

PREFACE

This supplement contains amendments to the environmental regulations adopted during the 3rd and 4th quarters of 2011 (July - December).

The amendments in this publication include the following:

Media	Rule Log #	Final Date
Part III. Air	AQ300	November 20, 2011
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Part VII. Solid Waste	SW053	November 20, 2011
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Part IX. Water Quality	WQ083	October 20, 2011

Log # Suffix Key:

ft – Fast-Track Rule - Federal regulations promulgated in accordance with expedited procedures in R.S. 49:953(F)(3)

F – Federal Language

L – Louisiana Language

S – Substantive Changes to Proposed Rule

P – Rule resulting from a Petition for Rulemaking

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Environmental Regulatory Code Editor

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Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 1. General Provisions

§111. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below, unless specifically defined elsewhere.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:808 (May 2006), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:70 (January 2008), LR 35:1101 (June 2009), LR 36:1773 (August 2010), LR 37:3220 (November 2011).

Chapter 3. Regulatory Permits

§311. Regulatory Permit for Emergency Engines

A. – J. ...

K. Emissions Inventory. Each facility subject to LAC 33:III.919 shall include emissions from all emergency engines, including temporary units, authorized by this regulatory permit in its annual emissions inventory.

L. – M. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:459 (March 2009), amended LR 37:3221 (November 2011).

Chapter 5. Permit Procedures

§501. Scope and Applicability

A. – B.8. ...

C. Scope

1. – 10. ...

11. Emissions shall be calculated in accordance with LAC 33:III.919.G.

12. Emissions estimation methods set forth in EPA's Compilation of Air Pollution Emission Factors (AP-42) and other department-accepted estimation methods may be

promulgated or revised. As a result of new or revised AP-42 emission factors for sources or source categories and/or department-accepted estimation methods, changes in calculated emissions may occur. Changes in reported emission levels as required by LAC 33:III.919.F due solely to revised AP-42 emission factors or department-accepted estimation methods do not constitute violations of the air permit; however, the department may evaluate changes in emissions on a case-by-case basis, including but not limited to, assessing compliance with other applicable Louisiana air quality regulations.

13. If the emission factors or estimation methods for any source or source category used in preparing the annual emissions inventory required by LAC 33:III.919 differ from the emission factors or estimation methods used in the current air permit such that resulting "calculated" emissions reflect a significant change, notification of the use of updated emission factors or estimation methods shall be included in the Title V Annual Certification, as specified in the affected permit. The notification shall include the old and new emission factor or estimation method reference source and the date, volume, and edition (if applicable); the raw data for the reporting year used for that source category calculation; and applicable emission point and permit numbers that are impacted by such change. The notification shall include any other explanation, as well as the facility's intended time frame to reconcile the emission limits in the applicable permit. The department reserves the right to reopen a permit pursuant to LAC 33:III.529. For purposes of this Paragraph, a significant change is defined as the lesser of the following:

- a. a 5 percent increase or decrease in the total potential or actual emissions from the facility;
- b. a 50 ton per year increase or decrease in the total potential or actual emissions from the facility; or
- c. a 10 ton per year increase or decrease in the potential or actual emissions from any single emission point (stack, vent, or fugitive).

14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 2054.

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§506. Clean Air Interstate Rule Requirements

A. – B.4. ...

C. Annual Sulfur Dioxide. Except as specified in this Section, The Federal SO₂ Model Rule, published in the *Code of Federal Regulation* at 40 CFR Part 96, July 1, 2010, is hereby incorporated by reference, except for Subpart III-CAIR SO₂ OPT-in Units and all references to opt-in units.

D. – E. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:1597 (September 2006), amended LR 33:1622 (August 2007), LR 33:2083 (October 2007), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 34:978 (June 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), repromulgated LR 36:2551 (November 2010), amended LR 37:2989 (October 2011).

§507. Part 70 Operating Permits Program

A. – B.1. ...

2. No Part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No Part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the Part 70 source under this Section shall include the elements required by 40 CFR 70.6. The department hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), July 1, 2010. Upon issuance of the permit, the Part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. – J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 32:808 (May 2006), LR

33:1619 (August 2007), LR 33:2083 (October 2007), LR 33:2630 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011).

§509. Prevention of Significant Deterioration

A. – A.5. ...

B. Definitions. For the purpose of this Section, the terms below shall have the meaning specified herein as follows.

* * *

Malfunctions—Repealed.

* * *

Regulated New Source Review (NSR) Pollutant—

a. any pollutant for which a national ambient air quality standard has been promulgated or any constituent or precursor for the identified pollutant. Precursors identified by the administrative authority for purposes of PSD include the following:

i. volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas;

ii. sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas;

iii. nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations; and

iv. volatile organic compounds are presumed not to be precursors to PM_{2.5} in any attainment or unclassifiable area unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM_{2.5} concentrations;

b. any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;

c. any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act;

d. any pollutant that otherwise is subject to regulation under the Clean Air Act; except that any or all hazardous air pollutants either listed in section 112 of the Clean Air Act or added to the list in accordance with section 112(b)(2) of the Clean Air Act, which have not been delisted in accordance with Section 112(b)(3) of the Clean Air Act, are not *regulated NSR pollutants* unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Clean Air Act; or

e. particulate matter (PM) emissions, PM_{2.5} emissions, and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form

particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, PM_{2.5}, and PM₁₀ in PSD permits. Compliance with emissions limitations for PM, PM_{2.5}, and PM₁₀ issued prior to this date shall not be based on condensable particulate matter. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this Section.

Significant—

a. in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emission Rate
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy of particulate emissions 15 tpy of PM ₁₀ emissions
	10 tpy of direct PM _{2.5} emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions ¹
Ozone	40 tpy of volatile organic compounds or nitrogen oxides
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H ₂ S)	10 tpy
Total reduced sulfur (including H ₂ S)	10 tpy
Reduced sulfur compounds (including H ₂ S)	10 tpy
Municipal waste combustor organics ²	0.0000035 tpy
Municipal waste combustor metals ³	15 tpy
Municipal waste combustor acid gases ⁴	40 tpy
Municipal solid waste landfills emissions ⁵	50 tpy
GHGs and GHGs as CO ₂ e	0 tpy and 75,000 tpy, respectively ⁶

¹Nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.

²Measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

³Measured as particulate matter.

⁴Measured as sulfur dioxide and hydrogen chloride.

⁵Measured as nonmethane organic compounds.

⁶Both of the following conditions must be met: (1) the net emissions increase of GHGs calculated as the sum of the six GHGs on a mass basis (i.e., no global warming potentials applied) equals or exceeds 0 tpy; and (2) the net emissions increase of GHGs calculated as the sum of the six GHGs on a CO₂e basis (i.e., global warming potentials applied) equals or exceeds 75,000 tpy CO₂e.

b. - d.ii. ...

C. - AA.15.b. ...

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Chapter 6. Regulations on Control of Emissions through the Use of Emission Reduction Credits Banking

§605. Definitions

A. The terms used in this Chapter are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

Current Total Point-Source Emissions Inventory—the aggregate point-source emissions inventory for either NO_x or VOC from the nine modeled parishes compiled from the emissions inventory records and updated annually in accordance with LAC 33:III.919 plus any banked ERC and pending ERC applications originally included in the base case inventory that have not expired.

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Chapter 9. General Regulations on Control of Emissions and Emission Standards

§918. Nonattainment Areas and Adjoining Parishes List

A. For the purposes of the emissions inventory requirements set forth in LAC 33:III.919, the parishes located in the nonattainment areas as of June 1, 2011, as well

as the parishes that adjoin the nonattainment areas, are listed in Tables 1-6 in Subsection B of this Section. Any parish designated by EPA as a nonattainment area after June 1, 2011, or adjoining a nonattainment area designated by EPA after June 1, 2011, may not be listed in Tables 1-6 in Subsection B of this Section, but a facility located in that parish is nevertheless subject to the requirements of LAC 33:III.919.A.1.a. Any facility located in a parish listed as a nonattainment area in Tables 1-6 in Subsection B of this Section and is redesignated by EPA as an attainment area after June 1, 2011, or adjoins a nonattainment area redesignated by EPA as an attainment area after June 1, 2011, shall continue to be subject to the requirements of LAC 33:III.919.A.1.a until otherwise directed by the department.

B. The following tables list all of the parishes located in the nonattainment areas as of June 1, 2011, as well as those parishes that adjoin the nonattainment areas.

Table 1	
Carbon Monoxide (CO) Nonattainment Areas and Adjoining Parishes	
Parish Code	Nonattainment Parish(es)
	None
Parish Code	Adjoining Parishes to Nonattainment Areas
	None

Table 2	
Lead (Pb) Nonattainment Areas and Adjoining Parishes	
Parish Code	Nonattainment Parish(es)
	None
Parish Code	Adjoining Parishes to Nonattainment Areas
	None

Table 3	
Nitrogen Dioxide (NO ₂) Nonattainment Areas and Adjoining Parishes	
Parish Code	Nonattainment Parish(es)
	None
Parish Code	Adjoining Parishes to Nonattainment Areas
	None

Table 4	
Ozone Nonattainment Areas and Adjoining Parishes	
Parish Code	Nonattainment Parish(es)
0180	Ascension
0840	East Baton Rouge
1280	Iberville
1740	Livingston
3120	West Baton Rouge
Parish Code	Adjoining Parishes to Nonattainment Areas
0200	Assumption
0880	East Feliciana
1260	Iberia
2260	Pointe Coupee
2540	Saint Helena
2560	Saint James
2580	Saint John the Baptist
2620	Saint Martin
2840	Tangipahoa

Table 4	
Ozone Nonattainment Areas and Adjoining Parishes	
Parish Code	Nonattainment Parish(es)
3160	West Feliciana

Table 5	
Particulate Matter (PM ₁₀ or PM _{2.5}) Nonattainment Areas and Adjoining Parishes	
Parish Code	Nonattainment Parish(es)
	None
Parish Code	Adjoining Parishes to Nonattainment Areas
	None

Table 6	
Sulfur Dioxide (SO ₂) Nonattainment Areas and Adjoining Parishes	
Parish Code	Nonattainment Parish(es)
	None
Parish Code	Adjoining Parishes to Nonattainment Areas
	None

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

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§919. Emissions Inventory

A. Applicability

1. The provisions of this Section apply to the owner or operator of any facility located in Louisiana that meets any of the following criteria at any time during a reporting year:

a. the facility is located in a nonattainment area or an adjoining parish as listed in LAC 33:III.918.B, Tables 1-6, and the facility emits, has the *potential to emit*, as defined in LAC 33:III.502.A, or is permitted to emit a pollutant that meets or exceeds any threshold value listed in Tables 1-6, with the corresponding pollutant in the table name, of Paragraph A.2 of this Section;

b. the facility is located in an attainment parish and the facility emits, has the *potential to emit* as defined in LAC 33:III.502.A, or is permitted to emit a pollutant that meets or exceeds any threshold value listed in Table 7 in Paragraph A.2 of this Section;

c. the facility is defined as a major stationary source of hazardous air pollutants in Section 112(a)(1) of the federal Clean Air Act (CAA), or a *major source* of toxic air pollutants as defined in LAC 33:III.5103;

d. the facility has a 40 CFR Part 70 (Title V) operating permit regardless of emissions;

e. the facility has a portable source permit in accordance with LAC 33:III.513, operates at any time during

a reporting year in a nonattainment area or an adjoining parish, and meets the applicability criteria of Subparagraph A.1.a of this Section; or

f. the facility is required by rule or permit to submit an emissions inventory.

2. The following tables list emissions threshold values that require the submission of an emissions inventory.

Table 1		
Carbon Monoxide (CO) Nonattainment Area and Adjoining Parishes: Emissions Threshold Values		
Pollutant	Nonattainment Area Threshold Value (tons/year)	Adjoining Parishes to Nonattainment Area Threshold Value (tons/year)
Ammonia (NH ₃)	10	10
CO	10	50
Lead (Pb)	5	5
NO _x	100	100
PM ₁₀ or PM _{2.5}	100	100
SO ₂	100	100
VOC	100	100

Table 2		
Lead (Pb) Nonattainment Area and Adjoining Parishes: Emissions Threshold Values		
Pollutant	Nonattainment Area Threshold Value (tons/year)	Adjoining Parishes to Nonattainment Area Threshold Value (tons/year)
Ammonia (NH ₃)	10	10
CO	100	100
Lead (Pb)	5	5
NO _x	100	100
PM ₁₀ or PM _{2.5}	100	100
SO ₂	100	100
VOC	100	100

Table 3		
Nitrogen Dioxide (NO ₂) Nonattainment Area and Adjoining Parishes: Emissions Threshold Values		
Pollutant	Nonattainment Area Threshold Value (tons/year)	Adjoining Parishes to Nonattainment Area Threshold Value (tons/year)
Ammonia (NH ₃)	10	10
CO	100	100
Lead (Pb)	5	5
NO _x	10	50
PM ₁₀ or PM _{2.5}	100	100
SO ₂	100	100
VOC	100	100

Table 4		
Ozone Nonattainment Area and Adjoining Parishes: Emissions Threshold Values		
Pollutant	Nonattainment Area Threshold Value (tons/year)	Adjoining Parishes to Nonattainment Area Threshold Value (tons/year)
Ammonia (NH ₃)	10	10
CO	100	100
Lead (Pb)	5	5
NO _x	25	100
PM ₁₀ or PM _{2.5}	100	100
SO ₂	100	100
VOC	10	50

Table 5		
Particulate Matter (PM ₁₀ or PM _{2.5}) Nonattainment Area and Adjoining Parishes: Emissions Threshold Values		
Pollutant	Nonattainment Area Threshold Value (tons/year)	Adjoining Parishes to Nonattainment Area Threshold Value (tons/year)
Ammonia (NH ₃)	10	10
CO	100	100
Lead (Pb)	5	5
NO _x	10	50
PM ₁₀ or PM _{2.5}	10	50
SO ₂	10	50
VOC	10	50

Table 6		
Sulfur Dioxide (SO ₂) Nonattainment Area and Adjoining Parishes: Emissions Threshold Values		
Pollutant	Nonattainment Area Threshold Value (tons/year)	Adjoining Parishes to Nonattainment Area Threshold Value (tons/year)
Ammonia (NH ₃)	10	10
CO	100	100
Lead (Pb)	5	5
NO _x	100	100
PM ₁₀ or PM _{2.5}	100	100
SO ₂	10	50
VOC	100	100

Table 7	
Attainment Areas: Emissions Threshold Values	
Pollutant	Threshold Value (tons/year)
Ammonia (NH ₃)	10
CO	100
Lead (Pb)	5
NO _x	100
PM ₁₀ or PM _{2.5}	100
SO ₂	100
VOC	100

3. The requirements of this Section do not apply to *mobile sources* or *nonpoint sources* as defined in Subsection E of this Section.

B. The applicability of this Section for contiguous *agency interests (AIs)*, as defined in Subsection E of this Section, shall be determined by a threshold value that is the greater of:

1. the sum of the actual emissions;
2. the sum of the potentials to emit; or
3. the sum of permitted emissions for all contiguous AIs. However, the emissions inventory shall be reported separately for each AI.

C. The owner or operator of any facility meeting the applicability criteria in Subparagraph A.1.a of this Section and located in any parish listed as a nonattainment area in LAC 33:III.918.B, Tables 1-6, but redesignated by EPA as an attainment area after June 1, 2011, or adjoins a nonattainment area redesignated by EPA as an attainment area after June 1, 2011, shall continue to be subject to Subparagraph A.1.a of this Section until otherwise directed by the department.

D. Once a facility meets the applicability criteria of Subparagraph A.1.a, b, c, d, e, f, g, or h of this Section, the owner or operator of the facility shall continue to submit an emissions inventory until otherwise directed by the department.

1. If a facility no longer meets any applicability criteria under Paragraph A.1 of this Section for one full calendar year, the owner or operator may request approval from the department in writing to discontinue submission of an emissions inventory. All such requests shall be submitted to the Office of Environmental Services.

a. An owner or operator who has submitted a request for approval to discontinue submission of an emissions inventory shall continue to submit an emissions inventory unless the owner or operator has received a response of approval from the department.

b. A request for departmental approval to discontinue submission of an emissions inventory will be considered if one or more of the following conditions have been met for one full calendar year:

- i. the facility's permit has been rescinded and the most current emissions inventory shows the emissions to be

below the applicable reporting thresholds in Paragraph A.2 of this Section;

ii. the facility has been permitted to emit pollutants below the reporting thresholds in Paragraph A.2 of this Section and the most current emissions inventory shows the emissions to be below the reporting thresholds;

iii. the facility's potential to emit has been below the applicable reporting thresholds in Paragraph A.2 of this Section and the most current emissions inventory shows the emissions to be below the reporting thresholds;

iv. the facility has not been a major stationary source of hazardous air pollutants in accordance with Section 112(a)(1) of the federal Clean Air Act (CAA) or a major source of toxic air pollutants in accordance with LAC 33:III.Chapter 51;

v. the facility does not have a 40 CFR Part 70 (Title V) operating permit;

vi. the owner or operator of the facility is not required by rule or permit to submit an emissions inventory; or

vii. the facility operates in a nonattainment area or an adjoining parish and does not have a portable source permit as required by LAC 33:III.513.

2. No facility classes or categories are exempted from emissions inventory reporting.

E. Definitions. For the purposes of this Section, the terms below will have the meaning given herein.

Actual Emissions—a calculation, measurement, or estimate, in accordance with Subsection G of this Section, of the amount of a pollutant actually emitted during a calendar year or other period of time.

Agency Interest (AI)—any entity that is being regulated or is of interest to the department. Conceptually, an *agency interest* can be a site, facility, mobile source, area source, a person, or an organization.

Attainment Area—an area of the state that is not listed as a nonattainment area by the U.S. Environmental Protection Agency.

Certified—the status of an emissions inventory once the department has received both the emissions inventory and the certification statement required by this Section.

Contiguous Facilities—facilities under common control separated by 0.25 miles or less.

Control Efficiency—the percentage by which a control system or technique reduces the emissions from a source.

Control System—a combination of one or more capture system(s) and control device(s) working in concert to reduce discharges of pollutants to the ambient air.

Emissions Factor—the ratio relating emissions of a specific pollutant to an activity or material throughput level.

Facility—all emissions sources from *stationary point sources*, as defined in LAC 33:III.605, under common control on contiguous property.

[NOTE: A facility can be one or more AIs, and each AI must comply individually with Subsection C of this Section.]

Flash Gas Emissions—emissions from depressurization of crude oil or condensate when it is transferred from a higher pressure to a lower pressure tank, reservoir, or other type of container.

Fugitive Emissions—emissions that do not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

Mobile Source—a motor vehicle, nonroad engine, or nonroad vehicle where:

- a. a **motor vehicle** is any self-propelled vehicle used to carry people or property on a street or highway;
- b. a **nonroad engine** is an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, and that is not affected by Sections 111 or 202 of the CAA; and
- c. a **nonroad vehicle** is a vehicle that is run by a nonroad engine and is not a motor vehicle or a vehicle used solely for competition.

National Ambient Air Quality Standard (NAAQS)—a standard established in accordance with Section 109 of the CAA, including but not limited to, standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone, particulate matter (PM_{2.5} and PM₁₀), and sulfur dioxide (SO₂).

Nonattainment Area—an area (parish or group of parishes) that has been declared by the administrative authority to be not in compliance with a federal national ambient air quality standard and that is listed in the *Federal Register* as a *nonattainment area*.

Nonpoint Sources (previously known as area sources)—collectively represent individual sources that have not been inventoried as specific point or mobile sources. These individual sources treated collectively as *nonpoint sources* are typically too small, numerous, or difficult to inventory using the methods for the other classes of sources.

Ozone Season—except as provided in LAC 33:III.2202, the period from May 1 to September 30, inclusively, of each year.

Process—an operation or function by a source that produces emissions, characterized by a Source Classification Code (SCC).

Release Point—the point where emissions from one or more processes are released into the atmosphere.

Reporting Period—the time frame during the reporting year for which emissions are being reported.

Reporting Year—the year for which an emissions inventory is being submitted.

Routine Operations—operations, not including any start-up/shutdown emissions, that are authorized and/or permitted by the department.

Source—the point at which the emissions are generated, typically a piece of, or a closely related set of, equipment.

F. Requirements

1. Data for emissions inventory and the certification statements shall be collected annually. The owner or operator of each facility that meets the applicability criteria of Paragraph A.1 of this Section shall submit both an emissions inventory and a certification statement required by Subparagraph F.1.c of this Section, separately for each AI, for all air pollutants for which a NAAQS has been issued and for all NAAQS precursor pollutants in a format specified by the department.

a. Both the emissions inventory and the certification statement required by Subparagraph F.1.c of this Section shall include actual emissions in tons per year of ammonia (NH₃), carbon monoxide (CO), lead (Pb), nitrogen oxides (NO_x), particulate matter of less than 10 microns (PM₁₀), particulate matter of less than 2.5 microns (PM_{2.5}), sulfur dioxide (SO₂), and volatile organic compounds (VOC).

i. In addition to the requirements of Subsection C of this Section, the owner or operator of any facility located in the parish of Ascension, East Baton Rouge, Iberville, Livingston, St. Charles, St. James, St. John the Baptist, or West Baton Rouge is required to include actual emissions in tons per year of ethylene and propylene in both the emissions inventory and the certification statement required by Subparagraph F.1.c of this Section.

ii. Supporting Information. In order to meet federal emissions inventory requirements and regulations, support modeling analyses, permit projection of future control strategies, allow the measurement of progress in reducing emissions, facilitate preparation of state implementation plans, provide data for setting baselines for future planning, and for answering public requests for information, the emissions inventory shall include, but is not limited to, the required information listed in the following table. The emissions inventory shall also include all data required by the reporting system and applicable to the facility. The information provided does not constitute permit limits. Submittal of a report of excess emissions above allowable limits under this regulation does not pre-empt the need for compliance with provisions of LAC 33:III.Chapter 5 that require a permit request to initiate or increase emissions; nor does it qualify as a notice of excess emissions.

Supporting Information for Emissions Inventory		
Data Element	Description	Status
I. Inventory Information — Information describing the inventory being submitted.		
Reporting Year	The calendar year for which emissions estimates are calculated	Required
Inventory Type	The type of pollutants for which the inventory will	Required

Supporting Information for Emissions Inventory		
Data Element	Description	Status
	contain	
Reporting Period Start Date	The first day of the reporting period	Required
Reporting Period End Date	The last day of the reporting period	Required
II. Facility Information — Information describing the facility (AI) for which the inventory is being submitted. A facility corresponds to one AI Number.		
Facility ID (AI Number)	Unique ID assigned by the department to each facility	Required
Facility Name	Facility name of the AI	Required
Owner	Name of person(s) or entity(ies) that own(s) the facility	Required
Owner Address	Mailing address of owner(s) of the facility	Required
Owner City	City of mailing address of owner(s) of the facility	Required
Owner State	State of mailing address of the owner(s) of the facility	Required
Owner Zip	Zip code of mailing address of the owner(s) of the facility	Required
Owner Phone	Phone number of the owner(s) of the facility	Required
Operator	Name of person(s) or entity(ies) that operate(s) the facility, if different from owner	Optional
Facility Description	Description of business conducted at facility	Required
Facility Status	Operating status of the facility during the reporting period	Required
Address	Address of facility's physical location	Required
City	City of facility's physical location	Required
Parish	Parish of facility's physical location	Required
State	State of facility's physical location	Required
Zip Code	Zip code of facility's physical location	Required
Longitude (decimal degrees)	Longitude of facility front gate	Optional
Latitude (decimal degrees)	Latitude of facility front gate	Optional
UTM Easting (meters)	UTM easting of facility front gate (Universal Transverse Mercator easting is the distance east from 60 central meridians of 6-degree-wide zones starting at longitude 180 degrees)	Required
UTM Northing (meters)	UTM northing of facility front gate (Universal Transverse Mercator northing is the distance north from the equator)	Required
UTM Zone	Universal Transverse Mercator zone of facility front gate [15 or 16]	Required
Datum	Code that represents the reference datum used to determine the location coordinates	Required
Primary SIC Code	Standard Industrial Classification (SIC) code for the entire facility	Required

Supporting Information for Emissions Inventory		
Data Element	Description	Status
Primary NAICS Code	North American Industrial Classification System (NAICS) code for the entire facility	Required
ORIS Code	Four digit number assigned by the Energy Information Agency (EIA) at the U.S. Department of Energy to power plants owned by utilities	Optional
Comments	Miscellaneous information	Optional
III. Contact Information — Information describing the contact person(s) for each facility (AI).		
Contact Type	Emissions inventory (EI) facility contact person, EI consultant, EI billing party, or other	Required — Both EI billing party and EI facility contact are required.
Name	First and last name of contact person	Required
Title	Contact person's title	Required
Company	Name of company that employs the contact person, if any	Required
Address	Contact person's mailing address	Required
City	Contact person's city	Required
State	Contact person's state	Required
Zip Code	Contact person's zip code	Required
Email	Email address of contact person	Required
Phone	Phone number of contact person	Required
IV. Source Information — Information describing the point at which the emissions are generated; typically a piece of, or a closely related set of, equipment.		
Source ID	Unique identification assigned to the source by the facility and reported consistently over time	Required
NEDS ID	The National Emissions Data System (NEDS) point identification for the source from the department's legacy Emissions Inventory System	Optional
Subject Item ID	Subject item identification assigned by the department to the source, if available	Required
Source Description	Description of source	Required
Source Type	The type of equipment or unit that generates the emissions. Examples include heaters, boilers, flares, storage tanks, cooling towers, fugitive emissions, and spills.	Required
Permit Number	The number under which the source is permitted by the department.	Required, where applicable
EIQ Number	Emission Inventory Questionnaire (EIQ) number from the permit application	Required, where applicable
Status	Operating status of the source during the reporting period	Required
Permanent Shutdown Date	Date source was permanently taken out of service/no longer operating	Required, if Status is "permanently shutdown"

Supporting Information for Emissions Inventory		
Data Element	Description	Status
SIC Code	Standard Industrial Classification (SIC) code for the source	Required
NAICS Code	North American Industry Classification System (NAICS) code for the source	Optional
Comments	Miscellaneous information	Optional
Maximum Design Rate (MM BTU/hour)	Maximum design heat input	Optional
Firing Type	Describes the burner type for boilers: front, opposed, tangential, internal, or other	Optional
Serial Number	Serial number of equipment, if available	Optional
Construction Date	Date source was constructed, not put into operation	Optional
Initial Start-up Date	Date source actually started operating	Optional
Maximum Nameplate Capacity (megawatts)	For electrical generators powered by combustion unit(s), the maximum electrical generating output in megawatts (MW) that the generator is capable of producing on a steady-state basis and during continuous operation	Optional
Engine Rating (horsepower)	Power rating in horsepower (HP) for engines	Optional
V. Process Information — Information describing the operation or function by a source that produces emissions, characterized by a Source Classification Code (SCC). Process information is not required for source types that are “Fugitive Emission”, “GV XVII Emissions”, and “Insignificant Activities.”		
Process ID	Unique identification for the process assigned by the facility and reported consistently over time	Required
Source ID	Facility-assigned source identification that applies to this process record	Required
Process Description	Description of the emission process	Required
Status	Operating status of the process during the reporting period	Optional
Permanent Shutdown Date	Date process was permanently taken out of service/no longer operating	Required, if Status is “permanently shutdown”
Confidentiality	Flag indicating whether or not a declaration of confidentiality has been requested and granted by the secretary per LAC 33:1.Chapter 5, covering the process information	Optional
SCC	Source Classification Code (SCC) — a ten-digit EPA-developed code used to associate air pollution estimates with unique, identifiable industrial processes	Required
Material Name	Name of primary material used or produced by this process (the material on which the emissions calculations are based)	Required

Supporting Information for Emissions Inventory		
Data Element	Description	Status
Average Annual Throughput	Average annual throughput of material for the process	Required
Annual Throughput Units	Unit of measure for average annual throughput	Required
Average Ozone Season Throughput	Average daily throughput of material for the process during the ozone season	Required for facilities in ozone nonattainment areas
Ozone Season Throughput Units	Unit of measure for average ozone season throughput	Required for facilities in ozone nonattainment areas
Annual Average Ash Content	For solid fuels, the concentration of ash produced by the fuel, expressed as a percentage of total fuel weight averaged over the reporting period for the process	Required
Ozone Season Average Ash Content	For solid fuels, the concentration of ash produced by the fuel, expressed as a percentage of total fuel weight averaged over the emissions inventory ozone season for the process	Optional
Annual Average Sulfur Content	The concentration of sulfur in the fuel, expressed as a percentage of fuel weight averaged over the reporting period for the process	Required
Ozone Season Average Sulfur Content	The concentration of sulfur in the fuel, expressed as a percentage of fuel weight averaged over the emissions inventory ozone season for the process	Optional
Annual Average Heat Content	Total annual heat input for combustion units	Required
Annual Average Heat Content Units	Unit of measure for annual average heat content	Required
Ozone Season Average Heat Content	Total heat input for combustion units during ozone season	Required for facilities in ozone nonattainment areas
Ozone Season Average Heat Content Units	Unit of measure for ozone season average heat content	Required for facilities in ozone nonattainment areas
Spring Throughput	<i>Seasonal operating percentage</i> —the percentage of total annual throughput that occurs during the spring season, March through May	Required
Summer Throughput	<i>Seasonal operating percentage</i> —the percentage of total annual throughput that occurs during the summer season, June through August	Required
Fall Throughput	<i>Seasonal operating percentage</i> —the percentage of total annual throughput that occurs during the fall season, September through November	Required

Supporting Information for Emissions Inventory		
Data Element	Description	Status
Winter Throughput	<i>Seasonal operating percentage</i> —the percentage of total annual throughput that occurs during the winter season, January, February, and December of the same calendar year	Required
Average Hours per Day	The actual number of hours per day for which the process is in operation	Required
Average Days per Week	The actual number of days per week for which the process is in operation	Required
Total Weeks	The actual number of weeks per year for which the process is in operation	Required
VI. Emission Factor — Information describing a ratio relating emissions of a specific pollutant to an activity or material throughput level. The emissions factor describes the calculation for a pollutant emitted by a specific process. The emissions calculation is of the form $E = A * EF$, where E is the emissions, A is the material or activity rate, and EF is the emission factor. The emission factor is required when using an emissions factor to calculate emissions.		
Process ID	Facility-assigned process identification to which the emission factor applies	Required
Pollutant	Pollutant for which the emission factor applies	Required
Emission Factor	Emission factor numeric value for the specified pollutant	Required
Emissions Units	The numerator unit for the emission factor (i.e., the unit of the emissions calculated by the factor).	Required
Material or Activity	Material name for emission factor	Required
Material or Activity Rate	The denominator unit for the emission factor (i.e., the unit for the material throughput).	Required
Emission Factor Source	Source of the emission factor (stack test, AP-42, etc.)	Required
VII. Control System Information — Information describing the system where control measures are applied at or to a source or process to reduce the amount of a pollutant released into the environment. The information describes the control equipment chain (series of one or more control devices) that is used to control or abate emissions from a source. The control system information is required when control efficiency is used to calculate emissions.		
Control System ID	Unique identification assigned to the control system by the facility and reported consistently over time	Required
Subject Item ID	Subject item identification assigned by the department to the control equipment, if available	Required
Control System Description	Description of the control equipment chain	Required
Status	Operating status of the release point during the reporting period	Optional
Primary Device Type	Type of primary control device (e.g., flare, scrubber, condenser, and vapor recovery unit)	Required
Secondary Device Type	Secondary control device in series, not intended for backup or alternate control devices. Required if the	Required, where applicable

Supporting Information for Emissions Inventory		
Data Element	Description	Status
	control system has more than one control device in series.	
VIII. Control Efficiency — Information describing the percentage by which a control system or technique reduces the emissions from a source. The control efficiency is required when control efficiency is used to calculate emissions.		
Control System ID	Unique identification assigned to the control system by the facility and reported consistently over time	Required
Pollutant	Pollutant for which the control efficiency applies	Required
Primary Device Efficiency	Emission reduction efficiency of the primary control device (percent)	Optional
Secondary Device Efficiency	Emission reduction efficiency of the secondary control device (percent)	Optional
Total Efficiency	Net emission reduction efficiency of all emissions collection devices (percent)	Required
IX. Release Point Information — Information describing the point where emissions from one or more processes are released into the atmosphere.		
Release Point ID	Unique identification assigned to the release point by the facility and reported consistently over time	Required
Subject Item ID	Subject item identification assigned by the department to the release point, if available	Required
Release Point Description	Description of emissions release point	Required
Release Point Type	Release point type (e.g., vertical stack, horizontal stack, gooseneck stack, and area)	Required
Status	Operating status of the release point during the reporting period	Optional
Permanent Shutdown Date	Date release point was permanently taken out of service/no longer operating	Required, if Status is "permanently shutdown"
Height (feet)	Physical height of release point above the surrounding terrain	Required
Diameter (feet)	Diameter of the release point	Required
Width (feet)	Width of area for area release point types. This is the shorter dimension of the rectangular area over which the emissions occur.	Required for fugitive and area release point types
Length (feet)	Length of area for area release point types. This is the longer dimension of the rectangular area over which the emissions occur.	Required for fugitive and area release point types
Orientation (degrees)	Orientation (bearing) of long axis of area release point types for fugitive or area sources, measured in degrees of clockwise rotation from true north. For stack or vent release point types, the orientation of the release point from vertical	Required
Flow Rate (feet ³ /second)	Exit gas flow rate (actual cubic feet per second)	Required

Supporting Information for Emissions Inventory		
Data Element	Description	Status
Velocity (feet/second)	Exit gas velocity	Required
Temperature (degrees Fahrenheit)	Exit gas temperature at release point (if unknown, ambient temperature of 78 degrees Fahrenheit)	Required
Moisture Content (%)	Moisture content of exit gas stream, designated as a percentage	Optional
Longitude (decimal degrees)	Longitude of release point	Optional
Latitude (decimal degrees)	Latitude of release point	Optional
UTM Easting (meters)	Universal Transverse Mercator easting of release point	Required
UTM Northing (meters)	Universal Transverse Mercator northing of release point	Required
UTM Zone	Universal Transverse Mercator zone of release point [15 or 16]	Required
Datum	Code that represents the reference datum used to determine the location coordinates	Required
Accuracy (meters)	Measure of accuracy of the release point coordinates (if using GPS reading, accuracy of GPS device)	Required
Horizontal Collection Method	Method used to measure or estimate the release point coordinates (e.g., USGS quad, satellite photo, GPS, address geocoding, or other)	Required
X. Portable Source Location — Information describing the specific location or locations at which a portable source released emissions over the reporting period. This is applicable to facilities operated and permitted under LAC 33:III.513.		
Location ID	Unique identification assigned by facility to the location and reported consistently over time, if any	Required
Release Point ID	Facility-assigned release point identification for which this is a supplemental location, if any	Required
Start Date	Date the release point was moved to this location	Required
End Date	Date the release point was moved from this location	Required
Parish	Parish containing this location	Required
Longitude (decimal degrees)	Longitude of release point at this location	Optional
Latitude (decimal degrees)	Latitude of release point at this location	Optional
UTM Easting (meters)	Universal Transverse Mercator easting of release point at this location	Required
UTM Northing (meters)	Universal Transverse Mercator northing of release point at this location	Required
UTM Zone	Universal Transverse Mercator zone of release point [15 or 16] at this location	Required
Datum	Code that represents the reference datum used to determine the location	Required

Supporting Information for Emissions Inventory		
Data Element	Description	Status
	coordinates	
Accuracy (meters)	Measure of accuracy of the location's release point coordinates (if using GPS reading, accuracy of GPS device)	Required
Horizontal Collection Method	Method used to measure or estimate the location's release point coordinates (e.g., USGS quad, satellite photo, GPS, address geocoding, or other)	Required
XI. Emissions Record — Information describing the emissions for a specified combination of process (source and operating mode), control equipment, and release point.		
Source ID	Facility-assigned source identification for this emission record	Required
Process ID	Facility-assigned process identification for this emission record	Required
Control System ID	Facility-assigned control system identification for this emission record	Optional
Release Point ID	Facility-assigned release point identification for this emission record	Required
Location ID	Facility-assigned location identification if this is a portable source operating at a location other than the location on the release point record	Optional
Emission Type	Routine, start-up/shutdown, upset/malfunction/other, variance [NOTE: Separate emission records must be submitted showing the total and ozone season emissions for each applicable category.]	Required
Pollutant	Pollutant emitted	Required
Total Emissions	Total emissions of specified pollutant for the reporting period	Required
Emissions Units	Unit of measure for total emissions (tons or pounds)	Required
Estimation Method	The method used to calculate or estimate emissions (AP-42, mass balance, etc.)	Required
Ozone Season Emissions (pound/day)	Ozone season average daily emissions of specified pollutant	Required for facilities in ozone nonattainment areas
Ozone Season Estimation Method	A code indicating the method used to calculate or estimate emissions (AP-42, mass balance, etc.)	Required for facilities in ozone nonattainment areas
Number of Start-ups	Number of start-up events for which this record applies (only for emissions records of permitted start-ups/shutdowns)	Optional
Number of Shutdowns	Number of shutdown events for which this record applies (only for emissions records of permitted start-ups/shutdowns)	Optional

iii. Ozone Nonattainment Area Requirement. In addition to the requirements of Subsection C of this Section, the owner or operator of any facility located in an ozone nonattainment area that meets the applicability criteria of Subparagraph A.1.a of this Section shall submit an emissions inventory that includes:

- (a). ozone season average daily emissions (in pounds/day) of CO, NO_x, VOC, ethylene, and propylene;
- (b). average ozone season throughput;
- (c). ozone season average heat content (in MMBtu/ozone season); and
- (d). ozone season estimation method for emissions of CO, NO_x, VOC, ethylene, and propylene.

b. Actual emissions shall be reported for all sources of emissions at a facility, including but not limited to, emissions from routine operations, General Condition XVII emissions (as described in LAC 33:III.537), fugitive emissions, flash gas emissions, emissions from insignificant sources (as described in LAC 33:III.501.B.5, Insignificant Activities List, A — Based on Size or Emission Rate, and D — Exemptions Based on Emissions Levels), emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime, and emissions in excess of permit emission limitations, regardless of the amount.

c. Certification Statement. A certification statement, required by Section 182(a)(3)(B) of the federal Clean Air Act, shall be signed by a *responsible official*, as defined in LAC 33:III.502.A, for the facility or facilities and shall be submitted for each emissions inventory to attest that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The certification statement shall include the full name, title, signature, date of signature, and telephone number of the certifying official.

d. Both the emissions inventory and the certification statement required by Subparagraph F.1.c of this Section shall be submitted to the Office of Environmental Services by April 30 of each year (for the reporting period of the previous calendar year that coincides with period of ownership or operatorship), unless otherwise directed by the department. Any subsequent revisions shall be accompanied by a certification statement.

i. The owner or operator of any facility located in a parish designated by EPA as a nonattainment area or within a nonattainment area after June 1, 2011, and that meets the applicability criteria in Subparagraph A.1.a of this Section, shall submit both an emissions inventory and the certification statement required by Subparagraph F.1.c of this Section to the Office of Environmental Services by April 30 of the year following the first full calendar year of the nonattainment designation by EPA, unless otherwise directed by the department.

ii. The owner or operator of any facility located in a parish that adjoins a parish designated by EPA as a nonattainment area or within a nonattainment area after June

1, 2011, and that meets the applicability criteria in Subparagraph A.1.a of this Section, shall submit both an emissions inventory and the certification statement required by Subparagraph F.1.c of this Section to the Office of Environmental Services by April 30 of the year following the first full calendar year of the nonattainment designation by EPA, unless otherwise directed by the department.

iii. The owner or operator of any facility that has a portable source permit in accordance with LAC 33:III.513 and meets the applicability criteria in Paragraph A.1 of this Section shall submit both an emissions inventory and the certification statement required by Subparagraph F.1.c of this Section for the entire period of ownership or operatorship during the reporting year.

2. The reporting period of both the emissions inventory and the certification statement required by Subparagraph F.1.c of this Section, shall coincide with the period of ownership or operatorship during the reporting year. When there is a change of ownership of any facility to which this Section applies, submitted in accordance with LAC 33:III.517.G, at any time during a reporting year, each owner shall submit both an emissions inventory and certification statement required by Subparagraph F.1.c of this Section, with a start and/or end date that coincides with the date of transfer of ownership or operatorship.

3. Special Inventories. Upon request by the administrative authority, the owner or operator of any facility subject to LAC Title 33 shall file additional emissions data with the department. The request shall specify a reasonable time for response that shall not be less than 60 days from receipt of the request.

4. The department will post a notice on the department's website (www.deq.louisiana.gov) advising of any planned changes in required data elements or reporting format, so that entities subject to reporting requirements under this Section will be able to make the necessary adjustments.

G. Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) or approved stack testing shall be used for reporting of emissions from an emissions point when such data exists. In the absence of CEMS or stack test data, emissions shall be calculated using methods found in the most recent edition, as of December 31 of the current reporting year, of EPA's Compilation of Air Pollution Emission Factors (AP-42), calculations published in engineering journals, and/or EPA or department-approved estimation methodologies.

H. Enforcement. The department reserves the right to initiate formal enforcement actions, under R.S. 30:2025, for failure to submit emissions inventories as required in this Section.

I. Fees. The annual emissions inventory will be used to assess the criteria pollutant annual fee in accordance with LAC 33:III.223.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2438 (October 2005), LR 32:241 (February 2006), LR 33:2084 (October 2007), LR 37:3222 (November 2011).

Chapter 15. Emission Standards for Sulfur Dioxide

§1513. Recordkeeping and Reporting

A. – D. ...

E. All compliance data shall be made available to a representative of the department or the U.S. EPA on request. When applicable, compliance data shall be reported to the department annually in accordance with LAC 33:III.919. In addition, quarterly reports of three-hour excess emissions and reports of emergency conditions in accordance with LAC 33:I.Chapter 39 shall be made.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:376 (April 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1013 (June 2007), LR 37:3229 (November 2011).

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2115. Waste Gas Disposal

A. Any waste gas stream containing volatile organic compounds (VOC) from any emission source shall be controlled by one or more of the applicable methods set forth in Subsections B-H of this Section. This Section shall apply to all waste gas streams located at facilities that have the potential to emit 25 TPY or more of VOC in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; 50 TPY or more of VOC in the parishes of Calcasieu and Pointe Coupee; or 100 TPY or more of VOC in any other parish. This Section does not apply to waste gas streams that must comply with a control requirement, meet an exemption, or are below an applicability threshold specified in another section of this Chapter. This Section does not apply to waste gas streams that are required by another federal or state regulation to implement controls that reduce VOC to a more stringent standard than would be required by this Section.

B. Control Requirements for Operations that Commenced Construction Prior to January 20, 1985. Nonhalogenated hydrocarbons shall be burned at 1300°F (704°C) for 0.3 second or greater in a direct-flame afterburner or an equally effective device which achieves a removal efficiency of 95 percent or greater, as determined in accordance with Paragraph K.1 of this Section, or if emissions are reduced to 50 ppm by volume, whichever is less stringent.

C. Control Requirements for Operations that Commenced Construction On or After January 20, 1985. Nonhalogenated hydrocarbons shall be burned at 1600°F (870°C) for 0.5 second or greater in a direct-flame afterburner or thermal incinerator. Other devices will be accepted provided 98 percent or greater VOC destruction or removal efficiency can be demonstrated, as determined in accordance with Paragraph K.1 of this Section, or if emissions are reduced to 20 ppm by volume, whichever is less stringent.

D. Control Requirements for Existing Polypropylene Plants Using Liquid Phase Processes. All waste gas streams containing VOCs at the following sources in existing polypropylene plants using liquid phase processes shall be controlled as specified in Subsection C of this Section:

1. polymerization reaction section (i.e., reactor vents);
2. material recovery section (i.e., decanter vents, neutralizer vents, by-product and diluent recovery operation vents); and
3. product finishing section (i.e., dryer vents and extrusion and pelletizing vents).

E. Control Requirements for Existing High-Density Polyethylene Plants Using Liquid Phase Slurry Processes. All waste gas streams containing VOCs at the following sources in existing high-density polyethylene plants using liquid phase slurry processes shall be controlled as specified in Subsection C of this Section:

1. material recovery section (i.e., ethylene recycle treater vents); and
2. product finishing section (i.e., dryer vents and continuous mixer vents).

F. Control Requirements for Polystyrene Plants Using Continuous Processes. The emissions from the material recovery section (e.g., product devolatilizer system) shall be limited to 0.12 kg VOC/1,000 kg of product.

G. Control Requirements for Halogenated Hydrocarbons. The halogenated hydrocarbons shall be combusted or controlled by other methods specified in Subsection H of this Section that achieve a removal efficiency of 95 percent or greater, as determined in accordance with Paragraph K.1 of this Section. If combusted, the halogenated products of combustion shall be reduced to an emission level acceptable to the administrative authority.

H. Alternative Control Requirements. Other methods of control (such as, but not limited to, carbon adsorption,

refrigeration, catalytic and/or thermal reaction, secondary steam stripping, recycling, or vapor recovery system) may be substituted for burning provided the substitute is acceptable to the administrative authority and it achieves the same removal efficiency as required by this Section and determined in accordance with Paragraph K.1 of this Section or it achieves a degree of control not practically or safely achieved by other means.

I. Exemptions

1. All waste gas streams containing VOCs, except those subject to Subsections D, E, and F of this Section, are exempt from the requirements of this Section if any of the following conditions are met:

a. it can be demonstrated that the waste gas stream is not a part of a facility that emits, or has the potential to emit, 25 TPY or more of VOC in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge; 50 TPY or more of VOC in the parishes of Calcasieu and Pointe Coupee; or 100 TPY or more of VOC in any other parish;

b. it is a waste gas stream from a low-density polyethylene plant and no more than 1.1 pounds of ethylene per 1,000 pounds (1.1 kg/1000 kg) of product are emitted from all the waste gas streams associated with the formation, handling, and storage of solidified product;

c. it is a waste gas stream having a combined weight of VOCs equal to or less than 100 pounds (45.4 kg) in any continuous 24-hour period; or

d. it is a waste gas stream with a concentration of VOCs less than 0.44 psia true partial pressure (30,000 ppm) except for the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, St. James, and West Baton Rouge in which the concentration of VOCs in the waste gas stream must be less than 0.044 psia true partial pressure (3,000 ppm).

2. Except for waste gas streams subject to Subsections D, E, and F of this Section, the administrative authority may waive the requirements of this Section if one of the following conditions is met:

a. it will not support combustion without economically impractical amounts of auxiliary fuel; or

b. its disposal cannot be practically or safely accomplished by the means described herein or other equivalent means without causing undue economic hardship.

3. Waste gas streams subject to Subsections D, E, and F of this Section are exempt from the requirements of this Section if it can be demonstrated that the waste gas stream has a concentration of VOCs no greater than 408 ppm by volume.

J. Test Methods. Compliance with Subsections B-H of this Section shall be determined by applying the following test methods, as appropriate:

1. Test Methods 1-4 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determining flow rates, as necessary;

2. Test Method 18 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determining gaseous organic compounds emissions by gas chromatography;

3. Test Method 25 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determining total gaseous nonmethane organic emissions as carbon;

4. Test Method 25A or 25B (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determining total gaseous organic concentration using flame ionization or nondispersive infrared analysis; and

5. modified test methods approved or specified by the administrative authority.

K. Compliance. All facilities affected by this Section shall be in compliance as soon as practicable but in no event later than August 20, 2003. A facility that has become subject to this regulation as a result of a revision of the regulation shall comply with the requirements of this Section as soon as practicable, but in no event later than one year from the promulgation of the regulation revision.

1. Compliance with LAC 33:III.2115 shall be demonstrated at the owner/operator's expense as requested by the administrative authority. Such demonstration shall consist of control device destruction efficiency or recovery efficiency testing. Such compliance testing is in addition to the continuous monitoring required under Paragraph K.2 of this Section.

2. The owner/operator of any facility subject to this Section shall install and maintain monitors to accurately measure and record operational parameters of all required control devices as necessary to ensure the proper functioning of those devices in accordance with the design specifications, including but not limited to:

a. the exhaust gas temperature of direct flame incinerators and/or the gas temperature immediately upstream and downstream of any catalyst bed;

b. the breakthrough of volatile organic compounds in a carbon adsorption unit;

c. the total amount of volatile organic compounds recovered by carbon adsorption or other waste gas stream recovery systems during a calendar month;

d. the dates for any maintenance of the required control devices and the estimated quantity and duration of volatile organic compound emissions during such activities; and

e. any other parameters affecting or related to waste gas streams as considered necessary by the administrative authority.

L. Recordkeeping. The owner or operator of any facility subject to this Section shall maintain the following information on the premises for at least two years and shall make such information available to representatives of the Louisiana Department of Environmental Quality and the Environmental Protection Agency upon request:

1. a record for each vent of the results of any testing conducted at the facility in accordance with the provisions specified in Subsections J and K of this Section;
2. the date for any maintenance and repair of required control devices and the estimated quantity and duration of volatile organic compound emissions during such activities;
3. records for each vent required to satisfy the provisions of Paragraph K.2 of this Section to demonstrate the proper functioning of applicable control equipment to design specifications; and
4. records to demonstrate that the criteria are being met for any exemption claimed.

M. This Section does not apply to safety relief and vapor blowdown systems where control cannot be accomplished because of safety or economic considerations. However, the emissions from these systems shall be reported to the department as required under LAC 33:III.919. Emergency conditions shall be reported in accordance with LAC 33:I.Chapter 39.

N. Definitions. Unless specifically defined in LAC 33:III.111, the terms in this Section shall have the meanings commonly used in the field of air pollution control. Additionally, the following meanings apply.

Safety Relief and Vapor Blowdown Systems—the emergency escape of gas from a process unit through a valve or other mechanical device, in order to eliminate system overpressure or in the case of an operational emergency.

Waste Gas Stream—any gas stream, excluding *fugitive emissions* as defined in LAC 33:III.Chapter 5, containing VOC and discharged from a processing facility directly to the atmosphere or indirectly to the atmosphere after diversion through other process equipment. Process gaseous streams that are used as primary fuels are excluded. The streams that transfer such fuels to a plant fuel gas system are not considered to be waste gas.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:960 (November 1990), LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 19:317 (March 1993), LR 22:1212 (December 1996), LR 24:21 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1764 (August 2002), LR 30:745 (April 2004), LR 30:1672 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 37:3230 (November 2011).

Subchapter G. Petroleum Refinery Operations

§2139. Refinery Vacuum Producing Systems

A. Control of Steam Jet Ejectors and Mechanical Pumps. Emissions of volatile organic compounds from steam jet ejectors and mechanical pumps shall be controlled by one of the applicable methods specified in LAC 33:III.2115. B, C, and G. Compliance shall be determined and records shall be kept as specified in LAC 33:III.2115. J, K, and L.

B. Emissions of volatile organic compounds from a hot-well with a contact condenser shall be controlled by covering the hot-well and controlling the vapors by one of the applicable methods specified in LAC 33:III.2115. B, C, and G. Compliance shall be determined and records shall be kept as specified in LAC 33:III.2115. J, K, and L.

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 24:917 (May 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 37:3232 (November 2011).

§2141. Refinery Process Unit Turnarounds

A. Emissions of volatile organic compounds from petroleum refinery process unit turnarounds shall be controlled by pumping the liquid contents to storage and depressurizing the processing units to 5 psig (pounds per square inch gauge) or below before venting to the atmosphere. Control of the vapors during the depressurization prior to venting to atmosphere shall be accomplished by one of the applicable methods specified in LAC 33:III.2115. B, C, and G. Compliance shall be determined and records shall be kept as specified in LAC 33:III.2115. J, K, and L.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), amended by the Office of the Secretary, Legal Affairs Division, LR 37:3232 (November 2011).

Subchapter M. Limiting Volatile Organic Compound (VOC) Emissions from Industrial Wastewater

§2153. Limiting VOC Emissions from Industrial Wastewater

A. Definitions. Unless specifically defined in LAC 33:III.111, the terms in this Chapter shall have the meanings normally used in the field of air pollution control.

Additionally the following meanings apply, unless the context clearly indicates otherwise.

* * *

Plant—all facilities located within a contiguous area, under common control, and identified by the Plant ID number as assigned by the department, within the parish in which the plant is primarily located, for inclusion in the emissions inventory.

* * *

B. – I. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:936 (September 1995), amended LR 22:1212 (December 1996), LR 24:26 (January 1998), LR 25:850 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:747 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2087 (October 2007), LR 37:3232 (November 2011).

Chapter 21. Control of Emission of Organic Compounds

Subchapter N. Capture Efficiency Test Procedures

[*Editor's Note:* This Subchapter was moved and renumbered from Chapter 61 (December 1996).]

§2160. Procedures

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR Part 51, Appendix M, July 1, 2010, are hereby incorporated by reference.

B. – C.2.b.iv. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), LR 37:2990 (October 2011).

Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

Subchapter A. Incorporation by Reference

§3003. Incorporation by Reference of 40 Code of Federal Regulations (CFR) Part 60

A. Except for 40 CFR Part 60, Subpart AAA, and as modified in this Section, Standards of Performance for New Stationary Sources, published in the *Code of Federal Regulations* at 40 CFR Part 60, July 1, 2010, are hereby incorporated by reference as they apply to the state of Louisiana

B. – C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 32:809 (May 2006), LR 32:1596 (September 2006), LR 33:1620 (August 2007), LR 33:2092 (October 2007), LR 33:2626 (December 2007), LR 34:1391 (July 2008), LR 35:1107 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011).

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions

A. Annual Emissions Reporting. The owner or operator of any major source that meets the applicability requirements in LAC 33:III.5101.A and emits any toxic air pollutant listed in LAC 33:III.5112, Table 51.1 or 51.3, shall submit a completed annual emissions report to the Office of Environmental Services in a format specified by the department. The owner or operator shall identify on the emissions report the quantity of emissions in the previous calendar year for any such toxic air pollutant emitted. Beginning with the report due in 2012, the annual emissions report shall meet the following requirements.

1. The owner or operator of any major source subject to the requirements in this Subsection shall submit a completed annual emissions report to the Office of

Environmental Services on or before April 30 of each year, unless otherwise directed by the administrative authority, that shall identify the quantity of emissions of all toxic air pollutants listed in LAC 33:III.5112, Table 51.1 or 51.3, for the previous calendar year.

A.2. – D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and 2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:2778 (December 2003), LR 30:1673 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2447 (October 2005), LR 33:2093 (October 2007), LR 33:2622 (December 2007), LR 37:3232 (November 2011).

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants, published in the *Code of Federal Regulations* at 40 CFR Part 61, July 1, 2010, and specifically listed in the following table, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

40 CFR Part 61	Subpart/Appendix Heading

[See Prior Text in Subpart A – Appendix C]	

B. – C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 32:809 (May 2006), LR 33:1620 (August 2007), LR 33:2094 (October 2007), LR 34:1391

(July 2008), LR 35:1107 (June 2009), LR 36:2273 (October 2010), LR 37:2990 (October 2011).

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of Federal Regulations* at 40 CFR Part 63, July 1, 2010, are hereby incorporated by reference as they apply to major sources in the state of Louisiana.

B. – C.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 31:3115 (December 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2095 (October 2007), LR 33:2677 (December 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2273 (October 2010), LR 37:2991 (October 2011).

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of*

Federal Regulations at 40 CFR Part 63, July 1, 2010, are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

B. Copies of documents incorporated by reference in this Chapter may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, www.gpoaccess.gov/cfr/index.html, from the Department of Environmental Quality, Office of Environmental Assessment, or from a public library.

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:810 (May 2006), LR 33:1620 (August 2007), LR 33:2096 (October 2007), LR 34:1392 (July 2008), LR 35:1108 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011).

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter A. General Provisions

§5901. Incorporation by Reference of Federal Regulations

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR Part 68, July 1, 2010.

B. – C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:810 (May 2006), LR 33:1621 (August 2007), LR 34:1392 (July 2008), LR 35:1109 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011).

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations
Chapter 1. General Provisions and
Definitions

§115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Closure Permit—written authorization issued by the administrative authority to a person for the closure of a facility used to process or dispose of solid waste in accordance with the Act, these regulations, and specified terms and conditions.

* * *

General Permit—written authorization issued by the administrative authority to allow for a specific activity or type of operation, not based on a specific site, to process or dispose of solid waste in accordance with the Act, these regulations, and specified terms and conditions.

* * *

Incinerator Waste-Handling Facility—a facility that processes solid waste by thermally oxidizing and/or decomposing the solid waste in an incinerator.

* * *

Non-Processing Transfer Station—a solid waste facility where solid waste is transferred directly or indirectly from collection vehicles to other vehicles for transportation without processing, except compaction used for the reduction of volume in waste (see *Process*).

* * *

Principal Executive Officer—the chief executive officer of a state or federal agency, or a senior executive officer having responsibility for the overall operations of a principal geographic or functional unit of a state or federal agency [ex: regional administrators of EPA].

* * *

Process—a method or technique, including recycling, recovering, compacting (but not including compacting that occurs solely within a transportation vehicle or at a non-processing transfer station), composting, incinerating, shredding, baling, recovering resources, pyrolyzing, or any other method or technique that is designed to change the physical, chemical, or biological character or composition of

a solid waste to render it safer for transport, reduced in volume, or amenable for recovery, storage, reshipment, or resale. The definition of *process* does not include treatment of wastewaters to meet state or federal wastewater discharge permit limits. Neither does the definition include activities of an industrial generator to simply separate wastes from the manufacturing process.

* * *

Regulatory Permit—written authorization promulgated into the solid waste regulations for the construction, installation, modification, operation, closure, or post-closure of a facility used or intended to be used to process or dispose of solid waste in accordance with the Act, these regulations, and specified terms and conditions.

* * *

Responsible Corporate Officer—one of the following persons employed by the corporation: president; treasurer; secretary; vice-president in charge of a principal business function; or any other person who performs similar policy or decision-making functions of the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations, and can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit applications, and the manager has the authority to sign documents assigned or delegated in accordance with corporate procedures. The administrative authority will assume that these corporate officers have the requisite authority to sign permit applications and certifications unless the corporation has notified the administrative authority to the contrary.

* * *

Responsible Official—the person who has the authority to sign applications for permits and certifications of compliance. For corporations, this person shall be a *responsible corporate officer*. For a partnership or sole proprietorship, this person shall be a partner or the proprietor, respectively. For a municipality, state agency, federal agency, or other public agency, this person shall be a ranking elected official or a *principal executive officer* of a state or federal agency.

* * *

Silty Clay—soils that meet the group designations of *CL* or *CH* in the Unified Soil Classification System as contained in the American Society for Testing and Materials (ASTM) standard D2487-06e1.

* * *

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, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, and construction/demolition- debris. *Solid waste* does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation-return flows or industrial discharges that are point sources subject to permits under R.S. 30:2074; source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended (42 U.S.C. Section 2011 et seq.); or hazardous waste subject to permits under R.S. 30:2171 et seq.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

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 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011).

§117. Experimental Operations for New Technologies

A. This Section allows applicants to submit requests allowing for experimental operations for new technology (e.g., use of alternate daily cover) prior to submitting a permit application or modification. No experimental operations for new technologies shall be implemented without prior approval from the administrative authority.

B. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1026 (June 2007), amended LR 37:3234 (November 2011).

Chapter 3. Scope and Mandatory Provisions of the Program

§303. Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

A. The following solid wastes, when processed or disposed of in an environmentally sound manner, are not subject to the permitting requirements or processing or disposal standards of these regulations.

1. – 7. ...

8. agricultural wastes, including manures, that are removed from the site of generation by an individual for his

own personal beneficial use on land owned or controlled by the individual. The amount of wastes covered by this exemption shall not exceed 10 tons per year (wet-weight) per individual per use location. To qualify for this exemption, records documenting the amount of wastes used for beneficial use on land owned or controlled by the generator shall be maintained. These records shall be kept for a minimum period of two years;

9. ...

10. woodwastes that are beneficially-used in accordance with a Best Management Practice Plan approved in writing by the Department of Agriculture and submitted to the Office of Environmental Services, provided that the generator notifies the Office of Environmental Services of such activity at each site in accordance with LAC 33:VII.401.A. Woodwastes not being properly managed in accordance with the Best Management Practice Plan approved by the Department of Agriculture do not meet this exemption,

11. – 13. ...

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 by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2486 (October 2005), LR 33:1027 (June 2007), LR 33:2140 (October 2007), LR 37:3235 (November 2011).

§305. Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

A. The following facilities that are operated in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations.

1. – 8.a. ...

b. the facility shall comply with applicable Louisiana water quality regulations (LAC 33:Part IX); and,

c. the facility shall comply with the perimeter barrier, security, and buffer zone requirements in LAC 33:VII.719.B;

9. – 9.d. ...

e. the facility shall comply with applicable Louisiana water quality regulations (LAC 33:Part IX);

10. ...

11. recycling facilities, as described in LAC 33:VII.303.A.3, that receive only source-separated recyclables;

12. hospitals and other health care facilities that store or treat regulated infectious waste generated on-site or that

accept waste from off-site wholly- or partly-owned subsidiaries; and

13. transportation vehicles and municipal or parish collection containers that collect and compact solid waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

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 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 26:2515, 2609 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2486 (October 2005), LR 33:1028 (June 2007), LR 33:2140 (October 2007), LR 37:3235 (November 2011).

§315. Mandatory Provisions

A. ...

B. **Storage of Wastes.** No solid waste shall be stored or allowed to be stored in a manner that may cause a nuisance or health hazard or detriment to the environment as determined by the administrative authority. Unless authorized or approved by the administrative authority, no solid waste shall be stored or allowed to be stored at an off-site location unless such off-site location is an authorized transfer station or collection, processing, or disposal facility. After November 20, 2011, solid wastes may not be stored on-site for greater than one year, without approval from the Office of Environmental Compliance. The facility shall maintain records indicating the time frame that waste has been stored.

C. – O. ...

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), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1030 (June 2007), LR 34:1400 (July 2008), LR 36:1240 (June 2010), LR 37:3235 (November 2011), repromulgated LR 37:3508 (December 2011).

Chapter 4. Administration, Classifications, and Inspection Procedures for Solid Waste Management Systems

§407. Inspection Types and Procedures

A. **Classification Inspection.** A classification inspection is required for all facilities not previously classified, and each facility's initial classification is based on this

inspection. It is performed after the department receives notification of operations (LAC 33:VII.401.A).

B. ...

C. Initial Start-Up Inspection

1. Upon issuance of a permit or modification requiring upgrades to an existing unit, or construction of a newly permitted unit, a start up inspection may be made after the permit holder submits a construction certification to the Office of Environmental Services, signed by a professional engineer licensed in the state of Louisiana, certifying that the upgrade to an existing unit, or construction of a newly permitted unit or a discrete portion thereof as identified in a construction schedule included in the permit, is constructed and/or upgraded in accordance with the permit or modification, and as specified in the permit or modification application.

2. Upon renewal of an existing permit where no physical changes are required, no construction certification shall be required to be submitted, and no start-up inspection shall be initiated. The permit holder may continue use of the unit(s) upon the effective date of the renewal permit.

3. If the administrative authority determines a start-up inspection is required pursuant to Paragraph 1 of this Subsection, the start-up inspection shall be initiated within 15 working days of receipt of certification by the Office of Environmental Services unless a longer time period is set by mutual agreement.

4. Within 15 working days after a new, existing, or modified facility has undergone an initial start-up inspection, or within 30 days of receipt of the construction certification, the administrative authority shall either issue an approval of the construction and/or upgrade or a notice of deficiency to the permittee, unless a longer time period is set by mutual agreement.

D. **Construction Inspections.** At least 10 days prior to commencing construction of a liner, leak-detection system, leachate-collection system, or monitoring well at a Type I or Type II facility, the permit holder shall notify the Office of Environmental Services, in writing, of the date on which construction will begin, in order to allow a representative of the department the opportunity to witness the construction. Written notification under this Subsection is not required if the construction notification is included in a report required by LAC 33:VII.527.

E. **Closure Inspections.** Closure inspections will be conducted within 30 days after the Office of Environmental Services has received written notice from the permit holder that closure requirements have been met in accordance with the approved closure permit or closure plan for those facilities that began closure activities in accordance with an approved closure plan prior to November 20, 2011, and the permit holder has submitted a request for a closure inspection. Closure inspections shall be conducted before backfilling of a facility takes place. The administrative authority reserves the right to determine if a facility has been closed properly.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1032 (June 2007), LR 33:2142 (October 2007), LR 37:3235 (November 2011), repromulgated LR 37:3508 (December 2011).

Chapter 5. Solid Waste Management System

Subchapter A. General Standards for Nonpermitted Facilities

§501. Standards Governing Industrial Solid Waste Generators

A. Annual Reports

1. Generators of industrial solid waste shall submit annual reports to the Office of Management and Finance listing the types and quantities, in wet-weight tons per year, of industrial solid waste they have disposed of off-site. This requirement does not apply to those generators who are also permit holders required to submit annual certifications of compliance in accordance with LAC 33:VII.525.

A.2. – C. ...

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2490 (October 2005), LR 33:1033 (June 2007), LR 33:2142 (October 2007), LR 37:3236 (November 2011).

§503. Standards Governing Solid Waste Accumulation and Storage

A. Solid Waste Accumulation

1. No solid waste shall be stored or allowed to be stored long enough to cause a nuisance, health hazard, or detriment to the environment as determined by the administrative authority, and after November 20, 2011, no solid waste shall be stored on-site for greater than one year without approval from the Office of Environmental Compliance. The facility shall maintain records indicating the time frame during which waste has been stored.

A.2. – C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1033 (June

2007), LR 34:613 (April 2008), LR 37:3236 (November 2011), repromulgated LR 37:3509 (December 2011).

§507. Standards Governing Collection Facilities for Solid Waste

A. – C.4. ...

D. Inspections of collection facilities shall be made at least weekly by the owner/operator looking for cleanliness of the site, overflow of containers, closed lids, leaking containers, and deterioration of containers. Inspections shall be documented, and the records shall be maintained for a period of two years and available for inspection within 24 hours of request.

E. – F. ...

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2609 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1034 (June 2007), LR 37:3236 (November 2011).

Subchapter B. Permit Administration

§509. Permit System

A. – B.1.a.i. ...

ii. to allow operations to continue at an existing facility while a closure plan or closure permit application is being processed or while a facility is being closed in accordance with an approved closure plan; or

iii. ...

b. Temporary permits that may have been issued in the form of administrative orders, compliance orders to upgrade, orders to upgrade, compliance orders to close, orders to close, and settlement agreements prior to February 20, 1993, may remain in effect until otherwise determined by the administrative authority.

c. Temporary permit holders who do not have financial assurance meeting the requirements of LAC 33:VII.Chapter 13 shall submit financial assurance meeting the requirements of LAC 33:VII.Chapter 13 within 120 days of November 20, 2011.

2. Standard Permit. Standard permits may be issued by the administrative authority to applicants for solid waste processing and/or disposal facilities that have successfully completed the standard permit application process for a site specific permit.

3. General Permit. General permits may be issued to facilities with operations that are similar in nature and shall provide conditions that each facility that is authorized to operate under the general permit shall follow. Issuance of a general permit shall follow the procedures of a standard permit regarding draft decisions, public notice, and final decisions.

4. **Regulatory Permit.** Regulatory permits may be issued by the administrative authority when it is determined to be appropriate considering the type of operations or facilities that would be covered. Regulatory permits shall be promulgated in accordance with the procedures provided in R.S. 30:2019.

5. **Closure Permit.** Closure permits may be issued to allow closure activities to occur in accordance with an approved closure plan.

6. All permits, regardless of type, issued on or after February 20, 1993, shall correspond to the facility categories set forth in LAC 33:VII.405.A (*Type I, Type I-A, Type II, Type II-A, and Type III*).

C. Existing Facilities Not Previously Classified or Not Presently Operating Under a Standard Permit

1. Only those existing facilities that the administrative authority classifies for upgrading may apply for a standard permit. The person notifying the Office of Environmental Services shall be issued a temporary permit and may continue operations in accordance with an interim operational plan, pending a decision on the standard permit application.

2. A facility classified for closure shall be issued a temporary permit. That permit may allow operations to continue in accordance with an interim operational plan until closure activities are accomplished and may require that closure and/or post-closure activities be conducted in accordance with an approved closure plan or permit.

D. Duration of Permit

1. Temporary permits are issued for a period not to exceed three years.

2. Standard, closure, and general permits issued to facilities other than landfills are issued for a period not to exceed 10 years, and may be issued for a period of less than 10 years.

a. Processing and/or disposal facilities with an effective standard permit shall submit to the Office of Environmental Services a new permit application, following the application process in LAC 33:VII.513 and 519, at least 365 calendar days before the expiration date of the standard permit, unless written permission for later filing is granted by the administrative authority. If the renewal application is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the renewal application on or before the expiration date of the standard permit, the standard permit shall remain in effect until the administrative authority issues a final decision.

b. For permits with expiration dates greater than 10 years, upon expiration, the department may, in accordance with rules and regulations, extend or reissue a permit for another time period of up to 10 years, or up to 20 years for landfill facilities.

3. Standard permits for landfills may be issued for a time period not to exceed 20 years. The administrative authority may issue a permit for a landfill for a lesser time period when the administrative authority determines a lesser time period is warranted based on factors such as the applicant's compliance history, other non-compliance issues, or capacity.

E. Public Hearings

1. Public hearings may be held concerning standard permits for facilities at the discretion of the administrative authority.

2. Public hearings may be held concerning major modifications of standard permits at the discretion of the administrative authority.

3. Public hearings shall not be held concerning mandatory modifications, which are considered an enhancement of a standard permitted facility.

4. Public hearings shall be held for all facilities when the administrative authority determines, on the basis of comments received and other information, that a hearing is necessary. Public hearings shall be conducted in accordance with the Environmental Quality Act for fact-finding hearings or other hearing procedures developed by the administrative authority and the Administrative Procedure Act, (R.S. 49:950 et seq.).

5. **Public Opportunity to Request a Hearing.** Any person may, within 30 days after the date of publication of the draft decision in a newspaper notice (LAC 33:VII.513. G.3), request that the administrative authority consider whether a public hearing is necessary. If the administrative authority determines that the requests warrant it, a public hearing will be scheduled. If the administrative authority determines that the requests do not raise genuine and pertinent issues, the Office of Environmental Services shall send the person(s) requesting the hearing written notification of the determination. The request for a hearing shall be in writing and shall contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. **Public Notice of a Public Hearing.** If the administrative authority determines that a hearing is necessary, notices shall be published at least 20 days before a fact-finding hearing in the official journal of the state and in a major local newspaper of general circulation in the area where the facility is located. The notice shall be published one time as a single classified advertisement in the legal or public notices section of the official journal of the state and a major local newspaper of general circulation in the area where the facility is located. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement in the official journal of the state shall be the only public notice required. Those persons on the Office of Environmental Services mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published at least 20 days before a public hearing in the departmental

bulletin, if available, or on the department's internet site in the public notices section.

7. Review of Comments Following a Public Hearing. Comments received by the Office of Environmental Services within 30 days after the date of a public hearing shall be reviewed by the Office of Environmental Services.

F. Other Requirements

1. The applicant may be required to obtain additional permits from other local state and federal agencies. Typical permits that may be needed include, but are not limited to, the following.

1. The applicant may be required to obtain additional permits from other local state and federal agencies. Typical permits that may be needed include, but are not limited to, the following:

- a. NPDES/LPDES (Section 402 of the Clean Water Act);
- b. Louisiana Water Discharge Permit;
- c. Louisiana Coastal Use Permit (issued by the Department of Natural Resources, Coastal Management Division);
- d. Louisiana Air Emissions Permit;
- e. U.S. Army Corps of Engineers Permit (Dredge and Fill, Section 404 of the Clean Water Act); or
- f. appropriate local permits, licenses, certification, registration, or approval.

2. It is the responsibility of the applicant to identify the other applicable permits that may be required. A listing of the permits that the applicant intends to apply for shall be included in the solid waste permit application.

3. The applicant shall provide appropriate documentation to the Office of Environmental Services that the proposed use does not violate zoning or other land-use regulations that exist at the time of the submittal of the standard permit application.

G. Suspension, Revocation, Modification, or Termination of Permit. The administrative authority may review a permit at any time. After review of a permit, the administrative authority may, for cause, suspend, revoke, or modify a permit in whole or in part in accordance with the procedures outlined in the Administrative Procedure Act. If a permit holder requests termination of a permit, the administrative authority may terminate the permit with or without a review of the permit. Public notice is not required for termination of permits when the permit is terminated at the request of the permit holder.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2518, 2519 (November 2000), amended by the

Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2488 (October 2005), LR 33:1035 (June 2007), LR 33:2143 (October 2007). LR 37:3236 (November 2011), repromulgated LR 37:3509 (December 2011).

§513. Permit Process for Existing Facilities and for Proposed Facilities

A. Applicability. Solid waste permit applications and application processing shall be subject to the following requirements.

1. Permit holders who have been issued a final permit or modification prior to November 20, 2011, and have been issued an order to commence prior to November 20, 2011, shall follow the existing permit or modification. Any changes requested to the existing permit shall follow the procedures outlined in Subsections B-K of this Section.

2.a. Permit holders who have been issued a final permit or modification prior to November 20, 2011, and have not been issued an order to commence prior to November 20, 2011, shall submit a construction certification to the Office of Environmental Services, signed by a professional engineer licensed in the state of Louisiana, after completion of any necessary construction or upgrades, that the facility has been constructed or upgraded in accordance with the permit. Unless a longer time period is set by mutual agreement, within 15 working days of receipt of construction certification by the Office of Environmental Services, the administrative authority shall conduct a start-up inspection. Within 15 working days after a new, existing, or modified facility has undergone an initial start-up inspection, the administrative authority shall either issue an order authorizing commencement of operations or a written notice of deficiency to the permittee, unless a longer time period is set by mutual agreement.

b. Permit holders who have been issued an initial final permit prior to November 20, 2011, and have not been issued an order to commence prior to November 20, 2011, shall provide written confirmation from the appropriate municipal or parish governing authority where the facility will be located, dated within one hundred eighty (180) days prior to receiving an order to commence, indicating that the facility is or will be in compliance with all existing local zoning and land use restrictions.

3. Applicants for solid waste permits or major modifications who submitted an application prior to November 20, 2011, and have not yet been issued a final permit shall not be required to submit a new application form, unless required by the administrative authority. However, those applicants shall be required to comply with the requirements of LAC 33:VII.513.B.1 and 2, as applicable.

4. All solid waste permit applications and modification applications submitted after November 20, 2011, shall follow the procedures of LAC 33:VII.513.B-K, as applicable.

B. Pre-Application Requirements. All prospective applicants for solid waste permits, except for those applicants exempted under Paragraphs 9-12 of this Subsection, shall comply with the following requirements prior to submitting an application for a solid waste permit.

1. The prospective applicant shall conduct a capacity evaluation regarding the need for the type of facility to be requested in the location proposed. This capacity evaluation shall consider existing capacity within the proposed service area of the facility. The prospective applicant shall forward the results of the evaluation to the administrative authority for review. The administrative authority shall respond to the evaluation within 90 days of submittal and the response shall indicate the administrative authority's concurrence or non-concurrence.

2. The prospective applicant shall obtain written confirmation from the appropriate municipal or parish governing authority where the facility is proposed to be located indicating that the facility is or will be in compliance with all existing local zoning and land use restrictions. The written confirmation may be submitted on a form provided in the application. The prospective applicant shall forward a copy of the written confirmation to the administrative authority for review. If the municipal or parish governing authority fails to provide to the applicant the requested written confirmation within 90 days of the request by the applicant, the applicant shall provide all information submitted to the municipal or parish governing authority regarding the request to the administrative authority and may submit the permit application without the written confirmation. Failure to include the written confirmation with applications submitted after the 90 day time frame above shall not constitute grounds for the application to be deemed administratively incomplete in accordance with LAC 33:I.1505. The administrative authority shall request that the municipal or parish governing authority provide a response within 60 days. If the municipal or parish governing authority fails to provide a response to the department within the 60 days, the administrative authority shall consider the applicant in compliance with all existing local zoning and land use restrictions.

3. - 5. ...

6. Pre-Application Public Notice

a. Prospective applicants shall publish a notice of intent to submit an application for a permit. This notice shall be published within 45 days prior to submission of the application to the Office of Environmental Services. This notice shall be published one time as a single classified advertisement in the legal or public notices section of the official journal of the state and a major local newspaper of general circulation in the area where the facility is located. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement in the legal or public notices section of the official journal of the state shall be the only public notice required.

b. The public notice shall be published in accordance with the form provided in LAC 33:VII.3001.Appendix A.

7. Post-Application Public Notice

a. All applicants shall publish a notice of application submittal within 45 days after submitting the application to the Office of Environmental Services. This public notice shall be published one time as a single classified advertisement in the legal or public notices section of the official journal of the state and a major local newspaper of general circulation in the area where the facility is located. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement in the legal or public notices section of the official journal of the state shall be the only public notice required.

b. The public notice shall be published in accordance with the form provided in LAC 33:VII.3003.Appendix B.

8. All prospective applicants are encouraged to meet with representatives of the Waste Permits Division prior to the preparation of a solid waste permit application to inform the department of the plans for the facility.

9. Applicants who are Type I only and who also do not propose to accept waste from off-site, other than off-site waste from affiliated persons, such as the applicant or any person controlling, controlled by, or under common control with, the applicant, are exempt from the requirements of LAC 33:VII.513.A.2.b and Paragraphs 1-2 of this Subsection.

10. Applicants for renewal or major modification of an existing permit are exempt from the requirements of Paragraphs 1-2 of this Subsection, provided that the application does not include changes that would constitute a physical expansion of the area(s) in which solid wastes are disposed beyond the facility's existing boundaries as set forth in the facility's existing permit.

11. Applicants for closure permits, applicants seeking authorization under a general permit, and minor modification requests are exempt from Paragraphs 1-5 of this Subsection.

12. Applicants whose types are I-A only, or II-A only, or both I and I-A, or both I-A and II-A, are exempt from the requirements of Paragraphs 1 and 2 of this Subsection.

C. Permit Application Requirements

1. Any person who generates, transports, or stores solid waste, and is not issued a permit, but is under the jurisdiction of the department, shall comply with the applicable provisions of these regulations.

2. Submittal of Permit Applications

a. Any applicant for a standard permit for existing or proposed processing or disposal facilities shall complete all parts of a permit application as described in LAC 33:VII.519, and submit three paper copies to the Office

of Environmental Services. All applicants shall also submit three electronic copies of the application, in a format acceptable to the department, with the submittal of the paper copies. All attachments shall be marked with appropriate tabs. In lieu of submitting three paper and three electronic copies of the permit application, the applicant may submit the permit application electronically via the internet when the department's internet site allows for such submittals.

b. Any applicant seeking authorization under a general permit shall follow the application/notice of intent provisions specified in the general permit.

c. Any applicant for a closure permit shall file an application for a closure permit. The closure permit application shall provide the information specified in LAC 33:VII.515.

d. Each application for which a permit application fee is prescribed shall be accompanied by a remittance in the full amount of the appropriate fee. No application shall be accepted or processed prior to payment of the full amount specified.

e. A completed separate standard permit application for each existing facility shall be submitted to the Office of Environmental Services within 180 days after issuance of a temporary permit.

f. All applications submitted shall be available for public review via the department's electronic document management system as soon as practicable, subject to the confidentiality provisions of LAC 33:I.Chapter 5.

D. Notices to Parish Governing Authorities. As provided in R.S. 30:2022, upon receipt of a permit application the Office of Environmental Services shall provide written notice on the subject matter to the parish governing authority, which shall promptly notify each parish municipality affected by the application.

E. Permit Application Review and Evaluation

1. LAC 33:VII.Chapters 5, 7, 8, 13 and 15 establish the evaluation criteria used by the administrative authority.

2. The applicant shall make available to the department the assistance of professional engineers or other trained individuals responsible for the design of the facility to explain the design and operation.

3. The applicant shall furnish all other technical information the department may require to evaluate the standard permit application, monitor the performance of the facility, and insure that the purposes of this program are met.

F. Standard Permit Applications Deemed Unacceptable or Deficient

1. Applications deemed unacceptable for technical review will be rejected. For the administrative authority to reconsider the application, the applicant shall resubmit the entire standard permit application to the Office of Environmental Services, including the review fee, by a reasonable due date set by the administrative authority.

2. Applicants submitting applications that are acceptable for technical review, but lack the information outlined in these regulations, will be informed of such deficiencies. These deficiencies shall be corrected by the submission of supplementary information by a reasonable due date set by the administrative authority.

3. The supplementary information as referenced in Paragraph F.2 of this Section shall address all deficiencies and/or show significant progression in addressing all outstanding deficiencies, or the application may be denied.

G. Draft Permit Decision

1. Once an application is deemed technically complete, the administrative authority shall prepare a draft permit decision to issue or deny the requested permit. If a draft permit is prepared, the draft permit shall contain the following information.

a. all conditions proposed for a final permit under LAC 33:VII.Subpart 1; and

b. any compliance schedules proposed for the facility.

2. Fact Sheet. For all draft permit decisions, including draft denials, the administrative authority shall prepare a fact sheet describing the department's reasoning for the issuance of the draft permit decision. The fact sheet shall contain:

a. a brief description of the facility and the activity which is the subject of the draft permit decision;

b. the type and quantity of wastes which are proposed to be or are being processed or disposed;

c. a brief summary of the justification for the draft permit conditions (not applicable to draft denials), including references to any applicable statutes or regulations;

d. a description of the procedures for reaching a final decision including:

i. a description of the public comment period under LAC 33:VII.513.G.3 and the address where comments will be received; and

ii. procedures for requesting a hearing;

e. the name and telephone number of a person to contact for additional information; and,

f. any additional information, as necessary.

3. Public Notice. The Office of Environmental Services shall publish a notice of the draft permit decision one time as a single classified advertisement in the legal or public notices section of the official journal of the state and a major local newspaper of general circulation in the area where the facility is located. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement in the official journal of the state shall be the only public notice required. The public notices shall solicit comment from interested individuals and groups. Comments received by the administrative authority within the timeframe specified in the public notice shall be

reviewed by the Office of Environmental Services prior to the preparation of a final decision. The costs of publication shall be borne by the applicant. The applicant shall furnish the contact information (including name and/or title, address, and telephone number) for the person who shall be responsible for receiving the invoice from the newspaper(s). Proof of payment for the public notice shall be provided to the administrative authority if requested.

4. A copy of the draft permit decision shall be sent to the parish library in the parish where the facility is located for public review.

5. A copy of the draft permit decision shall be sent to the appropriate regional office and shall be made available for public review.

6. Closure permits based on closure plans or applications, if not received as part of a permit application for a standard permit, shall not follow the draft permit decision process. Once a closure plan or application is deemed adequate, the administrative authority shall issue a closure permit.

H. Issuance of a Final Permit Decision

1. The administrative authority shall issue a standard permit or a general permit, or shall issue a standard permit denial, including reasons for the denial, after the public notice period specified in Paragraph G.3 of this Section has ended.

2. A closure permit may be issued to allow closure activities to be accomplished at a facility that has been issued a standard permit denial but has previously accepted waste under a prior permit or an order.

3. The administrative authority may issue authorization to operate under the conditions of a general permit in lieu of a standard permit, provided the applicant meets the requirements to operate under the general permit.

I. Public Notice of Final Permit Decision for Standard or General Permit. No later than 20 days following the issuance of a final permit decision for a standard or general permit, the administrative authority shall publish a notice of the final permit decision on the department's internet site, in the public notices section. This does not apply to authorizations to operate under a general or regulatory permit. No notice will be sent, except to those persons who commented on the draft permit decision and to those persons who have requested to be provided written notice.

J. As a permit condition, the department shall establish a time frame for the facility to submit any necessary construction certifications required by the administrative authority.

K. All necessary construction shall begin within 18 months of the effective date of the permit, unless a longer term is specified in the permit. If a permittee fails to begin construction within the 18 month period or as otherwise specified in the permit, the permittee shall repeat performance of the requirements listed in Subsection B (pre-application requirements) of this Section. The performance

of these requirements shall be repeated by the permittee every 18 months until construction begins.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2488 (October 2005), LR 33:1037 (June 2007), LR 33:2143 (October 2007), LR 37:1563 (June 2011), LR 37:3238 (November 2011), repromulgated LR 37:3510 (December 2011).

Subchapter C. Permit System for Facilities Classified for Upgrade or Closure

§515. Permit Process for Existing Facilities Classified for Closure

A. ...

B. Submittal of Closure Plans

1. Permit holders for facilities classified for closure shall submit to the Office of Environmental Services three paper copies and three electronic copies, in a format acceptable to the department, of a closure plan within 60 days after issuance of the temporary permit for the facility. All attachments shall be marked with appropriate tabs.

2. The following Sections of the regulations shall be addressed and incorporated in the closure plan for all solid waste processing and disposal facilities. All responses and exhibits shall be identified in the following sequence to facilitate the evaluation. All applicable Sections of LAC 33:VII.Chapters 5, 7, and 8 shall be addressed and incorporated into the closure plan:

a. LAC 33:VII.519.B;

b. - c. ...

d. those portions of LAC 33:VII.Chapter 7 pertaining to facility characteristics;

e. LAC 33:VII.519.B.2, Facility Surface Hydrology;

f. LAC 33:VII.801.A, General Facility Geology (only required for Type I and II facilities that have not undergone clean closure);

g. LAC 33:VII.803, Subsurface Characterization (only required for Type I and II facilities that have not undergone clean closure);

h. LAC 33:VII.519.B.10, Facility Groundwater Monitoring (only required for Type I and II facilities that have not undergone clean closure);

i. LAC 33:VII.519.B.3, Facility Plans and Specifications (only required for Type I and II facilities with on-site closure and with a potential to produce gases);

j. the types (including chemical and physical characteristics) and sources of waste processed or disposed of at the facility;

k. LAC 33:VII.519.B.6, Facility Closure;

l. LAC 33:VII.519.B.7.a, Facility Post-Closure;

m. LAC 33:VII.519.B.7.b, Facility Post-Closure (only required for Type I and II facilities that have not undergone clean closure);

n. the name of the person who currently owns the land;

o. LAC 33:VII.519.B.8, Financial Responsibility; and

p. a detailed implementation schedule for closure of the facility with built-in flexibility to coincide with the date of approval of the closure plan.

3. ...

C. Closure Plans Determined Unacceptable or Deficient

1. – 2. ...

D. Closure Plans Deemed Technically Complete. Closure plans that have been deemed technically complete shall be approved by issuance of a closure permit. The facility shall comply with the closure permit for all closure activities performed for closing the facility. If the facility received approval of a closure plan prior to November 20, 2011, the facility shall comply with the approved closure plan.

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2489 (October 2005), LR 33:1038 (June 2007), LR 33:2144 (October 2007), LR 37:3240 (November 2011), repromulgated LR 37:3510 (December 2011).

§517. Modifications of Permits and Other Authorizations to Operate

A. Modification Requests

1. The permit holder shall submit a permit modification request to the Office of Environmental Services, for any changes in a facility or deviation from a permit. All permit modification requests shall detail the proposed modifications and shall include an assessment of the effects of the modification on the environment and/or the operation. Modification details shall include, but not be limited to, a summary detailing the modification request and all appropriate drawings, narratives, etc., which shall illustrate and describe the originally-permitted representations and the proposed modifications thereto. New language requested in the permit narrative and existing language requested to be deleted from the permit shall be identified therein.

a. Modification requests shall be submitted using the appropriate permit application form. Only those sections that are proposed for modification shall be completed. The administrative authority may request further information so that a proper determination may be made. Three paper copies and three electronic copies, in a format acceptable to the department, of all modification requests shall be provided to the Office of Environmental Services. The modification request shall incorporate, in the appropriate sections, all required plans and narratives and shall include appropriate tabbing, if applicable, for all attachments. A facility seeking to modify its permit to include changes that constitute a physical expansion of the area(s) in which solid wastes are disposed beyond the facility's existing boundaries as set forth in the facility's existing permit shall follow the pre-application requirements listed at LAC 33:VII.513.B.

b. ...

2. All proposed changes in ownership shall comply with the provisions specified in LAC 33:I.Chapter 19.

3. All major modification requests shall address the additional supplemental information required pursuant to LAC 33:VII.519.B.9 in relation to the proposed permit modification activity.

B. Public Notice of Modifications

1. Major modifications require public notice after a draft permit decision is prepared. Modifications to a permit that require public notice include, but are not limited to, the following:

a. - d. ...

e. an extension of the operating hours or days of operation;

f. a change to the facility that may have an impact on traffic patterns;

g. a reduction in the number of groundwater sampling parameters or the number of groundwater monitoring wells;

h. a lateral or vertical expansion of the permitted area(s) for waste disposal, except for vertical expansion that would result in no net increase of in-place volume; or

i. other changes in the permit that tend to make the permit requirements less stringent.

2. Once a permit modification that requires public notice has been determined by the Office of Environmental Services to be technically complete, the department shall prepare a draft permit decision following the procedures of LAC 33:VII.513.G.

3. Mandatory modifications are considered to be enhancements and will require neither public notice nor public hearing.

C. No modification shall be instituted without the written approval of the administrative authority as follows:

1. For major modifications, the administrative authority shall issue a final permit decision after the public notice period required in LAC 33:VII.517.B.2. Final permit decisions shall follow the procedures outlined in LAC 33:VII.513.H and I.

2. For minor modifications, the administrative authority shall issue a final permit decision after review of the requested modification.

D. Operation of a modified construction feature or unit of a standard permitted facility may commence after the provisions of LAC 33:VII.407.C are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430, 2490 (October 2005), LR 33:1039 (June 2007), LR 33:2145 (October 2007), LR 37:3241 (November 2011).

Subchapter D. Permit Application

§519. Permit Application Form(s)

A. The applicant shall complete a standardized permit application Form obtained from the Office of Environmental Services or the department's website. The form(s) to be used shall be based on the type of facility involved. If the application is for multiple facility types or unit types, the applicant shall combine the application forms into one application with common attachments. The application shall be completed following the information provided in the application guidance document, if applicable. Application form requirements shall be based on all Sections of LAC 33:VII as applicable.

B. Application Contents

1. General Facility Information. The following information is required from all applicants:

- a. the name of the applicant (prospective permit holder) applying for a permit;
- b. the facility name;
- c. a description of the location of the facility (identify by street and number or by intersection of roads, or by mileage and direction from an intersection);
- d. the geographic location (section, township, range, and parish where the facility is located, and the coordinates, as defined by the longitude and latitude to the second), of the center point of the facility;
- e. the mailing address of the applicant;
- f. the contact person for the applicant (the position or title of the contact person is acceptable);
- g. the telephone number of the contact person;

h. the type and purpose of the operation (check each applicable box);

i. the status of the facility (if leased, state the number of years of the lease and provide a copy of the lease agreement);

j. the operational status of the facility;

k. the total site acreage and the amount of acreage that will be used for processing and/or disposal;

l. a list of all environmental permits that relate directly to the facility represented in this application, including:

i. those permits which the applicant has been issued with dates of issuance; and

ii. those permits for which the applicant has applied or intends to apply;

m. the zoning of the facility that exists at the time of the submittal of the permit application. Note the zone classification and zoning authority, and include documentation stating that the proposed use does not violate existing land-use requirements. Written confirmation required by LAC 33:VII.513.B.2 shall be sufficient to satisfy the documentation requirement);

n. the types of waste to be processed or disposed by the facility, maximum quantities (wet tons/week and wet tons/year) of waste to be processed or disposed by the facility, and sources of waste to be processed or disposed by the facility. The applicant shall provide a breakdown (by percent) of the following:

i. all waste processed or disposed that is to be generated on-site;

ii. all waste processed or disposed that is to be received from off-site sources located within Louisiana; and

iii. all waste processed or disposed that is to be received from off-site sources located outside of Louisiana;

o. the specific geographic area(s) to be serviced by the solid waste facility;

p. proof of publication of the notice regarding the submittal of the permit application as required in LAC 33:VII.513.B.6;

q. the signature, typed name, and title of the *responsible official* as defined in LAC 33:VII.115 authorized to sign the application;

r. proof of notification to the nearest airport and the Federal Aviation Administration; and,

s. for previously permitted facilities, a brief history of the permit actions that have occurred at the site, including permits, modifications, and closure activities.

2. The following information regarding facility surface hydrology is required for all facilities:

a. a description of the method to be used to prevent surface drainage through the operating areas of the facility;

b. a description of the facility runoff/run-on collection system;

c. the rainfall amount from a 24-hour/25-year storm event;

d. the location of aquifer recharge areas in the site or within 1,000 feet of the site perimeter, along with a description of the measures planned to protect those areas from the adverse impact of operations at the facility; and

e. if the facility is located in a flood plain, a plan to ensure that the facility does not restrict the flow of the 100-year base flood or significantly reduce the temporary water-storage capacity of the flood plain, and documentation indicating that the design of the facility is such that the flooding does not affect the integrity of the facility or result in the washout of solid waste.

3. The following information regarding facility plans and specifications is required for all facilities, unless otherwise indicated:

a. Certification. The person who prepared the permit application shall provide the following certification:

"I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit application and that the facility as described in this permit application meets the requirements of LAC 33:VII.Subpart 1. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

b. Geotechnical field tests and laboratory tests shall be conducted in compliance with LAC 33:I.Subpart 3 and according to the standards of the American Society for Testing and Materials (ASTM) or the EPA or other applicable standards approved by the administrative authority. The results of these tests may be used for modeling and analysis purposes.

c. The following information is required for Type I and II facilities only:

i. detailed plan-view drawings showing original contours, proposed elevations of the base of units prior to installation of the liner system, and proposed final contours (e.g., maximum height);

ii. detailed drawings of slopes, levees, and other pertinent features;

iii. the type of material and its source for levee construction. Calculations shall be performed to indicate the volume of material required for levee construction;

iv. representative cross sections showing original and final grades, drainage, the location and type of liner, and other pertinent information;

v. a description of the liner system, which shall include calculations of anticipated leachate volumes, rationales for particular designs of such systems, and drawings; and

vi. a description of the leachate collection and removal system, which shall include calculations of anticipated leachate volumes, rationales for particular designs of such systems, and drawings.

d. The following information is required for Type I, II, and III landfills only:

i. approximate dimensions of daily fill and cover; and

ii. the type of cover material and its source for daily, interim, and final cover. Calculations shall be performed to indicate the volume of material required for daily, interim, and final cover.

4. The following information regarding facility administrative procedures is required for all facilities as indicated:

a. The following information is required for all facilities:

i. a description of the recordkeeping system, including types of records to be kept, and the use of records by management to control operations as required;

ii. an estimate of the minimum personnel, listed by general job classification, required to operate the facility;

iii. the maximum days of operation per week and hours per facility operating day (maximum hours of operation within a 24-hour period); and

iv. an annual report or certification of compliance submitted to the administrative authority.

b. Type II and Type III facilities shall include the number of certified facility operators determined and certified by the Louisiana Solid Waste Operator Certification and Training Program Board (R.S. 37:3151 et seq. and LAC 46:Part XXIII).

5. The following information regarding facility operational plans is required for all facilities as indicated:

a. The following information is required for all facilities:

i. types of waste (including chemical, physical, and biological characteristics of industrial wastes generated on-site), maximum quantities of wastes per year, and sources of waste to be processed or disposed of at the facility;

ii. waste-handling procedures from entry to final disposition, which could include shipment of recovered materials to a user;

iii. minimum equipment to be furnished at the facility;

iv. plan to segregate wastes, if applicable;

v. procedures planned in case of breakdowns, inclement weather, and other abnormal conditions (including detailed plans for wet-weather access and operations);

vi. procedures, equipment, and contingency plans for protecting employees and the general public from

accidents, fires, explosions, etc., and provisions for emergency response and care, should an accident occur (including proximity to a hospital, fire and emergency services, and training programs); and

vii. provisions for controlling vectors, dust, litter, and odors;

viii. a comprehensive operational plan describing the total operation, including but not limited to, inspection of incoming waste to ensure that only permitted wastes are accepted (Type II landfills shall provide a plan for random inspection of incoming waste loads to ensure that hazardous wastes or Toxic Substances Control Act (TSCA) regulated PCB wastes are not disposed of in the facility.); traffic control; support facilities; equipment operation; personnel involvement; and day-to-day activities. A quality-assurance/quality-control (QA/QC) plan shall be provided for facilities receiving industrial waste; domestic-sewage sludge; incinerator ash; asbestos-containing waste; nonhazardous petroleum-contaminated media; and debris generated from underground storage tanks (UST), corrective action, or other special wastes as determined by the administrative authority. The QA/QC plan shall include, but shall not be limited to, the necessary methodologies; analytical personnel; preacceptance and delivery restrictions; handling procedures; and appropriate responsibilities of the generator, transporter, processor, and disposer. The QA/QC plan shall ensure that only permitted, nonhazardous wastes are accepted;

ix. salvaging procedures and control, if applicable;

x. scavenging control; and

xi. a comprehensive air monitoring plan for facilities receiving waste with a potential to produce methane gases.

b. The following information is required for Type I and II landfarms only:

i. Items to be submitted, regardless of land use, include:

(a). a detailed analysis of waste, including but not limited to, pH, phosphorus, nitrogen, potassium, sodium, calcium, magnesium, sodium-adsorption ratio, and total metals (as listed in LAC 33:VII.715.D.3.b);

(b). soil classification, cation-exchange capacity, organic matter, content in soil, soil pH, nitrogen, phosphorus, metals (as listed in LAC 33:VII.715.D.3.b), salts, sodium, calcium, magnesium, sodium-adsorption ratio, and PCB concentrations of the treatment zone; and

(c). annual application rate (dry tons per acre) and weekly hydraulic loading (inches per acre).

ii. Items to be submitted in order for landfarms to be used for food-chain cropland include:

(a). a description of the pathogen-reduction method for septage, domestic sewage sludges, and other sludges subject to pathogen production;

(b). crops to be grown and the dates for planting;

(c). PCB concentrations in waste;

(d). annual application rates of cadmium and PCBs; and

(e). cumulative applications of cadmium and PCBs.

iii. Items to be submitted for landfarms to be used for non-food-chain purposes include:

(a). a description of the pathogen-reduction method for septage, domestic sewage sludges, and other sludges subject to pathogen production; and

(b). a description of control of public and livestock access.

c. The following information is required for Type I-A and II-A incinerator waste-handling facilities and refuse-derived energy facilities only:

i. a description of the method used to handle process waters and other water discharges that are subject to NPDES/LPDES permit and state water discharge permit requirements and regulations; and

ii. a plan for the disposal and periodic testing of ash. (All ash and residue shall be disposed of in a permitted facility.)

d. The following information is required for Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities only:

i. a description of the testing to be performed on the fuel or compost; and

ii. a description of the uses for and the types of fuel/compost to be produced.

e. Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities shall include a description of marketing procedures and control.

6. The following information regarding facility closure is required for all facilities as indicated:

a. The closure plan for all facilities shall include the following:

i. the date of final closure;

ii. the method to be used and steps necessary for closing the facility; and

iii. an itemized cost of closure of the facility, 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.

b. The closure plan for all Type I and II landfills and surface impoundments shall include the following:

i. a description of the final cover and the methods and procedures used to install the cover;

ii. an estimate of the largest area of the facility ever requiring a final cover at any time during the active life;

iii. an estimate of the maximum inventory of solid waste ever on-site over the active life of the facility;

iv. a schedule for completing all activities necessary for closure;

c. The closure plan for all Type I and II facilities and Type III woodwaste and construction/demolition debris facilities shall include the following:

i. the sequence of final closure of each unit of the facility, as applicable;

ii. a drawing showing final contours of the facility; and

iii. a copy of the document that will be filed upon closure of the facility with the official parish recordkeeper indicating the location and use of the property for solid waste disposal, unless the closure plan specifies a clean closure.

7. The following information regarding facility post-closure is required for all facilities as indicated:

a. The post-closure plan for all facilities shall include the following:

i. discussion of the long-term use of the facility after closure, as anticipated; and

ii. an itemized cost of conducting post-closure of the facility, based on the estimated cost of hiring a third party to conduct post-closure activities in accordance with the closure plan.

b. The post-closure plan for Type I and II facilities shall include the following:

i. the method for conducting post-closure activities, including a description of the monitoring and maintenance activities and the frequency at which they will be performed;

ii. the method for abandonment of monitoring systems, leachate collection systems, gas-collection systems, etc.;

iii. measures planned to ensure public safety, including access control and gas control; and

iv. a description of the planned uses of the facility during the post-closure period.

8. Documentation of financial responsibility meeting the requirements of LAC 33:VII.Chapter 13 shall be included for all facilities. The following shall be included in the documentation:

a. the name and address of the person who currently owns the land and the name and address of the person who will own the land if the permit is granted (if different from the permit holder, provide a copy of the lease or document which evidences the permit holder's authority to occupy the property); or

b. the name of the agency or other public body that is requesting the permit, or if the agency is a public corporation, its published annual report, or if otherwise, the names of the principal owners, stockholders, general partners, or officers;

c. existing facilities shall provide evidence of a financial assurance mechanism for closure and/or post-closure care and corrective action for known releases when needed. Proposed facilities shall acknowledge they will be required to obtain financial assurance in accordance with LAC 33:VII.1303.A.2.

9. Information regarding facility site assessments is required for all facilities as indicated:

a. The following information is required for all solid waste processing and disposal facilities. All responses and exhibits shall be identified in the following sequence to facilitate the evaluation:

i. a discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible;

ii. a cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental-impact costs;

iii. a discussion and description of possible alternative projects that would offer more protection to the environment without unduly curtailing nonenvironmental benefits;

iv. a discussion of possible alternative sites that would offer more protection to the environment without unduly curtailing nonenvironmental benefits; and

v. a discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing nonenvironmental benefits.

b. An application for renewal or extension of an existing permit shall not be subject to submittal of the information required in LAC 33:VII.519.B.9.a, unless said renewal or extension encompasses changes that would constitute a major modification.

c. An application for a minor modification of an existing permit shall not be subject to submittal of the information required in LAC 33:VII.519.B.9.a.

10. The following facility groundwater monitoring information is required for all Type I and II facilities only:

a. a designation of each zone that will be monitored;

b. a map for each groundwater monitoring zone that depicts the locations of all monitoring wells (including proposed monitoring wells) that are screened in a particular zone and each zone's relevant point of compliance, along with information that demonstrates that monitoring wells meet the standards in LAC 33:VII.805.A.1 and 2. For proposed monitoring wells, the response to this requirement

shall provide an implementation schedule for submitting a revised well location map showing all existing and proposed monitoring wells that are screened in each particular zone;

c. a geologic cross section along the perimeter of the facility showing screen intervals for existing and proposed monitoring wells, along with other applicable information required in LAC 33:VII.803.C.2.a. For proposed monitoring wells, the response to this requirement shall include an implementation schedule for revising applicable geologic cross sections to include the screen interval of the newly installed monitoring wells and other applicable information required in LAC 33:VII.803.C.2.a;

d. a designation of each monitoring well (including any proposed monitoring wells) as either “background” or “down gradient,” for each zone that will be monitored;

e. a table displaying pertinent well construction details for each monitoring well, including the elevation of the reference point for measuring water levels to the National Geodetic Vertical Datum (NGVD), the elevation of the ground surface (NGVD), the drilled depth (in feet), the depth to which the well is cased (in feet), the depth to the top and bottom of the bentonite seal (in feet), the depth to the top and bottom of the screen (in feet), the slot size, the casing size, and the type of grout; and as-built diagrams (cross sections) of each well providing the aforementioned well construction details. For proposed monitoring wells, the response to this requirement shall provide an implementation schedule for submitting the information specified in this requirement;

f. a demonstration that the monitoring wells are constructed according to the standards in LAC 33:VII.805.A.3. For proposed monitoring wells, the response to this requirement shall provide an implementation schedule for submitting the information specified in this requirement;

g. for an existing facility, all background data and at least three years of detection monitoring data from monitoring wells in place at the time of the permit application. If this data exists in the department records, the administrative authority may allow references to the data in the permit application. For an existing facility with no wells, groundwater data shall be submitted within 90 days after the installation of monitoring wells. For a new facility or expansion, groundwater data (one sampling event) shall be submitted before waste is accepted;

h. a sampling and analysis plan that meets the standards in LAC 33:VII.805.B and includes a table that specifies each parameter, analytical method, practical quantitation limit, and Chemical Abstracts Service registry number (CAS RN); and

i. a plan for detecting, reporting, and verifying changes in groundwater.

C. In addition to the specific requirements listed in LAC 33:VII.519.B, the applicant is required to provide all information specified in the specific permit application(s) for the type(s) of facilities for which the applicant is applying.

These specific application requirements are based on the technical requirements found in LAC 33:VII.Chapters 7 and 8 and will be specific to the type of application being completed.

D. Incomplete applications will not be accepted for review. When the administrative authority determines an application is incomplete, it shall notify the applicant. If the applicant elects to continue with the permit application process, the applicant shall follow the requirements provided in the notice. These requirements may include submitting additional information in the form of an application addendum or submitting an entirely new application.

E. All applicants for solid waste permits shall comply with the requirements of LAC 33:I.1701.

F. All applicants shall submit the appropriate application fee as determined by LAC 33:VII.Chapter 15 at the time of application submittal. Any application submitted without the appropriate fee will be determined incomplete and shall not be processed until the fee is remitted.

G. The applicant shall submit any additional information determined necessary by the administrative authority for a proper determination or decision regarding the application, including information determined necessary to prepare a draft or final permit decision. This may include additional information for special processes or systems and for supplementary environmental analysis.

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 by the Office of the Secretary, Legal Affairs Division, LR 33:1040 (June 2007), LR 33:2145 (October 2007), LR 37:3242 (November 2011).

§520. Compliance Information

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:661 (April 1999), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1040 (June 2007), repealed LR 37:3245 (November 2011).

§521. Part II: Supplementary Information, All Processing and Disposal Facilities

Repealed.

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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1040 (June 2007), LR 37:1563 (June 2011), repealed LR 37:3246 (November 2011).

§522. General Facility Geology, Subsurface Characterization, and Facility Groundwater Monitoring

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1044 (June 2007), repealed LR 37:3246 (November 2011).

§523. Part III: Additional Supplementary Information

Repealed.

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 by the Office of Waste Services, Solid Waste Division, LR 23:1685 (December 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1044 (June 2007), repealed LR 37:3246 (November 2011).

Subchapter E. Permit Requirements

§525. Certification of Compliance

A. All permitted facilities shall submit an annual certification of compliance by October 1 of each year covering the period of July 1 to June 30 immediately preceding the October 1 submittal date. This certification shall be submitted to the Office of Environmental Compliance, Surveillance Division. A form for Part I of the certification can be obtained from the Office of Environmental Compliance, however, Part II of the certification will be site specific and will set forth the site specific conditions that shall be certified in compliance with the permit. At a minimum, in addition to the requirements listed in Subsections B, C, and D of this Section, all certifications shall contain:

1. the name of the permit holder;
2. the address of the permitted facility;
3. the permit number for the facility;
4. the site identification number of the facility;
5. the agency interest identification number of the facility;
6. the name, title, address, and contact telephone number for the billing contact for the facility; and
7. any necessary calculations or conversion factors used for the certification.

B. The certification shall identify each deviation from specific permit conditions that require annual certification occurring during the reporting period and steps taken by the permit holder to return to permit conditions, as well as steps taken to insure deviations of a similar type are prevented in the future. Deviations may or may not constitute a violation of the Louisiana Environmental Quality Act or the solid

waste regulations. Facilities with groundwater monitoring programs shall also identify any deviations or exceedances pertaining to the solid waste groundwater monitoring program as well as proposed remedial actions to achieve and maintain compliance with the facility's solid waste permit.

C. All certification forms shall contain the following certification of truth, accuracy, and completeness:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

This certification shall be signed by a responsible official.

D. All permitted facilities shall provide and certify the following information annually and shall provide the methods used for determining compliance (e.g., monitoring, recordkeeping and reporting, etc.):

1. the types and quantities, in wet tons, of solid waste generated, including waste generated but sent off-site for disposal. Landfarm facilities shall report in dry and wet tons;
2. the types and quantities, in wet tons, of solid waste processed, including waste generated on-site and off-site, indicating percentage of each. For waste generated off-site, indicate whether the waste was generated in-state or out-of-state. Landfarm facilities shall report in dry and wet tons;
3. the types and quantities, in wet tons, of solid waste disposed, including waste generated on-site and off-site, indicating percentage of each. For waste generated off-site, indicate whether the waste was generated in-state or out-of-state. Landfarm facilities shall report in dry and wet tons;
4. the permitted capacity in cubic yards and wet tons;
5. the remaining capacity in cubic yards and wet tons;
6. the capacity used in the reporting period in cubic yards and wet tons;
7. the estimated remaining capacity in months and years;
8. the types and quantities (in wet tons and dry tons) of materials sent off-site for reuse and/or recycling, including the end use of the material;
9. for incinerator waste-handling facilities, shredders, balers, compactors, and transfer stations, the types and quantities of solid waste transported for disposal, in wet tons;
10. the facility has complied with the requirements of the Solid Waste Worker Certification program, if applicable;

11. the facility has paid all fees due to the department. If an invoice is in dispute, include a statement pertaining to the dispute;

12. any specific item required to be certified annually as listed in the permit;

13. for landfill facilities, the permitted total height of the landfill, including all cover materials;

14. for landfill facilities, the current height of the landfill, including all cover. The method of measurement shall be included in the certification, as well as the date the measurement was taken;

15. for air curtain destructors, identify the site and quantity of solid waste processed at each individual site;

16. the facility name, city, and state of the ultimate disposal site for any waste sent off-site for disposal;

17. the facility has updated all financial assurance estimates; and

18. the facility has updated, if required, its financial assurance mechanism.

E. In addition to those items listed in Subsection D of this Section, those permit holders who received their permit prior to November 20, 2011, shall also certify the following:

1. all reports required by the permit or regulations have been submitted as required; and

2. monitoring requirements have been met.

F. Permit holders who are issued a major modification after November 20, 2011, shall submit the annual compliance certification as specified in Subsection D of this Section and in the modified permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3246 (November 2011), repromulgated LR 37:3511 (December 2011).

§527. Construction Schedules

A. Final permits may allow or require the construction or upgrade of permitted units. If a permit allows or requires the construction or upgrading of a unit that is (or will be) directly involved in the processing or disposal of solid waste, the facility shall submit reports, on a schedule specified in the permit, describing the completed and current activities at the site from the beginning of the construction period until the construction certification required by LAC 33:VII.407.C is submitted to the Office of Environmental Services. The reports shall be submitted to the Waste Permits Division and the appropriate LDEQ Regional Office. These reports shall include, at a minimum, the following information:

1. a summary of construction activities to date;
2. the percentage of work completed to date;
3. the current status of the work;

4. details regarding the work scheduled to occur in the next reporting period;

5. details of the work successfully completed since the last report;

6. weather conditions for the reporting period and impacts, if any;

7. details regarding any quality control or quality assurance problems encountered; and

8. any additional information requested by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3247 (November 2011).

§529. Conditions Applicable to All Permitted Facilities

A. The following conditions apply to all solid waste permits.

1. The permit holder shall comply with all conditions of a permit except that the permit holder need not comply with the conditions of a permit to the extent and for the duration such noncompliance is authorized in an emergency permit or order. Any permit noncompliance constitutes a violation of the Act and any amendments to the Act, and is grounds for enforcement action, permit suspension, revocation or modification, or denial of a permit renewal application.

2. It shall not be a defense for a permit holder in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of a permit.

3. The permit holder shall take all necessary steps to minimize and/or correct any adverse impact on the environment resulting from noncompliance with a permit.

4. The permit holder shall at all times properly operate and maintain all facilities and systems which are installed or used by the permit holder to achieve compliance with the conditions of a permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of a permit.

5. The filing of a request by the permit holder for a permit modification, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. A permit does not convey any property rights of any sort, or any exclusive privilege.

7. The permit holder shall furnish to the administrative authority, within a reasonable time, any information which may be requested to determine whether

cause exists for modifying, revoking, suspending or terminating an effective permit, or to determine compliance with an effective permit. The permit holder shall also furnish, upon request, copies of records required to be kept by a permit.

8. The permit holder shall allow the administrative authority, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a. enter upon the permit holder's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of its permit;

b. have access to and copy, at reasonable times, any records that shall be kept under the conditions of its permit;

c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under its permit; and

d. sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

9. The permit holder shall report any fire, explosion, unplanned sudden or non-sudden release to air, soil, or water which may endanger health or the environment as required by the "Notification Regulations and Procedures for Unauthorized Discharges" (see LAC 33:I.Chapter 39).

10. If the permit holder determines that incorrect or incomplete information was submitted in a permit application or in any report to the administrative authority, the permit holder shall promptly submit such facts or information to the Office of Environmental Services.

11. A permit issued under these regulations does not authorize non-compliance with any other federal, state, or local regulation, law, or statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3247 (November 2011).

Chapter 7. Solid Waste Standards

Subchapter A. Landfills, Surface Impoundments, Landfarms

§709. Standards Governing Type I and II Solid Waste Disposal Facilities

A. Location Characteristics. The information on location characteristics listed in this Subsection is required and shall be provided for all Type I and II solid waste disposal facilities.

1. – 11. ...

B. Facility Characteristics. The following facility characteristics are required for Type I and II solid waste facilities.

1. – 2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. The requirement for a 300 feet buffer zone between the facility and a church shall not apply to any landfill or disposal facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility (or 300 feet for a church). The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of landfills that have been closed in accordance with these regulations and for existing facilities.

B.3.b. – E. ...

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), repromulgated LR 19:1315 (October 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2490 (October 2005), LR 33:1045 (June 2007), LR 34:613 (April 2008), LR 35:925 (May 2009). LR 37:3248 (November 2011).

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

A. Surface Hydrology

1. – 2. ...

3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility that have not received final cover. The proposed system shall be designed to collect and control at least the water volume resulting from a 24-hour/25-year storm event and /or the peak discharge from a 25-year storm event.

4. – 5. ...

6. A run-on control system shall be installed to prevent run-on during the peak discharge from a 25-year storm event and/or to collect and control at least the water volume resulting from a 24-hour/25-year storm event.

B. Plans and Specifications

1. – 2.d. ...

e. Interim cover or interim compacted cover shall be applied on all operating areas of a facility that will not receive solid waste for a period longer than 60 days. Interim cover or interim compacted cover must be applied within 48 hours of the last receipt of solid waste in the operating area or as soon as weather permits. Facilities that provide interim cover or interim compacted cover shall also implement erosion control measures. Any delay in the application/completion of interim cover due to weather shall not exceed seven calendar days unless a written extension is issued by the Office of Environmental Compliance.

f. – g. ...

h. The facility shall maintain a daily log which includes the following information:

- i. specific area of daily and interim cover placement;
- ii. source of cover material; and,
- iii. depth of cover material applied.

3. – 4.f.iv. ...

v. The flow path of leachate on the liner surface shall be no greater than 100 feet to the point of collection. (For the purpose of determining this distance, the permit holder or applicant may assume that the leachate flow path is perpendicular to the leachate collection pipe along the cell floor.)

vi. The slope on the surface of the liner toward the leachate collection lines shall be a minimum of 2 percent based on post-settlement conditions. Settlements shall be calculated based on geotechnical testing performed on soil samples extracted from the site. Flatter slopes may be approved by the administrative authority if the slopes keep positive drainage and it is demonstrated that the slopes will not adversely affect the maximum required leachate head in accordance with Clause B.4.f.viii of this Subsection.

vii. The slope of all leachate collection pipes shall be a minimum of 1 percent based on post-settlement conditions. Settlements shall be calculated based on geotechnical testing performed on soil samples extracted from the site. Flatter slopes may be approved by the administrative authority if they keep positive drainage and it is demonstrated that they will not adversely affect the maximum required leachate head in accordance with Clause B.4.f.viii of this Subsection.

viii. – xix. ...

g. Alternate leachate collection and removal system designs may be approved by the administrative authority if the applicant can demonstrate, using modeling methods acceptable to the administrative authority, that the alternate leachate collection and removal system would offer equivalent or greater groundwater protection than the protection offered in LAC 33:VII.711.B.4.f. The

demonstration shall indicate the specific types of waste to be disposed and shall include all other relevant site-specific factors. If the administrative authority determines the proposed alternate leachate collection and removal system has not been demonstrated to offer equivalent or greater groundwater protection, the alternate design will be denied and the applicant will be required to follow the standards of Subparagraph B.4.f of this Subsection.

5. – 5.d. ...

6. Gas Collection/Treatment or Removal System

a. Each unit of the facility with a potential for methane gas production and migration shall be required to install a gas collection/treatment or removal system:

i. when the facility is required to install a gas collection/treatment or removal system under 40 CFR Part 60, Subpart WWW; or,

ii. when needed to limit methane gas to the lower-explosive limits at the facility boundary and to 25 percent of the lower explosive limits in facility buildings.

b. Sampling protocol, chain of custody, and test methods shall be established for all gas collection/treatment or removal systems.

7. Slope Stability Analysis

a. A slope stability analysis shall be conducted by a professional engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering.

b. Slope stability analyses shall contain an evaluation of the slopes of cell excavations deeper than 10 feet, proposed final elevations, and critical intermediate conditions, when applicable. Both short-term and long-term analyses shall be performed.

c. A minimum safety factor of 1.5 shall be required for all slope stability analyses unless an alternate safety factor is approved by the administrative authority.

d. Verifications of landfill slopes shall include, at a minimum, analysis of critical surfaces passing through the waste mass, along the liner system interface(s), and through the foundation soils.

e. Soil parameters and conditions utilized in the slope stability analysis shall be based on in-situ geotechnical and hydrogeological data. Geotechnical testing shall be signed by a professional engineer, licensed in the state of Louisiana, with expertise in geotechnical engineering. Geotechnical testing shall be representative of the site conditions with respect to the number of samples and types of tests selected, and in accordance with LAC 33:VII.519.B.3.b. Waste parameters utilized in the analyses shall be justified.

f. The administrative authority may require deep soil borings and/or cone penetration tests (CPTs) to be performed in addition to the soil boring requirements of LAC 33:VII.803.A.2. The number of deep soil borings and/or cone penetration tests and their depths shall be

sufficient to adequately represent the subsurface conditions for the slope stability analysis.

g. Slope stability analysis shall also be performed for vertical and lateral expansions, and for any expansion that includes an increase of steepness of the landfill slopes.

h. A report with the results of the slope stability analysis shall be prepared, clearly identifying the methods utilized. The report shall also include references and a summary of the data and parameters utilized, the location of the sections analyzed, a depiction of the slope geometry and critical surfaces, the minimum safety factor for each type of analysis, and the computer-generated print-outs.

C. Facility Administrative Procedures

1. The permit holder shall submit an annual certification of compliance, as required by LAC 33:VII.525.

2. Recordkeeping

a. The permit holder shall maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility and for a minimum of three years after final closure. These records shall be maintained on-site for a minimum of three years. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. All permit applications and addenda (including those pertaining to prior permits) shall be maintained with the on-site records.

b. – c.iv. ...

v. certified field notes for construction (may be stored at an off-site location with readily available access);

vi. – x. ...

xi. records, including field notes, demonstrating that liners, leachate-control systems, and leak-detection and cover systems are constructed or installed in accordance with appropriate quality assurance procedures;

xii. records on the leachate volume and results of the leachate sampling, if applicable;

2.c.xiii. – 3.b. ...

D. Facility Operations

1. Facility Limitations

a. – j. ...

k. Operating slopes within the landfill shall be maintained in a manner that provides for the proper compaction of waste and the application of cover as required by LAC 33:VII.711.D.3.b.

2. – 2.h. ...

3. Facility Operational Standards

a. Air-Monitoring Standards

i. Facilities receiving waste with a potential to produce methane gas shall be subject to the air-monitoring requirements of this Subparagraph. Facilities subject to this Subparagraph that are also required to maintain a surface monitoring design plan under an effective 40 CFR Part 70 (Title V) operating permit shall comply with the monitoring requirements of the Title V operating permit. Compliance with the monitoring requirements under an effective Title V operating permit shall constitute compliance with the air monitoring requirements of this Section.

a.ii. – c.ii. ...

d. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1103 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

4. – 6.e. ...

7. All permit holders shall demonstrate that the permitted landfill height has not been exceeded and shall document that information in the operating plan for the facility. Additionally, the method used to determine overall landfill height shall be documented. The landfill height shall be certified at least every five years by a professional land surveyor, licensed in the state of Louisiana, or a registered professional engineer, licensed in the state of Louisiana. This certification shall be included with the annual certification of compliance required by LAC 33:VII.525.

E. – 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 37:1563 (June 2011), LR 37:3248 (November 2011).

§713. Standards Governing Surface Impoundments (Type I and II)

A. – A.2. ...

3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility that have not received final cover. The proposed

system must be designed to collect and control at least the water volume resulting from a 24-hour/25-year storm event and/or the peak discharge from a 25-year storm event. Adequate freeboard shall be provided to prevent overtopping by wave action.

4. ...

5. Surface run-on from outside the facility shall be diverted and prevented from entering the facility, with provisions for maintaining adequate freeboard above the requirements of Paragraph A.1 of this Section. A run-on control system shall be installed to prevent run-on during the peak discharge from a 25-year storm event and/or to collect and control at least the water volume resulting from a 24-hour/25-year storm event.

6. ...

B. Plans and Specifications

1. – 4. ...

a. Each unit of the facility with a potential for methane gas production and migration shall be required to install a gas collection/treatment or removal system:

i. when the facility is required to install a gas collection/treatment or removal system under 40 CFR Part 60, Subpart WWW; or,

ii. when needed to limit methane gas to the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

b. Sampling protocol, chain of custody, and test methods shall be established for all gas collection/treatment or removal systems.

C. Facility Administrative Procedures

1. The permit holder shall submit an annual certification of compliance, as required by LAC 33:VII.525.

2. Recordkeeping

a. The permit holder shall maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility and for a minimum of three years after final closure. These records shall be maintained on-site for a minimum of three years. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. All permit applications and addenda (including those pertaining to prior permits) shall be maintained with the on-site records.

b. – c.iv..

v. certified field notes for construction (may be stored at an off-site location with readily available access);

vi. – x. ...

xi. records, including field notes, demonstrating that liners and leak-detection and cover systems are constructed or installed in accordance with appropriate assurance procedures;

2.xii. – 3.b. ...

D. Facility Operations

1. – 2.h. ...

3. Facility Operational Standards

a. Air-Monitoring Standards

i. Facilities receiving waste with a potential to produce methane gas shall be subject to the air-monitoring requirements of this Subparagraph. Facilities subject to this Subparagraph who are also required to maintain a surface monitoring design plan under an effective 40 CFR Part 70 (Title V) operating permit shall comply with the monitoring requirements of the Title V operating permit. Compliance with the monitoring requirements under an effective Title V operating permit shall constitute compliance with the air monitoring requirements of this Section.

ii. The permit holder or applicant subject to air-monitoring requirements shall submit to the Office of Environmental Services a comprehensive air-monitoring plan that will limit methane gas levels to less than the lower-explosive limits at the facility boundary and to 25 percent of the lower-explosive limits in facility buildings.

a.ii.(a). – d. ...

e. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1103 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

4. – 5.e. ...

E. Facility Closure Requirements

1. – 1.c. ...

2. Preclosure Requirements. The following standards apply to preclosure requirements for surface impoundments with on-site closure.

a. All facilities with a potential for gas production or migration shall install a gas collection/treatment or removal system, if one is not already present.

b. ...

3. Closure Requirements

a. – c. ...

i. Final cover shall be a minimum of 24 inches of recompact clay with a permeability of less than 1×10^{-7} cm/sec overlain with an approved geomembrane covering

the entire area. Areas that are steeper than 4:1 slope do not require geomembrane overlay. Final slopes shall not be less than four percent nor greater than 3(H):1(V). Alternate final slopes may be approved by the administrative authority. Geotechnical calculations prepared by a registered professional engineer shall be provided if required by the administrative authority for all facilities whose closure plans have not been approved as of November 20, 2011.

E.3.c.ii. – F.2.b.iv. ...

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), 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 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1053 (June 2007), LR 33:2146 (October 2007), LR 36:1241 (June 2010), LR 37:1563 (June 2011), LR 37:3250 (November 2011), repromulgated LR 37:3511 (December 2011).

§715. Standards Governing Landfarms (Type I and II)

A. Surface Hydrology

1 – 2. ...

3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility that have not completed the post-closure period to adjoining areas during the peak discharge from a 25-year storm event and/or to collect and control at least the water volume resulting from a 24-hour/25-year storm event.

4. ...

5. A run-on control system shall be installed to prevent run-on during the peak discharge from a 25-year storm event and/or to collect and control at least the water volume resulting from a 24-hour/25-year storm event.

A.6. – B.2.b. ...

C. Facility Administrative Procedures

1.a. The permit holder shall submit an annual certification of compliance, as required by LAC 33:VII.525.

b. The following information shall be included in the annual certifications submitted to the Office of Environmental Services:

i. a copy of the semiannual soil waste mixtures tests and analyses of the results with conclusions, submitted semiannually, or more frequently if deemed necessary by the administrative authority. Test parameters shall consist of soil pH, total nitrogen, phosphorus, organic matter, salts (intrinsic to the waste), cumulative metals, and others as deemed necessary on a site- and waste-specific basis;

ii. annual reports of the analysis of all test results on the soils, land-use, and crop information, calculated amounts of waste applied per acre, total amounts of nitrogen applied per acre, and cumulative-metals loading. Annual reports shall be submitted to the Office of Environmental Services for a minimum of three years for Type II landfarms and 10 years for Type I landfarms after closure and shall contain analyses of all test results of the soils. The post-closure monitoring annual reporting may be reduced for certain types of landfarms if the permit holder demonstrates to the administrative authority's satisfaction that such a change is warranted.

2. Recordkeeping

a. The permit holder shall maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility and for a minimum of three years after final closure. These records shall be maintained on-site for a minimum of three years. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. All permit applications and addenda (including those pertaining to prior permits) shall be maintained with the on-site records.

b. ...

c. Records kept on site for all facilities shall include, but not be limited to:

i. – iv. ...

v. certified field notes for construction (may be stored at an off-site location with readily available access);

2.c.vi. – 3.b. ...

D. Facility Operations

1. – 2.g. ...

3. Facility Operational Standards

a. Air-Monitoring Standards

i. Facilities receiving waste with a potential to produce gases shall be subject to the air-monitoring requirements of this Subparagraph. Facilities subject to this Subparagraph who are also required to maintain a surface monitoring design plan under an effective 40 CFR Part 70 (Title V) operating permit shall comply with the monitoring requirements of the Title V operating permit. Compliance with the monitoring requirements under an effective Title V operating permit shall constitute compliance with the air monitoring requirements of this Section.

a.ii. – j. ...

k. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1103 for all solid waste prior to acceptance. Every

year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

D.4. – F.3.b. ...

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), 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 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1058 (June 2007), LR 33:2147 (October 2007), LR 35:1880 (September 2009), LR 37:1563 (June 2011), LR 37:3251 (November 2011), repromulgated LR 37:3511 (December 2011).

Subchapter B. Solid Waste Processors

§717. Standards Governing All Type I-A and II-A Solid Waste Processors

A. Location Characteristics. The information on location characteristics listed in this Subsection is required and shall be provided for all Type I-A and II-A solid waste processing and disposal facilities.

1. – 10. ...

B. Facility Characteristics. The following facility characteristics are required for Type I-A and Type II-A solid waste processors and disposers.

1. – 2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. The requirement for a 300 feet buffer zone between the facility and a church shall not apply to any landfill or disposal facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility (or 300 feet for a church). The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or

modified by the administrative authority for areas of processing facilities that have been closed in accordance with these regulations and for existing facilities.

3.b. – 7. ...

C. Surface Hydrology

1. ...

2. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility that have not received final cover. The proposed system shall be designed to collect and control at least the water volume resulting from a 24-hour/25-year storm event and/or the peak discharge from a 25-year storm event.

D. – E.2.b. ...

F. Facility Administrative Procedures

1. The permit holder shall submit an annual certification of compliance, as required by LAC 33:VII.525.

2. Recordkeeping

a. The permit holder shall maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility and for a minimum of three years after final closure. These records shall be maintained on-site for a minimum of three years. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. All permit applications and addenda (including those pertaining to prior permits) shall be maintained with the on-site records.

2.b. – 3.b. ...

G. Facility Operations

1. – 2.d. ...

3. Facility Operational Standards

a. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1103 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

G.3.b. – I.3. ...

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 by the Office of the Secretary, LR 24:2252 (December 1998), amended by

the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:1563 (June 2011), LR 37:3252 (November 2011).

Subchapter C. Minor Processing and Disposal Facilities

§719. Standards Governing All Type III Processing and Disposal Facilities

A. Location Characteristics. The information on location characteristics listed in this Subsection is required and shall be provided for all Type III solid waste processing and disposal facilities.

1. – 10. ...

B. Facility Characteristics. The following facility characteristics are required for all Type III solid waste facilities.

1. – 2.d. ...

3. Buffer Zones

a. Buffer zones of not less than 50 feet shall be provided between the facility and the property line. Buffer zones of not less than 200 feet shall be provided between the facility and the property line for any new facility. The requirement for a 200 feet buffer zone between the facility and the property line shall not apply to any facility existing on November 20, 2011, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. The requirement for a 300 feet buffer zone between the facility and a church shall not apply to any landfill or disposal facility existing prior to April 1, 2010, to any portion of such facility that has been closed or that has ceased operations, or to future expansions of the permitted disposal area of any such facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 50 feet from the facility (for facilities existing on November 20, 2011), less than 200 feet from the facility (for facilities constructed after November 20, 2011), or less than 300 feet from the facility (for facilities located less than 300 feet from a church). The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of woodwaste/construction/demolition-debris landfills that have been closed in accordance with these regulations and for existing facilities. Notwithstanding this

Paragraph, Type III air curtain destructors and composting facilities that receive putrescible, residential, or commercial waste shall meet the buffer zone requirements in LAC 33:VII.717.B.3. In addition, air curtain destructors shall maintain at least a 1,000-foot buffer from any dwelling other than a dwelling or structure located on the property on which the burning is conducted (unless the appropriate notarized affidavit waivers are obtained).

3.b. – 7. ...

C. Surface Hydrology

1. – 2. ...

3. Surface-runoff-diversion levees, canals, or devices shall be installed to prevent drainage from the units of the facility that have not received final cover. The proposed system shall be designed to collect and control at least the water volume resulting from a 24-hour/25-year storm event and/or the peak discharge from a 25-year storm event.

C.4. – E.2. ...

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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1065 (June 2007), LR 33:2149 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:3252 (November 2011), repromulgated LR 37:3511 (December 2011).

§721. Standards Governing Construction and Demolition Debris and Woodwaste Landfills (Type III)

A. Plans and Specifications

1. – 2.a.vii. ...

b. Wastes shall be covered with silty clays applied a minimum of 12 inches thick. At a minimum, all wastes shall be covered within 30 days of disposal.

c. Wastes shall be deposited in the smallest practical area and compacted each day. Multiple working faces are prohibited.

d. The facility shall maintain a log including the following information:

i. date of cover material application;

ii. volume of cover material applied;

iii. description of the location where the cover material was applied;

iv. source of the cover material; and

v. depth of cover material applied.

3. – 3.b. ...

B. Facility Administrative Procedures

1. The permit holder shall submit an annual certification of compliance, as required by LAC 33:VII.525.

2. Recordkeeping

a. The permit holder shall maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility and for a minimum of three years after final closure. These records shall be maintained on-site for a minimum of three years. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. All permit applications and addenda (including those pertaining to prior permits) shall be maintained with the on-site records.

b. – c. ...

i. copies of the applicable Louisiana solid waste rules and regulations;

ii. the permit;

iii. the permit application;

iv. permit modifications; and

v. a log documenting the dates of cover application and the volume of cover applied.

3. – 3.b. ...

C. Facility Operations

1 – 1.g. ...

h. Operating slopes within the landfill shall be maintained in a manner that provides for the proper compaction of waste and the application of cover material as required by LAC 33:VII.721.A.2.b and c.

2. – 5.d. ...

6. All permit holders shall demonstrate that the permitted landfill height has not been exceeded and shall document that information in the operating plan for the facility. Additionally, the method used to determine overall landfill height shall be documented. The landfill height shall be certified at least every five years by a professional land surveyor, licensed in the state of Louisiana, or a registered professional engineer, licensed in the state of Louisiana. This certification shall be included with the annual certification of compliance required by LAC 33:VII.525.

D. – E.3. ...

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 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR

26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:1577 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1067 (June 2007), LR 33:2149 (October 2007), LR 34:1901 (September 2008), LR 37:1563 (June 2011), LR 37:3253 (November 2011).

§723. Standards Governing Composting Facilities

A. – B. ...

C. Facility Administrative Procedures

1. The permit holder shall submit an annual certification of compliance, as required by LAC 33:VII.525.

2. Recordkeeping

a. The permit holder shall maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility and for a minimum of three years after final closure. These records shall be maintained on-site for a minimum of three years. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. All permit applications and addenda (including those pertaining to prior permits) shall be maintained with the on-site records.

C.2.b. – E.4. ...

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 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2496 (October 2005), LR 33:1069 (June 2007), LR 33:2150 (October 2007), LR 37:1563 (June 2011), LR 37:3254 (November 2011).

§725. Standards Governing Separation and Woodwaste Processing Facilities (Type III)

A. – A.2.b. ...

B. Facility Administrative Procedures

1. The permit holder shall submit an annual certification of compliance, as required by LAC 33:VII.525.

2. Recordkeeping

a. The permit holder shall maintain all records specified in the application as necessary for the effective management of the facility and for preparing the required reports for the life of the facility and for a minimum of three years after final closure. These records shall be maintained on-site for a minimum of three years. These records may be

retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. All permit applications and addenda (including those pertaining to prior permits) shall be maintained with the on-site records.

B.2.b. – D.3. ...

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 20:1001 (September 1994), LR 22:280 (April 1996), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2528 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2026 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2496 (October 2005), LR 33:1073 (June 2007), LR 33:2151 (October 2007), LR 37:1563 (June 2011), LR 37:3254 (November 2011).

Chapter 13. Financial Assurance for All Processors and Disposers of Solid Waste

§1301. Financial Responsibility during Operation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1088 (June 2007), amended LR 33:2153 (October 2007), repealed LR 37:3254 (November 2011).

§1303. Financial Responsibility for Closure and Post-Closure Care

A. – A.1. ...

2. Permit holders of existing facilities shall submit financial assurance documentation that complies with the requirements of this Chapter. Applicants or permit holders for new facilities shall submit evidence of financial assurance in accordance with this Chapter at least 60 days before the date on which solid waste is first received for processing or disposal. The financial assurance documentation shall be approved by the administrative authority prior to any acceptance of waste.

3. The applicant or permit holder shall submit to the Office of Environmental Services the estimated closure date and the estimated cost of closure and post-closure care in accordance with the following procedures.

a. The applicant or permit holder must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in these regulations. The estimate must equal the cost of closure at the point in the facility's operating life when the

extent and manner of its operation would make closure the most expensive, as indicated by the closure plan, and shall be based on the cost of hiring a third party to close the facility in accordance with the closure plan.

b. The applicant or permit holder of a facility subject to post-closure monitoring or maintenance requirements must have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the provisions of these regulations. The estimate of post-closure costs is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required and shall be based on the cost of hiring a third party to conduct post-closure activities in accordance with the closure plan and the most expensive costs of post-closure care during the post-closure care period.

c. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared on the basis of either the inflation factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business* or a reestimation of the closure and post-closure costs in accordance with Subparagraphs A.2.a and b of this Section. The permit holder or applicant must revise the cost estimate whenever a change in the closure/post-closure plans increases or decreases the cost of the closure/post-closure plans. The permit holder or applicant must submit a written notice of any such adjustment to the Office of Environmental Services within 15 days following such adjustment.

d. For trust funds, the first payment must be at least equal to the current closure and post-closure cost estimate, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each annual anniversary of the date of the first payment. The amount of each subsequent payment must be determined by subtracting the current value of the trust fund from the current closure and post-closure cost estimates and dividing the result by the number of years remaining in the pay-in period. For landfill facilities, the initial pay-in period is based on the estimated life of the facility, up to 20 years, unless a longer term is specified in the permit. For all other facilities, the pay-in period is the initial term of the permit, unless a longer term is specified in the permit. Applicants requesting a longer pay-in period shall justify the need for the longer term to the administrative authority.

4. Minor deviations from specified language contained in the appendices of LAC 33:VII.1399 may be approved by the administrative authority on a case-by-case basis if the administrative authority determines that the revised language remains equivalent to or more stringent than the language specified in the specific appendix. The applicant shall show a specific need for the change and all changes shall be approved by the administrative authority before the document can be used to meet the requirements of this Chapter.

5. The permit holder or applicant shall notify the Office of Environmental Services within 30 days of first becoming aware of a reduction in a bond rating when using the financial test allowed by LAC 33:VII.1303.H or I.

B. Financial Assurance Mechanisms. The financial assurance mechanism must be one or a combination of the following: a trust fund, a financial guarantee bond, a performance bond, a letter of credit, an insurance policy, or a financial test and/or corporate guarantee. The financial assurance mechanism is subject to the approval of the administrative authority and must fulfill the following criteria.

1. – 4. ...

5. The language of the financial assurance mechanisms listed in this Section shall ensure that the instruments satisfy the following criteria:

a. The financial assurance mechanisms shall ensure that the amount of funds assured is sufficient to cover the costs of closure and post-closure care when needed.

b. The financial assurance mechanisms shall ensure that funds will be available in a timely fashion when needed.

c. The financial assurance mechanisms shall be obtained by the permit holder or applicant by the effective date of these requirements or at least 60 days prior to the initial receipt of solid waste, whichever is later, and shall provide financial assurance until the permit holder or applicant is released from the financial assurance requirements under this Section.

d. The financial assurance mechanisms shall be legally valid, binding, and enforceable under state and federal law.

6. A financial assurance mechanism may be cancelled or terminated only if alternate financial assurance is substituted as specified in the appropriate section or if the permit holder or applicant is no longer required to demonstrate financial assurance in accordance with these regulations.

C. Trust Funds. A permit holder or applicant may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the following requirements and submitting an originally signed duplicate of the trust agreement to the Office of Environmental Services.

1. – 7. ...

8. The administrative authority may, on the basis of a reasonable belief that the facility will close before pay-in is completed and the permit holder or applicant does not have adequate funds in the trust for closure and post-closure care, require reports regarding the financial condition of the permit holder or applicant. If the administrative authority finds, on the basis of such reporting or other information, that the permit holder or applicant no longer satisfies the requirements of this Subsection, the permit holder or applicant shall provide alternate financial assurance as

specified in this Section within 30 days after notification of such a finding.

9. After beginning final closure, a permit holder, or any other person authorized by the permit holder to perform closure and/or post-closure, may request reimbursement for closure and/or post-closure expenditures by submitting itemized bills to the Office of Environmental Services. Within 60 days after receiving bills for such activities, the administrative authority will determine whether the closure and/or post-closure expenditures are in accordance with the closure plan or otherwise justified, and, if so, he or she shall instruct the trustee to make reimbursement in such amounts as the administrative authority specifies in writing. If the administrative authority has reason to believe that the cost of closure and/or post-closure will be significantly greater than the value of the trust fund, he may withhold reimbursement for such amounts as he deems prudent until he determines that the permit holder is no longer required to maintain financial assurance.

10. The wording of the trust agreement shall be identical to the wording in LAC 33:VII.1399.Appendix D, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted. The trust agreement shall be accompanied by a formal certification of acknowledgement.

D. Financial Guarantee Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a financial guarantee bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services.

1. ...

2. The permit holder or applicant who uses a financial guarantee bond to satisfy the requirements of this Section must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust fund shall be as specified in LAC 33:VII.1399.Appendix D; the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

3. – 7. ...

8. The wording of the financial guarantee bond guaranteeing payment into a standby trust fund shall be identical to the wording in LAC 33:VII.1399.Appendix E, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

E. Performance Bonds. A permit holder or applicant may satisfy the requirements of this Section by obtaining a performance bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services.

1. ...

2. The permit holder or applicant who uses a performance bond to satisfy the requirements of this Section must also provide to the administrative authority evidence of establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust fund shall be as specified in LAC 33:VII.1399.Appendix D; the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

E.3. – G.10. ...

H. Financial Test. A permit holder, applicant, or guarantor of the permit holder or applicant, which will be responsible for the financial obligations, may satisfy the requirements of this Section by demonstrating that he or she passes a financial test as specified in this Subsection. The assets of the guarantor of the applicant or permit holder shall not be used to determine whether the applicant or permit holder satisfies the financial test, unless the guarantor has supplied a corporate guarantee as outlined in this Subsection.

1. To pass this test, the permit holder, applicant, or guarantor of the permit holder or applicant, must meet the criteria of one of the following provisions.

a. The permit holder, applicant, or guarantor of the permit holder or applicant must have:

i. tangible net worth of at least six times the sum of the current closure and post-closure cost estimates to be demonstrated by this test;

ii. ...

iii. assets in the United States amounting to either at least 90 percent of his or her total assets, or at least six times the sum of the current closure and post-closure cost estimates, to be demonstrated by this test.

b. The permit holder, applicant, or guarantor of the permit holder or applicant shall have:

i. a ratio of less than 1.5 comparing total liabilities to net worth;

ii. tangible net worth of at least \$10 million; and

iii. assets in the United States amounting to either 90 percent of his or her total assets, or at least six times the sum of the current closure and post-closure cost estimates, to be demonstrated by this test.

c. The permit holder, applicant, or guarantor of the permit holder or applicant must have:

i. a current rating for his or her most recent bond issuance of AAA, AA, A, or BBB, as issued by *Standard and Poor's*, or Aaa, Aa, or Baa, as issued by *Moody's*;

ii. tangible net worth of at least \$10 million; and

iii. assets in the United States amounting to either 90 percent of his or her total assets or at least six times the

sum of the current closure and post-closure cost estimates, to be demonstrated by this test.

d. The permit holder, applicant or guarantor of the permit holder or applicant shall have:

i. a ratio of greater than 0.10 comparing the sum of net income plus depreciation, depletion, and amortization, minus \$10 million, to total liabilities;

ii. tangible net worth of at least \$10 million; and

iii. assets in the United States amounting to either 90 percent of his or her total assets, or at least six times the sum of the current closure and post-closure cost estimates, to be demonstrated by this test.

2. To demonstrate that he or she meets this test, the permit holder, applicant, or guarantor of the permit holder or applicant must submit the following three items to the Office of Environmental Services:

a. a letter signed by the chief financial officer of the permit holder, applicant, or guarantor demonstrating and certifying satisfaction of the criteria in Paragraph H.1 of this Section and including the information required by Paragraph H.4 of this Section. If the financial test is provided to demonstrate both assurance for closure and/or post-closure care and liability coverage, a single letter to cover both forms of financial responsibility is required;

b. a copy of the independent certified public accountant's report on the financial statements of the permit holder, applicant, or guarantor of the permit holder or applicant for the latest completed fiscal year; and

c. If the chief financial officer's letter providing evidence of financial assurance includes financial data that are different from the data in the audited financial statements in Subsection H.2.b of this Section, a special report from the independent certified public accountant of the permit holder, applicant, or guarantor of the permit holder or applicant shall be submitted. The special report shall be based on an agreed upon procedures engagement in accordance with professional auditing standards and shall describe the procedures performed in comparing the data in the chief financial officer's letter derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements, the findings of that comparison, and reasons for any differences.

3. The administrative authority may disallow use of this test on the basis of the opinion expressed by the independent CPA in his report on qualifications based on the financial statements. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The administrative authority will evaluate other qualifications on an individual basis. The administrative authority may disallow the use of this test on the basis of the accessibility of the assets of the guarantor, permit holder, or applicant. The permit holder, applicant, or guarantor must provide alternate financial assurance, as specified in this Section, within 30 days after notification of disallowance.

4. The permit holder, applicant, or guarantor of the permit holder or applicant shall provide to the Office of Environmental Services a letter from the chief financial officer, the wording of which shall be identical to the wording in LAC 33:VII.1399.Appendix I, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted. The letter shall list all the current cost estimates, in state or out of state, covered by a financial test, including, but not limited to, cost estimates required for solid waste management facilities under this Section, cost estimates required for UIC facilities under 40 CFR Part 144, if applicable, cost estimates required for petroleum underground storage tank facilities under 40 CFR Part 280, if applicable, cost estimates required for PCB storage facilities under 40 CFR Part 761, if applicable, and cost estimates required for hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, if applicable.:

5. – 6. ...

7. After initial submission of the items specified in Paragraph H.2 of this Section, the permit holder, applicant, or guarantor of the permit holder or applicant must send updated information to the Office of Environmental Services within 90 days after the close of each succeeding fiscal year. This information must include all three items specified in Paragraph H.2 and the adjusted item specified in Subparagraph A.2.c of this Section.

8. The administrative authority may, on the basis of a reasonable belief that the permit holder, applicant, or guarantor of the permit holder or applicant may no longer meet the requirements of this Subsection, require reports of financial condition at any time in addition to those specified in Paragraph H.2 of this Section. If the administrative authority finds, on the basis of such reports or other information, that the permit holder, applicant, or guarantor of the permit holder or applicant no longer meets the requirements of Paragraph H.2 of this Section, the permit holder or applicant, or guarantor of the permit holder or applicant must provide alternate financial assurance as specified in this Section within 30 days after notification of such a finding.

9. A permit holder or applicant may meet the requirements of this Subsection for closure and/or post-closure by obtaining a written guarantee, hereafter referred to as a "corporate guarantee." The guarantor must be the direct or higher-tier parent corporation of the permit holder or applicant for the solid waste facility or facilities to be covered by the guarantee, a firm whose parent corporation is also the parent corporation of the permit holder or applicant, or a firm with a "substantial business relationship" with the permit holder or applicant. The guarantor must meet the requirements and submit all information required for permit holders or applicants in Paragraphs H.1-8 of this Section and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Paragraphs H.2 and 4 of this Section. The wording of the corporate guarantee must be identical to the wording in LAC 33:VII.1399.Appendix J,

except that instructions in brackets are to be replaced with the relevant information and the brackets removed. The terms of the corporate guarantee must be in an authentic act signed and sworn by an authorized representative of the guarantor before a notary public and must provide that:

a. the guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in this Section;

b. the guarantor is the direct or higher-tier parent corporation of the permit holder or applicant of the solid waste facility or facilities to be covered by the guarantee, a firm whose parent corporation is also the parent corporation of the permit holder or applicant, or a firm with a "substantial business relationship" with the permit holder or applicant, and the guarantee extends to certain facilities;

c. – i. ...

j. the guarantor agrees that if the permit holder or applicant fails to provide alternative financial assurance as specified in this Section, and to obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the permit holder or applicant; and

k. ...

I. Local Government Financial Test. An owner or operator that satisfies the requirements of Paragraphs I.1-3 of this Section may demonstrate financial assurance up to the amount specified in Paragraph I.4 of this Section.

1. Financial Component

a. The permit holder or applicant must satisfy the following conditions, as applicable:

i. if the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by *Moody's*, or AAA, AA, A, or BBB, as issued by *Standard and Poor's*, on all such general obligation bonds; or

ii. the permit holder or applicant must satisfy the ratio of cash plus marketable securities to total expenditures being greater than or equal to 0.05 and the ratio of annual debt service to total expenditures less than or equal to 0.20 based on the owner or operator's most recent audited annual financial statement.

b. The permit holder or applicant must prepare its financial statements in conformity with *Generally Accepted Accounting Principles* for governments and have its financial statements audited by an independent certified public accountant (or appropriate state agency).

c. A local government is not eligible to assure its obligations under this Subsection if it:

i. is currently in default on any outstanding general obligation bonds; or

ii. has any outstanding general obligation bonds rated lower than Baa as issued by *Moody's* or BBB as issued by *Standard and Poor's*; or

1.c.iii. – 2. ...

3. Recordkeeping and Reporting Requirements

a. The local government permit holder or applicant must place the following items in the facility's operating record:

a.i. – b.ii. ...

c. After the initial placement of the items in the facility's operating record, the local government permit holder or applicant must update the information and place the updated information in the operating record within 180 days following the close of the permit holder or applicant's fiscal year.

d. The local government permit holder or applicant is no longer required to meet the requirements of Paragraph I.3 of this Section when:

i. the permit holder or applicant substitutes alternate financial assurance, as specified in this Section; or

ii. the owner or operator is released from the requirements of this Chapter in accordance with Subsection A of this Section.

I.3.e. – J.2.c. ...

K. Use of Multiple Mechanisms. An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, in accordance with this Chapter, by establishing more than one financial mechanism per facility, except that mechanisms guaranteeing performance, rather than payment, may not be combined with other instruments. The mechanisms must be as specified in Subsections C-J of this Section, except that financial assurance for an amount at least equal to the current cost estimate for closure, post-closure care, and/or corrective action may be provided by a combination of mechanisms, rather than a single mechanism.

L. Providing alternate financial assurance as specified in this Section does not constitute a modification and is not subject to LAC 33:VII.517.

M. Discounting. The administrative authority may allow discounting of closure and post-closure cost estimates in Subsection A of this Section, and/or corrective action costs in LAC 33:VII.1301.A, up to the rate of return for essentially risk-free investments, net of inflation, under the following conditions:

1. the administrative authority determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a professional engineer to the Office of Environmental Services so stating;

2. the state finds the facility in compliance with applicable and appropriate permit conditions;

3. the administrative authority determines that the closure date is certain and the owner or operator certifies that there are no foreseeable factors that will change the estimate of site life; and

4. discounted cost estimates are adjusted annually to reflect inflation and years of remaining life.

N. When the permit holder is the state or federal government, the facility is exempt from the requirements of this Section.

O. The permit application should include a description of the financial structure of the operating unit including capital structure, principal ownership, and insurance coverage for personal injury and property damage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1090 (June 2007), amended LR 33:2154 (October 2007), LR 36:2555 (November 2010), LR 37:3254 (November 2011).

§1305. Financial Responsibility for Corrective Action for Type II Landfills

A. – B. ...

C. When the permit holder is the state or federal government, the facility is exempt from the requirements of this Section.

D. The language of the financial assurance mechanisms listed in this Section shall ensure that the instruments satisfy the following criteria:

1. The financial assurance mechanisms shall ensure that the amount of funds assured is sufficient to cover the costs of corrective action for known releases when needed.

2. The financial assurance mechanisms shall ensure that funds will be available in a timely fashion when needed.

3. The financial assurance mechanisms shall be legally valid, binding, and enforceable under state and federal law.

E. A financial assurance mechanism may be cancelled or terminated only if alternate financial assurance is substituted as specified in the appropriate Section or if the permit holder or applicant is no longer required to demonstrate financial assurance in accordance with these regulations.

F. The permit application shall include a description of the financial structure of the operating unit including capital structure, principal ownership, and insurance coverage for personal injury and property damage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1098 (June 2007), amended LR 33:2156 (October 2007), LR 37:3258 (November 2011).

§1307. Incapacity of Permit Holders, Applicants, or Financial Institutions

A. A permit holder or applicant shall notify the Office of Environmental Services by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the permit holder or applicant as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in LAC 33:VII.1303.H.9 shall make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (see LAC 33:VII.1399.Appendix J).

B. A permit holder or applicant who fulfills the requirements of LAC 33:VII.1303 or 1305 by obtaining a trust fund, financial guarantee bond, performance bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the financial guarantee bond, performance bond, letter of credit, or insurance policy to issue such instruments. The permit holder or applicant shall establish other financial assurance within 60 days after such an event.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3258 (November 2011).

§1399. Financial Documents—Appendices A, B, C, D, E, F, G, H, I, and J

A. Reserved.

B. Reserved.

C. – H. ...

I. Appendix I

SOLID WASTE FACILITY
LETTER FROM THE CHIEF FINANCIAL
OFFICER

(Closure and/or Post-Closure)

Secretary

Louisiana Department of Environmental Quality

Post Office Box 4313

Baton Rouge, Louisiana 70821-4313

Attention: Office of Environmental Services,
Waste Permits Division

RE:[Facility name, agency interest number, and
permit number]

Dear Sir:

I am the chief financial officer of [name and address of firm, which may be the permit holder, applicant, or parent corporation of the permit holder or applicant]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "closure," and/or "post-closure," as applicable] as specified

in [insert "LAC 33:VII.1303," or "LAC 33:VII.1301 and 1303"].

[Fill out the following three paragraphs regarding facilities and associated closure and post-closure cost estimates. If your firm does not have facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, list the facility name, site name, agency interest number, site identification number, and facility permit number.]

1. The firm identified above is the [insert "permit holder," "applicant for a standard permit," or "parent corporation of the permit holder or applicant for a standard permit"] of the following facilities, whether in Louisiana or not, for which financial assurance for [insert "closure," "post-closure," or "closure and post-closure"] is guaranteed and demonstrated through a financial test similar to that specified in LAC 33:VII.1303 or other forms of self-insurance. The current [insert "closure," "post-closure," or "closure and post-closure"] cost estimates covered by the test are shown for each facility:

2. This firm guarantees through a corporate guarantee similar to that specified in [insert "LAC 33:VII.1303," or "LAC 33:VII.1301 and 1303"], for [insert "closure care," "post-closure care," or "closure and post-closure care"] of the following facilities, whether in Louisiana or not, of which [insert the name of the permit holder or applicant] are/is a subsidiary of this firm. The amount of annual aggregate liability coverage covered by the guarantee for each facility and/or the current cost estimates for the closure and/or post-closure care so guaranteed is shown for each facility:

3. This firm is the permit holder or applicant of the following facilities, whether in Louisiana or not, for which financial assurance for closure and/or post-closure care is not demonstrated either to the U.S. Environmental Protection Agency or to a state through a financial test or any other financial assurance mechanism similar to those specified in LAC 33:VII.1301 and/or 1303. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility.

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed year, ended [date].

* * *

J. Appendix J

SOLID WASTE FACILITY
CORPORATE GUARANTEE FOR
CLOSURE

AND/OR POST-CLOSURE CARE

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1098 (June 2007), amended LR 37:3258 (November 2011).

Chapter 15. Solid Waste Fees

§1501. Standard Permit Application Review Fee

A. – D. ...

E. The administrative authority may waive fees for modifications that are:

1. initiated by the administrative authority; or
2. submitted as a result of a permit condition that requires submittal of a modification request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1108 (June 2007), LR 37:3259 (November 2011).

Chapter 30. Appendices

§3003. Public Notice Example—Appendix B

A. The following is an example of a public notice to be placed in the local newspaper after submittal of a permit application to the Office of Environmental Services for existing/proposed solid waste facilities.

PUBLIC NOTICE
OF

SUBMITTAL OF PERMIT APPLICATION
[NAME OF APPLICANT/FACILITY]
FACILITY [location], PARISH [location],
LOUISIANA

Notice is hereby given that [name of applicant] submitted to the Department of Environmental Quality, Office of Environmental Services, [insert division name] an application for a permit to operate a [type of solid waste facility] in [parish name], Range__, Township__, Section__, 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:

Louisiana Department of Environmental Quality
Office of Environmental Services

[insert division name]

Post Office Box 4313

Baton Rouge, Louisiana 70821-4313

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3259 (November 2011).

Subpart 2. Recycling

Chapter 103. Recycling and Waste Reduction Rules

§10303. Definitions

A. The following words, terms, and phrases, when used in conjunction with LAC 33:VII.Subpart 1, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning.

* * *

Speculative Accumulation of Recyclable Materials—the accumulation of recyclable materials for which no current use, reuse, recycling or any reasonably anticipated future market for the use, reuse, or recycling of the material exists.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:35 (January 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 37:3259 (November 2011).

§10313. Standards Governing the Accumulation of Recyclable Materials

A. The speculative accumulation of recyclable materials is prohibited. The recyclable materials subject to the speculative accumulation prohibition are those materials that:

1. are not exempt from regulation as a solid waste by federal or state regulations and/or statutes;
2. otherwise meet the definition of solid waste; and
3. are not in compliance with standards governing solid waste accumulation and storage set forth in LAC 33:VII.503 (e.g., such materials have been stored for more than one year without approval from the Office of Environmental Compliance).

B. A recyclable material is not speculatively accumulated, however, if:

1. the person or entity accumulating the material can demonstrate that the material is potentially recyclable, recoverable, and/or reclaimable and has a feasible means of being recycled, recovered, and/or reclaimed; and that—during the calendar year (commencing on January 1) — the amount of material that is recycled, recovered, and/or

reclaimed on-site and/or sent off-site for recycling equals at least 50 percent by weight or volume of the amount of the material accumulated at the beginning of the period. In calculating the percentage of turnover, the 50 percent requirement shall be applied to only material of the same type and that is recycled and in the same manner; or

2. the administrative authority otherwise exempts the recyclable material from the standards provided in this Section.

C. The burden of demonstrating that recyclable materials are not being speculatively accumulated shall rest on the person or entity accumulating the materials. Persons or entities accumulating recyclable materials for use, reuse, or recycling shall:

1. be able to demonstrate, to the satisfaction of the administrative authority, their intent to use, reuse, or recycle the materials and that a current or reasonably anticipated future market (or demand) for the use, reuse, or recycling of the material exists;

2. maintain records (e.g., manifests/trip tickets for disposal; bills of sale for materials) specifying the quantities of recyclable materials generated, accumulated and/or transported, prior to use, reuse, or recycling; and

3. maintain records (e.g., manifests/trip tickets for disposal; bills of sale for materials) demonstrating the amount (by weight or volume) of materials used, reused, or recycled.

D. Recyclable materials that are accumulated prior to being recycled shall be stored in an environmentally sound manner and releases to air, water and land shall be minimized to the maximum extent possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 37:3260 (November 2011).

TITLE 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 3. Louisiana Sewage Sludge and Biosolids Program

Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids

Subchapter A. Program Requirements

§7301. General Provisions

A. – A.2.b.iii. ...

B. General Definitions. The following terms used in this Chapter shall have the meanings listed below, unless the context clearly indicates otherwise, or the term is specifically redefined in a particular Section.

* * *

Commercial Preparer of Sewage Sludge—any person who prepares sewage sludge for monetary profit or other financial consideration and either the person is not the generator of the sewage sludge or the sewage sludge was obtained from a facility or facilities not owned by or associated with the person. *Commercial preparer of sewage sludge* includes a pumper of sewage sludge that prepares sewage sludge received from other pumpers of sewage sludge and/or a pumper of sewage sludge that prepares sewage sludge received from his pumping/hauling operation. *Commercial preparer of sewage sludge* does not include a *publicly owned treatment works* or a *privately owned sanitary wastewater treatment* facility which does not receive hauled sewage sludge.

* * *

Surface Disposal—a use or disposal of sewage sludge on the land that does not meet the criteria of *land application*, as defined in this Subsection. *Surface disposal* does not include the disposal of sewage sludge in a landfill permitted to receive sewage sludge.

* * *

C. Compliance Period

1. – 2. ...

3. Compliance with Requirements

a. Unless otherwise specified in LAC 33:IX.7311, compliance with the requirements in LAC 33:IX.7311.B, LAC 33:IX.7311.D.3, 4, and 5, F.5, 6, 7, 8.d, and 10, G.1.a and c, G.3, and H.2.e shall be achieved as expeditiously as

practicable, but in no case later than September 5, 2000. When new pollution control facilities must be constructed to comply with the revised requirements in LAC 33:IX.7311, compliance with the revised requirements shall be achieved as expeditiously as practicable, but no later than September 4, 2001.

b. – b.iii. ...

D. Permits and Permitting Requirements

1. – 1.b.iv. ...

v. All minor sanitary wastewater treatment facilities that do not receive domestic septage and/or portable toilet waste into their systems shall apply for a permit as expeditiously as practicable, but in no case later than January 1, 2013.

c. ...

d. A person who prepares sewage sludge or land-applies biosolids shall use the appropriate Sewage Sludge and Biosolids Use or Disposal Permit application form. The owner/operator of a sewage sludge incinerator shall apply for a permit in accordance with LAC 33:III.Chapter 5 and shall utilize both the Air Quality Permit Application and the sewage sludge and biosolids use or disposal permit application forms. The forms can be accessed through the department's website or by contacting the Office of Environmental Services.

1.e. – 3.b. ...

4. Closure requirements for sanitary wastewater treatment facilities that were utilized for the preparation of sewage sludge or for sewage sludge disposal ponds/lagoons/surface impoundments that must comply with the requirements of Subparagraph C.3.b of this Section, are as follows. Closure of oxidation ponds, lagoons, and/or surface impoundments utilized for sewage sludge disposal, preparation of sewage sludge, or treatment of sanitary wastewater must comply with the following:

a. – b.i.(c). ...

(d). sampling and analysis for the following parameters:

(i). toxicity characteristics leaching procedure (TCLP) and the presence of PCBs;

(ii). paint filter liquids test; and

(iii). ...

(e). either a schematic drawing or an aerial photograph that indicates where the samples for the parameters in Subclause D.4.b.i.(d) of this Section were taken in the facility;

(f). the laboratory methods utilized for the sampling and analysis of the parameters in Subclause D.4.b.i.(d) of this Section;

(g). the name of the laboratory where the samples for the parameters in Subclause D.4.b.i.(d) of this Section were analyzed;

b.i.(h). – c. ...

5. Environmental Assessment Statement. In addition to the requirements of this Chapter, all Sewage Sludge and Biosolids Use or Disposal Permit application forms for a new permit for a commercial preparer of sewage sludge or a major modification to a permit for a commercial preparer of sewage sludge must include a response to each of the following:

a. – e. ...

E. Sewage Sludge Disposed in a Landfill

1. – 2. ...

3. The person who prepares sewage sludge that is disposed in a landfill shall provide the following to the Office of Environmental Services on a form specified by the administrative authority on or before February 19 of each year, or at a frequency designated in the permit:

a. ...

b. results of sampling and laboratory analyses of the sewage sludge for hazardous characteristics or the presence of PCBs, of the results of the Paint Filter Liquids Test (if required in the permit), and of any other analysis required by the owner/operator of the landfill.

F. Registration Requirements and Standards for Transporters of Sewage Sludge and Standards for Vehicles and/or Containers Used in the Transport of Sewage Sludge

1. Registration Requirements

a. A transporter of sewage sludge and/or grease mixed with sewage sludge shall not transport any sewage sludge and/or grease mixed with sewage sludge without first registering such activity with the Office of Environmental Services in writing and paying all associated fees.

b. ...

c. The registration period shall be for one state fiscal year period of July 1 to June 30. All registrations shall expire on June 30 of each year. If a person wishes to continue the operation of transporting sewage sludge, he or she shall apply for re-registration to the Office of Environmental Services on or before May 1 of each year.

d. – e.ii. ...

2. Standards for All Transporters of Sewage Sludge

a. – a.v. ...

b. Transporters of sewage sludge and/or grease mixed with sewage sludge shall provide a summary of the information required in Subparagraph F.2.a. of this Section to the Office of Environmental Services on or before February 19 of each year on a form specified by the administrative authority.

c. Standards Applicable to Vehicles and/or Containers Used to Transport Sewage Sludge

i. The bodies of vehicles and/or containers transporting sewage sludge must be covered at all times,

except during loading and unloading, in a manner that prevents rain from reaching the sewage sludge, inhibits access by disease vectors, prevents the sewage sludge from falling or blowing from the vehicle and/or container, minimizes escape of odors, and does not create a nuisance.

ii. The bodies of vehicles and/or containers that are utilized to transport liquefied sewage sludge or a sewage sludge that is capable of producing a leachate shall be constructed and/or enclosed with an appropriate material that will completely prevent the leakage or spillage of the liquid.

iii. The exterior and interior of the body of a vehicle and/or container that is transporting sewage sludge shall be washed, at a designated washdown area, as often as needed to ensure against accumulation of sewage sludge and/or biosolids, and for the prevention of odors and disease vector attraction.

iv. The vehicle and/or container washdown area shall be designed, constructed, and operated to prevent groundwater contamination and stormwater run-on and runoff.

v. All water and leachate generated at the designated washdown area shall be contained and discharged in accordance with all applicable state and federal regulations or hauled off-site for proper treatment and/or disposal.

d. Standards for Sewage Sludge Pipelines and Containment Areas

i. Transfer points, pumping stations, and other facilities with a potential for spillage shall be located above grade, or in watertight compartments, and shall be in containment areas constructed to hold the maximum potential spill

ii. Containment areas shall consist of a base and dikes constructed of concrete, compacted clay, or other impervious materials. All joints must be sealed.

e. Other Standards. The administrative authority may provide appropriate standards for transporters of sewage sludge that utilize modes of transportation not covered by Subparagraphs F.2.c and d of this Section.

f. These regulations do not relieve the transporter from the responsibility of complying with other applicable regulations and licensing requirements, including, but not limited to, those of the Louisiana Department of Transportation and Development, and with applicable ordinances governing types, sizes, and weights of vehicles used to transport sewage sludge on roads and streets that must be traveled during the transporting of the sewage sludge and with any other applicable requirements.

G. Prohibitions, Restrictions, and Additional or More Stringent Requirements

1. – 3.c.ii. ...

iii. the location, by either street address (physical address) or latitude and longitude, where the sewage sludge or biosolids will be stored;

iv. an explanation of why the sewage sludge or biosolids need to be stored for longer than a six month period;

v. ...

vi. the approximate date and length of time the sewage sludge or biosolids will be stored; and

c.vii. – d. ...

i. If the information is deemed incomplete, the administrative authority shall issue a notice of deficiency. The preparer or land applier of sewage sludge shall have 45 days, thereafter, to respond to the notice of deficiency.

G.3.d.ii. – I.2.k. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:781 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2366 (November 2007), repromulgated LR 34:1028 (June 2008), amended LR 35:927 (May 2009), LR 37:2992 (October 2011).

§7303. Land Application

A. – K.2.b. ...

i. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.I of once per year, the reporting period and the report due date shall be as specified in Table 1 of LAC 33:IX.7303.K.

Table 1 of LAC 33:IX.7303.K	
Reporting—Land Application	
Monitoring Period (Once per Year)	Report Due Date
January - December	February 19

ii. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.I of once per quarter (four times per year), the reporting period and the report due date shall be as specified in Table 2 of LAC 33:IX.7303.K.

Table 2 of LAC 33:IX.7303.K	
Reporting—Land Application	
Monitoring Period ¹ (Once per Quarter)	Report Due Date
January, February, March	August 19
April, May, June	
July, August, September	February 19
October, November, December	

¹Separate reports must be submitted for each monitoring period.

iii. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.I of once per 60 days (six times per year), the reporting period and the report due date shall be as specified in Table 3 of LAC 33:IX.7303.K.

Table 3 of LAC 33:IX.7303.K	
Reporting—Land Application	
Monitoring Period ¹ (Once per 60 Days)	Report Due Date
January, February	June 19
March, April	
May, June	October 19
July, August	
September, October	February 19
November, December	

Table 3 of LAC 33:IX.7303.K	
Reporting—Land Application	
Monitoring Period ¹ (Once per 60 Days)	Report Due Date
January, February	June 19
March, April	
May, June	October 19
July, August	
September, October	February 19
November, December	

¹Separate reports must be submitted for each monitoring period.

iv. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.I of once per month (12 times per year), the reporting period and the report due date shall be as specified in Table 4 of LAC 33:IX.7303.K.

Table 4 of LAC 33:IX.7303.K	
Reporting—Land Application	
Monitoring Period ¹ (Once per Month)	Report Due Date
January	May 19
February	
March	
April	August 19
May	
June	
July	November 19
August	
September	
October	February 19
November	
December	

¹Separate reports must be submitted for each monitoring period.

K.3. – L.10. ...

a. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.L of once per quarter (four times per year), the reporting periods and the report due dates shall be as specified in Table 2 of LAC 33:IX.7303.L.

Table 2 of LAC 33:IX.7303.L	
Reporting—Exceptional Quality Biosolids	
Monitoring Period ¹ (Once per Quarter)	Report Due Date
January, February, March	August 19
April, May, June	
July, August, September	February 19
October, November, December	

¹Separate reports must be submitted for each monitoring period.

b. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.L of once per month (12 times per year), the reporting periods and the report due dates shall be as specified in Table 3 of LAC 33:IX.7303.L.

Table 3 of LAC 33:IX.7303.L	
Reporting—Exceptional Quality Biosolids	
Monitoring Period ¹ (Once per Month)	Report Due Date
January	May 19
February	
March	
April	August 19

Reporting—Exceptional Quality Biosolids	
Monitoring Period¹ (Once per Month)	Report Due Date
May	November 19
June	
July	
August	
September	
October	February 19
November	
December	

¹Separate reports must be submitted for each monitoring period.

M. – N. ...

1. If a person who possesses a Sewage Sludge and Biosolids Use or Disposal Permit wishes to add a land application site or sites to the permit, the person shall submit a request package to the administrative authority at least 180 days prior to the anticipated date by which authorization is needed containing the following information:

1.a. – 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:785 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2374 (November 2007), LR 35:929 (May 2009), LR 37:2994 (October 2011).

§7305. Siting and Operation Requirements for Commercial Preparers of Sewage Sludge

A. Exemptions.

1. A *publicly owned treatment works (POTW)*, as defined in LAC 33:IX.7301.B, shall be exempted from the siting requirements in Subsection B of this Section and the facility closure requirements in Paragraph C.3 of this Section if the POTW prepares only sewage sludge generated at the POTW or sewage sludge generated at a facility that is owned or operated by the POTW and the POTW's sewage sludge treatment facility is located within the POTW's boundary or perimeter.

2. An existing facility that has been issued a Sewage Sludge and Biosolids Use or Disposal Permit shall be exempted from the siting requirements in Subsection B of this Section.

B. – B.4.b. ...

c. A design for surfacing natural soils that do not meet the requirements in Subparagraphs B.4.a and b of this Section shall be prepared under the supervision of a professional engineer, licensed in the state of Louisiana with expertise in geotechnical engineering and geohydrology. Written certification by the engineer that the surface satisfies the requirements of Subparagraphs B.4.a and b of this Section shall be provided.

5. Facility Plans and Specifications. Facility plans and specifications represented and described in the permit applications or permit modifications for all facilities must be prepared under the supervision of, and certified by, a professional engineer, licensed in the state of Louisiana.

6. Notification of Completion. Within 10 days of completion of the facility or completion of a facility modification, the owner of the facility shall submit a notification of completion to the administrative authority. The notification of completion shall include a certification statement by a professional engineer, licensed in the state of Louisiana, that the facility meets the plans and specifications as described in the Sewage Sludge and Biosolids Use or Disposal Permit application.

7. Initial Start-Up Inspection

a. Upon issuance of a permit or modification to an existing facility, or construction of a newly permitted facility, a start-up inspection may be made after the permit holder submits the notification of completion and construction certification to the administrative authority.

b. Upon renewal of an existing permit where no physical changes are required, no certification of construction shall be required to be submitted, and no start-up inspection shall be initiated. The owner of the facility may continue use of the facility upon the effective date of the renewal permit.

c. If the administrative authority determines a start-up inspection is required pursuant to Subparagraph B.7.a of this Section, the start-up inspection shall be initiated within 15 working days of receipt of certification by the Office of Environmental Services unless a longer time period is set by mutual agreement.

d. Within 15 working days after a new, existing, or modified facility has undergone an initial start-up inspection, or within 30 days of receipt of the construction certification, the administrative authority shall either issue an approval of the construction or a notice of deficiency to the permittee, unless a longer time period is set by mutual agreement.

C. – C.3.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:794 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2382 (November 2007), LR 35:930 (May 2009), LR 37:2995 (October 2011).

§7307. Financial Assurance Requirements for Commercial Preparers of Sewage Sludge and Commercial Land Appliers of Biosolids

A. – E.2.i.i.(d).(v). ...

ii. Public Notice Component. The local government affected person must place a reference to the closure costs assured through the financial test into its next

comprehensive annual financial report (CAFR) after the effective date of this Section or prior to the initial receipt of sewage sludge, other feedstock, or supplements at the facility, whichever is later. Disclosure must include the nature and source of closure requirements, the reported liability at the balance sheet date, and the estimated total closure cost remaining to be recognized. For closure costs, conformance with *Governmental Accounting Standards Board Statement 18* assures compliance with this public notice component.

E.2.i.iii. – F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:796 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2386 (November 2007), LR 35:931 (May 2009), LR 37:2995 (October 2011).