

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning 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 regulations, LAC 33:V.Chapters 1, 11, and 51 (Log #HW075L).

Rule HW075F, which is being proposed concurrent with this rule (HW75L), changes the categories of hazardous waste generators to be equivalent to the federal regulations and also makes other revisions to the regulations to make them equivalent to the federal regulations. This rule, HW075L, reinstates the existing requirements that conditionally exempt small quantity generators (presently Louisiana small quantity generators) notify as generators of hazardous waste and pay a \$50 annual fee. The Administrative Procedure Act requires that the department adopt federal language separately from non-federal language. This rule, HW075L, will reinstate language that would be lost if the department were to adopt the federally-equivalent language in HW075F without this companion rule. Preserving existing language will ensure that the department continues to be notified of the activity of all hazardous waste generators and can, thus, continue to effectively ensure that wastes are being handled in a manner that is protective of human health and the environment. The basis and rationale for this rule are to ensure that the existing hazardous waste program will not be compromised due to the proposed changes in the HW075F package. This rule will allow the agency to continue to receive the notification forms and fees for hazardous waste activity within the state.

This proposed rule meets an exception 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 has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 25, 2001, 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 (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by HW075L. Such comments must be received no later than February 1, 2001, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-5095. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of HW075L.

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; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

RULEMAKING PACKAGE EXPLANATORY NOTICE

Act 274 of the 1993 Legislative Session required that DEQ propose a rule that is not identical to, or not required for compliance with a federal law or regulation, separately from rules that are identical to, or required for compliance with federal law or regulation. The law defines “identical” as having the same content and meaning as the corresponding federal law or regulation. The following is provided to clarify this package:

- **“F Package”**—proposed regulations which are identical to or required for compliance with a federal law or regulation (i.e., HW075F).
- **“L Package”**—contains additional proposed requirements which are not identical to, or required by a federal law or regulation (i.e., HW075L).
- **BOLD SMALL CAPS**—type style used in the “L” document only to indicate non-federal proposed regulations.
- **Strikeout**—used to indicate that text is being deleted.
- **Underline**—used to indicate that text is being added.
- the phrase shown below in brackets directs the reader to existing language in the regulations which precedes the paragraph being addressed.

* * *

[See Prior Text in 105.A – D.5]

- the phrase shown below directs the reader to new proposed text in the “F” package.

* * *

[See New Text In F Package]

- the phrase shown below directs the reader to amended text in the “F” package.

* * *

[See Amended Text In F Package]

This will only be used for rules which have both an “F” and “L” version and only when the text is entirely new in both. Example: The “F” ve “L” version adds two additional requirements §108.G.4 and 5. The reader would be instructed by the bracketed note to refer to the “F” package to follow and understand the intent of the added requirements in the “L” package.

[Note: This package may not contain all of the items listed above]

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

' 108. Special Requirements for Hazardous Waste Generated by Conditionally Exempt Small Quantity Generators

* * *

[See New Text in F Package in A]

B. Except for those wastes identified in Subsections E, F, G, and J of this Section, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under the notification requirements of LAC 33:V.105.A and Chapters 3 - 37, 41, 43, and 53, except for LAC 33:V.Chapter 31.Table 1, provided the generator complies with the requirements of Subsections F, G, and J of this Section.

* * *

[See New Text in F Package in C – F.3.f.ii]

g. for universal waste managed under LAC 33:V.Chapter 38, a universal waste handler or destination facility subject to the requirements of 40 CFR 273 or LAC 33:V.Chapter 38.;

4. NOTIFY THE DEPARTMENT IN ACCORDANCE WITH LAC 33:V.105.A; AND

5. ANY AND ALL FEES REQUIRED TO BE PAID BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS IN ACCORDANCE WITH LAC 33:V.5137 MUST BE PAID.

* * *

[See New Text in F Package in G – G.3.f.ii]

g. for universal waste managed under LAC 33:V.Chapter 38, a universal waste handler or destination facility subject to the requirements of 40 CFR 273 or LAC 33:V.Chapter 38.;

4. NOTIFY THE DEPARTMENT IN ACCORDANCE WITH LAC 33:V.105.A; AND

5. ANY AND ALL FEES REQUIRED TO BE PAID BY CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS IN ACCORDANCE WITH LAC 33:V.5137 MUST BE PAID.

* * *

[See New Text in F Package in H – J]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality,
Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

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

Chapter 11. Generators

' 1109. Pre-Transport Requirements

* * *

[See Amended Text in F Package in A - E.7.d.iv.(c).(v)]

e. the quantity of waste accumulated on-site never exceeds 6000 kg;

f. ANY AND ALL FEES REQUIRED TO BE PAID BY GENERATORS MUST BE

PAID.

* * *

[See New Text in F Package in E.8 – 9]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:**.

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

Chapter 51. Fee Schedules

' 5137. Conditionally Exempt Small Quantity Generator Fee

CONDITIONALLY EXEMPT Small quantity generators (see LAC 33:V.390108) shall pay a fee of \$50 per year to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 14:622 (September 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:**.

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: HW075L**

Person

Preparing

Statement: Thelma Y. Jenkins-Anthony

Dept.: Environmental Quality

Phone: (225) 765-0399

Office: Environmental Assessment

Return

Address: P.O. Box 82178
Baton Rouge, LA 70884

Rule

Title: Small Quantity Generator
Revisions - LAC 33:V.Chapters
1, 11, and 51.

Date Rule

Takes Effect: Upon Promulgation

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

No implementation costs or savings to state or local governmental units are expected as a result of this rule.

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

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule. This rule will allow the state of Louisiana to continue to require the fees that are currently being paid to the agency and which are not included under the companion rule HW075F.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This rule will have no economic impact on conditionally-exempt small quantity generators as they will continue to pay the same fee that they paid when they were categorized, by the state, as small quantity generators.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be significantly affected as a result of the implementation of this rule.

PROPOSED RULE/DECEMBER 20, 2000

HW075L

Signature of Agency Head or Designee
DESIGNEE

LEGISLATIVE FISCAL OFFICER OR

James H. Brent, Ph.D., Assistant Secretary
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

LFO 7/1/94

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

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

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

Rule HW075F, which is being proposed concurrently with this rule (HW75L), changes the categories of hazardous waste generators to be equivalent to the federal regulations and also makes other revisions to the regulations to make them equivalent to the federal regulations. This rule, HW075L, reinstates the existing requirements that conditionally exempt small quantity generators (presently Louisiana small quantity generators) notify as generators of hazardous waste and pay a \$50 annual fee.

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

The Administrative Procedure Act requires that the department adopt federal language separately from non-federal language. This rule, HW075L, will reinstate language that would be lost if the department were to adopt the federally-equivalent language in the HW075F without this companion rule. Preserving existing language will ensure that the department continues to be notified of the activity of all hazardous waste generators and can, thus, continue to effectively ensure that wastes are being handled in a manner that is protective of human health and the environment.

- C. Compliance with Act II of the 1986 First Extraordinary Session

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, there will be no increase in the expenditure of funds.

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

(a) _____ Yes. If yes, attach documentation.

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

This section is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

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

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

There is no anticipated change in costs to implement the proposed action.

COSTS	FY 00-01	FY 01-02	FY 02-03
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
<u>EQUIPMENT</u>			
TOTAL	0	0	0
<u>MAJOR REPAIR & CONSTR.</u>			
<u>POSITIONS(#)</u>	0	0	0

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

This section is not applicable.

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

SOURCE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED FEDERAL FUNDS			
<u>OTHER (Specify)</u>			
TOTAL	0	0	0

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

No additional funding is necessary to implement the proposed rule.

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

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

No implementation cost or savings to local governmental units are expected as a result of this rule.

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

This section is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule. This rule will allow the state of Louisiana to continue to require the fees that are currently being paid to the agency and which are not included under the companion rule HW075F.

REVENUE INCREASE/DECREASE	FY 00-01	FY 01-02	FY 02-03
STATE GENERAL FUND			
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*			
FEDERAL FUNDS			
<u>LOCAL FUNDS</u>			
<u>TOTAL</u>	<u>0</u>	<u>0</u>	<u>0</u>

*Specify the particular fund being impacted.

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

This section is not applicable.

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

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

This rule will have no economic impact on conditionally-exempt small quantity generators as they will continue to pay the same fee that they paid when they were categorized, by the state, as small quantity generators.

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

This section is not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule will have no effect on competition and employment.