**GUIDANCE**

**for Louisiana Solid Waste Permit Application for Waste Tires**

**Introduction**

This *Guidance* document has been prepared by the Louisiana Department of Environmental Quality (LDEQ) to assist the permit applicant in completing the Louisiana Solid Waste Permit Application for Waste Tires. It should be consulted and utilized prior to providing responses to the information required to be contained in the application.

The Louisiana Solid Waste Permit Application for Waste Tires provides information to the LDEQ Waste Permits Division to be used along with other information in making a decision on the permit application. Additionally, the information provided in the application is used by the DEQ to assess potential pollution from a proposed facility or modification and the measures that will be used to control the pollution. The measures used for pollution control must meet all applicable laws and regulations.

Authority to request this information is contained in the Louisiana Administrative Code, Title 33. Copies of this regulation are available from the LDEQ Regulation Development and Remediation Section of the **Legal Division** or on the LDEQ website at: <http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1674>.

**Scope**

The Louisiana Solid Waste Permit Application for Waste Tires form is intended to apply to a single geographical location of a facility. Facilities in geographically dispersed locations should be treated separately for the purpose of determining when to submit an application. Submit a separate application for each facility whenever an application is necessary.

**General**

Do not write information in the top or left side margin of the application form as file folder bindings may cover the information.

Do not alter the permit application form in any way, except as directed by this *Guidance* and instructions included in the Louisiana Solid Waste Permit Application for Waste Tires.

**When to Submit an Application**

Applications for Waste Tires are submitted primarily for one of the following reasons: (1) to obtain a permit for a new facility; (2) to modify an existing facility with an effective permit; (3) to obtain a permit for an existing facility operating without a permit but is now being made subject to the regulations; or (4) to renew a permit for an existing facility.

To avoid unnecessary delays, applications should be submitted as far in advance as possible before construction of the facility or modification. Some construction projects require prior approval of LDEQ Divisions other than the Waste Permits Division. Permit application review times vary depending on the complexity of the application, the completeness of the application, and/or the current workload of the Waste Permits Division.

**What Should be Submitted**

Submit five paper copies of the application (including one original application) addressed to the attention of the current Assistant Secretary of the Office of Environmental Services or the current Administrator of the Waste Permits Division at the following address (LAC 33:VII.10513.B and F):

Louisiana Department of Environmental Quality

Office of Environmental Services

Waste Permits Division

Post Office Box 4313

Baton Rouge, LA 70821-4313

Attach a proof of payment for the waste permit application fee to the original application. See Section 5 for more details.

Keep a photocopy of the application and attachments for your records.

**Basis for Estimations**

All estimates used in responses to the application must be supported by calculations and/or any supporting information and shall be submitted with the application.

**Acceptable Answers**

If certain questions or fields in the application are not applicable, indicate "none" or "not applicable" (N/A). Terms such as "not significant," "nil," "trace," etc. are not appropriate.

The applicant must submit a completed application containing all relevant required information at the time the permit application is submitted. Submission of insufficient or undefined responses and/or information will result in the inability of the LDEQ to issue a permit based on an incomplete permit application. Failure to accurately complete the permit application may subject the application to suspension, notice of deficiency(ies) (NODs), and/or potential enforcement action.

If there are any questions about the required information to be submitted in the permit application, contact the Waste Permits Division at (225) 219-3181.

**Professional Engineer Required**

In accordance with LAC 33:VII.10517.A.8, facility plans, specifications, and operations represented and described in the permit application shall be prepared under the supervision of and certified by a professional engineer, licensed in the state of Louisiana.

**Common Definitions**

Terms used in the application and/or in this *Guidance* document shall have the same meanings as defined in the solid waste regulations in LAC 33:VII.10505. Relevant terms from LAC 33:VII.10505 are included below. Additional terms shall have the following meanings:

Agency Interest (AI) Number – A unique identifier assigned to each facility by LDEQ. Existing facilities in the state have AI numbers assigned to them. New facilities will be assigned an AI Number after LDEQ receives the application.

Facility – Any land and appurtenances thereto used for storage, processing, recycling, and/or disposal of solid waste or tire material, but possibly consisting of one or more units. (Any earthen ditches leading to or from a facility that receive waste are considered part of the facility to which they connect; except ditches which are lined with materials which are capable of preventing groundwater contamination.)

Modification – Any change in a site, facility, unit, process or disposal method, or operation that deviates from the specification in the permit. Routine or emergency maintenance that does not cause the facility to deviate from the specification of the permit is not considered a modification.

Permittee/Permit Holder – A person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.

Processing – Any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, a tire is considered processed only if its volume has been reduced by cutting it in half along its circumference.

TEMPO – An acronym standing for Tools for Environmental Management and Protection Organizations. This is the main computer database program used by LDEQ to store data and generate permits on all facilities and units.

Waste Tire– A whole tire that is no longer suitable for its original purpose because of wear, damage, or defect. *Waste tire* does not include a tire weighing over 500 pounds and/or a solid tire.

Waste Tire Material – Waste tires after processing; such as, but not limited to, chipped, shredded, cut, or sliced tires, crumb rubber, steel cord, cord material, oil, or carbon black

**Guidance for Completing the Permit Application**

The following instructions should be used in completing the permit application form. The numbers, letters, and headings provided in this *Guidance* correspond to the numbers, letters, and headings contained in the application form.

1. **Facility and Permit Applicant Information (LAC 33:VII.10517.A.1, 2, 3, 5, 6, 11, and 12)**
	1. *Facility name* – Enter the name of the facility.
	2. *Business Phone Number ­*– List the phone number for the facility listed under ‘Facility Name.’
	3. *Name of Owner* ­– List the name of the facility owner.
	4. *Owner Phone Number* – List the phone number of the owner.
	5. *Business mailing address, city, state, zip code –* Enter the mailing address of the facility.
	6. *Agency Interest (AI)* *number* – Enter the AI Number, if known. Otherwise, enter “unknown” into this field. If this facility has an AI number and it is not provided, it may delay the processing of the permit application.
	7. *Standard Industrial Classification (SIC) code* – Enter the SIC code. If not known, the code can be looked up at: <http://www.osha.gov/pls/imis/sicsearch.html>
	8. *Federal Identification Number*– Enter the federal identification number of the facility.
	9. *State Tax Identification Number* – Enter the state tax identification number of the facility.
	10. *Type of application* – Check the box indicating the application type for the requested permit. New applications should be requested when the facility plans to open a new facility. Renewal applications should be requested when the facility is renewing an existing permit at the end of the permit term. Modifications should be requested when the facility wants to make a change to its existing permit.
	11. *Proof of publication –* Attach proof of publication of public notice for facilities requesting a **new** or **renewal** permit or a **major modification** as **Attachment 1**. The notice shall be published in the official state journal, *The Advocate*, and the official journal of the parish in which the facility is located. Wording for the public notice is as follows (insert the appropriate information in the parenthesized sections):

Notice is hereby given that *(name of applicant)* does intend to submit to the Louisiana Department of Environmental Quality, Office of Environmental Services, Waste Permits Division, an application for a *(new or renewal)* waste tire permit to operate a waste tire processing facility in *(parish name)*, Range *(x)*, Township *(x)*, Section *(x)*, which is approximately *(identify the physical location of the site by direction and distance from the nearest town)*. Comments concerning the facility may be filed with the Secretary of the Louisiana Department of Environmental Quality at the following address: Office of Environmental Services, Waste Permits Division, Post Office Box 4313, Baton Rouge, LA 70821-4313.

* 1. *Ownership status –* Check the box that best describes the ownership of the facility. If the facility is owned by someone other than the applicant, written document from the property owner granting approval for the use of the property as a waste tire processing and/or collection facility shall be attached as **Attachment 2**.
	2. *Ownership –* Check the box that describes the type of entity that owns the facility.
	3. *Operator Type –* Check the box(es) that describe the type(s) of operation(s) of the facility.
	4. *Solid waste permit or Order to Upgrade number* – If this is an application for a renewal, a modification of an existing permit, or an application for a new permit for a facility that was issued an Order to Upgrade, enter the permit number, including the renewal number, (e.g., P-0121, P-0432R1) or Order to Upgrade (OU) number (OU-0273) in the field. If this is a new facility and has no permit or order to upgrade number, enter ‘N/A’ in the blank.
	5. *Solid waste facility number* – Enter the solid waste identification number (e.g., RP-016-5483) in this field. If this is a new facility and has no solid waste facility number, enter ‘N/A’ in the blank.
	6. *Total site acreage –* Provide the total acreage for the site. This includes the facility’s processing area and all other land associated with the entire site.
	7. *Acreage to be used for processing –* Provide the total acreage of the processing area.
	8. *History of waste tire permitting actions –* Provide a history of permitting actions for the facility from the point of the permit issuance or most recent renewal. Historical permitting actions include, dates of permit issuance, dates of modification approvals, a description of the approved modification, any parts of the facility that have been closed in accordance with the solid waste regulations, and the dates of closure and post-closure activities.
	9. *Environmental permits issued* – List, in chronological order, each environmental permit (e.g., 404 permit, coastal use permit, etc.) issued to this site, its permit number, and date of issuance. Begin with the first permit issued and end with the most recent. The list should include permits from LDEQ and other agencies. This list should include only permits for this site. Permits for other sites that are owned by the same company or owner should be listed in Section 7.A
	10. *Environmental permits applied for* – List, in chronological order, each environmental permit for which the applicant has applied or intends to apply, for this site.
1. **Physical Location and Process Description (LAC 33:VII.10517.A.4)**
	1. *Nearest town (in the same parish as the facility)* – Enter the closest town **in the same parish as the facility** (even if the facility is more commonly associated with a town in another parish).
	2. *Parish(es)* – Enter the parish(es) in which the facility is located.
	3. *Geographic location* – Enter in the spaces provided the Section, Township, and Range of the facility.
	4. *GPS coordinates* – Enter in the spaces provided the Latitude and Longitude (in decimal degrees) for the front gate of the site.
	5. *Physical location* – Provide the physical address and location description in the space provided. Ensure that the address provided is accurate and up-to-date. Provide driving directions if no physical address exists. These directions should originate from the nearest intersection of highways. An example of an acceptable set of driving directions is as follows: “From the intersection of US Hwy 165 & LA Hwy 10 in Oakdale, LA, travel E on Hwy 10 (Oakdale Road) for 2 miles. Turn S onto Kings Rd (Parish Road 1025). Travel approximately 3.5 miles to the facility, which will be on the left side of the road.”
	6. *Modification/Changes* – Provide a brief summary of the facility modifications or changes proposed by the application. If there are no modifications or changes proposed, indicate this in the space provided.
2. **Local Zoning (LAC 33:VII.10517.A.10)**

**NOTE:** If zoning is not required, write “N/A” in the first box.

* 1. *Zoning classification –* Provide the zoning classification of the land on which the facility sits at the time of the application submittal. If no zoning exists, provide a letter from the parish that states this.
	2. *Local zoning authority –* Provide the name of the local zoning authority authorized to zone land where the facility is located.
	3. *Local zoning authority contact, address, city, zip, and business phone –* Provide the contact information for the local zoning authority.
	4. *Documentation –* Attach as **Attachment 3** written documentation from local governing authority. The written documentation should state the facility is in compliance with all local zoning and permitting requirements**.**
1. **Confidentiality (LAC 33:I.Chapter 5)**

Check the box provided to indicate if confidentiality is requested for any information submitted. See LAC:33.I.Chapter 5 for a list of all information that cannot be held confidential. If confidentiality is requested, remove all sections of the permit application subject to the request and submit them separately from the rest of the permit application under a request for confidentiality in accordance with LAC 33:I.503 to the Office of the Secretary at the address below. Written justification to substantiate the confidentiality request must accompany the request. Requests for confidentiality should be sent directly to the following address:

Office of the Secretary

Louisiana Department of Environmental Quality

Post Office Box 4301
Baton Rouge, LA 70821-4301

On the application form, provide the name(s) of the section(s) of the permit application that have been removed and submitted separately to the above address.

1. **Fee Information (LAC 33:VII.10535)**

Check the box indicating the method of payment and provide the check, money order, or receipt number in the blank provided. Attach the check, money order, or copy of the receipt (if paid online) to the original application. Checks or money orders should be made payable to “Louisiana Department of Environmental Quality,” and attached to the completed application. Do **NOT** attach copies of this check to any documents submitted to LDEQ. Do **NOT** send cash. Check the box for the appropriate fee.

For questions regarding fees, call the LDEQ Customer Service Center at 225-219-LDEQ (5337) or Toll Free at 1-866-896-LDEQ (5337). To pay fees online, visit <http://business.deq.louisiana.gov/> or <http://www.deq.louisiana.gov/epay>.

1. **LAC 33.I.1701 Requirements**

The LAC 33:I.1701 Requirements section must be completed when applying for an initial permit, permit renewal, modification, or change of ownership. Answering the questions provided on the application is a sufficient response; the applicant does not need to attach a separate form to fulfill the 1701 Requirements.

1. *Other environmental permits* – Check the box indicating whether or not the applicant has any federal or state environmental permits identical to, or of a similar nature to, the permit for which the application is being made. This also includes all types of permits, including water, air, and hazardous waste permits. If “yes,” list the permits (other then the ones in Section 1) held in Louisiana after the first question This includes all permits held by the company, owner, or who participate in the environmental management of the facility, but not specific to the site being permitted in this application. For example, ABC Co. owns two sites, one in Baton Rouge, and one in New Orleans. Each site has their own unique permits; the permits not listed in Section 1 would be listed here. If “yes,” also list the *states* in which other environmental permits are held in the second box.
2. *Outstanding fees or penalties* – Check the box indicating if the applicant owes any outstanding fees or final penalties to LDEQ. Outstanding fees do not include fees that have recently been invoiced and are not yet due. If “yes,” explain the reasons why the fee or penalty has not yet been paid in the space provided.
3. *Corporation or limited liability company* – Check the box indicating whether the company is a corporation or limited liability company (LLC). If “yes,” attach a copy of your company’s Certificate of Registration and/or a Certificate of Good Standing as **Attachment 4**. These certificates can be obtained from the Secretary of State for the State of Louisiana. See the Secretary of State’s website for more information: <http://www.sos.louisiana.gov/>.
4. **Certification and Signatures (LAC 33:VII.10517.A.8, 18-20)**

*Certification of responsible official –* Enter the name, title, company, address, and phone number of the Responsible Official. The Responsible Official must meet the requirements of LAC 33.VII.115. The Responsible Official shall sign and date signifying his/her agreement with the certification statement. This signature is required for all permit applications. If this signature is not provided, the permit application will not be considered administratively complete.

*Certification of application preparer –* Enter the name, title, company, address, phone number, and email address of the Application Preparer. The Application Preparer shall sign and date signifying his/her agreement with the certification statement. This signature is required for all permit applications. If this signature is not provided, the permit application will not be considered administratively complete.

*Certification of professional engineer –* A Louisiana Registered Professional Engineer must certify the application per LAC 33:VII.10517.A.18. The engineer's name, title, company, address, phone number, and Louisiana registration number should be entered. The Professional Engineer shall sign and date signifying his/her agreement with the certification statement. The engineer’s seal should also be prominently displayed on the page. If the signature and seal are not provided, the permit application will not be considered administratively complete.

**NOTE:** If this is a modification application and no changes have been made requiring an engineer’s services (e.g., a change in the hours of operation), write ‘N/A’ in the ‘Name’ box and continue to the next section.

1. **Facility Contact Information/Personnel (LAC 33:VII.10517.A.7 and 21)**

List the names and contact information for each section. Select the primary contact for technical questions pertaining to the permit application by checking the box labeled “Primary Contact” next to the contact’s name. If any person in a – f is a duplicate of a previously listed person, it is only necessary to indicate that this information is contained elsewhere in the application in the ‘Name’ blank. For example, the emergency contact is the same as the owner, so ‘same as owner’ would be written in the ‘Name’ blank under ‘Person to contact in case of an emergency.’

*Manager of facility who is located at the site* *–* List the on-site manager of the facility. If the facility is not manned by a full-time staff, list the contact information for a person who can be available to be on-site during inspections, emergency events, or other such instances.

*On-site contact regarding waste permit* – List the on-site solid waste contact for the facility. If the facility is not manned by a full-time staff, list the contact information for a person who is able to speak for the facility about the waste permit.

*Person to whom written correspondence* *should be directed* – List the person to whom written correspondence generated during the solid waste permitting process can be forwarded. A copy of all written correspondence will be sent to the Responsible Official (listed in Section 7) as well, regardless.

*Person to contact in case of emergency* – If this person is different from the owner listed in Section 1, list the contact information for the person that should be contacted in case of an emergency. Otherwise, enter ‘Same as owner’ in the blank for ‘Name.’

*Name of Authorized Agent* – List the name, business phone, title, company, and mailing address of the authorized agent of process, if applicable. Otherwise, write ‘N/A’ in the blank for ‘Name.’

*Person to contact regarding fees* – *\*\*Optional\*\** List the person who can be contacted regarding waste tire permit fees by selecting the appropriate box (a, b, c, or d) or providing the person’s contact information, if different from a, b, c, or d. If no person is specified in this field, the Responsible Official (listed in Section 7) will be contacted for this purpose.

It is **NOT** required to list any personal contact information, such as personal email addresses or personal cellular phone numbers. This section is intended to convey work-related contact information to LDEQ. The applicant may choose to provide personal contact information if desired, but it is **NOT** required.

If the personnel mentioned in this section do not have an email address, note this in the appropriate blank. LDEQ strongly encourages applicants to include email addresses for the personnel mentioned in this section in order to facilitate a rapid line of communication during the permit application process. Failure to supply these email addresses may lead to longer application processing periods.

1. **Notifications/Approvals (LAC 33:VII.10517.A.9 and 13)**

*Local governing authority documentation* – Attach as **Attachment 5** a copy of written notification to the appropriate local governing authority. This documentation shall state the facility is to be used as a waste tire processing and/or collection facility.

*State Fire Marshal approval* – Attach as **Attachment 6** a copy of the approval of the facility’s compliance and certification of the premises and buildings from the State Fire Marshal.

1. **Enforcement Actions**

The purpose of this section is to determine any requirements, conditions, or limitations that have been imposed upon the facility pursuant to any enforcement actions, settlement agreements, and/or consent decrees so that, if appropriate, they can be incorporated into the permit. Check “yes,” if the facility has been issued and/or entered into any such actions. Provide a summary of all actions as **Attachment 7**. The summary should include all federal and state enforcement actions, settlement agreements, and/or consent decrees issued to and/or entered into by this facility. Include the regulatory agency that issued the enforcement action, or entered into the settlement agreement or consent decrees along with the dates of issuance or agreement. The issued date is the date of the signature or final signature (for settlements) of the appropriate official(s) at the issuing agency(ies) signed the document.

If no such enforcement actions exist, check “no.” Then respond to the second question, which is “has the facility been issued any enforcement actions or entered into any settlement agreements and/or consent decrees within the last three years?” This includes actions from all media. If “yes,” provide a summary of these actions outlined above and attach as **Attachment 7**.

Please note, it is not necessary to update this information during the permit review process, unless an enforcement action is issued that incorporates terms and conditions that must be incorporated into the permit.

1. **Facility Plans (LAC 33:VII.10515.A.2.a-b and 10517.A.8 and 14)**
2. *Area master plan* – Attach an area master plan as **Attachment 8**. The area master plan should include location maps and/or engineering drawings. The maps shall, at a minimum, show the *current* site, road network, major drainage systems, drainage flow patterns, the property lines, any buildings, excavations, and any other pertinent information. The maps and/or drawings should be legible and large enough to show the nearest town located in the same parish as the facility. Clearly display the name of each of these landmarks. Include all pertinent map symbols such as scale, north arrow, legend, and any other pertinent information. Include a list of any references used to obtain the information.
3. *Operational plan –* Attach as **Attachment 9** a comprehensive operational plan describing the total operation of the facility. At a minimum the plan shall address the facility access and security; the waste tire acceptance plan; the method to control water run-on/runoff; the days and hours of operation; the waste tire storage method; a detailed description of the waste tire processing method; the maintenance of site grounds and control of disease vectors; the buffer zones; the method to store waste tire material (in detail); the end market of waste tire material (in detail); and the method to control and/or treat any process water.

The waste tire acceptance plan shall include, at a minimum, how waste tires are counted and recorded, and how incoming quantities are monitored. The waste tire processing method shall include, at a minimum, the daily capacity.

The waste tire storage method shall include, at a minimum, the dimension of waste tire piles; the maximum number of waste tires and volume of waste tire material to be stored at any one time; the method for handling illegally dropped off waste tires; the width of fire lanes; the method of storage to exclude standing waster (including inside storage); types of access roads and buffer zones; and emergency control plans in case of fire or accident. The total amount shall not exceed 60 times the daily capacity of the processing unit.

The maintenance of site grounds and control of disease vectors shall minimize vector-breeding areas and animal attraction and should include, at a minimum, control fly, mosquito, and other insect emergency and entrance; rodent burrowing for food or harborage; and bird and animal attraction.

1. **Facility Closure (LAC 33:VII.10517.A.16)**

*Closure plan –* Attach a closure plan as **Attachment 10**. The closure plan shall include the method(s) to be used and steps necessary for closing the facility; a list of the itemized cost(s) to conduct closure activities at the facility by a third party; an estimate of the maximum inventory of whole waste tires and waste tire material ever on site over the active life of the facility; a schedule for completing all activities necessary for closure; and a sequence of final closure of each unit of the facility.

Ensure the closure plan addresses all of the requirements in LAC 33:VII.10517.A.16. The date of final closure shall be estimated based on the estimated cost of hiring a third party to close the facility at the point in the facility’s operating life when the extent and manner of its operation would make closure the most expensive. Provide a schedule for completing all closure activities with time frames specified in days.

1. **Financial Responsibility (LAC 33:VII.10517.A.15 and 17, 10525.D.12-14)**
	1. *Liability insurance –* Attach as **Attachment 11** evidence of general liability insurance in the amount of $1 million. The insurance shall be provided by an insurer who is admitted, authorized, or eligible to conduct insurance business in Louisiana.
	2. *Financial assurance –* Attach as **Attachment 12** evidence of financial assurance for the estimated closure costs of the facility based on the cost of hiring a third party to close the facility at the point in the facility’s operating life when the extent and manner of its operation would make the closure most expensive. The financial assurance shall be in conformity with LAC 33:VII.10525.D.12-14.
2. **Additional Information**

Attach and additional information that is needed to support the application. This may include maps, drawings, and other supplemental information. Some examples include areas for isolating waste tire materials. Include these attachments after the required attachments. Fill in the checklist provided with the application with the attachment title(s)

**Attachment List and Checklist**

This list includes all attachments needed for the permit application. Check the box after the attachment title indicating if it is included or not. Do **NOT** renumber the attachments. If an attachment is not applicable, check the box for ‘N/A,’ leave that attachment empty and move on to the next one. If more attachments are needed, fill in the blanks provided on the last page of the checklist.