NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Division

RCRA Revisions

(LAC 33:V.108, 109, 309, 517, 537, 705, 1103, 1107, 1109, 1515, 1516, 1529, 1751, 1903, 1907, 2201, 2203, 2207, 2209, 2211, 2216, 2221, 2227, 2231, 2239, 2241, 2243, 2245, 2299 Tables 4 and 12, 3001, 3203, 3301, 3511, 4037, 4053, 4071, 4085, 4301, 4399, 4407, 4501, 4513 and 4999 Appendix F) (HW107)

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:V.108, 109, 309, 517, 537, 705, 1103, 1107, 1109, 1515, 1516, 1529, 1751, 1903, 1907, 2201, 2203, 2207, 2209, 2211, 2216, 2221, 2227, 2231, 2239, 2241, 2243, 2245, 2299 Tables 4 and 12, 3001, 3203, 3301, 3511,4037, 4053, 4071, 4085, 4301, 4399, 4407, 4501, 4513 and 4999 Appendix F (HW107).

This Rule makes amendments to the regulations to correct errors and make clarifications in regards to certain definitions, notification, permitting, financial assurance, generator waste analysis, recordkeeping, and notice requirements, and required approval by the EPA administrator for certain land disposal restrictions.

This Rule is in response to EPA's review of the state's authorized program. The amendments are necessary to maintain equivalency and authorization for the state's hazardous waste program. The basis and rationale for this Rule is to maintain EPA's authorization of the state's hazardous waste program. 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.

**Family Impact Statement**

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

**Poverty Impact Statement**

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

**Provider Impact Statement**

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

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW107. Such comments must be received no later than April 5, 2017, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations 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 HW107. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on March 29, 2017, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 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.

These proposed regulations are 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.

Herman Robinson

General Counsel

**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

**§108. Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators**

A. – F.3.g. …

4. notify the department in accordance with LAC 33:V.105.A and comply with LAC 33:V.1105; ~~and~~

5. any and all fees required to be paid by conditionally exempt small quantity generators in accordance with LAC 33:V.5137 must be paid~~.~~; and

6. shall label or clearly mark each container accumulating acute hazardous waste with the words “Hazardous Waste” or with other words that identify the contents of the container.

G. – G.3.g. …

4. notify the department in accordance with LAC 33:V.105.A.1 and comply with LAC 33:V.1105; ~~and~~

5. any and all fees required to be paid by conditionally exempt small quantity generators in accordance with LAC 33:V.5137 must be paid~~.~~; and

6. shall label or clearly mark each container accumulating acute hazardous waste with the words “Hazardous Waste” or with other words that identify the contents of the container.

H. – J. …

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

HISTORICAL NOTE:Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:706, 716 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:606 (April 2006), LR 36:2554 (November 2010), LR 38:774 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§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.

\*\*\*

*Consignee*—the ultimate treatment, storage, or disposal facility in a receiving country to which the hazardous waste will be sent.

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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, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:\*\*.

**Chapter 3.** **General Conditions for Treatment, Storage, and Disposal Facility Permits**

**§309. Conditions Applicable to All Permits**

Each permit shall include permit conditions necessary to achieve compliance with the Act and these regulations, including each of the applicable requirements specified in LAC 33:V.Subpart 1. In satisfying this provision, the administrative authority may incorporate applicable requirements of LAC 33:V.Subpart 1 directly into the permit or establish other permit conditions that are based on LAC 33:V.Subpart 1. The following conditions apply to all hazardous waste permits. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

A. – L.7.d. …

8. Manifest Discrepancy Report. If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within ~~five~~fifteen days, the permittee must submit a report including a copy of the manifest to the Office of Environmental Services.

L.9. – M. …

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 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2453 (October 2005), LR 33:2099 (October 2007), LR 42:\*\*.

Chapter 5. Permit Application Contents

Subchapter D. Part II General Permit Information Requirements

**§517. Part II Information Requirements (the Formal Permit Application)**

The formal permit application information requirements presented in this Section reflect the standards promulgated in LAC 33:V.Subpart 1. These information requirements are necessary in order to determine compliance with all standards. Responses and exhibits shall be numbered sequentially according to the technical standards. The permit application must describe how the facility will comply with each of the sections of LAC 33:V.Chapters 15-37 and 41. Information required in the formal permit application shall be submitted to the administrative authority and signed in accordance with requirements in LAC 33:V.509. The description must include appropriate design information (calculations, drawings, specifications, data, etc.) and administrative details (plans, flow charts, decision trees, manpower projections, operating instructions, etc.) to permit the administrative authority to determine the adequacy of the hazardous waste permit application. Certain technical data, such as design drawings, specifications, and engineering studies, shall be certified by a Louisiana registered professional engineer. If a section does not apply, the permit application must state it does not apply and why it does not apply. This information is to be submitted using the same numbering system and in the same order used in these regulations:

A. – T.4.c. …

i. delineates the extent of the plume on the topographic map such as required under ~~LAC 33:V.515.A.15~~LAC 33:V.517.B; and

T.4.c.ii. – W. …

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 10:280 (April 1984), LR 13:433 (August 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), LR 24:1691 (September 1998), LR 25:436 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1465 (August 1999), LR 25:1799 (October 1999), repromulgated LR 26:1608 (August 2000), repromulgated LR 26:2003 (September 2000), amended LR 27:287 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1625 (August 2007), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Subchapter F. Special Forms of Permits

**§537. Permits for Boiler and Industrial Furnaces Burning Hazardous Waste for Recycling Purposes Only (Boilers and industrial furnaces burning hazardous waste for destruction are subject to permit requirements for incinerators.)**

A. – B.2.e.iv. …

f. ~~The administrative authority may extend and modify the pre-trial burn permit as necessary to accommodate the approved trial burn plan. The permit modification shall proceed as a minor modification according to LAC 33:V.323.~~Reserved.

g. – k. …

l. ~~Based on the results of the trial burn, the administrative authority shall specify the operating requirements in the final permit according to LAC 33:V.3005.E. The permit modification shall proceed as a minor modification according to LAC 33:V.323.~~Reserved.

B.3. – D.3. …

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 15:737 (September 1989), amended LR 18:1375 (December 1992), LR 21:266 (March 1995), LR 22:818, 832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2468 (November 2000), LR 27:292 (March 2001), LR 29:320 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2455 (October 2005), LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 34:1012 (June 2008), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 7. Administrative Procedures for Treatment, Storage, and Disposal Facility Permits

Subchapter A. Permits

**§705. Issuance and Effective Date of Permit**

A. …

B. A final permit decision (or a decision to deny a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706) shall become effective ~~30 days after the service of notice of the decision under LAC 33:V.705.A~~upon issuance, unless:

1. – 3. …

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 14:790 (November 1988), LR 15:181 (March 1989), LR 16:614 (July 1990), amended by the Office of the Secretary, Legal Division, LR 38:2769 (November 2012), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 11. Generators

Subchapter A. General

**§1103. Hazardous Waste Determination**

A person who generates a *solid waste*, as defined in LAC 33:V.109, ~~must~~shall determine if that waste is a hazard.

A. ­– B.2. ...

C. He shall then determine if the waste is listed as a hazardous waste in LAC 33:V.Chapter 49.

[Note: Even if the waste is listed, the generator still has an opportunity under LAC 33:V.105.M to demonstrate to the administrative authority that the waste from his particular facility or operation is not a hazardous waste.]

~~C~~D. If the waste is determined to be hazardous, the generator ~~must~~shall refer to other parts of LAC 33:V.Subpart 1 for possible exclusions or prohibitions pertaining to management of his or her specific wastes.

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 15:378 (May 1989), LR 17:658 (July 1991), LR 22:818 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§1107. The Manifest System**

A. – B.1.a. …

b. the name~~, physical address, telephone number,~~ and active EPA identification number of each transporter;

B.1.c. – G.1.b. …

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 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:566, LR 42:\*\*.

**§1109. Pre-Transport Requirements**

A. – D. …

E. Accumulation Time

1. A generator who generates 1,000 kg or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in LAC 33:V.4901.B or E in a calendar month, may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

a. the waste is placed:

i. in containers and the generator complies with the applicable requirements of LAC 33:V.2103, 2105, 2107, 2109~~.A~~, 2113, 2115, and Chapter 43.Subchapters Q, R, and V; and/or

1.a.ii. – 6. …

7. A generator who generates greater than 100 kg, but less than 1000 kg, of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:

a. the generator complies with the requirements of LAC 33:V.2103, 2105, 2107, 2109~~.A~~, and 2115;

b. – 11. …

12. A generator accumulating F006 waste in accordance with Paragraphs E.10 and 11 of this Section who accumulates F006 waste on-site for more than 180 days (or for more than 270 days if the generator ~~must~~shall transport this waste, or offer this waste for transportation, over a distance of 200 miles or more), or who accumulates more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of LAC 33:V.Chapters 11, 15-21, 23-29, 31-37, and 43 (except LAC 33:V.4301.~~D and E~~E and F) and the permit requirements of LAC 33:V.Chapters 3-7 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit. Such extensions and exceptions may be granted by the administrative authority if F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the administrative authority on a case-by-case basis.

E.13. – F.2. …

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 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:2102 (October 2007), LR 34:622 (April 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended LR 38:776 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 15. Treatment, Storage, and Disposal Facilities

**§1515. Personnel Training**

A. Instruction Program

1. – 3.f. …

4. The facility operator shall conduct training sessions ~~to be held~~ at regular intervals for appropriate facility personnel ~~in routine plant operation and also to inform and train,~~ which includes the ~~plant~~facility’s contingency/emergency response teams, in routine plant operation, ~~representatives of local fire and police departments, and emergency response teams of~~ plant layout, location of possible hazards, emergency equipment location and operation, the evacuation plan and route, power and waste stream cut-offs, communications equipment and phone numbers of all required contacts, and other critical information and procedures. The facility operator shall afford representatives of local fire and police departments and local emergency response teams, the opportunity to participate in periodic training sessions.

A.5. – E. …

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 by the Office of the Secretary, Legal Affairs Division, LR 34:993 (June 2008), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities

A. – B.2.c. …

d. within 30 days after the delivery, send a copy of the signed and dated manifest ~~to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper, signed and dated~~, or a signed and dated copy of the shipping paper, if the manifest has not been received within 30 days after delivery, to the generator~~. LAC 33:V.1107.D.3 requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by water (bulk shipment)~~; and

[Comment: LAC 33:V.1107.D.3 requires the generator to send three copies of the manifest to the facility when hazardous waste is sent in bulk shipment by water.]

2.e. – 4. …

5. If a facility receives hazardous waste imported from a foreign source, the receiving facility shall mail a copy of the manifest and documentation confirming EPA’s consent to the import of hazardous waste to the following address within 30 days of delivery: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460-0001. ~~In addition, the facility must, within 30 days:~~

~~a. send a copy of the signed and dated manifest or shipping paper to the generator; and~~

~~b. determine whether the consignment state or the generator state regulates any additional wastes or requires submission of any copies of the manifest to that state.~~

6. A facility shall determine whether the consignment state for a shipment regulates any additional wastes, beyond those regulated federally, as hazardous wastes under its state hazardous waste program. Facilities shall also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

C. – K. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:568 (April 2016), LR 42:\*\*.

**§1529. Operating Record and Reporting Requirements**

A. – D.10. …

E. Additional Reports. In addition to submitting the annual reports and unmanifested waste reports described in LAC 33:V.151~~7~~6.D and Subsection D of this Section, the owner or operator ~~must~~shall also report to the administrative authority:

1. – 3. …

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 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:278 (February 2000), LR 26:2473 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:993 (June 2008), LR 34:1895 (September 2008), LR 35:1879 (September 2009), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 17. Air Emission Standards

**Subchapter C. Air Emission Standards for Tanks, Surface Impoundments, and Containers**

**§1751. Standards: General**

A. – C.4.a. …

b. the organic hazardous constituents in the waste have been treated by the treatment technology established by the EPA for the waste in LAC 33:V.2227.A or have been removed or destroyed by an equivalent method of treatment approved by ~~the department in accordance with LAC 33:V.2227.B~~EPA pursuant to 40 CFR 268.42(b);

C.5. – D.5.c. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1702 (September 1998), LR 25:440 (March 1999), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 19. Tanks

§1903. Assessment of Existing Tank System's Integrity

A. For each existing tank system that does not have secondary containment meeting the requirements of LAC 33:V.1907.B-I, the owner or operator ~~must~~shall determine that the tank system is not leaking or is unfit for use. Except as provided in ~~Subparagraph B.5.c~~Paragraph C of this Section, the owner or operator ~~must~~shall obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified professional engineer, in accordance with LAC 33:V.513, that attests to the tank system's integrity by November 20, 1988. Tanks excluded from permitting requirements under LAC 33:V.1109.E.1 must have an assessment as described in this Section by November 20, 1990.

B. – B.5.b. …

C~~c~~. T~~t~~ank systems that store or treat materials that become hazardous wastes subsequent to July 14, 1986, ~~must~~shall conduct this assessment within 12 months after the date that the waste becomes a hazardous waste~~;~~.

D~~d~~. I~~i~~f, as a result of the assessment conducted in accordance with LAC 33:V.1903.A, a tank system is found to be leaking or unfit for use, the owner or operator ~~must~~shall comply with the requirements of LAC 33:V.1913.

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 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:994 (June 2008), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

§1907. Containment and Detection of Releases

A. – G.2.c.iv. …

v. the existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality~~.~~; and

d. the potential adverse effects of a release on the land surrounding the tank system, taking into account:

i. the patterns of rainfall in the region; and

ii. the current and future uses of the surrounding land.

G.3. – K.2.e. …

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 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:624 (April 2008), LR 34:995 (June 2008), LR 34:1896 (September 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

A. – G.2. …

3. ~~where an extension of the effective date or an exemption from a prohibition has been granted by EPA, and the administrative authority grants an emergency variance to allow continued land disposal. In such a case the land disposal may continue until the administrative authority makes a decision regarding the extension or exemption. Following a decision by the administrative authority, the waste may be land disposed only in accordance with the provisions of the extension or exemption~~Reserved~~;~~.

G.4. – I.5.f. …

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 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

§2203. Definitions Applicable to This Chapter

A. When used in this Chapter the following terms have the meanings given below.

\*\*\*

*Inorganic Metal-Bearing Waste—*a waste for which the department has established treatment standards for metal hazardous constituents and which does not otherwise contain significant organic or cyanide content as described in LAC 33:V.2207.C.1, and is specifically listed in LAC 33:V.2299.Appendix, Table ~~12~~5.

\*\*\*

*~~Treatment—~~*~~any method, technique, or process, including incineration, occurring at permitted facilities or facilities operating under interim status that changes the physical, chemical, or biological character or composition of any hazardous waste such that the waste becomes nonhazardous, significantly less hazardous, or more suitable for land disposal because of removal or substantial reduction of undesirable properties, such as toxicity, mobility, persistence, reactivity, bioaccumulation, flammability, or corrosivity. Treatment does not include any of the following if one or more of the following is the only method used:~~

~~a. solidification of hazardous waste by the addition of absorbent material which produces a change only in the physical character of the waste without a corresponding change in the chemical character of the waste;~~

~~b. treatment occurring directly in or on the land, such as land treatment, except that treatment may include in situ treatment necessary for site remediation;~~

~~c. dilution of hazardous waste by the addition of nonhazardous material; and/or~~

~~d. evaporation in a surface impoundment.~~

\*\*\*

B. …

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 15:378 (May 1989), amended LR 16:221 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:667 (April 1998), LR 25:442 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:280 (February 2000), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2207. Dilution Prohibited as a Substitute for Treatment**

A. – B. …

C. Combustion of the hazardous waste codes listed in LAC 33:V.2299.Appendix, Table ~~12~~5 is prohibited, unless the waste, at the point of generation, or after any bona fide treatment, such as cyanide destruction prior to combustion, can be demonstrated to comply with one or more of the following criteria (unless otherwise specifically prohibited from combustion):

C.1. – D. …

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:667 (April 1998), LR 25:443 (March 1999) , amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2209. Waste-Specific Prohibitions—Wood Preserving Wastes**

A. – B. …

C. Between September 20, 1998 and May 12, 1999, soil and debris contaminated with F032, F034, F035, and radioactive waste mixed with F032, F034, and F035 may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in ~~LAC 33:V.2239.I.2~~40 CFR 268.5(h)(2).

D. – E. …

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 15:378 (May 1989), amended LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1725 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2211. Waste-Specific Prohibitions—Dioxin-Containing Wastes**

A. – B.3. …

C. Between the effective date of these regulations and November 8, 1990, wastes which are contaminated soil or debris resulting from a response action taken under Section 104 or 106 of CERCLA or a corrective action taken under Subtitle C of RCRA may be land disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in ~~LAC 33:V.2239.A.1 and 2~~40 CFR 268.5(h)(2) and all other applicable requirements of LAC 33:V.Chapter 15 or Chapter 43.

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 15:378 (May 1989), amended LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1725 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2216. Waste-Specific Prohibitions—Toxicity Characteristic Metal Wastes**

A. – C. …

D. Between April 20, 1999 and May 26, 2000, newly identified characteristic wastes from elemental phosphorus processing, radioactive waste mixed with EPA Hazardous Waste Numbers D004-D011, wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the toxicity characteristic leaching procedure, but not the extraction procedure) or mixed with newly identified characteristic mineral processing wastes, soil, or debris may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in ~~LAC 33:V.2239.H.2~~40 CFR 268.5(h).

E. – F. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 25:443 (March 1999), repromulgated LR 25:855 (May 1999), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2221. Schedule of Wastes Identified or Listed after November 8, 1984**

A. ~~The administrative authority shall review these regulations and shall study and identify additional wastes to be incorporated into the regulations and prohibited from land disposal. He or she shall also study and report on changes in technology which make alternative methods of treatment of hazardous waste available that may provide alternatives to land disposal. Such review shall be done on or before December 31 each year beginning with 1989.~~Reserved.

B. ~~The administrative authority shall develop a schedule within six months after the date of identification or listing of a new hazardous waste to make a land disposal determination.~~ Reserved.

C. – E.2. …

3. Between March 20, 1995 and September 19, 1996, the wastes included in LAC 33:V.2221.E.2 may be disposed in a landfill or surface impoundment, only if such unit is in compliance with the requirements specified in ~~LAC 33:V.2239.I.2~~40 CFR 268.5(h)(2).

E.4. – F.4. …

5. Between July 8, 1996, and April 20, 1998, the wastes included in 40 CFR 268.39(a), (c), and (d) may be disposed in a landfill or surface impoundment, only if such unit is in compliance with the requirements specified in ~~LAC 33:V.2239.I.2~~40 CFR 268.5(h)(2).

F.6. – 7. …

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 15:378 (May 1989), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:667 (April 1998), LR 24:1725 (September 1998), LR 25:444 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:280 (February 2000), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2227. Treatment Standards Expressed as Specified Technologies**

A. …

B. ~~Any person may submit an application to the Office of Environmental Services demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achieved by methods specified in Subsections A, C, and D of this Section or specified in LAC 33:V.2299.Appendix, Table 8. The applicant must submit information demonstrating that his or her treatment method is in compliance with federal, state, and local requirements and is protective of human health and the environment. On the basis of such information and any other available information, the administrative authority may approve the use of the alternative treatment method if he or she finds that the alternative treatment method provides a measure of performance equivalent to those achieved by methods specified in Subsections A, C, and D of this Section or specified in LAC 33:V.2299.Appendix, Table 8. Any approval must be stated in writing and may contain such provisions and conditions as the administrative authority deems appropriate. The person to whom such approval is issued must comply with all limitations contained in such a determination.~~Reserved.

[NOTE: Persons demonstrating an alternative treatment method must apply to the EPA administrator or designee in accordance with 40 CFR 268.42(b).]

C. – D. …

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 25:445 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2476 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2457 (October 2005), LR 33:2107 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2231. Variance from a Treatment Standard**

A. ~~Based on a petition filed by a generator or treater of hazardous waste, the EPA administrator and the administrative authority may approve a variance from an applicable treatment standard if:~~Reserved.

~~1. it is not physically possible to treat the waste to the level specified in the treatment standard or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or~~

~~2. it is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must either demonstrate that:~~

~~a. treatment to the specified level or by the specified method is technically inappropriate (e.g., resulting in combustion of large amounts of mildly contaminated environmental media); or~~

~~b. for remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.~~

B. ~~Each petition must be submitted to the Office of Environmental Services for consideration in accordance with the procedures in LAC 33:V.105.H.~~Reserved.

C. ~~After receiving a petition for a variance from a treatment standard, the administrative authority may request any additional information or samples that he or she may require to evaluate the petition. Additional copies of the complete petition may be requested as needed to send to affected states and regional offices.~~Reserved.

~~1. Each petition must include the following statement signed by the petitioner or a duly authorized representative.~~

~~"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition 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 fines and imprisonment."~~

~~2. Certification. Each petition for a variance must be certified by a Louisiana licensed professional engineer (PE).~~

D. ~~The EPA administrator and/or the Office of Environmental Services will give public notice of the intent to approve or deny a petition and will provide the person requesting the variance and the public, through a newspaper notice in the official state journal and the local newspaper in the affected area, the cost of which will be charged to the person requesting the variance, the opportunity to submit written comments on the request and the conditions of the variance, allowing a 30-day comment period. The notices referred to in this Section will be provided in the local newspaper in three separate issues; however, the 30-day comment or notice period shall begin with the notice in the official state journal. The administrative authority will also, in response to a request or at his or her own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the variance request. The administrative authority will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments.) The final decision on a variance from a treatment standard will also be published.~~Reserved.

E. ~~A generator, treatment facility, or disposal facility that is managing a waste covered by a variance from the treatment standards must comply with the waste analysis requirements for prohibited wastes under LAC 33:V.2245 and 2247.~~Reserved.

F. ~~During the petition review process, the applicant is required to comply with all prohibitions on land disposal under this Chapter, unless a petition for a variance has been approved by the EPA, and the administrative authority grants an emergency variance. If EPA has approved the variance, the land disposal of the waste may continue for up to one year under an emergency variance issued by the administrative authority until the administrative authority makes a decision on the petition for variance. In no case shall an emergency variance extend beyond one year after the date of issuance. After the administrative authority issues a decision on the variance, the waste may be land disposed only in accordance with the provisions of the variance.~~Reserved.

G. – M. …

[NOTE: Persons obtaining a non-site-specific variance from a treatment standard must submit a petition to the EPA administrator or designee in accordance with 40 CFR 268.44.]

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:445 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2476 (November 2000), LR 27:1015 (July 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2458 (October 2005), LR 33:2108 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2239. Procedures for Case-by-Case Extensions of an Effective Date**

~~A. Any person who generates, treats, stores, or disposes of a hazardous waste may submit an application to the Office of Environmental Services for an extension of the effective date of any applicable prohibition established under this Chapter. The applicant must provide the following, and in each case the burden of proof will be on the applicant:~~

~~1. written evidence of a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage his or her waste in accordance with the effective date of the applicable prohibitions established under these regulations;~~

~~2. written evidence of a binding contractual commitment to construct or otherwise provide alternative treatment, recovery (e.g., recycling), or disposal capacity that meets the treatment standards specified in LAC 33:V.Chapter 22.Subchapter A or, where treatment standards have not been specified, evidence that such treatment, recovery, or disposal capacity is protective of human health and the environment;~~

~~3. written evidence that due to circumstances beyond the applicant's control, such alternative capacity cannot reasonably be made available by the applicable effective date. This demonstration may include a showing that the technical and practical difficulties associated with providing the alternative capacity will result in the capacity not being available by the applicable effective date;~~

~~4. written evidence that the capacity that will be provided by the applicant will be sufficient to manage the entire quantity of the waste that is the subject of the application;~~

~~5. a detailed schedule for obtaining required operating and construction permits and an outline of how and when alternative capacity will be available;~~

~~6. written evidence of arrangements for adequate capacity to manage the subject waste during an extension and documentation of the locations of all sites at which the waste will be managed;~~

~~7. documentation to demonstrate that any waste managed in a surface impoundment or landfill during the extension period will meet the requirements of LAC 33:V.2239.I.2; and~~

~~8. documentation that he or she has a program or plan in effect to reduce the volume and toxicity of the waste he or she generates and that he or she has sought out the best available technology to reduce the toxicity, corrosiveness, virulent, or infectious character, or volume of the waste and that the waste cannot be further reduced through production modifications, nor can the waste or specific constituents of the waste be reclaimed or reused. The plan shall include:~~

~~a. a schedule of implementation and anticipated reductions in quantity and toxicity;~~

~~b. a list of technical process reductions considered and those rejected and the reasons for the rejections; and~~

~~c. an analysis of the impact of the reduction program or plan on all operations of the facility affecting the environment, including air and water discharges.~~

~~B. An authorized representative signing an application described under Subsection A of this Section shall make the following certification.~~

~~"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."~~

~~C. After receiving an application for an extension, the administrative authority administrative authority may request any additional information that he or she deems necessary to evaluate the application. Failure to segregate waste streams shall not constitute justification for a case-by-case extension for those wastes which are separable and treatable in an available facility.~~

~~D. Pending a decision on the application for an extension, the applicant is required to comply with all prohibitions on land disposal under this Chapter, except as may be allowed in LAC 33:V.2233.~~

~~E. An extension will apply only to the waste generated at the individual facility covered by the application; it will not apply to prohibited waste from any other facility.~~

~~F. On the basis of the information referred to in Subsection A of this Section, after notice and opportunity for public comment, and after consultation with appropriate state agencies in all affected states, the administrative authority may grant an extension of up to one year from the effective date of the prohibition. The administrative authority may renew this extension for up to one additional year at the applicant's request if the demonstration required in Subsection A of this Section can still be made. In no event will an extension extend beyond 24 months from the applicable effective date specified in this Subchapter. The length of any extension authorized will be determined by the administrative authority based on the time required to construct or obtain the type of capacity the applicant needs, as described in the completion schedule discussed in Paragraph A.5 of this Section. The administrative authority will give public notice of the intent to approve or deny a petition or for an extension and will provide an opportunity for public comment as provided in LAC 33:V.2243. The final decision on a petition or extension will be published in the official state journal.~~

~~G. Any person granted an extension under this Section must immediately notify the Office of Environmental Services as soon as he or she has knowledge of any change in the conditions certified in the application.~~

~~H. Any person granted an extension under this Section shall submit written progress reports at intervals designated by the Office of Environmental Services, which may not exceed six months. Such reports must describe the overall progress made toward constructing or otherwise providing alternative treatment, recovery, or disposal capacity; must identify any event that may cause or has caused a delay in the development of the capacity, and must summarize the steps taken to mitigate the delay. The administrative authority can revoke the extension at any time if the applicant does not make a good-faith effort to meet the schedule for completion, if the department denies or revokes any required permit, if conditions certified in the application change, or for any violation of the Louisiana Environmental Quality Act or regulations promulgated thereto.~~

~~I. Whenever the administrative authority establishes an extension to an effective date under this Section, the following will apply during the period that such extension is in effect.~~

~~1. The storage prohibitions under LAC 33:V.2205.A are waived.~~

~~2. Such hazardous waste may be disposed of in a landfill or surface impoundment only if the unit is in compliance with the technical requirements of the following provisions, regardless of whether such unit is existing, new, or a replacement or lateral expansion.~~

~~a. The landfill, if in interim status, is in compliance with the requirements of groundwater interim status standards LAC 33:V.4447-4461 and LAC 33:V.4495-4511 of these regulations.~~

~~b. The landfill, if permitted, is in compliance with the requirements of LAC 33:V.Chapter 33 and LAC 33:V.2503.C-E.~~

~~c. The surface impoundment, if in interim status, is in compliance with the requirements of  
LAC 33:V.4447-4461.~~

~~d. The surface impoundment, if permitted, is in compliance with the requirements of LAC 33:V.Chapters 29 and 33.~~

~~e. The surface impoundment, if newly subject to RCRA Section 3005(j)(1) due to promulgation of additional listings or characteristics for the identification of hazardous waste, is in compliance with the requirements of LAC 33:V.Chapter 43.Subchapter E within 12 months after the promulgation of additional listings or characteristics of hazardous waste, and with the requirements of LAC 33:V.4462.A, C, and D within 48 months after the promulgation of additional listings or characteristics of hazardous waste; and if a national capacity variance is granted during the period the variance is in effect, the surface impoundment, if newly subject to RCRA Section 3005(j)(1) due to the promulgation of additional listings or characteristics of hazardous waste, is in compliance with the requirements of LAC 33:V.Chapter 43.Subchapter E within 12 months after the promulgation of additional listings or characteristics of hazardous waste, and with the requirements of LAC 33:V.4462.A, C, and D within 48 months after the promulgation of additional listings or characteristics of hazardous waste.~~

~~f. The landfill, if disposing of containerized liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm, is also in compliance with the requirements of 40 CFR 761.75 and LAC 33:V.Subpart 1.~~

~~J. Pending a decision on the application for an extension, the applicant is required to comply with all prohibitions on land disposal under this Chapter once the effective date has been reached.~~

[NOTE: Persons obtaining a case-by-case extension of the effective date of any land disposal prohibition must submit a petition to the EPA administrator or designee in accordance with 40 CFR 268.5.]

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1727 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2477 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2458 (October 2005), LR 33:2108 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**§2241. Exemptions to Allow Land Disposal of a Prohibited Waste Except by Deep Well Injection**

~~A. Any person seeking an exemption to allow land disposal except by deep well injection of a prohibited hazardous waste in a particular unit or units must submit a petition to the Office of Environmental Services that meets the following requirements.~~

~~1. The petition must show that no economically or environmentally reasonable alternative to land disposal is available, and that where feasible the waste has undergone treatment by being stabilized, solidified, or encapsulated, or through approved land treatment technique. No exemption shall be granted to a generator for the land disposal of a waste stream if the waste stream can reasonably be eliminated or significantly reduced through waste reduction.~~

~~2. The petition must demonstrate, to a reasonable degree of certainty, that no hazardous constituents will migrate from the disposal unit for as long as the wastes remain hazardous. Migration prohibited by this Section includes migration into the air, land, or water. For the purpose of this Section, no migration means the waste is permanently confined within a department approved hazardous waste containment system.~~

~~B. Reserved.~~

~~C. The showing referred to in LAC 33:V.2241.A.1 must meet the following criteria.~~

~~1. The petitioner must show that he or she has made a good-faith effort, using economically and technically feasible and environmentally sound methods, to provide for use, reuse, reclamation, or other recycling of the waste other than for a use constituting disposal.~~

~~2. For each waste stream the petitioner must show that he or she has a program or plan in effect to reduce the volume and toxicity of the waste he or she generates and that he or she has sought out the best available technology to reduce the toxicity, corrosiveness, virulent or infectious character, and volume of the waste and that the waste cannot be further reduced through production modifications, nor can the waste or specific constituents of the waste be reclaimed or reused. The plan shall include:~~

~~a. a schedule of implementation and anticipated reductions in quantity and toxicity;~~

~~b. a list of technical process reductions considered and those rejected and the reasons for the rejections; and~~

~~c. an analysis of the impact of the reduction program or plan on all operations of the facility affecting the environment, including air and water discharges.~~

~~3. The petitioner must sign and present to the administrative authority the following certification.~~

~~"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this waste-reduction plan 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 fines and imprisonment."~~

~~4. The petitioner must submit a report describing in detail the efforts undertaken since 1984 to reduce the volume and toxicity of waste generated. The report shall provide data indicating the change in volume and toxicity of waste actually achieved during each year in comparison to previous years, to the extent that such information is available. The report shall also document for each hazardous waste stream proposed for disposal in a land disposal unit a waste reduction analysis (WRA) showing that the petitioner has considered the economic and technical feasibility of alternative disposal methods in the following order: reduction, recycling, treatment, and disposal. The WRA must include:~~

~~a. an analysis of alternatives considered;~~

~~b. the costs of alternatives considered;~~

~~c. an assessment of the impact on other operations of the facility affecting the environment, including impacts on air and water discharges; and~~

~~d. a description of the availability of alternate capacity for use of alternative technologies.~~

~~D. The demonstration submitted by the petitioner referred to in LAC 33:V.2241.A.2 must include the following components:~~

~~1. an identification of the specific waste and specific unit for which the demonstration will be made;~~

~~2. a waste analysis to describe fully the chemical and physical characteristics of the subject waste;~~

~~3. a comprehensive characterization of the disposal unit site, including an analysis of background air, soil, and water quality;~~

~~4. a monitoring plan which will detect migration from the disposal unit at the earliest practicable time; and~~

~~5. sufficient information to assure the administrative authority that the owner or operator of a land disposal unit receiving prohibited waste(s) will comply with other applicable federal, state, and local laws.~~

~~E. The demonstration referred to in LAC 33:V.2241.A.2 must meet the following criteria.~~

~~1. All waste and environmental sampling, test, and analytical data must be accurate and reproducible to the extent that state-of-the-art techniques allow.~~

~~2. The administrative authority must approve all sampling, testing, and estimation techniques for chemical and physical properties of the waste and all environmental parameters.~~

~~3. Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements.~~

~~4. A quality assurance and quality control plan that addresses all aspects of the demonstration must be approved by the administrative authority.~~

~~5. An analysis must be performed to identify and quantify any aspects of the demonstration that contribute to uncertainty. This analysis must include an evaluation of the consequences of predictable future events, including, but not limited to, earthquakes, floods, severe storm events, droughts, or hurricanes or other natural phenomena.~~

~~F. Each petition referred to in LAC 33:V.2241.A must include the following.~~

~~1. A monitoring plan must be submitted that describes the monitoring program installed at and/or around the unit to verify continued compliance with the conditions of the exemption. The plan must provide information on the monitoring of the unit and/or the environment around the unit, including the following specific information:~~

~~a. the media monitored in cases where monitoring of the environment around the unit is required;~~

~~b. the type of monitoring conducted at the unit in cases where monitoring of the unit is required;~~

~~c. the location of the monitoring stations;~~

~~d. the monitoring interval (frequency of monitoring at each station);~~

~~e. the specific hazardous constituents to be monitored;~~

~~f. the implementation schedule for the monitoring program;~~

~~g. the equipment used at the monitoring station;~~

~~h. the sampling and analytical techniques employed;~~

~~i. the data recording/reporting procedures; and~~

~~j. the specific criteria and steps to be used to determine if hazardous constituents have migrated.~~

~~2. Where applicable, the administrative authority will specify as part of his or her approval of the petition the length of time that the monitoring program described in Paragraph F.1 of this Section must be in place before prohibited waste is received at the unit.~~

~~3. The monitoring data collected according to the monitoring plan specified under Paragraph F.1 of this Section must be sent to the administrative authority according to a format and schedule specified and approved in the monitoring plan.~~

~~4. A copy of the monitoring data collected under the monitoring plan specified under Paragraph F.1 of this Section must be kept on-site at the facility in the operating record.~~

~~5. The monitoring program specified under Paragraph F.1 of this Section shall meet the following criteria.~~

~~a. All sampling, testing, and analytical methods must be approved by the administrative authority and must provide accurate and reproducible data.~~

~~b. All estimation and modeling techniques must be approved by the administrative authority.~~

~~c. A quality assurance and quality control plan addressing all aspects of the monitoring program must be provided to and approved by the administrative authority.~~

~~G. Each petition must be submitted to the Office of Environmental Services.~~

~~H. After a petition has been approved, the owner or operator must report any changes in conditions at the unit and/or the environment around the unit that depart from the conditions described in the exemption and that affect the potential for migration of hazardous constituents from the units as follows.~~

~~1. If the owner or operator plans to make changes to the unit design, construction, or operation, such changes must be proposed in writing, and the owner or operator shall submit a demonstration to the Office of Environmental Services at least 30 days before making the changes. The administrative authority will determine whether the proposed changes invalidate the terms of the petition and will determine the appropriate response. Any changes must be approved by the administrative authority prior to being made.~~

~~2. If the owner or operator discovers that a condition at the site that was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the Office of Environmental Services within 10 days of discovery of the change. The administrative authority will determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance and revocation of the petition or petition modifications, or other responses.~~

~~I. If the owner or operator determines that hazardous constituent(s) are migrating from the unit, the owner or operator must immediately suspend receipt of prohibited wastes at the unit and notify the Office of Environmental Compliance within 24 hours and in writing within 10 days of the determination that a release has occurred. Following receipt of the notification, the administrative authority will determine within 60 days of receiving notification whether the owner or operator can continue to receive prohibited wastes in the unit and whether the exemption is to be revoked. The administrative authority shall also determine whether further examination of any migration is warranted under applicable provisions of LAC 33:V.Chapter 33 or 43.~~

~~J. Each petition must include the following statement signed by the petitioner or a duly authorized representative and must be submitted to the Office of Environmental Services.~~

~~"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition 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 fines and imprisonment."~~

~~K. After receiving a petition, the administrative authority may request any additional information that may be reasonably required to evaluate the demonstration.~~

~~L. A petition submitted in accordance with this Section must apply to land disposal of the specific prohibited waste at the individual disposal unit described in the showing and demonstration and will not apply to any other prohibited waste at that disposal unit or to that specific prohibited waste at any other disposal unit.~~

~~M. The administrative authority will give public notice of the intent to approve or deny a petition and will provide an opportunity for public comment in accordance with  
LAC 33:V.Chapter 7.Subchapter C and LAC 33:V.2243. Notice will also be given when a final decision on a petition is issued.~~

~~N. The term of an exemption granted under this Section shall be no longer than the term of the final operating permit if the disposal unit is operating under a final operating permit, or up to a maximum of five years from the date of approval if the unit is operating under interim status. In either case, the term of the exemption granted shall expire upon the termination, revocation, or denial of a final operating permit or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached. The exemption must be reviewed at least once every three years.~~

~~O. During the petition review process, the applicant is required to comply with all prohibitions on land disposal under this Chapter, unless a petition for an exemption has been approved by the EPA, and the administrative authority grants an emergency variance. If EPA has approved the exemption, the land disposal of the waste may continue for up to one year under an emergency variance issued by the administrative authority until the administrative authority makes a decision on the petition for exemption. In no case shall an emergency variance extend beyond one year after the date of issuance. After the administrative authority issues a decision on the exemption, the waste may be land disposed only in accordance with the provisions of the exemption.~~

~~P. The petition granted by the administrative authority does not relieve the petitioner from compliance with all other applicable regulations.~~

~~Q. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm are not eligible for an exemption under this Section.~~

~~R. As a condition of the exemption, the petitioner must submit a report to the Office of Environmental Services by March 1 of each calendar year during the term of the exemption that describes in detail the efforts undertaken during the preceding calendar year to reduce the volume and toxicity of the waste generated. The report shall provide data indicating the change in volume and toxicity of waste actually achieved during the year in comparison to previous years.~~

~~S. Whenever the administrative authority determines that the basis for approval of a petition may no longer be valid, he or she shall require a new demonstration in accordance with this Section.~~

~~T. Termination of an Approved Petition~~

~~1. The administrative authority may terminate an exemption granted under this Section for the following causes:~~

~~a. noncompliance by the petitioner with any condition of the exemption;~~

~~b. the petitioner's failure in the petition or during the review and approval to disclose fully all relevant facts, or the petitioner's misrepresentation of any relevant facts at any time; or~~

~~c. a determination that new information shows that the basis for approval of the petition is no longer valid.~~

~~2. The administrative authority shall terminate an exemption granted under this Section for the following cause: the petitioner's willful withholding during the review and approval of the petition of facts directly and materially relevant to the administrative authority's decision on the petition.~~

~~3. The administrative authority shall follow the procedures in LAC 33:V.323 in terminating any exemption under this Section.~~

[NOTE: Persons obtaining an exemption to allow land disposal except by deep well injection of a prohibited hazardous waste in a particular unit or units must submit a petition to the EPA administrator or designee in accordance with 40 CFR 268.6.]

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 15:378 (May 1989), amended LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1727 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2477 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2458 (October 2005), LR 33:2109 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

§2243. Administrative Procedures for Exemptions under LAC 33:V.~~2241 and~~ 2271, and No-Alternative Determinations under LAC 33:V.2273~~, and Case-by-Case Extensions of an Effective Date under LAC 33:V.2239~~

A. Before making a final decision on the exemption~~,~~ or determination~~, or extension~~ request, the department will provide the person requesting the exemption~~,~~ or determination~~, or extension~~ and the public, through a newspaper notice in the official state journal and the local newspaper in the affected area, the cost of which will be charged to the person requesting the exemption~~,~~ or determination~~, or extension~~, the opportunity to submit written comments on the request on the conditions of the exemption~~,~~ or determination~~, or extension~~, allowing a 45 day comment period. The notices referred to in this Section will be provided in the local newspaper in three separate issues; however, the comment or notice period shall begin with the notice in the official state journal. The administrative authority will also, in response to a request or at his or her own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the exemption~~,~~ or determination~~, or extension~~ request. The administrative authority will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments.)

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), LR 26:2478 (November 2000), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

§2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements

A. – K. …

L. Small quantity generators with tolling agreements pursuant to LAC 33:V.1107.A.4 shall comply with the applicable notification and certification requirements of Paragraph (A) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain an on-site copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of an unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:295 (March 2001), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:996 (June 2008), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

§2299. Appendix—Tables 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

| **Table 2. Treatment Standards for Hazardous Wastes** | | | | | |
| --- | --- | --- | --- | --- | --- |
|  |  | **Regulated Hazardous Constituent** | | **Wastewaters** | **Non-Wastewaters** |
| **Waste Code** | **Waste Description and Treatment/Regulatory Subcategory1** | **Common Name** | **CAS2 Number** | **Concentration in mg/L3; or Technology Code4** | **Concentration in mg/kg5 unless noted as "mg/L TCLP" or Technology Code4** |
| \*\*\* | | | | | |

Footnote 1. – 10. …

11. For these wastes, the definition of CMBST is limited to: (1) combustion units operating under LAC 33:V.Chapter 30, (2) combustion units permitted under LAC 33:V.Chapter 31, or (3) combustion units operating under LAC 33:V.Chapter 43.Subchapter N, which have obtained a determination of equivalent treatment from EPA under ~~LAC 33:V.2227.B~~40 CFR 268.42(b).

Footnote 12. …

\*\*\*

| **Table 3.**  **Technology Codes and Description of Technology-Based Standards** | |
| --- | --- |
| **Technology Code** | **Description of Technology-Based Standard** |
| \*\*\* | |

\*\*\*

| **Table 4. – Reserved.** | |
| --- | --- |
| **~~Best Demonstrated Available Technology Land Disposal Prohibitions References~~** | |
| ~~"Best Demonstrated Available Technology (BDAT)~~  ~~Background Document" August 8, 1988.~~ | |
| **~~EPA for the Following Wastes~~** | **~~Document Number~~** |
| ~~F001-F005~~ | ~~EPA/530-SW-88-031R~~ |
| ~~F006~~ | ~~EPA/530-SW-88-031L~~ |
| ~~K001~~ | ~~EPA/530-SW-88-031O~~ |
| ~~K015~~ | ~~EPA/530-SW-88-031A~~ |
| ~~K016, K018-K020, K030~~ | ~~EPA/530-SW-031B~~ |
| ~~K022~~ | ~~EPA/530-SW-88-031Q~~ |
| ~~K024~~ | ~~EPA/530-SW-88-031H~~ |
| ~~K037~~ | ~~EPA/530-SW-88-031I~~ |
| ~~K046~~ | ~~EPA/530-SW-88-031J~~ |
| ~~K048-K052~~ | ~~EPA/530-SW-88-031C~~ |
| ~~K061~~ | ~~EPA/530-SW-88-031D~~ |
| ~~K062~~ | ~~EPA/530-SW-88-031E~~ |
| ~~K071~~ | ~~EPA/530-SW-88-031F~~ |
| ~~K086~~ | ~~EPA/530-SW-88-031N~~ |
| ~~K087~~ | ~~EPA/530-SW-88-031M~~ |
| ~~K101, K102~~ | ~~EPA/530-SW-88-031K~~ |
| ~~K103, K104~~ | ~~EPA/530-SW-88-031G~~ |

*~~Guidance Document for Applicable and Demonstrated Technologies for First Third Waste Codes~~*~~, EPA/530-SW-88-031P, August 8, 1988.~~

*~~Alternative Waste Management Technology Cost Estimates for the First Third Land Disposal Restrictions~~*~~, August 1988.~~

*~~Background Document for First Third Wastes to Support 40 CFR 268 Land Disposal Restrictions Final Rule, First Third Waste Volumes, Characteristics, and Required and Available Treatment Capacity~~*~~, EPA/530-SW-88-049, August 8, 1988.~~

*~~Comment Response Background Document for the First Third Proposed Land Disposal Restriction Rule~~*~~, August 8, 1988.~~

*~~Response to Capacity Related Comments Submitted on the First Third Proposed Land Disposal Restrictions Rule~~*~~, August 8, 1988.~~

*~~Response to BDAT Related Comments Submitted on the First Third Proposed Land Disposal Restrictions Rule~~*~~, Vol. I-III, August 8, 1988.~~

| **Table 5.**  **Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit1**  **According to LAC 33:V.2207.C.1** | |
| --- | --- |
| **Waste Code** | **Waste Description** |
| \*\*\* | |

Footnote 1. …

| **Table 6.**  **Wastes Excluded from Lab Packs under the Alternative**  **Treatment Standards of LAC 33:V.2227.C** |
| --- |
| Hazardous waste with the following EPA hazardous waste codes may not be placed in lab packs under the alternative lab pack treatment standards of LAC 33:V.2227.C. |
| \*\*\* |

| **Table 7. Universal Treatment Standards** | | | |
| --- | --- | --- | --- |
| **Regulated Constituent-Common Name** | **CAS1 Number** | **Wastewater Standard Concentration2 in mg/L** | **Nonwastewater Standard Concentration3 in mg/kg unless noted as "mg/L TCLP"** |
| \*\*\* | | | |

Footnote 1. – 8. …

\*\*\*

| **Table 8. Alternative Treatment Standards for Hazardous Debris1** | | |
| --- | --- | --- |
| **Technology Description** | **Performance and/or  Design and Operating Standard** | **Contaminant Restrictions2** |
| \*\*\* | | |

Endnote 1. – 9. …

| **Table 9.**  **List of Halogenated Organic Compounds (HOCs)**  **Regulated under LAC 33:V.2215** |
| --- |
| In determining the concentration of HOCs in a hazardous waste for purposes of the LAC 33:V.2215 land disposal prohibition, EPA has defined the HOCs that must be included in a calculation as any compounds having a carbon-halogen bond that are listed in the table below. |
| **I. Volatiles** |
| \*\*\* |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Table 10.**  **Wastes Excluded from the Treatment Standards under LAC 33:V.2223** | | | | | |
| **Facility Name1**  **and Address** | **Waste Code** | **See Also** | **Regulated Hazardous**  **Constituent** | **Wastewaters** | **Nonwastewaters** |
|  |  | **Concentration (mg/L) (Notes)** | **Concentration (mg/Kg) (Notes)** |
| \*\*\* | | | | | |

Footnote 1. – 4. …

\*\*\*

|  |
| --- |
| **Table 11.** |
| Appendix VII, Table 1, Effective Dates of Surface Disposed Wastes (Non-Soil and Debris) Regulated in the LDRs, of 40 CFR 268, published July 1, 2001, and in 66 FR 27297, May 16, 2001, is hereby incorporated by reference. |

| **Table 12. – Reserved. (see Table 5)**  **~~Metal-Bearing Wastes Prohibited From Dilution in a Combustion Unit According to LAC 33:V.2207.C~~~~1~~** | |
| --- | --- |
| **~~Waste Code~~** | **~~Waste Description~~** |
| ~~D004~~ | ~~Toxicity characteristic for arsenic.~~ |
| ~~D005~~ | ~~Toxicity characteristic for barium.~~ |
| ~~D006~~ | ~~Toxicity characteristic for cadmium.~~ |
| ~~D007~~ | ~~Toxicity characteristic for chromium.~~ |
| ~~D008~~ | ~~Toxicity characteristic for lead.~~ |
| ~~D009~~ | ~~Toxicity characteristic for mercury.~~ |
| ~~D010~~ | ~~Toxicity characteristic for selenium.~~ |
| ~~D011~~ | ~~Toxicity characteristic for silver.~~ |
| ~~F006~~ | ~~Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.~~ |
| ~~F007~~ | ~~Spent cyanide plating bath solutions from electroplating operations.~~ |
| ~~F008~~ | ~~Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.~~ |
| ~~F009~~ | ~~Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.~~ |
| ~~F010~~ | ~~Quenching bath residues from oil baths from metal treating operations where cyanides are used in the process.~~ |
| ~~F011~~ | ~~Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.~~ |
| ~~F012~~ | ~~Quenching waste water treatment sludges from metal heat treating operations where cyanides are used in the process.~~ |
| ~~F019~~ | ~~Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum car washing when such phosphating is an exclusive conversion coating process.~~ |
| ~~K002~~ | ~~Wastewater treatment sludge from the production of chrome yellow and orange pigments.~~ |
| ~~K003~~ | ~~Wastewater treatment sludge from the production of molybdate orange pigments.~~ |
| ~~K004~~ | ~~Wastewater treatment sludge from the production of zinc yellow pigments.~~ |
| ~~K005~~ | ~~Wastewater treatment sludge from the production of chrome green pigments.~~ |
| ~~K006~~ | ~~Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).~~ |
| ~~K007~~ | ~~Wastewater treatment sludge from the production of iron blue pigments.~~ |
| ~~K008~~ | ~~Oven residue from the production of chrome oxide green pigments.~~ |
| ~~K061~~ | ~~Emission control dust/sludge from the primary production of steel in electric furnaces.~~ |
| ~~K069~~ | ~~Emission control dust/sludge from secondary lead smelting.~~ |
| ~~K071~~ | ~~Brine purification muds from the mercury cell processes in chlorine production, where separately prepurified brine is not used.~~ |
| ~~K100~~ | ~~Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.~~ |
| ~~K106~~ | ~~Sludges from the mercury cell processes for making chlorine.~~ |
| ~~P010~~ | ~~Arsenic acid H~~~~3~~~~AsO~~~~4~~~~.~~ |
| ~~P011~~ | ~~Arsenic oxide As~~~~2~~~~O~~~~5.~~ |
| ~~P012~~ | ~~Arsenic trioxide.~~ |
| ~~P013~~ | ~~Barium cyanide.~~ |
| ~~P015~~ | ~~Beryllium.~~ |
| ~~P029~~ | ~~Copper cyanide Cu(CN).~~ |
| ~~P074~~ | ~~Nickel cyanide Ni(CN)~~~~2.~~ |
| ~~P087~~ | ~~Osmium tetroxide.~~ |
| ~~P099~~ | ~~Potassium silver cyanide.~~ |
| ~~P104~~ | ~~Silver cyanide.~~ |
| ~~P113~~ | ~~Thallic oxide.~~ |
| ~~P114~~ | ~~Thallium (I) selenite.~~ |
| ~~P115~~ | ~~Thallium (I) sulfate.~~ |
| ~~P119~~ | ~~Ammonium vanadate.~~ |
| ~~P120~~ | ~~Vanadium oxide V~~~~2~~~~O~~~~5.~~ |
| ~~P121~~ | ~~Zinc cyanide.~~ |
| ~~U032~~ | ~~Calcium chromate.~~ |
| ~~U145~~ | ~~Lead phosphate.~~ |
| ~~U151~~ | ~~Mercury.~~ |
| ~~U204~~ | ~~Selenious acid.~~ |
| ~~U205~~ | ~~Selenium disulfide.~~ |
| ~~U216~~ | ~~Thallium (I) chloride.~~ |
| ~~U217~~ | ~~Thallium (I) nitrate.~~ |
| ~~1~~ ~~A combustion unit is defined as any thermal technology subject to LAC 33:V.Chapter 30, Chapter 31, and/or Chapter 43.Subchapter N.~~ | |

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq. and specifically 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 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:834 (September 1996), LR 23:566 (May 1997), LR 24:301 (February 1998), LR 24:670 (April 1998), LR 24:1732 (September 1998), LR 25:451 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 27:295 (March 2001), LR 29:322 (March 2003), LR 30:1682 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:828 (May 2006), LR 32:1843 (October 2006), LR 34:625 (April 2008), LR 34:1014 (June 2008), LR 38:777 (March 2012), amended by the Office of the Secretary, Legal Division, LR 39:2487, 2492 (September 2013), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

**§3001. Applicability**

A. – B.2.d. …

e. the applicable requirements of LAC 33:V.Chapters 15, 17 (Subchapters B and C), 33, 35, 37, and 43 (Subchapters A-G, R, and V), 4301.A-~~C, G, and I~~D, F, H, and J, and 4306.

B.3. – H. …

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 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:821, 835 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 27:297 (March 2001), LR 27:712 (May 2001), LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:607 (April 2006), LR 34:628 (April 2008), LR 34:1014 (June 2008) amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 32. Miscellaneous Units

**§3203. Environmental Performance Standards**

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions ~~must~~shall include those requirements of LAC 33:V.Chapters 3, 5, 7, 17, 19, 21, 23, 25, 27, 29, 31, 4301.~~F, H~~G, I, 4302, 4303 and 4305, all other applicable requirements of LAC 33:V.Subpart 1, and of 40 CFR 63 Subpart EEE and 40 CFR 146 that are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

A. – C.7. …

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 16:399 (May 1990), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1742 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:302 (March 2001), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 33. Groundwater Protection

§3301. Applicability

A. – G.1. …

2. it is not necessary to apply the groundwater monitoring and corrective action requirements of ~~this Chapter~~LAC 33:V.3303– 3321 because alternative requirements will protect human health and the environment.

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 10:280 (April 1984), LR 10:496 (July 1984), LR 16:399 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:480 (March 1999), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

Chapter 35. Closure and Post-Closure

Subchapter A. Closure Requirements

§3511. Closure Plan; Amendment of Plan

A. – C.2.b. ...

c. in conducting partial or final closure activities, unexpected events require a modification of the approved closure plan~~.~~; or

d. the owner or operator requests the administrative authority to apply alternative requirements to a regulated unit under LAC 33:V.3301.G, 3501.D, and/or 3701.D.

3. – 4. ...

~~5. The owner or operator requests the administrative authority to apply alternative requirements to a regulated unit under LAC 33:V.3301.G, 3501.D, and/or 3701.D.~~

D. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et. seq. and specifically 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 13:433 (August 1987), LR 14:791 (November 1988), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:480 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2486 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2465 (October 2005), LR 33:2116 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**Chapter 40. Used Oil**

**Subchapter D. Standards for Used Oil Transporter and Transfer Facilities**

**§4037. Tracking**

A. Acceptance. Used oil transporters ~~must~~shall keep a record of each used oil shipment accepted for transport. This record shall be in the form of a used oil reuse/recycle manifest ~~obtained from the department~~. Records for each shipment ~~must~~shall include:

A.1. – D. …

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 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**Subchapter E. Standards for Used Oil Processors and Re-Refiners**

**§4053. Tracking**

A. Acceptance. Used oil processors/re-refiners ~~must~~shall keep a record of each used oil shipment accepted for processing/re-refining. These records shall take the form of a used oil reuse/recycle manifest ~~obtained from the department~~. Records for each shipment ~~must~~shall include the following information:

1. – 6. …

B. Delivery. Used oil processor/re-refiners ~~must~~shall keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records shall take the form of a used oil reuse/recycle manifest ~~obtained from the department~~. Records for each shipment ~~must~~shall include the following information:

B.1. – C. …

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 21:266, 267 (March 1995), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**Subchapter F. Standards for Used Oil Burners that Burn Off-Specification Used Oil for Energy Recovery**

**§4071. Tracking**

A. Acceptance. Used oil burners ~~must~~shall keep a record of each used oil shipment accepted for burning. These records shall take the form of a used oil reuse/recycle manifest ~~obtained from the department~~. Records for each shipment ~~must~~shall include the following information:

A.1. – B. …

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 21:266, 267 (March 1995), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**Subchapter G. Standards for Used Oil Fuel Marketers**

**§4085. Tracking**

A. Off-Specification Used Oil Delivery. Any used oil marketer who directs a shipment of off-specification used oil to a burner ~~must~~shall keep a record of each shipment of used oil to that used oil burner. These records shall take the form of a used oil reuse/recycle manifest ~~obtained from the department~~. Records for each shipment ~~must~~shall include the following information:

A.1. – C. …

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 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:482 (March 1999), amended by the Office of the Secretary, Legal Division, LR 42:\*\*.

**Chapter 43.** **Interim Status**

**§4301. Purpose and Applicability**

A. The purpose of interim status is to allow existing facilities to operate in an appropriate and responsible manner during the period of time required to process and review permit application or until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled. Interim status facilities ~~must~~shall, when required by the administrative authority, submit to the Office of Environmental Services a permit application in compliance with the requirements of these regulations. Failure to submit an application is a violation of interim status and will result in revocation of a facility's interim status designation. Once revoked the facility will be treated as an unpermitted facility and appropriate legal action will be taken.

B. Qualifying for Interim Status. Any person who owns or operates an “existing HWM facility” or a facility in existence on the effective date of statutory or regulatory requirement to have a RCRA permit shall have interim status and shall be treated as having been issued a permit to the extent he or she has:

1. complied with the requirements of section 3010(a) of RCRA pertaining to notification of hazardous waste activity; and

[Comment: Some existing facilities may not be required to file a notification under section 3010(a) of RCRA. These facilities may qualify for interim status by meeting paragraph (a)(2) of this section.]

2. complied with the requirements of LAC 33:V.Chapter 5.Subchapter A governing submission of part I applications.

~~B~~C. Except as provided in LAC 33:V.4719, the standards of this Chapter and of LAC 33:V.Chapter 26 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste who have fully complied with the requirements for interim status under Section 3005(e) of RCRA and LAC 33:V.501 until either a permit is issued under Section 3005 of RCRA or until applicable LAC 33:V.Chapter 43 closure and post-closure responsibilities are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, who have failed to provide timely notification as required by Section 3010(a) of RCRA and/or failed to file Part A of the permit application as required by LAC 33:V.303.K and 501.C. These standards apply to all treatment, storage, and disposal of hazardous waste at these facilities after the effective date of these regulations, except as specifically provided otherwise in this Chapter or LAC 33:V.Chapter 49.

[Comment: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., LAC 33:V.Chapters 3, 5, and 7), the treatment, storage, and disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions, until final administrative disposition of the owner's and operator's permit application is made.]

~~C~~D. The requirements of this Chapter do not apply to:

1. a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act;

[Comment: These LAC 33:V.Chapter 43 regulations do apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea, as provided in Subsection ~~B~~C of this Section.]

2. the owner or operator of a POTW which treats, stores, or disposes of hazardous waste;

[Comment: The owner or operator of a facility under Paragraphs D~~C~~.1 and 2 of this Section is subject to the requirements of LAC 33:V.Chapters 11, 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, and-37 to the extent they are included in a permit by rule granted to such a person under 40 CFR 122 and by 144.14.]

3. a person who treats, stores, or disposes of hazardous waste in a state with a RCRA hazardous waste program authorized under Subpart A or B of 40 CFR Part 271, except that the requirements of this Chapter will continue to apply:

a. if the authorized state RCRA program does not cover disposal of hazardous waste by means of underground injection; or

b. to a person who treats, stores, or disposes of hazardous waste in a state authorized under Subpart A or B of 40 CFR Part 271 if the state has not been authorized to carry out the requirements and prohibitions applicable to the treatment, storage, or disposal of hazardous waste at his facility which are imposed in accordance with the Hazardous and Solid Waste Act Amendments of 1984. The requirements and prohibitions that are applicable until a state receives authorization to carry them out include all federal program requirements identified in 40 CFR 271.1.j;

4. the owner or operator of a facility permitted, licensed, or registered by the state to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by LAC 33:V.Subpart 1;

5. the owner and operator of a facility managing recyclable materials described in LAC 33:V.4105.A.1-3, except to the extent they are referred to in LAC 33:V.Chapter 40 or LAC 33:V.4139, 4141, 4143, or 4145;

6. a generator accumulating waste on-site in compliance with LAC 33:V.1109.E, except to the extent the requirements are included in LAC 33:V.1109.E;

7. a farmer disposing of waste pesticides from his own use in compliance with LAC 33:V.1101.D;

8. the owner or operator of a *totally enclosed treatment facility* (as defined in LAC 33:V.109);

9. the owner or operator of an *elementary neutralization unit* or *wastewater treatment unit* (as defined in LAC 33:V.109), provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in LAC 33:V.2299.Appendix, Table 2, Treatment Standards for Hazardous Wastes) or reactive (D003) waste to remove the characteristic before land disposal, the owner/operator ~~must~~shall comply with the requirements set out in LAC 33:V.4321.B;

10. ~~a.~~except as provided in Subparagraph D~~C~~.10.b of this Section~~,~~;

a. a person engaged in treatment or containment activities during immediate response to any of the following situations:

i. a discharge of a hazardous waste;

ii. an imminent and substantial threat of a discharge of hazardous waste;

iii. a discharge of a material that, when discharged, becomes a hazardous waste; or

iv. an immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an *explosives or munitions emergency response specialist* as defined in LAC 33:V.109;

b. an owner or operator of a facility otherwise regulated by this Chapter ~~must~~shall comply with all applicable requirements of LAC 33:V.Chapter 43.Subchapters C and D;

c. any person who is covered by Subparagraph D~~C~~.10.b of this Section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Chapter and 40 CFR 122-124 for those activities; and

d. in the case of an explosives or munitions emergency response, if a federal, state, tribal, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit ~~must~~shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;

11. a transporter storing manifested shipments of hazardous waste in containers meeting the requirements of LAC 33:V.1109.A at a transfer facility for a period of 10 days or less;

12. the addition of absorbent material to waste in a *container* (as defined in LAC 33:V.109) or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container and LAC 33:V.4321.B.1 and LAC 33:V.Chapter 43.Subchapter H are complied with;

13. *universal waste handlers* and *universal waste transporters* (as defined in LAC 33:V.3813) handling the wastes listed below. These handlers are subject to regulation under LAC 33:V.Chapter 38, when handling the following universal wastes:

a. batteries as described in LAC 33:V.3803;

b. pesticides as described in LAC 33:V.3805;

c. mercury-containing equipment as described in LAC 33:V.3807;

d. lamps as described in LAC 33:V.3809;

e. electronics as described in LAC 33:V.3810; and

f. antifreeze as described in LAC 33:V.3811;

~~14. LAC 33:V.5309 identifies when the requirements of this Chapter apply to the storage of military munitions classified as solid waste under LAC 33:V.5303. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in LAC 33:V.Subpart 1.~~

~~D~~E. Facilities having interim status are subject to all applicable federal and state laws and regulations, including these regulations.

~~E~~F. The requirements of this Chapter apply to owners or operators of all facilities which treat, store, or dispose of hazardous waste referred to in LAC 33:V.Chapter 22, and Chapter 22 standards are material conditions or requirements of the LAC 33:V.Chapter 43 interim status standards.

~~F~~G. Interim status is not available to any facility that has been previously denied a permit for the treatment, storage or disposal of hazardous waste or for which authority to operate has been previously terminated.

~~G~~H. EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, or F027 ~~must~~shall not be managed at facilities subject to regulation under LAC 33:V.4301-4547 unless:

1. the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

2. the waste is stored in tanks or containers;

3. the waste is stored or treated in waste piles that meet the requirements of LAC 33:V.2301.C as well as all other applicable requirements of LAC 33:V.Chapter 43.Subchapter K;

4. the waste is burned in incinerators that are certified pursuant to the standards and procedures in LAC 33:V.4522; or

5. the waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in LAC 33:V.4534.

~~H~~I. Failure to Qualify for Interim Status. If the department has reason to believe upon examination of a Part I application that it fails to meet the requirements of these regulations, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the department's belief that the application is deficient. The owner or operator shall have 30 days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part I application. If, after such notification and opportunity for response, the department determines that the application is deficient, it may take appropriate enforcement action.

~~I~~J. LAC 33:V.5309 identifies when the requirements of this Chapter apply to the storage of military munitions classified as solid waste under LAC 33:V.5303. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in LAC 33:V.Chapters 1-37, 41-49, and 53.

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

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Subchapter G. Financial Requirements

§4399. Definitions of Terms as Used in This Subpart

A. – A.6.h. ...

~~i.~~ *~~Current Plugging and Abandonment Cost Estimate—~~*~~the most recent of the estimates prepared in accordance with the applicable Louisiana Department of Natural Resources (LDNR) regulations.~~

7. *~~Current Plugging and Abandonment Costs~~*~~—the most recent of the cost estimates prepared in accordance with 40 CFR 144.62, Office of Conservation financial assurance regulations, or other substantially equivalent state programs.~~Repealed.

8. *Current Plugging and Abandonment Cost Estimate*—the most recent of the cost estimates prepared in accordance with 40 CFR 144.62, Office of Conservation financial assurance regulations, or other substantially equivalent state programs.

~~8~~9. *Substantial Business Relationship—*the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A *substantial business relationship* must arise from a pattern of recent or ongoing business transactions, in addition to the guarantee itself, such that a currently existing business relationship between the guarantor and the owner or operator is demonstrated to the satisfaction of the administrative authority.

B. – B.4. ...

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

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§4407. Financial Assurance for Post-Closure Care

An owner or operator of each hazardous waste disposal unit ~~must~~shall establish financial assurance for post-closure care of the facility. He must choose from the options as specified in Subsections A-E of this Section.

A. – A.11. ...

12. ~~The administrative authority releases the owner or operator from the requirements of LAC 33:V.4407.A in accordance with LAC 33:V.4407.H.~~The administrative authority will agree to termination of the trust when:

a. an owner or operator substitutes alternate financial assurance as specified in this Section; or

b. the administrative authority releases the owner or operator from the requirements of LAC 33:V.4407.A in accordance with LAC 33:V.4407.H.

B. – H. ...

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

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**Subchapter M. Landfills**

**§4501. Closure and Post-Closure**

A. – C.6. ...

D. In addition to the requirements of LAC 33:V.4389, during the post-closure care period, the owner or operator of a hazardous waste landfill ~~must~~shall:

1. – 2. ...

3. maintain and monitor the leak detection system in accordance with LAC 33:V.2503.~~K~~L.4.d, ~~K~~L.5, and 4502.B and comply with all other applicable leak detection system requirements of LAC 33:V.Chapter 43;

4. – 8. ...

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

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Subchapter N. Incinerators

§4513. Applicability

A. – B.1. …

2. The following requirements continue to apply even where the owner or operator has demonstrated compliance with the MACT requirements of 40 CFR Part 63, Subpart EEE, LAC 33:V.4521 (closure), and the applicable requirements of LAC 33:V.4301.A-~~C, G, and I~~D, F, H, and J, 4306, and Chapter 43 (Subchapters A-G, R, and V).

B.3. – C.4. …

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

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**Chapter 49.** **Lists of Hazardous Wastes**

[Editor’s Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

**§4999. Appendices­­-Appendix A, B, C, D, ~~E, and F~~and E**

**\*\*\***

**~~Appendix F. Recordkeeping Instructions~~**

~~A. The recordkeeping provisions of LAC 33:V.4357 specify that an owner or operator must keep a written operating record at his facility. This appendix provides additional instructions for keeping portions of the operating record. See LAC 33:V.4357.B for additional recordkeeping requirements.~~

~~B. The following information concerning each hazardous waste received, treated, stored, or disposed of at the facility must be recorded, as it becomes available, and maintained in the operating record until closure of the facility, in the following manner:~~

~~1. a description of the waste, identified by its common name and the EPA hazardous waste number(s) from LAC 33:V.Chapter 49 that apply to the waste. The waste description must include the waste's physical form, i.e., liquid, sludge, solid, or contained gas. If the waste is not listed in LAC 33:V.Chapter 49, the description also must include the process that produced it (for example, "solid filter cake from production of [ \_\_\_ ], EPA Hazardous Waste Number W051"). Each hazardous waste listed in LAC 33:V.4901, and each hazardous waste characteristic defined in LAC 33:V.4903, has a four-digit EPA hazardous waste number assigned to it. This number must be used for recordkeeping and reporting purposes. Where a hazardous waste contains more than one listed hazardous waste, or where more than one hazardous waste characteristic applies to the waste, the waste description must include all applicable EPA hazardous waste numbers;~~

~~2. the estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1:~~

| ~~Table 1—Units of Measure~~ | |
| --- | --- |
| ~~Unit of Measure~~ | ~~Code~~~~1~~ |
| ~~Gallons~~ | ~~G~~ |
| ~~Gallons per Hour~~ | ~~E~~ |
| ~~Gallons per Day~~ | ~~U~~ |
| ~~Liters~~ | ~~L~~ |
| ~~Liters Per Hour~~ | ~~H~~ |
| ~~Liters Per Day~~ | ~~V~~ |
| ~~Short Tons Per Hour~~ | ~~D~~ |
| ~~Metric Tons Per Hour~~ | ~~W~~ |
| ~~Short Tons Per Day~~ | ~~N~~ |
| ~~Metric Tons Per Day~~ | ~~S~~ |
| ~~Pounds Per Hour~~ | ~~J~~ |
| ~~Kilograms Per Hour~~ | ~~R~~ |
| ~~Cubic Yards~~ | ~~Y~~ |
| ~~Cubic Meters~~ | ~~C~~ |
| ~~Acres~~ | ~~B~~ |
| ~~Acre-feet~~ | ~~A~~ |
| ~~Hectares~~ | ~~Q~~ |
| ~~Hectare-meter~~ | ~~F~~ |
| ~~Btu's per Hour~~ | ~~I~~ |
| ~~Pounds~~ | ~~P~~ |
| ~~Short tons~~ | ~~T~~ |
| ~~Kilograms~~ | ~~K~~ |
| ~~Tons~~ | ~~M~~ |
| ~~1~~ ~~Single digit symbols are used here for data processing purposes.~~ | |

~~3. the method(s) (by handling code(s) as specified in Table 2) and date(s) of treatment, storage, or disposal. Use the handling code(s) listed in Table 2 that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.~~

| ~~Table 2—Handling Codes for Treatment, Storage, and Disposal Methods~~ |
| --- |
| ~~Handling Code~~ | ~~Technique~~ |
| ~~A. Storage~~ |  |
| ~~S01~~ | ~~Container (barrel, drum, etc.)~~ |
| ~~S02~~ | ~~Tank~~ |
| ~~S03~~ | ~~Waste Pile~~ |
| ~~S04~~ | ~~Surface Impoundment~~ |
| ~~S05~~ | ~~Drip Pad~~ |
| ~~S06~~ | ~~Containment Building (Storage)~~ |
| ~~S99~~ | ~~Other Storage (specify)~~ |
| ~~B. Treatment~~ |  |
| ~~1. Thermal Treatment~~ |  |
| ~~T06~~ | ~~Liquid injection incinerator~~ |
| ~~T07~~ | ~~Rotary kiln incinerator~~ |
| ~~T08~~ | ~~Fluidized bed incinerator~~ |
| ~~T09~~ | ~~Multiple hearth incinerator~~ |
| ~~T10~~ | ~~Infrared furnace incinerator~~ |
| ~~T11~~ | ~~Molten salt destructor~~ |
| ~~T12~~ | ~~Pyrolysis~~ |
| ~~T13~~ | ~~Wet air oxidation~~ |
| ~~T14~~ | ~~Calcination~~ |
| ~~T15~~ | ~~Microwave discharge~~ |
| ~~T18~~ | ~~Other (specify)~~ |
| ~~2. Chemical Treatment~~ |  |
| ~~T19~~ | ~~Absorption mound~~ |
| ~~T20~~ | ~~Absorption field~~ |
| ~~T21~~ | ~~Chemical fixation~~ |
| ~~T22~~ | ~~Chemical oxidation~~ |
| ~~T23~~ | ~~Chemical precipitation~~ |
| ~~T24~~ | ~~Chemical reduction~~ |
| ~~T25~~ | ~~Chlorination~~ |
| ~~T26~~ | ~~Chlorinolysis~~ |
| ~~T27~~ | ~~Cyanide destruction~~ |
| ~~T28~~ | ~~Degradation~~ |
| ~~T29~~ | ~~Detoxification~~ |
| ~~T30~~ | ~~Ion exchange~~ |
| ~~T31~~ | ~~Neutralization~~ |
| ~~T32~~ | ~~Ozonation~~ |
| ~~T33~~ | ~~Photolysis~~ |
| ~~T34~~ | ~~Other (specify)~~ |
| ~~3. Physical Treatment~~ |  |
| ~~a. Separation of Components~~ |  |
| ~~T35~~ | ~~Centrifugation~~ |
| ~~T36~~ | ~~Clarification~~ |
| ~~T37~~ | ~~Coagulation~~ |
| ~~T38~~ | ~~Decanting~~ |
| ~~T39~~ | ~~Encapsulation~~ |
| ~~T40~~ | ~~Filtration~~ |
| ~~T41~~ | ~~Flocculation~~ |
| ~~T42~~ | ~~Flotation~~ |
| ~~T43~~ | ~~Foaming~~ |
| ~~T44~~ | ~~Sedimentation~~ |
| ~~T45~~ | ~~Thickening~~ |
| ~~T46~~ | ~~Ultrafiltration~~ |
| ~~T47~~ | ~~Other (specify)~~ |
| ~~b. Removal of Specific Components~~ |  |
| ~~T48~~ | ~~Absorption-molecular sieve~~ |
| ~~T49~~ | ~~Activated carbon~~ |
| ~~T50~~ | ~~Blending~~ |
| ~~T51~~ | ~~Catalysis~~ |
| ~~T52~~ | ~~Crystallization~~ |
| ~~T53~~ | ~~Dialysis~~ |
| ~~T54~~ | ~~Distillation~~ |
| ~~T55~~ | ~~Electrodialysis~~ |
| ~~T56~~ | ~~Electrolysis~~ |
| ~~T57~~ | ~~Evaporation~~ |
| ~~T58~~ | ~~High gradient magnetic separation~~ |
| ~~T59~~ | ~~Leaching~~ |
| ~~T60~~ | ~~Liquid ion exchange~~ |
| ~~T61~~ | ~~Liquid-liquid extraction~~ |
| ~~T62~~ | ~~Reverse osmosis~~ |
| ~~T63~~ | ~~Solvent recovery~~ |
| ~~T64~~ | ~~Stripping~~ |
| ~~T65~~ | ~~Sand filter~~ |
| ~~T66~~ | ~~Other (specify)~~ |
| ~~4. Biological Treatment~~ |  |
| ~~T67~~ | ~~Activated sludge~~ |
| ~~T68~~ | ~~Aerobic lagoon~~ |
| ~~T69~~ | ~~Aerobic tank~~ |
| ~~T70~~ | ~~Anaerobic tank~~ |
| ~~T71~~ | ~~Composting~~ |
| ~~T72~~ | ~~Septic tank~~ |
| ~~T73~~ | ~~Spray irrigation~~ |
| ~~T74~~ | ~~Thickening filter~~ |
| ~~T75~~ | ~~Trickling filter~~ |
| ~~T76~~ | ~~Waste stabilization pond~~ |
| ~~T77~~ | ~~Other (specify)~~ |
| ~~T78-T79~~ | ~~[Reserved]~~ |
| ~~5. Boilers and Industrial Furnaces~~ |  |
| ~~T80~~ | ~~Boiler~~ |
| ~~T81~~ | ~~Cement Kiln~~ |
| ~~T82~~ | ~~Lime Kiln~~ |
| ~~T83~~ | ~~Aggregate Kiln~~ |
| ~~T84~~ | ~~Phosphate Kiln~~ |
| ~~T85~~ | ~~Coke Oven~~ |
| ~~T86~~ | ~~Blast Furnace~~ |
| ~~T87~~ | ~~Smelting, Melting, or Refining Furnace~~ |
| ~~T88~~ | ~~Titanium Dioxide Chloride Process Oxidation Reactor~~ |
| ~~T89~~ | ~~Methane Reforming Furnace~~ |
| ~~T90~~ | ~~Pulping Liquor Recovery Furnace~~ |
| ~~T91~~ | ~~Combustion Device Used in the Recovery of Sulfur Values From Spent Sulfuric Acid~~ |
| ~~T92~~ | ~~Halogen Acid Furnace~~ |
| ~~T93~~ | ~~Other Industrial Furnaces Listed in 40 CFR 260.10 (specify)~~ |
| ~~6. Other Treatment~~ |  |
| ~~T94~~ | ~~Containment Building (Treatment)~~ |
| ~~C. Disposal~~ |  |
| ~~D79~~ | ~~Underground Injection~~ |
| ~~D80~~ | ~~Landfill~~ |
| ~~D81~~ | ~~Land Treatment~~ |
| ~~D82~~ | ~~Ocean Disposal~~ |
| ~~D83~~ | ~~Surface Impoundment (to be closed as a landfill)~~ |
| ~~D99~~ | ~~Other Disposal (specify)~~ |
| ~~D. Miscellaneous~~ |  |
| ~~X01~~ | ~~Open Burning/Open Detonation~~ |
| ~~X02~~ | ~~Mechanical Processing~~ |
| ~~X03~~ | ~~Thermal Unit~~ |
| ~~X04~~ | ~~Geologic Repository~~ |
| ~~X99~~ | ~~Other (specify)~~ |

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