

Laura Almond

From: Laura Almond
Sent: Thursday, October 9, 2025 7:32 AM
To: 'apa.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.housespeaker@legis.la.gov'; 'apa.senatepresident@legis.la.gov'
Cc: Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills
Subject: Summary Report for Proposed Rule HW134ft
Attachments: HW134ft NOI.pdf; HW134ft comment summary.pdf

October 9, 2025

The Honorable Eddie J. Lambert, Chairman
c/o Committee Staff
Senate Committee on Environmental Quality

The Honorable Brett F. Geymann, Chairman
House Committee on Natural Resources and Environment
c/o Committee Staff

**RE: Summary Report for Proposed Rule HW134ft
Universal Waste Regulations: Addition of Aerosol Cans
(LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301)
Proposed on August 20, 2025**

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Comments were received. No changes have been made to the proposed rule since the report provided for in R.S. 49:966(B) was submitted. Attached are computer files comprising the summary report along with a copy of the notice of intent. The original proposed rule was previously provided to you and is not being resubmitted with this report.

We would appreciate it if you would acknowledge receipt of this message by return email. Please contact Laura Almond at (225) 219-3981 if you have any questions regarding this material.

Sincerely yours,

Jill C. Clark
General Counsel

This concludes this transmission.

Laura Almond
Environmental Project Specialist
Louisiana Department of Environmental Quality
Legal Affairs Division
(225) 219-3985

Comment Summary Response
Universal Waste Regulations: Addition of Aerosol Cans
(LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843,
3845, and 4301) (HW134ft)

COMMENT 1: The Household & Commercial Products Association (HCPA) appreciates the opportunity to offer comments to the Louisiana Department of Environmental Quality (LDEQ) on proposed rule HW134ft, which would include aerosol cans in Louisiana's Universal Waste program. HCPA supports LDEQ's proposed rule as it is based on the EPA's Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations rule.

FOR/AGAINST: No arguments necessary; comment does not suggest amendment or change.

RESPONSE 1: The department appreciates the support.

COMMENT 2: HCPA represents a wide range of products, from household cleaners and air fresheners to commercial disinfectant and pest control whose use of aerosol technology makes the aerosol industry an integral part of the household and commercial products industry. HCPA has represented the U.S. aerosol products industry since 1950 through its Aerosol Products Division, representing the interest of companies that manufacture, formulate, supply, market a wide variety of products packaged in an aerosol form.

FOR/AGAINST: No arguments necessary; comment does not suggest amendment or change.

RESPONSE 2: The department appreciates the support.

COMMENT 3: The proposed revision to Louisiana's universal waste program not only maintains consistency with the Federal Resource Conservation and Recovery Act (RCRA), but it provides a clear, protective system for managing discarded waste aerosol cans; alleviates the regulatory burden on retail stores, aerosol product manufacturers, aerosol product marketers and others that discard waste aerosol cans by reducing the number of cans that must be treated as hazardous waste; promotes the collection and recycling of aerosol cans; and encourages the development of municipal and commercial programs to reduce the quantity of aerosol can waste going to municipal solid waste landfills.

FOR/AGAINST: No arguments necessary; comment does not suggest amendment or change.

RESPONSE 3: The department appreciates the support.

COMMENT 4: The proposed revision incorporates flexibility for handlers of discarded waste aerosol cans and lessens the regulatory burden on the regulated community, allowing more aerosol cans that are properly discarded to be recycled. Through this proposal, LDEQ ensures that programs developed in Louisiana can also be safely and universally implemented in other states so that waste handlers with multiple locations within the United States can have one consistent program to handle aerosol cans across multiple sites.

FOR/AGAINST: No arguments necessary; comment does not suggest amendment or change.

RESPONSE 4: The department appreciates the support.

COMMENT 5: For the reasons stated above, HCPA supports LDEQ's proposed rule.

FOR/AGAINST: No arguments necessary; comment does not suggest amendment or change.

RESPONSE 5: The department appreciates the support.

Comment Summary Response
Universal Waste Regulations: Addition of Aerosol Cans
(LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843,
3845, and 4301) (HW134ft)

COMMENT #

SUGGESTED BY

01 – 05

Nicholas Georges, Household & Commercial Products
Association

Comments reflected in this document are repeated verbatim from the written
submittal.

Total Commenters: 01

Total Comments: 05

Interested persons are invited to attend in person or online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861> or by phone at (646) 255-1997 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.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Safe Management of Recalled Airbags

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

There are no anticipated costs or savings to state or local governmental units as a result of the proposed rule change.

The proposed rule change adds airbag waste to the rules and regulations of Hazardous Waste and Hazardous Materials. More specifically, the proposed rule change exempts the collection of airbag waste from hazardous waste requirements as long as certain conditions are met.

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

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

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

The proposed rule change will allow dealerships, salvage yards, and other facilities to expedite the removal of defective airbag inflators from vehicles. Currently, airbag waste is subject to the hazardous waste regulations. The proposed rule change will remove some of the stringent waste management, shipping, and record-keeping requirements for airbag waste.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment in the public and private sectors.

Jill C. Clark
General Counsel
25069058

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Universal Waste Regulations: Addition of Aerosol Cans
(LAC 33:V.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301)

Under the authority of the Louisiana 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.105, 305, 1501, 2201, 3801, 3805, 3812, 3813, 3821, 3823, 3841, 3843, 3845, and 4301. (HW1340)

The proposed Rule is identical to federal regulations found in FR Vol. 84 No. 236 pages 67202-67220, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the proposed Rule. The proposed Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

The proposed Rule adopts the federal Rule published by the U.S. Environmental Protection Agency on February 7, 2020. The proposed Rule amends the universal waste program to include hazardous waste aerosol cans under the Resource Conservation and Recovery Act regulations. This modification provides regulatory relief and environmental benefits to a broad range of aerosol can generators and handlers, including the retail sector. Specifically, it offers a streamlined, environmentally protective system for managing discarded aerosol cans, alleviates regulatory burdens, promotes collection and recycling efforts, and supports the development of municipal and commercial programs aimed at reducing the disposal of these materials in municipal solid waste landfills or combustors. The basis and rationale for this Rule are to mirror federal regulations and promote recycling of aerosol cans. 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.

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 §105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also

apply to the denial of a permit for the active life of a hazardous waste management facility or individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.7.c. ...

- d. lamps as described in LAC 33:V.3809;
- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

D.8. - R.8.h. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

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 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:791 (March 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), amended by the Office of Secretary, Legal Affairs Division, LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1456 (October 2024), LR 51:

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

§305. Scope of the Permit

A. - C.11.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812;

C.12. - 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 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), amended by the Office of the Secretary, Legal Affairs LR 51:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. - C.11.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812; or

C.12. - H.13. ...

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 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), LR 32:606 (April 2006), LR 34:623 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:931 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

A. - I.5.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

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 43:1142 (June 2017), amended by the Office of the

Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

Chapter 38. Universal Wastes

Subchapter A. General

§3801. Scope and Applicability

A. This Chapter establishes requirements for managing batteries as described in LAC 33:V.3803, pesticides as described in LAC 33:V.3805, mercury-containing equipment as described in LAC 33:V.3807, lamps as described in LAC 33:V.3809, electronics as described in LAC 33:V.3810, antifreeze as described in LAC 33:V.3811, and aerosol cans as described in LAC 33:V.3812. This Chapter provides an alternative set of management standards in lieu of regulations under LAC 33:V.Subpart 1.

B. - 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 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), repromulgated LR 27:1518 (September 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§3805. Applicability—Pesticides

A. - B.1.

2. pesticides not meeting the conditions set forth in Subsection A of this Section. These pesticides shall be managed in compliance with the hazardous waste regulations in LAC 33:V.Subpart 1, except that *aerosol cans*, as defined in LAC 33:V.3813, that contain pesticides may be managed as aerosol can universal waste under LAC 33:V.3821.G or LAC 33:V.3843.G;

B.3. - D.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 23:569 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

§3812. Applicability—Aerosol Cans

A. Aerosol Cans Covered under This Chapter. The requirements for this Chapter apply to persons managing aerosol cans, as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

B. Aerosol Cans Not Covered Under This Chapter

1. The requirements of this Chapter do not apply to persons managing aerosol cans as described in LAC 33:V.3813, that are not yet a waste under LAC 33:V.4901, including those that do not meet the criteria for waste generation in Subsection C of this Section;

2. The requirements of this Chapter do not apply to persons managing aerosol cans as described in this Chapter, that are not yet a hazardous waste. An aerosol can is a

hazardous waste if it is listed in LAC 33:V.4901 or if it exhibits one or more of the characteristics identified in LAC 33:V.4903; and

3. The requirements of this Chapter do not apply to persons managing aerosol cans that meet the standard for empty container under LAC 33:V.109.

C. Generation of Waste Aerosol Cans

1. A used aerosol can shall become a waste on the date it is discarded.

2. An unused aerosol can shall become a waste on the date the handler decides to discard it.

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 51:

§3813. Definitions

Aerosol Can—a nonrefillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, with the sole purpose to expel a liquid, paste, or powder fitted with a self-closing release device allowing the contents to be ejected by the gas.

Large Quantity Handler of Universal Waste—a universal waste handler (as defined in this Section) who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, or aerosol cans calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the 5,000 kilogram-limit is met or exceeded.

Small Quantity Handler of Universal Waste—a universal waste handler (as defined in this Section) who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, or aerosol cans calculated collectively) at any time.

Universal Waste—any of the following hazardous wastes that are subject to the universal waste requirements of this Chapter:

1. batteries as described in LAC 33:V.3803;
2. pesticides as described in LAC 33:V.3805;
3. mercury-containing equipment as described in LAC 33:V.3807;
4. lamps as described in LAC 33:V.3809;
5. electronics as described in LAC 33:V.3810;
6. antifreeze as described in LAC 33:V.3811; and
7. aerosol cans as described in LAC 33:V.3812.

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 23:570 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), LR 27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), LR 51:

Subchapter B. Standards for Small Quantity Handlers of Universal Waste

§3821. Waste Management

A. - C.2.b. ...

c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

C.2.e. - F.4. ...

G. Aerosol Cans

1. A small quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows.

a. Universal waste aerosol cans shall be accumulated in a container that:

- i. is structurally sound;
- ii. is compatible with the contents of the aerosol cans;
- iii. lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and

iv. protected from a source of heat.

b. Universal waste aerosol cans that show evidence of leakage shall be:

- i. packaged in a separate closed container;
- ii. overpacked with absorbents; or
- iii. immediately punctured and drained in accordance with the requirements of Paragraph 4 of this Subsection.

c. A small quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

- i. sorting aerosol cans by type;
- ii. mixing intact cans in one container; and
- iii. removing actuators to reduce the risk of accidental release.

d. A small quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans.

i. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans.

ii. Effectively contain the residual contents and any emissions thereof.

iii. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases.

iv. Maintain a copy of the manufacturer's specification and instruction on site.

v. Ensure employees operating the device are trained in the proper procedures.

vi. Ensure the puncture of the can is done in a manner designed to prevent fire and the release of any component of universal waste to the environment, including but is not limited to, locating the equipment on a flat solid surface in a well-ventilated area.

vii. Immediately transfer the contents from the waste aerosol can or puncture device, if applicable, to a container or tank that meets the applicable requirements of LAC 33:V.1009, 1011, 1013, or 1015.

viii. Conduct a hazardous waste determination on the contents of the emptied aerosol can per LAC 33:V.1005.

(a). Any hazardous waste generated as a result of the puncture and draining of the aerosol can is subject to all applicable requirements of LAC 33:V.Subpart 1.

(b). The handler is considered the generator of the hazardous waste and is subject to LAC 33:V.Chapters 10 and 11.

ix. The handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations if the contents are determined to be nonhazardous.

x. A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

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 23:571 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:940 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§3823. Labeling/Marking

A. A small quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below.

1. - 8. ...

9. Universal waste aerosol cans (i.e., each aerosol can), or a container where the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)."

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 23:572 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3119 (December 2005), LR 34:1017 (June 2008), LR 51:

Subchapter C. Standards for Large Quantity Handlers of Universal Waste

§3841. Notification

A. - A.2. ...

B. This notification shall include:

1. - 3. ...

4. a list of all of the types of universal waste managed by the handler (e.g., batteries, pesticides, mercury-containing equipment, lamps, electronics, antifreeze, aerosol cans); and

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 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2496 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2473 (October 2005), LR 31:3120 (December 2005), LR 33:2124 (October 2007), LR 51:

§3843. Waste Management

A. - C.2.b. ...

c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that is subject to all applicable requirements of LAC 33:V.Subpart 1;

C.2.e. - F.4. ...

G. Aerosol Cans

1. A large quantity handler of universal waste shall manage universal waste aerosol cans in a way that prevents a release of universal waste or a component of a universal waste to the environment, as follows.

a. Universal waste aerosol cans shall be accumulated in a container that:

- i. is structurally sound;
- ii. is compatible with the contents of the aerosol cans;

iii. lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; and

iv. is protected from a source of heat.

b. Universal waste aerosol cans that show evidence of leakage shall be:

- i. packaged in a separate closed container;
- ii. overpacked with absorbents; or
- iii. immediately punctured and drained in accordance with the requirements of Subparagraph d of this Subsection.

c. A large quantity handler of universal waste may conduct the following activities, as long as each individual aerosol can is not breached and remains intact:

- i. sorting aerosol cans by type;
- ii. mixing intact cans in one container; and
- iii. removing actuators to reduce the risk of accidental release.

d. A large quantity handler of universal waste who punctures and drains their aerosol cans shall recycle the empty punctured aerosol cans and meet the following requirements while puncturing and draining universal waste aerosol cans.

i. Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans.

ii. Effectively contain the residual contents and any emissions thereof.

iii. Establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases.

iv. Maintain a copy of the manufacturer's specification and instruction on site.

v. Ensure employees operating the device are trained in the proper procedures.

vi. Ensure the puncture of the can is done in a manner designed to prevent fire and the release of any component of universal waste to the environment, including but is not limited to, locating the equipment on a solid, flat surface in a well ventilated area.

vii. Immediately transfer the contents from the waste aerosol can or puncture device, if applicable, to a container or tank that meets the applicable requirements of LAC 33:V.1009, 1011, 1013, or 1015.

viii. Conduct a hazardous waste determination on the contents of the emptied aerosol can per LAC 33:V.1005.

(a). Any hazardous waste generated as a result of puncture and draining of the aerosol can is subject to all applicable requirements of LAC 33:V.Subpart 1.

(b). The handler is considered the generator of the hazardous waste and is subject to LAC 33:V.Chapters 10 and 11.

ix. The handler may manage the waste in any way that is in compliance with applicable federal, state, or local solid waste regulations if the contents are determined to be nonhazardous.

x. A written procedure shall be in place in the event of a spill or leak and a spill clean-up kit shall be provided. All spills or leaks of the contents of the aerosol cans shall be cleaned up promptly.

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 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3120 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:941 (July 2020), amended by the Office of the Secretary, Legal Affairs Division LR 51:

§3845. Labeling/Marking

A. A large quantity handler of universal waste shall label or mark the universal waste to identify the type of universal waste as specified below.

1. - 8. ...

9. Universal waste aerosol cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, shall be labeled or marked clearly with any of the following phrases: "Universal Waste—Aerosol Can(s)," "Waste Aerosol Can(s)," or "Used Aerosol Can(s)."

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 23:575 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3121 (December 2005), LR 34:1017, (June 2008), LR 51:

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - D.13.d. ...

- e. electronics as described in LAC 33:V.3810;
- f. antifreeze as described in LAC 33:V.3811; and
- g. aerosol cans as described in LAC 33:V.3812.

E. - J. ...

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 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

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. 49:978.1 - 978.8.

Provider Impact Statement

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

Public Hearing

A public hearing will be held on September 25, 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 online via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=93452818861> or by phone at (646) 255-1997 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.

Public Comments

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting

should reference this proposed Rule by HW134ft. Such comments must be received no later than September 25, 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. The comment period for this Rule ends on the same date as the public hearing. 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 HW134ft. The proposed rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

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.

Jill C. Clark
General Counsel

2508#032

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Voluntary Environmental Self-Audit Regulations
(LAC 33:I.7005, 7007, 7009, 7011, and 7013)

Under the authority of the Louisiana 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 Office of the Secretary regulations, LAC 33:I.Chapter 70 (OS104).

The proposed Rule will amend and clarify sections of LAC 33:I.Chapter 70 -Voluntary Environmental Self-Audit Regulations. The Voluntary Environmental Self-Audit Program was established to enhance protection of human health and the environment and increase environmental compliance at regulated entities. The Voluntary Self-Audit Regulations were promulgated on December 20, 2023. Based on implementation of the program and feedback from participants, the department has determined that revisions are necessary to aid in further implementation of the program. The proposed Rule also addresses comments received during the rulemaking process, public hearing, and comment period, for the original Rule. The basis and rationale for this Rule are to aid the department in continued implementation of the self-audit program. 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.

Laura Almond

From: Microsoft Outlook
To: 'apa.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.housespeaker@legis.la.gov';
'apa.senatepresident@legis.la.gov'
Sent: Thursday, October 9, 2025 7:32 AM
Subject: Relayed: Summary Report for Proposed Rule HW134ft

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'apa.s-envq@legis.la.gov' (apa.s-envq@legis.la.gov)

'apa.h-natr@legis.la.gov' (apa.h-natr@legis.la.gov)

'apa.housespeaker@legis.la.gov' (apa.housespeaker@legis.la.gov)

'apa.senatepresident@legis.la.gov' (apa.senatepresident@legis.la.gov)

Subject: Summary Report for Proposed Rule HW134ft



**Summary Report
for Proposed Ru...**

Laura Almond

From: Microsoft Outlook
To: Jill Clark
Sent: Thursday, October 9, 2025 7:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW134ft

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report for Proposed Rule HW134ft



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette (DEQ)
Sent: Thursday, October 9, 2025 7:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW134ft

Your message has been delivered to the following recipients:

Courtney Burdette (DEQ) (Courtney.Burdette@LA.GOV)

Subject: Summary Report for Proposed Rule HW134ft



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: William Little
Sent: Thursday, October 9, 2025 7:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW134ft

Your message has been delivered to the following recipients:

William Little (William.Little@la.gov)

Subject: Summary Report for Proposed Rule HW134ft



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Deidra Johnson
Sent: Thursday, October 9, 2025 7:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW134ft

Your message has been delivered to the following recipients:

Deidra Johnson (Deidra.Johnson@LA.GOV)

Subject: Summary Report for Proposed Rule HW134ft



**Summary Report
for Proposed Ru...**

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Thursday, October 9, 2025 7:32 AM
Subject: Delivered: Summary Report for Proposed Rule HW134ft

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report for Proposed Rule HW134ft.



Summary Report
for Proposed Ru...

Laura Almond

From: Winkler, Jennifer <winklerj@legis.la.gov>
To: Laura Almond
Sent: Thursday, October 9, 2025 8:02 AM
Subject: Read: Summary Report for Proposed Rule HW134ft

Your message

To: Winkler, Jennifer
Subject: Summary Report for Proposed Rule HW134ft
Sent: Thursday, October 9, 2025 7:31:39 AM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, October 9, 2025 8:01:56 AM (UTC-06:00) Central Time (US & Canada).

Laura Almond

From: APA - House Speaker <apa.housespeaker@legis.la.gov>
Sent: Thursday, October 9, 2025 7:32 AM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Thursday, October 9, 2025 7:32 AM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Thursday, October 9, 2025 7:32 AM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDol2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees

<https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Thursday, October 9, 2025 7:32 AM
To: Laura Almond
Cc: APA - Senate Environment
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.