

REVISIONS TO LOUISIANA SOLID WASTE REGULATIONS

In June 2007, the Louisiana Department of Environmental Quality ("LDEQ") adopted comprehensive amendments to the Louisiana Solid Waste Regulations, LAC 33:VII (the "LSWR"). As noted in a prior newsletter, the "new" version of the LSWR is not a wholesale rewriting of the LSWR, but, instead, represents LDEQ's good faith attempt to reorganize, streamline, and supplement the previously existing regulations to make them easier to understand and apply. LDEQ also has attempted to ease the compliance burden, where possible, without increasing risk to public health or environment. Again, for the most part, LDEQ's amendments constitute a "tweaking," not an overhaul, and the previously existing regulations largely continue in their prior form, although perhaps reordered and renumbered. The new LSWR is divided into eleven chapters (as compared to the previous seven), with new chapters being used, e.g., to concentrate the regulatory provisions on (a) administration, classification, and inspection procedures, (b) geology, subsurface characterization, and groundwater monitoring, (c) financial assurance, and (d) fees.

See, http://www.deq.louisiana.gov/portal/portals/0/planning/regs/pdf/SW037fin_w_TA.pdf.

In addition to the new provisions on beneficial use and soil reuse discussed in a previous newsletter, items of note under the new LSWR include the following:

1. *Transition.* Under the transition rule, unless otherwise directed in writing by LDEQ, an applicant generally is not required to resubmit any new

or renewal permit application or permit modification request that was submitted before the "new" regulations were promulgated in order to address the "new" regulations. See, LAC 33:VII.107.

2. *Air Curtain Destructors.* Air curtain destructors (otherwise known as pit burners, trench burners, and air curtain incinerators) are now clearly authorized under the LSWR as Type III processing facilities. See, LAC 33:VII.115, 719, and 725.

3. *Abandonment.* "Disposal" has been redefined to include the concept of abandonment (to leave behind or desert solid waste without adhering to proper disposal/processing standards). Solid waste now will be considered disposed if it is abandoned, *whether or not it comes into contact with land or water.* See, LAC 33:VII.115 and 315.D.

4. *Off-site Storage.* For the first time, LDEQ generally prohibits the "off-site" storage of solid waste. Thus if solid waste is to be stored, rather than disposed of or processed, such storage generally must occur on the site where the solid waste was generated (or at an authorized facility). See, LAC 33:VII.115 and 315.B.

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This newsletter is designed as a general report on legal developments. The published material does not constitute legal advice or rendering of professional services.

2007 Kean Miller Environmental Law Seminar

Kean Miller will hold the 2007 Kean Miller Environmental Law Seminar on Thursday, September 20th from 7:45 a.m. - 1:00 p.m. in the Kean Miller Conference Center located at 301 Main Street, 18th Floor.

This seminar will focus on important topics such as Louisiana's solid waste regulations, air quality updates, and NHEM. There will also be a lunch presentation presented by Bruce Hammatt of the Louisiana Department of Environmental Quality.

If you would like more information, or if you are interested in attending, please contact Denise Duszynski at denise.duszynski@keanmiller.com or 225.389.3753.



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