

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.1.j]

k. nonwastewater splash condenser dross residue from the treatment of K061 in high-temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery; ~~and~~

l. recovered oil from petroleum refining, exploration and production, and from transportation incident thereto, which is to be inserted into the petroleum refining process (SIC Code 2911) at or before a point (other than direct insertion into a coker) where contaminants are removed. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land, and must not be accumulated speculatively, before being so recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration and production, and transportation practices. Recovered oil includes oil that is recovered from refinery wastewater collection and treatment systems, oil recovered from oil and gas drilling operations, and oil recovered from wastes removed from crude oil storage tanks. Recovered oil does not include (among other things) oil-bearing hazardous wastes listed in LAC 33:V.4901 (e.g., K048-K052, F037, F038). However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does not include used oil as defined in LAC 33:V.4001-;

m. excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled; and

n. shredded circuit boards being recycled provided that they are:

i. stored in containers sufficient to prevent a release to the environment prior to recovery; and

ii. free of mercury switches, mercury relays, nickel-cadmium batteries, and lithium batteries.

* * *

[See Prior Text in D.2 - O.2.c.vi]

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

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§109. Definitions

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

* * *

[See Prior Text]

Active Range—a military range that is currently in service and is being regularly used for range activities.

* * *

[See Prior Text]

Chemical Agents and Munitions—defined in 50 U.S.C. section 1521(j)(1).

* * *

[See Prior Text]

Empty Container—

1. a. any hazardous waste remaining in either of the following is not subject to regulation under LAC 33:V.Chapters 1-29, 31- 39, 43, 49, or to the notification requirements of LAC 33:V.105.A:

i. an empty container; or

ii. an inner liner removed from an empty container, as defined in Paragraph 2 of this definition;

b. any hazardous waste in either of the following is subject to regulation:

i. a container that is not empty; or

ii. an inner liner removed from a container that is not empty, as defined in Paragraph 2 of this definition;

2. a. a container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acutely hazardous waste listed in LAC 33:V.4901.B, C, or E, is empty if:

a. i. (a). all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and

b. (b). no more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner; or

c. ii. (a). no more than three percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 110 gallons in size; or

d. (b). no more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in size;

e. b. a container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric;

3 c. a container or an inner liner removed from a container that has held an acutely hazardous waste listed in LAC 33:V.4901.B, C or E, is empty if:

ai. the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

bii. the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

eiii. in the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

* * *

[See Prior Text]

Excluded Scrap Metal—processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

* * *

[See Prior Text]

Explosives or Munitions Emergency—a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive materials or devices, or other potentially harmful military chemical munitions or devices, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

Explosives or Munitions Emergency Response—all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment or destruction of the explosives or munitions, and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

Explosives or Munitions Emergency Response Specialist—an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), DOD-certified civilian or contractor personnel, and other federal, state, or local government or civilian personnel similarly trained in explosives or munitions emergency responses.

* * *

[See Prior Text]

Home Scrap Metal—scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

* * *

[See Prior Text]

Inactive Range—a military range that is not currently being used, but that is still under military control and considered by the military to be a potential range area, and that has not been put to a new use that is incompatible with range activities.

* * *

[See Prior Text]

Military—The Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions.

Military Munitions—all ammunition products and components produced or used by or for the DOD or the U.S. Armed Services for national defense and security, including military munitions under the control of the DOD, the U.S. Coast Guard, the DOE, and National Guard personnel. The term “military munitions” includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

Military Range—designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnances, or weapon systems or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

* * *

[See Prior Text]

Processed Scrap Metal—scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and fines, drosses, and related materials which have been agglomerated. [Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (LAC 33:V.105.D.1.n).]

* * *

[See Prior Text]

Prompt Scrap Metal—scrap metal as generated by the metal working/fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

* * *

[See Prior Text in 1.a-b.i]

Solid Waste—

- ii. recycled as explained in Paragraph 3 of this definition; or
- iii. considered inherently waste-like, as explained in Paragraph 4 of this definition; or
- iv. a military munition identified as a solid waste in LAC 33:V.5303.

* * *

[See Prior Text in 2 - 6]

TABLE 1				
	Use Constituting Disposal (1)	Energy Recovery/Fuel (2)	Reclamation (3)	Speculative Accumulation (4)
Spent Materials	*	*	*	*
Sludges (listed in LAC 33:V.4901)	*	*	*	*
Sludges exhibiting a characteristic of hazardous waste	*	*	*
By-products (listed in LAC 33:V.4901)	*	*	*	*
By-products exhibiting a characteristic of hazardous waste	*	*	*
Commercial chemical products (listed in LAC 33:V.4901.E and F)	*	*	
Scrap Metal <u>other than excluded scrap metal</u> (see excluded scrap metal)	*	*	*	*

* * *

[See Prior Text]

Unexploded Ordnance (UXO)—military munitions that have been primed, fused, armed, or otherwise prepared for action and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

* * *

[See Prior Text]

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1990), LR 16:218 (March 1990), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:**.

§110. References

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[See Prior Text in A - A.10]

11. "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846 [Third Edition (November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), and IIB (January, 1995), and III (December 1996)]. The Third Edition of SW-846 and Updates I, II, IIA, ~~and IIB,~~ and III (document number 955-001-00000-1) are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800. Copies of the Third Edition and its updates are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460;

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[See Prior Text in A.12 - 14]

15. "ASTM Standard Test Method for Vapor Pressure—Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," ASTM Standard D 2879-92, available from American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103.

0010	Modified Method 5 Sampling Train
0020	Source Assessment Sampling System (SASS)
0030	Volatile Organic Sampling Train
1320	Multiple Extraction Procedure
1330	Extraction Procedure for Oily Wastes

3611	Alumina Column Cleanup and Separation of Petroleum Wastes
5040	Protocol for Analysis of Sorbent Cartridges from Volatile Organic Sampling Train
6010	Inductively Coupled Plasma Atomic Emission Spectroscopy
7090	Beryllium (AA, Direct Aspiration)
7091	Beryllium (AA, Furnace Technique)
7198	Chromium, Hexavalent (Differential Pulse Polarography)
7210	Copper (AA, Direct Aspiration)
7211	Copper (AA, Furnace Technique)
7380	Iron (AA, Direct Aspiration)
7381	Iron (AA, Furnace Technique)
7460	Manganese (AA, Direct Aspiration)
7461	Manganese (AA, Furnace Technique)
7550	Osmium (AA, Direct Aspiration)
7770	Sodium (AA, Furnace Technique)
7840	Thallium (AA, Direct Aspiration)
7841	Thallium (AA, Furnace Technique)
7910	Vanadium (AA, Direct Aspiration)
7911	Vanadium (AA, Furnace Technique)
7950	Zinc (AA, Direct Aspiration)
7951	Zinc (AA, Furnace Technique)
9022	Total Organic Halides (TOX) by Neutron Activation Analysis
9035	Sulfate (Colorimetric, Automated, Chloranilate)

9036	Sulfate (Colorimetric, Automated, Methylthymol Blue, AA II)
9038	Sulfate (Turbidimetric)
9060	Total Organic Carbon
9065	Phenolics (Spectrophotometric, Manual 4-AAP with Distillation)
9066*	Phenolics (Colorimetric, Automated, 4-AAP with Distillation)
9067	Phenolics (Spectrophotometric, MBTH with Distillation)
9070	Total Recoverable Oil and Grease (Gravimetric, Separatory Funnel Extraction)
9071	Oil and Grease Extraction Method for Sludge Samples
9080	Cation-Exchange Capacity of Soils (Ammonium Acetate)
9081	Cation-Exchange Capacity of Soils (Sodium Acetate)
9100	Saturated Hydraulic Conductivity, Saturated Leachate Conductivity, and Intrinsic Permeability
9131	Total Coliform: Multiple Tube Fermentation Technique
9132	Total Coliform: Membrane Filter Technique
9200	Nitrate
9250	Chloride (Colorimetric, Automated Ferricyanide AAI)
9251	Chloride (Colorimetric, Automated Ferricyanide AAH)
9252	Chloride (Titrimetric, Mercuric Nitrate)
9310	Gross Alpha and Gross Beta

9315	Alpha-Emitting Radium Isotopes
9320	Radium-228

~~When Method 9066 is used it must be preceded by the manual distillation specified in procedure 7.1 of Method 9065. Just prior to distillation in Method 9065, adjust the sulfuric acid-preserved sample to pH 4 with 1 + 9 NaOH. After the manual distillation is completed, the autoanalyzer manifold is simplified by connecting the re-sample line directly to the sampler.~~

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[See Prior Text in A.16]

B. The references listed in Subsection A of this Section are also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC. These materials are incorporated as they exist on the date that this rule is promulgated and a notice of any change in these materials will be published in the *Louisiana Register*.

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 22:814 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:656 (April 1998), LR 24:***.

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.11.a]

- b. pesticides as described in LAC 33:V.3805; ~~and~~
- c. thermostats as described in LAC 33:V. 3807-;
- d. lamps as described in LAC 33:V.3809; and
- e. antifreeze as described in LAC 33:V.3811.

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

13. a person, not required to obtain an RCRA permit for treatment or containment activities taken during immediate response to any of the following situations:

- a. a discharge of a hazardous waste;
- b. an imminent and substantial threat of a discharge of hazardous waste;
- c. a discharge of a material which, when discharged, becomes a hazardous waste;
- d. an immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in LAC 33:V.109;

14. any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of LAC 33:V.Chapters 3, 5, and 7 for those activities; or

15. in the case of emergency responses involving military munitions, the responding military emergency response specialist's organizational unit must retain records for

three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

* * *

[See Prior Text in D - G.3]

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§321. Modification of Permits

* * *

[See Prior Text in A - C.7.b]

8. Military Hazardous Waste Munitions Treatment and Disposal. The permittee is authorized to continue to accept waste military munitions, notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if:

a. the facility was in existence as a hazardous waste facility, and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;

b. on or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

c. the permittee submits a complete Class 2 modification request within 180 days of the date when the waste military munitions became subject to hazardous waste regulatory requirements.

89. Permit Modification List. The administrative authority must maintain a list of all approved permit modifications and must publish a notice once a year in a statewide newspaper that an updated list is available for review.

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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 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 5. Permit Application Contents

Subchapter D. Part II General Permit Information Requirements

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

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

* * *

[See Prior Text in A - C]

D. chemical and physical analyses of the hazardous wastes and the hazardous debris to be handled at the facility. At a minimum, these analyses shall contain all the information that ~~which~~ must be known to treat, store, or dispose of the wastes properly;

* * *

[See Prior Text in E -F]

G. a copy of the general inspection schedule required by LAC 33:V.1509.B. Include, where applicable, as part of the inspection schedule, specific requirements in LAC 33:V.1709, 1719, 1721, 1731, 1763, 1907.I, 1911, 2109, 2309, 2507, 2703.A-G, 2907, 3119.B and C, and 3205;

* * *

[See Prior Text in H - W]

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Subchapter E. Specific Information Requirements

§521. Specific Part II Information Requirements for Containers

Except as otherwise provided in LAC 33:V.2101 owners or operators of facilities that store containers of hazardous waste must provide the following additional information:

* * *

[See Prior Text in A - C]

D. where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with LAC 33:V.2107.A—C, and 1517.B—D; and

E. information on air emission control equipment as required in LAC 33:V.526.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§523. Specific Part II Information Requirements for Tanks

Except as otherwise provided in LAC 33:V.1901, owners and operators of facilities that use tanks to store or treat hazardous waste must provide the following additional information:

* * *

[See Prior Text in A -H.2]

I. descriptions of controls and practices to prevent spills and overflows, as required under LAC 33:V.1909.B; ~~and~~

J. for tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of LAC 33:V.1917 and 1919; ~~and~~

K. information on air emission control equipment as required in LAC 33:V.526.

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

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§525. Specific Part II Information Requirements for Surface Impoundments

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that treat, store or dispose of hazardous waste in surface impoundments must provide the following additional information:

* * *

[See Prior Text in A -J.3]

4. the effectiveness of additional treatment, design, or monitoring techniques; ~~and~~

K. information on air emission control equipment as required in LAC 33:V.526.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 16:220 (March 1990), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:**.

§526. Specific Part II Information Requirements for Air Emission Controls for Tanks, Surface Impoundments, and Containers

A. Except as otherwise provided in LAC 33:V.1501, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of LAC 33:V.Chapter 17. Subchapter C shall provide the following additional information:

1. documentation for each floating roof cover installed on a tank subject to LAC

33:V.1755.D.1 or 2 that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the applicable design specifications as listed in LAC 33:V.1755.E.1 or F.1;

2. identification of each container area subject to the requirements of LAC 33:V.Chapter 17. Subchapter C and certification by the owner or operator that the requirements of this Chapter are met;

3. documentation for each enclosure used to control air pollutant emissions from tanks or containers in accordance with the requirements of LAC 33:V.1755.D.5 or 1759.E.1.b that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B;

4. documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of LAC 33:V.1757.C that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in LAC 33:V.1757.C.1;

5. documentation for each closed-vent system and control device installed in accordance with the requirements of LAC 33:V.1761 that includes design and performance information as specified in LAC 33:V.530.C and D;

6. an emission monitoring plan for both Method 21 in 40 CFR part 60, appendix A and control device monitoring methods. This plan shall include the following information: monitoring point(s), monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances; and

7. when an owner or operator of a facility subject to LAC 33:V.Chapter 43. Subchapter V cannot comply with LAC 33:V.Chapter 17. Subchapter C by the date of permit issuance, the schedule of implementation required under LAC 33:V.1751.

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Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 9. Manifest System for TSD Facilities

§901. Applicability

The regulations in this Chapter apply to owners and operators of both on-site and off-site TSD facilities, except as LAC 33:V.1501 provides otherwise. LAC 33:V.905, 907, and 909 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources. LAC 33:V.907.B only applies to permittees who treat, store, or dispose of hazardous wastes on-site where such wastes were generated and to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under LAC 33:V.5307.

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 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 11. Generators

§1101. Applicability

* * *

[See Prior Text in A - G]

H. Persons responding to an explosives or munitions emergency in accordance with LAC 33:V.1501.C.7.a.iv or d or 4307 and 305.C.12 or 13 are not required to comply with the standards 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 10:200 (March 1984), amended LR 16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 22:20 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), LR 24:1106 (June 1998), LR 24:**.

§1103. Hazardous Waste Determination

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

* * *

[See Prior Text in A-B.2]

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

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 17:658 (July 1991), LR 22:818 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1107. The Manifest System

* * *

[See Prior Text in A - A.10]

11. The requirements of this Chapter and LAC 33:V.33.1109.C do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding LAC 33:V.1301.A, the generator or transporter must comply with the requirements for transporters set forth in LAC 33:V.1315 and 1317 in the event of a discharge of hazardous waste on a public or private right-of-way.

* * *

[See Prior Text in B - D.6]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1109. Pre-~~t~~Transport Requirements

* * *

[See Prior Text in in A - E.1]

a. the waste is placed:

a ~~i. the waste is placed~~ in containers and the generator complies with LAC 33:V.Chapter 21~~43.Subchapter H~~; and/or

b ~~ii. the waste is placed~~ in tanks and the generator complies with LAC 33:V.Chapter 19~~43.Subchapter I, except LAC 33:V.4442 and 4445~~ ; and/or

c ~~iii. the waste is placed~~ on drip pads and the generator complies with LAC 33:V.Chapter 43.Subchapter S and maintains the following records at the facility:

i ~~(a).~~ a description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii ~~(b).~~ documentation of each waste removal, including the

quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

~~In addition, such a generator is exempt from all requirements in LAC 33:V.Chapter 43, Subchapters F and G, except for LAC 33:V.4379 and 4385.~~

~~d~~ iv. ~~the waste is placed~~ in containment buildings and the generator complies with LAC 33:V.4701~~Chapter 43.Subchapter T~~ by having placed his professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

i (a). a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90-day limit, and documentation that the procedures are complied with; or

ii (b). documentation that the unit is emptied at least once every 90 days;

b. such a generator is exempt from all requirements in LAC 33:V.Chapter 43. Subchapters F and G, except for LAC 33:V.4379 and 4385;

~~c. the date upon which each period of accumulation begins is clearly marked on each container and visible for inspection on each container; and while being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and the generator complies with the requirements for owners or operators in LAC 33:V.4319 and in Subchapters B and C of LAC 33:V.Chapter 43.~~

d. while being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste"; and

e. the generator complies with the requirements for owners or operators in LAC 33:V.2245.D, 4319 and in Chapter 43.Subchapters B and C.

2. A generator ~~not subject to the exclusions in LAC 33:V.105.D~~, who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the permitting requirements as specified in LAC 33:V.305.A.1~~Subpart 1~~ unless he has been granted an extension to the 90-day period. Such an extension may be granted by the administrative authority if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, or uncontrollable circumstances. An extension of up to 30 days may be

granted at the discretion of the administrative authority on a case-by-case basis.

3. Generators who accumulate hazardous waste for less than 90 days are subject to the requirements of LAC 33:V.1115, 1117, 1119, and 2245 of these regulations.

* * *

[See Prior Text in E.4]

5. A generator who accumulates either hazardous waste or acutely hazardous waste listed in LAC 33:V.4901.E in excess of the amounts listed in ~~LAC 33:V.1109.E.4~~ Subsection E.4.a of this Section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with ~~LAC 33:V.1109~~ Subsection E.1 of this Section or other applicable provisions of this Chapter.

* * *

[See Prior Text in E.6 - 7.d.iv.(c).(v)]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24.**.

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Chapter 13. Transporters

§1301. Applicability

* * *

[See Prior Text in A - F]

G. The regulations in this Chapter do not apply to transportation during an explosives or munitions emergency response conducted in accordance with LAC 33:V.1501.C.7.a.iv or d or 4307 and 305.C.12 or 13.

H. LAC 33:V.5305 identifies how the requirements of this Chapter apply to military munitions classified as solid waste under LAC 33:V.5303.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), LR 24:**.

§1305. Transfer Facility Requirements

* * *

[See Prior Text in A - B]

C. A transporter storing manifested shipments of hazardous waste in containers meeting the requirements applicable to the LDPS regulations on packaging under LAC 33:V.Subpart 2.Chapter 101 at a transfer facility for a period of 10 days or less is ~~exempt from the permitting requirements with approval of the administrative authority~~ not subject to regulation under LAC 33:V.Chapters 1-7, 15-29, 31-38, and 43 with respect to the storage of those wastes, except as required to obtain approval by the administrative authority.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repromulgated LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1511 (November 1997), LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
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Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

* * *

[See Prior Text in A - C.6]

~~7. persons who respond immediately to contain or treat a spill of hazardous waste or material which, when spilled, becomes a hazardous waste, except that, the appropriate requirements of LAC 33:V.1511 and 1513 are applicable to owners and operators of treatment, storage, and disposal facilities. This Paragraph only applies to activities taken in immediate response to a spill. After the immediate response activities are completed, the applicable regulations of this Chapter apply;~~

a. except as provided in Subsection C.7.b of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

i. a discharge of a hazardous waste;

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

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

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

b. an owner or operator of a facility otherwise regulated by this Chapter must comply with all applicable requirements of LAC 33:V.1511 and 1513;

c. any person who is covered by Subsection C.7.a of this Section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Chapter and 40 CFR 122-124 for

those activities; and

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

* * *

[See Prior Text in C.8 - 9]

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; or
- d. lamps as described in LAC 33:V.3809; and
- e. antifreeze as described in LAC 33:V. 3811; or

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

* * *

[See Prior Text in D - G]

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 (May 1997), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:**.

§1509. General Inspection Requirements

* * *

[See Prior Text in A - B.3]

4. The frequency of inspection may vary for the items on the schedule. However, inspections should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration or malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the terms and frequencies called for in LAC 33:V.1709, 1719, 1721, 1731, 1763, 1907, 1911, 2109, 2309, 2507, 2711, 2907, 3119, and 3205, where applicable.

[Comment: LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the department may modify or amend the schedule as may be necessary.]

* * *

[See Prior Text in C - D]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR:24:**.

§1519. General Waste Analysis

* * *

[See Prior Text in A - A.2]

[Comment: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with Subsection A.1 of this Section. The owner or operator of

an off-site facility may arrange for the generator of the hazardous waste to supply part of the information required by Subsection A.1 of this Section, except as otherwise specified in LAC 33:V.2247.A and A.1. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.]

* * *

[See Prior Text in A.3 - B.6]

7. where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in LAC 33:V.1517, 1711.D, 1741.D, 1753, 2515, 3107, and 2245;

* * *

[See Prior Text in B.8 - 8.c]

i. do not meet applicable treatment standards of LAC 33:V.Chapter 22.Subchapters A and B, or

* * *

[See Prior Text in B.8.c.ii - ii.(a)]

(b). such residues are prohibited from land disposal under LAC 33:V.2215-; and

9. for owners and operators seeking an exemption to the air emission standards of LAC 33:V.Chapter 17. Subchapter C in accordance with LAC 33:V.1751:

a. if direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption; or

b. if knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

* * *

[See Prior Text in C - D]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended

LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:1334 (December 1995), LR 22:818 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1529. Operating Record and Reporting Requirements

* * *

[See Prior Text in A - B.5]

6. Records and results of waste analyses and waste determinations performed as specified in these regulations and in LAC 33:V.1517, 1519, 1711, 1741, 1753, 2237.A, 2245, 2515, and 3107.

* * *

[See Prior Text in B.7 - 8]

9. Monitoring, testing, or analytical data where required by LAC 33:V.1504, 1711.C)F, 1713, 1741.D and I, 1743, 1763, 1765, 1903, 1907, 1911, 2304, 2306, 2309, 2504, 2507, 2508, 2509, 2709, 2711, 2719, 2904, 2906, 2907, 3119, 3203, 3205, and Chapter 33, as well as corrective action cites.

* * *

[See Prior Text in B.10 - E.3]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

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Chapter 17. Air Emission Standards

§1703. Definitions

As used in this Chapter, all terms not defined herein shall have the meanings given them in LAC 33:V.109.

* * *
[See Prior Text]

Average Volatile Organic Concentration or Average VO Concentration—the mass-weighted average volatile organic concentration of a hazardous waste as determined in accordance with the requirements of LAC 33:V.4727.

* * *
[See Prior Text]

Closure Device— a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover such that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

* * *
[See Prior Text]

Continuous Seal— a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

* * *
[See Prior Text]

Cover— a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air pollutant emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, gauge wells) that are necessary for

operation, inspection, maintenance, and repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

* * *
[See Prior Text]

Enclosure— a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

* * *
[See Prior Text]

External Floating Roof— a pontoon-type or double-deck type cover that rests on the surface of the material managed in a tank with no fixed roof.

* * *
[See Prior Text]

Fixed Roof— a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

* * *
[See Prior Text]

Floating Membrane Cover— a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

Floating Roof— a cover consisting of a double deck, pontoon single deck, or internal floating cover which rests upon and is supported by the material being contained, and is equipped with a continuous seal.

* * *
[See Prior Text]

Hard-Piping— pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

* * *
[See Prior Text]

In Light Material Service— the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C; and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight.

* * *
[See Prior Text]

Internal Floating Roof— a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

* * *
[See Prior Text]

Liquid-Mounted Seal— a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof continuously around the circumference of the tank.

Malfunction— any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner, so that organic emissions are increased. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Maximum Organic Vapor Pressure— the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (e.g., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Chapter, maximum organic vapor pressure is determined using the procedures specified in LAC 33:V.4727.

Metallic Shoe Seal— a continuous seal that is constructed of metal sheets which are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

No Detectable Organic Emissions— no escape of organics to the atmosphere as determined using the procedure specified in LAC 33:V.4727.

* * *
[See Prior Text]

Point of Waste Origination— as follows:

a. when the facility owner or operator is the generator of the hazardous waste, the point of waste origination means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste as defined in LAC 33:V.109; or

[Note: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the Clean Air Act in 40 CFR parts 60, 61, and 63].

b. when the facility owner and operator are not the generator of the hazardous waste, point of waste origination means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

Point of Waste Treatment— the point where a hazardous waste to be treated in accordance with LAC 33:V.4725 exits the treatment process. Any waste determination shall be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

* * *
[See Prior Text]

Safety Device— a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device, which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Chapter, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

* * *
[See Prior Text]

Single-Seal System— a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

* * *
[See Prior Text]

Vapor-Mounted Seal— a continuous seal that is mounted such that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

* * *
[See Prior Text]

Volatile Organic Concentration or VO Concentration— the fraction by weight of the volatile organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw) as determined by direct measurement or by knowledge of the waste in accordance with the requirements of LAC 33:V.4727. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25°C must be included. Appendix Table 1 of this Chapter presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

Waste Determination— performing all applicable procedures in accordance with the requirements of LAC 33:V.4727 to determine whether a hazardous waste meets standards specified in this Chapter. Examples of a waste determination include performing the procedures in accordance with the requirements of LAC 33:V.4727 to determine the average VO concentration of a hazardous waste at the point of waste origination; the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste; the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards; or the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

Waste Stabilization Process— any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication Number SW-846, Third Edition, September 1986, as amended by Update I, November 15, 1992 (incorporated by reference—refer to LAC 33:V.110). A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification." This does not include the adding of absorbent materials to the surface of a waste, without mixing, agitation, or subsequent curing, to absorb free liquid.

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 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter A. Process Vents

§1705. Applicability

The regulations in this Subchapter apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in LAC 33:V.1501).

A. Except for LAC 33:V.1711.D: and E, this Subchapter applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 parts per million by weight (ppmw), if these operations are conducted in one of the following:

1. a units that is subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, ~~27~~, 31, and 43; or
2. a unit (including a hazardous waste recycling units) that is not exempt from the permitting requirements under LAC 33:V.1109.E (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located on a hazardous waste management facilities otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, ~~27~~, 31, and 43; or
3. a unit that is exempt from permitting under the provisions of LAC 33:V.1109.E (i.e., a 90-day tank or container).

* * *

[See Prior Text B]

[**Note:** The requirements of LAC 33:V.1707-1715 apply to process vents on hazardous waste recycling units previously exempt under LAC 33:V.4115.A. Other exemptions under LAC 33:V.105.D, ~~1109.E~~, and 1501.C are not affected by these requirements.]

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 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1709. Standards: Closed-Vent Systems and Control Devices

* * *

[See Prior Text in A - A.1]

2. The owner or operator of an existing facility who cannot install a closed-vent system and control device to comply with the provisions of this Subchapter on the effective date that the facility becomes subject to the provisions of this Subchapter must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to ~~18~~30 months after the effective date that the facility becomes subject to this Subchapter for installation and start-up. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on start-up of the affected unit); the two-year implementation schedule does not apply to these units.

* * *

[See Prior Text in B - F.2.f.i]

ii. a temperature-monitoring device equipped with a continuous recorder. The device shall be capable of monitoring temperature ~~at two locations and~~with have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. ~~One~~The temperature sensor shall be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side), and a second temperature sensor shall be installed at a location ~~in the coolant fluid exiting the condenser.~~

* * *

[See Prior Text in F.2.g - J]

~~K. Closed-Vent Systems: Design and Monitoring~~ A closed-vent system shall meet either of the following design requirements:

1. ~~Closed-vent systems shall be designed for and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspections, as determined by the methods specified in LAC 33:V.1711.B.~~ a closed-vent system shall be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background as determined by the procedure in LAC 33:V.1711.B and by visual inspections; or

2. ~~Closed-vent systems shall be monitored to determine compliance with this Section during the initial leak detection monitoring, which shall be conducted by the date that the~~

~~facility becomes subject to the provisions of this Section, annually, and at other times as requested by the administrative authority. a closed-vent system shall be designed to operate at a pressure below atmospheric pressure. The system shall be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.~~

~~3. Detectable emissions, as indicated by an instrument reading greater than 500 ppm and visual inspections, shall be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.~~

~~4. A first attempt at repair shall be made no later than five calendar days after the emission is detected.~~

~~L. Closed-Vent Systems: Operation. Closed-vent systems and control devices used to comply with provisions of this Subchapter shall be operated at all times when emissions may be vented to them. The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:~~

~~1. each closed-vent system that is used to comply with Subsection K.1 of this Section shall be inspected and monitored in accordance with the following requirements:~~

~~a. an initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in LAC 33:V.1711.B to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background;~~

~~b. after initial leak detection monitoring required in Subsection L.1.a of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:~~

~~i. closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) shall be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in LAC 33:V.1711.B to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted);~~

ii. closed-vent system components or connections other than those specified in Subsection L.1.b.i of this Section shall be monitored annually and at other times as requested by the administrative authority, except as provided for in Subsection O of this Section, using the procedures specified in LAC 33:V.1711.B to demonstrate that the components or connections operate with no detectable emissions;

c. in the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of Subsection L.3 of this Section;

d. the owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in LAC 33:V.1713;

2. each closed-vent system that is used to comply with Subsection K.2 of this Section shall be inspected and monitored in accordance with the following requirements:

a. the closed-vent system shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections;

b. the owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year;

c. in the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection L.3 of this Section; and

d. the owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in LAC 33:V.1713;

3. the owner or operator shall repair all detected defects as follows:

a. detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, shall be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in Subsection L.3.c of this Section;

b. a first attempt at repair shall be made no later than five calendar days after the emission is detected;

c. delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown or if the owner or operator determines that emissions resulting from immediate repair would be greater

than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be completed by the end of the next process unit shutdown; and

d. the owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in LAC 33:V.1713.

M. Closed-vent systems and control devices used to comply with provisions of this Chapter shall be operated at all times when emissions may be vented to them.

N. The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the average volatile organic concentration of the carbon:

1. regenerated or reactivated in a thermal treatment unit that meets one of the following:

a. the owner or operator of the unit has been issued a final permit under LAC 33:V.Chapter 5 which implements the requirements of LAC 33:V.Chapter 32;

b. the unit is equipped with and operating air emission controls in accordance with the applicable requirements of Subchapters A and C of this Chapter or of LAC 33:V.Chapter 43; or

c. the unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR part 61 or part 63;

2. incinerated in a hazardous waste incinerator for which the owner or operator either:

a. has been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 31; or

b. has designed and operates the incinerator in accordance with the interim status requirements of LAC 33:V.Chapter 43.Subchapter N;

3. burned in a boiler or industrial furnace for which the owner or operator either:

a. has been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 30; or

b. has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of LAC 33:V.Chapter 30.

O. Any components of a closed-vent system that are designated, as described in LAC 33:V.1713.C.9, as unsafe to monitor are exempt from the requirements of Subsection L.1.b.ii of this Section if:

1. the owner or operator of the closed-vent system determines that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with Subsection L.1.b.ii of this Section; and

2. the owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in Subsection L.1.b.ii of this Section as frequently as practicable during safe-to-monitor times.

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 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1711. Test Methods and Procedures

* * *

[See Prior Text in A]

B. When a closed-vent system is tested for compliance with no detectable emissions, as required in LAC 33:V.1709.KL, the test shall comply with the following requirements.

* * *

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

c. Each sample shall be analyzed, and the total organic concentration of the sample shall be computed using Method 9060 or ~~8240~~8260 of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110

* * *

[See Prior Text in D.1.d - E.3]

F. When an owner or operator and the administrative authority do not agree on whether a

distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8240.8260 "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110 may be used to resolve the dispute.

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 17:658 (July 1991), amended LR 20:1000 (September 1994), LR 22:818 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:***.

§1713. Recordkeeping Requirements

* * *

[See Prior Text in A - C.7.b]

8. date of each control device start-up and shutdown;

9. an owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to LAC 33:V.1709.O shall record in a log that is kept in the facility operating record, the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of LAC 33:V.1709.O, an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component;

10. when each leak is detected as specified in LAC 33:V.1709.L, the following information shall be recorded:

a. the instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number;

b. the date the leak was detected and the date of first attempt to repair the leak;

c. the date of successful repair of the leak; and

d. maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A after it is successfully repaired or determined to be nonrepairable;

e. "repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

i. The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

ii. If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.

D. Record Retention. Records of the monitoring, operating, and inspection information required by LAC 33:V.1713.C.3-810 must be kept on site for three years.

* * *

[See Prior Text in E - F]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 22:818 (September 1996), amended by the Office Of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter B. Equipment Leaks

§1717. Applicability

* * *

[See Prior Text in A]

B. Except as provided in LAC 33:V.1743.K, this Subchapter applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

1. a units that are subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7,~~27~~, 31, and 43; or

2. ~~hazardous waste recycling units that are located on hazardous waste management facilities~~ a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of LAC 33:V.1109.E.1 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7,~~27~~, 31, and 43; or

3. a unit that is exempt from permitting under the provisions of LAC

33:V.1109.E.1 (i.e., a 90-day tank or container).

* * *

[See Prior Text in C - E]

F. Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year is excluded from the requirements of LAC 33:V.1719 - 1735 if it is identified, as required in LAC 33:V.1743.

[**Note:** The requirements of LAC 33:V.1719-1745 apply to equipment associated with hazardous waste recycling units previously exempt under LAC 33:V.4115.A. Other exemptions under LAC 33:V.105.D, ~~1109.E~~, and 1501.C are not affected by these requirements.]

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 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1725. Standards: Sampling Connection Systems

A. Each sampling connection system shall be equipped with a closed purge system, ~~closed loop~~, or closed-vent system. This system shall collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.

B. Each closed-purge system, ~~closed loop~~, or closed-vent system, ~~as required in LAC 33:V.1725~~ Subsection A of this Section, shall meet one of the following requirements:

1. return the purged ~~hazardous waste stream~~ process fluid directly to the ~~hazardous waste management process line with no detectable emissions to the atmosphere~~; or

2. collect and recycle the purged ~~hazardous waste stream~~ process fluid ~~with no detectable emissions to the atmosphere~~; or

3. be designed and operated to capture and transport all the purged ~~hazardous waste stream~~ process fluid to a waste management unit that complies with the applicable requirements of LAC 33:V.1755 - 1759 or a control device that complies with the requirements of LAC 33:V.1735.

C. In situ sampling systems and sampling systems without purges are exempt from the

requirements of ~~LAC 33:V.1725~~Subsections A and B of this Section.

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 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR24:**.

§1731. Standards: Pumps and Valves in Heavy Liquid Service, Pressure Relief Devices in Light Liquid or Heavy Liquid Service, and Flanges and Other Connectors

* * *

[See Prior Text in A - D]

E. Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of Subsection A of this Section and from the recordkeeping requirements of LAC 33:V.1743.

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 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR24:**.

§1741. Test Methods and Procedures

* * *

[See Prior Text in A - D.1]

2. method 9060 or ~~82408260~~ of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110; or

* * *

[See Prior Text in D.3 - I]

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 17:658 (July 1991), amended LR 20:1000 (September 1994), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1743. Recordkeeping Requirements

* * *

[See Prior Text in A - G.5]

6. Identification: Either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for a period of less than 300 hours per year.

* * *

[See Prior Text in H - M]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:723 (July 1992), Office of Waste Services, Hazardous Waste Division, LR 24:**.

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

§1747. Applicability

A. The requirements of this Subchapter apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either Chapter 19, 21, or 29, except as LAC 33:V.1501 and Subsection B of this Section provide otherwise.

B. The requirements of this Subchapter do not apply to the following waste management units at the facility:

1. a waste management unit that holds hazardous waste placed in the unit before October December 6, 1996, and in which no hazardous waste is added to the unit on or after this date;

2. a container that has a design capacity less than or equal to 0.1 m³;

3. a tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan;

4. a surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan;

5. a waste management unit that is used solely for on-site treatment or storage of

hazardous waste that is generated as the result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h), CERCLA authorities, or similar state authorities;

6. a waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act;

7. a hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR part 60, part 61, or part 63. For the purpose of complying with this Paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of LAC 33:V.1755.I, except as provided in LAC 33:V.1751.C.5; and

8. a tank that has a process vent as defined in LAC 33:V.1703.

C. For the owner and operator of a facility subject to this Chapter and who received a final permit under RCRA section 3005 prior to ~~October~~December 6, 1996, the requirements of this Chapter shall be incorporated into the permit when the permit is reissued in accordance with the requirements of LAC 33:V.705 or reviewed in accordance with the requirements of LAC 33:V.315.D. Until such date when the owner and operator receives a final permit incorporating the requirements of this Chapter, the owner and operator are subject to the requirements of LAC 33:V.Chapter 43.Subchapter V.

D. The requirements of this Subchapter, except for the recordkeeping requirements specified in LAC 33:V.1765.I, are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions:

1. the owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent —O—O— structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical;

2. the owner or operator prepares documentation, in accordance with the

requirements of LAC 33:V.1765.I, explaining why an undue safety hazard would be created if air emission controls specified in LAC 33:V.1755 - 1761 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of Subsection D.1 of this Section; and

3. the owner or operator notifies the administrative authority, in writing, that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of Subsection D.1 of this Section are managed at the facility in tanks or containers meeting the conditions of Subsection D.2 of this Section. The notification shall state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1749. Definitions

As used in this Chapter, all terms shall have the meaning given to them in LAC 33:V.1703 and 109.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1751. Standards: General

A. This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subchapter.

B. The owner or operator shall control air pollutant emissions from each waste management unit in accordance with standards specified in LAC 33:V.1755 - 1761, as applicable to the waste management unit, except as provided for in Subsection C of this Section.

C. A tank, surface impoundment, or container is exempt from standards specified in LAC 33:V.1755 - 1761, as applicable, provided that the waste management unit is one of the following:

1. a tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined using the procedures specified in LAC 33:V.1753.A. The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial

determination for the hazardous waste streams entering the unit:

2. a tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

a. a process that removes or destroys the organics contained in the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_e) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in LAC 33:V.1753.B;

b. a process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in LAC 33:V.1753.B;

c. a process that removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in LAC 33:V.1753.B;

d. a biological process that destroys or degrades the organics contained in the hazardous waste, such that either of the following conditions is met:

i. the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in LAC 33:V.1753.B;
or

ii. the total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in LAC 33:V.1753.B;

e. a process that removes or destroys the organics contained in the

hazardous waste and meets all of the following conditions:

i. from the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is managed continuously in waste management units that use air emission controls in accordance with the standards specified in LAC 33:V.1755 - 1761, as applicable to the waste management unit;

ii. from the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere. The EPA considers a drain system that meets the requirements of 40 CFR part 63, subpart RR—National Emission Standards for Individual Drain Systems to be a closed system; and

iii. the average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual waste stream at the point of waste origination shall be determined using the procedures specified in LAC 33:V.1753.A. The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in LAC 33:V.1753.B;

f. a process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in LAC 33:V.1753.A and B, respectively;

g. a hazardous waste incinerator for which the owner or operator has either:

i. been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 31; or

ii. designed and operates the incinerator in accordance with the interim status requirements of LAC 33:V.Chapter 43.Subchapter N;

h. a boiler or industrial furnace for which the owner or operator has either:

i. been issued a final permit under LAC 33:V.Chapter 5 that implements the requirements of LAC 33:V.Chapter 30; or

ii. designed and operates the boiler or industrial furnace in accordance with the interim status requirements of LAC 33:V.Chapter 30;

i. for the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of Subsection C.2.a - f of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

i. if Method 25D in 40 CFR part 60, appendix A is used for the analysis, one-half the blank value determined in the method; or

ii. if any other analytical method is used, one-half the limit of detection established for the method;

3. a tank used for biological treatment of hazardous waste in accordance with the requirements of Subsection C.2.d of this Section;

4. a tank, surface impoundment, or container for which all hazardous waste placed in the unit either:

a. meets the numerical concentration limits for organic hazardous constituents applicable to the hazardous waste, as specified in LAC 33:V.Chapter 22.Table 2 "Treatment Standards for Hazardous Waste"; or

b. has been treated by the treatment technology established by EPA for the waste in LAC 33:V.2227.A or treated by an equivalent method of treatment approved by the department in accordance with LAC 33:V.2227.B; or

5. a tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:

a. the tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR part 61, subpart FF—National Emission Standards for Benzene Waste Operations for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams per year;

b. the enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

c. the enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in section 5.0 to "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

D. The administrative authority may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of this Section as follows:

1. the waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of LAC 33:V.1753.A. The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of LAC 33:V.1753.B;

2. in performing a waste determination in accordance with Subsection D.1 of this Section, the sample preparation and analysis shall be conducted as follows:

a. in accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in Subsection D.2.b of this Section; and

b. if the administrative authority determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the administrative authority may choose an appropriate method;

3. in a case when the owner or operator is requested to perform the waste determination, the administrative authority may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis;

4. in a case when the results of the waste determination performed or requested by the administrative authority do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of Subsection D.1 of this Section shall be used to establish compliance with the requirements of this Subchapter;

5. in a case when the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of

waste origination, the administrative authority may elect to establish compliance with this Subchapter by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:

a. the average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of LAC 33:V.1753.A;

b. results of the waste determination performed or requested by the administrative authority showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subchapter, except in a case as provided for in Subsection D.5.c of this Section; and

c. for the case when the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw, but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of LAC 33:V.1753.A and 1765 shall be considered by the administrative authority together with the results of the waste determination performed or requested by the administrative authority in establishing compliance with this Subchapter.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1753. Waste Determination Procedures

A. Waste Determination Procedure to Determine Average Volatile Organic (VO) Concentration of a Hazardous Waste at the Point of Waste Origination

1. An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of LAC 33:V.1751.C.1 from using air emission controls in accordance with standards specified in LAC 33:V.4727, as applicable to the waste management unit.

2. The average VO concentration of a hazardous waste at the point of waste origination may be determined in accordance with the procedures specified in LAC 33:V.4727.

B. Waste Determination Procedures for Treated Hazardous Waste

1. An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of LAC 33:V.1751.C.2 from using air emission controls in accordance with standards specified in LAC 33:V.1755 - 1761, as applicable to the waste management unit.

2. The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in LAC 33:V.4727, as applicable to the treated hazardous waste.

C. Procedure to Determine the Maximum Organic Vapor Pressure of a Hazardous Waste in a Tank

1. An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in LAC 33:V.1755.C.

2. The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in LAC 33:V.4727.

D. The procedure for determining no detectable organic emissions for the purpose of complying with this Subchapter shall be conducted in accordance with the procedures specified in LAC 33:V.4727.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1755. Standards: Tanks

A. The provisions of this Section apply to the control of air pollutant emissions from tanks for which LAC 33:V.1751.B references the use of this Section for such air emission control.

B. The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

1. for a tank that manages hazardous waste that meets all of the conditions specified in Subsection B.1.a - c of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in Subsection C of this Section or the Tank Level 2 controls specified in Subsection D of this Section:

a. the hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category

as follows:

i. for a tank design capacity equal to or greater than 151 m³, the maximum organic vapor pressure limit for the tank is 5.2 kPa;

ii. for a tank design capacity equal to or greater than 75 m³, but less than 151 m³, the maximum organic vapor pressure limit for the tank is 27.6 kPa;

iii. for a tank design capacity less than 75 m³, the maximum organic vapor pressure limit for the tank is 76.6 kPa;

b. the hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with Subsection B.1.a of this Section; and

c. the hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in LAC 33:V.4721; and

2. for a tank that manages hazardous waste that does not meet all of the conditions specified in Subsection B.1.a - c of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of Subsection D of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in Subsection B.1.a of this Section.

C. Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in Subsection C.1 - 4 of this Section:

1. the owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure shall be determined using the procedures specified in LAC 33:V.1753.C. Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in Subsection B.1.a of this Section, as applicable to the tank;

2. the tank shall be equipped with a fixed roof designed to meet the following specifications:

a. the fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch):

b. the fixed roof shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall:

c. each opening in the fixed roof shall be either:

i. equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

ii. connected by a closed-vent system that is vented to a control device. The control device shall remove or destroy organics in the vent stream, and it shall be operating whenever hazardous waste is managed in the tank:

d. the fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed:

3. whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position except as follows:

a. opening of closure devices or removal of the fixed roof is allowed at the following times:

i. to provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank;

ii. to remove accumulated sludge or other residues from the bottom of the tank;

b. opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations;

c. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;

4. the owner or operator shall inspect the air emission control equipment in accordance with the following requirements:

a. the fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

b. the owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in Subsection L of this Section;

c. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

d. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B.

D. Owners and operators controlling air pollutant emissions from a tank using Tank Level

2 controls shall use one of the following tanks:

1. a fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in Subsection E of this Section;

2. a tank equipped with an external floating roof in accordance with the requirements specified in Subsection F of this Section;

3. a tank vented through a closed-vent system to a control device in accordance with the requirements specified in Subsection G of this Section;

4. a pressure tank designed and operated in accordance with the requirements specified in Subsection H of this Section; or

5. a tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in Subsection I of this Section.

E. The owner or operator who controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in Subsection E.1 - 3 of this Section.

1. the tank shall be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

a. the internal floating roof shall be designed to float on the liquid surface except when the floating roof must be supported by the leg supports;

b. the internal floating roof shall be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

i. a single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in LAC 33:V.4721; or

ii. two continuous seals mounted one above the other. The lower seal may be a vapor-mounted seal;

c. the internal floating roof shall meet the following specifications:

i. each opening in a noncontact internal floating roof, except for

automatic bleeder vents (vacuum breaker vents) and the rim space vents, is to provide a projection below the liquid surface;

ii. each opening in the internal floating roof shall be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains;

iii. each penetration of the internal floating roof for the purpose of sampling shall have a slit fabric cover that covers at least 90 percent of the opening;

iv. each automatic bleeder vent and rim space vent shall be gasketed;

v. each penetration of the internal floating roof that allows for passage of a ladder shall have a gasketed sliding cover; and

vi. each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof shall have a flexible fabric sleeve seal or a gasketed sliding cover;

2. the owner or operator shall operate the tank in accordance with the following requirements:

a. when the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be completed as soon as practical;

b. automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports; and

c. prior to filling the tank, each cover, access hatch, gauge float well, or lid on any opening in the internal floating roof shall be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting;

3. the owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:

a. the floating roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the internal floating roof is not floating on the surface of the liquid inside the tank; liquid has accumulated on top of the internal floating roof; any portion of the roof seals have detached from the roof rim; holes, tears, or other openings are visible in the seal fabric; the gaskets no longer close off the hazardous waste surface from the atmosphere; or the slotted

membrane has more than 10 percent open area;

b. the owner or operator shall inspect the internal floating roof components as follows, except as provided in Subsection E.3.c of this Section:

i. visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill; and

ii. visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 10 years;

c. as an alternative to performing the inspections specified in Subsection E.3.b of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every 5 years;

d. prior to each inspection required by Subsection E.3.b or c of this Section, the owner or operator shall notify the administrative authority in advance of each inspection to provide the administrative authority with the opportunity to have an observer present during the inspection. The owner or operator shall notify the administrative authority of the date and location of the inspection as follows:

i. prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the administrative authority at least 30 calendar days before refilling the tank except when an inspection is not planned as provided for in Subsection E.3.d.ii of this Section;

ii. when a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the administrative authority as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the administrative authority at least seven calendar days before refilling the tank;

e. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

f. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B.

F. The owner or operator who controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in Subsection F.1 - 3 of this Section.

1. the owner or operator shall design the external floating roof in accordance with the following requirements:

a. the external floating roof shall be designed to float on the liquid surface except when the floating roof must be supported by the leg supports:

b. the floating roof shall be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal;

i. the primary seal shall be a liquid-mounted seal or a metallic shoe seal, as defined in LAC 33:V.4721. The total area of the gaps between the tank wall and the primary seal shall not exceed 212 square centimeters (cm²) per meter of tank diameter, and the width of any portion of these gaps shall not exceed 3.8 centimeters (cm). If a metallic shoe seal is used for the primary seal, the metallic shoe seal shall be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface; and

ii. the secondary seal shall be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal shall not exceed 21.2 square centimeters (cm²) per meter of tank diameter, and the width of any portion of these gaps shall not exceed 1.3 centimeters (cm); and

c. the external floating roof shall meet the following specifications:

i. except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof shall provide a projection below the liquid surface;

ii. except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be equipped with a gasketed cover, seal, or lid;

iii. each access hatch and each gauge float well shall be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position;

iv. each automatic bleeder vent and each rim space vent shall be

equipped with a gasket;

v. each roof drain that empties into the liquid managed in the tank shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening;

vi. each unslotted and slotted guide pole well shall be equipped with a gasketed sliding cover or a flexible fabric sleeve seal;

vii. each unslotted guide pole shall be equipped with a gasketed cap on the end of the pole;

viii. each slotted guide pole shall be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere; and

ix. each gauge hatch and each sample well shall be equipped with a gasketed cover;

2. the owner or operator shall operate the tank in accordance with the following requirements:

a. when the floating roof is resting on the leg supports, the process of filling, emptying, or refilling shall be continuous and shall be completed as soon as practical;

b. except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof shall be secured and maintained in a closed position at all times except when the closure device must be open for access;

c. covers on each access hatch and each gauge float well shall be bolted or fastened when secured in the closed position;

d. automatic bleeder vents shall be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports;

e. rim space vents shall be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting;

f. the cap on the end of each unslotted guide pole shall be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank;

g. the cover on each gauge hatch or sample well shall be secured in the closed position at all times except when the hatch or well must be opened for access; and

h. both the primary seal and the secondary seal shall completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections;

3. the owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:

a. the owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:

i. the owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years;

ii. the owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year;

iii. if a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank shall be considered an initial operation for the purposes of Subsection F.3.a.i and ii of this Section;

iv. the owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the following procedure:

(a). the seal gap measurements shall be performed at one or more floating roof levels when the roof is floating off the roof supports;

(b). seal gaps, if any, shall be measured around the entire perimeter of the floating roof in each place where a 0.32-centimeter (cm) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location;

(c). for a seal gap measured under Subsection F.3 of this Section, the gap surface area shall be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance;

(d). the total gap area shall be calculated by adding the gap

surface areas determined for each identified gap location for the primary seal and the secondary seal individually and then dividing the sum for each seal type by the nominal perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type as specified in Subsection F.1.b of this Section;

v. in the event that the seal gap measurements do not conform to the specifications in Subsection F.1.b of this Section, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

vi. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;

b. the owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

i. the floating roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

ii. the owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in Subsection L of this Section;

iii. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

iv. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;

c. prior to each inspection required by Subsection F.3.a or F.3.b of this Section, the owner or operator shall notify the administrative authority in advance of each inspection to provide the administrative authority with the opportunity to have an observer present during the inspection. The owner or operator shall notify the administrative authority of the date and location of the inspection as follows:

i. prior to each inspection to measure external floating roof seal gaps as required under Subsection F.3.a of this Section, written notification shall be prepared and

sent by the owner or operator so that it is received by the administrative authority at least 30 calendar days before the date the measurements are scheduled to be performed;

ii. prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification shall be prepared and sent by the owner or operator so that it is received by the administrative authority at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in Subsection F.3.c.iii of this Section; and

iii. when a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the administrative authority as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation stating why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the administrative authority at least seven calendar days before refilling the tank.

G. The owner or operator who controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in Subsection G.1- 3 of this Section:

1. the tank shall be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

a. the fixed roof and its closure devices shall be designed to form a continuous barrier over the entire surface area of the liquid in the tank;

b. each opening in the fixed roof not vented to the control device shall be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices shall be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device shall be designed to operate with no detectable organic emissions;

c. the fixed roof and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices shall include organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and

sunlight; and the operating practices used for the tank on which the fixed roof is installed; and

d. the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761;

2. whenever a hazardous waste is in the tank, the fixed roof shall be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

a. venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

i. to provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank; and

ii. to remove accumulated sludge or other residues from the bottom of a tank;

b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;

3. the owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

a. the fixed roof and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

b. the closed-vent system and control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1761;

c. the owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the special conditions provided for in Subsection L of this Section;

d. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection K of this Section; and

e. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.B;

H. The owner or operator who controls air pollutant emissions by using a pressure tank shall meet the following requirements:

1. the tank shall be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity;

2. all tank openings shall be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in LAC 33:V.1753.D; and

3. whenever a hazardous waste is in the tank, the tank shall be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in LAC 33:V.1749, is required to open to avoid an unsafe condition.

I. The owner or operator who controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in Subsection I.1 - 4 of this Section:

1. the tank shall be located inside an enclosure. The enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in section 5.0 to "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually;

2. the enclosure shall be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in LAC 33:V.1761;

3. safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of Subsection I.1 and 2 of this Section; and

4. the owner or operator shall inspect and monitor the closed-vent system and

control device as specified in LAC 33:V.1761.

J. The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1. transfer of hazardous waste, except as provided in Subsection J.2 of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to LAC 33:V.1757 shall be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR part 63, subpart RR—National Emission Standards for Individual Drain Systems; and

2. the requirements of Subsection J.1 of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

a. the hazardous waste meets the average VO concentration conditions specified in LAC 33:V.1751.C.1 at the point of waste origination;

b. the hazardous waste has been treated by an organic destruction or removal process to meet the requirements in LAC 33:V.1751.C.2.

K. The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of Subsection C.4, E.3, F.3, or G.3 of this Section as follows:

1. the owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible, but no later than 45 calendar days after detection, except as provided in Subsection K.2 of this Section; and

2. repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect shall be completed before the process or unit resumes operation.

L. Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subchapter, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

1. in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

a. prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required; and

b. develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable section of this Subchapter, as frequently as practicable during those times when a worker can safely access the cover; and

2. in the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**

§1757. Standards: Surface Impoundments

A. The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which LAC 33:V.1751.B references the use of this Section for such air emission control.

B. The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:

1. a floating membrane cover in accordance with the provisions specified in Subsection C of this Section; or

2. a cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in Subsection D of this Section.

C. The owner or operator who controls air pollutant emissions from a surface impoundment using a floating membrane cover shall meet the requirements specified in Subsection C.1 - 3 of this Section.

1. the surface impoundment shall be equipped with a floating membrane cover designed to meet the following specifications:

a. the floating membrane cover shall be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid;

b. the cover shall be fabricated from a synthetic membrane material that is either:

i. high density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm); or

ii. a material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in Subsection C.1.b.i of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material;

c. the cover shall be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings;

d. except as provided for in Subsection C.1.e of this Section, each opening in the floating membrane cover shall be equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device;

e. the floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain shall be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal; and

f. the closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices shall include: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed;

2. whenever a hazardous waste is in the surface impoundment, the floating membrane cover shall float on the liquid and each closure device shall be secured in the closed position except as follows:

a. opening of closure devices or removal of the cover is allowed at the following times:

i. to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable; and

ii. to remove accumulated sludge or other residues from the bottom of the surface impoundment; and

b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition; and

3. the owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

a. the floating membrane cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices; and

b. the owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the special conditions provided for in Subsection G of this Section;

c. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection F of this Section; and

d. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.C.

D. The owner or operator who controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in Subsection D.1 - 3 of this Section.

1. the surface impoundment shall be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

a. the cover and its closure devices shall be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment;

b. each opening in the cover not vented to the control device shall be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices shall be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device shall be designed to operate with no detectable organic emissions using the procedure specified in LAC 33:V.1753.D;

c. the cover and its closure devices shall be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the cover and closure devices shall include organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed; and

d. the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761;

2. whenever a hazardous waste is in the surface impoundment, the cover shall be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

a. venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i. to provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment; and

ii. to remove accumulated sludge or other residues from the bottom of the surface impoundment;

b. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition;

3. the owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

a. the surface impoundment cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices;

b. the closed-vent system and control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1761;

c. the owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except for the special conditions provided for in Subsection G of this Section;

d. in the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection F of this Section; and

e. the owner or operator shall maintain a record of the inspection in accordance with the requirements specified in LAC 33:V.1765.C.

E. The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

1. transfer of hazardous waste, except as provided in Subsection E.2 of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to LAC 33:V.1755 shall be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR part 63, subpart RR—National Emission Standards for Individual Drain Systems; and

2. the requirements of Subsection E.1 of this Section do not apply when transferring a hazardous waste to the surface impoundment under either of the following conditions:

a. the hazardous waste meets the average VO concentration conditions specified in LAC 33:V.1751.C.1 at the point of waste origination;

b. the hazardous waste has been treated by an organic destruction or removal process to meet the requirements in LAC 33:V.1751.C.2.

F. The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of Subsection C.3 or D.3 of this Section:

1. the owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible, but no later than 45 calendar days, after detection except as provided in Subsection F.2 of this Section;

2. repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect shall be completed before the process or unit resumes operation.

G. Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subchapter, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

1. prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required; and

2. develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable section of this Subchapter as frequently as practicable during those times when a worker can safely access the cover.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1759. Standards: Containers

A. The provisions of this Section apply to the control of air pollutant emissions from containers for which LAC 33:V.1751.B references the use of this Section for such air emission control.

B. General Requirements

1. The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in Subsection B.2 of this Section apply to the container:

a. for a container having a design capacity greater than 0.1 m³ and less than or equal to 0.46 m³, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in Subsection C of this Section;

b. for a container having a design capacity greater than 0.46 m³ that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in Subsection C of this Section; and

c. for a container having a design capacity greater than 0.46 m³ that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in Subsection D of this Section.

2. When a container having a design capacity greater than 0.1 m³ is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in Subsection E of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

C. Container Level 1 Standards

1. A container using Container Level 1 controls is one of the following:

a. a container that meets the applicable U.S. Department of Transportation (DOT) regulations on packaging hazardous materials for transportation, as specified in Subsection F of this Section;

b. a container equipped with a cover and closure devices that form a continuous barrier over the container openings such that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap):

c. an open-top container in which an organic-vapor-suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor-suppressing foam.

2. A container used to meet the requirements of Subsection C.1.b or c of this Section shall be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices shall include organic vapor permeability, the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

3. Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

a. opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i. in the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation; and

ii. in the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level, the completion of a batch loading after which no additional material will be added to the container within 15 minutes, the person performing the loading operation leaving the immediate vicinity of the container, or the shutdown of the process generating the material being added to the container, whichever condition occurs first;

b. opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i. for the purpose of meeting the requirements of this Section an empty container, as defined in LAC 33:V.109, may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container);

ii. in the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in LAC 33:V.109, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first;

c. opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container;

d. opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device shall be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations; and

e. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition.

4. The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

a. in the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in LAC 33:V.109) within 24 hours after the container is accepted at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection C.4.c of this Section;

b. in the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and, thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection C.4.c of this Section;

c. when a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair shall be completed as soon as possible, but no later than five calendar days, after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired.

5. The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with a capacity of 0.46 m³ or greater, which do not meet applicable DOT regulations as specified in Subsection F of this Section, are not managing hazardous waste in light material service.

D. Container Level 2 Standards

1. A container using Container Level 2 controls is one of the following:

a. a container that meets the applicable DOT regulations on packaging hazardous materials for transportation, as specified in Subsection F of this Section;

b. a container that operates with no detectable organic emissions as defined in LAC 33:V.4721 and determined in accordance with the procedure specified in Subsection G of this Section;

c. a container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR part 60, appendix A, Method 27 in accordance with the procedure specified in Subsection H of this Section.

2. Transfer of hazardous waste in or out of a container using Container Level 2 controls shall be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the EPA considers to meet the requirements of this Paragraph include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container, a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations, or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3. Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container and secure and maintain each closure device in the closed position except as follows:

a. opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i. in the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation;

ii. in the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level, the completion of a batch loading after which no additional material will be added to the container within 15 minutes, the person performing the loading operation leaving the immediate vicinity of the container, or the shutdown of the process generating the material being added to the container, whichever condition occurs first;

b. opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

i. for the purpose of meeting the requirements of this Section an empty container, as defined in LAC 33:V.109, may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container);

ii. in the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in LAC 33:V.109, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first;

c. opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container;

d. opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device that vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device shall be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens shall be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations;

e. opening of a safety device, as defined in LAC 33:V.4721, is allowed at any time conditions require doing so to avoid an unsafe condition.

4. The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

a. in the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied (i.e., does not meet the conditions for an empty container as specified in LAC 33:V.109) within 24 hours after the container arrives at the facility, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks,

holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection D.4.c of this Section;

b. in the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and, thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of Subsection D.4.c of this Section;

c. when a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair shall be completed as soon as possible, but no later than five calendar days, after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste shall be removed from the container and the container shall not be used to manage hazardous waste until the defect is repaired.

E. Container Level 3 Standards

1. A container using Container Level 3 controls is one of the following:

a. a container that is vented directly through a closed-vent system to a control device in accordance with the requirements of Subsection E.2.b of this Section;

b. a container that is vented inside an enclosure that is exhausted through a closed-vent system to a control device in accordance with the requirements of Subsection E.2.a and b of this Section.

2. The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

a. the container enclosure shall be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B. The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in section 5.0 to "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually; and

b. the closed-vent system and control device shall be designed and operated in accordance with the requirements of LAC 33:V.1761.

3. Safety devices, as defined in LAC 33:V.4721, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of Subsection E.1 of this Section.

4. Owners and operators using Container Level 3 controls in accordance with the provisions of this Subchapter shall inspect and monitor the closed-vent systems and control devices as specified in LAC 33:V.1761.

5. Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subchapter shall prepare and maintain the records specified in LAC 33:V.1765.D.

F. For the purpose of compliance with Subsection C.1.a or D.1.a of this Section, containers shall be used that meet the applicable DOT regulations on packaging hazardous materials for transportation as follows:

1. the container meets the applicable requirements specified in 49 CFR part 178—Specifications for Packaging or 49 CFR part 179—Specifications for Tank Cars;

2. hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR part 107, subpart B—Exemptions; 49 CFR part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements; 49 CFR part 173—Shippers—General Requirements for Shipments and Packages; and 49 CFR part 180—Continuing Qualification and Maintenance of Packagings;

3. for the purpose of complying with this Subchapter, no exceptions to the 49 CFR part 178 or part 179 regulations are allowed except as provided for in Subsection F.4 of this Section; and

4. for a lab pack that is managed in accordance with the requirements of 49 CFR part 178 for the purpose of complying with this Subchapter, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).

G. The owner or operator shall use the procedure specified in LAC 33:V.1753.D for determining when a container operates with no detectable organic emissions for the purpose of complying with Subsection D.1.b of this Section.

1. Each potential leak interface (i.e., a location where organic vapor leakage could

occur) on the container, its cover, and associated closure devices, as applicable to the container, shall be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the interface of the cover rim and the container wall, the periphery of any opening on the container or container cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure-relief valve.

2. The test shall be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices shall be secured in the closed position.

H. The owner or operator shall use the procedure for determining a container to be vapor-tight using Method 27 of 40 CFR part 60, appendix A for the purpose of complying with Subsection D.1.c of this Section.

1. The test shall be performed in accordance with Method 27 of 40 CFR part 60, appendix A.

2. A pressure measurement device shall be used that has a precision of ± 2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

3. If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals within five minutes after it is pressurized to a minimum of 4,500 Pascals, then the container is determined to be vapor-tight.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**

§1761. Standards: Closed-Vent Systems and Control Devices

A. This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subchapter.

B. The closed-vent system shall meet the following requirements:

1. shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in Subsection C of this Section;

2. shall be designed and operated in accordance with the requirements specified in LAC 33:V.1709.K;

3. in the case when the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device shall be equipped with either a flow indicator as specified in Subsection B.3.a of this Section or a seal or locking device as specified in Subsection B.3.b of this Section. For the purpose of complying with this Paragraph, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other fittings used for safety purposes are not considered to be bypass devices:

a. if a flow indicator is used to comply with this Subsection, the indicator shall be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For this paragraph, a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line;

b. if a seal or locking device is used to comply with this Subsection, the device shall be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position;

4. shall be inspected and monitored by the owner or operator in accordance with the procedure specified in LAC 33:V.1709.L.

C. The control device shall meet the following requirements:

1. shall be one of the following devices:

a. a control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;

b. an enclosed combustion device designed and operated in accordance with the requirements of LAC 33:V.1709.C; or

c. a flare designed and operated in accordance with the requirements of LAC 33:V.1709.D;

2. the owner or operator who elects to use a closed-vent system and control

device to comply with the requirements of this Section shall comply with the requirements specified in Subsection C.2.a - f of this Section:

a. periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of Subsection C.1.a, b, or c of this Section, as applicable, shall not exceed 240 hours per year;

b. the specifications and requirements in Subsection C.1.a, b, or c of this Section for control devices do not apply during periods of planned routine maintenance;

c. the specifications and requirements in Subsection C.1.a, b, or c of this Section for control devices do not apply during a control device system malfunction;

d. the owner or operator shall demonstrate compliance with the requirements of Subsection C.2.a of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of Subsection C.1.a, b, or c of this Section, as applicable, shall not exceed 240 hours per year) by recording the information specified in LAC 33:V.1765.E.1.e;

e. the owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants; and

f. the owner or operator shall operate the closed-vent system such that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally) except in cases when it is necessary to vent the gases, vapors, and/or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions;

3. the owner or operator using a carbon adsorption system to comply with Subsection C.1 of this Section shall operate and maintain the control device in accordance with the following requirements:

a. following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of LAC 33:V.1709.G or H; and

b. all carbon removed from the control device shall be managed in accordance with the requirements of LAC 33:V.1709.N;

4. an owner or operator using a control device other than a thermal vapor

incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with Subsection C.1 of this Section shall operate and maintain the control device in accordance with the requirements of LAC 33:V.1709.J;

5. the owner or operator shall demonstrate that a control device achieves the performance requirements of Subsection C.1 of this Section as follows:

a. an owner or operator shall demonstrate, using either a performance test as specified in Subsection C.5.c of this Section or a design analysis as specified in Subsection C.5.d of this Section, the performance of each control device except for the following:

i. a flare;

ii. a boiler or process heater with a design heat input capacity of 44 megawatts or greater;

iii. a boiler or process heater into which the vent stream is introduced with the primary fuel;

iv. a boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under LAC 33:V.Chapter 5 and has designed and operates the unit in accordance with the requirements of LAC 33:V.Chapter 30; or

v. a boiler or industrial furnace burning hazardous waste for which the owner or operator has designed and operates in accordance with the interim status requirements of LAC 33:V.Chapter 30;

b. an owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in LAC 33:V.1709.E;

c. for a performance test conducted to meet the requirements of Subsection C.5.a of this Section, the owner or operator shall use the test methods and procedures specified in LAC 33:V.1711.C.1 - 4;

d. for a design analysis conducted to meet the requirements of Subsection C.5.a of this Section, the design analysis shall meet the requirements specified in LAC 33:V.1713.B.4.c; and

e. the owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of Subsection C.1 of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery,

and carbon disposal:

6. if the owner or operator and the administrative authority do not agree on a demonstration of control device performance using a design analysis, then the disagreement shall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of Subsection C.5.c of this Section. The administrative authority may choose to have an authorized representative observe the performance test; and

7. the control device shall be inspected and monitored by the owner or operator in accordance with the procedures specified in LAC 33:V.1709.F.2 and L. The readings from each monitoring device required by LAC 33:V.1709.F.2 shall be inspected at least once each operating day to check control device operation. Any necessary corrective measures shall be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1763. Inspection and Monitoring Requirements

A. The owner or operator shall inspect and monitor air emission control equipment used to comply with this Chapter in accordance with the applicable requirements specified in LAC 33:V.1755 - 1761.

B. The owner or operator shall develop and implement a written plan and schedule to perform the inspections and monitoring required by Subsection A of this Section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under LAC 33:V.1509.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1765. Recordkeeping Requirements

A. Each owner or operator of a facility subject to requirements in this Subchapter shall record and maintain the information specified in Subsections B - I of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by Subsection I of this Section, records required by this Section shall be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation shall be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service. Information required by Subsection I of this Section shall be maintained in the operating record for as long as the tank or container is not using air

emission controls specified in LAC 33:V.1755 - 1761 in accordance with the conditions specified in LAC 33:V.1755.D.

B. The owner or operator of a tank using air emission controls in accordance with the requirements of LAC 33:V.1755 shall prepare and maintain records for the tank that include the following information:

1. for each tank using air emission controls in accordance with the requirements of LAC 33:V.1755, the owner or operator shall record:

a. a tank identification number (or other unique identification description as selected by the owner or operator); and

b. a record for each inspection required by LAC 33:V.1755 that includes the following information:

i. date inspection was conducted; and

ii. for each defect detected during the inspection, include the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of LAC 33:V.1755, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected; and

2. in addition to the information required by Subsection B.1 of this Section, the owner or operator shall record the following information, as applicable to the tank:

a. the owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in LAC 33:V.1755.C shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of LAC 33:V.1755.C. The records shall include the date and time the samples were collected, the analysis method used, and the analysis results;

b. the owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.E shall prepare and maintain documentation describing the floating roof design;

c. owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.F shall prepare and maintain the following records:

i. documentation describing the floating roof design and the dimensions of the tank; and

ii. records for each seal gap inspection required by LAC 33:V.1755.F.3 describing the results of the seal gap measurements. The records shall include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in LAC 33:V.1755.F.1, the records shall include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary; and

d. each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in LAC 33:V.1755.I shall prepare and maintain the following records:

i. records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B; and

ii. records required for the closed-vent system and control device in accordance with the requirements of Subsection E of this Section.

C. The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of LAC 33:V.1757 shall prepare and maintain records for the surface impoundment that include the following information:

1. a surface impoundment identification number (or other unique identification description as selected by the owner or operator);

2. documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design and certification by the owner or operator that the cover meets the specifications listed in LAC 33:V.1757.C;

3. a record for each inspection required by LAC 33:V.1757 that includes the following information:

a. date inspection was conducted; and

b. for each defect detected during the inspection, include the following, the

location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of LAC 33:V.1757.F, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected; and

4. for a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in Subsection E of this Section.

D. The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of LAC 33:V.1759 shall prepare and maintain records that include the following information:

1. records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T—Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B; and

2. records required for the closed-vent system and control device in accordance with the requirements of Subsection E of this Section.

E. The owner or operator using a closed-vent system and control device in accordance with the requirements of LAC 33:V.1761 shall prepare and maintain records that include documentation for the closed-vent system and control device that includes:

1. certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in Subsection E.2 of this Section or by performance tests as specified in Subsection E.3 of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur;

2. if a design analysis is used, then design documentation as specified in LAC 33:V.1713.B.4. The documentation shall include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with LAC 33:V.1713.B.4.c and certification by the owner or operator that the control equipment meets the applicable specifications;

3. if performance tests are used, then a performance test plan as specified in LAC 33:V.1713.B.3 and all test results;

4. information as required by LAC 33:V.1713.C.1 and 2, as applicable;

5. an owner or operator shall record, on a semiannual basis, the information specified in Subsection E.5.a and b of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable:

a. a description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description shall include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods; and

b. a description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description shall include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable, due to planned routine maintenance;

6. an owner or operator shall record the information specified in Subsection E.6.a-c of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of LAC 33:V.1761.C.1.a, b, or c, as applicable:

a. the occurrence and duration of each malfunction of the control device system;

b. the duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning; and

c. actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation; and

7. records of the management of carbon removed from a carbon adsorption system conducted in accordance with LAC 33:V.1761.C.3.b.

F. The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of LAC 33:V.1751.C shall prepare and maintain the following records, as applicable:

1. for tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in LAC 33:V.1751.C.1 or 2, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall

record the date, time, and location that each waste sample is collected in accordance with applicable requirements of LAC 33:V.1753;

2. for tanks, surface impoundments, or containers exempted under the provisions of LAC 33:V.1751.C.2.g or h, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

G. An owner or operator designating a cover as "unsafe to inspect and monitor" in accordance with LAC 33:V.1755.L or 1757.G shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor"; the explanation for each cover stating why the cover is unsafe to inspect and monitor; and the plan and schedule for inspecting and monitoring each cover.

H. The owner or operator of a facility that is subject to this Subchapter and to the control device standards in 40 CFR part 60, subpart VV or 40 CFR part 61, subpart V may elect to demonstrate compliance with the applicable sections of this Subchapter by documentation either in accordance with this Subchapter or the provisions of 40 CFR part 60, subpart VV or 40 CFR part 61, subpart V, to the extent that the documentation required by 40 CFR part 60 or 61 duplicates the documentation required by this Section.

I. For each tank or container not using air emission controls specified in LAC 33:V.1755 - 1761 in accordance with the conditions specified in LAC 33:V.1747.D, the owner or operator shall record and maintain the following information:

1. a list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in LAC 33:V.1747.D.1;

2. a description of how the hazardous waste containing the organic peroxide compounds identified in Subsection I.1 of this Section are managed at the facility in tanks and containers. This description shall include:

a. for the tanks used at the facility to manage this hazardous waste, sufficient information shall be provided to describe, for each tank, a facility identification number for the tank; the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks; and

b. for containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to describe a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately

dispose of the hazardous waste handled in the containers:

3. an explanation of why managing the hazardous waste containing the organic peroxide compounds identified in Subsection I.1 of this Section in the tanks and containers as described in Subsection I.2 of this Section would create an undue safety hazard if the air emission controls, as required under LAC 33:V.1755 - 1761, are installed and operated on these waste management units. This explanation shall include the following information:

a. for tanks used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks, and why installation of safety devices on the required air emission controls, as allowed under this Subchapter, will not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides; and

b. for containers used at the facility to manage these hazardous wastes, sufficient information shall be provided to explain how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the containers, and why installation of safety devices on the required air emission controls, as allowed under this Subchapter, will not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§1767. Reporting Requirements

A. Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of LAC 33:V.1751.C shall report to the administrative authority each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in LAC 33:V.1751.C.1 or 2, as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste of which the organic content has been reduced by an organic destruction or removal process that fails to achieve the applicable conditions specified in LAC 33:V.1751.C.2.a - f. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or

operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

B. Each owner or operator using air emission controls on a tank in accordance with the requirements LAC 33:V.1755.C shall report to the administrative authority each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in LAC 33:V.1755.B. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

C. Each owner or operator using a control device in accordance with the requirements of LAC 33:V.1761 shall submit a semiannual written report to the administrative authority, except as provided for in Subsection D of this Section. The report shall describe each occurrence during the previous six-month period when either:

1. a control device is operated continuously for 24 hours or longer in compliance with the applicable operating values defined in LAC 33:V.1713.C.4; or

2. a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in LAC 33:V.1709.D. The written report shall include the EPA identification number, facility name and address, an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

D. A report to the administrative authority in accordance with the requirements of Subsection C of this Section is not required for a six-month period during which all control devices subject to this Chapter are operated by the owner or operator such that:

1. during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in LAC 33:V.1713.C.4; and

2. no flare was operated with visible emissions for five minutes or longer in a two-hour period, as defined in LAC 33:V.1709.D.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

Appendix
Table 1
Compounds With Henry's Law Constant Less Than 0.1 Y/X
[At 25 °C]

<u>Compound name</u>	<u>CAS No.</u>
<u>Acetaldol</u>	<u>107-89-1</u>
<u>Acetamide</u>	<u>60-35-5</u>
<u>2-Acetylaminoflourene</u>	<u>53-96-3</u>
<u>3-Acetyl-5-hydroxypiperidine</u>	
<u>3-Acetyl piperidine</u>	<u>618-42-8</u>
<u>1-Acetyl-2-thiourea</u>	<u>591-08-2</u>
<u>Acrylamide</u>	<u>79-06-1</u>
<u>Acrylic acid</u>	<u>79-10-7</u>
<u>Adenine</u>	<u>73-24-5</u>
<u>Adipic acid</u>	<u>124-04-9</u>
<u>Adiponitrile</u>	<u>111-69-3</u>
<u>Alachlor</u>	<u>15972-60-8</u>
<u>Aldicarb</u>	<u>116-06-3</u>
<u>Ametryn</u>	<u>834-12-8</u>
<u>4-Aminobiphenyl</u>	<u>92-67-1</u>
<u>4-Aminopyridine</u>	<u>504-24-5</u>
<u>Aniline</u>	<u>62-53-3</u>
<u>o-Anisidine</u>	<u>90-04-0</u>
<u>Anthraquinone</u>	<u>84-65-1</u>
<u>Atrazine</u>	<u>1912-24-9</u>
<u>Benzearsonic acid</u>	<u>98-05-5</u>
<u>Benzenesulfonic acid</u>	<u>98-11-3</u>
<u>Benzidine</u>	<u>92-87-5</u>
<u>Benzo (a) anthracene</u>	<u>56-55-3</u>
<u>Benzo (k) flouranthene</u>	<u>207-08-9</u>
<u>Benzoic acid</u>	<u>65-85-0</u>
<u>Benzo (g,h,i) perylene</u>	<u>191-24-2</u>
<u>Benzo (a) pyrene</u>	<u>50-32-8</u>
<u>Benzyl alcohol</u>	<u>100-51-6</u>
<u>gamma-BHC</u>	<u>58-89-9</u>
<u>Bis (2-ethylhexyl) phthalate</u>	<u>117-81-7</u>
<u>Bromochloromethyl acetate</u>	

<u>Bromoxynil</u>	<u>1689-84-5</u>
<u>Butyric acid</u>	<u>107-92-6</u>
<u>Caprolactam (hexahydro-2H-azepin-2-one)</u>	<u>105-60-2</u>
<u>Catechol (o-dihydroxybenzene)</u>	<u>120-80-9</u>
<u>Cellulose</u>	<u>9004-34-6</u>
<u>Cell wall</u>	
<u>Chlorohydrin (3 Chloro-1,2-propanediol)</u>	<u>96-24-2</u>
<u>Chloroacetic acid</u>	<u>79-11-8</u>
<u>2-Chloroacetophenone</u>	<u>93-76-5</u>
<u>p-Chloroaniline</u>	<u>106-47-8</u>
<u>p-Chlorobenzophenone</u>	<u>134-85-0</u>
<u>Chlorobenzylate</u>	<u>510-15-6</u>
<u>p-Chloro-m-cresol (6-chloro-m-cresol)</u>	<u>59-50-7</u>
<u>3-Chloro-2,5-diketopyrrolidine</u>	
<u>Chloro-1,2-ethane diol</u>	
<u>4-Chlorophenol</u>	<u>106-48-9</u>
<u>Chlorophenol polymers (2-chlorophenol and 4-chlorophenol)</u>	<u>95-57-8 & 106-48-9</u>
<u>1-(o-Chlorophenyl) thiourea</u>	<u>5344-82-1</u>
<u>Chrysene</u>	<u>218-01-9</u>
<u>Citric acid</u>	<u>77-92-9</u>
<u>Creosote</u>	<u>8001-58-9</u>
<u>m-Cresol</u>	<u>108-39-4</u>
<u>o-Cresol</u>	<u>95-48-7</u>
<u>p-Cresol</u>	<u>106-44-5</u>
<u>Cresol (mixed isomers)</u>	<u>1319-77-3</u>
<u>4-Cumylphenol</u>	<u>27576-86</u>
<u>Cyanide</u>	<u>57-12-5</u>
<u>4-Cyanomethyl benzoate</u>	
<u>Diazinon</u>	<u>333-41-5</u>
<u>Dibenzo (a, h) anthracene</u>	<u>53-70-3</u>
<u>Dibutylphthalate</u>	<u>84-74-2</u>
<u>2,5-Dichloroaniline (N,N'-Dichloroaniline)</u>	<u>95-82-9</u>
<u>2,6-Dichlorobenzonitrile</u>	<u>1194-65-6</u>
<u>2,6-Dichloro-4-nitroaniline</u>	<u>99-30-9</u>
<u>2,5-Dichlorophenol</u>	<u>333-41-5</u>
<u>3,4-Dichlorotetrahydrofuran</u>	<u>3511-19</u>
<u>Dichlorvos (DDVP)</u>	<u>62737</u>
<u>Diethanolamine</u>	<u>111-42-2</u>
<u>N,N-Diethylaniline</u>	<u>91-66-7</u>
<u>Diethylene glycol</u>	<u>111-46-6</u>
<u>Diethylene glycol dimethyl ether (dimethyl Carbitol)</u>	<u>111-96-6</u>
<u>Diethylene glycol monobutyl ether (butyl Carbitol)</u>	<u>112-34-5</u>

<u>Diethylene glycol monoethyl ether acetate (Carbitol acetate)</u>	<u>112-15-2</u>
<u>Diethylene glycol monoethyl ether (Carbitol Cellosolve)</u>	<u>111-90-0</u>
<u>Diethylene glycol monomethyl ether (methyl Carbitol)</u>	<u>111-77-3</u>
<u>N,N' -Diethylhydrazine</u>	<u>1615-80-1</u>
<u>Diethyl (4-methylumbelliferyl) thiophosphate</u>	<u>299-45-6</u>
<u>Diethyl phosphorothioate</u>	<u>126-75-0</u>
<u>N,N' -Diethyl propionamide</u>	<u>15299-99-77</u>
<u>Dimethoate</u>	<u>60-51-5</u>
<u>2,3-Dimethoxystrychnidin-10-one</u>	<u>357-57-3</u>
<u>4-Dimethylaminoazobenzene</u>	<u>60-11-7</u>
<u>7,12-Dimethylbenz(a)anthracene</u>	<u>57-97-6</u>
<u>3,3-Dimethylbenzidine</u>	<u>119-93-7</u>
<u>Dimethylcarbamoyl chloride</u>	<u>79-44-7</u>
<u>Dimethyldisulfide</u>	<u>624-92-0</u>
<u>Dimethylformamide</u>	<u>68-12-2</u>
<u>1,1 -Dimethylhydrazine</u>	<u>57-14-7</u>
<u>Dimethylphthalate</u>	<u>131-11-3</u>
<u>Dimethylsulfone</u>	<u>67-71-0</u>
<u>Dimethylsulfoxide</u>	<u>67-68-5</u>
<u>4,6-Dinitro-o-cresol</u>	<u>534-52-1</u>
<u>1,2-Diphenylhydrazine</u>	<u>122-66-7</u>
<u>Dipropylene glycol (1,1'-oxydi-2-propanol)</u>	<u>110-98-5</u>
<u>Endrin</u>	<u>72-20-8</u>
<u>Epinephrine</u>	<u>51-43-4</u>
<u>mono-Ethanolamine</u>	<u>141-43-5</u>
<u>Ethyl carbamate (urethane)</u>	<u>5-17-96</u>
<u>Ethylene glycol</u>	<u>107-21-1</u>
<u>Ethylene glycol monobutyl ether (butyl Cellosolve)</u>	<u>111-76-2</u>
<u>Ethylene glycol monoethyl ether (Cellosolve)</u>	<u>110-80-5</u>
<u>Ethylene glycol monoethyl ether acetate (Cellosolve acetate)</u>	<u>111-15-9</u>
<u>Ethylene glycol monomethyl ether (methyl Cellosolve)</u>	<u>109-86-4</u>
<u>Ethylene glycol monophenyl ether (phenyl Cellosolve)</u>	<u>122-99-6</u>
<u>Ethylene glycol monopropyl ether (propyl Cellosolve)</u>	<u>2807-30-9</u>
<u>Ethylene thiourea (2-imidazolidinethione)</u>	<u>9-64-57</u>
<u>4-Ethylmorpholine</u>	<u>100-74-3</u>
<u>3-Ethylphenol</u>	<u>620-17-7</u>
<u>Flouroacetic acid, sodium salt</u>	<u>62-74-8</u>
<u>Formaldehyde</u>	<u>50-00-0</u>
<u>Formamide</u>	<u>75-12-7</u>
<u>Formic acid</u>	<u>64-18-6</u>
<u>Fumaric acid</u>	<u>110-17-8</u>
<u>Glutaric acid</u>	<u>110-94-1</u>

<u>Glycerin (Glycerol)</u>	<u>56-81-5</u>
<u>Glycidol</u>	<u>556-52-5</u>
<u>Glycinamide</u>	<u>598-41-4</u>
<u>Glyphosate</u>	<u>1071-83-6</u>
<u>Guthion</u>	<u>86-50-0</u>
<u>Hexamethylene-1,6-diisocyanate (1,6-Disocyanatohexane)</u>	<u>822-06-0</u>
<u>Hexamethyl phosphoramidate</u>	<u>680-31-9</u>
<u>Hexanoic acid</u>	<u>142-62-1</u>
<u>Hydrazine</u>	<u>302-01-2</u>
<u>Hydrocyanic acid</u>	<u>74-90-8</u>
<u>Hydroquinone</u>	<u>123-31-9</u>
<u>Hydroxy-2-propionitrile (hydracrylonitrile)</u>	<u>109-78-4</u>
<u>Indeno (1,2, 3-cd) pyrene</u>	<u>193-39-5</u>
<u>Lead acetate</u>	<u>301-04-2</u>
<u>Lead subacetate (lead acetate, monobasic)</u>	<u>1335-32-6</u>
<u>Leucine</u>	<u>61-90-5</u>
<u>Malathion</u>	<u>121-75-5</u>
<u>Maleic acid</u>	<u>110-16-7</u>
<u>Maleic anhydride</u>	<u>108-31-6</u>
<u>Mesityl oxide</u>	<u>141-79-7</u>
<u>Methane sulfonic acid</u>	<u>75-75-2</u>
<u>Methomyl</u>	<u>16752-77-5</u>
<u>p-Methoxyphenol</u>	<u>150-76-5</u>
<u>Methyl acrylate</u>	<u>96-33-3</u>
<u>4,4'-Methylene-bis-(2-chloroaniline)</u>	<u>101-14-4</u>
<u>4,4'-Methylenediphenyl diisocyanate</u> <u>(diphenyl methane diisocyanate)</u>	<u>101-68-8</u>
<u>4,4'-Methylenedianiline</u>	<u>101-77-9</u>
<u>Methylene diphenylamine (MDA)</u>	
<u>5-Methylfurfural</u>	<u>620-02-0</u>
<u>Methylhydrazine</u>	<u>60-34-4</u>
<u>Methyliminoacetic acid</u>	
<u>Methyl methane sulfonate</u>	<u>66-27-3</u>
<u>1-Methyl-2-methoxyaziridine</u>	
<u>Methylparathion</u>	<u>298-00-0</u>
<u>Methyl sulfuric acid (sulfuric acid, dimethyl ester)</u>	<u>77-78-1</u>
<u>4-Methylthiophenol</u>	<u>106-45-6</u>
<u>Monomethylformamide (N-methylformamide)</u>	<u>123-39-7</u>
<u>Nabam</u>	<u>142-59-6</u>
<u>alpha-Naphthol</u>	<u>90-15-3</u>
<u>beta-Naphthol</u>	<u>135-19-3</u>

<u>alpha-Naphthylamine</u>	<u>134-32-7</u>
<u>beta-Naphthylamine</u>	<u>91-59-8</u>
<u>Neopentyl glycol (dimethylolpropane)</u>	<u>126-30-7</u>
<u>Niacinamide</u>	<u>98-92-0</u>
<u>o-Nitroaniline</u>	<u>88-74-4</u>
<u>Nitroglycerin</u>	<u>55-63-0</u>
<u>2-Nitrophenol</u>	<u>88-75-5</u>
<u>4-Nitrophenol</u>	<u>100-02-7</u>
<u>N-Nitrosodimethylamine</u>	<u>62-75-9</u>
<u>Nitrasoguanidine</u>	<u>674-81-7</u>
<u>N-Nitroso-n-methylurea</u>	<u>684-93-5</u>
<u>N-Nitrosomorpholine (4-Nitrosomorpholine)</u>	<u>59-89-2</u>
<u>Oxalic acid</u>	<u>144-62-7</u>
<u>Parathion</u>	<u>56-38-2</u>
<u>Pentaerythritol</u>	<u>115-77-5</u>
<u>Phenacetin</u>	<u>62-44-2</u>
<u>Phenol</u>	<u>108-95-2</u>
<u>Phenylacetic acid</u>	<u>103-82-2</u>
<u>m-Phenylene diamine</u>	<u>108-45-2</u>
<u>o-Phenylene diamine</u>	<u>95-54-5</u>
<u>p-Phenylene diamine</u>	<u>106-50-3</u>
<u>Phenyl mercuric acetate</u>	<u>62-38-4</u>
<u>Phorate</u>	<u>298-02-2</u>
<u>Phthalic anhydride</u>	<u>85-44-9</u>
<u>alpha-Piciline (2-methyl pyridine)</u>	<u>109-06-8</u>
<u>1,3-Propane sultone</u>	<u>1120-71-4</u>
<u>Beta-Propiolactone</u>	<u>57-57-8</u>
<u>Proporur (Baygon)</u>	
<u>Propylene glycol</u>	<u>57-55-6</u>
<u>Pyrene</u>	<u>129-00-0</u>
<u>Pyridinium bromide</u>	<u>39416-48-3</u>
<u>Quinoline</u>	<u>91-22-5</u>
<u>Quinone (p-benzoquinone)</u>	<u>106-51-4</u>
<u>Resorcinol</u>	<u>108-46-3</u>
<u>Simazine</u>	<u>122-34-9</u>
<u>Sodium acetate</u>	<u>127-09-3</u>
<u>Sodium formate</u>	<u>141-53-7</u>
<u>Strychnine</u>	<u>57-24-9</u>
<u>Succinic acid</u>	<u>110-15-6</u>
<u>Succinimide</u>	<u>123-56-8</u>
<u>Sulfanilic acid</u>	<u>121-47-1</u>
<u>Terephthalic acid</u>	<u>100-21-0</u>

<u>Tetraethyldithiopyrophosphate</u>	<u>3689-24-5</u>
<u>Tetraethylenepentamine</u>	<u>112-57-2</u>
<u>Thiofanox</u>	<u>39196-18-4</u>
<u>Thiosemicarbazide</u>	<u>79-19-6</u>
<u>2,4-Toluenediamine</u>	<u>95-80-7</u>
<u>2,6-Toluenediamine</u>	<u>823-40-5</u>
<u>3,4-Toluenediamine</u>	<u>496-72-0</u>
<u>2,4-Toluene diisocyanate</u>	<u>584-84-9</u>
<u>p-Toluic acid</u>	<u>99-94-5</u>
<u>m-Toluidine</u>	<u>108-44-1</u>
<u>1,1,2-Trichloro-1,2,2-Trifluoroethane</u>	<u>76-13-1</u>
<u>Triethanolamine</u>	<u>102-71-6</u>
<u>Triethylene glycol dimethyl ether</u>	
<u>Tripropylene glycol</u>	<u>24800-44-0</u>
<u>Warfarin</u>	<u>81-81-2</u>
<u>3,4-Xylenol (3,4-dimethylphenol)</u>	<u>95-65-8</u>

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 19. Tanks

§1921. Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the applicable requirements of LAC 33:V.Chapter 17.

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Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 21. Containers

§2119. Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of LAC 33:V.Chapter 17.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

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; de minimis losses of characteristic wastes to wastewaters are not considered to be prohibited wastes and are defined as losses from normal material handling operations (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; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory wastes not exceeding one percent of the total flow of wastewater into the facility's headworks on an annual basis or with a combined annualized average concentration not exceeding one part per million in the headworks of the facility's wastewater treatment or pretreatment facility;~~

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 Reserved.~~

* * *

[See Prior Text in I.5 - 5.e]

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

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

§2205. Storage of Prohibited Wastes

A. The storage of hazardous wastes prohibited from land disposal is prohibited except under the following conditions.

1. A generator may store such wastes in tanks, containers, or containment buildings on-site solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements of LAC 33:V.1109.E, Chapters 9, 15, 17, 18, 19, 21, 23, 25, 26, 27, 28, 29, 31, 32, 33, 35, 37, 43, 51, and 224553. ~~(A generator who exists on the effective date of a regulation under this Chapter and who must store hazardous wastes for longer than 90 days becomes an owner/operator of a storage facility and must obtain a final permit. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under Chapter 43 of this Part.)~~ A small quantity generator as defined in LAC 33:V.Chapter 39 may accumulate hazardous waste in accordance with LAC 33:V.3913.

* * *

[See Prior Text in A.2 - G]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:220 (March 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§2209. Waste-Specific Prohibitions—~~Solvent Wastes~~Wood Preserving Wastes

A. ~~The following prohibited spent solvents are thereby deemed to pose the greatest risk to the public when disposed of on land. The spent solvent wastes specified in LAC 33:V.Chapter 49 as Hazardous Waste Numbers F001, F002, F003, F004, and F005 are prohibited from land disposal, (except in an injection well) unless one or more of the following conditions apply:~~

Effective September 20, 1998, the following wastes are prohibited from land disposal: the wastes specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers F032, F034, and F035.

~~1. the solvent waste is generated from any response action taken under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) or any corrective action taken under the Resource Conservation and Recovery Act (RCRA), except where the waste is contaminated soil or debris;~~

~~2. the initial generator's solvent waste is a solvent-water mixture, solvent-containing sludge or solid, or solvent-contaminated soil (non-CERCLA or RCRA corrective action) containing less than one percent total F001-F005 solvent constituents listed in LAC 33:V.Chapter 22.Table 2; or~~

~~3. the solvent waste is a residue from treating a waste described in LAC 33:V.2209.A.1 or 2; or the solvent waste is a residue from treating a waste not described in LAC 33:V.2209.A.1 or A.2, provided such residue belongs to a different treatability group than the waste as initially generated; and wastes belonging to such a treatability group are described in LAC 33:V.2209.A.2.~~

B. ~~Effective November 8, 1990, the F001-F005 solvent wastes which are contaminated soil and debris resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) or a corrective action required under Subtitle C of the Resource Conservation and Recovery Act (RCRA) and the residues from treating these wastes are prohibited from land disposal. Between the effective date of these regulations and November 8, 1990, these wastes may be disposed only with the approval of the administrative authority and may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in LAC 33:V.2239.I.2~~ Effective May 12, 1999, the following wastes are prohibited from land disposal: soil and debris contaminated with F032, F034, F035, and radioactive wastes mixed with EPA Hazardous Waste Numbers F032, F034, and F035.

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

ED. ~~The requirements of LAC 33:V.2209.Subsections A and B of this Section do not apply if:~~

~~1. an exemption from a prohibition has been granted pursuant to a petition under LAC 33:V.2241 or 2271 with respect to those wastes and units covered by the petition;~~

2. ~~an extension of the effective date of a prohibition has been granted pursuant to LAC 33:V.2239 with respect to those wastes covered by the extension~~ the wastes meet the applicable alternate treatment standards established in accordance with a petition granted under LAC 33:V.2231;

3. ~~the wastes meet the applicable treatment standards specified in LAC 33:V.Chapter 22. this Subchapter or, where treatment standards are not specified, the wastes are in compliance with the applicable prohibition set forth in this Chapter.; or~~

4. persons have been granted an extension to the effective date of a prohibition in accordance with LAC 33:V.2239, with respect to those wastes covered by the extension.

E. To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in LAC 33:V.2223, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Universal Treatment Standard levels of Table 7 of this Chapter, the waste is prohibited from land disposal and all requirements of this Chapter are applicable, except as otherwise specified.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

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

* * *

[See Prior Text in A - B.1]

2. the wastes are disposed of at a facility that has been granted an exemption from a prohibition in accordance with a petition under LAC 33:V.2241 or 2271 with respect to those wastes covered by the exemption; or

3. ~~an extension of time has been granted under~~ to the effective date of a prohibition in accordance with LAC 33:V.2239, with respect to those wastes covered by the extension.

* * *

[See Prior Text in C]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§2213. ~~Waste-specific Prohibitions - California List Wastes~~Repealed.

~~A. The following wastes are deemed to pose the greatest risk to the public when disposed of on land. The following hazardous wastes are prohibited from land disposal except in injection wells under the provisions of LAC 33:V.2261:~~

- ~~1. liquid hazardous wastes having a pH less than or equal to 2.0;~~
- ~~2. liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm;~~
- ~~3. liquid hazardous wastes that are primarily water and contain halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1,000 mg/l and less than 10,000 mg/l HOCs; and~~
- ~~4. liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals or compounds of these metals at concentrations greater than or equal to the concentration specified below:~~
 - ~~a. nickel, 134 mg/l;~~
 - ~~b. thallium, 130 mg/l.~~

~~B. The requirements of Subsection A of this Section do not apply until:~~

- ~~1. July 8, 1989, where the wastes are contaminated soil or debris not resulting from a response action taken under Section 104 or 106 of the CERCLA or a corrective action taken under LAC 33:V.Subpart 1. Until July 8, 1989, these wastes may be disposed in a landfill or surface impoundment with the approval of the administrative authority only if such disposal is in compliance with the requirements specified in LAC 33:V.2239.I.2.~~
- ~~2. November 8, 1990, where the wastes are contaminated soil or debris resulting from a response action taken under Section 104 or 106 of CERCLA or a corrective action taken under Subtitle C of RCRA. Until November 8, 1990, these wastes may be disposed of in a landfill or surface impoundment with the approval of the administrative authority only if such unit is in compliance with the requirements specified in LAC 33:V.2239.I.2.~~

~~C. The following hazardous wastes are prohibited from land disposal (subject to any regulations that may be promulgated with respect to disposal in injection wells):~~

~~1. liquid hazardous wastes that contain HOCs in total concentrations greater than or equal to 1,000 mg/l and are not prohibited under LAC 33:V.2213.A.3; and~~

~~2. nonliquid hazardous wastes containing HOCs in total concentrations greater than or equal to 1,000 mg/kg and are not wastes described in LAC 33:V.2213.B.~~

~~D. The requirements of LAC 33:V.2213.A-C do not apply if:~~

~~1. an exemption from a prohibition has been granted pursuant to a petition under LAC 33:V.2241 or 2271 with respect to those wastes and units covered by the petition (except for liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than or equal to 500 ppm, which are not eligible for such exemption);~~

~~2. an extension of the effective date of a prohibition has been granted pursuant to LAC 33:V.2239 with respect to those wastes covered by the extension; or~~

~~3. the wastes meet the applicable treatment standards specified in LAC 33:V.Chapter 22.Subchapter A or, where treatment standards are not specified, the wastes are in compliance with the applicable prohibitions set forth in this Chapter.~~

~~E. The prohibitions and effective dates specified in LAC 33:V.2213.A-C do not apply where the waste is subject to a prohibition and effective date under LAC 33:V.Chapter 22.Subchapter A for a specified HOC (such as a hazardous waste chlorinated solvent, see e.g., LAC 33:V.2209).~~

~~F. To determine whether or not a waste is a liquid under Subsections A and C of this Section, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication Number SW-846, as incorporated by reference at LAC 33:V.110.~~

~~G. Except as otherwise provided in this Subsection, the waste analysis, recordkeeping, and notice requirements of LAC 33:V.2245 and 2247 are applicable to wastes prohibited under this Chapter.~~

~~1. The initial generator of a liquid hazardous waste must test his or her waste (not an extract or filtrate) in accordance with the procedures specified in LAC 33:V.4903 or use knowledge of the waste to determine if the waste has a pH less than or equal to 2.0. If the liquid waste has a pH less than or equal to 2.0, it is prohibited from land disposal, and all requirements of LAC 33:V.Chapter 22 are applicable, except as otherwise specified in this Section.~~

~~2. The initial generator of either a liquid hazardous waste containing PCBs or a liquid or nonliquid hazardous waste containing HOCs must test his or her waste (not an extract or filtrate), or use knowledge of the waste, to determine whether the concentration levels in the waste equal or exceed the prohibition levels specified in LAC 33:V.2213. If the concentration of PCBs or HOCs in the waste is greater than or equal to the prohibition levels specified in LAC 33:V.2213 the waste is prohibited from land disposal, and all requirements of this Chapter are applicable, except as otherwise specified.~~

~~3. If knowledge of the waste is used to comply with this Section, the administrative authority may require the generator to test his or her waste to determine compliance with these 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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), LR 22:819 (September 1996), repealed by the Office of Waste Services, Hazardous Waste Division, LR 24:***.

~~§2215. Waste-specific Prohibitions—First Third Wastes Repealed.~~

~~A. The following wastes are subject to the regulations of this Chapter:~~

~~F006, F007, F008, F009, K001, K004, K008, K011, K013, K014, K015, K016, K017, K018, K020, K021, K022, K024, K030, K031, K035, K036, K037, K044, K045, K046, K047, K048, K049, K050, K051, K052, K060, K061, K062, K069, K071, K073, K083, K084, K085, K086, K087, K099, K101, K102, K103, K104, K106, P001, P004, P005, P010, P011, P012, P015, P016, P018, P020, P030, P036, P037, P039, P041, P048, P050, P058, P059, P063, P068, P069, P070, P071, P081, P082, P084, P087, P089, P092, P094, P097, P102, P105, P108, P110, P115, P120, P122, P123, U007, U009, U010, U012, U016, U018, U019, U022, U029, U031, U036, U037, U041, U043, U044, U046, U050, U051, U053, U061, U063, U064, U066, U067, U074, U077, U078, U086, U089, U103, U105, U108, U115, U122, U124, U129, U130, U133, U134, U137, U151, U154, U155, U157, U158, U159, U171, U177, U180, U185, U188, U192, U200, U209, U210, U211, U219, U220, U221, U223, U226, U227, U228, U237, U238, U248, and U249.~~

~~B. Except in injection wells the following wastes are prohibited from land disposal: F006 (nonwastewaters), K001, K004, K008 (nonwastewaters), K016, K018, K019, K020, K021, K022 (nonwastewaters), K024, K025, K030, K036 (nonwastewaters), K037, K044, K045, nonexplosive K046 (nonwastewaters), K047, K060 (nonwastewaters), K061 (nonwastewaters containing less than 15 percent zinc), K062, non-CaSO₄ K069 (nonwastewaters), K086 (solvent washes), K087, K099, K100, K101 (wastewaters), K101 (nonwastewaters, low arsenic)~~

~~subcategory-less than one percent total arsenic), K102 (wastewaters), K102 (nonwastewaters, low arsenic subcategory-less than one percent total arsenic), K103, and K104.~~

~~C. Effective August 8, 1988, and continuing until August 7, 1990, K061 wastes containing 15 percent zinc or greater are prohibited from land disposal in accordance with the treatment standards specified in LAC 33:V.2225 applicable to K061 wastes that contain less than 15 percent zinc.~~

~~———D. Effective January 1, 1991, the waste specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Number K071 is prohibited from land disposal.~~

~~E. Effective August 8, 1990, the wastes specified in this Chapter having a treatment standard based on incineration and that are contaminated soil and debris are prohibited from land disposal.~~

~~F. Between November 8, 1988, and August 8, 1990, wastes included in LAC 33:V.2215.D and E may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in LAC 33:V.2239.I.~~

~~G. The requirements of LAC 33:V.2215.B-F do not apply if:~~

~~1. the wastes meet the applicable standards specified in LAC 33:V.Chapter 22.Subchapter A;~~

~~2. persons have been granted an exemption from a prohibition in accordance with a petition under LAC 33:V.2239, with respect to those wastes and units covered by the petition; or~~

~~3. persons have been granted an extension to the effective date of a prohibition in accordance with LAC 33:V.2239, with respect to those wastes covered by the extension.~~

~~H. Between August 8, 1988, and May 8, 1990, and between January 1, 1991, and June 8, 1992, the wastes specified in LAC 33:V.2215.A for which treatment standards under LAC 33:V.Chapter 22.Subchapter A are not applicable, including those wastes that are subject to prohibitions under LAC 33:V.2213, but not including wastes subject to a treatment standard under LAC 33:V.2227, are prohibited from disposal in a landfill or surface impoundment unless the wastes are the subject of a valid demonstration and certification in accordance with LAC 33:V.2235.~~

~~I. To determine whether a hazardous waste listed in LAC 33:V.2215.A exceeds the applicable treatment standards specified in LAC 33:V.2225 and LAC 33:V.2229, the initial generator must test a representative sample of the waste extract or the entire waste, depending on~~

~~whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable LAC 33:V.Chapter 22.Table 2 levels, the waste is prohibited from land disposal and all requirements of this Chapter are applicable, except as otherwise specified.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), repealed by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

~~§2217. Waste-specific Prohibitions—Second Third Wastes Repealed.~~

~~List of wastes evaluated prior to June 8, 1990, to determine if they are inappropriate for land disposal:~~

~~A. Effective January 1, 1991 the following wastes are subject to regulation under this Chapter:~~

~~F010, F011, F012, F024, K009, K010, K019, K025, K027, K028, K029, K038, K039, K040, K041, K042, K043, K095, K096, K097, K098, K105, P002, P003, P007, P008, P014, P026, P027, P029, P040, P043, P044, P049, P054, P057, P060, P062, P066, P067, P072, P074, P085, P098, P104, P106, P107, P111, P112, P113, P114, U002, U003, U005, U008, U011, U014, U015, U020, U021, U023, U025, U026, U028, U032, U035, U047, U049, U057, U058, U059, U060, U062, U070, U073, U080, U083, U092, U093, U094, U095, U097, U098, U099, U101, U106, U107, U109, U110, U111, U114, U116, U119, U127, U128, U131, U135, U138, U140, U142, U143, U144, U146, U147, U149, U150, U161, U162, U163, U164, U165, U168, U169, U170, U172, U173, U174, U176, U178, U179, U189, U193, U196, U203, U205, U206, U208, U213, U214, U215, U216, U217, U218, U235, U239, and U244.~~

~~B. Effective January 1, 1991, the following wastes specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers F006-cyanide (nonwastewaters) F007, F008, F009, F010, F011, F012, F024, K005, K007, K009, K010, K011 (nonwastewaters), K013 (nonwastewaters), K014 (nonwastewaters), K023, K027, K028, K029 (nonwastewaters), K036 (wastewaters), K038, K039, K040, K043, K093, K094, K095 (nonwastewaters), K096 (nonwastewaters), K113, K114, K115, K116, P013, P021, P029, P030, P039, P040, P041, P043, P044, P062, P063, P071, P074, P085, P089, P094, P097, P098, P099, P104, P106, P109, P111, P121, U028, U058, U069, U087, U088, U102, U107, U221, U223, and U235 are prohibited from land disposal unless otherwise specified in this Chapter.~~

~~C. Effective June 8, 1991, the wastes specified LAC 33:V.2217 having a treatment standard in LAC 33:V.Chapter 22.Subchapter A based on incineration and which are contaminated soil and debris are prohibited from land disposal.~~

~~D. Between January 1, 1991, and June 8, 1991, F010, F024, K009, K010, K023, K027, K028, K029, K038, K039, K040, K043, K093, K094, K095, K096, K113, K114, K115, K116, P039, P040, P041, P043, P044, P062, P071, P085, P089, P094, P097, P109, U028, U058, U087, U088, U102, U107, U221, U223, and U235, having a treatment standard in Subchapter A of this Chapter based on incineration, and which are contaminated soils and debris, and hazardous waste number F006-Cyanide (nonwastewaters) may be disposed of in a landfill or surface impoundment, regardless of whether such unit is a new, replacement, or lateral expansion unit, only if such unit is in compliance with the technical requirements specified in LAC 33:V.2239.I.2.a-d.~~

~~E. The requirements of LAC 33:V.2217.A-C do not apply if:~~

~~1. the waste meets the applicable standards specified in LAC 33:V.Chapter 22.Table 2; or~~

~~2. persons have been granted an exemption from a prohibition in accordance with a petition under LAC 33:V.2241, with respect to those wastes and units covered by the petition.~~

~~F. The requirements of LAC 33:V.2217.B do not apply if persons have been granted an extension to the effective date of a prohibition in accordance with LAC 33:V.2239, with respect to those wastes covered by the extension.~~

~~G. Between January 1, 1991, and June 8, 1992, the wastes specified in LAC 33:V.2217.A, for which treatment standards under LAC 33:V.Chapter 22.Subchapter A are not applicable, including California list wastes subject to the statutory prohibitions or codified prohibitions under LAC 33:V.2213, are prohibited from disposal in a landfill or surface impoundment unless the wastes are the subject of a valid demonstration and certification pursuant to LAC 33:V.2235.~~

~~H. To determine whether a hazardous waste listed in LAC 33:V.2215.A, 2217.A, and 2219.A exceeds the applicable treatment standards specified in LAC 33:V.Chapter 22.Table 2, the initial generator must test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable LAC 33:V.Chapter 22.Table 2 levels, the waste is prohibited from land disposal and all requirements of this Chapter are applicable, except as otherwise specified.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), repealed by the Office of Waste Services, Hazardous Waste Division, LR 24:***.

§2219. ~~Waste-specific Prohibitions—Third Third Wastes Repealed.~~

~~List of wastes evaluated prior to January 1, 1991 to determine if they are inappropriate for land disposal:~~

~~A. Effective January 1, 1991, the following wastes are subject to regulation under this Chapter:~~

~~1. K002, K003, K005, K006, K007, K026, K032, K033, K034, K048, K049, K050, K051, K052, K093, K094, K100, P006, P009, P013, P017, P021, P022, P023, P024, P028, P031, P033, P034, P038, P042, P045, P046, P047, P051, P056, P064, P065, P073, P075, P076, P077, P078, P088, P093, P095, P096, P099, P101, P103, P109, P116, P118, P119, P121, U001, U004, U006, U017, U024, U027, U030, U033, U034, U038, U039, U042, U045, U048, U052, U055, U056, U068, U069, U071, U072, U075, U076, U079, U081, U082, U084, U085, U087, U088, U090, U091, U096, U102, U112, U113, U117, U118, U120, U121, U123, U125, U126, U132, U139, U141, U145, U148, U152, U153, U156, U160, U166, U167, U181, U182, U183, U184, U186, U187, U190, U191, U194, U197, U201, U202, U204, U207, U222, U225, U234, U236, U240, U243, U246, U247.~~

~~2. Wastes identified as hazardous on the basis of a characteristic alone (e.g., corrosivity, reactivity, ignitability and toxicity):~~

~~3. Wastewater residues (less than one percent total organic carbon and less than one percent total suspended solids) resulting from the following well-designed and well-operated treatment methods for wastes listed in LAC 33:V.2215 and 2217 for which the administrative authority has not promulgated wastewater treatment standards: metals recovery, metals precipitation, cyanide destruction, carbon adsorption, chemical oxidation, steam stripping, biodegradation, and incineration or other direct thermal destruction:~~

~~4. Hazardous wastes listed in LAC 33:V.2215 and 2217 that are mixed hazardous/radioactive wastes:~~

~~5. Multi-source leachate that is derived from disposal of any listed waste, except from hazardous wastes F020, F021, F022, F023, F026, F027, or F028:~~

~~6. Nonwastewater forms of wastes listed in LAC 33:V.2215 that were originally disposed before August 17, 1988, and for which the administrative authority has promulgated "no land disposal" as the treatment standard (LAC 33:V.Chapter 22.Table 2). This provision does not apply to waste codes K044, K045, K047, and K061 (high zinc subcategory):~~

~~7. Nonwastewater forms of wastes listed in LAC 33:V.2215 for which the administrative authority has promulgated "no land disposal" as the treatment standard (LAC~~

33:V.Chapter 22.Subchapter A) that are generated in the course of treating wastewater forms of the wastes. This provision does not apply to waste codes K044, K045, K047, and K061 (high zinc subcategory).

8. Nonwastewater forms of waste codes K015 and K083:

B. Effective January 1, 1991, the following wastes specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers F002 (1,1,2-trichloroethane), F005 (benzene), F005 (2-ethoxy ethanol), F005 (2-nitropropane), F006 (wastewaters), F019, F025, F039 (wastewaters), K002, K003, K004 (wastewaters), K005 (wastewaters), K006, K008 (wastewaters), K009 (wastewaters), K011 (wastewaters), K013 (wastewaters), K014 (wastewaters), K015 (nonwastewaters), K017, K021 (wastewaters), K022 (wastewaters), K025 (wastewaters), K026, K029 (wastewaters), K031 (wastewaters), K032, K033, K034, K035, K041, K042, K046 (wastewaters and reactive nonwastewaters), K048, K049, K050, K051, K052, K060, K061 (wastewaters and high zinc subcategory greater than 15 percent zinc), K069 (CaSO₄ nonwastewaters and all wastewaters), K073, K083, K084 (wastewaters), K085, K095 (wastewaters), K096 (wastewaters), K097, K098, K100 (wastewaters), K101 (wastewaters), K102 (wastewaters), K105, K106 (wastewaters), P001, P002, P003, P004, P005, P006, P007, P008, P009, P010 (wastewaters), P011 (wastewaters), P012 (wastewaters), P014, P015, P016, P017, P018, P020, P022, P023, P024, P026, P027, P028, P031, P033, P034, P036 (wastewaters), P037, P038 (wastewaters), P042, P045, P046, P047, P048, P049, P050, P051, P054, P056, P057, P058, P059, P060, P064, P065 (wastewaters), P066, P067, P068, P069, P070, P072, P073, P075, P076, P077, P078, P081, P082, P084, P088, P092 (wastewaters), P093, P095, P096, P101, P102, P103, P105, P108, P110, P112, P113, P114, P115, P116, P118, P119, P120, P122, P123, U001, U002, U003, U004, U005, U006, U007, U008, U009, U010, U011, U012, U014, U015, U016, U017, U018, U019, U020, U021, U022, U023, U024, U025, U026, U027, U029, U030, U031, U032, U033, U034, U035, U036, U037, U038, U039, U041, U042, U043, U044, U045, U046, U047, U048, U049, U050, U051, U052, U053, U055, U056, U057, U059, U060, U061, U062, U063, U064, U066, U067, U068, U070, U071, U072, U073, U074, U075, U076, U077, U078, U079, U080, U081, U082, U083, U084, U085, U086, U089, U090, U091, U092, U093, U094, U095, U096, U097, U098, U099, U101, U103, U105, U106, U108, U109, U110, U111, U112, U113, U114, U115, U116, U117, U118, U119, U120, U121, U122, U123, U124, U125, U126, U127, U128, U129, U130, U131, U132, U133, U134, U135, U136 (wastewaters), U137, U138, U140, U141, U142, U143, U144, U145, U146, U147, U148, U149, U150, U151 (wastewaters), U152, U153, U154, U155, U156, U157, U158, U159, U160, U161, U162, U163, U164, U165, U166, U167, U168, U169, U170, U171, U172, U173, U174, U176, U177, U178, U179, U180, U181, U182, U183, U184, U185, U186, U187, U188, U189, U190, U191, U192, U193, U194, U196, U197, U200, U201, U202, U203, U204, U205, U206, U207, U208, U209, U210, U211, U213, U214, U215, U216, U217, U218, U219, U220, U222, U225, U226, U227, U228, U234, U236, U237, U238, U239, U240, U243, U244, U246, U247, U248, and U249 and the following wastes identified as hazardous based on a characteristic alone, and described as D001, D002, D003, D004 (wastewaters), D005, D006, D007, D008 (except for

~~lead materials stored before secondary smelting), D009 (wastewaters), D010, D011, D012, D013, D014, D015, D016, and D017 are prohibited from land disposal, except as otherwise specified in LAC 33:V.2219.~~

~~C. Effective May 8, 1992, the following wastes are prohibited from land disposal:~~

~~1. wastes specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers F039 (nonwastewaters), K031 (nonwastewaters), K084 (nonwastewaters), K101 (nonwastewaters), K102 (nonwastewaters), K106 (nonwastewaters), P010 (nonwastewaters), P011 (nonwastewaters), P012 (nonwastewaters), P036 (nonwastewaters), P038 (nonwastewaters), P065 (nonwastewaters), P087, P092 (nonwastewaters), U136 (nonwastewaters), and U151 (nonwastewaters) and the wastes identified as hazardous based on a characteristic alone and specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers D004 (nonwastewaters), and D009 (nonwastewaters); and~~

~~2. RCRA hazardous wastes that contain naturally occurring radioactive materials.~~

~~D. Effective May 8, 1992, hazardous wastes listed in LAC 33:V.2215.A, 2217.A, and 2219.A that are mixed radioactive/hazardous wastes are prohibited from land disposal, except as provided in LAC 33:V.2219 and underground injection which is regulated under LAC 33:V.2269.B.~~

~~E. Subject to applicable prohibitions in LAC 33:V.2209, 2211, and 2213, contaminated soil and debris are prohibited from land disposal as follows:~~

~~1. effective May 8, 1994, debris that is contaminated with wastes listed in LAC 33:V.2219.A and debris that is contaminated with any characteristic waste for which treatment standards are established in LAC 33:V.Chapter 22.Subchapter A are prohibited from land disposal;~~

~~2. effective May 8, 1994, mixed radioactive hazardous debris that is contaminated with wastes listed in LAC 33:V.2219.A and mixed radioactive hazardous debris that is contaminated with any characteristic waste for which treatment standards are established in LAC 33:V.Chapter 22.Subchapter A are prohibited from land disposal;~~

~~3. LAC 33:V.2219.E.1 and 2 shall not apply where the generator has failed to make a good-faith effort to locate treatment capacity suitable for its waste, has not utilized such capacity as it has found to be available, or has failed to file a report as required by LAC 33:V.2239.H by August 12, 1993, or within 90 days after the hazardous waste is generated (whichever is later) describing the generator's efforts to locate treatment capacity. Where LAC 33:V.2219. E.1 and 2 do not apply, all wastes described in these paragraphs are prohibited from land disposal effective May 8, 1993;~~

~~4. effective May 8, 1993, hazardous soil contaminated with wastes specified in LAC 33:V.2219 having treatment standards in LAC 33:V.Chapter 22.Subchapter A based on incineration or mercury retorting or vitrification and soils contaminated with hazardous wastes listed in LAC 33:V.2215., 2217, and 2219 that are mixed radioactive hazardous wastes are prohibited from land disposal;~~

~~5. when used in LAC 33:V.2219.E.1 and 2, debris is defined as follows:~~

~~a. debris as defined in LAC 33:V.2203.A; or~~

~~b. nonfriable inorganic solids that are incapable of passing through a 9.5-mm standard sieve and that require cutting, or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:~~

~~i. metal slags (either dross or scoria)~~

~~ii. glassified slag;~~

~~iii. glass;~~

~~iv. concrete (excluding cementitious or pozzolanic stabilized hazardous wastes);~~

~~v. masonry and refractory bricks;~~

~~vi. metal cans, containers, drums, or tanks;~~

~~vii. metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment; and~~

~~viii. scrap metal as defined in LAC 33:V.109.~~

~~F. Between January 1, 1991, and May 8, 1992, wastes included in LAC 33:V.2219.B-E may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in LAC 33:V.2239.I.~~

~~G. The requirements of LAC 33:V.2219.B-E do not apply if one of the following conditions is met:~~

~~1. the wastes meet the applicable standards specified in LAC 33:V.Chapter 22.Subchapter A;~~

~~2. persons have been granted an exemption from a prohibition pursuant to a petition under LAC 33:V. 2241 or 2271 with respect to those wastes and units covered by the petition;~~

~~3. the wastes meet the applicable alternate standards established pursuant to a petition granted under LAC 33:V.2231; or~~

~~4. persons have been granted an extension to the effective date of a prohibition pursuant to LAC 33:V.2239, with respect to those wastes covered by the extension.~~

~~H. To determine whether a hazardous waste listed in LAC 33:V.2215.A, 2217.A, or 2219.A exceeds the applicable treatment standards specified in LAC 33:V.Chapter 22.Table 2 the initial generator must test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable LAC 33:V.Chapter 22.Subchapter A levels, the waste is prohibited from land disposal, and all requirements of this Chapter are applicable, except as otherwise specified.~~

~~I. Effective May 8, 1993, D008 lead materials stored before secondary smelting are prohibited from land disposal. On or before March 1, 1993, the owner or operator of each secondary lead smelting facility shall submit to EPA the following:~~

~~1. a binding contractual commitment to construct or otherwise provide capacity of storing such D008 wastes prior to smelting which complies with all applicable storage standards;~~

~~2. documentation that the capacity to be provided will be sufficient to manage the entire quantity of such D008 wastes; and~~

~~3. a detailed schedule for providing such capacity.~~

~~**Note:** Failure by a facility to submit such documentation shall render such D008 managed by that facility prohibited from land disposal effective March 1, 1993. In addition, no later than July 27, 1992 the owner or operator of each facility must place in the facility record documentation of the manner and location in which such wastes will be managed pending completion of such capacity, demonstrating that such management capacity will be adequate and complies with all applicable requirements of LAC 33:V.Subpart 1.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), repealed by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

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

* * *

[See Prior Text in A - B]

C. Newly-listed Wastes Reserved

1. Effective March 20, 1995, the wastes specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers F037, F038, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, K136, U328, U353, and U359 are prohibited from land disposal.

2. Effective March 20, 1995, radioactive wastes that are mixed with hazardous wastes specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, K136, U328, U353, and U359 are prohibited from land disposal.

3. Effective March 20, 1995, debris contaminated with hazardous wastes specified in LAC 33:V.Chapter 49 as EPA Hazardous Waste Numbers F037 and F038, K107, K108, K109, K110, K111, K112, K117, K118, K123, K124, K125, K126, K131, K132, K136, U328, U353, and U359 and which is not contaminated with any other waste already subject to a prohibition are prohibited from land disposal.

4. Between June 30, 1992 and, March 20, 1995, the wastes included in LAC 33:V.2221.C.1)3 that are the subject of a national capacity variance may be disposed of in a landfill, only if such unit is in compliance with the requirements specified in LAC 33:V.2239.I.2 and may be generated in and disposed of in a surface impoundment only if such unit is in compliance with either LAC 33:V.2239.I.2 or LAC 33:V.2237.

5. The requirements of LAC 33:V.2221.C.1)3 do not apply if:

a. the wastes meet the applicable standards specified in LAC 33:V.Chapter 22.Subchapter A;

b. a petitioner has been granted an exemption from a prohibition in accordance with a petition under LAC 33:V.2241 or 2271, with respect to those wastes and units covered by the petition;

c. the wastes meet the applicable alternate standards established in accordance with a petition granted under LAC 33:V.2231; or

d. a person who generates, treats, stores, or disposes of hazardous waste has been granted an extension to the effective date of a prohibition in accordance with LAC

33:V.2239 with respect to the wastes covered by the extension:

~~6. To determine whether a hazardous waste listed in LAC 33:V.2221.C exceeds the applicable treatment standards specified in LAC 33:V.Chapter 22.Table 2, the initial generator must test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable LAC 33:V.Chapter 22.Table 2 levels, the waste is prohibited from land disposal and all requirements of LAC 33:V.Chapter 22 are applicable, except as otherwise specified.~~

* * *

[See Prior Text in D - E.5]

F. Waste-Specific Prohibitions: Spent Aluminum Potliners and Reactive and Carbamate Wastes

1. Effective April 20, 1998, the wastes specified in LAC 33:V.4901.C as EPA Hazardous Waste Numbers K156-K159, K161, and in LAC 33:V.4901.E as EPA Hazardous Waste Numbers P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U2778-U280, ~~U364-U367~~U364, U367, U372, U373, ~~U375-U379~~, ~~U381-U387~~, ~~U389-U396~~U387, U389, U394, U395, ~~U400-U404~~, ~~U407~~, and U409-U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

* * *

[See Prior Text in F.2-3]

4. On April 20, 1998, radioactive wastes mixed with K088, K156-~~K159~~, K161, P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U2778-U280, U364=, U367, U372, U373, ~~U375-U379~~, ~~U381-U387~~, ~~U389-U396~~, ~~U394~~, ~~U395~~, ~~U400-U404~~, ~~U407~~, and U409-U411 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

* * *

[See Prior Text in F.5 - 7]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:667 (April 1998), LR 24:**.

§2223. Applicability of Treatment Standards

* * *

[See Prior Text in A - B]

C. ~~For characteristic wastes (D001, D002, D003, and D012-D043) that are subject to treatment standards in LAC 33:V.Chapter 22.Table 2, Treatment Standards for Hazardous Wastes, all underlying hazardous constituents (as defined in LAC 33:V.2203) must meet Universal Treatment Standards, found in LAC 33:V.Chapter 22.Table 7, prior to land disposal as defined in LAC 33:V.2203~~ When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

D. ~~If a treatment standard has been established in LAC 33:V.2227 and 2229 for a hazardous waste that is itself hazardous debris, the waste is subject to those standards rather than these standards for hazardous debris under LAC 33:V.2230. Notwithstanding the prohibitions specified in Subsection A of this Section, treatment and disposal facilities may demonstrate (and certify in accordance with LAC 33:V.2247.C) compliance with the treatment standards for organic constituents specified by footnote in LAC 33:V.Chapter 22.Table 2, Treatment Standards for Hazardous Wastes, provided the following conditions are satisfied:~~

1. the treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of LAC 33:V.Chapter 31 or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;

2. the treatment or disposal facility has used the methods referenced in Subsection D.1 of this Section to treat the organic constituents; and

3. the treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section by an order of magnitude.

E. ~~For characteristic wastes (D001 - D003 and D012-D043) that are subject to treatment standards in LAC 33:V.Chapter 22.Table 2, Treatment Standards for Hazardous Wastes, all underlying hazardous constituents (as defined in LAC 33:V.2203) must meet Universal Treatment Standards, found in LAC 33:V.Chapter 22.Table 7, prior to land disposal as defined in LAC 33:V.2203.~~

F. The treatment standards for F001-F005 nonwastewater constituents carbon disulfide, cyclohexanone, and/or methanol apply to wastes that contain only one, two, or three of these

constituents. Compliance is measured for these constituents in the waste extract from Test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in LAC 33:V.110. If the waste contains any of these three constituents along with any of the other 25 constituents found in F001-F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, and/or methanol are not required.

EG. Between August 26, 1996, and August 26, 1997~~8~~, the treatment standards for the wastes specified in LAC 33:V.4901.C as EPA Hazardous Waste Numbers K156-K159, K161 and in LAC 33:V.4901.E-F as EPA Hazardous Waste Numbers P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U278 - U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U404, and U409-U411 and soil contaminated with these wastes were satisfied by either meeting the constituent concentrations presented in LAC 33:V.Chapter 22.Table 2, or by treating the waste by the following technologies: combustion, as defined by the technology code CMBST at LAC 33:V.Chapter 22.Table 3, for nonwastewaters; and biodegradation as defined by the technology code BIODG, carbon adsorption as defined by the technology code CARBN, chemical oxidation as defined by the technology code CHOXD, or combustion as defined as technology code CMBST at LAC 33:V.Chapter 22.Table 3, for wastewaters.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:668 (April 1998), LR 24:**.

§2225. Treatment Standards Expressed as Concentrations in Waste Extract Repealed.

Editor's Note: For the requirements previously found in LAC 33:V.2225, refer to LAC 33:V.2223.

~~A. LAC 33:V.Chapter 22.Table 7 identifies the hazardous constituents, along with the nonwastewater and wastewater treatment standard levels, that are used to regulate most prohibited hazardous wastes with numerical limits. For determining compliance with treatment standards for underlying hazardous constituents, as defined in LAC 33:V.2203, these treatment standards may not be exceeded. Compliance with these treatment standards is measured by an analysis of grab samples, unless otherwise noted in the LAC 33:V.Chapter 22.Table 7.~~

~~B. When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.~~

~~C. The treatment standards for F001-F005 nonwastewater constituents carbon disulfide, cyclohexanone, and/or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure as described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110. If the waste contains any of these three constituents along with any of the other 25 constituents found in F001-F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, and/or methanol are not required.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 23:565 (May 1997), repealed by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

~~§2229. Treatment Standards Expressed as Waste Concentrations Repealed.~~

Editor's Note: For the requirements previously found in LAC 33:V.2229, refer to LAC 33:V.2223.

~~A. LAC 33:V.Chapter 22.Table 2 identifies the prohibited wastes and the concentrations of their associated hazardous constituents that may not be exceeded by the waste or treatment residual (not an extract of such waste or residual) for the allowable land disposal of such waste or residual. Compliance with these concentrations is required, based upon grab samples, unless otherwise noted in LAC 33:V.Chapter 22.Table 2.~~

~~B. When wastes with differing treatment standards for a particular regulated hazardous constituent are combined for treatment, the treatment residue must meet the lowest treatment standard for that constituent.~~

~~C. Notwithstanding the prohibitions specified in Subsection A of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to LAC 33:V.2247.C) compliance with the treatment standards for organic constituents specified by a footnote in Table 2 of this Chapter provided all of the following conditions are satisfied:~~

~~1. the treatment standards for the organic constituents were established on the basis of incineration in units operated in accordance with the technical requirements of LAC 33:V.Chapter 31 or Chapter 43.Subchapter N, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;~~

~~2. the treatment or disposal facility has used the methods referenced in LAC~~

~~33:V.2229.C.1 to treat the organic constituents; and~~

~~3. the treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in LAC 33:V.2229.C by an order of magnitude.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), repealed by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§2237. Exemption for Surface Impoundments Treating Hazardous Waste

* * *

[See Prior Text in A - A.2]

a. Sampling and Testing. For wastes with treatment standards and/or prohibition levels in LAC 33:V.Chapter 22.Subchapter A or RCRA section 3004(d), the residues from the treatment must be analyzed, as specified in LAC 33:V.2245, 2247, or 2213.F and G to determine if they meet the applicable treatment standards ~~in LAC 33:V.Chapter 22.Subchapter A~~, or where no treatment standards have been established for the waste, the applicable prohibition levels ~~specified in LAC 33:V.Chapter 22.Subchapter A~~. The sampling method, specified in the waste analysis plan under LAC 33:V.1519 or 4313, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples.

* * *

[See Prior Text in A.2.b - c]

d. Recordkeeping. ~~The facility's waste analysis plan must specify the procedures and schedule for the sampling of impoundment contents, the analysis of test data, and the removal of residues which do not meet the treatment standards or prohibition levels (where no treatment standards have been established) or which are from the treatment of wastes prohibited from land disposal under Subchapter A of this Chapter (where no treatment standards have been established and no prohibition levels apply), as required under LAC 33:V.1519 or 4313 of these regulations.~~ Sampling and testing and recordkeeping provisions of LAC 33:V.1519 and 4313 apply.

* * *

[See Prior Text in A.2.e - A.3.c]

4. The owner or operator must submit to the administrative authority a written

certification that the requirements of ~~LAC 33:V.2237~~. Subsection A.3 of this Section have been met and a copy of the waste analysis plan required under ~~LAC 33:V.2237~~.Subsection A.2 of this Section. The following certification is required:

“I certify under penalty of law that the requirements of LAC 33:V.2237.A.3 have been met for all surface impoundments being used to treat prohibited wastes. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.”

* * *

[See Prior Text in B - C.3]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

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

* * *

[See Prior Text in A - A.2]

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

* * *

[See Prior Text in A.4 - E]

F. On the basis of the information referred to in ~~LAC 33:V.2239~~.Subsection A of this Section, after notice and opportunity for public comment, and after consultation with appropriate state agencies in all affected states, the administrative authority may grant an extension of up to one year from the effective date of the prohibition. The administrative authority may ~~continue~~renew this extension for up to one additional year at the applicant's request if the demonstration required in ~~LAC 33:V.2239~~. Subsection A of this Section can still be made. In no event will an extension extend beyond 24 months from the applicable effective date specified in ~~LAC 33:V.Chapter 22~~. this Subchapter A. The length of any extension authorized will be determined by ~~T~~the administrative authority ~~will determine the length of any extension authorized on the basis of~~ based on the time required to construct or obtain the type of capacity the applicant

needs, as described in the completion schedule discussed in ~~LAC 33:V.2239~~Subsection A.5 of this Section. The administrative authority will give public notice of the intent to approve or deny a petition or for an extension and will provide an opportunity for public comment as provided in LAC 33:V.2243. The final decision on a petition or extension will be published in the official state journal.

* * *

[See Prior Text in G - J]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:***.

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

* * *

[See Prior Text in A - J]

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

~~KL.~~ A petition submitted in accordance with ~~LAC 33:V.2241~~ this Section must apply to land disposal of the specific prohibited waste at the individual disposal unit described in the showing and demonstration and will not apply to any other prohibited waste at that disposal unit or to that specific prohibited waste at any other disposal unit.

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

~~MN.~~ The term of an exemption granted under ~~LAC 33:V.2241~~ this Section shall be no longer than the term of the final operating permit if the disposal unit is operating under a final operating permit, or up to a maximum of five years from the date of approval if the unit is operating under interim status. In either case, the term of the exemption granted shall expire upon the termination, revocation, or denial of a final operating permit or upon the termination of interim status or when the volume limit of waste to be land disposed during the term of petition is reached. The exemption must be reviewed at least once every three years.

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

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

~~P.Q.~~ Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm are not eligible for an exemption under ~~LAC 33:V.2241~~ this Section.

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

~~R.S.~~ Whenever the administrative authority determines that the basis for approval of a petition may no longer be valid, he or she shall require a new demonstration in accordance with ~~LAC 33:V.2241~~ this Section.

~~ST.~~ Termination of an Approved Petition

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

- a. noncompliance by the petitioner with any condition of the exemption;
- b. the petitioner's failure in the petition or during the review and approval to disclose fully all relevant facts, or the petitioner's misrepresentation of any relevant facts at any time; or
- c. a determination that new information shows that the basis for approval of the petition is no longer valid.

2. The administrative authority shall terminate an exemption granted under this Section for the following cause: the petitioner's willful withholding during the review and

approval of the petition of facts directly and materially relevant to the administrative authority's decision on the petition.

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

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

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

A. ~~Except as specified in LAC 33:V.2213, if a generator's waste is listed in LAC 33:V.Chapter 49, the generator must test his or her waste or test an extract using Method 1311, the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or use knowledge of the waste to determine if the waste is prohibited from land disposal under this Chapter. Except as specified in LAC 33:V.2213, if a generator's waste exhibits one or more of the characteristics set out at LAC 33:V.4903, the generator must test an extract using Method 1311, the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at LAC 33:V.110, or use knowledge of the waste, to determine if the waste is prohibited from land disposal under this Chapter. If the generator determines that his waste exhibits the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by CMBST or RORGS of Table 3 of this Chapter), and/or the characteristic of corrosivity (D002) and/or reactivity (D003) and/or the characteristic of organic toxicity (D012-D043), and the waste is prohibited under LAC 33:V.2221.D-F, the generator must determine the underlying hazardous constituents, as defined in LAC 33:V.2203, in the D001, D002, D003, or D012-D043 waste Requirements for generators: determine if the waste has to be treated before being land disposed, as follows: A generator of a hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in LAC 33:V.2223 or 2230. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using Test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in LAC 33:V.110, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land~~

disposed. These treatment standards are also found in LAC 33:V.2223 and are described in detail in Table 3 of this Chapter. These wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they must comply with the special requirements of LAC 33:V.2246 in addition to any applicable requirements in this Section.

~~B. If a generator determines that he or she is managing a waste prohibited under this Chapter, and the waste does not meet the applicable treatment standards set forth in LAC 33:V.Chapter 22.Subchapter A or the waste exceeds the applicable prohibition levels set forth in LAC 33:V.2213 or RCRA 3004(d), with each shipment of waste the generator must notify the treatment or storage facility in writing. The notice must include the following information:If the waste does not meet the treatment standard, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste and place a copy in the file. The notice must include the information in column "LAC 33:V.2245.B" of the Generator Paperwork Requirements Table in Subsection D of this Section. No further notification is necessary until such time when the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.~~

- ~~1. EPA Hazardous Waste Number, as specified in LAC 33:V.Chapter 49;~~
- ~~2. the waste constituents that the person treating the waste will monitor, if monitoring will not include all regulated constituents, for wastes F001-F005, F039, D001, D002, D003, and D012-D043. Generators must also include whether the waste is a nonwastewater or wastewater (as defined in LAC 33:V.2203) and indicate the subcategory of the waste (such as "D003 reactive cyanide"), if applicable;~~
- ~~3. the manifest number associated with the shipment of waste;~~
- ~~4. waste analysis data, where available; and~~
- ~~5. for hazardous debris, the contaminants subject to treatment as provided by LAC 33:V.2230 and the following statement: "This hazardous debris is subject to the alternative treatment standards of LAC 33:V.2230."~~

~~C. If a generator determines that he or she is managing a waste prohibited under this Chapter and determines that the waste can be land disposed without further treatment, with each shipment of waste he or she must submit to the treatment, storage, or land disposal facility a notice and certification stating that the waste meets the applicable treatment standards set forth in LAC 33:V.Chapter 22.Subchapter A and the applicable prohibitions set forth in LAC 33:V.2213. Generators of hazardous debris that is excluded from the definition of hazardous waste under LAC 33:V.109 (i.e., debris that the administrative authority has determined does not contain hazardous waste), however, are not subject to these notification and certification~~

requirements: If the waste meets the treatment standard at the original point of generation:

~~1. The notice must include the following information:~~

~~1. — a. EPA Hazardous Waste Number with the initial shipment of waste to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste and place a copy in the file. The notice must include the information indicated in column "LAC 33:V.2245.C" of the Generator Paperwork Requirements Table in Subsection D of this Section and the following certification statement, signed by an authorized representative:~~

~~"I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in LAC 33:V.2223 - 2233. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment":~~

~~2. — b. the waste constituents that the person treating the waste will monitor, if monitoring will not include all regulated constituents, for wastes F001-F005, F039, D001, D002, D003, and D012-D043. Generators must also include whether the waste is a nonwastewater or wastewater (as defined in LAC 33:V.2203) and indicate the subcategory of the waste (such as AD003 reactive cyanide), if applicable; if the waste changes, the generator must send a new notice and certification to the receiving facility and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under LAC 33:V.109 are not subject to these requirements.~~

~~c. the manifest number associated with the shipment of waste; and~~

~~d. waste analysis data, where available.~~

~~2. The certification must be signed by a duly authorized representative and must state the following:~~

~~"I certify under penalty of law that I have personally examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in LAC 33:V.Chapter 22.Subchapter A and all applicable prohibitions set forth in LAC 33:V.2213 or RCRA section 3004(d). I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false certification, including the possibility of fines and imprisonment."~~

~~D. If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under LAC 33:V.2239), an exemption under LAC 33:V.2241 or 2271, or a nationwide capacity variance under LAC 33:V.Chapter 22.Subchapter A, with each shipment of waste he or she must submit a notice to the facility receiving the waste, stating that the waste is not prohibited from~~

land disposal. The notice must include the following information: For reporting, tracking, and recordkeeping when exceptions allow certain wastes that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under LAC 33:V.2239, disposal in a no-migration unit under LAC 33:V.2241, or a national capacity variance or case-by-case capacity variance under LAC 33:V.2209 - 2221. If a generator's waste is so exempt, then with the initial shipment of waste, the generator must send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "LAC 33:V.2245.D" of the Generator Paperwork Requirements Table in this Subsection. If the waste changes, the generator must send a new notice to the receiving facility and place a copy in their files.

Generator Paperwork Requirements Table

<u>Required Information</u>	<u>LAC 33:V.2245.B</u>	<u>LAC 33:V.2245.C</u>	<u>LAC 33:V.2245.D</u>	<u>LAC 33:V.2245.I</u>
<u>EPA Hazardous Waste and Manifest numbers</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Statement: This waste is not prohibited from land disposal.</u>			<u>X</u>	
<u>The waste is subject to the LDRs. The constituents of concern for F001-F005 and F039, and underlying hazardous constituents (for wastes that are not managed in a Clean Water Act (CWA) or CWA-equivalent facility), unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.</u>	<u>X</u>	<u>X</u>		
<u>The notice must include the applicable wastewater/nonwastewater category (see LAC 33:V. 2203.A) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide).</u>	<u>X</u>	<u>X</u>		
<u>Waste analysis data (when available).</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Date the waste is subject to the prohibition.</u>			<u>X</u>	
<u>For hazardous debris, when treating with the alternative treatment technologies provided by LAC 33:V.2230: the contaminants subject to treatment, as described in LAC 33:V.2230; and an indication that these contaminants are being treated to comply with LAC 33:V.2230.</u>	<u>X</u>		<u>X</u>	

A certification is needed (see applicable section for exact wording)		<u>X</u>		<u>X</u>
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1. ~~EPA Hazardous Waste Number;~~
2. ~~the waste constituents that the person treating the waste will monitor, if monitoring will not include all regulated constituents, for wastes F001-F005, F039, D001, D002, D003, and D012-D043. Generators must also include whether the waste is a nonwastewater or wastewater (as defined in LAC 33:V.2203) and indicate the subcategory of the waste (such as “D003 reactive cyanide”), if applicable;~~
3. ~~the manifest number associated with the shipment of waste;~~
4. ~~waste analysis data, where available;~~
5. ~~the date the waste is subject to the prohibitions; and~~
6. ~~for hazardous debris when using the alternative treatment technologies provided by LAC 33:V.2230:~~
 - a. ~~the contaminants subject to treatment, as described in LAC 33:V.2230.B; and~~
 - b. ~~an indication that these contaminants are being treated to comply with LAC 33:V.2230; and~~
7. ~~for hazardous debris when using the treatment standards for the contaminating waste(s) in LAC 33:V.2223, the requirements described in LAC 33:V.2245.D.1-6.~~

E. If a generator is managing and treating a prohibited waste in tanks, containers, or containment buildings regulated under LAC 33:V.1109.E ~~and is treating such waste in such tanks, containers, or containment buildings to meet applicable treatment standards under LAC 33:V.Chapter 22.Subchapter A to meet applicable LDR treatment standards found in LAC 33:V.2223~~, the generator must develop and follow a written waste analysis plan that describes the procedures the generator will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of ~~LAC 33:V.Chapter 22:Table 8 of this Chapter~~, however, are not subject to these waste analysis requirements.) The plan must be kept on-site in the generator's records, and the following requirements must be met.

1. The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this Chapter,

including the selected testing frequency.

* * *

[See Prior Text in E.2]

3. Wastes shipped off-site ~~pursuant to~~ in accordance with this Section must comply with the notification requirements of ~~LAC 33:V.2245~~. Subsection C of this Section.

F. If a generator determines ~~whether~~ that the waste is prohibited solely on the basis of his or her knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines whether the waste is prohibited on the basis of tests of this waste or an extract developed using the ~~†Test m~~ Method 1311 described in ~~LAC 33:V.Chapter 49.Appendix B~~. "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in LAC 33:V.110, all waste analysis data must be retained on-site in the generator's files.

G. If a generator determines that a prohibited waste that the generator is managing was excluded from the definition of hazardous or solid waste or exempted from regulation under LAC 33:V.Chapter 1, 39, or 41 subsequent to the point of generation (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the Clean Water Act (CWA) as specified in LAC 33:V.105.D.1.b, or that are CWA-equivalent), the generator must place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from the regulation under LAC 33:V.Subpart 1, and the disposition of the waste, in the facility's file.

H. Generators must retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced ~~pursuant to~~ in accordance with this Section for at least ~~five~~ three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The ~~five~~ three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority. The requirements of this Paragraph apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under LAC 33:V.Chapters 1, 39, or 41, or exempted from regulation under LAC 33:V.Subpart 1, ~~after~~ subsequent to the point of generation.

I. If a generator is managing a lab pack that contains ~~none of the wastes specified in LAC 33:V.Chapter 22.Table 6~~ and wishes to use the alternative treatment standards under LAC 33:V.2227.C, with each shipment of waste the generator must submit a notice to the treatment facility in accordance with LAC 33:V.2245.B, except that underlying hazardous constituents need not be determined. The generator must also comply with the requirements in LAC 33:V.2245.F and G, and must submit the following certification, which must be signed by a duly authorized

representative hazardous wastes and wishes to use the alternative treatment standard for lab packs found at LAC 33:V.2227.C:

~~"I certify under penalty of law that I have personally examined and am familiar with the waste, and that the lab pack does not contain any wastes identified in LAC 33:V.Chapter 22.Table 6. I am aware that there are significant penalties for submitting a false certification, including the possibility of fines and imprisonment."~~

1. with the initial shipment of waste to a treatment facility, the generator must submit a notice that provides the information in column "LAC 33:V.2245.I" in the Generator Paperwork Requirements Table of Subsection D of this Section and the following certification. The certification that must be signed by an authorized representative and must be placed in the generator's files, must say the following:

"I certify under penalty of law that I personally have examined and am familiar with the waste, and that the lab pack contains only wastes that have not been excluded under LAC 33:V.Chapter 22.Table 6, and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at LAC 33:V.2227.C. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment";

2. no further notification is necessary until such time that the wastes in the lab pack change or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file;

3. if the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in LAC 33:V.2203) need not be determined;

4. the generator must also comply with the requirements in Subsections F and G of this Section.

* * *

[See Prior Text in J - K]

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§2246. Special Rules Regarding Wastes That Exhibit a Characteristic

A. The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under this Chapter. For purposes of this Chapter, the waste will carry the waste code for any applicable listing under LAC 33:V.4901. In addition, ~~the waste will carry one or more of the waste codes under LAC 33:V.4903,~~ where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes (LAC 33:V.4903), except in the case when the treatment standard for the listed waste code listed in LAC 33:V.4901 operates in lieu of the standard for the characteristic waste code under LAC 33:V.4903, as specified in LAC 33:V.2246.Subsection B of this Section. If the generator determines that his waste displays a hazardous characteristic (and ~~the waste is not a D004-D011 waste, a High TOC D001 nonwastewaters, or is not treated by CMBST, or RORGS, or POLYM of Table 3 of this Chapter of LAC 33:V.Chapter 22.Table 3),~~ the generator must determine the underlying hazardous constituents (as defined in LAC 33:V.2203.A), ~~are reasonably expected to be present above the universal treatment standards found in LAC 33:V.2233~~ in the characteristic waste.

* * *

[See Prior Text in B - D.1.a]

b. a description of the waste as initially generated, including the applicable EPA Hazardous Waste Number(s) ~~and~~, treatability group(s), and underlying hazardous constituents (as defined in LAC 33:V.2203) ~~in D001 and D002 wastes prohibited under LAC 33:V.2221.D, or D012-D043 wastes under LAC 33:2221.E.,~~ unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

* * *

[See Prior Text in D.2 - E.3.c]

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§2247. Owners or Operators of Treatment or Disposal Facilities: Testing, Waste Minimization, Recordkeeping, and Notice Requirements

A. Treatment facilities must test their wastes according to the frequency as frequently as specified in their waste analysis plans, as required by LAC 33:V.1519 (for permitted TSDs) or 4313 (for interim status facilities). Such testing must be performed as provided in Subsection A.1-2 of this Section.;

1. ~~Ffor~~ wastes with treatment standards expressed as concentrations in the waste extract (~~LAC 33:V.2225~~Toxicity Characteristic Leaching Procedure, TCLP), the owner or operator of the treatment facility must test ~~the treatment residues, or an extract of such~~the treatment residues, developed using the Test Method 1311 (the Toxicity Characteristic Leaching Procedure TCLP, and the test methods described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference at in LAC 33:V.110), to assure that the treatment residues ~~or extract~~ meets the applicable treatment standards;

2. ~~For wastes prohibited under LAC 33:V.2213 or the Act which are not subject to any treatment standards under LAC 33:V.Chapter 22.Subchapter A, the owner or operator of the treatment facility must test the treatment residues according to the generator testing requirements specified in LAC 33:V.2213 to ensure that the treatment residues comply with the applicable prohibitions.~~

32. ~~Ffor~~ wastes with treatment standards expressed as concentrations in the waste under LAC 33:V.2229, the owner or operator of the treatment facility must test the treatment residues (not an extract of such residues) to ensure that ~~the treatment residues~~they meet the applicable treatment standards.

B. ~~A notice must be sent with each waste shipment to the land disposal facility which includes the following information, except that debris excluded from the definition of hazardous waste under LAC 33:V.109 (i.e., debris treated by an extraction or destruction technology provided by LAC 33:V.Chapter 22.Table 8 and debris that the administrative authority has determined does not contain hazardous waste) is subject to the notification and certification requirements of LAC 33:V.2247.H rather than these notification requirements:~~A one-time notice must be sent with the initial shipment of waste to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

1. ~~EPA Hazardous Waste Number;~~No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

2. ~~the waste constituents to be monitored, if monitoring will not include all regulated constituents, for wastes F001-F005, F039, D001, D002, D003, and D012-D043.—Generators must also include whether the waste is a nonwastewater or wastewater (as defined in LAC 33:V.2203) and indicate the subcategory of the waste (such as “D003 reactive cyanide”), if applicable;~~The one-time notice must include these requirements:

a. EPA Hazardous Waste and Manifest Numbers;

b. the waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents (for wastes that are not managed

in a Clean Water Act (CWA) or CWA-equivalent facility), unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice;

c. the notice must include the applicable wastewater/nonwastewater category (see LAC 33:V.2203.A) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide);

d. waste analysis data (when available); and

e. a certification statement is needed (see applicable section for exact wording).

~~3. the manifest number associated with the shipment of waste; and~~

~~4. waste analysis data, where available.~~

~~C. The treatment facility must submit a certification with each shipment of waste or treatment residue of a prohibited waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the applicable performance standards specified in LAC 33:V.Chapter 22.Subchapter A and the applicable prohibitions set forth in LAC 33:V.2213 or the Act. Debris excluded from the definition of hazardous waste under LAC 33:V.109 (i.e., debris treated by an extraction or destruction technology provided by LAC 33:V.Chapter 22.Table 8 and debris that the administrative authority has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of LAC 33:V.2246.E rather than the certification requirements of LAC 33:V.2247.C.~~
The treatment facility must submit a one-time certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state:

"I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in LAC 33:V.2223 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

~~1. For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (LAC 33:V.2225 or 2229), or for wastes prohibited under LAC 33:V.2213 or the Act, which are not subject to any treatment standards under LAC 33:V.Chapter 22.Subchapter A, the certification must be signed by a duly authorized representative and must state the following: A copy of the certification must be placed in the treatment facility's on-site~~

files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the file.

~~“I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in LAC 33:V.Chapter 22.Subchapter A, and all applicable prohibitions set forth in LAC 33:V.2213 without prohibited dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fines and imprisonment.”~~

~~2. For wastes with treatment standards expressed as technologies (LAC 33:V.2227), the certification must be signed by a duly authorized representative and must state the following: Debris excluded from the definition of hazardous waste under LAC 33:V.109.Hazardous Waste.6 (i.e., debris treated by an extraction or destruction technology provided by Table 8 of this Chapter, and debris that the administrative authority has determined does not contain hazardous waste), however, is subject to the notification and certification requirements of LAC 33:V.2246.E rather than the certification requirements of this Subsection.~~

~~I certify under penalty of law that the waste has been treated in accordance with the requirements of LAC 33:V.2227 of the Louisiana Hazardous Waste Regulations. I am aware that there are significant penalties for submitting a false certification, including the possibility of fines and imprisonment.~~

~~3. For wastes with treatment standards expressed as concentrations in the waste pursuant to LAC 33:V.2229, if compliance with the treatment standards in LAC 33:V.Chapter 22.Subchapter A is based in part or in whole on the analytical detection limit alternative specified in LAC 33:V.2229.C, the certification also must state the following For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in whole or in part on the analytical detection limit alternative specified in LAC 33:V.2223, the certification, signed by an authorized representative, must state the following:~~

~~“I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification, ~~and that,~~ Bbased on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with LAC 33:V.Chapter 31 or Chapter 43.Subchapter N, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and combustion units as specified in Table 3 of this Chapter. I have been unable to detect the nonwastewater organic constituents despite having used best good-faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fines and imprisonment.”~~

4. For characteristic wastes D001, D002, D003, and D012-D043 that are subject to the treatment standards in LAC 33:V.2223 (other than those expressed as a required method of treatment), that are reasonably expected to contain underlying hazardous constituents as defined in LAC 33:V.2203, that are treated on-site to remove the hazardous characteristic and are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

"I certify under penalty of law that the waste has been treated in accordance with the requirements of LAC 33:V.2223 to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

5. For characteristic wastes D001, D002, D003, and D012-D043 that contain underlying hazardous constituents, as defined in LAC 33:V.2203.A, and that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in LAC 33:V.2233.Universal Treatment Standards, the certification must state the following:

"I certify under penalty of law that the waste has been treated in accordance with the requirements of LAC 33:V.2223 to remove the hazardous characteristic and that underlying hazardous constituents, as defined in LAC 33:V.2203.A, have been treated on-site to meet the LAC 33:V.2233.Universal Treatment Standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

* * *

[See Prior Text in D]

E. Where the wastes are recyclable materials used in a manner constituting disposal ~~and exempt in accordance with~~ subject to the provisions in LAC 33:V.4139.A.2-4 regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (the recycler) is not required to notify the receiving facility, ~~pursuant to in accordance with LAC 33:V.2247.B~~ Subsection C of this Section. With each shipment of such wastes the owner or operator of ~~The recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product, the dates of each shipment, copies of analytical results, and the amount of waste-derived product in each shipment. With each shipment of such wastes, the owner or operator of the recycling facility must submit to the administrative authority the certification described in LAC 33:V.2247.C and a notice which includes the following information: submit a certification described in Subsection D of this Section and a notice which includes the information listed in Subsection C of this Section (except the manifest number) to the administrative authority or his delegated representative. The recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.~~

1. EPA Hazardous Waste Number;

~~2. the waste constituents to be monitored, if monitoring will not include all regulated constituents, for wastes F001-F005, F039, D001, D002, and D012-D043 and in LAC 33:V.2261 or RCRA section 3004(d). Generators must also include whether the waste is a nonwastewater or wastewater (as defined in LAC 33:V.2203) and indicate the subcategory of the waste (such as D003 reactive cyanide), if applicable;~~

~~3. waste analysis data, where available; and~~

~~4. the manifest number associated with the shipment of the waste.~~

F. Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to in accordance with LAC 33:V.4139.A.2-4, the owner or operator of any land disposal facility disposing of any waste subject to prohibitions under this Chapter must do the following:

1. ~~H~~he must have copies of the notice and certification specified in either ~~LAC 33:V.2247~~Subsection B, C, D, or E of this Section and ~~the certification specified in LAC 33:V.2245, if applicable;~~ and

2. ~~H~~he must test the waste or an extract of the waste or treatment residue developed using the ~~t~~Test m~~Method~~ described in this Chapter or using any methods required for generators under ~~LAC 33:V.2213 1311~~ (the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in LAC 33:V.110) to ensure that the wastes or treatment residues comply with the applicable treatment standards set forth in LAC 33:V. ~~2223-2233~~Chapter 22.Subchapter A and all applicable prohibitions set forth in ~~LAC 33:V.2213 or the Act.~~ Such testing must be performed as frequently as according to the frequency specified in the facility's waste analysis plan, as required by LAC 33:V.1519 or 4313.

3. ~~Where the owner or operator is disposing of any waste that is subject to the prohibitions under LAC 33:V.2215.G but not subject to the prohibitions set forth in LAC 33:V.2213, he or she must ensure that such waste is the subject of a valid certification according to the requirements of LAC 33:V.2235 prior to disposal in a landfill or surface impoundment unit and that such disposal is in accordance with the requirements of LAC 33:V.2239. The same requirement applies to any waste that is subject to the prohibitions under LAC 33:V.2215 or the prohibitions in LAC 33:V.2213.~~

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[See Prior Text in G-H]

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1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:670 (April 1998), LR 24:**.

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
D001 ⁹	Ignitable Characteristic Waste, except for the LAC 33:V.4903.B.1 High TOC Subcategory.	NA	NA	DEACT and meet LAC 33:V.2233 standards ⁸ ; or RORGS; or CMBST	DEACT and meet LAC 33:V.2233 standards ⁸ ; or RORGS; or CMBST
	High TOC Ignitable Characteristic Liquids Subcategory based on LAC 33:V.4903.B.1 - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	RORGS; or CMBST; or POLYM
* * *					
[See Prior Text in D002 -F028]					
Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in LAC 33.V.4901.C or LAC 33:V.4901.B.Table 1.).	All F024 wastes	NA	CMBST ¹¹	CMBST ¹¹
		2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
		3-Chloropropylene	107-05-1	0.036	30
		1,1-Dichloroethane	75-34-3	0.059	6.0
		1,2-Dichloroethane	107-06-2	0.21	6.0
		1,2-Dichloropropane	78-87-5	0.85	18

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
		cis-1,3-Dichloropropylene	10061-01-5	0.036	18
		trans-1,3-Dichloropropylene	10061-02-6	0.036	18
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Hexachloroethane	67-72-1	0.055	30
		Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
		Nickel	7440-02-0	3.98	5.0 mg/l TCLP
* * *					
[See Prior Text in F025]					

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
F032	<u>Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with LAC 33:V.4901.B.3 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.</u>	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benz(a)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		2-4 Dimethylphenol	105-67-9	0.036	14
		Fluorene	86-73-7	0.059	3.4
		Hexachlorodibenzo-p-dioxins	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Hexachlorodibenzofurans	NA	0.000063, or CMBST ¹¹	0.001, or CMBST ¹¹
		Indeno (1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
		<u>Pentachlorodibenzo-p-dioxins</u>	<u>NA</u>	<u>0.000063, or CMBST¹¹</u>	<u>0.001, or CMBST¹¹</u>
		<u>Pentachlorodibenzofurans</u>	<u>NA</u>	<u>0.000035, or CMBST¹¹</u>	<u>0.001, or CMBST¹¹</u>
		<u>Pentachlorophenol</u>	<u>87-86-5</u>	<u>0.089</u>	<u>7.4</u>
		<u>Phenanthrene</u>	<u>85-01-8</u>	<u>0.059</u>	<u>5.6</u>
		<u>Phenol</u>	<u>1089-5-2</u>	<u>0.039</u>	<u>6.2</u>
		<u>Pyrene</u>	<u>129-00-0</u>	<u>0.067</u>	<u>8.2</u>
		<u>Tetrachlorodibenzo-p-dioxins</u>	<u>NA</u>	<u>0.000063, or CMBST¹¹</u>	<u>0.001, or CMBST¹¹</u>
		<u>Tetrachlorodibenzofurans</u>	<u>NA</u>	<u>0.000063, or CMBST¹¹</u>	<u>0.001, or CMBST¹¹</u>
		<u>2,3,4,6-Tetrachlorophenol</u>	<u>58-90-2</u>	<u>0.030</u>	<u>7.4</u>
		<u>2,4,6-Trichlorophenol</u>	<u>88-06-2</u>	<u>0.035</u>	<u>7.4</u>
		<u>Arsenic</u>	<u>7440-38-2</u>	<u>1.4</u>	<u>5.0 mg/l TCLP</u>
		<u>Chromium (Total)</u>	<u>7440-47-3</u>	<u>2.77</u>	<u>0.86 mg/l TCLP</u>

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
F034	<u>Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.</u>	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benz(a)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
		Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluorene	86-73-7	0.059	3.4
		Indeno (1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Arsenic	7440-38-2	1.4	5.0 mg/l TCLP

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
		<u>Chromium (Total)</u>	<u>7440-47-3</u>	<u>2.77</u>	<u>0.86 mg/l TCLP</u>
F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	Arsenic	<u>7440-38-2</u>	<u>1.4</u>	<u>5.0 mg/l TCLP</u>
		<u>Chromium (Total)</u>	<u>7440-47-3</u>	<u>2.77</u>	<u>0.86 mg/l TCLP</u>
* * * [See Prior Text F037-K151]					
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propylnyl n-butylcarbamate.) ¹⁰	Acetonitrile	75-05-8	5.6	38
		Acetophenone	96-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10
		Carbaryl	63-25-2	0.006	0.14

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
		Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
		Toluene	108-88-3	0.080	10

Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
		Triethylamine	121-44-8	0.081	1.5
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. <u>(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)</u> ¹⁰	Carbon tetrachloride	56-23-5	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		Chloromethane	74-87-3	0.19	30
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		o-Phenylenediamine	95-54-5	0.056	5.6
		Pyridine	110-86-1	0.014	16
		Triethylamine	121-44-8	0.081	1.5

Waste Code	Waste Description and Category	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration in mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) ¹⁰	Benomyl	17804-35-2	0.056	14
		Benzene	71-43-2	0.14	10
		Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chloroform	67-66-3	0.046	6.0
		Methylene chloride	75-09-2	0.089	30
		Phenol	108-95-2	0.039	6.2
* * * [See Prior Text in K159 -U411]					

* * *
[See Prior Text in Notes 1-10]

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

NOTE: NA means not applicable.

Table 3. Technology Codes and Description of Technology-Based Standards	
Technology Code	Description of Technology-Based Standard
* * * [See Prior Text in ADGAS -CHRED]	

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Table 3. Technology Codes and Description of Technology-Based Standards

Technology Code	Description of Technology-Based Standard
CMBST	High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of LAC 33:V.Chapter 30 or 31 or 41, and 43.Subchapter N, and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process.
	* * * [See Prior Text in DEACT -NLDBR]
<u>POLYM</u>	<u>Formation of complex high-molecular weight solids through polymerization of monomers in high-TOC D001 nonwastewaters that are chemical components in the manufacture of plastics.</u>
	* * * [See Prior Text in PRECP - WTRRX]

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Table 2 by indicating the five-letter technology code that must be applied first, then the designation "fb" (an abbreviation for "followed by"), then the five-letter technology code for the technology that must be applied next, and so on.

Note 2: When two or more technologies (or treatment trains) are specified as alternative treatment standards, the five-letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "or." This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

* * *

[See Prior Text in Table 4]

Table 5

The following HOCs must be included in the calculation to determine the concentration of HOCs in a hazardous waste for purposes of the LAC 33:V.2213 land disposal prohibitions:

Volatiles	Semivolatiles
Bromodichloromethane	Bis(2-chloroethoxy)ethane
Bromomethane	Bis(2-chloroethyl)ether
Carbon Tetrachloride	Bis(2-chloroisopropyl)ether
Chlorobenzene	p-Chloroaniline
2-Chloro-1,3-butadiene	Chlorobenzilate

Volatiles	Semivolatiles
Chlorodibromomethane	p-Chloro-m-cresol
Chloroethane	2-Chloronaphthalene
2-Chloroethyl vinyl ether	2-Chlorophenol
Chloroform	3-Chloropropionitrile
Chloromethane	m-Dichlorobenzene
3-Chloropropene	o-Dichlorobenzene
1,2-Dibromo-3-chloropropane	p-Dichlorobenzene
1,2-Dibromomethane	3,3'-Dichlorobenzidine
Dibromomethane	2,4-Dichlorophenol
Trans-1,4-Dichloro-2-butene	2,6-Dichlorophenol
Dichlorodifluoromethane	Hexachlorobenzene
1,1-Dichloroethane	Hexachlorobutadiene
1,2-Dichloroethane	Hexachlorocyclopentadiene
1,2-Dichloroethylene	Hexachloroethane
Trans-1,2-Dichloroethane	Hexachloropropane
1,2-Dichloropropane	Hexachloropropene
Trans-1,3-Dichloropropene	4,4'-Methylenebis(2-chloroaniline)
cis-1,3-Dichloropropene	Pentachlorobenzene
Iodomethane	Pentachloroethane
Methylene chloride	Pentachloronitrobenzene
1,1,1,2-Tetrachloroethane	Pentachlorophenol
1,1,2,2-Tetrachloroethane	Pronamide
Tetrachloroethene	1,2,4,5-Tetrachlorobenzene
Tribromomethane	2,3,4,6-Tetrachlorophenol
1,1,1-Trichloroethane	1,2,4-Trichlorobenzene
1,1,2-Trichloroethane	2,4,5-Trichlorophenol
Trichloroethene	2,4,6-Trichlorophenol

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Volatiles	Semivolatiles
Trichloromonofluoromethane	Tris(2,3-dibromopropyl)phosphate
1,2,3-Trichloropropane	
Vinyl chloride	
Organochlorine Pesticides	Phenoxyacetic Acid Herbicides
Aldrin	2,4-Dichlorophenoxyacetic acid
alpha-BHC	Silvex
beta-BHC	2,4,5-T
delta-BHC	Polychlorinated Biphenyl (PCBs)
gamma-BHC	Aroclor 1016
Chlordane	Aroclor 1221
DDD	Aroclor 1232
DDE	Aroclor 1242
DDT	Aroclor 1248
Dieldrin	Aroclor 1254
Endosulfan I	Aroclor 1260
Endosulfan H	PCBs not otherwise specified
Endrin	
Endrin-aldehyde	DIOXINS AND FURANS
Heptachlor	Hexachlorodibenzo-p-dioxins
Heptachlor epoxide	Hexachlorodibenzofurans
Isodrin	Pentachlorodibenzofuran
Kepone	Pentachlorodibenzo-p-dioxins
Methoxychlor	Tetrachlorodibenzo-p-dioxins
Toxaphene	Tetrachlorodibenzofuran
	2,3,7,8-Tetrachlorodibenzo-p-dioxins

Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit¹ According to

LAC 33:V.2207.C.1

<u>Waste Code</u>	<u>Waste Description</u>
D004	<u>Toxicity Characteristic for Arsenic</u>
D005	<u>Toxicity Characteristic for Barium</u>
D006	<u>Toxicity Characteristic for Cadmium</u>
D007	<u>Toxicity Characteristic for Chromium</u>
D008	<u>Toxicity Characteristic for Lead</u>
D009	<u>Toxicity Characteristic for Mercury</u>
D010	<u>Toxicity Characteristic for Selenium</u>
D011	<u>Toxicity Characteristic for Silver</u>
F006	<u>Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum</u>
F007	<u>Spent cyanide plating bath solutions from electroplating operations</u>
F008	<u>Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process</u>
F009	<u>Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process</u>
F010	<u>Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process</u>
F011	<u>Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations</u>
F012	<u>Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process</u>
F019	<u>Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process</u>
K002	<u>Wastewater treatment sludge from the production of chrome yellow and orange pigments</u>
K003	<u>Wastewater treatment sludge from the production of molybdate orange pigments</u>
K004	<u>Wastewater treatment sludge from the production of zinc yellow pigments</u>
K005	<u>Wastewater treatment sludge from the production of chrome green pigments</u>

<u>K006</u>	<u>Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated)</u>
<u>K007</u>	<u>Wastewater treatment sludge from the production of iron blue pigments</u>
<u>K008</u>	<u>Oven residue from the production of chrome oxide green pigments</u>
<u>K061</u>	<u>Emission control dust/sludge from the primary production of steel in electric furnaces</u>
<u>K069</u>	<u>Emission control dust/sludge from secondary lead smelting</u>
<u>K071</u>	<u>Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used</u>
<u>K100</u>	<u>Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting</u>
<u>K106</u>	<u>Sludges from the mercury cell processes for making chlorine</u>
<u>P010</u>	<u>Arsenic acid H_3AsO_4</u>
<u>P011</u>	<u>Arsenic oxide As_2O_3</u>
<u>P012</u>	<u>Arsenic trioxide</u>
<u>P013</u>	<u>Barium cyanide</u>
<u>P015</u>	<u>Beryllium</u>
<u>P029</u>	<u>Copper cyanide $Cu(CN)$</u>
<u>P074</u>	<u>Nickel cyanide $Ni(CN)_2$</u>
<u>P087</u>	<u>Osmium tetroxide</u>
<u>P099</u>	<u>Potassium silver cyanide</u>
<u>P104</u>	<u>Silver cyanide</u>
<u>P113</u>	<u>Thallic oxide</u>
<u>P114</u>	<u>Thallium (I) selenite</u>
<u>P115</u>	<u>Thallium (I) sulfate</u>
<u>P119</u>	<u>Amonium vanadate</u>
<u>P120</u>	<u>Vanadium oxide V_2O_5</u>
<u>P121</u>	<u>Zinc cyanide</u>
<u>U032</u>	<u>Calcium chromate</u>
<u>U145</u>	<u>Lead phosphate</u>
<u>U151</u>	<u>Mercury</u>

<u>U204</u>	<u>Selenious acid</u>
<u>U205</u>	<u>Selenium disulfide</u>
<u>U216</u>	<u>Thallium (I) chloride</u>
<u>U217</u>	<u>Thallium (I) nitrate</u>

¹A combustion unit is defined as any thermal technology subject to LAC 33:V.Chapter 30 or Chapter 31 and Chapter 43.Subchapter N.

* * *

[See Prior Text in Tables 6-9]

Table 10. Wastes Excluded from the Treatment Standards under LAC 33:V.2229.2223					
Facility Name ¹ and Address	Waste Code	See also	Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
				Concentration (mg/l) (Notes)	Concentration (mg/Kg) (Notes)
Craftsman Plating and Tinning Corp. Chicago, IL	F006	Table 2	Cyanides (Total)	1.2 ⁽²⁾	1800 ⁽⁴⁾
			Cyanides (amenable)	0.86 ^(2 and 3)	30 ⁽⁴⁾
			Cadmium	1.6	NA
			Chromium	0.32	NA
			Lead	0.040	NA
			Nickel	0.44	NA
Northwestern Plating Works, Inc. Chicago, IL	F006	Table 2	Cyanides (Total)	1.2 ^(2 and 3)	970 ⁽⁴⁾
			Cyanides (amenable)	0.86 ⁽²⁾	30 ⁽⁴⁾
			Cadmium	1.6	NA
			Chromium	0.32	NA
			Lead	0.040	NA
			Nickel	0.44	NA

⁽¹⁾—A facility may certify compliance with these treatment standards according to provisions in LAC 33:V.2245 and 2247.

⁽²⁾—Cyanide Wastewater Standards for F006 are based on analysis of composite samples.

⁽³⁾—These facilities must comply with 0.86 mg/l for amenable cyanides in the wastewater exiting the alkaline chlorination system. These facilities must also comply with LAC 33:V.2245.ED for appropriate monitoring frequency consistent with the facilities' waste analysis plan.

⁽⁴⁾—Cyanide nonwastewaters are analyzed using SW-846 Method 9010 or 9012, sample size 10 grams, distillation time, 1 hour and 15 minutes.

Note: NA means Not Applicable.

Table 11. Recordkeeping, Notification, and/or Certification Requirements Reserved				
Entity	Scenario	Frequency	Recipient of notification	Recordkeeping, notification, and/or certification requirements
† Generator	A. Waste does not meet applicable treatment standards or exceeds applicable prohibition levels. (See LAC 33:V.2245.B.)	Each shipment	Treatment or storage facility.	Notice must include: ⊖ EPA hazardous waste number. ⊖ Constituents of concern. ⊖ Treatability group. ⊖ Manifest number. ⊖ Waste analysis data (where available).
	B. Waste can be disposed of without further treatment (meets applicable treatment standards or does not exceed prohibition levels upon generation). (See LAC 33:V.2245.C.)	Each shipment	Land disposal facility	Notice and certification statement that waste meets applicable treatment standards or applicable prohibition levels. Notice must include: ⊖ EPA hazardous waste number. ⊖ Constituents of concern. ⊖ Treatability group. ⊖ Manifest number. ⊖ Waste analysis data (where available). Certification statement required under LAC 33:V.2245.C.2 that waste complies with treatment standards and prohibitions.
	C. Waste is subject to exemption from a prohibition on the type of land disposal utilized for the waste, such as a case-by-case extension under LAC 33:V.2239. Exemption under LAC 33:V.2241 nationwide capacity variance. (See LAC 33:V.2245.D.)	Each shipment	Receiving facility	Notice must include: ⊖ Statement that waste is prohibited. ⊖ EPA hazardous waste number. ⊖ Constituents of concern. ⊖ Treatability group. ⊖ Manifest number. ⊖ Waste analysis data (where available). ⊖ Date the waste is subject to prohibitions.

Table 11. Recordkeeping, Notification, and/or Certification Requirements Reserved				
Entity	Scenario	Frequency	Recipient of notification	Recordkeeping, notification, and/or certification requirements
	D. Waste is being accumulated in tanks or containers regulated under LAC 33:V.1109.E and is being treated in such tanks or containers to meet applicable treatment standards. (See LAC 33:V.2245.E.)	Minimum of 30 days prior to treatment activity.	administrative authority Delivery must be verified.	Generator must develop, keep on-site, and follow a written waste analysis plan describing procedures used to comply with the treatment standards. If waste is shipped off-site, generator also must comply with notification requirement of LAC 33:V.2245.C. —
	E. Generator is managing a lab pack containing certain wastes and wishes to use an alternative treatment standard. (See LAC 33:V.2245.I.)	Each shipment	Treatment facility	Notice in accordance with LAC 33:V.2245.B; F; G, where applicable. Certification in accordance with LAC 33:V.2245.I.
	F. Generator has determined waste is restricted based solely on his knowledge of the waste. (See LAC 33:V.2245.F.)	N/A	Generator's file	All supporting data must be retained onsite in generator's file.
	G. Generator has determined waste is restricted based on testing waste or an extract. (See LAC 33:V.2245.F.)	NA	Generator's file	All waste analysis data must be retained on-site in generator's file.

Table 11. Recordkeeping, Notification, and/or Certification Requirements Reserved				
Entity	Scenario	Frequency	Recipient of notification	Recordkeeping, notification, and/or certification requirements
	H. Generator has determined that waste is excluded from the definition of hazardous or solid waste, or exempt from Subtitle C regulation LAC 33:V.2245.G.	One-time	Generator's file	Notice of generation and subsequent exclusion from the definition of hazardous or solid waste, or exemption from Subtitle C regulation, and information regarding the disposition of the waste.
	I. Generator (or treater) claims that hazardous debris is excluded from the definition of hazardous waste under 40 CFR 261.3(f)(1). (See LAC 33:V.2246.E.)	One-time	administrative authority Notification must be updated as necessary under LAC 33:V.2246.E.2.	Notice must include: <ul style="list-style-type: none"> ⊖ Name and address of subtitle D facility receiving treated debris. ⊖ EPA hazardous waste number and description of debris as initially generated. ⊖ Technology used to treat the debris (Table 8 of LAC 33:V.Chapter 22) Certification and recordkeeping in accordance with LAC 33:V.2246.E.2.
	J. Generator (or treater) claims that characteristic wastes are no longer hazardous. (See LAC 33:V.2246.D.)	One-time	Generator's (or treater's) files and EPA Regional Administrator or authorized state. Notification must be Updated as necessary under LAC 33:V.2246.D.	Notice must include: <ul style="list-style-type: none"> ⊖ Name and address of subtitle D facility receiving the waste. ⊖ EPA hazardous waste number and description of waste as initially generated. ⊖ Treatability group. ⊖ Underlying hazardous constituents. Certification in accordance with LAC 33:V.2246.D.2.
	K. Other recordkeeping requirements. (See LAC 33:V.2245.H.)	N/A	Generator's file	Generator must retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to LAC 33:V.2245 on-site for at least 5 years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. This period is automatically extended during enforcement actions or as requested by the Administrator.

Table 11. Recordkeeping, Notification, and/or Certification Requirements Reserved				
Entity	Scenario	Frequency	Recipient of notification	Recordkeeping, notification, and/or certification requirements
H. Treatment Facility	A. Waste shipped from treatment facility to land disposal facility. (See LAC 33:V.2247.B,C.)	Each shipment	Land disposal facility	Notice must include: <ul style="list-style-type: none"> ⊖ EPA hazardous waste number. ⊖ Constituents of concern. ⊖ Treatability group. ⊖ Manifest number. ⊖ Waste analysis data (where available). Applicable certification, in accordance with LAC 33:V.2247.C.1,2,3, stating that the waste or treatment residue has been treated in compliance with applicable treatment standards and prohibitions.
	B. Waste treatment residue from a treatment or storage facility will be further managed at a different treatment or storage facility. (See LAC 33:V.2247.D.)	Each shipment	Receiving facility	Treatment, storage, or disposal facility must comply with all notice and certification requirements applicable to generators.
	C. Where wastes are recyclable materials used in a manner constituting disposal subject to §266.20(b). (See LAC 33:V.2247.E.)	Each shipment	administrative authority	No notification to receiving facility required pursuant to LAC 33:V.2247.B. Certification as described in LAC 33:V.2247.C and notice with information listed in LAC 33:V.2247.B, except manifest number. Recycling facility must keep records of the name and location of each entity receiving hazardous waste-derived products.
III. Land Disposal Facility	A. Wastes accepted by land disposal facility. (See LAC 33:V.2247.F.)	N/A	N/A	Maintain copies of notice and certifications specified in LAC 33:V.2245 and 2247.

Certification Statements:

~~A. I certify under penalty of law that I have personally examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in LAC 33:V.Chapter 22 and all applicable prohibitions set forth in LAC 33:V.2213. I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false~~

certification, including the possibility of fine and imprisonment. (LAC 33:V.2245.C.2)

~~B. I certify under penalty of law that I have personally examined and am familiar with the waste and that the lab pack does not contain any wastes identified at LAC 33:V.2227.C.2. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment. (LAC 33:V.2245.F)~~

~~C. I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in LAC 33:V.Chapter 22, and all applicable prohibitions set forth in LAC 33:V.2213 without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (LAC 33:V.2247.C.1)~~

~~D. I certify under penalty of law that the waste has been treated in accordance with the requirements of LAC 33:V.2227. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (LAC 33:V.2247.C.2)~~

~~E. I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with LAC 33:V.Chapter 31 or LAC 33:V.Chapter 43.Subchapter N, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (LAC 33:V.2247.C.3)~~

~~F. I certify under penalty of law that the waste has been treated in accordance with the requirements of LAC 33:V.2223 to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (LAC 33:V.2247.C.4)~~

~~G. I certify under penalty of law that the debris have been treated in accordance with the requirements of LAC 33:V.2230 an aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment. (LAC 33:V.2246.E.3.c)~~

* * *

[See Prior Text in Table 12]

Title 33**ENVIRONMENTAL QUALITY****Part V. Hazardous Waste and Hazardous Materials****Subpart 1. Department of Environmental Quality—Hazardous Waste****Chapter 24. Hazardous Waste Munitions and Explosives Storage****§2401. Applicability**

The requirements of this Chapter apply to owners or operators who store munitions and explosive hazardous wastes, except as LAC 33:V.1501 provides otherwise.

[NOTE: Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings (LAC 33:V.Chapter 18), tanks (LAC 33:V.Chapter 19), or containers (LAC 33:V.Chapter 21). See LAC 33:V.5309 for storage of waste military munitions.]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§2403. Design and Operating Standards

A. Hazardous waste munitions and explosives storage units must be designed and operated with containment systems, controls, and monitoring that:

1. minimize the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated runoff to the soil, groundwater, surface water, and atmosphere;

2. provide a primary barrier, which may be a container (including a shell) or tank, designed to contain the hazardous waste;

3. for wastes stored outdoors, provide that the waste and containers will not be in standing precipitation;

4. for liquid wastes, provide a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area or vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking or removal from the waste area); and

5. provide monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.

B. Hazardous waste munitions and explosives stored under this Chapter may be stored in one of the following:

1. earth-covered magazines, must be:

a. constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;

b. designed and constructed as follows:

i. to be of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;

ii. to provide working space for personnel and equipment in the unit; and

iii. to withstand movement activities that occur in the unit; and

c. located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion;

2. above-ground magazines must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion;

3. outdoor or open storage areas must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

C. Hazardous waste munitions and explosives must be stored in accordance with a standard operating procedure specifying procedures to ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of LAC 33:V.1507, the preparedness and prevention procedures of LAC 33:V.1511, and the contingency plan and emergency procedures requirements of LAC 33:V.1513, then these procedures will be used to fulfill those requirements.

D. Hazardous waste munitions and explosives must be packaged to ensure safety in handling and storage.

E. Hazardous waste munitions and explosives must be inventoried at least annually.

F. Hazardous waste munitions and explosives and their storage units must be inspected and monitored as necessary to ensure the explosives' safety and to ensure that there is no migration of contaminants out of the unit.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§2405. Closure and Post-Closure Care

A. At closure of a magazine or unit that stored hazardous waste under this Chapter, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste and manage them as hazardous waste unless LAC 33:V.109.Hazardous Waste.6 applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units must meet all of the requirements specified in LAC 33:V.Chapters 35 and 37, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.

B. If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in Subsection A of this Section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he or she must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (LAC 33:V.2521).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 25. Landfills

§2511. Special Requirements for Ignitable or Reactive Waste

A. Except as provided in LAC 33:V.2511.B and 2519, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements of LAC 33:V.Chapter 22, and ~~the waste is treated, rendered, or mixed before or immediately after placement in a landfill so that:~~

* * *

[See Prior Text in A.1]

2. LAC 33:V.1517.B is complied with ~~or LAC 33:V.4321 for interim status facilities.~~

* * *

[See Prior Text in B - B.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 16:1057 (December 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
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Chapter 29. Surface Impoundments

2919. Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the applicable requirements of LAC 33:V.Chapter 17.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3007. Interim Status Standards for Burners

* * *

[See Prior Text in A - B.9]

C. Certification of Compliance. The owner or operator shall conduct emissions testing to document compliance with the emissions standards of Subsection A.5.a.iv of this Section and LAC 33:V.3007.A.5.a-e, 3009.B) E, 3011, 3013, and 3015, under the procedures prescribed by this Subsection, except under extensions of time provided by Subsection LAC 33:V.3007.C.7 of this Section. Based on the compliance test, the owner or operator shall submit to the administrative authority, on or before August 21, 1992, a complete and accurate "certification of compliance" (under LAC 33:V.3007.C.4) with those emission standards establishing limits on the operating parameters specified in LAC 33:V.3007.C.1.

* * *

[See Prior Text in C.1 - L]

[Note: Parts of this Section were previously promulgated in LAC 33:V.4142 which has been repealed.]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:822 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§3009. Standards to Control Organic Emissions

A boiler or industrial furnace burning hazardous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under LAC 33:V.3005.E, it will meet the following standards:

* * *

[See Prior Text in A-E]

1. during the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins and dibenzofurans (CDDs/CDFs) using Method ~~23~~, "~~Determination of Polychlorinated Dibenzop-Dioxins (PCDDs) and Polychlorinated Dibenzofurans (PCDFs) from Stationary Sources~~", in ~~40 CFR 266, appendix IX, as adopted and~~

~~amended at Appendix I of this Chapter 0023A, Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans Emissions from Stationary Sources, EPA Publication SW-846, as incorporated by reference in LAC 33:V.110;~~

* * *

[See Prior Text in E.2 - I]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:823 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§3013. Standards to Control Metals Emissions

* * *

[See Prior Text in A - F.2.b.ii]

G. Metal Emission Testing

1. General. Emission testing for metals shall be conducted using ~~the Multiple Metals Train as described in 40 CFR 266, appendix IX, as adopted and amended at Appendix I of this Chapter Method 0060, Determinations of Metals in Stack Emissions, EPA Publication SW-846, as incorporated by reference in LAC:33.V.110.~~

2. Hexavalent Chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to determine hexavalent chromium emissions using procedures prescribed in ~~40 CFR 266, appendix IX, as adopted and amended at Appendix I of this Chapter Method 0061, Determination of Hexavalent Chromium Emissions from Stationary Sources, EPA Publication SW-846, as incorporated by reference in LAC:33.V.110.~~

* * *

[See Prior Text in H- I]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:824 (September 1996), repromulgated LR 22:980 (October 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§3015. Standards to Control Hydrogen Chloride (HCl) and Chlorine Gas (Cl₂) Emissions

* * *

[See Prior Text in A -E]

F. Emissions Testing. Emissions testing for HCl and Cl₂ shall be conducted using the procedures described in 40 CFR 266, appendix IX, as adopted and amended at ~~Appendix I of this Chapter~~ in Methods 0050 or 0051, EPA Publication SW-846, as incorporated by reference in LAC 33:V:110.

* * *

[See Prior Text in G-H]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:825 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 31. Incinerators

§3105. Applicability

* * *

[See Prior Text in A-D]

E. The owner or operator of an incinerator may conduct trial burns subject only to the requirements of LAC 33:V.3115.

Table 1. Hazardous Constituents			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
* * * [See Prior Text in A2213 -Potassium dimethyldithiocarbamate]			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Potassium <u>n</u> -hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	U378
* * * [See Prior Text in Potassium n-methyldithiocarbamate -TCDD]			
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2	U402
Tetrabutylthiuram monosulfide	Bis (dimethylthiocarbamoyl) sulfide	97-74-5	U401
1,2,4,5-Tetrachloro-benzene	Benzene, 1,2,4,5- tetrachloro-	95-94-3	U207
* * * [See Prior Text in Tetrachlorodibenzo-p-dioxins -Ziram]			

¹ The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this table.

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

FINAL RULE/SEPTEMBER 20, 1998

HW064*

LR 11:1139 (December 1985), LR 13:433 (August 1987), LR 14:424 (July 1988), LR 15:737 (September 1989), LR 16:399 (May 1990), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:318 (February 1998), LR 24:681 (April 1998), LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 32. Miscellaneous Units

§3203. Environmental Performance Standards

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as necessary to protect human health and the environment, ~~and may include~~ including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions shall include those requirements of LAC 33:V.Chapters 17, 19, 21, 23, 25, 27, 29, 31, and all other applicable requirements of LAC 33:V.Subpart 1, and of 40 CFR 146, 1988, pp. 674-694, which are appropriate for the miscellaneous unit being permitted. Protection of human health and the environment includes, but is not limited to:

* * *

[See Prior Text in A -C.7]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:399 (May 1990), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 33. Groundwater Protection

§3325. Groundwater Monitoring List¹

Table 4 lists groundwater monitoring constituents.

* * *

[See Prior Text in Table 4 - Note 4]

⁵ Suggested Methods refer to analytical procedure numbers used in EPA Report SW-846, "Test Methods for Evaluating Solid Waste," Third Edition, ~~November 1986~~. Analytical details can be found in SW-846 and in documentation on file at the agency. The packed column gas chromatography methods 8010, 8020, 8030, 8040, 8060, 8080, 8090, 8110, 8120, 8140, 8150, 8240, and 8250 were promulgated methods through Update IIB of SW-846 and, as of Update III, the agency has replaced these methods with "capillary column GC methods," as the suggested methods. Caution: The methods listed are representative SW-846 procedures and may not always be the most suitable method(s) for monitoring an analyte under the regulations.

* * *

[See Prior Text in Notes 6 - 9]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:399 (May 1990), amended LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
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Chapter 35. Closure and Post-Closure

§3501. Applicability

* * *

[See Prior Text in A - C.1]

2. waste piles, surface impoundments, or any facility from which the owner or operator intends to remove waste at closure, to the extent that these sections are made applicable to such facilities in LAC 33:V.2315 and 2911;

* * *

[See Prior Text in C.3 - 4]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:***.

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 regulations as follows:

* * *

[See Prior Text in A-B.3]

- 4. scrap metal that is not excluded under LAC 33:V.105.D.1.m;

* * *

[See Prior Text in B.5-C.2]

- 3. recyclable materials from which precious metals are reclaimed; ~~and~~
- 4. spent lead-acid batteries that are being reclaimed; ~~and~~

5. used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers and industrial furnaces that are not regulated under LAC 33:V.Chapter 31 or Chapter 43.Subchapter N.

* * *

[See Prior Text in D-F]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 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 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:**.

Subchapter C. Special Requirements for Group III Recyclable Materials

§4137. Applicability Repealed

~~Except as provided in LAC 33:V.4105.B, the following recyclable materials are subject to the requirements of this Subchapter and to all other applicable provisions unless otherwise stated:~~

~~A. recyclable material used in a manner constituting disposal;~~

~~B. hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under LAC 33:V.Chapter 31 or Subchapter N of LAC 33:V.Chapter 43;~~

~~C. recyclable materials from which precious metals are reclaimed;~~

~~D. spent lead-acid batteries that are being reclaimed;~~

~~E. used oil that exhibits one or more of the characteristics of hazardous waste and is burned for energy recovery in boilers and industrial furnaces that are not regulated under LAC 33:V.Chapter 31 or Chapter 43.Subchapter N.~~

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 12:320 (May 1986), LR 13:433 (August 1987), LR 20:1000 (September 1994), repealed LR 24:**.

§4139. Recyclable Materials Used in a Manner Constituting Disposal

* * *

[See Prior Text in A-A.5]

B. General Requirements

1. Generators and transporters of materials that are used in a manner that constitutes disposal are subject to all the requirements of LAC 33:V.Chapters 11 and 13, and LAC 33:V.105.A of these regulations, and the notification requirement under section 3010 of RCRA or 105.A.

2. Owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal but who are not the ultimate users of the materials are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 9, 11, 15, 19, 21, 23, 29, 33, 35, 37; Subchapters A—KL of Chapter 43; and LAC 33:V.105.A the notification requirement under section 3010 of RCRA or 105.A.

3. Owners and operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of LAC 33:V.Chapters ~~†~~, 3, 5, 7, 9, 11, 15, 19, 21, 22, 23, 25, 27, 29, 31, 33, 35, 37; Subchapters A—M of Chapter 43; and the notification requirement under section 3010 of RCRA or 105.A. (These requirements do not apply to products which contain these recyclable materials under the provisions of LAC 33:V.4139.A.2.)

4. The use of waste or used oil or other material that is contaminated with dioxin or any other hazardous waste (other than a waste identified solely on the basis of ignitability) for dust suppression or road treatment is prohibited.

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 15:378 (May 1989), LR 16:220 (March 1990), LR 17:367 (April 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 22:21 (January 1996), repromulgated LR 22:100 (February 1996), amended LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:***.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality — Hazardous Waste

Chapter 43. Interim Status

§4301. Purpose and Applicability

* * *

[See Prior Text in A - D]

E. Interim status facilities must comply with LAC 33:V.Chapters ~~1, 3, 5, 9, 11, 15,~~ 39, 41, 43, and 49. The requirements of this Chapter apply to owners or operators of all facilities which treat, store, or dispose of hazardous waste referred to in LAC 33:V.Chapter 22, and Chapter 22 standards are material conditions or requirements of interim status standards.

* * *

[See Prior Text in F - I]

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 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:**.

Subchapter A. General Facility Standards

§4313. General Waste Analysis

* * *

[See Prior Text in A - E.5]

6. where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in LAC 33:V. ~~Chapters 22 and 43~~ 2245, 2247, 4445, 4453, 4467, 4481, 4507, 4515, 4527, 4539, 4557, 4585, and 4727, where applicable; and

* * *

[See Prior Text in E.7 - 7.c.ii.(a)]

(b). such residues are prohibited from land disposal under LAC 33:V.Chapter 22-; and

8. for owners and operators seeking an exemption to the air emission standards of Subchapter V of this Chapter in accordance with LAC 33:V.4725:

a. if direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption; and

b. if knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

* * *

[See Prior Text in F - F.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 16:1057 (December 1990), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4317. General Inspection Requirements

* * *

[See Prior Text in A - B.2]

3. The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in LAC 33:V.4425, 4437, 4440, 4455, 4470, 4485, 4502, 4519, 4529, 4541, 4555, 4565, 4567, ~~and 4577,~~ and 4737, where applicable.

* * *

[See Prior Text in C - D]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division. LR 24:**.

Subchapter D. Manifest System, Recordkeeping, and Reporting

§4357. Operating Record

* * *

[See Prior Text in A - B.4. Table 2]

5. records and results of waste analyses and trial tests performed as specified in LAC 33:V.2237.A, 2245, 4313, 4445, 4453, 4467, 4481, 4507, 4515, 4527, 4539, 4557, ~~and 4587 and 4727~~;

* * *

[See Prior Text in B.6 - 7]

8. monitoring, testing, or analytical data, and corrective action ~~when~~ required by LAC 33:V.Chapter 43.Subchapter E, 4320, 4367, 4375, 4433, 4437, 4440, 4449, 4451, 4455, 4470, 4472, 4474, 4483, 4485, 4489.D.1, 4497, ~~4498~~, 4502, 4519, 4529, 4557, 4559, 4587, ~~and 4589, 4737, and 4739~~;

[Comment: As required by LAC 33:V.4375, monitoring data at disposal facilities must be kept throughout the post-closure period.]

* * *

[See Prior Text in B.9]

10. records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal prohibition granted ~~pursuant to~~ in accordance with LAC 33:V.2239, monitoring data required ~~pursuant to~~ in accordance with a petition under LAC 33:V.2241 or ~~2242~~271 or a certification under LAC 33:V.2235, and the applicable notice required of a generator under LAC 33:V.2245;

11. for an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V. ~~2235, 2245~~; or 2247;

12. for an on-site treatment facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required ~~of~~by the generator or the owner or operator under LAC 33:V. ~~2235, 2245~~; or 2247;

13. for an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required ~~of~~by the generator or the owner or operator of a treatment facility under LAC 33:V. ~~2235, 2245~~; or 2247;

14. for an on-site land disposal facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required ~~of~~by the generator or the owner or operator of a treatment facility under LAC 33:V.~~2235~~, 2245; or 2247;

15. for an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required ~~of~~by the generator or the owner or operator under LAC 33:V.~~2235~~, 2245; or 2247;

16. for an on-site storage facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required ~~of~~by the generator or the owner or operator of a treatment facility under LAC 33:V.~~2235~~, 2245; or 2247.

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 15:378 (May 1989), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4365. Additional Reports

In addition to submitting the biennial report and unmanifested waste reports described in LAC 33:V.4361 and 4363, the owner or operator must also report to the administrative authority:

* * *

[See Prior Text in A - C]

D. as otherwise required by LAC 33:V.Chapter 43, Subchapters ~~Q, and R,~~ and V.

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 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter F. Closure and Post-Closure

§4379. Closure Performance Standard

The owner or operator must close his facility in a manner that:

* * *

[See Prior Text in A - B]

C. complies with the closure requirements of these regulations including, but not limited to, LAC 33:V.1915, ~~4442~~, 4457, 4475, 4489, 4501, 4521, ~~4531~~, and 4543, ~~and 4705~~.

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 15:181 (March 1989), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter H. Containers

§4430. Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the applicable requirements of Subchapters Q, R, and V 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 Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter I. Tanks

§4446. Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the applicable requirements of Subchapters Q, R, and V 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 Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter J. Surface Impoundments

§4456. Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the applicable requirements of Subchapters R and V 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 Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter M. Landfills

§4511. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

Lab packs may be placed in a landfill if the following requirements are met:

* * *

[See Prior Text in A-E]

F. Such disposal is in compliance with the requirements of LAC 33:V.Chapter 22. Persons who incinerate lab packs according to the requirements in LAC 33:V.2227.C.1 may use fiber drums in place of metal outer containers. Such fiber drums must meet the specifications of the Louisiana Department of Public Safety and Corrections or its successor agency in LAC 33:V.Subpart 2, Chapter 101, the DOT specifications in 49 CFR 173.12, and be overpacked according to the requirements in ~~LAC 33:V.4511~~.Subsection B of this Section.

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 16:1057 (December 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter Q. Air Emission Standards for Process Vents

§4549. Applicability

* * *

[See Prior Text in A]

B. Except for LAC 33:V.1711.D and E, as referenced in LAC 33:V.4557, this Subchapter applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:

1. a units that ~~are~~is subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 27, 31, and 43;~~or~~

2. a unit (including a hazardous waste recycling units) that is not exempt from permitting under LAC 33:V.1109.E.1 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located ~~on~~at a hazardous waste management facilitiesy otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 27, 31, and 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1109.E.1 (i.e., a 90-day tank or container).

[**Note:** The requirements of LAC 33:V.4553—4559 apply to process vents on hazardous waste recycling units previously exempt under LAC 33:V.4115.A. Other exemptions under LAC 33:V.105.D; ~~H109~~; and 4307 are not affected by these requirements.]

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 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter R. Air Emission Standards for Equipment Leaks

§4561. Applicability

* * *

[See Prior Text in A]

B. Except as provided in LAC 33:V.1743.~~JK~~, as referenced in LAC 33:V.4509, this Subchapter applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

1. a units ~~that is~~ subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 27, 31, and 43; or

2. a unit (including a hazardous waste recycling units) that is not exempt from permitting under the provisions of LAC 33:V.1109.E.1 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located ~~on~~at a hazardous waste management facilitiesy otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 27, 31, and 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1109.E.1 (i.e., a 90-day tank or container).

* * *

[See Prior Text in C - D]

E. Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for a period of less than 300 hours per calendar year is excluded from the requirements of LAC 33:V.4565 and 4581 if it is identified as required in LAC 33:V.4589.

[**Note:** The requirements of LAC 33:V.4565-4589 apply to equipment associated with hazardous waste recycling units previously exempt under LAC 33:V.4115.A. Other exemptions under LAC 33:V.105.D, ~~H09.E~~, and 4307 are not affected by these requirements.]

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 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter U. Hazardous Waste Munitions and Explosives Storage

§4707. Applicability

The requirements of this Subchapter apply to owners or operators who store munitions and explosive hazardous wastes, except as LAC 33:V.4301 provides otherwise. [NOTE: Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings (Subchapter T of this Chapter), tanks (Subchapter I of this Chapter), or containers (Subchapter H of this Chapter). See LAC 33:V.5311 for storage of waste military munitions].

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4709. Design and Operating Standards

A. Hazardous waste munitions and explosives storage units must be designed and operated with containment systems, controls, and monitoring that:

1. minimize the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated runoff to the soil, groundwater, surface water, and atmosphere;

2. provide a primary barrier, which may be a container (including a shell) or tank,

designed to contain the hazardous waste;

3. for wastes stored outdoors, provide that the waste and containers will not be in standing precipitation;

4. for liquid wastes, provide a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area or vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking or removal from the waste area); and

5. provide monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.

B. Hazardous waste munitions and explosives stored under this Subchapter may be stored in one of the following:

1. earth-covered magazines that must be:

a. constructed of waterproofed, reinforced concrete, or structural steel arches, with steel doors that are kept closed when not being accessed;

b. designed and constructed:

i. to be of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;

ii. to provide working space for personnel and equipment in the unit; and

iii. to withstand movement activities that occur in the unit; and

c. located and designed with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion;

2. above-ground magazines that must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion; or

3. outdoor or open storage areas that must be located and designed so as to

minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

C. Hazardous waste munitions and explosives must be stored in accordance with a standard operating procedure specifying procedures to ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of LAC 33:V.4315, the preparedness and prevention procedures of Subchapter B of this Chapter, and the contingency plan and emergency procedures requirements of Subchapter C of this Chapter, then these procedures will be used to fulfill those requirements.

D. Hazardous waste munitions and explosives must be packaged to ensure safety in handling and storage.

E. Hazardous waste munitions and explosives must be inventoried at least annually.

F. Hazardous waste munitions and explosives and their storage units must be inspected and monitored as necessary to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4711. Closure and Post-Closure Care

A. At closure of a magazine or unit that stored hazardous waste under this Subchapter, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste and manage them as hazardous waste unless LAC 33:V.109.Hazardous Waste.6 applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units must meet all of the requirements specified in Subchapters F and G of this Chapter, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.

B. If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in Subsection A of this Section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he or she must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (LAC 33:V.2521).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

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

§4719. Applicability

Interim status facilities are subject to the requirements of LAC 33:V.1747.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4721. Definitions

As used in this Subchapter, all terms shall have the meanings given to them in LAC 33:V.1703.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4723. Schedule for Implementation of Air Emission Standards

A. Owners or operators of facilities existing on ~~September~~December 206, 19986, and subject to Subchapters H, I, and J of this Chapter shall meet the following requirements:

1. install and begin operation of all control equipment required by this Subchapter by ~~September~~December 206, 19986, except as provided for in Subsection A.2 of this Section;

2. when control equipment required by this Subchapter cannot be installed and in operation by ~~September~~December 206, 19986, the owner or operator shall:

a. install and begin operation of the control equipment as soon as possible, but no later than ~~September~~December 206, 19987;

b. prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subchapter;

c. for facilities subject to the recordkeeping requirements of LAC 33:V.4357, the owner or operator shall enter the implementation schedule specified in Subsection A.2.b of this Section in the operating record no later than ~~September~~December 206, 19986; and

d. for facilities not subject to LAC 33:V.4357, the owner or operator shall enter the implementation schedule specified in Subsection A.2.b of this Section in a permanent, readily available file located at the facility no later than ~~September~~December 206, 19986.

B. Owners or operators of facilities in existence on the effective date of statutory or regulatory amendments under the act that render the facility subject to Subchapters H, I, or J of this Chapter shall meet the following requirements:

1. install and begin operation of all control equipment required by this Subchapter by the effective date of the amendment, except as provided for in Subsection B.2 of this Section;

2. when control equipment required by this Ssubchapter cannot be installed and begin operation by the effective date of the amendment, the owner or operator shall:

a. install and operate the control equipment as soon as possible, but no later than 30 months after the effective date of the amendment;

b. for facilities subject to the recordkeeping requirements of LAC 33:V.4357, enter and maintain the implementation schedule specified in Subsection A.2.b of this Section in the operating record no later than the effective date of the amendment; or

c. for facilities not subject to LAC 33:V.4357, the owner or operator shall enter and maintain the implementation schedule specified in Subsection A.2.b of this Section in a permanent, readily available file located at the facility site no later than the effective date of the amendment.

C. The administrative authority may elect to extend the implementation date for control equipment at a facility, on a case by case basis, to a date later than ~~September~~December 208, 19987, when special circumstances that are beyond the facility owner's or operator's control delay installation or operation of control equipment and the owner or operator has made all reasonable and prudent attempts to comply with the requirements of this Subchapter.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4725. Standards: General

Interim status facilities are subject to the requirements of LAC 33:V.1751.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4727. Waste Determination Procedures

A. Waste Determination Procedures to Determine Average Volatile Organic (VO) Concentration of a Hazardous Waste at the Point of Waste Origination

1. An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of LAC 33:V.4725 from using air emission controls in accordance with standards specified in LAC 33:V.4729 - 4735, as applicable to the waste management unit.

2. For a waste determination that is required by Subsection A.1 of this Section, the average VO concentration of a hazardous waste at the point of waste origination shall be determined using either direct measurement as specified in Subsection A.3 of this Section or by knowledge as specified in Subsection A.4 of this Section.

3. Direct Measurement to Determine Average VO Concentration of a Hazardous Waste at the Point of Waste Origination

a. Identification. The owner or operator shall identify and record the point of waste origination for the hazardous waste.

b. Sampling. Samples of the hazardous waste stream shall be collected at the point of waste origination in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i. The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis shall be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream, but shall not exceed one year.

ii. A sufficient number of samples, but no less than four samples, shall be collected and analyzed for a hazardous waste determination. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating

conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii. All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A, or in Method 25D in 40 CFR part 60, appendix A.

c. Analysis. Each collected sample shall be prepared and analyzed in accordance with one or more of the methods listed in Subsection A.3.c.i-ix of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR part 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³) at 25 °C. Each of the analytical methods listed in Subsection A.3.c.ii - vii of this Section has an associated list of approved chemical compounds for which the department considers the method appropriate for measurement. If an owner or operator uses Method 624, 625, 1624, or 1625 in 40 CFR part 136, appendix A to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5 must be followed. If an owner or operator uses EPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A, to analyze one or more compounds that are not on that method's published list, the procedures in Subsection A.3.c.viii of this Section must be followed. At the owner's or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to the concentration had it been measured using Method 25D by multiplying the measured concentration by the constituent-specific adjustment factor (f_{m25D}) as specified in Subsection A.4.c of this Section. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711:

i. Method 25D in 40 CFR part 60, appendix A;

ii. Method 624 in 40 CFR part 136, appendix A;

iii. Method 625 in 40 CFR part 136, appendix A. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method;

iv. Method 1624 in 40 CFR part 136, appendix A;

v. Method 1625 in 40 CFR part 136, appendix A;

vi. Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A. Maintain a formal quality assurance program consistent with the requirements of Method 8260. The quality assurance program shall include the following elements:

(a). documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps; and

(b). measurement of the overall accuracy and precision of the specific procedures;

vii. Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program shall include the following elements:

(a). documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps; and

(b). measurement of the overall accuracy and precision of the specific procedures;

viii. any other EPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods," 40 CFR part 63, appendix D. As an alternative, other EPA standard methods may be validated by the procedure specified in Subsection A.3.c.ix of this Section; and

ix. any other analysis method that has been validated in accordance with the procedures specified in section 5.1 or section 5.3, and the corresponding calculations in section 6.1 or section 6.3, of Method 301 in 40 CFR part 63, appendix A. The data are acceptable if they meet the criteria specified in section 6.1.5 or section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is

within the range 0.7 to 1.30. Other sections of Method 301 are not required.

d. Calculations

i. The average VO concentration (\bar{C}) on a mass-weighted basis shall be calculated by using the results for all waste determinations conducted in accordance with Subsection A.3.b and c of this Section and the following equation:

$$\bar{C} = \frac{1}{Q_T} \times \sum_{i=1}^n (Q_i \times C_i)$$

where:

\bar{C} = average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, ppmw.

I = individual waste determination "i" of the hazardous waste.

n = total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year).

Q_i = mass quantity of hazardous waste stream represented by C_i , kg/hr.

Q_T = total mass quantity of hazardous waste during the averaging period, kg/hr.

C_i = measured VO concentration of waste determination "i" as determined in accordance with the requirements of Subsection A.3.c of this Section (i.e., the average of the four or more samples specified in Subsection A.3.b.ii of this Section), ppmw.

ii. For the purpose of determining C_i for individual waste samples analyzed in accordance with Subsection A.3.c of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

(a). if Method 25D in 40 CFR part 60, appendix A is used for the analysis, one-half the blank value determined in the method at section 4.4 of Method 25D in 40 CFR part 60, appendix A;

(b). if any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/ m^3) at 25 °C.

e. Provided that the test method is appropriate for the waste as required under Subsection A.3.c of this Section, the department will determine compliance based on the

test method used by the owner or operator as recorded in accordance with LAC 33:V.4735.

4. Use of Owner or Operator Knowledge to Determine Average VO Concentration of a Hazardous Waste at the Point of Waste Origination

a. Documentation shall be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

b. If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that is validated in accordance with Method 301 in 40 CFR part 63, appendix A as the basis for knowledge of the waste.

c. An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR part 60, appendix A. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}).

d. In the event that the administrative authority and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement as specified in Subsection A.3 of this Section shall be used to establish compliance with the applicable requirements of this Subpart. The administrative authority may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of Subsection A.3.c of this Section.

B. Waste Determination Procedures for Treated Hazardous Waste

1. An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of LAC 33:V.4725 from using air emission controls in accordance with standards specified in LAC 33:V.4729 - 4735, as applicable to the waste management unit.

2. The owner or operator shall designate and record the specific provision in LAC 33:V.4725 under which the waste determination is being performed. The waste determination for the treated hazardous waste shall be performed using the applicable procedures specified in Subsection B.3 - 9 of this Section.

3. Procedure to Determine the Average VO Concentration of a Hazardous Waste at the Point of Waste Treatment

a. Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste.

b. Sampling. Samples of the hazardous waste stream shall be collected at the point of waste treatment in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i. The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis shall be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream, but shall not exceed one year.

ii. A sufficient number of samples, but no less than four samples, shall be collected and analyzed for a hazardous waste determination. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii. All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A, or in Method 25D in 40 CFR part 60, appendix A.

c. Analysis. Each collected sample shall be prepared and analyzed in accordance with one or more of the methods listed in Subsection B.3.c.i-ix of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target

compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of LAC 33:V.4723 or 4725 are met, the waste samples shall be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR part 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as 1.8×10^{-6} atmospheres/gram-mole/m³] at 25 °C. Each of the analytical methods listed in Subsection B.3.c.ii - vii of this Section has an associated list of approved chemical compounds for which the department considers the method appropriate for measurement. If an owner or operator uses Method 624, 625, 1624, or 1625 in 40 CFR part 136, appendix A to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5 must be followed. If an owner or operator uses Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A, to analyze one or more compounds that are not on that method's published list, the procedures in Subsection B.3.c.viii of this Section must be followed. At the owner or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to the concentration had it been measured using Method 25D by multiplying the measured concentration by the constituent-specific adjustment factor (f_{m25D}) as specified in Subsection B.4.c of this Section. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711:

- i. Method 25D in 40 CFR part 60, appendix A;
- ii. Method 624 in 40 CFR part 136, appendix A;
- iii. Method 625 in 40 CFR part 136, appendix A. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method;
- iv. Method 1624 in 40 CFR part 136, appendix A;
- v. Method 1625 in 40 CFR part 136, appendix A;
- vi. Method 8260 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A. Maintain a formal quality assurance program consistent with the requirements of

Method 8260. The quality assurance program shall include the following elements:

(a). documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps; and

(b). measurement of the overall accuracy and precision of the specific procedures;

vii. Method 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A. Maintain a formal quality assurance program consistent with the requirements of Method 8270. The quality assurance program shall include the following elements:

(a). documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps;

(b). measurement of the overall accuracy and precision of the specific procedures;

viii. any other EPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR part 63, appendix D. As an alternative, other EPA standard methods may be validated by the procedure specified in Subsection B.3.c.ix of this Section

;

ix. any other analysis method that has been validated in accordance with the procedures specified in section 5.1 or section 5.3, and the corresponding calculations in section 6.1 or section 6.3, of Method 301 in 40 CFR part 63, appendix A. The data are acceptable if they meet the criteria specified in section 6.1.5 or section 6.3.3 of Method 301. If correction is required under section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

d. Calculations. The average VO concentration (\bar{C}) on a mass-weighted basis shall be calculated by using the results for all waste determinations conducted in accordance with Subsection B.3.b and c of this Section and the following equation:

$$\bar{C} = \frac{1}{Q_T} \times \sum_{i=1}^n (Q_i \times C_i)$$

where:

\bar{C} = average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, ppmw.

I = individual waste determination "i" of the hazardous waste.

n = total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year).

Q_i = mass quantity of hazardous waste stream represented by C_i , kg/hr.

Q_T = total mass quantity of hazardous waste during the averaging period, kg/hr.

C_i = measured VO concentration of waste determination "i" as determined in accordance with the requirements of Subsection B.3.c of this Section (i.e., the average of the four or more samples specified in Subsection B.3.b.ii of this Section), ppmw.

e. Provided that the test method is appropriate for the waste as required under Subsection B.3.c of this Section, compliance shall be determined based on the test method used by the owner or operator as recorded in accordance with LAC 33:V.4739.

4. Procedure to Determine the Exit Concentration Limit (C_t) for a Treated Hazardous Waste

a. The point of waste origination for each hazardous waste treated by the process at the same time shall be identified.

b. If a single hazardous waste stream is identified in Subsection B.4.a of this Section, then the exit concentration limit (C_t) shall be 500 ppmw.

c. If more than one hazardous waste stream is identified in Subsection B.4.a of this Section, then the average VO concentration of each hazardous waste stream at the point of waste origination shall be determined in accordance with the requirements of Subsection A of this Section. The exit concentration limit (C_t) shall be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C_t = \frac{\sum_{x=1}^m (Q_x \times \bar{C}_x) + \sum_{y=1}^n (Q_y \times 500 \text{ ppmw})}{\sum_{x=1}^m Q_x + \sum_{y=1}^n Q_y}$$

where:

C_t = exit concentration limit for treated hazardous waste, ppmw.

x = individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section.

y = individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section.

m = total number of "x" hazardous waste streams treated by process.

n = total number of "y" hazardous waste streams treated by process.

Q_x = annual mass quantity of hazardous waste stream "x," kg/yr.

Q_y = annual mass quantity of hazardous waste stream "y," kg/yr.

\bar{C}_x = average VO concentration of hazardous waste stream "x" at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section, ppmw.

5. Procedure to Determine the Organic Reduction Efficiency (R) for a Treated Hazardous Waste

a. The organic reduction efficiency (R) for a treatment process shall be determined based on results for a minimum of three consecutive runs.

b. All hazardous waste streams entering the treatment process and all hazardous waste streams exiting the treatment process shall be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

c. For each run, information shall be determined for each hazardous waste stream identified in Subsection B.5.b of this Section using the following procedures:

i. the mass quantity of each hazardous waste stream entering the process (Q_b) and the mass quantity of each hazardous waste stream exiting the process (Q_a) shall be determined;

ii. the average VO concentration at the point of waste origination of each hazardous waste stream entering the process (\bar{C}_b) during the run shall be determined in accordance with the requirements of Subsection A.3 of this Section. The average VO concentration at the point of waste treatment of each waste stream exiting the process (\bar{C}_a) during the run shall be determined in accordance with the requirements of Subsection B.3 of this Section.

d. The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) shall be calculated by using the results determined in accordance with Subsection B.5.c of this Section and the following equations:

$$E_b = \frac{1}{10^6} \sum_{j=1}^m (Q_{bj} \times \overline{C}_{bj})$$

$$E_a = \frac{1}{10^6} \sum_{j=1}^m (Q_{aj} \times \overline{C}_{aj})$$

where:

E_a = waste volatile organic mass flow exiting process, kg/hr.

E_b = waste volatile organic mass flow entering process, kg/hr.

m = total number of runs (at least 3).

j = individual run "j".

Q_b = mass quantity of hazardous waste entering process during run "j," kg/hr.

Q_a = average mass quantity of hazardous waste exiting process during run "j," kg/hr.

\overline{C}_a = average VO concentration of hazardous waste exiting process during run "j" as

determined in accordance with the requirements of Subsection B.3 of this Section, ppmw.

\overline{C}_b = average VO concentration of hazardous waste entering process during run "j" as

determined in accordance with the requirements of Subsection A.3 of this Section, ppmw.

e. The organic reduction efficiency of the process shall be calculated by using the results determined in accordance with Subsection B.5.d of this Section and the following equation:

$$R = \frac{E_b - E_a}{E_b} \times 100\%$$

where:

R = organic reduction efficiency, percent.

E_b = waste volatile organic mass flow entering process as determined in accordance with the requirements of Subsection B.5.d of this Section, kg/hr.

E_a = waste volatile organic mass flow exiting process as determined in accordance with the requirements of Subsection B.5.d of this Section, kg/hr.

6. Procedure to Determine the Organic Biodegradation Efficiency (R_{bio}) for a Treated Hazardous Waste

a. The fraction of organics biodegraded (F_{bio}) shall be determined using the procedure specified in 40 CFR part 63, appendix C.

b. The R_{bio} shall be calculated by using the following equation:

$$R_{bio} = F_{bio} \times 100\%$$

where:

R_{bio} = organic biodegradation efficiency, percent.

E_{bio} = fraction of organic biodegraded as determined in accordance with the requirements of Subsection B.6.a of this Section.

7. Procedure to Determine the Required Organic Mass Removal Rate (RMR) for a Treated Hazardous Waste

a. All of the hazardous waste streams entering the treatment process shall be identified.

b. The average VO concentration of each hazardous waste stream at the point of waste origination shall be determined in accordance with the requirements of Subsection A of this Section.

c. For each individual hazardous waste stream that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate and the density of the hazardous waste stream at the point of waste origination shall be determined.

d. The RMR shall be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream and the following equation:

$$RMR = \sum_{y=1}^n \left[V_y \times k_y \times \frac{(\bar{C}_y - 500 \text{ ppmw})}{10^6} \right]$$

where:

RMR = required organic mass removal rate, kg/hr.

y = individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section.

n = total number of "y" hazardous waste streams treated by process.

V_y = average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, m³/hr.

k_y = density of hazardous waste stream "y," kg/m³.

\bar{C}_y = average VO concentration of hazardous waste stream "y" at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section, ppmw.

8. Procedure to Determine the Actual Organic Mass Removal Rate (MR) for a Treated Hazardous Waste

a. The MR shall be determined based on results for a minimum of three

consecutive runs. The sampling time for each run shall be one hour.

b. The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) shall be determined in accordance with the requirements of Subsection B.5.d of this Section.

c. The MR shall be calculated by using the mass flow rate determined in accordance with the requirements of Subsection B.8.b of this Section and the following equation:

$$MR = E_b - E_a$$

where:

MR=actual organic mass removal rate, kg/hr.

E_b =waste volatile organic mass flow entering process as determined in accordance with the requirements of Subsection B.5.d of this Section, kg/hr.

E_a =waste volatile organic mass flow exiting process as determined in accordance with the requirements of Subsection B.5.d of this Section, kg/hr.

9. Procedure to Determine the Actual Organic Mass Biodegradation Rate (MR_{bio}) for a Treated Hazardous Waste

a. The MR_{bio} shall be determined based on results for a minimum of three consecutive runs. The sampling time for each run shall be one hour.

b. The waste organic mass flow entering the process (E_b) shall be determined in accordance with the requirements of Subsection B.5.d of this Section.

c. The fraction of organic biodegraded (F_{bio}) shall be determined using the procedure specified in 40 CFR part 63, appendix C.

d. The MR_{bio} shall be calculated by using the mass flow rates and fraction of organic biodegraded determined in accordance with the requirements of Subsection B.9.b and c of this Section, respectively, and the following equation:

$$MR_{bio} = E_b \times F_{bio}$$

where:

MR_{bio} =actual organic mass biodegradation rate, kg/hr.

E_b =waste organic mass flow entering process as determined in accordance with the requirements of Subsection B.5.d of this Section, kg/hr.

F_{bio} =fraction of organic biodegraded as determined in accordance with the requirements of Subsection B.9.c of this Section.

C. Procedure to Determine the Maximum Organic Vapor Pressure of a Hazardous Waste in a Tank

1. An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with the standards specified in LAC 33:V.4729.

2. An owner or operator shall use either direct measurement as specified in Subsection C.3 of this Section or knowledge of the waste as specified by Subsection C.4 of this Section to determine the maximum organic vapor pressure which is representative of the hazardous waste composition stored or treated in the tank.

3. Direct Measurement to Determine the Maximum Organic Vapor Pressure of a Hazardous Waste

a. Sampling. A sufficient number of samples shall be collected to be representative of the waste contained in the tank. All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the hazardous waste are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A, or in Method 25D in 40 CFR part 60, appendix A.

b. Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

i. Method 25E in 40 CFR part 60 appendix A;

ii. methods described in American Petroleum Institute Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks," incorporated by reference in LAC 33:V.110.A;

iii. methods obtained from standard reference texts;

iv. ASTM Method 2879-92, incorporated by reference in LAC 33:V.110.A; and

v. any other method approved by the administrative authority.

4. Use of Knowledge to Determine the Maximum Organic Vapor Pressure of the Hazardous Waste. Documentation shall be prepared and recorded that presents the information

used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in LAC 33:V.4729 for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which, at other locations, it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.

D. Procedure for Determining No Detectable Organic Emissions for the Purpose of Complying with this Subpart

1. The test shall be conducted in accordance with the procedures specified in Method 21 of 40 CFR part 60, appendix A. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices shall be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to: the interface of the cover and its foundation mounting; the periphery of any opening on the cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure relief valve.

2. The test shall be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test the cover and closure devices shall be secured in the closed position.

3. The detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 shall be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.

4. The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

5. Calibration gases shall be as follows:

a. zero air (less than 10 ppmv hydrocarbon in air); and

b. a mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.

6. The background level shall be determined according to the procedures in Method 21 of 40 CFR part 60, appendix A.

7. Each potential leak interface shall be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR part 60, appendix A. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface shall be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet shall be placed at approximately the center of the exhaust area to the atmosphere.

8. The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level shall be compared with the value of 500 ppmv, except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison shall be as specified in Subsection D.9 of this Section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

9. For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level shall be compared with the value of 10,000 ppmw. If the difference is less than 10,000 ppmw, then the potential leak interface is determined to operate with no detectable organic emissions.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4729. Standards: Tanks

Interim status facilities are subject to the requirements of LAC 33:V.1755.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4731. Standards: Surface Impoundments

Interim status facilities are subject to the requirements of LAC 33:V.1757.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4733. Standards: Containers

Interim status facilities are subject to the requirements of LAC 33:V.1759.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4735. Standards: Closed-Vent Systems and Control Devices

Interim status facilities are subject to the requirements of LAC 33:V.1761.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4737. Inspection and Monitoring Requirements

Interim status facilities are subject to the requirements of LAC 33:V.1763.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§4739. Recordkeeping Requirements

Interim status facilities are subject to the requirements of LAC 33:V.1765.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality - Hazardous Waste

Chapter 49. Lists of Hazardous Wastes

§4901. Category I Hazardous Wastes

A. ~~Category I hazardous wastes are chemicals and process streams whose hazardous nature has been prescribed by prior determination. A solid waste is a hazardous waste if it is listed in this Chapter, unless it has been excluded from this list under LAC 33:V.105.M.~~

[Comment: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F & K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes which are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

Hazard codes are defined as follows for the listed hazardous wastes.

Ignitable waste	(I)
Corrosive waste	(C)
Reactive waste	(R)
Toxicity Characteristic waste	(E)
Acute hazardous waste	(H)
or Acutely hazardous waste	
Toxic waste	(T)

~~1. The industry and~~ Each hazardous waste listed in this Chapter is assigned an EPA Hazardous Waste number, are used to identify specific hazardous wastes, and the hazard codes are used to identify the hazardous waste characteristics which precedes the name of the waste. This number must be used in complying with the notification requirements of Section 3010 or 105.A of the act and certain recordkeeping and reporting requirements under LAC 33:V.Chapters 3-29, 31-39, and 43.

* * *

[See Prior Text in A.2 - D.2]

3. any residue remaining in a container or an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in LAC 33:V.4901.E or F, unless the container is empty as defined in LAC 33:V.109.Empty Container.2 (definition of empty container);

4. any residue or contaminated soil, water, or other debris resulting from the

cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in LAC 33:V.4901.E or F, or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in LAC 33:V.4901.E or F;

[Comment: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in . . ." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in LAC 33:V.4901.E or F. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in LAC 33:V.4901.E or F, such waste will be listed in either LAC 33:V.4901.B or C

~~5. effluent discharges with a NPDES permit are exempt from these regulations. This exemption applies only to the actual point source discharge. It does not exempt industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.~~

* * *

[See Prior Text in E -Table 3]

F. Commercial chemical products, ~~or~~ manufacturing chemical intermediates, or off-specification commercial chemical products referred to in LAC 33:V.4901.D.1-4 are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity generator exclusion defined in LAC 33:V.3903, 3913, and 3915.A and C. These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Table 4. [Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). Absence of a letter indicates that the compound is listed only for toxicity.]

Table 4. Toxic Wastes		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste
* * * [See Prior Text]		
U119	62-50-0	Ethyl methanesulfonate
U396	14484-64-1	Terbam
U120	206-44-0	Fluoranthene
* * * [See Prior Text]		
U182	123-63-7	Paraldehyde
U391	1114-71-2	Pebulate
U183	608-93-5	Pentachlorobenzene
* * * [See Prior Text]		
U179	100-75-4	Piperidine, 1-nitroso-
U400	120-54-7	Piperidine, 1,1'-(tetrathiodicarbonothioyl)- bis-
U383	128-03-0	Potassium dimethyldithiocarbamate
U378	51026-28-9	Potassium n-hydroxymethyl- n-methyldi-thiocarbamate
U377	137-41-7	Potassium n-methyldithiocarbamate
U192	23950-58-5	Pronamide
* * * [See Prior Text]		

Table 4. Toxic Wastes		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste
U205	7488-56-4	Selenium sulfide SeS_2 (R,T)
U376	144-34-3	Selenium,tetrakis(dimethyldithiocarbamate)
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex(2,4,5-TP)
U379	136-30-1	Sodium dibutyldithiocarbamate
U381	148-18-5	Sodium diethyldithiocarbamate
U382	128-04-1	Sodium dimethyldithiocarbamate
U206	18883-66-4	Streptozotocin
U277	95-06-7	Sulfallate
U103	77-78-1	Sulfuric acid, dimethyl ester
* * *		
[See Prior Text]		
See F027	93-76-5	2,4,5-T
U402	1634-02-2	Tetrabutylthiuram disulfide
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
* * *		
[See Prior Text]		
U213	109-99-9	Tetrahydrofuran (I)
U401	97-74-5	Tetramethylthiuram monosulfide
U214	563-68-8	Thallium(I) acetate

Table 4. Toxic Wastes		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste
* * * [See Prior Text]		
U217	10102-45-1	Thallium(I) nitrate
U366	533-74-4	2H-1,3,5-Thiadiazine-2-thione, tetrahydro-3,5-dimethyl-
U218	62-55-5	Thioacetamide
* * * [See Prior Text]		
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U402	1634-02-2	Thioperoxydicarbonic diamide, tetrabutyl
U403	97-77-8	Thioperoxydicarbonic diamide, tetraethyl
U409	23564-05-8	Thiophanatemethyl
* * * [See Prior Text]		
U177	684-93-5	Urea, N-methyl-N-nitroso-
U385	1929-77-7	Vernolate
U043	75-01-4	Vinyl chloride
* * * [See Prior Text]		

¹CAS Number given for parent compound only.

* * *
[See Prior Text in G-Table 6]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:320 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:790 (November 1988), LR 15:182 (March 1989), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829 (September 1996), LR 22:840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality — Hazardous Waste

Chapter 53. Military Munitions

§5301. Applicability

A. The regulations in this Chapter identify when military munitions become a solid waste and if these wastes are also hazardous under this Chapter or LAC 33:V.Chapter 1 and the management standards that apply to these wastes.

B. Unless otherwise specified in this Chapter, all applicable requirements in these regulations apply to waste military munitions.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§5303. Definition of Military Munitions as a Solid Waste

A. A military munition is not a solid waste when:

1. used for its intended purpose, including:

a. use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions);

b. use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

c. recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, "use for intended purpose" does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use;

2. an unused munition, or component thereof, is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal as defined in LAC 33:V.109. Solid Waste, or burning for energy recovery as defined in LAC 33:V.109.Solid Waste.

B. An unused military munition is a solid waste when any of the following occurs:

1. the munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in Subsection A of this Section), incinerated, or treated prior to disposal;

2. the munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, or incinerated, or treated prior to disposal;

3. the munition is deteriorated or damaged (e.g., the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition and cannot reasonably be recycled or used for other purposes; or

4. the munition has been declared a solid waste by an authorized military official.

C. A used or fired military munition is a solid waste:

1. when transported off range or from the site of use, where the site of use is not a range, for the purposes of storage, reclamation, treatment, disposal, or treatment prior to disposal; or

2. if recovered, collected, and then disposed of by burial, or landfilling either on or off a range.

D. For purposes of RCRA section 1004(27), a used or fired military munition is a solid waste and, therefore, is potentially subject to RCRA corrective action authorities under sections 3004(u) and (v), and 3008(h) or imminent and substantial endangerment authorities under section 7003, if the munition lands off-range and is not promptly rendered safe and/or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§5305. Standards Applicable to the Transportation of Solid Waste Military Munitions

A. Criteria for Hazardous Waste Regulation of Waste Non-Chemical Military Munitions in Transportation

1. Waste military munitions that are being transported and that exhibit a hazardous

waste characteristic or are listed as hazardous waste under LAC 33:V.Chapter 49 are listed or identified as a hazardous waste (and thus are subject to regulation under LAC 33:V.Subpart 1) unless all the following conditions are met:

a. the waste military munitions are not chemical agents or chemical munitions;

b. the waste military munitions must be transported in accordance with the Department of Defense (DOD) shipping controls applicable to the transport of military munitions;

c. the waste military munitions must be transported from a military owned or operated installation to a military owned or operated treatment, storage, or disposal facility; and

d. the transporter of the waste must provide oral notice to the administrative authority within 24 hours from the time the transporter becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of Subsection A.1 of this Section that may endanger health or the environment. In addition, a written submission describing the circumstances shall be provided within five days from the time the transporter becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of Subsection A.1 of this Section.

2. If any waste military munitions shipped under Subsection A.1 of this Section are not received by the receiving facility within 45 days of the day the waste was shipped, the owner or operator of the receiving facility must report this non-receipt to the administrative authority within five days.

3. The exemption in Subsection A.1 of this Section from regulation as hazardous waste shall apply only to the transportation of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to storage, treatment, or disposal.

4. The conditional exemption in Subsection A.1 of this Section applies only so long as all of the conditions in Subsection A.1 of this Section are met.

B. Reinstatement of Exemption. If any waste military munition loses its exemption under Subsection A.1 of this Section, an application may be filed with the administrative authority for reinstatement of the exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of Subsection A.1 of this Section. If the administrative authority finds that reinstatement of the exemption is appropriate based on factors such as the transporter's provision of a satisfactory explanation of the circumstances of the violation or a demonstration that the violations are not likely to recur, the

administrative authority may reinstate the exemption under Subsection A.1 of this Section. If the administrative authority does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the administrative authority may terminate a conditional exemption reinstated by default in the preceding sentence if the administrative authority finds that reinstatement is inappropriate based on factors such as the transporter's failure to provide a satisfactory explanation of the circumstances of the violation or failure to demonstrate that the violations are not likely to recur. In reinstating the exemption under Subsection A.1 of this Section, the administrative authority may specify additional conditions as are necessary to ensure and document proper transportation to protect human health and the environment.

C. Amendments to DOD Shipping Controls. The Department of Defense shipping controls applicable to the transport of military munitions referenced in Subsection A.1.b of this Section are Government Bill of Lading (GBL) (GSA Standard Form 1109), requisition-tracking form DD Form 1348, the Signature and Talley Record (DD Form 1907), Special Instructions for Motor Vehicle Drivers (DD Form 836), and the Motor Vehicle Inspection Report (DD Form 626) in effect on November 8, 1995, except as provided in the following sentence. Any amendments to the Department of Defense shipping controls shall become effective for purposes of Subsection A.1 of this Section on the date the Department of Defense publishes notice in the Federal Register that the shipping controls referenced in Subsection A.1.b of this Section have been amended.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§5307. Standards Applicable to Emergency Responses

Explosives and munitions emergencies involving military munitions or explosives are subject to LAC 33:V.1101.H, 1301.G, 1501.7.a, and 4307, or alternatively to LAC 33:V.701.

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

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§5309. Standards Applicable to the Storage of Solid Waste Military Munitions

A. Criteria for Hazardous Waste Regulation of Waste Non-Chemical Military Munitions in Storage

1. Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste under LAC 33:V.Chapter 49 are listed or identified as a hazardous waste (and thus are subject to regulation under LAC 33:V.Subpart 1), unless all

the following conditions are met:

a. the waste military munitions are not chemical agents or chemical munitions;

b. the waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB);

c. the waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions;

d. within 90 days of when a storage unit is first used to store waste military munitions, whichever is later, the owner or operator must notify the administrative authority of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in Subsection A.1 of this Section is claimed;

e. the owner or operator must provide oral notice to the administrative authority within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of Subsection A.1 of this Section that may endanger health or the environment. In addition, a written submission describing the circumstances shall be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of Subsection A.1 of this Section;

f. the owner or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of Subsection A.1 of this Section, and must maintain records of the findings of these inventories and inspections for at least three years; and

g. access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

2. The conditional exemption in Subsection A.1 of this Section from regulation as hazardous waste shall apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.

3. The conditional exemption in Subsection A.1 of this Section applies only so long as all of the conditions in Subsection A.1 of this Section are met.

B. Notice of Termination of Waste Storage. The owner or operator must notify the administrative authority when a storage unit identified in Subsection A.1.d of this Section will no

longer be used to store waste military munitions.

C. Reinstatement of Conditional Exemption. If any waste military munition loses its conditional exemption under Subsection A.1 of this Section, an application may be filed with the administrative authority for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of Subsection A.1 of this Section. If the administrative authority finds that reinstatement of the conditional exemption is appropriate based on factors such as the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation or a demonstration that the violations are not likely to recur, the administrative authority may reinstate the conditional exemption under Subsection A.1 of this Section. If the administrative authority does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the administrative authority may terminate a conditional exemption reinstated by default in the preceding sentence if he/she finds that reinstatement is inappropriate based on factors such as the owner's or operator's failure to provide a satisfactory explanation of the circumstances of the violation or failure to demonstrate that the violations are not likely to recur. In reinstating the conditional exemption under Subsection A.1 of this Section, the administrative authority may specify additional conditions as are necessary to ensure and document proper storage to protect human health and the environment.

D. Waste Chemical Munitions

1. Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under LAC 33:V.Chapter 49 are listed or identified as a hazardous waste and shall be subject to the applicable regulatory requirements of RCRA subtitle C.

2. Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under LAC 33:V.Chapter 49 are not subject to the storage prohibition in RCRA section 3004(j), codified at LAC 33:V.2205.

E. Amendments to DDESB Storage Standards. The DDESB storage standards applicable to waste military munitions, referenced in Subsection A.1.c of this Section, are DOD 6055.9-STD ("DOD Ammunition and Explosive Safety Standards"), in effect on November 8, 1995, except as provided in the following sentence. Any amendments to the DDESB storage standards shall become effective for purposes of Subsection A.1 of this Section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in Subsection A.1 of this Section have been amended.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:**.

§5311. Standards Applicable to the Treatment and Disposal of Waste Military Munitions

The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in LAC 33:V.Subpart 1.

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