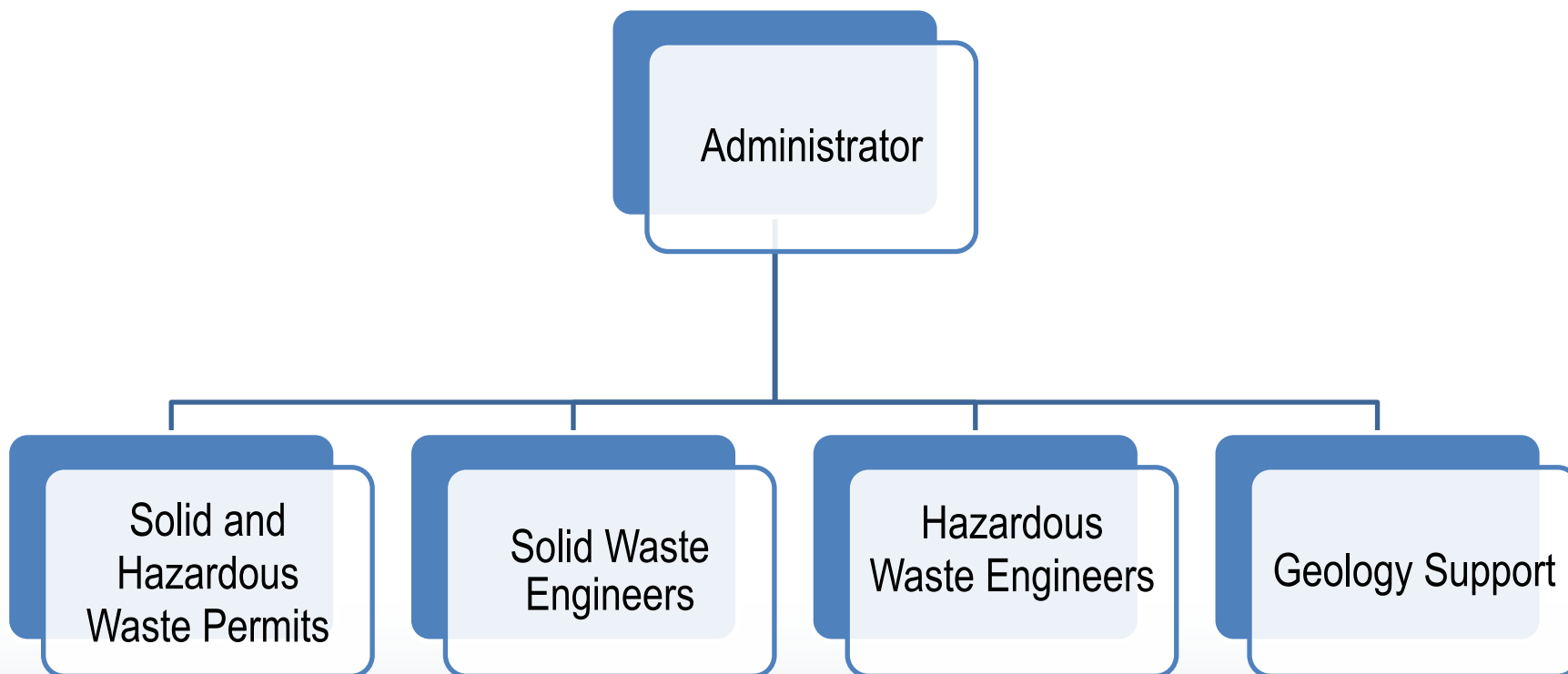
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# Waste Permits Division



# Waste Permits Division

- The Waste Permits Division authorizes permits administered under the Solid Waste and Hazardous Waste Regulations
  - Is responsible for all activities pertaining to the permitting of existing and proposed solid waste processing and disposal facilities.
- Facilities include, but are not limited to:
  - Sanitary landfills
  - Industrial landfills
  - Hazardous waste landfills
  - Surface impoundments
  - Landfarms
  - Incinerators
  - Transfer stations
  - Resource recovery facilities
  - Refuse-derived fuel facilities





# SOLID WASTE PERMITS



# Solid Waste Permits



- Solid Waste Permits Section
  - Perform technical review of applications
  - Route documents for review
- Solid Waste Engineers
  - Perform engineering and geotechnical review of solid and hazardous waste applications
- Geology support
  - Review monitoring well design and boring data



# Waste Terms & Definitions



- 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.
- Hazardous Waste
  - Waste identified as hazardous in the current Louisiana hazardous waste regulations (LAC 33:V.Subpart 1) and/or by the federal government under the Resource Conservation & Recovery Act and **(RCRA)** subsequent amendments.





# Waste Terms & Definitions

- **Generator:** Any person whose act or process produces solid waste as defined in the regulations.
- **Transporter:** Any person who moves industrial solid waste off-site and/or who moves solid waste from a commercial establishment or more than one household to a storage, processing, or disposal facility.
- **Type I Facility:** A facility used for disposing of industrial solid waste. (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.)



# Waste Terms & Definitions



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

**Type II-A Facility:** A facility used for processing residential or commercial solid waste (e.g. transfer station, incinerator waste-handling facility, refuse-derived fuel facility, shredder, baler, 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 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.





# Facilities Needing a Solid Waste Permit



- LAC 33:VII.509.A.1—Any person who processes and/or disposes solid waste, with the exception of those listed in the regulations.
  - Generators and transporters that are not processors or disposers of solid waste are not required to secure a permit.
  - Collection facilities and non-processing transfer stations at which no solid waste is processed or disposed of are not required to secure a permit.



# Types of Solid Waste Permits



- Temporary Permits
  - Allows continued operation of an existing facility but does not allow the expansion or modification of the facility without prior approval
    - Duration: Not to exceed three years
- Standard Permits
  - Issued for solid waste processing and/or disposal facilities that have successfully completed the standard permit application process.
    - Types: Type I, Type I-A, Type II, Type II-A, and Type III
    - Duration: not to exceed ten years



# Types of Solid Waste Facilities



- **Type I**
  - Industrial disposal facilities (e.g., landfills, surface impoundments, or landfarms)
- **Type I-A**
  - Industrial processing facilities (e.g., balers, shredders, transfer stations processing, etc.)
- **Type II**
  - Non-industrial disposal facilities (e.g., landfills, surface impoundments, landfarms)
- **Type II-A**
  - Non-industrial processing facilities (e.g., composting municipal solid waste facilities, balers, shredders, transfer stations (processing), refuse-derived fuel facilities, autoclaves, etc.)
- **Type III**
  - Construction/demolition-debris and woodwaste landfills, separation facilities, composting facilities, or other.



# Permitting Process

- Public notice of intent to submit an application  
(No sooner than 45 days prior to submittal)
  - State journal (The Advocate)
  - Parish journal



# Permitting Process (cont.)



- Administrative completeness review
  - Permit Application Administrative Review Group
    - Verifies all parts of the application are included
    - Verifies fees are included



# Permitting Process (cont.)



- Submittal of fees
  - Type I, I-A, II, II-A - \$3,300
  - Type III - \$660



# Permitting Process (cont.)



- General requirements of document submittal
  - Five Sections:
    - LAC 33:VII.519 (Part I)
      - Simple fill-in-the blank checklist
    - LAC 33:VII.520 (Compliance Information)
      - Refers back to LAC 33:I.1701





# Permitting Process (cont.)

- General requirements of document submittal
  - LAC 33:VII.521 (Part II)
    - Facility specific information
    - Includes applicable references from Chapter 7
  - LAC 33:VII.522 (Geological responses)
    - Boring requirements
    - Monitoring well details
  - LAC 33:VII.523 (Part III)
    - IT Questions
  - LAC 33:VII. Chapter 13 (Financial Assurance)





# Financial Assurance



- Financial Responsibility During Operation
- Financial Responsibility for Closure and Post-Closure Care





# Mechanism List

- Trust Funds
- Surety Bonds
- Performance Bonds
- Letter of Credit
- Insurance
- Financial Test
- Local Government Financial Test
- Local Government Guarantee



# Permitting Process (cont.)



- Technical completeness review
  - Copies of the application are routed for review to:
    - Environmental Scientist
    - Engineer
    - Geologist



# Permitting Process (cont.)



- Deficiencies
  - Notice of Deficiencies
    - Items which require clarification or more information.
  - Response to Notice of Deficiencies



# Permitting Process (cont.)



- Technical completeness determination
  - All deficiencies have been addressed
    - Applicant submits six updated copies of the application with all deficiencies included.
    - We verify all deficiencies have been addressed and send out application for public review.



# Permitting Process (cont.)



- 30-day public comment/review period
  - Copies of the technically complete application are sent to and available for review at the following locations:
    - DEQ Headquarters in Baton Rouge
    - DEQ Regional Office
    - Local Library
    - Local Government Office



# Permitting Process (cont.)



- 30-day public comment/review period
  - Public is allowed to submit written comments in favor or in opposition of granting the standard permit (all reasonable comments will be addressed).
  - Public is allowed to request a public hearing.
  - A summary and/or Basis for Decision is drafted and routed to the Assistant Secretary, and a permitting decision will be made.



# Permitting Process (cont.)



- Permit denied
- Permit granted
  - Public notice by applicant within 10 days of issuance
  - Engineering Certification
  - Start-up inspection
    - Conducted after all construction and upgrade measures are completed.
  - Issuance of Order to Commence
    - Facility may begin to operate.







# QUESTIONS?



# DEQ in 2009

## Contact Information



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# HAZARDOUS WASTE PERMITS



# Hazardous Waste Permits



## WHO NEEDS A PERMIT?



# Facilities Needing a Hazardous Waste Permit



- Owners or operators of facilities that treat, store, or dispose of hazardous waste must obtain a permit under Subtitle C of RCRA
  - Hazardous Waste
  - RCRA
  - Subtitle C



# Hazardous Waste Permitting



- Resource Conservation and Recovery Act (RCRA)
  - LDEQ is authorized to administer the RCRA and HSWA federal programs
  - State Regulation contained in LAC 33:V.Hazardous Waste Subpart 1
  - EPA provides oversight for LDEQ's Hazardous Waste program



# Hazardous Waste Permitting (cont.)



- Permits are required for the management of hazardous waste onsite
- The permit must address each unit that treats, stores, or disposes (TSD unit) of hazardous waste onsite



# Types of Hazardous Waste Permits



- **Operating**

- Issued to facilities that actively treat, store, or disposes of hazardous waste
  - Duration: ten years unless administratively continued

- **Post-Closure**

- Issued to facilities that have ceased operation of a permitted unit in an area of their property. If cannot be achieved in area or unit, care monitoring/maintenance performed via permit
  - Duration: ten years, PC care is normally 30 years







# Other Types of Hazardous Waste Permits

- Research, Development, and Demonstration  
LAC 33: V. 329
- Emergency           LAC 33:V.701
- Commercial        LAC 33:V.Chapter 4





# Permitting Process

- **LAC 33:V.708 – Pre-Application Public Meeting**
  - Held prior to submission of Part II permit Application
    - \*\* inform community of proposed activities
    - \*\* solicit questions
  - Applicants seeking initial permits for HW Management Units
  - Applicants seeking renewal of permits proposing significant changes in facility operations (Class III)



# Permitting Process



- All applicants must complete, sign, and submit a permit application as described in LAC 33:V. Chapter 5 and must comply with applicable Chapters 5 -51.





# Permitting Process

- General requirements for Hazardous Waste Permit Applications:
  - Chapter 5
    - Includes:
      - Section 515 (Part I)
        - (checklist)
      - Section 517 (Part II)
        - Site specific information





# Permitting Process

- General requirements for Hazardous Waste submittals:
  - Everyone also addresses Chapters 15, 17, 33, 35, and 37.
    - Chapter 15- Treatment, Storage, Disposal facilities
    - Chapter 17- Air Emission Standards
    - Chapter 33- Groundwater Protection
    - Chapter 35- Closure and Post-closure
    - Chapter 37- Financial Assurance





# Permitting Process

- Administrative completeness review
  - Application Verification Group
    - Verifies all parts of the application are included.
    - Verifies fee has been included





# Permitting Process

- Technical completeness review

Copies of the application are routed for review to:

- Environmental Scientists
- Engineers
- Geologists





# Permitting Process

- Deficiencies
  - Notice of Deficiencies (NODs)
    - Items which require clarification or more information.
  - Response to Notice of Deficiencies
- Prepare draft permit
- Public notice
  - Public notice and 45-day comment period for Hazardous Waste draft permit
  - Opportunity for public hearing if requested





# Permitting Process



- 45-day public comment / review period
  - Copies of the draft application are sent to and available for review at the following locations:
    - DEQ Headquarters in Baton Rouge
    - DEQ Regional Office
    - Local Library
    - Local Government Office



# Permitting Process



- 45-day public comment/review period
  - Public is allowed to submit written comments in favor or in opposition of granting the standard permit (all reasonable comments will be addressed)
  - Public is allowed to request a public hearing to voice concerns



# Public Notices



During the public comment period, which lasts 45 days, the permittee and general public are afforded the opportunity to comment on the draft permit.

All LDEQ, Permits Division, Public Notices can be found on our public web site at: <http://www.deq.louisiana.gov>



If there is significant public response to the draft permit action, a public hearing or public meeting may be held.





# Permitting Process

- A responsiveness summary addressing all written comments is drafted and routed with the final permit to the Assistant Secretary prior to a permitting decision being made
- If there is significant public comment or concern a Basis for Decision may be drafted and routed with the final permit decision.





# Permitting Process

The final permit will contain:

- A general description / location of the facility
- Specific enforceable requirements for the permitted units and entire facility
- Description of each hazardous waste TSD unit
- Specific and general enforceable requirements for each TSD unit
- Specific recordkeeping and reporting requirements
- Specific monitoring requirements if applicable
- General requirements for the remediation or clean up of contamination at the facility



# Permitting Process



- Permit granted
  - Opportunity to appeal permit
  - Allowed 30 days after permit issuance to file appeal
  - Becomes effective 30 days after issuance





# Permitting Process

- Permit Denial LAC 33: V.706
  - May deny permit application in entirety



# Basic Process



Application Received



Administrative Review



Public Notice



Technical Review



Final Permit



Draft Permit,  
Including Public  
Notice





# Hazardous Waste Permitting



## 300-Day Rule – LAC 33:l:1505.C.

Secretary or designee shall issue a final decision within 300 processing days from the submission date of the application

- New facilities
- Substantial Permit Modifications



# Resources



- **LAC 33:VII (Solid Waste Regulations)**

- <http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx#Title33>

- **Solid Waste Information and Guidance Document**

- <http://www.deq.louisiana.gov/portal/tabid/259/Default.aspx>
- <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=247>

- **Hazardous Waste Information and Guidance Document**

- <http://www.deq.louisiana.gov/portal/tabid/2267/Default.aspx>
- [http://www.deq.louisiana.gov/portal/Portals/0/permits/haz/General%20Guidelines%20H W%20App.pdf](http://www.deq.louisiana.gov/portal/Portals/0/permits/haz/General%20Guidelines%20H%20W%20App.pdf)
- <http://www.deq.louisiana.gov/portal/Portals/0/permits/haz/Statement%20of%20Acknowledgment%20and%20Non-ApplicabilityADD6.30.pdf>





# QUESTIONS?



# DEQ in 2009

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# UNIVERSAL WASTE & RECYCLING





# Louisiana's Universal Waste Rule



# Background



- Recycling has proposed a contract for state agencies to recycle mercury-containing devices, electronics, and cathode ray tubes (CRT's).
- Universal Waste Rule is key to keeping the contract costs down and the promotion of recycling.
- National demand for action on these products.
- Other states are adding these items to their Universal Waste regulations.





# Universal Waste

- **Short summary:**
- EPA's universal waste regulations streamline collection requirements for certain hazardous wastes in the following categories: batteries, pesticides, mercury thermostats, mercury-containing devices, and lamps.
- Purpose:
  - Ease regulatory burdens on businesses.
  - Promote proper recycling, treatment, or disposal.
  - Provide for collection opportunities.
- States can modify the universal waste rule and add additional universal wastes in individual state regulations ("state waste").





# Louisiana's Universal Waste Rule



- LAC 33: V. 3801-3833
- Adopted by DEQ in May 1997, amended as recently as December 2005.
- DEQ adopted EPA's universal waste regulations for batteries, pesticides, mercury thermostats, and lamps.
- Louisiana has also added antifreeze as a "state waste."
- EPA added mercury-containing devices in August 2005. DEQ adopted in December 2005.
- DEQ added electronics in December 2005 as a "state universal waste" (also added CRT recycling exclusion rule).



# Impact on EPA Authorization?



- **NONE**
- EPA will not conduct any authorization review of the new state-only universal waste and new management standards.



# “State Only” Universal Waste



- Aerosol Cans  
California, Colorado  
**Louisiana**, New Hampshire
- Antifreeze  
Maine, Maryland, Vermont Barometers  
New Hampshire, Rhode Island
- Ballasts  
Maine, New Hampshire, Rhode Island
- CRT  
Arkansas, California, Colorado,  
Connecticut, **Louisiana**, Michigan,  
Nebraska, New Jersey
- Electronics  
New Jersey
- Oil-Based Finishes  
Texas
- Paint/Related Wastes  
Michigan
- Hazardous Waste Rx





# Generator

- *Generator*—any person, by site, whose act or process produces hazardous waste identified or listed in LAC 33:V.Chapter 49 or whose act first causes a hazardous waste to become subject to regulation.



# Generator Responsibilities



- Storage limits and tank requirements
- Labeling
- Training
- Generator ID number
- Proper shipping
- Response plan
- Inspections
- Paperwork (manifests and record retention)



# Universal Waste Handler



- *Universal Waste Handler*—a generator of universal waste; or the owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.





# Exemptions

- A universal waste handler does not include a person who treats (except under the provisions of LAC 33:V.3821.A or C, or 3843.A or C), disposes of, or recycles universal waste; or a person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.



# Small Quantity Handler



- *Small Quantity Handler of Universal Waste*—a *universal waste handler* (as defined in this Section) who does not accumulate 5,000 kilograms\* or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, or antifreeze, calculated collectively) at any time.

\*11,025 pounds







# Large Quantity Handler

- *Large Quantity Handler of Universal Waste*—a *universal waste handler* who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, or antifreeze, calculated collectively) at any time. This designation as a *large quantity handler of universal waste* is retained through the end of the calendar year in which the 5,000 kilogram-limit is met or exceeded.





# Notifications

- A small quantity handler of universal waste is not required to notify the department of universal waste handling activities.
- A large quantity handler of universal waste must have sent written notification of universal waste management to the Office of Environmental Services and received an EPA Identification Number, **before** meeting or exceeding the 5,000 kilogram storage limit. (There are exceptions in the rule)





# Standards

- Small Quantity Handlers of Universal Waste
- Large Quantity Handlers of Universal Waste
- Universal Waste Transporters
- Destination Facilities
- Import Requirements





# QUESTIONS?





# Recycling Markets and Opportunities



# **R C R A Goals**

## **Resource Conservation & Recovery Act**



- To protect human health and the environment from hazard posed by waste disposal
- To conserve energy and natural resources through waste recycling and recovery
- To reduce and to eliminate, as expeditiously as possible, the amount of waste generated, including hazardous waste





# Recycling

- Thin slice of the waste pie
- Key is local program management
- Like waste management, recycling is complex
- Many people consider themselves an expert, but few are
- Expertise can be vary narrow, i.e. aluminum
- Recycling is purchasing, manufacturing, collecting
- Hazardous waste recycling activities



# Program Experiences



- Range from over to 50% waste reduction to total failure.
- Successful program
  - Local government commitment
  - Leader
  - Community involvement
  - Education and Information component





# Markets are adequate

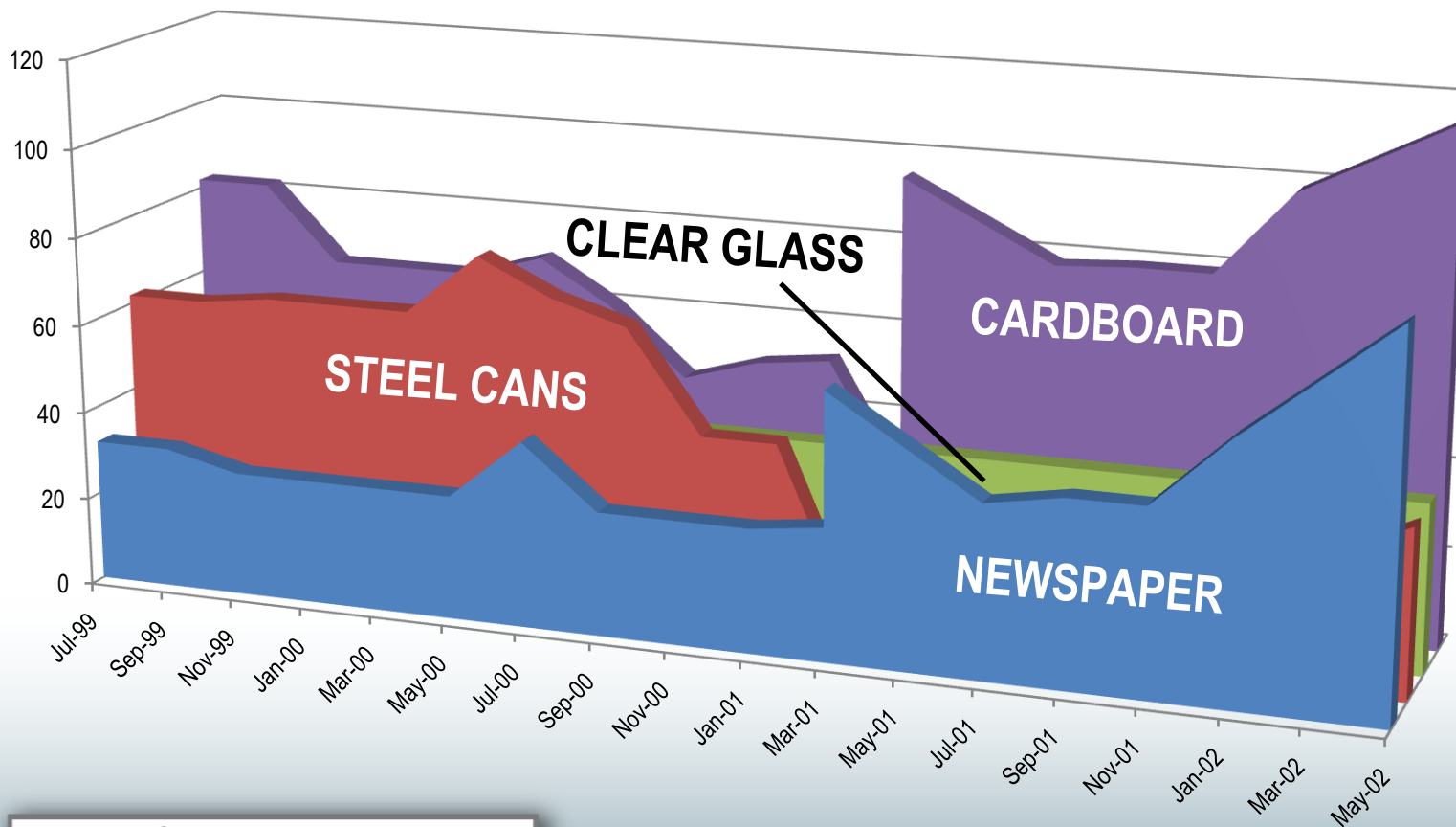


How recycling markets work:

- Markets are relationships
- Markets are supply – demand
- Prices fluctuate for everything



# Average Price Per Ton



# Market Prospectus



- Newspaper – USA has capacity to accept thousands of tons more of ONP
  - Established a goal of 40% paper recovery by 1995
    - Reached goal in 1994
  - New goal of 55 % by 2012.
    - Reached in 2007 (56%)
  - Revised goal is 60 % by 2012
- Plastic - Demand exceeds supply for PET and HDPE



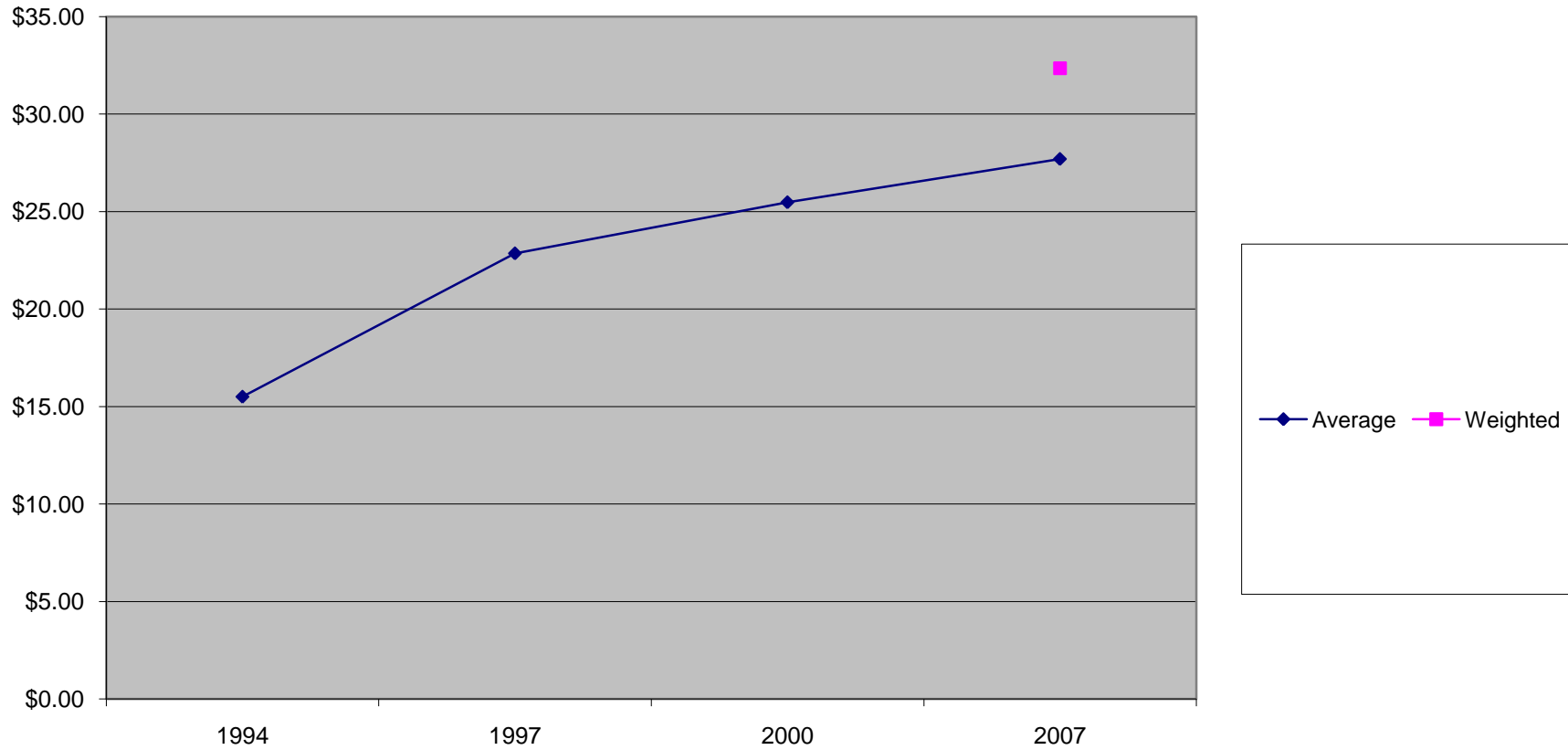


# Markets Prospectus – cont.

- Aluminum Cans - The most lucrative market
- Steel Cans - Steel mill in LaPlace. International issues.
- Glass - Glass recycler reluctant
- Plastic - Demand exceeds supply for PET and HDPE
- C&D - An untapped resource



# Tipping Fees





# Fee Points

- Not weighted average
- Public facility costs often underwritten
- National pressures of 7-10 years ago are here.
- Louisiana unique in some respects
- Regulation, rising costs, industry changes and government budget limits influence fees



# Business and Industry Recycle



- “Recycling gives us a competitive edge.” – Target Stores
- “We made a million dollars by changing our processes to eliminate a waste.” – LA refinery
- Corporate Recycling Council provides a thousand discarded computers and electronics to LA schools per year.
- CRC will add 500 computers for the Head Start Schools and have a PC in all the Head Start Schools within 3 years
- CRC has 74 schools in CLK-supported computer repair classes program





# National Trends

- Waste prevention, reuse, waste exchanges, and recycling are increasing
- Greenhouse gas program has identified landfills as a major source
- Waste as a public utility very popular. (Pay-As-You-Throw w/full cost accounting)
- Import - Export of State's Waste (C&A Carbone, Inc. vs. Town of Clarkstown, New York)







# State Trends

- State reduction (recycling) goals is 30%
- Some do, some don't
- Industry recycles and minimizes because "waste" is an expense
- Targeted products are mercury devices, tires, and electronics
- More use of Universal Waste category





# Opportunities

- Establish a dialogue with markets
- Track market situations
- Improve processing efficiency
- Share processing capacity
- Contracts and long term markets
- Invest in processing capacity
- Buy Recycled (obligation)
- Work to develop markets
- Recycling Equipment Tax Credit



# Recycling vs. Disposal



- Market for recyclables
- No market for garbage
  
- Recyclables make products and employ people
- Garbage has no return and is a liability.





# QUESTIONS?



# Division Contact Information



Office of Environmental Services

Waste Permits Division

Waste Services Section

PO Box 4313

Baton Rouge, LA 70821-4313

Phone: (225) 219-3070

Fax: (225) 219-3158





# Resources

DEQ Recycling Hotline

(800) 305-6621

(225) 219-3263

- <http://www.deq.louisiana.gov>
- <http://www.epa.gov>



# DEQ in 2009

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