

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Solid and Hazardous Waste  
Hazardous Waste Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Division Regulations, LAC 33:V.Chapters 1, 3, 15, 22, 35, 38, 39, and 41, (Log # HW054\*).

This proposed rule is identical to a federal law or regulation which is applicable in Louisiana. No fiscal or economic impact will result from the proposed rule. Therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rule promulgates hazardous waste management regulations governing the collection and management of certain widely used wastes known as universal wastes. The specific wastes covered by this rule include batteries, pesticides that are either recalled or collected in waste pesticide collection programs and thermostats.

A public hearing will be held on April 24, 1997, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. 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 please contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by the Log #HW054\*. Such comments should be submitted no later than April 24, 1997, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Post Office Box 82282, Baton Rouge, LA, 70810 or to fax number (504)765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of HW054\*.

This proposed regulation is available for inspection at the following DEQ office locations from 8:00 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, 4th Floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

H. M. Strong  
Assistant Secretary

**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 denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including "solid waste" and "hazardous waste," appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

\* \* \*

[See Prior Text in A-D.47]

48. The following wastes are exempt from regulation under this Subpart, except as specified in LAC 33:V.Chapter 38, and therefore, are not fully regulated as hazardous waste. The wastes listed in this Section are subject to regulation under

LAC 33:V.Chapter 38:

- a. batteries as described in LAC 33:V.3803;
- b. pesticides as described in LAC 33:V.3805; and
- c. thermostats as described in LAC 33:V.3807.

\* \* \*

[See Prior Text in E-M.10]

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 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (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 (September 1996), LR 22:831 (September 1996), LR 23:\*\*.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 3. General Conditions for Treatment, Storage, and

Disposal Facility Permits

§305. Scope of the Permit

\* \* \*

[See Prior Text in A-C.9]

10. owners and operators of facilities granted a research development and demonstration permit under section 3005(g) of Subtitle C of RCRA, is so specifically exempted by the administrative authority or

11. 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 below listed universal wastes:

- a. batteries as described in LAC 33:V.3803;
- b. pesticides as described in LAC 33:V.3805; and
- c. thermostats as described in LAC 33:V.3807.

\* \* \*

[See Prior Text in D-G.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  
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:\*\*.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

\* \* \*

[See Prior Text in A-C.8]

9. The addition of absorbent material to waste in a container (see 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.1517.B, 2103, and 2105 are complied with; ~~or~~

10. A generator accumulating waste on-site in compliance with LAC 33:V.1109.E ~~;~~ or

11. 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 below listed universal wastes:

- a. batteries as described in LAC 33:V.3803;
- b. pesticides as described in LAC 33:V.3805; and

c. thermostats as described in LAC 33:V.3807.

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:\*\*.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality-Hazardous Waste

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

\* \* \*

[See Prior Text in A-I.2]

3. de minimis losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable (D001), corrosive (D002), or are organic constituents that exhibit the characteristic of toxicity (D012-D043), and that contain underlying hazardous constituents as defined in LAC 33:V.2203 are not considered to be prohibited wastes. De minimis is defined as losses from normal material-handling operation (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing

and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; ~~or~~

4. land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012-D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the Clean Water Act (CWA) (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headworks does not exceed one percent, or provided that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks ~~or~~

5. universal waste handlers and universal waste transporters (as defined in LAC 33:V.3813) are exempt from LAC 33:V.2205, 2245.A-I, 2246.E, and 2247 for the wastes listed below. These handlers are subject to regulation under LAC 33:V.Chapter 38, when handling the below listed universal wastes:

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

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

c. thermostats as described in LAC 33:V.3807.

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:\*\*.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality-Hazardous Waste

Chapter 35. Closure and Post-closure

§3525. Post-closure Notices

\* \* \*

[See Prior Text in A-B.1.b]

c. the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by LAC 33:V.3517 and 3527 this Section have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the administrative authority; and

\* \* \*

[See Prior Text in B.2-C.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

13:433 (August 1987), LR 18:1256 (November 1992), LR 23:\*\*.

**Title 33**

**ENVIRONMENTAL QUALITY**

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

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

**Chapter 38. Universal Wastes**

**Subchapter A. General**

**§3801. Scope and Applicability**

A. This Chapter establishes requirements for managing batteries, pesticides, and thermostats as described in LAC 33:V.3813. This Chapter provides an alternative set of management standards in lieu of regulations under this Subpart.

B. Persons managing household wastes that are exempt under LAC 33:V.105.D.10 and are also of the same type as the universal wastes defined in this Chapter may, at their option, manage these wastes under the requirements of this Chapter.

C. Persons who commingle the wastes described in Subsection B of this Section together with universal waste regulated under this Chapter, must manage the commingled waste under the requirements of this Chapter.

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:\*\*.

**§3803. Applicability - Batteries**

A. Batteries Covered Under this Chapter

1. The requirements of this Chapter apply to persons managing batteries, as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

2. Spent lead-acid batteries which are not managed under LAC 33:V.Chapter 41 are subject to management under this Chapter.

B. Batteries Not Covered Under this Chapter. The requirements of this Chapter do not apply to persons managing the following batteries:

1. spent lead-acid batteries that are managed under LAC 33:V.Chapter 41;

2. batteries, as described in LAC 33:V.3813, that are not yet wastes under LAC 33:V.4901, including those that do not meet the criteria for waste generation in Subsection C of this Section; and

3. batteries, as described in this Chapter, that are not hazardous waste. A battery is a hazardous waste if it

exhibits one or more of the characteristics identified in LAC 33:V.4903.

C. Generation of Waste Batteries

1. A used battery becomes a waste on the date it is discarded (e.g., when sent for reclamation).

2. An unused battery becomes 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 Solid and Hazardous Waste, Hazardous Waste Division, LR 23:\*\*.

**§3805. Applicability - Pesticides**

A. Pesticides Covered Under this Chapter. The requirements of this Section apply to persons managing pesticides, as described in LAC 33:V.3813, meeting the following conditions, except those listed in Subsection B of this Section:

1. recalled pesticides that are:

a. stocks of a suspended and canceled pesticide that are part of a voluntary or mandatory recall under FIFRA section 19(b), including, but not limited to those owned by the registrant responsible for conducting the recall; or

b. stocks of a suspended or cancelled pesticide, or a pesticide that is not in compliance with FIFRA, that are part of a voluntary recall by the registrant.

2. stocks of other unused pesticide products that are collected and managed as part of a waste pesticide collection program.

B. Pesticides Not Covered Under this Chapter. The requirements of this Chapter do not apply to persons managing the following pesticides:

1. recalled pesticides described in Subsection A.1 of this Section, and unused pesticide products described in Subsection A.2 of this Section, that are managed by farmers in compliance with LAC 33:V.105.D.5 (LAC 33:V.105.D.5 addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with the definition of empty container under LAC 33:V.109);

2. pesticides not meeting the conditions set forth in Subsection A of this Section. These pesticides must be managed in compliance with the hazardous waste regulations in LAC 33:V.Subpart 1;

3. pesticides that are not wastes under Subsection C

of this Section, including those that do not meet the criteria  
for waste generation in Subsection C of this Section or those  
that are not wastes as described in Subsection D of this  
Section; and

4. pesticides that are not hazardous waste. A  
pesticide 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.

C. When a Pesticide Becomes a Waste

1. A recalled pesticide described in Subsection A of  
this Section becomes a waste on the first date on which both of  
the following conditions apply:

a. the generator of the recalled pesticide  
agrees to participate in the recall; and

b. the person conducting the recall decides to  
discard (e.g., burn the pesticide for energy recovery).

2. An unused pesticide product described in  
Subsection A.2 of this Section becomes a waste on the date the  
generator decides to discard it.

D. Pesticides That Are Not Wastes. The following  
pesticides are not wastes:

1. recalled pesticides described in Subsection A.1 of this Section, provided that the person conducting the recall:

a. has not made a decision to discard (e.g., burn for energy recovery) the pesticide. Until such a decision is made, the pesticide does not meet the definition of "solid waste" under LAC 33:V.109; thus the pesticide is not a hazardous waste and is not subject to hazardous waste requirements, including this Chapter. This pesticide remains subject to the requirements of FIFRA; or

b. has made a decision to use a management option that, under LAC 33:V.109, does not cause the pesticide to be a solid waste (i.e., the selected option is use (other than use constituting disposal) or reuse (other than burning for energy recovery), or reclamation). Such a pesticide is not a solid waste and therefore is not a hazardous waste, and is not subject to the hazardous waste requirements including this Chapter. This pesticide, including a recalled pesticide that is exported to a foreign destination for use or reuse, remains subject to the requirements of FIFRA;

2. unused pesticide products described in Subsection A.2 of this Section, if the generator of the unused pesticide product has not decided to discard (e.g., burn for energy

recovery) them. These pesticides remain subject to the requirements of FIFRA.

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:\*\*.

**§3807. Applicability - Mercury thermostats**

A. Thermostats Covered Under this Chapter. The requirements of this Chapter apply to persons managing thermostats, as described in LAC 33:V.3813, except those listed in Subsection B of this Section.

B. Thermostats Not Covered Under this Chapter. The requirements of this Chapter do not apply to persons managing the following thermostats:

1. thermostats that are not yet wastes under LAC 33:V.Chapter 49. Subsection C of this Section describes when thermostats become wastes; and

2. thermostats that are not hazardous waste. A thermostat is a hazardous waste if it exhibits one or more of the characteristics identified in LAC 33:V.4903.

C. Generation of Waste Thermostats

1. A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).

2. An unused thermostat becomes 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 Solid and Hazardous Waste, Hazardous Waste Division, LR 23:\*\*.

**§3813. Definitions**

Battery—a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

Destination Facility—a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in LAC 33:V.3821.A and C

and 3843.A and C. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

FIFRA—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 - 136y).

Generator—any person, by site, whose act or process produces hazardous waste identified or listed in LAC 33:V.Chapter 49 or whose act first causes a hazardous waste to become subject to regulation.

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, or thermostats, 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 5,000 kilograms or more total of universal waste is accumulated.

On-site—the same or geographically contiguous property which may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties owned

by the same person but connected by a right-of-way which he controls and to which the public does not have access, are also considered on-site property.

*Pesticide*—any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

1. is a new animal drug under FFDCA section 201(w); or
2. is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug; or
3. is an animal feed under FFDCA section 201(x) that bears or contains any substances described by Paragraph 1 or 2 of this Subsection.

*Small Quantity Handler of Universal Waste*—a universal waste handler (as defined in this Section) who does not accumulate more than 5,000 kilograms total of universal waste (batteries, pesticides, or thermostats, calculated collectively) at any time.

*Thermostat*—a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed

from these temperature control devices in compliance with the requirements of LAC 33:V.3821.C.2 or 3843.C.2.

*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; and
3. thermostats as described in LAC 33:V.3807.

*Universal Waste Handler*—a generator (as defined in this Section) of universal waste; or the owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination. A universal waste handler does not include a person who treats (except under the provisions of LAC 33:V.3821.A or C, or 3843.A or C), disposes of, or recycles universal waste; or a person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

*Universal Waste Transfer Facility*—any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste

are held during the normal course of transportation for 10 days or less.

Universal Waste Transporter—a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

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:\*\*.

**Subchapter B. Standards for Small Quantity Handlers of Universal Waste**

**§3815. Applicability**

This Subchapter applies to small quantity handlers of universal waste (as defined in LAC 33:V.3813).

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:\*\*.

**§3817. Prohibitions**

A small quantity handler of universal waste is:

1. prohibited from disposing of universal waste; and

2. prohibited from diluting or treating universal

waste, except by responding to releases as provided in LAC

33:V.3829; or by managing specific wastes as provided in LAC

33:V.3821.

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:\*\*.

**§3819. Notification**

A small quantity handler of universal waste is not required  
to notify the department of universal waste handling activities.

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:\*\*.

**§3821. Waste Management**

A. Universal Waste Batteries. A small quantity handler of  
universal waste must manage universal waste batteries in a way

that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. a small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

- a. sorting batteries by type;
- b. mixing battery types in one container;
- c. discharging batteries so as to remove the electric charge;
- d. regenerating used batteries;
- e. disassembling batteries or battery packs into individual batteries or cells;

- f. removing batteries from consumer products; or
- g. removing electrolyte from batteries; and

3. a small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in LAC 33:V.4903.

a. If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it is subject to all applicable requirements of these regulations. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to LAC 33:V.Chapter 11.

b. If the electrolyte or other solid waste does not exhibit a characteristic of hazardous waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

B. Universal Waste Pesticides. A small quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste

pesticides must be contained in one or more of the following:

1. a container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

2. a container that does not meet the requirements of Subsection B.1 of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of Subsection B.1 of this Section or

3. a tank that meets the requirements of LAC 33:V.Chapter 19 except for LAC 33:V.1915.C; or

4. a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

C. Universal Waste Thermostats. A small quantity handler of universal waste must manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. a small quantity handler of universal waste must contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under

reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a small quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats, provided the handler:

a. removes the ampules in a manner designed to prevent breakage of the ampules;

b. removes ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

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 meets the requirements of LAC 33:V.1109.E;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of LAC 33:V.1109.E;

e. ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

f. ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

g. stores removed ampules in closed, non-leaking containers that are in good condition;

h. packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

3. a small quantity handler of universal waste who removes mercury-containing ampules from thermostats must determine whether the mercury or clean-up residues resulting from spills or leaks, and/or other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units) exhibit a characteristic of hazardous waste identified in LAC 33:V.4903.

a. If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of these

regulations. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it subject to LAC 33:V.Chapter 11.

b. If the mercury, residues, and/or other solid waste does not exhibit a characteristic of hazardous waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

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:\*\*.

**§3823. Labeling/Marking**

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

1. universal waste batteries (i.e. each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

2. a container, (or multiple container package unit),

tank, transport vehicle or vessel in which recalled universal waste pesticides as described in LAC 33:V.3805.A.1 are contained must be labeled or marked clearly with:

a. the label that was on or accompanied the product as sold or distributed; and

b. the words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s),"

3. a container, tank, or transport vehicle or vessel in which unused pesticide products as described in LAC 33:V.3805.A.2 are contained must be:

a. labeled or marked clearly with:

i. the label that was on the product when purchased, if still legible;

ii. the appropriate label as required under the U.S. Department of Transportation regulation 49 CFR part 172; or

iii. another label prescribed or designated by the waste pesticide collection program administered or recognized by the state; and

b. the words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)."

4. universal waste thermostats (i.e., each

thermostat), or a container in which the thermostats are  
contained, must be labeled or marked clearly with any one of the  
following phrases: "Universal Waste - Mercury Thermostat(s),"  
or "Waste Mercury Thermostat(s)," or "Used Mercury  
thermostat(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:\*\*.

**§3825. Accumulation Time Limits**

A. A small quantity handler of universal waste may  
accumulate universal waste for no longer than one year from the  
date the universal waste is generated, or received from another  
handler, unless the requirements of Subsection B of this Section  
are met.

B. A small quantity handler of universal waste may  
accumulate universal waste for longer than one year from the  
date the universal waste is generated, or received from another  
handler, if such activity is solely for the purpose of  
accumulation of such quantities of universal waste as necessary  
to facilitate proper recovery, treatment, or disposal. However,

the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

C. A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

1. placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

2. marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3. maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

4. maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal

waste became a waste or was received;

5. placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

6. any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

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:\*\*.

**§3827. Employee Training**

A. A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

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:\*\*.

**§3829. Response to Releases**

A. A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

B. A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of these regulations. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with LAC 33:V.Chapter 11.

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:\*\*.

**§3831. Off-site Shipments**

A. A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

B. If a small quantity handler of universal waste self-  
transports universal waste off-site, the handler becomes a  
universal waste transporter for those self-transportation  
activities and must comply with the transporter requirements of  
Subchapter D of this Chapter while transporting the universal  
waste.

C. If a universal waste being offered for off-site  
transportation meets the definition of hazardous materials under  
49 CFR Parts 171-180, a small quantity handler of universal  
waste must package, label, mark and placard the shipment, and  
prepare the proper shipping papers in accordance with the  
applicable U.S. Department of Transportation regulations under  
49 CFR parts 172 - 180.

D. Prior to sending a shipment of universal waste to  
another universal waste handler, the originating handler must  
ensure that the receiving handler agrees to receive the  
shipment.

E. If a small quantity handler of universal waste sends a  
shipment of universal waste to another handler or to a  
destination facility and the shipment is rejected by the  
receiving handler or destination facility, the originating  
handler must either:

1. receive the waste back when notified that the shipment has been rejected, or

2. agree with the receiving handler on a destination facility to which the shipment will be sent.

F. A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

1. send the shipment back to the originating handler,  
or

2. if agreed to by both the originating and receiving handler, send the shipment to a destination facility.

G. If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the administrative authority of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The administrative authority will provide instructions for managing the hazardous waste.

H. If a small quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

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:\*\*.

**§3833. Tracking Universal Waste Shipments**

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

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:\*\*.

**§3835. Exports**

A small quantity handler of universal waste who sends universal waste to a foreign destination must:

1. comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a - d, G.1.f, G.2, and

H;

2. export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in LAC 33:V.1113; and

3. provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:\*\*.

**Subchapter C. Standards for Large Quantity Handlers of Universal Waste**

**§3837. Applicability**

This Subchapter applies to large quantity handlers of universal waste (as defined in LAC 33:V.3813).

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:\*\*.

**§3839. Prohibitions**

A large quantity handler of universal waste is:

- 1. prohibited from disposing of universal waste; and
- 2. prohibited from diluting or treating universal

waste, except by responding to releases as provided in LAC 33:V.3851; or by managing specific wastes as provided in LAC 33:V.3843.

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:\*\*.

**§3841. Notification**

A. Except as provided in Subsection A.1 and 2 of this Section, a large quantity handler of universal waste must have sent written notification of universal waste management to the administrative authority, and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.

- 1. A large quantity handler of universal waste who has already notified EPA of his hazardous waste management activities and has received an EPA Identification Number is not

required to renotify under this Section.

2. A large quantity handler of universal waste who manages recalled universal waste pesticides as described in LAC 33:V.3805.A.1 and who has sent notification to EPA as required by 40 CFR part 165 is not required to notify for those recalled universal waste pesticides under this Section.

B. This notification must include:

1. the universal waste handler's name and mailing address;

2. the name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

3. the address or physical location of the universal waste management activities;

4. a list of all of the types of universal waste managed by the handler (e.g, batteries, pesticides, thermostats); and

5. a statement indicating that the handler is accumulating more than 5,000 kilograms of universal waste at one time and the types of universal waste (e.g, batteries, pesticides, thermostats) the handler is accumulating above this quantity.

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:\*\*.

**§3843. Waste Management**

A. Universal Waste Batteries. A large quantity handler of  
universal waste must manage universal waste batteries in a way  
that prevents releases of any universal waste or component of a  
universal waste to the environment, as follows:

1. a large quantity handler of universal waste must  
contain any universal waste battery that shows evidence of  
leakage, spillage, or damage that could cause leakage under  
reasonably foreseeable conditions in a container. The container  
must be closed, structurally sound, compatible with the contents  
of the battery, and must lack evidence of leakage, spillage, or  
damage that could cause leakage under reasonably foreseeable  
conditions;

2. a large quantity handler of universal waste may  
conduct the following activities as long as the casing of each  
individual battery cell is not breached and remains intact and  
closed (except that cells may be opened to remove electrolyte

but must be immediately closed after removal):

a. sorting batteries by type;

b. mixing battery types in one container;

c. discharging batteries so as to remove the electric charge;

d. regenerating used batteries;

e. disassembling batteries or battery packs into individual batteries or cells;

f. removing batteries from consumer products; or

g. removing electrolyte from batteries; and

3. a large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (e.g., battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste identified in LAC 33:V.4903.

a. If the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to LAC

33:V.Chapter 11.

b. If the electrolyte or other solid waste does not exhibit a characteristic of hazardous waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

B. Universal Waste Pesticides. A large quantity handler of universal waste must manage universal waste pesticides in a way that prevents releases of any universal waste or component of a universal waste to the environment. The universal waste pesticides must be contained in one or more of the following:

1. a container that remains closed, structurally sound, compatible with the pesticide, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions; or

2. a container that does not meet the requirements of Subsection B.1 of this Section, provided that the unacceptable container is overpacked in a container that does meet the requirements of Subsection B.1 of this Section; or

3. a tank that meets the requirements of LAC 33:V.Chapter 19, except for LAC 33:V.1915.C; or

4. a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and that

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

C. Universal Waste Thermostats. A large quantity handler of universal waste must manage universal waste thermostats in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

1. a large quantity handler of universal waste must contain any universal waste thermostat that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the thermostat, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. a large quantity handler of universal waste may remove mercury-containing ampules from universal waste thermostats provided the handler:

a. removes the ampules in a manner designed to prevent breakage of the ampules;

b. removes ampules only over or in a containment device (e.g., tray or pan sufficient to contain any mercury released from an ampule in case of breakage);

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 meets the requirements of IAC 33:V.1109;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of IAC 33:V.1109;

e. ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

f. ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

g. stores removed ampules in closed, non-leaking containers that are in good condition;

h. packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

3. a large quantity handler of universal waste who

removes mercury-containing ampules from thermostats must determine whether the mercury or clean-up residues resulting from spills or leaks and/or other solid waste generated as a result of the removal of mercury-containing ampules (e.g., remaining thermostat units) exhibit a characteristic of hazardous waste identified in LAC 33:V.4903:

a. if the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to LAC 33:V.Chapter 11;

b. if the mercury, residues, and/or other solid waste does not exhibit a characteristic of hazardous waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

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:\*\*.

**§3845. Labeling/Marking**

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

1. Universal waste batteries (i.e., each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with the any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

2. A container (or multiple container package unit), tank, transport vehicle or vessel in which recalled universal waste pesticides as described in LAC 33:V.3805.A.1 are contained must be labeled or marked clearly with:

a. the label that was on or accompanied the product as sold or distributed; and

b. the words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)."

3. A container, tank, or transport vehicle or vessel in which unused pesticide products as described in LAC 33:V.3805.A.2 are contained must be:

a. labeled or marked clearly with:

i. the label that was on the product when purchased, if still legible;

- ii. appropriate label as required under the U.S. Department of Transportation regulation 49 CFR part 172; or
- iii. another label prescribed or designated by the pesticide collection program; and
- b. the words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)."

4. Universal waste thermostats (i.e., each thermostat), or a container or tank in which the thermostats are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(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:\*\*.

**§3847. Accumulation Time Limits**

A. A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of Subsection B of this Section

are met.

B. A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

C. A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

1. placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

2. marking or labeling the individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;

3. maintaining an inventory system on-site that identifies the date the universal waste being accumulated became a waste or was received;

4. maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

5. placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

6. any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

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:\*\*.

**§3849. Employee Training**

A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their

responsibilities during normal facility operations and emergencies.

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:\*\*.

**§3851. Response to Releases**

A. A large quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

B. A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of these regulations. The handler is considered the generator of the material resulting from the release, and is subject to LAC 33:V.Chapter 11.

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:\*\*.

**§3853. Off-site Shipments**

A. A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

B. If a large quantity handler of universal waste self- transports universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of Subchapter D of this Chapter while transporting the universal waste.

C. If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR Parts 171-180, a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable U.S. Department of Transportation regulations under 49 CFR parts 172-180.

D. Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the

shipment.

E. If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

1. receive the waste back when notified that the shipment has been rejected; or

2. agree with the receiving handler on a destination facility to which the shipment will be sent.

F. A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

1. send the shipment back to the originating handler; or

2. if agreed to by both the originating and receiving handler, send the shipment to a destination facility.

G. If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the administrative authority of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The administrative authority will provide instructions for managing the hazardous waste.

H. If a large quantity handler of universal waste receives a shipment of non-hazardous, non-universal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

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:\*\*.

**§3855. Tracking Universal Waste Shipments**

A. Receipt of Shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or

other shipping document. The record for each shipment of universal waste received must include the following information:

1. the name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

2. the quantity of each type of universal waste received (e.g., batteries, pesticides, thermostats); and

3. the date of receipt of the shipment of universal waste.

B. Shipments Off-site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:

1. the name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

2. the quantity of each type of universal waste sent (e.g., batteries, pesticides, thermostats); and

3. the date the shipment of universal waste left the facility.

C. Record Retention

1. A large quantity handler of universal waste must retain the records described in Subsection A of this Section for at least three years from the date of receipt of a shipment of universal waste.

2. A large quantity handler of universal waste must retain the records described in Subsection B of this Section for at least three years from the date a shipment of universal waste left the facility.

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:\*\*.

**§3857. Exports**

A large quantity handler of universal waste who sends universal waste to a foreign destination must:

1. comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a - d, G.1.f, G.2, and H;

2. export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in LAC 33:V.1113; and

3. provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter transporting the shipment for export.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:\*\*.

**Subchapter D. Standards for Universal Waste Transporters .**

**§3859. Applicability**

This Subchapter applies to universal waste transporters (as defined in LAC 33:V.3813).

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:\*\*.

**§3861. Prohibitions**

A universal waste transporter is:

- 1. prohibited from disposing of universal waste; and
- 2. prohibited from diluting or treating universal waste, except by responding to releases as provided in LAC 33:V.3867.

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:\*\*.

**§3863. Waste Management**

A. A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR parts 171 - 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the U.S. Department of Transportation regulations, a material is considered a hazardous waste if it is subject to the hazardous waste manifest requirements specified in LAC 33:V.Chapter 11. Because universal waste does not require a hazardous waste manifest, it is not considered hazardous waste under the U.S. Department of Transportation regulations.

B. Some universal waste materials are regulated by the

U.S. Department of Transportation as hazardous materials  
because they meet the criteria for one or more hazard classes  
specified in 49 CFR 173.2. As universal waste shipments do  
not require a manifest under LAC 33:V.Chapter 11, they may  
not be described by the U.S. Department of Transportation  
proper shipping name "hazardous waste, (l) or (s),  
n.o.s.," nor may the hazardous material's proper shipping  
name be modified by adding the word "waste."

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:\*\*.

**§3865. Storage Time Limits**

A. A universal waste transporter may only store the  
universal waste at a universal waste transfer facility for 10  
days or less.

B. If a universal waste transporter stores universal  
waste for more than 10 days, the transporter becomes a  
universal waste handler and must comply with the applicable  
requirements of Subchapter B or C of this Chapter while  
storing the universal waste.

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:\*\*.

**§3867. Response to Releases**

A. A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.

B. A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of these regulations. If the waste is determined to be a hazardous waste, the transporter is subject to LAC 33:Chapter 11.

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:\*\*.

**§3869. Off-site Shipments**

A. A universal waste transporter is prohibited from

transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

B. If the universal waste being shipped off-site meets the U.S. Department of Transportation's definition of "hazardous materials" under 49 CFR 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable U.S. Department of Transportation regulations under 49 CFR part 172.

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:\*\*.

**§3871. Exports**

A universal waste transporter transporting a shipment of universal waste to a foreign destination may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:

1. a copy of the EPA Acknowledgment of Consent accompanies the shipment; and

2. the shipment is delivered to the facility designated by the person initiating the shipment.

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:\*\*.

**Subchapter E. Standards for Destination Facilities**

**§3873. Applicability**

A. The owner or operator of a destination facility (as defined in LAC 33:V.3813) is subject to all applicable requirements of LAC 33:V.Chapters 3, 5, 9, 15, 17, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 37, 41, and 43, and the notification requirement under LAC 33:V.105.A.

B. The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with LAC 33:V.4115.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 23:\*\*.

**§3875. Off-site Shipments**

A. The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

B. The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load.

The owner or operator of the destination facility must:

1. send the shipment back to the original shipper; or
2. if agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

C. If the owner or operator of a destination facility receives a shipment containing hazardous waste that was shipped as a universal waste, the owner or operator of the destination facility must immediately notify the

administrative authority of the illegal shipment, and provide the name, address, and phone number of the shipper. The administrative authority will provide instructions for managing the hazardous waste.

D. If the owner or operator of a destination facility receives a shipment of non-hazardous, non-universal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

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:\*\*.

**§3877. Tracking Universal Waste Shipments**

A. The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

1. the name and address of the universal waste

handler, destination facility, or foreign shipper from whom  
the universal waste was sent;

2. the quantity of each type of universal waste  
received (e.g., batteries, pesticides, thermostats); and

3. the date of receipt of the shipment of  
universal waste.

B. The owner or operator of a destination facility  
must retain the records described in Subsection A of this  
Section for at least three years from the date of receipt of  
a shipment of universal waste.

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:\*\*.

**Subchapter F. Import Requirements**

**§3879. Imports**

Persons managing universal waste that is imported from a  
foreign country into the United States are subject to the  
applicable requirements of this Chapter, immediately after  
the waste enters the United States, as indicated below:

A. A universal waste transporter is subject to the

universal waste transporter requirements of Subchapter D of this Chapter.

B. A universal waste handler is subject to the small or large quantity handler of universal waste requirements of Subchapter B or C of this Chapter, as applicable.

C. An owner or operator of a destination facility is subject to the destination facility requirements of Subchapter E of this Chapter.

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:\*\*.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality-Hazardous Waste

Chapter 39. Small Quantity Generators

§3915. Requirements

The small quantity generator must:

\* \* \*

[See Prior Text in A-B.4.b]

5. for universal waste managed under LA C 33:V.Chapter 38, a universal waste handler or destination facility subject to the requirements of LAC 33:V.Chapter 38.

\* \* \*

[See Prior Text in C-C.7.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 13:237 (April 1987), LR 16:220 (March 1990), repromulgated LR 18:1256 (November 1992), amended LR 20:1000 (September 1994),

LR 20:1109 (October 1994), LR 23:\*\*.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality-Hazardous

Waste

Chapter 41. Recyclable Materials

§4105. Requirements for Recyclable Material

Recyclable materials are subject to additional regulation as follows:

\* \* \*

[See Prior Text in A-B.1.b]

2. ~~used batteries (or used battery cells) returned to a battery manufacturer for regeneration;~~ Reserved

\* \* \*

[See Prior Text in B.3-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 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March

1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:\*\*.

**§4145. Spent Lead-acid Batteries Being Reclaimed**

A. Applicability. The regulations of this Section apply to persons who reclaim (including regeneration) spent lead-acid batteries that are recyclable materials ("spent batteries"). Persons who generate, transport, or collect spent batteries, who regenerate spent batteries, or who store spent batteries but do not reclaim them (other than spent batteries that are to be regenerated) are not subject to these regulations.

B. General Requirements. Owners or operators of facilities that store spent lead acid batteries before reclaiming (other than spent batteries that are to be regenerated) them are subject to the following requirements:

\* \* \*

[See Prior Text in B.1-3]

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

HISTORICAL NOTE: Promulgated by the Department of

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LR 11:1139 (December 1985), LR 13:237 (April 1987), LR 23:\*\*.