NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

One-Time Exclusion of Wastes for Chevron Oronite Co LLC - Oak Point Plant

 (LAC 33:V.4999.Appendix E. Table 2) (HW138)

 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.4999.Appendix E. Table 2 (HW138).

 The proposed Rule seeks to exclude (delist) incinerator ash and scrubber mud generated by Chevron Oronite Co. LLC and disposed of in Landfills A, B, and C at its Oak Point Plant in Belle Chasse, Louisiana, from the hazardous waste regulations. Chevron Oronite Co. LLC has submitted a petition to delist approximately 200,500 cubic yards of incinerator ash and scrubber mud, which are currently classified as listed hazardous waste (F005). The request seeks to reclassify these materials as nonhazardous industrial solid waste based on analytical data and risk assessment results, demonstrating that they do not pose a significant risk to human health or the environment. This reclassification will improve waste management efficiency while ensuring environmental protection. It will allow management by either disposal at a permitted off-site facility appropriate for nonhazardous industrial waste or through in-place management using alternate methods approved by LDEQ.

The delisting program is regulated under LAC 33:V.105.M and follows a formal rulemaking process. Applicants must submit a petition and meet all regulatory requirements to qualify for exclusion from hazardous waste regulations. This one-time delisting applies exclusively to the specified 200,500 cubic yards of waste materials located in Landfills A, B, and C at the Chevron Oronite Co LLC – Oak Point Plant site in Belle Chasse, Louisiana. The basis and rationale for this Rule are based on an evaluation of the information provided by the petitioner, including the analytical data, and the department’s analysis of the information, including results of the Delisting Risk Assessment Software assessment. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(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.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**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 Rule. Persons commenting should reference this proposed Rule by HW138. Such comments must be received no later than June 10, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW138. The proposed Rule is available on the Internet at https://deq.louisiana.gov/page/rules-regulations.

**Public Hearing**

A public hearing will be held on June 3, 2025, 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 in person or via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092 or by telephone by dialing (646) 255-1997 using the meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

 The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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.

 Aurelia S. Giacometto

 Secretary

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**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, and E**

Appendix A. — Appendix D. …

\* \* \*

Appendix E. Wastes Excluded under LAC 33:V.105.M

A. — B.3.b. …

| Table 1 – Wastes Excluded |
| --- |
| BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA |
| \* \* \* |

| Table 1 – Wastes Excluded |
| --- |
| Denka Performance Elastomer LLC, LaPlace, LA Denka Performance Elastomer LLC, LaPlace LADenka Performance Elastomer LLC, LaPlace, LA Denka Performance Elastomer LLC, LaPlace, LA Denka Performance Elastomer LLC, LaPlace, LA |
| \* \* \* |

| Table 1 – Wastes Excluded |
| --- |
| Lyondell Chemical Company, Lake Charles, LA |
| \* \* \* |

| Table 1 – Wastes Excluded |
| --- |
| Marathon Oil Co., Garyville, LA |
| \* \* \* |

| Table 1 – Wastes Excluded |
| --- |
| Motiva Enterprises LLC, Norco, LA |
| \* \* \* |

| Table 1 – Wastes Excluded |
| --- |
| Syngenta Crop Protection, Inc., St. Gabriel, LA |
| \* \* \* |

|  |
| --- |
| Table 2 – One-Time Wastes Excluded |
| Murphy Exploration and Production Company, Amelia, LA |
| \* \* \* |

|  |
| --- |
| Table 2 – One-Time Wastes Excluded |
| Conrad Industries, Inc. (Conrad), Morgan City, LA |
| \* \* \* |

|  |
| --- |
| Table 2 – One-Time Wastes Excluded |
| Marine Shale Processors, Inc., Amelia LA |
| \* \* \* |

|  |
| --- |
| Table 2 – One-Time Wastes Excluded |
| Chevron Oronite Company LLC – Oak Point Plant, Belle Chasse, LA |
| Hazardous waste scrubber mud was generated by scrubbing flue gas resulting from the incineration of a listed liquid hazardous waste previously generated at the Chevron Oronite Company LLC – Oak Point Plant (Chevron) in Belle Chasse, Louisiana. Chevron stabilized the scrubber mud with nonhazardous incinerator ash, nonhazardous sludges, and contaminated soil (collectively referred to as "ash"), all of which were generated at Chevron prior to disposal in Landfills A, B, and C. For the purpose of this one-time exclusion, the ash disposed of in Landfills A, B, and C includes hazardous waste code F005 and hazard codes "I" and "T" as listed in LAC 33:V.4901. This one-time exclusion allows for the management of approximately 200,500 cubic yards of ash for the purpose of excavation, transportation, and off-site disposal as nonhazardous industrial solid waste or management in-place pursuant to alternative methods approved 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, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), promulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012), LR 40:1692 (September 2014), LR 42:2179 (December 2016), LR 43:1149 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2139 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 49:59 (January 2023), LR 52:

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Person Preparing Statement:  | Victoria Mercer-Albritton |  | Dept.:  | Environmental Quality |
| Phone:  | (225) 219-1354 |  | Office:  | Environmental Services |
| Return Address:  | 602 North Fifth Street |  | Rule Title:  | Delisting Exclusion of Landfills A, B, and C |
|  | Baton Rouge, LA 70802 |  |  | Chevron Oronite Co LLC - Oak Point Plant, Belle Chasse, LA(LAC 33:V.4999. Appendix E) |
|  |  |  | Date Rule Takes Effect:  | Upon Promulgation |

SUMMARY

(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

1. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs as a result of the proposed rule change.

The proposed rule change seeks to exclude (delist) incinerator ash and scrubber mud generated by Chevron Oronite Co. LLC and disposed of in Landfills A, B, and C at its Oak Point Plant in Belle Chasse, Louisiana, from the hazardous waste regulations.

1. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

1. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Assuming the delisting petition is granted, Chevron Oronite Co. LLC - Oak Point Plant will remove the material and send it to a permitted nonhazardous industrial solid waste landfill for disposal. This option may produce an economic benefit to Louisiana contractors. Chevron Oronite Co. LLC - Oak Point Plant also has the option for in-place management using alternate methods approved by the Louisiana Department of Environmental Quality (LDEQ). The remediation of the 200,500 cubic yards will benefit Chevron Oronite Co. LLC – Oak Point Plant by allowing its industrial property to be fully utilized.

1. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The effects on competition are negligible. The delisting facilitates the remediation of materials that have been determined not to exhibit hazardous waste characteristics. The removal and disposal activities related to the 200,500 cubic yards will involve short-term employment in environmental, laboratory, and construction-related fields.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Signature of Head or Designee |  | Legislative Fiscal Officer or Designee |
| Aurelia S. Giacometto, Secretary |  |  |
| Typed Name & Title of Agency Head or Designee  |  |  |
|  |  |  |
| Date of Signature  |  | Date of Signature  |

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

1. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change seeks to exclude (delist) incinerator ash and scrubber mud generated by Chevron Oronite Co. LLC and disposed of in Landfills A, B, and C at its Oak Point Plant in Belle Chasse, Louisiana, from the hazardous waste regulations.

1. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Chevron Oronite Co. LLC has submitted a petition to delist approximately 200,500 cubic yards of incinerator ash and scrubber mud, which are currently classified as listed hazardous waste (F005). The request seeks to reclassify these materials as nonhazardous industrial solid waste based on analytical data and risk assessment results, demonstrating that they do not pose a significant risk to human health or the environment. This reclassification will improve waste management efficiency while ensuring environmental protection. It will allow management by either disposal at a permitted off-site facility appropriate for nonhazardous industrial waste or through in-place management using alternate methods approved by LDEQ.

The delisting program is regulated under LAC 33:V.105.M and follows a formal rulemaking process. Applicants must submit a petition and meet all regulatory requirements to qualify for exclusion from hazardous waste regulations. This one-time delisting applies exclusively to the specified 200,500 cubic yards of waste materials located in Landfills A, B, and C at the Chevron Oronite Co. LLC – Oak Point Plant site in Belle Chasse, Louisiana.

1. Compliance with Act 11 of the 1986 First Extraordinary Session
2. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, the proposed rule change will not result in any increase in the expenditure of funds.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

 (a) YES. If yes, attach documentation.

(b) NO. If no, provide justification as to why this rule change should be published at this time

This is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

|  |  |  |  |
| --- | --- | --- | --- |
| **COSTS** | **FY 25** | **FY 26** | **FY 27** |
| PERSONAL SERVICES | $0 | $0 | $0 |
| OPERATING EXPENSES | $0 | $0 | $0 |
| PROFESSIONAL SERVICES | $0 | $0 | $0 |
| OTHER CHARGES | $0 | $0 | $0 |
| EQUIPMENT | $0 | $0 | $0 |
| MAJOR REPAIR & CONSTR. | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |
| **POSITIONS (#)** | **0** | **0** | **0** |

1. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There are no costs or savings to state agencies associated with the implementation of this rule.

1. Sources of funding for implementing the proposed rule or rule change.

|  |  |  |  |
| --- | --- | --- | --- |
| **SOURCE** | **FY 25** | **FY 26** | **FY 27** |
| STATE GENERAL FUND | $0 | $0 | $0 |
| AGENCY SELF-GENERATED | $0 | $0 | $0 |
| DEDICATED | $0 | $0 | $0 |
| FEDERAL FUNDS | $0 | $0 | $0 |
| OTHER (Specify) | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |

1. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Not applicable

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no anticipated impact of the proposed rule on local governmental units.

1. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Not applicable

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

1. What increase (decrease) in revenues can be anticipated from the proposed action?

|  |  |  |  |
| --- | --- | --- | --- |
| **REVENUE INCREASE/DECREASE** | **FY 25** | **FY 26** | **FY 27** |
| STATE GENERAL FUND | $0 | $0 | $0 |
| AGENCY SELF-GENERATED | $0 | $0 | $0 |
| DEDICATED | $0 | $0 | $0 |
| FEDERAL FUNDS | $0 | $0 | $0 |
| LOCAL FUNDS | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |

\*Specify the particular fund being impacted.

1. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

There is no anticipated effect on revenue collections of state or local governmental units as a result of the proposed rule change.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

 A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

Assuming the delisting petition is granted, Chevron Oronite Co. LLC - Oak Point Plant will remove the material and send it to a permitted nonhazardous industrial solid waste landfill for disposal. This option may produce an economic benefit to Louisiana contractors. Chevron Oronite Co. LLC - Oak Point Plant also has the option for in-place management using alternate methods approved by the Louisiana Department of Environmental Quality (LDEQ). The remediation of the 200,500 cubic yards will benefit Chevron Oronite Co. LLC - Oak Point Plant by allowing its industrial property to be fully utilized.

The Chevron Oronite Co. LLC – Oak Point Plant will directly benefit from the delisting of incinerator ash and scrubber mud currently disposed of in Landfills A, B, and C. This change will reduce regulatory burdens and management costs, allowing the facility to manage these materials efficiently while ensuring environmental protection.

Additionally, the delisting has the potential to free up land previously occupied by these landfills, providing the facility with opportunities for future operational improvements and site development.

1. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Approval of this delisting will result in significant cost savings for Chevron Oronite Co. LLC – Oak Point Plant by eliminating the expenses associated with managing the 200,500 cubic yards of incinerator ash and scrubber mud as hazardous waste. Efficient management of the waste in accordance with nonhazardous solid waste standards, either at a permitted off-site facility appropriate for this waste type or through in-place management using alternate methods approved by LDEQ, the facility will reduce long-term compliance and operational costs.

Furthermore, any reclaimed land could create potential revenue opportunities through future expansion, increased production capacity, or new site developments, ultimately contributing to the facility’s financial growth.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment

 in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The effects on competition are negligible. The delisting facilitates the remediation of materials that have been determined not to exhibit hazardous waste characteristics. The removal and disposal activities related to the 200,500 cubic yards will involve short-term employment in environmental, laboratory, and construction-related fields.