

GUIDANCE for Louisiana Solid Waste Application for Beneficial Use

Introduction

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

The Louisiana Solid Waste Application for Beneficial Use Facilities provides information to the LDEQ Waste Permits Division to be used along with other information in making a decision on the application. Additionally, the information provided in the application is used by the DEQ to assess potential pollution from a proposed beneficial use facility 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, Chapter 11. 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>.

All chemical testing required for this application shall be in accordance with the Environmental Protection Agency (EPA) or other applicable standards approved by the administrative authority and must be conducted in accordance with the Louisiana Environmental Laboratory Accreditation Program (LELAP) requirements under LAC 33:I.Subpart 3.

Scope

A beneficial use application shall be submitted when the applicant believes a solid waste has the potential to be reused in a manner that provides a unique benefit (other than financial) when compared to using a material that is commonly used for that task and this material does not contain contaminants in excess of appropriate standards.

What Should be Submitted

Submit one original and three (3) paper copies of the 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:

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 application fee to the original application. See Section 4 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 application is submitted. Submission of insufficient or undefined responses and/or information will result in the inability of the LDEQ to issue approval based on an incomplete application. Failure to accurately complete the 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 application, contact the Waste Permits Division at (225) 219-3181.

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.115. Relevant terms from LAC 33:VII.115 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.

Beneficial Use – The use of waste material for some profitable purpose (e.g., incorporating sludge into soil to amend the soil). Avoidance of processing or disposal cost alone does not constitute beneficial use.

Facility – The actual land and associated appurtenances used for storage, processing, and/or disposal of solid wastes, but possibly consisting of one or more units. (Any earthen ditches leading to or from a unit of a facility and that receive solid waste are considered part of the facility to which they connect, except for ditches lined with materials capable of preventing groundwater contamination. The term *facility* does not necessarily mean an entire industrial manufacturing plant.)

RECAP – The document entitled, “Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program” dated October 20, 2003, or latest version, adopted and incorporated into LAC 33:I.Chapter 13. RECAP is a tiered framework composed of a screening option and three (3) management options used by LDEQ to evaluate risk to human and the environment posed by the release of chemical constituents to the environment.

Site – The physical location, including land area and appurtenances, of an existing or proposed storage, processing, or disposal facility. A *site* may consist of a number of facilities, each subject to a permit to process or dispose of solid waste.

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/authorization on all facilities and units.

Unit of a Facility – A designated area of a facility wherein solid waste is, has been, or will be processed, stored, or disposed.

Guidance for Completing the Application

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 application form in any way, except as directed by this *Guidance* and instructions included in the Louisiana Solid Waste Application for Beneficial Use.

The following instructions should be used in completing the 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 Applicant Information (LAC 33:VII.1103.B and 1105.A)

- A. *Facility name* – Enter the name of the facility.
- B. *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 application.
- C. *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>
- D. *Mailing address, city, state, zip code* – Enter the mailing address of the facility.
- E. *Facility phone number* – Enter the facility phone number.
- F. *Solid waste facility number* – Enter the solid waste identification number (e.g., GD-016-5483) in this field. If this is a new facility and has no solid waste facility number, enter N/A in the blank.
- G. *Operational status of site and facility* – Check the box indicating the operational status of the site and the facility.

- H. *Individual/Company-Name of owner* – Enter the name of the company that owns the facility or process unit. Check the box provided if this entry will be the applicant.
- I. *Individual/Company-Name of operator* – Enter the name of the company that operates the facility or process unit, if this company is different from the one listed in the *Company – Name of owner* field. Check the box provided if this entry will be the applicant.
- J. *Ownership status* – Check the box that best describes the ownership of the facility. If the facility is leased, list the number of years of the lease in the blank.
- K. *Ownership* – Check the box that describes the type of entity that owns the facility.
- L. *Type of application* – 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 approval at the end of the approved term.

2. Physical Location and Process Description (LAC 33:VII.1103.B and 1105.A)

- A. *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).
- B. *Parish(es)* – Enter the parish(es) in which the facility is located.
- C. *Geographic location* – Enter in the spaces provided the Section, Township, and Range of the facility.
- D. *GPS coordinates* – Enter in the spaces provided the Latitude and Longitude (in decimal degrees) of the front gate of the site.
- E. *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.”

3. Confidentiality (LAC 33:I.Chapter 5 and VII:513.C.2.f)

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 application subject to the request and submit them separately from the rest of the 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 application that have been removed and submitted separately to the above address.

4. Fee Information (LAC 33:VII.1501.B and D)

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>.

5. Certification and Signatures (LAC 33:VII.1105.A.10 and B)

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

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 applications. If this signature is not provided, the application will not be considered administratively complete and will not be forwarded for technical review.

6. Facility Contact Information/Personnel (LAC 33:VII.1105.A)

List the names and contact information for each section. Select the primary contact for technical questions pertaining to the application by checking the box labeled “Primary Contact” next to the contact’s name.

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 beneficial use plan– 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 beneficial use plan.

Person to whom written correspondence should be directed – List the person to whom written correspondence generated during the solid waste application reviewing process can be forwarded. A copy of all written correspondence will be sent to the applicant (listed in Section 6) as well, regardless.

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 --List the person who can be contacted regarding solid waste fees (solid waste billing fees).

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 application process. Failure to supply these email addresses may lead to longer application processing periods.

7. Waste Description (LAC 33:VII.1105.A.5 and 6)

A. *Maximum quantities of solid waste beneficially used* – Fill out the table, indicating the maximum amount of waste beneficially used (or predicted to be used for new applicants) from each waste type. The quantities should be listed in both wet tons/week and wet tons/year. If an amount is listed for the waste type ‘Other,’ describe the waste (e.g., woodwaste, construction and demolition debris).

B. *Percentage of waste received* – List the approximate percentage of waste that is received (or predicted to be received for new applicants) from onsite, offsite from generators within Louisiana, and offsite from generators outside of Louisiana.

8. Beneficial Use of Solid Waste (LAC 33:VII.1105)

A. *Origin addresses* – List the addresses(es) or site(s) of the origin of the material to be beneficially used.

B. *Chemical and physical characteristics* – Describe the chemical and physical characteristics of the material to be beneficially used.

- C. *Quantity, quality, consistency, and source of waste* – Attach as **Attachment 3** a description of the device(s) or method(s) used to determine the quantity of waste in wet-weight tonnage; the sources of waste, including in and out-of-state; and where it was generated. Quantities of waste may be estimated by a scale or a formula. If a formula is used, include this in the application. Include descriptions of how the material’s quality and consistency are determined. The solid waste to be used beneficially shall be tested and compared with the appropriate standards (eg. RECAP standards) to justify that it is an acceptable beneficial use material.
- D. *Generation Process* – Attach as **Attachment 4** a description of the process that generates the beneficially used material. Also demonstrate that the generator has minimized the quantity and toxicity of the material. Provide a detailed narrative and schematic diagram of the production, manufacturing, and/or residue process of how the material is generated.
- E. *Processing activity* – Describe the processing activity that will make the waste suitable for beneficial use. If no processing activity occurs, write ‘N/A.’
- F. *Beneficial use material market* – Demonstrate that a known or reasonably probable market exists for the intended use of the beneficial use material. Some examples include, a contract to purchase or utilize the material, a description of how the material will be used, and a demonstration that the material complies with industry standards for the product.
- G. *Handling, storing, and utilizing beneficial use material* – Attach as **Attachment 5** a description of the methods proposed for handling, storing, and utilizing the beneficial use material. These methods shall ensure that the material will not adversely affect the public health or safety, or the environment. The methods shall include, at a minimum, a statement of procedures to be employed for periodic testing for quality control purposes; a statement of intended storage procedures that will be used; and recordkeeping procedures. Intended storage procedures shall include run-on/run-off control; maximum anticipated inventory; measures to ensure no contamination of underlying soil and/or groundwater; and measure for dispersion (due to wind) control.
- H. *Protection of public health, safety, and environment* – Demonstrate that the end use of the material is protective of public health and safety, and the environment.
- I. *Material end users and location(s)* – Discuss the end users of the material as well as the locations of the end-use.

9. Additional Information (LAC 33:VII.1105.A.13)

Attach and additional information that is needed to support the application. These should be included as additional attachments and may consist of any other information the secretary may require or the applicant believes will demonstrate that the proposed beneficial use of the material will conserve, improve, and/or protect human health, natural resources, and the environment. Fill in the blanks on the last page of the checklist as needed. This may include maps, drawings, and other supplemental information.

Attachment List and Checklist

This list includes all attachments needed for the 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.