

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Division

Revisions to Cathode Ray Tube (CRT) Regulations
(LAC 33:C.4911 and 4915) (HW116ft)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations, LAC 33:C.4911 and 4915 (Log #HW116ft).

This rule is identical to federal regulations found in 79 FR 123, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the rule. This rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This rule adopts changes to export provisions in the federal cathode ray tube (CRT) disposal regulation in Louisiana. Louisiana's hazardous waste program operates under a federal grant from the EPA. Part of the requirements for this grant is to be equivalent to or more stringent than the corresponding federal regulations. The basis and rationale are to mirror federal regulations. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

This rule has no known impact on poverty as described in R.S. 49:973.

This rule has no known impact on providers as described in HCR 170 of 2014.

A public hearing will be held on October 28, 2015, at 1:30 p.m. in the Galvez Building, Room 1051, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW116ft. Such comments must be received no later than October 28, 2015, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge,

LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to deidra.johnson@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW116ft. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

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Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

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

CRT Exporter—any person in the United States who initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or an intermediary in the United States arranging for such export.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012),

repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, 40:1338 (July 2014), LR 41:**.

Chapter 49. Lists of Hazardous Wastes

§4911. Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) Undergoing Recycling

A. – A.4. ...

5. Exports

a. In addition to the applicable conditions specified in Paragraphs A.1-4 of this Section, exports of used, broken CRTs must comply with ~~40 CFR 261.39(a)(5)~~the following requirements.

i. Notify EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12 month period. The notification must be in writing, signed by the exporter, and include:

(a). name, mailing address, telephone number, and EPA ID number (if applicable) of the exporter of the CRTs;

(b). the estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported;

(c). the estimated total quantity of CRTs specified in kilograms;

(d). all points of entry to, and departure from, each foreign country through which the CRTs will pass;

(e). a description of the means by which each shipment of the CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), and type(s) of container used (drums, boxes, tanks, etc.);

(f). the name and address of the recycler(s), the estimated quantity of used CRTs to be sent to each facility, and the names of any alternate recyclers;

(g). a description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs; and

(h). the name of any transit country through which the CRTs will be sent, and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.

ii. Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., NW, Washington, DC. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export CRTs."

iii. Upon request by EPA, the exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

iv. EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of Clause A.5.a.i. of this Section. Where a claim of confidentiality is asserted with respect to any notification information required by Clause A.5.a.i. of this Section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

v. The export of CRTs is prohibited unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, EPA will forward an Acknowledgment of Consent to Export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, EPA will notify the exporter in writing. EPA will also notify the exporter of any responses from transit countries.

vi. When the conditions specified on the original notification change, the exporter must provide EPA with a written renotification of the change, except for changes to the telephone number in Subclause A.5.a.i.(a). of this Section, and decreases in the quantity indicated in Subclause A.5.a.i.(c). of this Section. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information

about points of entry and departure and transit countries pursuant to Subclauses A.5.a.i.(d). and A.5.a.i.(h) of this Section).

vii. A copy of the Acknowledgment of Consent to Export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the acknowledgment.

viii. If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with Clause A.5.a.i.(f). of this Section, and obtain another Acknowledgment of Consent to Export CRTs.

ix. Exporters must keep copies of notifications and Acknowledgments of Consent to Export CRTs for a period of three years following receipt of the acknowledgment.

x. CRT exporters must file with EPA no later than March 1 of each year, an annual report summarizing the quantities (in kilograms), frequency of shipment, and ultimate destination(s) (i.e., the facility or facilities where the recycling occurs) of all used CRTs exported during the previous calendar year. Such reports must also include the following:

(a). the name, EPA ID number (if applicable), and mailing and site address of the exporter;

(b). the calendar year covered by the report; and

(c). a certification signed by the CRT exporter that states: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

xi. Annual reports must be submitted to the office specified in Clause A.5.a.ii. of this Section. Exporters must keep copies of each annual report for a period of at least three years from the due date of the report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3122 (December 2005), amended LR 34:645 (April 2008), amended by the Office of the Secretary, Legal Division, LR 41:**.

§4915. Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse

~~A. Persons who export used, intact CRTs for reuse must send a one-time notification to the EPA's Regional Administrator. The notification must include a statement that the notifier plans to export used, intact CRTs for reuse; the notifier's name, address, and EPA ID number (if applicable); and the name and phone number of a contact person.~~Cathode Ray Tube (CRT) exporters who export used, intact CRTs for reuse must send a notification to EPA. This notification may cover export activities extending over a 12 month period.

1. The notification must be in writing, signed by the exporter, and include:
 - a. name, mailing address, telephone number, and EPA ID number (if applicable) of the exporter of the used, intact CRTs;
 - b. the estimated frequency or rate at which the used, intact CRTs are to be exported for reuse, and the period of time over which they are to be exported;
 - c. the estimated total quantity of used, intact CRTs specified in kilograms;
 - d. all points of entry to, and departure from, each transit country through which the used, intact CRTs will pass, a description of the approximate length of time the used, intact CRTs will remain in such country, and the nature of their handling while there;
 - e. a description of the means by which each shipment of the used, intact CRTs will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), and type(s) of container used (drums, boxes, tanks, etc.));
 - f. the name and address of the ultimate destination facility or facilities where the used, intact CRTs will be reused, refurbished, distributed, or sold for reuse; and the estimated quantity of used, intact CRTs to be sent to each facility, as well as the name of any alternate destination facility or facilities;
 - g. a description of the manner in which the used, intact CRTs will be reused (including reuse after refurbishment) in the foreign country that will be receiving the used, intact CRTs; and
 - h. a certification signed by the CRT exporter that states: "I certify under penalty of law that the CRTs described in this notice are intact and fully functioning or capable of being functional after refurbishment and that the used CRTs will be reused or refurbished and reused. I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that

the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

2. Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, William Jefferson Clinton Building, Room 6144, 1200 Pennsylvania Ave. N.W., Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: “Attention: Notification of Intent to Export CRTs.”

B. Persons who export used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported used, intact CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported. If the documents are written in a language other than English, CRT exporters of used, intact CRTs sent for reuse must provide both the original, non-English version of the normal business records as well as a third-party translation of the normal business records into English within 30 days upon request by EPA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:645 (April 2008), amended by the Office of the Secretary, Legal Divison, LR 41:**.