

NOTICE OF INTENT

Department of Environmental Quality
Office of Waste Services
Hazardous Waste Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Division Regulations, LAC 33:V.Chapters 1, 3, 5, 7, 9, 11, 13, 15, 22, 25, 31, 33, 38, 41, 43, and 49 (Log # HW061*).

This proposed rule is identical to a federal law or regulation, 60 FR 35703-35706, 50426-50430, 55202-55206, 63417-63434; 61 FR 4903-4916, 13103-13106, 15566-15660, 15660-15668, 16290-16316, 19117, 33680-33690, 33691, 36419-36421, 43924-43931; 62 FR 7502-7600, which is applicable in Louisiana. For more information regarding the federal requirement, you may contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule. Therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4). This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This proposed rule includes the addition of tests to demonstrate that a sorbent is non-biodegradable. It will improve the process for permitting facilities that store, treat, or dispose of hazardous waste by providing opportunities for public involvement earlier in the process and by expanding public access to information throughout the permitting process and the operational lives of facilities, requiring prospective applicants to hold an informal public meeting before submitting an application for a RCRA permit and to advertise this meeting in the newspaper, through broadcast media, and on a sign posted at or near the property. A permitting agency may mail a notice to interested persons when the facility submits its application and, as the agency deems necessary, may require a facility owner or operator to set up an information repository that will hold all information and documents the permitting agency has decided is necessary, and may require combustion facilities (i.e., incinerators and other facilities that burn hazardous wastes) to notify the public before they hold a trial burn. An error in the text pertaining to regulatory exclusion from the definition of solid waste for recovered oil that is inserted into the petroleum refining process is corrected. The rule adds procedural controls governing the export and import of wastes when shipped for

recovery among Organization for Economic Cooperation and Development (OECD) countries. The basis and rationale for this rule is to make the state regulations equivalent with federal regulations.

A public hearing will be held on February 27, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504)765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by HW061*. Such comments must be received no later than February 27, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to (504)765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of HW061*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

H. M. Strong
Assistant Secretary

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality-Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including "solid waste" and "hazardous waste", appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

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[See Prior Text in A-D.44.f]

g. 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) ~~along with normal process streams prior to crude distillation or catalytic cracking 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.

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[See Prior Text in D.44-M.10]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR

13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:**.

§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]

Competent Authorities—the regulatory authorities of concerned countries having jurisdiction over transfrontier movements of wastes destined for recovery operations.

* * *

[See Prior Text]

Concerned Countries—the exporting and importing Organization for Economic Cooperation and Development(OECD) member countries and any OECD member countries of transit.

* * *

[See Prior Text]

Consignee—(as used in LAC 33:V.1131) the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the importing country.

Consignee—(as used in LAC 33:V.Chapter 11 except Section 1131) the ultimate treatment, storage, or disposal facility in a receiving country to which the hazardous waste will be sent.

* * *

[See Prior Text]

Country of Transit—any designated OECD country in LAC 33:V.1113.I.1.a and b other than the exporting or importing country across which a transfrontier movement of wastes is planned or takes place.

* * *

[See Prior Text]

Exporting Country—any designated OECD member country in LAC 33:V.1113.I.1.a from which a transfrontier movement of wastes is planned or has commenced.

* * *

[See Prior Text]

Importing Country—any designated OECD country in LAC 33:V.1113.I.1.a to which a transfrontier movement of wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

* * *

[See Prior Text]

Notifier—the person under the jurisdiction of the exporting country who has, or will have at the time the planned transfrontier movement commences, possession or other forms of legal control of the wastes and who proposes their transfrontier movement for the ultimate purpose of submitting them to recovery operations. When the United States is the exporting country, notifier is interpreted to mean a person domiciled in the United States.

* * *

[See Prior Text]

Organization for Economic Cooperation and Development (OECD) Area—all land or marine areas under the national jurisdiction of any designated OECD member country in LAC 33:V.1113.I. When the regulations refer to shipments to or from an OECD country, this means OECD area.

* * *

[See Prior Text]

Recognized Trader—a person who, with appropriate authorization of concerned countries, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transfrontier movements of wastes destined for recovery operations.

Recovery Facility—an entity which, under applicable domestic law, is operating or is authorized to operate in the importing country to receive wastes and to perform recovery operations on them.

Recovery Operations—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, (available from the Environmental Protection Agency, RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, First Floor, Arlington, VA 22203 (Docket

F-94-IEHF-FFFFF) and the Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France), which include the following operations:

<u>CODE</u>	<u>RECOVERY OPERATIONS</u>
<u>R1</u>	<u>Use as a fuel (other than in direct incineration) or other means to generate energy</u>
<u>R2</u>	<u>Solvent reclamation/regeneration</u>
<u>R3</u>	<u>Recycling/reclamation of organic substances that are not used as solvents</u>
<u>R4</u>	<u>Recycling/reclamation of metals and metal compounds</u>
<u>R5</u>	<u>Recycling/reclamation of other inorganic materials</u>
<u>R6</u>	<u>Regeneration of acids or bases</u>
<u>R7</u>	<u>Recovery of components used for pollution control</u>
<u>R8</u>	<u>Recovery of components from catalysts</u>
<u>R9</u>	<u>Used oil re-refining or other reuses of previously used oil</u>
<u>R10</u>	<u>Land treatment resulting in benefit to agriculture or ecological improvement</u>
<u>R11</u>	<u>Uses of residual materials obtained from any of the operations numbered R1-R10</u>
<u>R12</u>	<u>Exchange of wastes for submission to any of the operations numbered R1-R11</u>
<u>R13</u>	<u>Accumulation of material intended for any operation in Table 2.B of the Annex of OECD Council Decision</u>

* * *

[See Prior Text]

Transfrontier Movement—any shipment of wastes destined for recovery operations from an area under the national jurisdiction of one OECD member country to an area under the national jurisdiction of another OECD member country.

* * *

[See Prior Text]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:378 (May

1989), LR 15:737 (September 1989), LR 16:47 (January 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 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:**.

§110. References

* * *
[See Prior Text in A-A.15]

0010	Modified Method 5 Sampling Train
* * * [See Prior Text]	
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.

16. The OECD Green List of Wastes (revised May 1994), the Amber List of Wastes and Red List of Wastes (both revised May 1993) as set forth in Appendix 3, Appendix 4, and Appendix 5, respectively, to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations). These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 on July 11, 1996. These materials are incorporated as they exist on the date of the approval and a notice of any change in these materials will be published in the *Federal Register*. The materials are available for inspection at: the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC; the U.S. Environmental Protection Agency, RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, First Floor, Arlington, VA 22203 (Docket # F-94-IEHF-FFFFF); and may be obtained from the Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France.

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[See Prior Text in B]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:814 (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 3. General Conditions for Treatment, Storage, and

Disposal Facility Permits

§309. Conditions Applicable to All Permits

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

* * *

[See Prior Text in A-L.12]

M. Information Repository. The administrative authority may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in LAC 33:V.708.C.2. The information repository will be governed by the provisions in LAC 33:V.708.C.3-6.

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 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

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-U]

V. Ffor land disposal facilities, if a case-by-case extension has been approved under LAC 33:V.2239 or a petition has been approved under LAC 33:V.2241 or 2242, a copy of the notice of approval for the extension or petition is required ; and

W. a summary of the preapplication meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under LAC 33:V.708.A.3.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 13:433 (August 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 15:378 (May 1989), LR 16:220

(March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter F. Special Forms of Permits

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

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[See Prior Text in A-B.2.f]

g. The administrative authority must send a notice to all persons on the facility mailing list, as set forth in LAC 33:V.717.A.5, and to the appropriate units of state and local government, as set forth in LAC 33:V.717.A.2, announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the administrative authority has issued such notice.

i. This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the permitting agency.

ii. This notice must contain:

(a). the name and telephone number of the applicant's contact person;

(b). the name and telephone number of the permitting agency's contact office;

(c). the location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

(d). an expected time period for commencement and completion of the trial burn.

gh. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations and analyses:

i. a quantitative analysis of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feedstreams (hazardous waste, other fuels, and industrial furnace feedstocks) to the boiler or industrial furnace is required;

ii. a quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs is required;

iii. if dioxin and furan testing is required under LAC 33:V.3009.E, a quantitative analysis of the stack gas

for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard are required;

iv. a quantitative analysis of the stack gas for the concentration and mass emission of particulate matter, metal(s) or hydrogen chloride (HCl) and chlorine gas (Cl_2) and a computation showing conformance with the metals or HCl emission performance standard in LAC 33:V.3011 and 3015 are required;

v. a quantitative analysis of the scrubber water (if any), ash residues, and other residues is required for the purpose of estimating the fate of the trial POHCs, the fate of any metal, and the fate of chlorine/chloride subject to emissions testing under LAC 33:V.537.B.2.g.iii.(b);

vi. destruction and removal efficiency (DRE) must be computed in accordance with the DRE formula specified in LAC 33:V.3009.A;

vii. sources of fugitive emissions and their means of control must be identified;

viii. carbon monoxide, total hydrocarbons, and oxygen in the stack gas must be continuously measured. The administrative authority may approve an alternative scheme for monitoring total hydrocarbons;

ix. a quantitative analysis of the exhaust gas for the concentration and mass emission of particulate matter, and a computation showing conformance with the particulate matter standard in LAC 33:V.3011 is required; and

x. any other information will be required that the administrative authority specifies as necessary to ensure that the trial burn will reveal whether the facility complies with the performance standards required by LAC 33:V.3009-3015.

hi. The applicant must submit to the administrative authority a certification that the trial burn has been conducted in accordance with the approved trial burn plan and must submit the results of all the analyses and determinations required in ~~LAC 33:V.537.B.2.g~~ Subsection B.2.h of this Section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the administrative authority.

ij. All data collected during any trial burn must be submitted to the administrative authority after completion of the trial burn.

jk. All submissions required by this Paragraph must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under LAC 33:V.507 and 509.

kl. Based on the results of the trial burn, the

administrative authority shall specify the operating requirements in the final permit according to LAC 33:V.3005.E. The permit modification shall proceed as a minor modification according to LAC 33:V.323.

* * *

[See Prior Text in B.3-4]

C. Interim Status Boilers and Industrial Furnaces

1. For the purpose of determining feasibility of compliance with the performance standards of LAC 33:V.3009-3015 of this Chapter and of determining adequate operating conditions under LAC 33:V.300 ~~5-E7~~, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of ~~these regulations LAC 33:V.3007 that will be permitted with a trial burn to determine compliance with the performance standards of LAC 33:V.3009-3015 and to determine adequate operating conditions under LAC 33:V.3005.E~~ must either prepare and submit a trial burn plan and perform a trial burn in accordance with LAC 33:V.537.B.2.b-i the requirements of this Section or submit other information as specified in LAC 33:V.535.A.6. The administrative authority must announce his or her intention to approve of the trial burn plan in accordance with the timing and distribution requirements of Subsection B.2.g of this Section. The contents of the notice must include:

- a. the name and telephone number of a contact person at the facility;
- b. the name and telephone number of a contact office at the permitting agency;
- c. the location where the trial burn plan and any supporting documents can be reviewed and copied; and
- d. a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time periods during which the trial burn would be conducted.

2. Applicants who submit a trial burn plan and receive approval before submission of part II of the permit application must complete the trial burn and submit the results specified in LAC 33:V.537.B.2. ~~gh~~ with part II of the permit application. If completion of this process conflicts with the date set for submission of part II, the applicant must contact the administrative authority to establish a later date for submission of part II or the trial burn results. If the applicant submits a trial burn plan with part II of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the administrative authority.

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

HISTORICAL NOTE: Promulgated by the Department of

Environmental Quality, Office of Solid and Hazardous Waste,
Hazardous Waste Division, LR 15:737 (September 1989), amended LR
18:1375 (December 1992), LR 21:266 (March 1995), LR 22:818
(September 1996), LR 22:832 (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 7. Administrative Procedures for Treatment, Storage, and
Disposal Facility Permits**

Subchapter A. Permits

§701. Emergency Permits

Notwithstanding any other provision, in the event the administrative authority finds an imminent and substantial endangerment to human health or the environment, he may issue a temporary emergency permit (1) to a non-permitted facility to allow treatment, storage, or disposal of hazardous waste or (2) to a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit. This emergency permit:

* * *

[See Prior Text in A-D]

E. shall be accompanied by a public notice published under LAC 33:V.715 including:

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[See Prior Text in E.1-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 10:200 (March 1984), amended LR 10:496 (July 1984), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter B. Hearings

§708. Preapplication Public Meeting and Notice, Public Notice Requirements at the Application Stage, and Information Repository

A. Preapplication Public Meeting and Notice

1. Applicability. The requirements of this Section shall apply to all RCRA part II applications seeking initial permits for hazardous waste management units over which the department has permit issuance authority. The requirements of this Section shall also apply to RCRA part II applications seeking renewal of permits for such units where the renewal application is proposing a significant change in facility operations. For the purposes of this Section a "significant change" is any change that would qualify as a class 3 permit modification under LAC 33:V.321.C. The requirements of this Section do not apply to permit modifications under LAC 33:V.321.C or to applications that are submitted for the sole purpose of

conducting post-closure activities or post-closure activities and corrective action at a facility.

2. Prior to the submission of a part II RCRA permit application for a facility, the applicant must hold at least one meeting with the public in order to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

3. The applicant shall submit a summary of the meeting, along with the list of attendees and their addresses developed under Subsection A.2 of this Section, and copies of any written comments or materials submitted at the meeting to the permitting agency as a part of the part II application, in accordance with LAC 33:V.517.

4. The applicant must provide public notice of the preapplication meeting at least 30 days prior to the meeting. The applicant must maintain, and provide to the permitting agency upon request, documentation of the notice.

a. The applicant shall provide public notice in all of the following forms:

i. a newspaper advertisement. The applicant shall publish a notice, fulfilling the requirements in Subsection A.4.b of this Section, in a newspaper of general circulation in the parish or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the administrative authority shall instruct the applicant to publish the notice in newspapers of general circulation in adjacent parishes or equivalent jurisdictions where the administrative authority determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement;

ii. a visible and accessible sign. The applicant shall post a notice on a clearly marked sign at or near the facility, fulfilling the requirements in Subsection A.4.b of this Section. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site;

iii. a broadcast media announcement. The applicant shall broadcast a notice, fulfilling the requirements in Subsection A.4.b of this Section, at least once, on at least one local radio station or television station. The applicant may employ another medium with prior approval of the administrative authority;

iv. a notice to the department. The applicant shall send a copy of the newspaper notice to the department and to the appropriate units of state and local government, in accordance with LAC 33:V.717.A.2.

b. The notices required under Subsection A.4.a of this Section must include:

- i. the date, time, and location of the meeting;
- ii. a brief description of the purpose of the meeting;
- iii. a brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;
- iv. a statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting; and
- v. the name, address, and telephone number of a contact person for the applicant.

B. Public Notice Requirements at the Application Stage

1. Applicability. The requirements of this Section shall apply to all RCRA part II applications seeking initial permits for hazardous waste management units over which the department has permit issuance authority. The requirements of this Section shall also apply to RCRA part II applications seeking renewal of permits for such units under LAC 33:V.315.A. The requirements of this Section do not apply to permit modifications under LAC 33:V.321.C or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

2. Notification at Application Submittal

a. The administrative authority shall provide public notice, as set forth in LAC 33:V.717.A.5, and notice to appropriate units of state and local government, as set forth in LAC 33:V.717.A.2, that a part II permit application has been submitted to the department and is available for review.

b. The notice shall be published within a reasonable period of time after the application is received by the administrative authority. The notice must include:

- i. the name and telephone number of the applicant's contact person;
- ii. the name and telephone number of the permitting agency's contact office and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;
- iii. an address to which people can write in order to be put on the facility mailing list;
- iv. the location where copies of the permit application and any supporting documents can be viewed and copied;
- v. a brief description of the facility and proposed operations, including the address or a map (e.g., a

sketched or copied street map) of the facility location on the front page of the notice; and

vi. the date that the application was submitted.

3. Concurrent with the notice required under Subsection B.2 of this Section, the administrative authority must place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the permitting agency's office.

C. Information Repository

1. Applicability. The requirements of this Section apply to all applications seeking RCRA permits for hazardous waste management units over which the department has permit issuance authority.

2. The administrative authority may assess the need, on a case-by-case basis, for an information repository. When assessing the need for an information repository, the administrative authority shall consider a variety of factors including the level of public interest, the type of facility, the presence of an existing repository, and the proximity to the nearest copy of the administrative record. If the administrative authority determines, at any time after submittal of a permit application, that there is a need for a repository, then the administrative authority shall notify the facility that it must establish and maintain an information repository. (See LAC 33:V.309.M for similar provisions relating to the information repository during the life of a permit.)

3. The information repository shall contain all documents, reports, data, and information deemed necessary by the administrative authority to fulfill the purposes for which the repository is established. The administrative authority shall have the discretion to limit the contents of the repository.

4. The information repository shall be located and maintained at a site chosen by the facility. If the administrative authority finds the site unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the administrative authority shall specify a more appropriate site.

5. The administrative authority shall specify requirements for informing the public about the information repository. At a minimum, the administrative authority shall require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.

6. The facility owner/operator shall be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the

administrative authority. The administrative authority may close the repository at his or her discretion, based on the factors in Subsection C.2 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:**.

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

§905. Use of the Manifest System

* * *

[See Prior Text in A-C]

D. Within three working days of the receipt of a shipment subject to LAC 33:V.Chapter 11.Subchapter B, the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and to competent authorities of all other concerned countries. A copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

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 17:364 (April 1991), 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

Subchapter A. General

§1101. Applicability

* * *

[See Prior Text in A]

B. Any person who exports or imports hazardous waste subject to the manifesting requirements of this Chapter, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from the countries listed in LAC 33:V.1113.I.1.a for recovery must comply with Subchapter B of this Chapter.

BC. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with the standards applicable to generators established in this Chapter.

CD. A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of LAC 33:V.105.D.5 is not required to comply with other standards in this Chapter or LAC 33:V.Subpart 1 with respect to such pesticides.

DE. A person who generates a hazardous waste as defined in LAC 33:V.109 and further specified in LAC 33:V.Chapter 49 is subject to the requirements of this Chapter and penalties prescribed in the Act for noncompliance.

EF. An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in ~~LAC 33:V.Chapter 11~~ this Chapter. The provisions of LAC 33:V.1109.E are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of LAC 33:V.1109.E only apply to owners or operators who are shipping hazardous waste which they generated at that facility. A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in LAC 33:V.Subpart 1.

FG. A person who generates a hazardous waste as defined in LAC 33:V.109 and further specified in LAC 33:V.Chapter 49 is subject to the requirements of these chapters and shall register with the department in accordance with the applicable provisions of LAC 33:V.303.

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:**.

§1113. Exports of Hazardous Waste

* * *

[See Prior Text in A-H.2]

I. International Agreements

1. Any person who exports or imports hazardous waste subject to manifest requirements of this Chapter, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in LAC 33:V.1113.I.1.a, for purposes of recovery is subject to Subchapter B of this Section. The requirements of this Section and LAC 33:V.1123 do not apply.

a. For the purposes of these regulations the designated OECD countries consist of Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom, and the United States.

b. For the purposes of these regulations, Canada and Mexico are considered OECD member countries only for the purpose of transit.

2. Any person who exports hazardous waste to or imports hazardous waste from a designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of this Section and LAC 33:V.1123.

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 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter B. Transfrontier Shipments of Hazardous Waste

§1127. Transfrontier Shipments of Hazardous Waste for Recovery Within the OECD

A. Applicability

1. The requirements of this Subchapter apply to imports and exports of wastes that are considered hazardous under United States national procedures and are destined for recovery operations in the countries listed in LAC 33:V.1113.I.1.a. A

waste is considered hazardous under United States national procedures if it meets the definition of hazardous waste in LAC 33:V.109 and is subject to either the manifesting requirements in LAC 33:V.1107 or to the universal waste management standards of LAC 33:V.Chapter 38.

2. Any person (notifier, consignee, or recovery facility operator) who mixes two or more wastes (including hazardous and nonhazardous wastes) or otherwise subjects two or more wastes (including hazardous and nonhazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any notifier duties, if applicable, under this Subchapter.

B. General Conditions

1. Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to a green, amber, or red list and by United States national procedures as defined in Subsection A.1 of this Section. The green, amber, and red lists are incorporated by reference in LAC 33:V.110.A.16.

a. Wastes on the green list are subject to existing controls normally applied to commercial transactions, except as provided in the following:

i. green-list wastes that are considered hazardous under United States national procedures are subject to amber-list controls;

ii. green-list wastes that are sufficiently contaminated or mixed with amber-list wastes such that the waste or waste mixture is considered hazardous under United States national procedures are subject to amber-list controls;

iii. green-list wastes that are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under United States national procedures must be handled in accordance with the red-list controls.

b. Wastes on the amber list that are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are subject to the amber-list controls of this Subchapter.

i. If amber-list wastes are sufficiently contaminated or mixed with other wastes subject to red-list controls such that the waste or waste mixture is considered hazardous under United States national procedures, the wastes must be handled in accordance with the red-list controls.

ii. Reserved

c. Wastes on the red list that are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are subject to the red-list controls of this Subchapter.

Note: Some wastes on the amber or red lists are not listed or otherwise identified as hazardous under RCRA (e.g., polychlorinated biphenyls) and, therefore, are not subject to the amber-list or red-list controls of this Subchapter. Regardless of the status of the waste under RCRA, however, other federal environmental statutes (e.g., the Toxic Substances Control Act) may restrict certain waste imports or exports. Such restrictions continue to apply without regard to this Subchapter.

d. Wastes not yet assigned to a list are eligible for transfrontier movements, as follows:

i. if such wastes are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section, these wastes are subject to the red-list controls; or

ii. if such wastes are not considered hazardous under United States national procedures as defined in Subsection A.1 of this Section, such wastes may move as though they appeared on the green list.

2. General Conditions Applicable to Transfrontier Movements of Hazardous Waste

a. The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country.

b. The transfrontier movement must be in compliance with applicable international transport agreements.

Note: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).

c. Any transit of waste through a non-OECD member country must be conducted in compliance with all applicable international and national laws and regulations.

3. Provisions Relating to Re-export for Recovery to a Third Country

a. Re-export of wastes subject to the amber-list control system from the United States, as the importing country, to a third country listed in LAC 33:V.1113.I.1.a may occur only after a notifier in the United States provides notification to and obtains consent of the competent authorities in the third country, the original exporting country, and new transit countries. The notification must comply with the notice and consent procedures in Subsection C of this Section for all concerned countries, and the original exporting country. The competent authorities of the original exporting country as well as the competent authorities of all other concerned countries

have 30 days to object to the proposed movement.

i. The 30-day period begins once the competent authorities of both the initial exporting country and new importing country issue Acknowledgements of Receipt of the notification.

ii. The transfrontier movement may commence if no objection has been lodged after the 30-day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.

b. Re-export of wastes subject to the red-list control system from the original importing country to a third country listed in LAC 33:V.1113.I.1.a may occur only following notification of the competent authorities of the third country, the original exporting country, and new transit countries by a notifier in the original importing country in accordance with Subsection C of this Section. The transfrontier movement may not proceed until receipt by the original importing country of written consent from the competent authorities of the third country, the original exporting country, and new transit countries.

c. In the case of re-export of amber-list or red-list wastes to a country other than those in LAC 33:V.1113.I.1.a, notification to and consent of the competent authorities of the original OECD member country of export and any OECD member countries of transit is required as specified in Subsection B.3.a-b of this Section in addition to compliance with all international agreements and arrangements to which the first importing OECD member country is a party and all applicable regulatory requirements for exports from the first importing country.

C. Notification and Consent

1. Applicability. Consent must be obtained from the competent authorities of the relevant OECD importing and transit countries prior to exporting hazardous waste destined for recovery operations subject to this Subchapter. Hazardous wastes subject to amber-list controls are subject to the requirements of Subsection C.2 of this Section; hazardous wastes subject to red-list controls are subject to the requirements of Subsection C.3 of this Section; and wastes not identified on any list are subject to the requirements of Subsection C.4 of this Section.

2. Amber-List Wastes. The export from the United States of hazardous wastes as described in Subsection A.1 of this Section that appear on the amber list is prohibited unless the notification and consent requirements of this Subsection are met.

a. Transactions Requiring Specific Consent

i. Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed

transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in Subsection C.5 of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

ii. Tacit Consent. If no objection has been lodged by any concerned country (i.e., exporting, importing, or transit countries) to a notification provided pursuant to Subsection C.2.a.i of this Section within 30 days after the date of issuance of the Acknowledgment of Receipt of notification by the competent authority of the importing country, the transfrontier movement may commence. Tacit consent expires one calendar year after the close of the 30 day period; renotification and renewal of all consents are required for exports after that date.

iii. Written Consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than 30 days, the transfrontier movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.

b. Shipments to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery

i. The notifier must provide EPA the information identified in Subsection C.5 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification should indicate that the recovery facility is preapproved and may apply to a single specific shipment or to multiple shipments as described in Subsection C.2.a.i of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, with the words "OECD Export Notification-Preapproved Facility" prominently displayed on the envelope.

ii. Shipments may commence after the

notification required in Subsection C.2.a.i of this Section has been received by the competent authorities of all concerned countries, unless the notifier has received information indicating that the competent authorities of one or more concerned countries objects to the shipment.

3. Red-List Wastes. The export from the United States of hazardous wastes as described in Subsection A.1 of this Section that appear on the red list is prohibited unless notice is given in accordance with Subsection C.2.a.i of this Section and the notifier receives written consent from the importing country and any transit countries prior to commencement of the transfrontier movement.

4. Unlisted Wastes. Wastes not assigned to the green, amber, or red list that are considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are subject to the notification and consent requirements established for red-list wastes in accordance with Subsection C.3 of this Section. Unlisted wastes that are not considered hazardous under United States national procedures as defined in Subsection A.1 of this Section are not subject to amber or red controls when exported or imported.

5. Notification Information. Notifications submitted under this Section must include:

- a. serial number or other accepted identifier of the notification form;
- b. notifier name and EPA identification number (if applicable), address, and telephone and telefax numbers;
- c. importing recovery facility name, address, telephone and telefax numbers, and technologies employed;
- d. consignee name (if not the owner or operator of the recovery facility), address, and telephone and telefax numbers; whether the consignee will engage in waste exchange or storage prior to delivering the waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;
- e. intended transporters and/or their agents;
- f. country of export and relevant competent authority and point of departure;
- g. countries of transit and relevant competent authorities and points of entry and departure;
- h. country of import and relevant competent authority and point of entry;
- i. statement of whether the notification is a single notification or a general notification. If general, include the period of validity requested;
- j. date foreseen for commencement of transfrontier movement;
- k. designation of waste type(s) from the

appropriate list (amber or red and waste list code), descriptions of each waste type, estimated total quantity of each, RCRA waste code, and United Nations number for each waste type; and

1. certification/declaration signed by the notifier that states:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into and that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement."

Name: _____

Signature: _____

Date: _____

Note: The United States does not currently require financial assurance; however, United States exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.

D. Tracking Document

1. All United States parties subject to the contract provisions of Subsection E of this Section must ensure that a tracking document meeting the conditions of Subsection D.2 of this Section accompanies each transfrontier shipment of wastes subject to amber-list or red-list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored and/or exchanged by the consignee prior to shipment to the final recovery facility, except as provided in Subsection D.1.a-b of this Section.

a. For shipments of hazardous waste within the United States solely by water (bulk shipments only) the generator must forward the tracking document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water (in accordance with the manifest routing procedures in LAC 33:V.1107.D.3).

b. For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must forward the tracking document with the manifest (in accordance with the routing procedures for the manifest in LAC 33:V.1107.D.4) to the next nonrail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.

2. The tracking document must include all information required under Subsection C of this Section for notification and the following:

a. date shipment commenced;

b. name (if not notifier), address, and telephone and telefax numbers of primary exporter;

c. company name and EPA ID number of all transporters;

d. identification (license, registered name, or registration number) of means of transport, including types of packaging;

e. any special precautions to be taken by transporters;

f. certification/declaration signed by notifier that no objection to the shipment has been lodged as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement, and that:

[List the following sentence that is applicable]

1. all necessary consents have been received; or

2. the shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period; or

3. the shipment is directed at a recovery facility preauthorized for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the concerned countries."

Name: _____

Signature: _____

Date: _____

and

g. appropriate signatures for each custody transfer (e.g. transporter, consignee, and owner or operator of the recovery facility).

3. Notifiers also must comply with the special manifest requirements of LAC 33:V.1113.E.1, 2, 3, 5, and 9; and consignees must comply with the import requirements of LAC 33:V.1123.

4. Each United States person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the tracking document (e.g. transporter, consignee, and owner or operator of the recovery facility).

5. Within three working days of the receipt of imports subject to this Subchapter, the owner or operator of the United States recovery facility must send signed copies of the tracking

document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

E. Contracts

1. Transfrontier movements of hazardous wastes subject to amber or red control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the notifier and the owner or operator of the recovery facility and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this Section only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangement.

2. Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of:

- a. the generator of each type of waste;
- b. each person who will have physical custody of the wastes;
- c. each person who will have legal control of the wastes; and
- d. the recovery facility.

3. Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if its disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify that:

- a. the person having actual possession or physical control over the wastes will immediately inform the notifier and the competent authorities of the exporting and importing countries and, if the wastes are located in a country of transit, the competent authorities of that country; and
- b. the person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging their return to the original country of export.

4. Contracts must specify that the consignee will provide the notification required in Subsection B.3 of this Section prior to re-export of controlled wastes to a third country.

5. Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent

authorities of any concerned country, in accordance with applicable national or international law requirements.

Note: Financial guarantees so required are intended to provide for alternate recycling, disposal, or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD countries do. It is the responsibility of the notifier to ascertain and comply with such requirements; in some cases, transporters or consignees may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.

6. Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this Subchapter.

7. Upon request by EPA, United States notifiers, consignees, or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 CFR 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR 260.2.

Note: Although the United States does not require routine submission of contracts at this time, OECD Council Decision C(92)39/FINAL allows members to impose such requirements. When other OECD countries require submission of partial or complete copies of the contract as a condition to granting consent to proposed movements, EPA will request the required information; absent submission of such information, some OECD countries may deny consent for the proposed movement.

F. Provisions Relating to Recognized Traders

1. A recognized trader who takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable federal laws.

2. A recognized trader acting as a notifier or consignee for transfrontier shipments of waste must comply with all the requirements of this Subchapter associated with being a notifier or consignee.

G. Reporting and Recordkeeping

1. Annual Reports. For all waste movements subject to

this Subchapter, persons (e.g., notifiers, recognized traders) who meet the definition of primary exporter in LAC 33:V.109 shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subchapter, he may include all export information in one report provided the information required by this Subsection on exports of waste destined for recovery within the designated OECD member countries is contained in a separate Section.) Such reports shall include the following:

- a. the EPA identification number, name, and mailing and site address of the notifier filing the report;
- b. the calendar year covered by the report;
- c. the name and site address of each final recovery facility;
- d. by final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.Chapter 49), designation of waste type(s) from OECD waste lists and applicable waste code from the OECD lists, the DOT hazard class, the name and U.S. EPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subchapter, and the number of shipments pursuant to each notification;
- e. in even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1000kg in a calendar month and except for hazardous waste for which information was already provided pursuant to LAC 33:V.1111.B:
 - i. a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
 - ii. a description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and
- f. a certification signed by the person acting as primary exporter that states:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true,

accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

2. Exception Reports. Any person who meets the definition of primary exporter in LAC 33:V.109 must file an exception report, in lieu of the requirements of LAC 33:V.1111.C, with the administrative authority if any of the following occurs:

a. he has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;

b. within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or

c. the waste is returned to the United States.

3. Recordkeeping

a. Persons who meet the definition of primary exporter in LAC 33:V.109 shall keep the following records:

i. a copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

ii. a copy of each annual report for a period of at least three years from the due date of the report; and

iii. a copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.

b. The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

H. Preapproval for United States Recovery Facilities-Reserved

I. OECD Waste Lists

1. General. For the purposes of this Subchapter, a waste is considered hazardous under United States national procedures, and hence subject to this Subchapter, if the waste:

a. meets the definition of hazardous waste in LAC 33:V.109; and

b. is subject to either the manifesting requirements of this Chapter or to the universal waste management standards of LAC 33:V.Chapter 38.

2. If a waste is hazardous under Subsection I.1.a of this Section and it appears on the amber or red list, it is subject to amber-list or red-list requirements respectively.

3. If a waste is hazardous under Subsection I.1.a of this Section and it does not appear on either the amber or red list, it is subject to red-list requirements.

4. The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in 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 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 13. Transporters

§1301. Applicability

* * *

[See Prior Text in A-D.2]

E. A transporter of hazardous waste must also comply with LAC 33:V.Chapter 11 if he transports hazardous waste into Louisiana from abroad or mixes hazardous wastes of different United States Department of Transportation shipping descriptions by placing them into a single container.

F. A transporter of hazardous waste subject to the manifesting requirements of LAC 33:V.Chapter 11 or subject to the waste management standards of LAC 33:V.Chapter 38 that is being imported from or exported to any of the countries listed in LAC 33:V.1113.I.1.a for purposes of recovery is subject to this Chapter and to all other relevant requirements of LAC 33:V.Chapter 11.Subchapter B including, but not limited to, LAC 33:V.1127.D for tracking documents.

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**.

§1307. The Manifest System

A. A transporter may not accept hazardous waste from a generator or another transporter unless it is accompanied by a manifest, signed by the generator in accordance with the provisions of LAC 33:V.1107. The transportation of any hazardous wastes without a manifest shall be deemed a violation of these regulations and the Act. In the case of exports other than those subject to LAC 33:V.Chapter 11.Subchapter B, a transporter may not accept such waste from a primary exporter or other person:

* * *

[See Prior Text in A.1]

2. unless, in addition to a manifest signed in accordance with LAC 33:V.1107, such waste is also accompanied by an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water [bulk shipment]). For exports of hazardous waste subject to the requirements of LAC 33:V.Chapter 11.Subchapter B, a transporter may not accept hazardous waste without a tracking document that includes all information required by LAC

33:V.1127.D.

* * *

[See Prior Text in B-H]

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

HISTORICAL NOTE: Promulgated by the Department of
Environmental Quality, Office of Solid and Hazardous Waste,
Hazardous Waste Division, LR 10:200 (March 1984), amended LR
16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1109
(October 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 15. Treatment, Storage, and Disposal Facilities

§1531. ~~Transfer of Ownership~~ Required Notices

A. The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the administrative authority in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

B. The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to LAC 33:V.Chapter 11.Subchapter B must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.

C. The owner or operator of a facility that receives hazardous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record.

AD. Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of LAC 33:V.Subpart 1.

BE. An owner's or operator's failure to notify the new owner or operator of the requirements in no way relieves the new owner or operator of his obligation to comply with all applicable 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 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), 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

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-G.3]

4. wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited ~~from land disposal~~ under this Chapter, are not prohibited ~~from land disposal~~ if the wastes:

a. are disposed into a nonhazardous or hazardous injection well as defined in LAC 43:XVII.203.C; and

b. do not exhibit any prohibited characteristic of hazardous waste identified in LAC 33:V.4903 at the point of injection at the well head ~~and~~

~~c. at the point of generation the injected wastes include D001 High TOC subcategory wastes or D012-D017 pesticide wastes that are prohibited under LAC 33:V.2269 and those wastes have been treated to meet the treatment standards of LAC 33:V.Chapter 22.Table 2 before injection.~~

5. wastes that are hazardous only because they exhibit a hazardous characteristic and which are otherwise prohibited under this Chapter are not prohibited if the wastes meet any of the following criteria, unless the wastes are subject to a specified method of treatment other than DEACT in Table 2 of this Chapter, or are D003 reactive cyanide:

a. the wastes are managed in a treatment system which subsequently discharges to waters of the United States pursuant to a permit issued under section 402 of the Clean Water Act; or

b. the wastes are treated for purposes of the pretreatment requirements of section 307 of the Clean Water Act; or

c. the wastes are managed in a zero discharge system engaged in Clean Water Act-equivalent treatment as defined in LAC 33:V.2221.D.1; and

d. the wastes no longer exhibit a prohibited characteristic at the point of land disposal (i.e., placement in a surface impoundment).

* * *

[See Prior Text in H-I.5.c]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of 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:**.

§2203. Definitions Applicable to this Chapter

* * *

[See Prior Text in A-A.Injection Zone]

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

* * *

[See Prior Text]

Underlying Hazardous Constituent—any ~~regulated~~ constituent listed in LAC 33:V.Chapter 22.Table 7, Universal Treatment Standards, except fluoride, vanadium, and zinc, which can reasonably be expected to be present at the point of generation of the hazardous waste, at a concentration above the constituent-specific UTS treatment standard.

Wastewaters—wastes that contain less than one percent by weight total organic carbon (TOC) and less than one percent by weight total suspended solids (TSS) ~~, with the following exceptions:~~

a. ~~F001, F002, F003, F004, and F005 wastewaters are solvent-water mixtures that contain less than one percent by weight TOC or less than one percent by weight total F001, F002, F003, F004, or F005 solvent constituents listed in LAC 33:V.Chapter 22.Table 2.~~

b. ~~K011, K013, and K014 wastewaters that contain less than five percent by weight TOC and less than one percent by weight TSS, as generated.~~

c. ~~K103 and K104 wastewaters contain less than four percent by weight TOC and less than one percent by weight TSS.~~

* * *

[See Prior Text in B]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:221 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§2207. Dilution Prohibited as a Substitute for Treatment

A. Except as provided in Subsection B of this Section, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a prohibited waste or the residual from treatment of a prohibited waste as a substitute for adequate treatment to achieve compliance with this Chapter, to circumvent the effective date of or otherwise avoid a prohibition listed in Subchapter A of this Chapter, or to circumvent a land disposal prohibition imposed by ~~law~~RCRA section 3004.

B. Dilution of wastes that are hazardous only because they exhibit a characteristic in a treatment system s that include land-based units which ~~that~~ treats wastes subsequently discharged to a water of the United States pursuant to a permit issued under section 402 of the Clean Water Act (CWA) or ~~that~~which treats wastes in a CWA-equivalent treatment system or which treat wastes for purposes of pretreatment requirements under section 307 of the CWA is not impermissible dilution for purposes of this Section unless a method ~~has been specified as the treatment standard in LAC 33:V.2227~~ other than DEACT has been specified in LAC 33:V.2223 as the treatment standard, or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

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

1. the waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Table 7 of this Chapter;

2. the waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;

3. the waste, at point of generation, has reasonable heating value, such as greater than or equal to 5000 BTU per pound;

4. the waste is cogenerated with wastes for which combustion is a required method of treatment;

5. the waste is subject to federal and/or state requirements necessitating reduction of organics (including biological agents); or

6. the waste contains greater than one percent Total Organic Carbon (TOC).

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

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

Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

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

* * *

[See Prior Text in A-E.5]

F. Waste-Specific Prohibitions: Spent Aluminum Potliners and Reactive and Carbamate Wastes

1. Effective March 20, 1998, the wastes specified as EPA Hazardous Waste Numbers K156-K159, K161, P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, 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.

2. Effective March 20, 1998, the wastes identified in LAC 33:V.4903.D as D003 that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA) or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA) or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices, which have been the subject of an emergency response. Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see LAC 33:V.2223).

3. Effective March 20, 1998, the wastes specified in LAC 33:V.4901.C as EPA Hazardous Waste Number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

4. On April 8, 1998, radioactive wastes mixed with K088, K156-K161, P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, 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.

5. Between March 20, 1998, and April 8, 1998, the wastes included in Subsection F.1,3, and 4 of this Section 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.

6. The requirements of Subsection F.1-4 of this Section do not apply if:

a. the wastes meet the applicable treatment

standards specified in this Chapter;

b. persons have been granted an exemption from a prohibition pursuant to a petition under LAC 33:V.2241, with respect to those wastes and units covered by the petition;

c. the wastes meet the applicable alternate treatment standards established pursuant to a petition granted under LAC 33:V.2231; or

d. persons have been granted an extension to the effective date of a prohibition pursuant to LAC 33:V.2239, with respect to these wastes covered by the extension.

7. 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 treatment 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 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:**.

§2223. Applicability of Treatment Standards

A. A prohibited waste identified in the LAC 33:V.Chapter 22.Table 2 may be land disposed only if it meets the requirements found in Table 2. For each waste, the table identifies one of the three types of treatment standard requirements:

* * *

[See Prior Text in A.1-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 .

* * *

[See Prior Text in D]

E. Between August 26, 1996, and August 26, 1997, the treatment standards for the wastes specified as EPA Hazardous Waste Numbers K156-K159, K161, 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:**.

§2235. Landfills and Surface Impoundments Disposal Restrictions Repealed

~~A. Before January 1, 1991, wastes which are otherwise prohibited from land disposal under LAC 33:V.2215.G may be disposed in a landfill or surface impoundment which is in compliance with the requirements of LAC 33:V.2239 provided that the requirements of LAC 33:V.2235 are met.~~

~~1. Before such disposal, the generator seeking to dispose of such wastes must make a good-faith effort to locate and contract with treatment and recovery facilities practically available which provide the greatest environmental benefit.~~

~~2. Prior to the initial shipment of waste the generator must submit to the administrative authority a demonstration and certification that the requirements of LAC 33:V.2235.A.1 have been met. The demonstration must include a list of facilities and facility officials contacted and their addresses, telephone numbers, and contact dates. The generator does not need to wait for administrative authority approval of the demonstration/certification before shipment of the waste. However, if the administrative authority invalidates the demonstration/certification for the reasons outlined in LAC 33:V.2235.B.2, the generator must immediately cease further shipments of the waste and immediately inform all facilities that received the waste of such invalidation and keep records of such communication on-site in his files.~~

~~a. If a generator determines that there is no~~

~~practically available treatment or recycling for his or her waste, he or she must indicate so in his or her demonstration and provide a written discussion of why he or she was not able to obtain treatment or recovery for that waste. The generator must also provide the following certification:~~

~~"I certify under penalty of law that the requirements of LAC 33:V.2235.A.1 have been met and that disposal in a landfill or surface impoundment is the only practical alternative to treatment currently available. I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."~~

~~b. If a generator determines that there are practically available treatment or recycling technologies for his or her waste, he or she must contract to use the practically available technology that yields the greatest environmental benefit, as indicated in his or her demonstration. The generator must submit to the administrative authority, prior to the initial shipment of waste, a demonstration that includes a list of facilities and facility officials contacted, addresses, telephone numbers, and contact dates, as well as written discussion explaining why the treatment or recovery technology chosen provides the greatest environmental benefit. He or she must also provide the following certification:~~

~~"I certify under penalty of law that the requirements of LAC 33:V.2235.A.1 have been met and that I have contracted to treat or recycle my waste (or will otherwise provide treatment or recycling) by the practically available technology which yields the greatest environmental benefit, as indicated in my demonstration. I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."~~

~~The generator does not need to wait for administrative authority approval of the demonstration/certification before shipment of the waste.~~

~~3. Where the generator has determined that there is no practically available treatment or recycling for his or her waste, with the initial shipment of waste, such generator must submit a copy of the demonstration and the certification required in Subsection A.2.a of this Section to the receiving facility. For each subsequent waste shipment, only the certification must be submitted if the conditions being certified remain unchanged. Such generator must retain on-site a copy of the demonstration (if applicable) and certification required for each waste shipment for at least five years from the date that the waste that is the subject of such demonstration was last sent to~~

on-site or off-site disposal. The five-year record retention requirement is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

4. Where the generator has determined that there is practically available treatment or recycling for his or her waste prior to disposal, with the initial shipment of waste, such generator must submit a copy of the demonstration and the certification required in Subsection A.2.b of this Section to the receiving facility. With each subsequent waste shipment, only the certification is required if the conditions certified remain unchanged. Such a generator must retain on-site a copy of the demonstration (if applicable) and certification required for each waste shipment for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site disposal. The five-year record retention requirement is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

B. After receiving the demonstration and certification, the administrative authority may request any additional information that he or she deems necessary to evaluate the certification.

1. A generator who has submitted a certification under IAC 33:V.2235 must immediately notify the administrative authority when he or she has knowledge of any change in the conditions that formed the basis of his or her certification, and the generator is required to submit a new demonstration and certification to the receiving facility.

2. If, after review of the certification, the administrative authority determines that practically available treatment or recycling exists where the generator has certified otherwise, or that some other method of practically available treatment or recycling exists that yields greater environmental benefit than that which the generator has certified, the administrative authority may invalidate the certification.

3. The generator does not need to wait for administrative approval of the demonstration/certification before shipment of the waste. However, if the administrative authority invalidates a certification, the generator must immediately cease further shipments of the wastes and inform all facilities that received the waste of such invalidation and keep records of such communication on-site in his or her files.

C. A treatment, recovery, or storage facility receiving wastes subject to a valid certification must keep copies of the generator's demonstration (if applicable) and certification in its operating records.

1. The owner or operator of a treatment or recovery facility must certify that he or she has treated the waste in

accordance with the generator's demonstration. The following certification is required:

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 treatment as specified in the generator's demonstration. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

2. The owner or operator of a treatment, recovery, or storage facility must, for each initial shipment of waste, send a copy of the generator's demonstration (if applicable) and certification under LAC 33:V.2235.A.2, and certification under LAC 33:V.2235.C.1 (if applicable) to the facility receiving the waste or treatment residues. With each subsequent waste shipment, only the certification is required to be submitted provided that the conditions being certified remain unchanged.

D. The owner or operator of a disposal facility must ensure that those wastes prohibited under LAC 33:V.2215.G are subject to a certification according to the requirements of this Section prior to disposal in a landfill or surface impoundment, and that the units receiving such wastes must meet the minimum technological requirements of LAC 33:V.2239.I.2.

E. Once the administrative authority receives the certification, and provided that the wastes have been recycled or treated by the treatment (if any) determined by the generator to yield the greatest environmental benefit practically available, the wastes or treatment residuals may be disposed of in a landfill or surface impoundment unit meeting the requirements of LAC 33:V.2239.I.2, unless otherwise prohibited by the administrative authority.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), repealed 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 ~~7~~ or is not treated by CMBST or RORGS of Table 3 of this Chapter) and/or the characteristic of corrosivity (D002) ~~7~~ 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, ~~and/or the characteristic of organic toxicity (D012-D043), and is prohibited under LAC 33:V.2221.E,~~ the generator must determine the underlying hazardous constituents, as defined in LAC 33:V.2203, in the D001, D002, D003, or D012-D043 waste.

* * *

[See Prior Text in B-B.1]

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 ~~and in LAC 33:V.2213 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;

* * *

[See Prior Text in B.3-4]

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."

~~6. the date the waste is subject to the prohibitions.~~

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.

* * *

[See Prior Text in C.1-1.a]

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 ~~and in LAC 33:V.2213 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;

* * *

[See Prior Text in C.1.c-D.1]

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;

* * *

[See Prior Text in D.3-K]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

§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 ~~LAC 33:V. Chapter 22~~, 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, except in the case when the treatment standard for the waste code listed in LAC 33:V.4901 operates in lieu of the standard for the waste code under LAC 33:V.4903, as specified in LAC 33:V.2246.B. If the generator determines that his waste display, the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by CMBST or RORGS) or the characteristic of corrosivity (D002) and is the waste prohibited under LAC 33:V.2221.D or that his waste displays the characteristic of toxicity (D012-D043) and is prohibited under LAC 33:V.2221.E, the generator must determine the underlying hazardous constituents (as defined in LAC 33:V.2203), in the D001, D002, or D012-D043 wastes displays a hazardous characteristic (and the waste is not a D004-D011 waste, a High TOC D001, or is not treated by CMBST, or RORGS of LAC 33:V.Chapter 22.Table 3), the generator must determine what 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.

* * *

[See Prior Text in B-E.3.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 16:1057 (December 1990), 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:**

§2247. Owners or Operators of Treatment or Disposal Facilities: Testing, Waste Minimization, Recordkeeping, and Notice Requirements

* * *

[See Prior Text in A-B.1]

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 ~~and in LAC 33:V.2213~~. 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 i.

* * *

[See Prior Text in B.3-C.3]

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-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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:267 (March 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:**.

APPENDIX

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 ²	Ignitable Characteristic Wastes, except for the LAC 33:V.4903.B.1 High TOC Subcategory, that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems.	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
	Ignitable Characteristic Wastes, except for the LAC 33:V.4903.B.1. High TOC Subcategory, that are managed in CWA/CWA equivalent/Class I SDWA systems	NA	NA	DEACT	DEACT
	High TOC Ignitable Characteristic Liquids Subcategory based on LAC 33:V 4903.B.1. - Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	RORGS; or CMBST
D002 ²	Corrosive Characteristic Wastes that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems.	NA	NA	DEACT and meet LAC 33:V.2233 standards ⁸	DEACT and meet LAC 33:V.2233 standards ⁸
	Corrosive Characteristic Wastes that are managed in CWA, CWA equivalent, or Class I SDWA systems.	NA	NA	DEACT	DEACT
* * * [See Prior Text in D002, D004-D011 Radioactive High Level Wastes]					
D003 ²	Reactive Sulfides Subcategory based on LAC 33:V.4903.D.5.	NA	NA	DEACT	DEACT
	Explosives Subcategory based on LAC 33:V.4903.D.6, 7, and 8.	NA	NA	DEACT and meet LAC 33:V.2233 standards ⁸	DEACT and meet LAC 33:V.2233 standards ⁸

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 mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
	<u>Unexploded ordnance and other explosive devices that have been the subject of emergency response.</u>	NA	NA	DEACT	DEACT
	Other Reactives Subcategory based on LAC 33:V.4903.D.1.	NA	NA	DEACT and meet LAC 33:V.2233 standards ⁸	DEACT and meet LAC 33:V.2233 standards ⁸
	Water Reactive Subcategory based on LAC 33:V.4903.D.2, 3, and 4. (Note: This subcategory consists of nonwastewaters only.)	NA	NA	NA	DEACT and meet LAC 33:V.2233 standards ⁸
	Reactive Cyanides Subcategory based on LAC 33:V.4903.D.5.	Cyanides (Total) ⁷	57-12-5	Reserved	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
* * * [See Prior Text in D004 - D011]					
D012 ²	Wastes that are TC for Endrin based on the TCLP in SW846 Method 1311.	Endrin	72-20-8	BIODG; or INCIN CMBST	0.13 and meet LAC 33:V.2233 standards ⁸
		Endrin aldehyde	7421-93-4	BIODG; or INCIN CMBST	0.13 and meet LAC 33:V.2233 standards ⁸
D013 ²	Wastes that are TC for Lindane based on the TCLP in SW846 Method 1311.	alpha-BHC	319-84-6	CARBN; or INCIN CMBST	0.066 and meet LAC 33:V.2233 standards ⁸
		beta-BHC	319-85-7	CARBN; or INCIN CMBST	0.066 and meet LAC 33:V.2233 standards ⁸
		delta-BHC	319-86-8	CARBN; or INCIN CMBST	0.066 and meet LAC 33:V.2233 standards ⁸

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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
		gamma-BHC (Lindane)	58-89-9	CARBEN; or INCIN-CMBST	0.066 and meet LAC 33:V.2233 standards ⁵
D014 ²	Wastes that are TC for Methoxychlor based on the TCLP in SW846 Method 1311.	Methoxychlor	72-43-5	WETOX or INCIN-CMBST	0.18 and meet LAC 33:V.2233 standards ⁵
D015 ²	Wastes that are TC for Toxaphene based on the TCLP in SW846 Method 1311.	Toxaphene	8001-35-2	BIODG or INCIN-CMBST	2.6 and meet LAC 33:V.2233 standards ⁵
D016 ²	Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW846 Method 1311.	2,4-D (2,4-Dichlorophenoxy-acetic acid)	94-75-7	CHOXD, BIODG, or INCIN-CMBST	10 and meet LAC 33:V.2233 standards ⁵
D017 ²	Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW846 Method 1311.	2,4,5-TP (Silvex)	93-72-1	CHOXD or INCIN-CMBST	7.9 and meet LAC 33:V.2233 standards ⁵
D018 ²	Wastes that are TC for Benzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Benzene	71-43-2	0.14 and meet LAC 33:V.2233 standards ⁵	10 and meet LAC 33:V.2233 standards ⁵
D019 ²	Wastes that are TC for Carbon tetrachloride based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Carbon tetrachloride	56-23-5	0.057 and meet LAC 33:V.2233 standards ⁵	6.0 and meet LAC 33:V.2233 standards ⁵
D020 ²	Wastes that are TC for Chlordane based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Chlordane (alpha and gamma isomers)	57-74-9	0.0033 and meet LAC 33:V.2233 standards ⁵	0.26 and meet LAC 33:V.2233 standards ⁵

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Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
D021 ²	Wastes that are TC for Chlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Chlorobenzene	108-90-7	0.057 and meet LAC 33:V.2233 standards ⁵	6.0 and meet LAC 33:V.2233 standards ⁵
D022 ²	Wastes that are TC for Chloroform based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Chloroform	67-66-3	0.046 and meet LAC 33:V.2233 standards ⁵	6.0 and meet LAC 33:V.2233 standards ⁵
D023 ²	Wastes that are TC for o-Cresol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	o-Cresol	95-48-7	0.11 and meet LAC 33:V.2233 standards ⁵	5.6 and meet LAC 33:V.2233 standards ⁵
D024 ²	Wastes that are TC for m-Cresol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet LAC 33:V.2233 standards ⁵	5.6 and meet LAC 33:V.2233 standards ⁵
D025 ²	Wastes that are TC for p-Cresol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet LAC 33:V.2233 standards ⁵	5.6 and meet LAC 33:V.2233 standards ⁵
D026 ²	Wastes that are TC for Cresols (Total) based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet LAC 33:V.2233 standards ⁵	11.2 and meet LAC 33:V.2233 standards ⁵

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Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
D027 ²	Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	p-Dichlorobenzene (1,4-Dichlorobenzene)	106-46-7	0.090 and meet LAC 33:V.2233 standards ⁴	6.0 and meet LAC 33:V.2233 standards ⁴
D028 ²	Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	1,2-Dichloroethane	107-06-2	0.21 and meet LAC 33:V.2233 standards ⁴	6.0 and meet LAC 33:V.2233 standards ⁴
D029 ²	Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	1,1-Dichloroethylene	75-35-4	0.025 and meet LAC 33:V.2233 standards ⁴	6.0 and meet LAC 33:V.2233 standards ⁴
D030 ²	Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	2,4-Dinitrotoluene	121-14-2	0.32 and meet LAC 33:V.2233 standards ⁴	140 and meet LAC 33:V.2233 standards ⁴
D031 ²	Wastes that are TC for Heptachlor based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Heptachlor	76-44-8	0.0012 and meet LAC 33:V.2233 standards ⁴	0.066 and meet LAC 33:V.2233 standards ⁴
		Heptachlor epoxide	1024-57-3	0.016 and meet LAC 33:V.2233 standards ⁴	0.066 and meet LAC 33:V.2233 standards ⁴
D032 ²	Wastes that are TC for Hexachlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Hexachlorobenzene	118-74-1	0.055 and meet LAC 33:V.2233 standards ⁴	10 and meet LAC 33:V.2233 standards ⁴

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Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
D033 ²	Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Hexachlorobutadiene	87-68-3	0.055 and meet LAC 33:V.2233 standards ⁵	5.6 and meet LAC 33:V.2233 standards ⁵
D034 ²	Wastes that are TC for Hexachloroethane based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Hexachloroethane	67-72-1	0.055 and meet LAC 33:V.2233 standards ⁵	30 and meet LAC 33:V.2233 standards ⁵
D035 ²	Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Methyl ethyl ketone	78-93-3	0.28 and meet LAC 33:V.2233 standards ⁵	36 and meet LAC 33:V.2233 standards ⁵
D036 ²	Wastes that are TC for Nitrobenzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Nitrobenzene	98-95-3	0.068 and meet LAC 33:V.2233 standards ⁵	14 and meet LAC 33:V.2233 standards ⁵
D037 ²	Wastes that are TC for Pentachlorophenol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Pentachlorophenol	87-86-5	0.089 and meet LAC 33:V.2233 standards ⁵	7.4 and meet LAC 33:V.2233 standards ⁵
D038 ²	Wastes that are TC for Pyridine based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Pyridine	110-86-1	0.014 and meet LAC 33:V.2233 standards ⁵	16 and meet LAC 33:V.2233 standards ⁵

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Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS ² Number	Concentration mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
D039 ²	Wastes that are TC for Tetrachloroethylene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Tetrachloroethylene	127-18-4	0.056 and meet LAC 33:V.2233 standards ⁴	6.0 and meet LAC 33:V.2233 standards ⁵
D040 ²	Wastes that are TC for Trichloroethylene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Trichloroethylene	79-01-6	0.054 and meet LAC 33:V.2233 standards ⁴	6.0 and meet LAC 33:V.2233 standards ⁵
D041 ²	Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	2,4,5-Trichlorophenol	95-95-4	0.18 and meet LAC 33:V.2233 standards ⁴	7.4 and meet LAC 33:V.2233 standards ⁵
D042 ²	Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	2,4,6-Trichlorophenol	88-06-2	0.035 and meet LAC 33:V.2233 standards ⁴	7.4 and meet LAC 33:V.2233 standards ⁵
D043 ²	Wastes that are TC for Vinyl chloride based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I-SDWA systems only.	Vinyl chloride	75-01-4	0.27 and meet LAC 33:V.2233 standards ⁴	6.0 and meet LAC 33:V.2233 standards ⁵
* * * [See Prior Text in F001 - K087]					
K088	<u>Spent potliners from primary aluminum reduction.</u>	<u>Acenaphthene</u>	<u>83-32-9</u>	<u>0.059</u>	<u>3.4</u>
		<u>Anthracene</u>	<u>120-12-7</u>	<u>0.059</u>	<u>3.4</u>
		<u>Benz(a)anthracene</u>	<u>56-55-3</u>	<u>0.059</u>	<u>3.4</u>
		<u>Benzo(a)pyrene</u>	<u>50-32-8</u>	<u>0.061</u>	<u>3.4</u>

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		Common Name	CAS ² Number	Concentration mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
		<u>Benzo(b)fluoranthene</u>	<u>205-99-2</u>	<u>0.11</u>	<u>6.8</u>
		<u>Benzo(k)fluoranthene</u>	<u>207-08-9</u>	<u>0.11</u>	<u>6.8</u>
		<u>Benzo(g,h,i)perylene</u>	<u>191-24-2</u>	<u>0.0055</u>	<u>1.8</u>
		<u>Chrysene</u>	<u>218-01-9</u>	<u>0.059</u>	<u>3.4</u>
		<u>Dibenz(a,h)anthracene</u>	<u>53-70-3</u>	<u>0.055</u>	<u>8.2</u>
		<u>Fluoranthene</u>	<u>206-44-0</u>	<u>0.068</u>	<u>3.4</u>
		<u>Indeno (1,2,3-c,d)pyrene</u>	<u>193-39-5</u>	<u>0.0055</u>	<u>3.4</u>
		<u>Phenanthrene</u>	<u>85-01-8</u>	<u>0.059</u>	<u>5.6</u>
		<u>Pyrene</u>	<u>129-00-0</u>	<u>0.067</u>	<u>8.2</u>
		<u>Antimony</u>	<u>7440-36-0</u>	<u>1.9</u>	<u>2.1 mg/l TCLP</u>
		<u>Arsenic</u>	<u>7440-38-2</u>	<u>1.4</u>	<u>5.0 mg/l TCLP</u>
		<u>Barium</u>	<u>7440-39-3</u>	<u>1.2</u>	<u>7.6 mg/l TCLP</u>
		<u>Beryllium</u>	<u>7440-41-7</u>	<u>0.82</u>	<u>0.014 mg/l TCLP</u>
		<u>Cadmium</u>	<u>7440-43-9</u>	<u>0.69</u>	<u>0.19 mg/l TCLP</u>
		<u>Chromium (Total)</u>	<u>7440-47-3</u>	<u>2.77</u>	<u>0.86 mg/l TCLP</u>
		<u>Lead</u>	<u>7439-92-1</u>	<u>0.69</u>	<u>0.37 mg/l TCLP</u>
		<u>Mercury</u>	<u>7439-97-6</u>	<u>0.15</u>	<u>0.025 mg/l TCLP</u>
		<u>Nickel</u>	<u>7440-02-0</u>	<u>3.98</u>	<u>5.0 mg/l TCLP</u>

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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>Selenium</u>	<u>7782-49-2</u>	<u>0.82</u>	<u>0.16 mg/l TCLP</u>
		<u>Silver</u>	<u>7440-22-4</u>	<u>0.43</u>	<u>0.30 mg/l TCLP</u>
		<u>Cyanide (Total)</u> ⁷	<u>57-12-5</u>	<u>1.2</u>	<u>590</u>
		<u>Cyanide (Amenable)</u> ⁷	<u>57-12-5</u>	<u>0.86</u>	<u>30</u>
		<u>Fluoride</u>	<u>16984-48-8</u>	<u>35</u>	<u>48 mg/l TCLP</u>
* * * [See Prior Text in K093 -K151]					
<u>K156</u>	<u>Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.</u> ¹⁰	<u>Acetonitrile</u>	<u>75-05-8</u>	<u>5.6</u>	<u>38</u>
		<u>Acetophenone</u>	<u>96-86-2</u>	<u>0.010</u>	<u>9.7</u>
		<u>Aniline</u>	<u>62-53-3</u>	<u>0.81</u>	<u>14</u>
		<u>Benomyl</u>	<u>17804-35-2</u>	<u>0.056</u>	<u>1.4</u>
		<u>Benzene</u>	<u>71-43-2</u>	<u>0.14</u>	<u>10</u>
		<u>Carbaryl</u>	<u>63-25-2</u>	<u>0.006</u>	<u>0.14</u>
		<u>Carbenzadim</u>	<u>10605-21-7</u>	<u>0.056</u>	<u>1.4</u>
		<u>Carbofuran</u>	<u>1563-66-2</u>	<u>0.006</u>	<u>0.14</u>
		<u>Carbosulfan</u>	<u>55285-14-8</u>	<u>0.028</u>	<u>1.4</u>
		<u>Chlorobenzene</u>	<u>108-90-7</u>	<u>0.057</u>	<u>6.0</u>

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 mg/l ³ ; or Technology Code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP" or Technology Code ⁴
		<u>Chloroform</u>	<u>67-66-3</u>	<u>0.046</u>	<u>6.0</u>
		<u>o-Dichlorobenzene</u>	<u>95-50-1</u>	<u>0.088</u>	<u>6.0</u>
		<u>Methomyl</u>	<u>16752-77</u>	<u>0.028</u>	<u>0.14</u>
		<u>Methylene chloride</u>	<u>75-09-2</u>	<u>0.089</u>	<u>30</u>
		<u>Methyl ethyl ketone</u>	<u>78-93-3</u>	<u>0.28</u>	<u>36</u>
		<u>Naphthalene</u>	<u>91-20-3</u>	<u>0.059</u>	<u>5.6</u>
		<u>Phenol</u>	<u>108-95-2</u>	<u>0.039</u>	<u>6.2</u>
		<u>Pyridine</u>	<u>110-86-1</u>	<u>0.014</u>	<u>16</u>
		<u>Toluene</u>	<u>108-88-3</u>	<u>0.080</u>	<u>10</u>
		<u>Triethylamine</u>	<u>121-44-8</u>	<u>0.081</u>	<u>1.5</u>
K157	<u>Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. ¹⁰</u>	<u>Carbon tetrachloride</u>	<u>56-23-5</u>	<u>0.057</u>	<u>6.0</u>
		<u>Chloroform</u>	<u>67-66-3</u>	<u>0.046</u>	<u>6.0</u>
		<u>Chloromethane</u>	<u>74-87-3</u>	<u>0.19</u>	<u>30</u>
		<u>Methomyl</u>	<u>16752-77-5</u>	<u>0.028</u>	<u>0.14</u>
		<u>Methylene chloride</u>	<u>75-09-2</u>	<u>0.089</u>	<u>30</u>
		<u>Methyl ethyl ketone</u>	<u>78-93-3</u>	<u>0.28</u>	<u>36</u>

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
		<u>o-Phenylenediamine</u>	<u>95-54-5</u>	<u>0.056</u>	<u>5.6</u>
		<u>Pyridine</u>	<u>110-86-1</u>	<u>0.014</u>	<u>16</u>
		<u>Triethylamine</u>	<u>121-44-8</u>	<u>0.081</u>	<u>1.5</u>
<u>K158</u>	<u>Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes.</u> ¹⁰	<u>Benomyl</u>	<u>17804-35-2</u>	<u>0.056</u>	<u>14</u>
		<u>Benzene</u>	<u>71-43-2</u>	<u>0.14</u>	<u>10</u>
		<u>Carbenzadim</u>	<u>10605-21-7</u>	<u>0.056</u>	<u>1.4</u>
		<u>Carbofuran</u>	<u>1563-66-2</u>	<u>0.006</u>	<u>0.14</u>
		<u>Carbosulfan</u>	<u>55285-14-8</u>	<u>0.028</u>	<u>1.4</u>
		<u>Chloroform</u>	<u>67-66-3</u>	<u>0.046</u>	<u>6.0</u>
		<u>Methylene chloride</u>	<u>75-09-2</u>	<u>0.089</u>	<u>30</u>
		<u>Phenol</u>	<u>108-95-2</u>	<u>0.039</u>	<u>6.2</u>
<u>K159</u>	<u>Organics from the treatment of thiocarbamate wastes.</u> ¹⁰	<u>Benzene</u>	<u>71-43-2</u>	<u>0.14</u>	<u>10</u>
		<u>Butylate</u>	<u>2008-41-5</u>	<u>0.042</u>	<u>1.4</u>
		<u>EPTC (Eptam)</u>	<u>759-94-4</u>	<u>0.042</u>	<u>1.4</u>
		<u>Molinate</u>	<u>2212-67-1</u>	<u>0.042</u>	<u>1.4</u>
		<u>Pebulate</u>	<u>1114-71-2</u>	<u>0.042</u>	<u>1.4</u>
		<u>Vernolate</u>	<u>1929-77-7</u>	<u>0.042</u>	<u>1.4</u>

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
<u>K161</u>	<u>Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust, and floor sweepings from the production of dithiocarbamate acids and their salts. ¹⁰</u>	<u>Antimony</u>	<u>7440-36-0</u>	<u>1.9</u>	<u>2.1 mg/l TCLP</u>
		<u>Arsenic</u>	<u>7440-38-2</u>	<u>1.9</u>	<u>5.0 mg/l TCLP</u>
		<u>Carbon disulfide</u>	<u>75-15-0</u>	<u>3.8</u>	<u>4.8 mg/l TCLP</u>
		<u>Dithiocarbamates (total)</u>	<u>NA</u>	<u>0.028</u>	<u>28</u>
		<u>Lead</u>	<u>7439-92-1</u>	<u>0.69</u>	<u>0.37 mg/l TCLP</u>
		<u>Nickel</u>	<u>7440-02-0</u>	<u>3.98</u>	<u>5.0 mg/l TCLP</u>
		<u>Selenium</u>	<u>7782-49-2</u>	<u>0.82</u>	<u>0.16 mg/l TCLP</u>
* * * [See Prior Text in P001 - P123]					
<u>P127</u>	<u>Carbofuran ¹⁰</u>	<u>Carbofuran</u>	<u>1563-66-2</u>	<u>0.006</u>	<u>0.14</u>
<u>P128</u>	<u>Mexacarbate ¹⁰</u>	<u>Mexacarbate</u>	<u>315-18-4</u>	<u>0.056</u>	<u>1.4</u>
<u>P185</u>	<u>Tirpate ¹⁰</u>	<u>Tirpate</u>	<u>26419-73-8</u>	<u>0.056</u>	<u>0.28</u>
<u>P188</u>	<u>Physostigmine salicylate ¹⁰</u>	<u>Physostigmine salicylate</u>	<u>57-64-7</u>	<u>0.056</u>	<u>1.4</u>
<u>P189</u>	<u>Carbosulfan ¹⁰</u>	<u>Carbosulfan</u>	<u>55285-14-8</u>	<u>0.028</u>	<u>1.4</u>
<u>P190</u>	<u>Metolcarb ¹⁰</u>	<u>Metolcarb</u>	<u>1129-41-5</u>	<u>0.056</u>	<u>1.4</u>
<u>P191</u>	<u>Dimetilan ¹⁰</u>	<u>Dimelitan</u>	<u>644-64-4</u>	<u>0.056</u>	<u>1.4</u>
<u>P192</u>	<u>Isolan ¹⁰</u>	<u>Isolan</u>	<u>119-38-0</u>	<u>0.056</u>	<u>1.4</u>
<u>P194</u>	<u>Oxamyl ¹⁰</u>	<u>Oxamyl</u>	<u>23135-22-0</u>	<u>0.056</u>	<u>0.28</u>

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
<u>P196</u>	<u>Manganese dimethyldithiocarbamate</u> ¹⁰	<u>Dithiocarbamates (total)</u>	<u>NA</u>	<u>0.028</u>	<u>28</u>
<u>P197</u>	<u>Formparanate</u> ¹⁰	<u>Formparanate</u>	<u>17702-57-7</u>	<u>0.056</u>	<u>1.4</u>
<u>P198</u>	<u>Formetanate hydrochloride</u> ¹⁰	<u>Formetanate hydrochloride</u>	<u>23422-53-9</u>	<u>0.056</u>	<u>1.4</u>
<u>P199</u>	<u>Methiocarb</u> ¹⁰	<u>Methiocarb</u>	<u>2032-65-7</u>	<u>0.056</u>	<u>1.4</u>
<u>P201</u>	<u>Promecarb</u> ¹⁰	<u>Promecarb</u>	<u>2631-37-0</u>	<u>0.056</u>	<u>1.4</u>
<u>P202</u>	<u>m-Cumenyl methylcarbamate</u> ¹⁰	<u>m-Cumenyl methylcarbamate</u>	<u>64-00-6</u>	<u>0.056</u>	<u>1.4</u>
<u>P203</u>	<u>Aldicarb sulfone</u> ¹⁰	<u>Aldicarb sulfone</u>	<u>1646-88-4</u>	<u>0.056</u>	<u>0.28</u>
<u>P204</u>	<u>Physostigmine</u> ¹⁰	<u>Physostigmine</u>	<u>57-47-6</u>	<u>0.056</u>	<u>1.4</u>
<u>P205</u>	<u>Ziram</u> ¹⁰	<u>Dithiocarbamates (total)</u>	<u>NA</u>	<u>0.028</u>	<u>28</u>
* * * [See Prior Text in U001 - U249]					
<u>U271</u>	<u>Benomyl</u> ¹⁰	<u>Benomyl</u>	<u>17804-35-2</u>	<u>0.056</u>	<u>1.4</u>
<u>U278</u>	<u>Bendiocarb</u> ¹⁰	<u>Bendiocarb</u>	<u>22781-23-8</u>	<u>0.056</u>	<u>1.4</u>
<u>U279</u>	<u>Carbaryl</u> ¹⁰	<u>Carbaryl</u>	<u>63-25-2</u>	<u>0.006</u>	<u>0.14</u>
<u>U280</u>	<u>Barban</u> ¹⁰	<u>Barban</u>	<u>101-27-9</u>	<u>0.056</u>	<u>1.4</u>
* * * [See Prior Text in U328 - U359]					
<u>U364</u>	<u>Bendiocarb phenol</u> ¹⁰	<u>Bendiocarb phenol</u>	<u>22961-82-6</u>	<u>0.056</u>	<u>1.4</u>
<u>U367</u>	<u>Carbofuran phenol</u> ¹⁰	<u>Carbofuran phenol</u>	<u>1563-38-8</u>	<u>0.056</u>	<u>1.4</u>

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
U372	Carbendazim ¹⁰	Carbendazim	10605-21-7	0.056	1.4
U373	Propham ¹⁰	Propham	122-42-9	0.056	1.4
U387	Prosulfocarb ¹⁰	Prosulfocarb	52888-80-9	0.042	1.4
U389	Triallate ¹⁰	Triallate	2303-17-5	0.042	1.4
U394	A2213 ¹⁰	A2213	30558-43-1	0.042	1.4
U395	Diethylene glycol, dicarbamate ¹⁰	Diethylene glycol, dicarbamate	5952-26-1	0.056	1.4
U404	Triethylamine ¹⁰	Triethylamine	101-44-8	0.081	1.5
U409	Thiophanate-methyl ¹⁰	Thiophanate-methyl	23564-05-8	0.056	1.4
U410	Thiodicarb ¹⁰	Thiodicarb	59669-26-0	0.019	1.4
U411	Propoxur ¹⁰	Propoxur	114-26-1	0.056	1.4

* * *

[See Prior Text in Note 1 - Note 7]

- 8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See LAC 33:V.2201.G.4 and G.5.)
- 9 These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See LAC 33:V.Chapter 22.Subchapter B.)
- 10 Between August 26, 1996, and August 26, 1997, the treatment standards for this waste were satisfied in 40 CFR 268.40(g) by either meeting the constituent concentrations in this table or by treating the waste by the specified 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.

NOTE: NA means not applicable.

* * *

[See Prior Text in Table 3 - Table 6]

Table 7. Universal Treatment Standards			
Regulated Constituent- Common Name	CAS ¹ No.	Wastewater Standard Concentration in mg/l ²	Nonwastewater Standard Concentration in mg/kg ³ unless noted as "mg/l TCLP"
A2213 ⁶	30558-43-1	0.042	1.4
* * * [See Prior Text in Acenaphthylene - Acrylonitrile]			
Aldicarb sulfone ⁶	1646-88-4	0.056	0.28
* * * [See Prior Text in Aldrin - gamma - BHC]			
Barban ⁶	101-27-9	0.056	1.4
Bendiocarb ⁶	22781-23-3	0.056	1.4
Bendiocarb phenol ⁶	22961-82-6	0.056	1.4
Benomyl ⁶	17804-35-2	0.056	1.4
* * * [See Prior Text in Benzene -n-Butyl alcohol]			
Butylate ⁶	2008-41-5	0.042	1.4
* * * [See Prior Text in Butyl benzyl phthalate - 2-sec-Butyl-4,6-dinitrophenol/Dinoseb]			
Carbaryl ⁶	63-25-2	0.006	0.14
Carbenzadim ⁶	10605-21-7	0.056	1.4
Carbofuran ⁶	1563-66-2	0.006	0.14
Carbofuran phenol ⁶	1563-38-8	0.056	1.4
* * * [See Prior Text in Carbon disulfide - Carbon tetrachloride]			
Carbosulfan ⁶	55285-14-8	0.028	1.4
* * * [See Prior Text in Chlordane (alpha and gamma isomers) - p-Creosol]			
m-Cumenyl methylcarbamate ⁶	64-00-6	0.056	1.4
* * * [See Prior Text in Cyclohexanone -Diethyl phthalate]			
Diethylene glycol, dicarbamate ⁶	5952-26-1	0.056	1.4
* * * [See Prior Text in 2-4-Dimethyl phenol - Dimethyl phthalate]			
Dimetilan ⁶	644-64-4	0.056	1.4
* * * [See Prior Text in Di-n-butyl phthalate - Disulfoton]			
Dithiocarbamates (total) ⁶	137-30-4	0.028	28
* * * [See Prior Text in Endosulfan I - Flourene]			
Formetanate hydrochloride ⁶	23422-53-9	0.056	1.4
Formparanate ⁶	17702-57-7	0.056	1.4

Table 7. Universal Treatment Standards			
Regulated Constituent- Common Name	CAS ¹ No.	Wastewater Standard Concentration in mg/l ²	Nonwastewater Standard Concentration in mg/kg ³ unless noted as "mg/l TCLP"
* * * [See Prior Text in Heptochlor - Isodrin]			
Isolan ⁶	119-38-0	0.056	1.4
* * * [See Prior Text in Isosafrole - Methapyrilene]			
Methiocarb ⁶	2032-65-7	0.056	1.4
Methomyl ⁶	16752-77-5	0.028	0.14
* * * [See Prior Text in Methoxychlor - Methyl parathion]			
Metolcarb ⁶	1129-41-5	0.056	1.4
Mexacarbate ⁶	315-18-4	0.056	1.4
Molinate ⁶	2212-67-1	0.042	1.4
* * * [See Prior Text in Napthalene - N-Nitrosopyrrolidine]			
Oxamyl ⁶	23135-22-0	0.056	0.28
* * * [See Prior Text in Parathion - Total PCBs]			
Pebulate ⁶	1114-71-2	0.042	1.4
* * * [See Prior Text in Pentachlorobenzene - Phenol]			
o-Phenylenediamine ⁶	95-54-5	0.056	5.6
* * * [See Prior Text in Phorate - Phthalic anhydride]			
Physostigmine ⁶	57-47-6	0.056	1.4
Physostigmine salicylate ⁶	57-64-7	0.056	1.4
Promecarb ⁶	2631-37-0	0.056	1.4
* * * [See Prior Text in Pronamide]			
Propam ⁶	112-42-9	0.056	1.4
Propoxur ⁶	114-26-1	0.056	1.4
Prosulfocarb ⁶	52888-80-9	0.042	1.4
* * * [See Prior Text in Pyrene - 2,3,4,6-Tetrachlorophenol]			
Thiodicarb ⁶	59669-26-0	0.019	1.4
Thiophanate-methyl ⁶	23564-05-8	0.056	1.4
Tirpate ⁶	26419-73-8	0.056	0.28
* * * [See Prior Text in Toluene - Toxaphene]			
Triallate ⁶	2303-17-5	0.042	1.4
* * * [See Prior Text in Bromoform (Tribromomethane) - Cyanides (Amenable)]			

Table 7. Universal Treatment Standards			
Regulated Constituent- Common Name	CAS ¹ No.	Wastewater Standard Concentrat ion in mg/l ²	Nonwastewater Standard Concentration in mg/kg ³ unless noted as "mg/l TCLP"
Fluoride ⁵	16964-48-8	35	NA
* * * [See Prior Text in Lead - Thallium]			
Vanadium ⁵	7440-62-2	4.3	0.23 mg/l TCLP
* * * [See Prior Text in Zinc]			

* * *
See Prior Text Note 1 - Note 4

5 ~~Vanadium and Zinc~~ These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at LAC 33:V.2203.A.

6 Between August 26, 1996 and August 26, 1997, these constituents were not "underlying hazardous constituents" (under 40 CFR 268.2(i)) as defined in LAC 33:V.2203.A.

Note: NA means not applicable

* * *

[See Prior Text in Table 8 - Table 11.Certification Statements A-G]

Table 12

Metal-Bearing Wastes Prohibited From Dilution in a Combustion Unit According to LAC 33:V.2207.C ¹

<u>Waste code</u>	<u>Waste description</u>
<u>D004</u>	<u>Toxicity characteristic for arsenic.</u>
<u>D005</u>	<u>Toxicity characteristic for barium.</u>
<u>D006</u>	<u>Toxicity characteristic for cadmium.</u>
<u>D007</u>	<u>Toxicity characteristic for chromium.</u>
<u>D008</u>	<u>Toxicity characteristic for lead.</u>
<u>D009</u>	<u>Toxicity characteristic for mercury.</u>
<u>D010</u>	<u>Toxicity characteristic for selenium.</u>
<u>D011</u>	<u>Toxicity characteristic for silver.</u>
<u>F006</u>	<u>Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zincplating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching</u>

	<u>and milling of aluminum.</u>
<u>F007</u>	<u>Spent cyanide plating bath solutions</u> <u>from electroplating operations.</u>
<u>F008</u>	<u>Plating bath residues from the bottom of</u> <u>plating baths from electroplating</u> <u>operations where cyanides are used in</u> <u>the process.</u>
<u>F009</u>	<u>Spent stripping and cleaning bath</u> <u>solutions from electroplating operations</u> <u>where cyanides are used in the process.</u>
<u>F010</u>	<u>Quenching bath residues from oil baths</u> <u>from metal treating operations where</u> <u>cyanides are used in the process.</u>
<u>F011</u>	<u>Spent cyanide solutions from salt bath</u> <u>pot cleaning from metal heat treating</u> <u>operations.</u>
<u>F012</u>	<u>Quenching waste water treatment sludges</u> <u>from metal heat treating operations</u> <u>where cyanides are used in the process.</u>
<u>F019</u>	<u>Wastewater treatment sludges from the</u> <u>chemical conversion coating of aluminum</u> <u>except from zirconium phosphating in</u> <u>aluminum car washing when such</u> <u>phosphating is an exclusive conversion</u> <u>coating process.</u>
<u>K002</u>	<u>Wastewater treatment sludge from the</u> <u>production of chrome yellow and orange</u> <u>pigments.</u>
<u>K003</u>	<u>Wastewater treatment sludge from the</u> <u>production of molybdate orange pigments.</u>
<u>K004</u>	<u>Wastewater treatment sludge from the</u> <u>production of zinc yellow pigments.</u>
<u>K005</u>	<u>Wastewater treatment sludge from the</u> <u>production of chrome green pigments.</u>
<u>K006</u>	<u>Wastewater treatment sludge from the</u> <u>production of chrome oxide green</u> <u>pigments (anhydrous and hydrated).</u>
<u>K007</u>	<u>Wastewater treatment sludge from the</u> <u>production of iron blue pigments.</u>
<u>K008</u>	<u>Oven residue from the production of</u> <u>chrome oxide green pigments.</u>
<u>K061</u>	<u>Emission control dust/sludge from the</u> <u>primary production of steel in electric</u> <u>furnaces.</u>
<u>K069</u>	<u>Emission control dust/sludge from</u> <u>secondary lead smelting.</u>
<u>K071</u>	<u>Brine purification muds from the mercury</u> <u>cell processes in chlorine production,</u>

	<u>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_5.</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>Ammonium 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>

¹ A combustion unit is defined as any thermal technology subject to LAC 33:V.Chapter 30, Chapter 31, and/or Chapter 43.Subchapter N.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality-Hazardous Waste

Chapter 25. Landfills

§2515. Special Requirements for Bulk and Containerized Liquids

* * *

[See Prior Text in A-F.2]

a. The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi ~~+~~ or.

b. The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria.

c. The sorbent material is determined to be nonbiodegradable under OECD test 301B: [CO₂ Evolution (Modified Sturm Test)].

d. Effective March 20, 1998, the placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the administrative authority, or the administrative authority determines, that:

i. the only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and

ii. placement in such owner's or operator's landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in LAC 33:V.109.)

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, in LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:821 (September 1996), amended by the Office of the Secretary, LR 23:299 (March 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 31. Incinerators
§3105. Applicability

* * *
 [See Prior Text in A-E]

Table 1. Hazardous Constituents			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
* * * [See Prior Text in Acetonitrile - Beryllium compounds, N.O.S. ¹]			
<u>Bis (pentamethylene)-thiuram tetrasulfide</u>	<u>Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-</u>	<u>120-54-7</u>	<u>U400</u>
* * * [See Prior Text in Bromoacetone - Butyl benzyl phthalate]			
<u>Butylate</u>	<u>Carbamothioic acid, bis (2-methylpropyl)-, S-ethyl ester</u>	<u>2008-41-5</u>	<u>U392</u>
* * * [See Prior Text in Cacodylic acid - Copper Cyanide]			
<u>Copper dimethyl-dithiocarbamate</u>	<u>Copper, bis(dimethylcarbamodithioato-S,S')-,</u>	<u>137-29-1</u>	<u>U393</u>
* * * [See Prior Text in Creosote - Cycasin]			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
<u>Cycloate</u>	<u>Carbamothioic acid, cyclohexylethyl-, S-ethyl ester</u>	<u>1134-23-2</u>	<u>U386</u>
* * * [See Prior Text in 2-Cyclohexyl-4,6- dinitrophenol - Daunomycin]			
<u>Dazomet</u>	<u>2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl</u>	<u>533-74-4</u>	<u>U366</u>
* * * [See Prior Text in DDD - Di-n-propylnitrosamine]			
<u>Disulfiram</u>	<u>Thioperoxydicarbonic diamide, tetraethyl</u>	<u>97-77-8</u>	<u>U403</u>
* * * [See Prior Text in Disulfoton - Epinephrine]			
<u>EPTC</u>	<u>Carbamothioic acid, dipropyl-, S-ethyl ester</u>	<u>759-94-4</u>	<u>U390</u>
* * * [See Prior Text in Ethyl carbamate (urethane) - Ethyl methanesulfonate]			

Table 1. Hazardous Constituents			
<u>Ethyl Ziram</u>	<u>Zinc, bis(diethylcarbamodithioato-S,S')-</u>	<u>14324-55-1</u>	<u>U407</u>
* * * [See Prior Text in Famphur]			
<u>Ferbam</u>	<u>Iron, tris(dimethylcarbamodithioato-S,S')-</u>	<u>14484-64-1</u>	<u>U396</u>
* * * [See Prior Text in Fluoranthene - Hydrogen sulfide]			
<u>3-Iodo-2-propynyl n-butylcarbamate</u>	<u>Carbamic acid, butyl-, 3-iodo-2-propynyl ester</u>	<u>55406-53-6</u>	<u>U375</u>
* * * [See Prior Text in Indeno[1,2,3-cd]pyrene - Mercury fulminate]			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
<u>Metam Sodium</u>	<u>Carbamodithioic acid, methyl-, monosodium salt</u>	<u>137-42-8</u>	<u>U384</u>
* * * [See Prior Text in Methacrylonitrile - MNNG]			
<u>Molinate</u>	<u>1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester</u>	<u>2212-67-1</u>	<u>U365</u>
* * * [See Prior Text in Mustard gas - Parathion]			
<u>Pebulate</u>	<u>Carbamothioic acid, butylethyl-, S-propyl ester</u>	<u>1114-71-2</u>	<u>U391</u>
* * * [See Prior Text in Pentachlorobenzene - Potassium cyanide]			
<u>Potassium dimethyldithiocarbamate</u>	<u>Carbamodithioic acid, dimethyl-, potassium salt</u>	<u>128-03-0</u>	<u>U383</u>
<u>Potassium hydroxymethyl-n-methyl-dithiocarbamate</u>	<u>Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt</u>	<u>51026-28-9</u>	<u>U378</u>
<u>Potassium n-methyldithiocarbamate</u>	<u>Carbamodithioic acid, methyl-monopotassium salt</u>	<u>137-41-7</u>	<u>U377</u>
* * * [See Prior Text in Potassium pentachlorophenate - Selenium sulfide]			
<u>Selenium, tetrakis (dimethyl-dithiocarbamate</u>	<u>Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid</u>	<u>144-34-3</u>	<u>U376</u>
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number

Table 1. Hazardous Constituents			
* * *			
[See Prior Text in Selenourea - Sodium cyanide]			
<u>Sodium dibutyldithiocarbamate</u>	<u>Carbamodithioic acid, dibutyl, sodium salt</u>	<u>136-30-1</u>	<u>U379</u>
<u>Sodium diethyldithiocarbamate</u>	<u>Carbamodithioic acid, diethyl-, sodium salt</u>	<u>148-18-5</u>	<u>U381</u>
<u>Sodium dimethyldithiocarbamate</u>	<u>Carbamodithioic acid, dimethyl-, sodium salt</u>	<u>128-04-1</u>	<u>U382</u>
* * *			
[See Prior Text in Sodium pentachlorophenate - Strychnine salts]			
<u>Sulfallate</u>	<u>Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester</u>	<u>95-06-7</u>	<u>U277</u>
* * *			
[See Prior Text in TCDD]			
<u>Tetrabutylthiuram disulfide</u>	<u>Thioperoxydicarbonic diamide, tetrabutyl</u>	<u>1634-02-2</u>	<u>U402</u>
<u>Tetrabutylthiuram monosulfide</u>	<u>Bis (dimethylthiocarbamoyl) sulfide</u>	<u>97-74-5</u>	<u>U401</u>
* * *			
[See Prior Text in 1,2,4,5-Tetrachlorobenzene - Vanadium pentoxide]			
<u>Vernolate</u>	<u>Carbamothioic acid, dipropyl-, S-propyl ester</u>	<u>1929-77-7</u>	<u>U385</u>
* * *			
[See Prior Text in Vinyl chloride - Zinc phosphide]			
<u>Ziram</u>	<u>Zinc, bis(dimethylcarbamodithioato-S,S')-, (T-4)-</u>	<u>137-30-4</u>	<u>P205</u>

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 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:**.

§3115. Incinerator Permits for New or Modified Facilities

* * *

[See Prior Text in A-B.11.d]

12. The administrative authority must send a notice to all persons on the facility mailing list, as set forth in LAC 33:V.717.A.5, and to the appropriate units of state and local government, as set forth in LAC 33:V.717.A.2, announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the administrative authority has issued such notice.

a. This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the permitting agency.

b. This notice must contain:

i. the name and telephone number of the applicant's contact person;

ii. the name and telephone number of the permitting agency's contact office;

iii. the location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

iv. an expected time period for commencement and completion of the trial burn.

1213. during, or immediately after, each approved trial burn the applicant must make the following determinations when a DRE trial burn is required under LAC 33:V.3009.A:

a. a quantitative analysis of the trial POHCs in the waste feed;

b. a quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, oxygen (O₂) and hydrogen chloride (HCl);

c. a quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs;

d. a computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in LAC 33:V.3111;

e. if the HCl emission rate exceeds 1.8 kilograms of HCl per hour (four pounds per hour), a computation of HCl removal efficiency in accordance with LAC 33:V.3111;

f. a computation of particulate emissions, in accordance with LAC 33:V.3111;

g. an identification of sources of fugitive emissions and their means of control;

h. a measurement of average, maximum, and minimum

temperatures and combustion gas velocity;

i. a continuous measurement of carbon monoxide (CO) in the exhaust gas; and

j. such other information as the administrative authority may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in LAC 33:V.3111 and to establish the operating conditions required by LAC 33:V.3117 as necessary to meet that performance standard.

~~13~~14. the applicant must submit to the administrative authority a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in ~~LAC 33:V.3115.B.12~~ Subsection B.13 of this Section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the administrative authority.

~~14~~15. all data collected during any trial burn must be submitted to the administrative authority following the completion of the trial burn.

~~15~~16. all submissions required by this Subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under LAC 33:V.507 and 509.

~~16~~17. based on the results of the trial burn, the administrative authority shall set the operating requirements in the final permit according to LAC 33:V.3117. The permit modification shall proceed according to LAC 33:V.321.C.

* * *

[See Prior Text in C-C.2]

D. For the purposes of determining feasibility of compliance with the performance standards of LAC 33:V.3111 and of determining adequate operating conditions under LAC 33:V.3117, the applicant for a permit for an existing hazardous waste incinerator must prepare and submit a trial burn plan and perform a trial burn in accordance with LAC 33:V. ~~3115~~529.B and Subsection B, B.1-11, and 13-16 or, instead, submit other information as specified in LAC 33:V.529.C. The administrative authority must announce his or her intention to approve the trial burn plan in accordance with the timing and distribution requirements of Subsection B.12 of this Section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the permitting agency; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under LAC 33:V.529.A are exempt from compliance with LAC 33:V.3111 and

3117 and, therefore, are exempt from the requirements to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in ~~LAC~~ 33:V.3115.B.12-Subsection B.13 of this Section, with Part II of the permit application. If completion of this process conflicts with the date set for submission of the Part II application, the applicant must contact the administrative authority to establish a later date for submission of the Part II application or the trial burn results. Trial burn results must be submitted prior to issuance of a permit. When the applicant submits a trial burn plan with Part II of the permit application, the administrative authority will specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 22:828 (September 1996), LR 22:835 (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 33. Groundwater Protection

§3309. Concentration Limits

A. The administrative authority will specify in the facility permit concentration limits in the groundwater for hazardous constituents established under LAC 33:V.3307. The concentration of a hazardous constituent:

~~1. All permits for facilities with pre-existing groundwater contamination shall set concentration limits at background levels and provide corrective action programs as specified in LAC 33:V.3303.C and D.~~

~~2. Permits for facilities without pre-existing groundwater contamination shall set concentration limits at background levels.~~

~~3. In other cases in which groundwater contamination is detected after granting of the initial permit, the concentration limits of hazardous constituents shall be established consistent with LAC 33:V.3303.C and D, and:~~

~~a1. must not exceed the background level of that constituent in the groundwater at the time that limit is specified in the permit; or~~

~~b2. for any of the constituents listed in LAC 33:V.3309. Table 1 of this Section, must not exceed the respective value given in that table if the background level of the constituent is below the value given; or~~

~~c. after compliance monitoring and corrective action measures specified in LAC 33:V.3319 and 3321 have demonstrated the original concentration limits are unattainable after a 36-month time frame, the administrative authority may set by permit amendment, alternative concentration limits which must not exceed those provided in LAC 33:V.3309.B.~~

3. must not exceed an alternative limit established by the administrative authority under Subsection B of this Section.

* * *

[See Prior Text in Table 1-Note 1]

B. The administrative authority may establish an alternate concentration limit for a hazardous constituent if he finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. ~~In no case shall alternate concentration limits of hazardous constituents be established which will result in the potential for concentrations of hazardous constituents in potable water aquifers that exceed recognized U. S. Environmental Protection Agency Drinking Water~~

~~Quality Standards or background levels whichever are higher, at the property boundary of the permitted site. In setting such alternative concentration limits, the administrative authority will consider the best available evidence accepted by the scientific community, including nationally accepted guidelines which have been established by risk assessment methodology.~~ In establishing alternate concentration limits, the administrative authority will consider the following factors:

1. potential adverse effects on groundwater quality, considering:

a. the physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

b. the hydrogeological characteristics of the facility and surrounding land;

c. the quantity of groundwater and the direction of groundwater flow;

d. the proximity and withdrawal rates of groundwater users;

e. the current and future uses of groundwater in the area;

f. the existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality;

g. the potential for health risks caused by human exposure to waste constituents;

h. the potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents;

i. the persistence and permanence of the potential adverse effects; and

2. potential adverse effects on hydraulically-connected surface water quality, considering:

a. the volume and physical and chemical characteristics of the waste in the regulated unit;

b. the hydrogeological characteristics of the facility and surrounding land;

c. the quantity and quality of groundwater and the direction of groundwater flow;

d. the patterns of rainfall in the region;

e. the proximity of the regulated unit to surface waters;

f. the current and future uses of surface waters in the area and any water quality standards established for those surface waters;

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

h. the potential for health risks caused by human exposure to waste constituents;

i. the potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

j. the persistence and permanence of the potential adverse effects.

C. In making any determination under ~~LAC 33:V.3309.~~ Subsection B of this Section about the use of groundwater in the area around the facility, the administrative authority will consider any identification of underground sources of drinking water and exempted aquifers identified in the permit application under LAC 33:V.Chapter 3.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 10:496 (July 1984), LR 16:614 (July 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 38. Universal Wastes

Subchapter B. Standards for Small Quantity Handlers of Universal Waste

§3835. Exports

A small quantity handler of universal waste who sends universal waste to a foreign destination , other than to those OECD countries specified in LAC 33:V.1113.I.1.a (in which case the handler is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B) , must:

* * *

[See Prior Text in A.1-3]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:573 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter C. Standards for Large Quantity Handlers of Universal Waste

§3857. Exports

A large quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in LAC 33:V.1113.I.1.a (in which case the handler is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B) must:

* * *

[See Prior Text in A.1-3]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:577 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter D. Standards for Universal Waste Transporters

§3871. Exports

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in LAC 33:V.1113.I.1.a (in which case the transporter is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of

Consent. In addition the transporter must ensure that:

* * *

[See Prior Text in A.1-2]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:**.

Subchapter F. Import Requirements

§3879. Imports

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this Chapter, immediately after the waste enters the United States, as indicated ~~below~~ in Subsections A-C of this Section.

* * *

[See Prior Text in A-C]

D. Persons managing universal waste that is imported from an OECD country as specified in LAC 33:V.1113.I.1.a are subject to Subsections A-C of this Section, in addition to the requirements of LAC 33:V.Chapter 11.Subchapter B.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (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 41. Recyclable Materials

§4105. Requirements for Recyclable Material

Recyclable materials are subject to additional regulations as follows:

* * *

[See Prior Text in A-E]

F. Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in LAC 33:V.1113.I.1.a) for the purpose of recovery is subject to the requirements of LAC 33:V.Chapter 11.Subchapter B, if it is subject to either the manifesting requirements of LAC 33:V.Chapter 11 or to the universal waste management standards of LAC 33:V.Chapter 38.

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:**.

§4143. Recyclable Materials Utilized for Precious Metal Recovery

* * *

[See Prior Text in A-B.4]

5. generators are subject to the requirements of Subchapter B of this Chapter -; and

6. precious metals exported to or imported from designated OECD member countries for recovery are subject to the requirements of LAC 33:V.Chapter 11.Subchapter B and LAC 33:V.4311. Precious metals exported to or imported from non-OECD countries for recovery are subject to the requirements of LAC 33:V.1113 and 1123.

* * *

[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,

PROPOSED RULE/JANUARY 20, 1998

HW061*

Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), 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

Subchapter A. General Facility Standards

§4311. Required Notices

Interim status facilities must comply with LAC 33:V. ~~1527.A~~
and ~~F~~, and 1531.

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), amended by the Office of Waste Services,
Hazardous Waste Division, LR 24:**.

Subchapter M. Landfills

**§4507. Special Requirements for Bulk and Containerized Liquids
Waste**

* * *

[See Prior Text in A-F.2.a]

b. The sorbent material is determined to be
nonbiodegradable under ASTM Method G22-76 (1984b)-Standard
Practice for Determining Resistance of Plastics to Bacteria ~~-;~~ or

c. The sorbent material is determined to be
nonbiodegradable under OECD test 301B: [CO₂ Evolution (Modified
Sturm Test)].

* * *

[See Prior Text in G-G.2]

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

HISTORICAL NOTE: Promulgated by the Department of
Environmental Quality, Office of Solid and Hazardous Waste,
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(March 1995), LR 22:829 (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 49. Lists of Hazardous Wastes

§4901. Category I Hazardous Wastes

* * *

[See Prior Text in A-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 No.	Chemical Abstract Number	Hazardous Waste
* * * [See Prior Text]		
U119	62-50-0	Ethyl methanesulfonate
U396	14484-64-1	Ferban
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-methyl-di-thiocarbamate

Table 4. Toxic Wastes		
EPA Hazardous Waste No.	Chemical Abstract Number	Hazardous Waste
U377	137-41-7	Potassium n-methyldithiocarbamate
U192	23950-58-5	Pronamide
* * * [See Prior Text]		
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
* * * [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,N)C(S)] ₂ S ₂ , tetramethyl-

Table 4. Toxic Wastes		
EPA Hazardous Waste No.	Chemical Abstract Number	Hazardous Waste
U402	1634-02-2	Thioperoxydicarbonic diamide, tetrabutyl
U403	97-77-8	Thioperoxydicarbonic diamide, tetraethyl
U219	62-56-6	Thiourea
* * * [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]		
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta, 16beta, 17alpha, 18beta, 20alpha)-
U407	14324-55-1	Zinc, bis(diethylcarbamo-dithioato-S,S')
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10% or less

*CAS Number given for parent compound only.

* * *
[See Prior Text in G]

Table 6 lists constituents that serve as a basis for listing hazardous waste.

TABLE 6.

Table of Constituents that Serve as a Basis for Listing Hazardous Waste

* * *
[See Prior Text in F001-K151]

EPA Hazardous Waste Number K156

- benomyl
- carbaryl
- carbendazim
- carbofuran
- carbosulfan
- formaldehyde
- methylene chloride
- triethylamine

EPA Hazardous Waste Number K157

Carbon tetrachloride
formaldehyde
methyl chloride
methylene chloride
pyridine
triethylamine

EPA Hazardous Waste Number K158

benomyl
carbendazim
carbofuran
carbosulfan
chloroform
methylene chloride

EPA Hazardous Waste Number K159

benzene
butylate
EPTC
molinate
pebulate
vernolate

EPA Hazardous Waste Number K161

antimony
arsenic
metam-sodium
ziram

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:**.