

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or 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. Wastes that are excluded from regulation are found in this Section.

A. – D.1.p.vi. ...

q. comparable fuels or comparable syngas fuels ~~(i.e., comparable/syngas fuels)~~

that meet the requirements of LAC 33:V.4909;

D.1.r. – P.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR

17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:614 (April 2008), LR 34:1008 (June 2008), LR 34:1893 (September 2008), LR 34:2395 (November 2008), LR 35:1878 (September 2009), LR 36:2553 (November 2010), LR 38:0000 (March 2012).

Chapter 49. Lists of Hazardous Wastes

[Comment: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

§4909. ~~Comparable/Syngas Fuel Exclusion of Comparable Fuel and Syngas Fuel~~

A. Specifications for Excluded Fuels. Wastes that meet the following comparable/syngas fuel requirements are not solid wastes.

B. – C.5. ...

Table 7: Detection and Detection Limit Values for Comparable Fuel Specification
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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required 10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Total Nitrogen as N	NA	9000	18400	4900	
Total Halogens as Cl	NA	1000	18400	540	
Total Organic Halogens as Cl	NA			25 or individual halogenated organics listed below	
Polychlorinated biphenyls, total [Arocolors, total]	1336-36-3	Nondetect		Nondetect	1.4
Cyanide, total	57-12-5	Nondetect		Nondetect	1.0
Metals					
Antimony, total	7440-36-0	Nondetect		12	
Arsenic, total	7440-38-2	Nondetect		0.23	
Barium, total	7440-39-3	Nondetect		23	
Beryllium, total	7440-41-7	Nondetect		1.2	
Cadmium, total	7440-43-9		Nondetect	<u>1.2</u>	<u>1.2</u>
Chromium, total	7440-47-3	Nondetect		2.3	
Cobalt	7440-48-4	Nondetect		4.6	
Lead, total	7439-92-1	57	18100	31	

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Manganese	7439-96-5	Nondetect		1.2	
Mercury, total	7439-97-6	Nondetect		0.25	
Nickel, total	7440-02-0	106	18400	58	
Selenium, total	7782-49-2	Nondetect		0.23	
Silver, total	7440-22-4	Nondetect		2.3	
Thallium, total	7440-28-0	Nondetect		23	
Hydrocarbons					
Benzo[a]anthracene	56-55-3	Nondetect		2400	
Benzene	71-43-2	8000	19600	4100	
Benzo[b]fluoranthene	205-99-2	Nondetect		2400	
Benzo[k]fluoranthene	207-08-9	Nondetect		2400	
Benzo[a]pyrene	50-32-8	Nondetect		2400	
Chrysene	218-01-9	Nondetect		2400	
Dibenzo[a,h]anthracene	53-70-3	Nondetect		2400	

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
7,12-Dimethylbenz[a]anthracene	57-97-6	Nondetect		2400	
Fluoranthene	206-44-0	Nondetect		2400	
Indeno(1,2,3-cd)pyrene	193-39-5	Nondetect		2400	
3-Methylcholanthrene	56-49-5	Nondetect		2400	
Naphthalene	91-20-3	6200	19400	3200	
Toluene	108-88-3	69000	19400	36000	
Oxygenates					
Acetophenone	98-86-2	Nondetect		2400	
Acrolein	107-02-8	Nondetect		39	
Allyl alcohol	107-18-6	Nondetect		30	
Bis(2-ethylhexyl)phthalate [Di-2-ethylhexyl phthalate]	117-81-7	Nondetect		2400	
Butyl benzyl phthalate	85-68-7	Nondetect		2400	
o-Cresol [2-Methyl phenol]	95-48-7	Nondetect		2400	
m-Cresol [3-Methyl phenol]	108-39-4	Nondetect		2400	
p-Cresol [4-Methyl phenol]	106-44-5	Nondetect		2400	

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Di-n-butyl phthalate	84-74-2	Nondetect		2400	
Diethyl phthalate	84-66-2	Nondetect		2400	
2,4-Dimethylphenol	105-67-9	Nondetect		2400	
Dimethyl phthalate	131-11-3	Nondetect		2400	
Di-n-octyl phthalate	117-84-0	Nondetect		2400	
Endothall	145-73-3	Nondetect		100	
Ethyl methacrylate	97-63-2	Nondetect		39	
2-Ethoxyethanol [Ethylene glycol monoethyl ether]	110-80-5	Nondetect		100	
Isobutyl alcohol	78-83-1	Nondetect		39	
Isosafrole	120-58-1	Nondetect		2400	
Methyl ethyl ketone [2-Butanone]	78-93-3	Nondetect		39	
Methyl methacrylate	80-62-6	Nondetect		39	
1,4-Naphthoquinone	130-15-4	Nondetect		2400	
Phenol	108-95-2	Nondetect		2400	

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Propargyl alcohol [2-Propyn-1-ol]	107-19-7	Nondetect		30	
Safrole	94-59-7	Nondetect		2400	
Sulfonated Organics					
Carbon disulfide	75-15-0	Nondetect		Nondetect	39
Disulfoton	298-04-4	Nondetect		Nondetect	2400
Ethyl methanesulfonate	62-50-0	Nondetect		Nondetect	2400
Methyl methanesulfonate	66-27-3	Nondetect		Nondetect	2400
Phorate	298-02-2	Nondetect		Nondetect	2400
1,3-Propane sultone	1120-71-4	Nondetect		Nondetect	100
Tetraethyldithiopyrophosphate [Sulfotepp]	3689-24-5	Nondetect		Nondetect	2400
Thiophenol [Benzenethiol]	108-98-5	Nondetect		Nondetect	30
O,O,O-Triethyl phosphorothioate	126-68-1	Nondetect		Nondetect	2400
Nitrogenated Organics					
Acetonitrile [Methyl cyanide]	75-05-8	Nondetect		Nondetect	39
2-Acetylaminofluorene [2-AAF]	53-96-3	Nondetect		Nondetect	2400

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Acrylonitrile	107-13-1	Nondetect		Nondetect	39
4-Aminobiphenyl	92-67-1	Nondetect		Nondetect	2400
4-Aminopyridine	504-24-5	Nondetect		Nondetect	100
Aniline	62-53-3	Nondetect		Nondetect	2400
Benzidine	92-87-5	Nondetect		Nondetect	2400
Dibenz[a,j]acridine	224-42-0	Nondetect		Nondetect	2400
O,O-Diethyl O-pyrazinyl phosphoro-thioate [Thionazin]	297-97-2	Nondetect		Nondetect	2400
Dimethoate	60-51-5	Nondetect		Nondetect	2400
p-(Dimethylamino)azobenzene [4-Dimethylaminoazobenzene]	60-11-7	Nondetect		Nondetect	2400
3,3'-Dimethylbenzidine	119-93-7	Nondetect		Nondetect	2400
α,α -Dimethylphenethylamine	122-09-8	Nondetect		Nondetect	2400
3,3'-Dimethoxybenzidine	119-90-4	Nondetect		Nondetect	100
1,3-Dinitrobenzene [m-Dinitrobenzene]	99-65-0	Nondetect		Nondetect	2400

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
4,6-Dinitro-o-cresol	534-52-1	Nondetect		Nondetect	2400
2,4-Dinitrophenol	51-28-5	Nondetect		Nondetect	2400
2,4-Dinitrotoluene	121-14-2	Nondetect		Nondetect	2400
2,6-Dinitrotoluene	606-20-2	Nondetect		Nondetect	2400
Dinoseb [2-sec-Butyl-4,6-dinitrophenol]	88-85-7	Nondetect		Nondetect	2400
Diphenylamine	122-39-4	Nondetect		Nondetect	2400
Ethyl carbamate [Urethane]	51-79-6	Nondetect		Nondetect	100
Ethylenethiourea (2-Imidazolidinethione)	96-45-7	Nondetect		Nondetect	110
Famphur	52-85-7	Nondetect		Nondetect	2400
Methacrylonitrile	126-98-7	Nondetect		Nondetect	39
Methapyrilene	91-80-5	Nondetect		Nondetect	2400
Methomyl	16752-77-5	Nondetect		Nondetect	57
2-Methylactonitrile [Acetone cyanohydrin]	75-86-5	Nondetect		Nondetect	100

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Methyl parathion	298-00-0	Nondetect		Nondetect	2400
MNNG (N-Metyl-N-nitroso-N'-nitroguanidine)	70-25-7	Nondetect		Nondetect	110
1-Naphthylamine, [α -Naphthylamine]	134-32-7	Nondetect		Nondetect	2400
2-Naphthylamine, [β -Naphthylamine]	91-59-8	Nondetect		Nondetect	2400
Nicotine	54-11-5	Nondetect		Nondetect	100
4-Nitroaniline, [p-Nitroaniline]	100-01-6	Nondetect		Nondetect	2400
Nitrobenzene	98-95-3	Nondetect		Nondetect	2400
p-Nitrophenol, [p-Nitrophenol]	100-02-7	Nondetect		Nondetect	2400
5-Nitro-o-toluidine	99-55-8	Nondetect		Nondetect	2400
N-Nitrosodi-n-butylamine	924-16-3	Nondetect		Nondetect	2400
N-Nitrosodiethylamine	55-18-5	Nondetect		Nondetect	2400
N-Nitrosodiphenylamine, [Diphenylnitrosamine]	86-30-6	Nondetect		Nondetect	2400
N-Nitroso-N-methylethylamine	10595-95-6	Nondetect		Nondetect	2400
N-Nitrosomorpholine	59-89-2	Nondetect		Nondetect	2400

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N-Nitrosopiperidine	100-75-4	Nondetect		Nondetect	2400
N-Nitrosopyrrolidine	930-55-2	Nondetect		Nondetect	2400
2-Nitropropane	79-46-9	Nondetect		Nondetect	30 <u>2400</u>
Parathion	56-38-2	Nondetect		Nondetect	2400
Phenacetin	62-44-2	Nondetect		Nondetect	2400
1,4-Phenylenediamine, [p-Phenylenediamine]	106-50-3	Nondetect		Nondetect	2400
N-Phenylthiourea	103-85-5	Nondetect		Nondetect	57
2-Picoline [alpha-Picoline]	109-06-8	Nondetect		Nondetect	2400
Propylthioracil [6-Propyl-2-thiouracil]	51-52-5	Nondetect		Nondetect	100
Pyridine	110-86-1	Nondetect		Nondetect	2400
Strychnine	57-24-9	Nondetect		Nondetect	100
Thioacetamide	62-55-5	Nondetect		Nondetect	57
Thiofanox	39196-18-4	Nondetect		Nondetect	100
Thiourea	62-56-6	Nondetect		Nondetect	57
Toluene-2,4-diamine [2,4-Diaminotoluene]	95-80-7	Nondetect		Nondetect	57

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Toluene-2,6-diamine [2,6-Diaminotoluene]	823-40-5	Nondetect		Nondetect	57
o-Toluidine	95-53-4	Nondetect		Nondetect	2400
p-Toluidine	106-49-0	Nondetect		Nondetect	100
1,3,5-Trinitrobenzene, [sym-Trinitrobenzene]	99-35-4	Nondetect		Nondetect	2400
Halogenated Organics					
Allyl chloride	107-05-1	Nondetect		Nondetect	39
Aramite	140-57-8	Nondetect		Nondetect	2400
Benzal chloride [Dichloromethyl benzene]	98-87-3	Nondetect		Nondetect	100
Benzyl chloride	100-44-77	Nondetect		Nondetect	100
Bis(2-chloroethyl)ether [Dichloroethyl ether]	111-44-4	Nondetect		Nondetect	2400
Bromoform [Tribromomethane]	75-25-2	Nondetect		Nondetect	39
Bromomethane [Methyl bromide]	74-83-9	Nondetect		Nondetect	39
4-Bromophenyl phenyl ether [p-Bromo diphenyl ether]	101-55-3	Nondetect		Nondetect	2400

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Carbon tetrachloride	56-23-5	Nondetect		Nondetect	39
Chlordane	57-74-9	Nondetect		Nondetect	14
p-Chloroaniline	106-47-8	Nondetect		Nondetect	2400
Chlorobenzene	108-90-7	Nondetect		Nondetect	39
Chlorobenzilate	510-15-6	Nondetect		Nondetect	2400
p-Chloro-m-cresol	59-50-7	Nondetect		Nondetect	2400
2-Chloroethyl vinyl ether	110-75-8	Nondetect		Nondetect	39
Chloroform	67-66-3	Nondetect		Nondetect	39
Chloromethane [Methyl chloride]	74-87-3	Nondetect		Nondetect	39
2-Chloronaphthalene [beta-Chloronaphthalene]	91-58-7	Nondetect		Nondetect	2400
2-Chlorophenol [o-Chlorophenol]	95-57-8	Nondetect		Nondetect	2400
Chloroprene [2-Chloro-1,3-butadiene]	1126-99-8	Nondetect		Nondetect	39
2,4-D [2,4-Dichlorophenoxyacetic acid]	94-75-7	Nondetect		Nondetect	7.0

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Diallate	2303-16-4	Nondetect		Nondetect	2400 <u>3400</u>
1,2-Dibromo-3-chloropropane	96-12-8	Nondetect		Nondetect	39
1,2-Dichlorobenzene [o-Dichlorobenzene]	95-50-1	Nondetect		Nondetect	2400
1,3-Dichlorobenzene [m-Dichlorobenzene]	541-73-1	Nondetect		Nondetect	2400
1,4-Dichlorobenzene [p-Dichlorobenzene]	106-46-7	Nondetect		Nondetect	2400
3,3'-Dichlorobenzidine	91-94-1	Nondetect		Nondetect	2400
Dichlorodifluoromethane [CFC-12]	75-71-8	Nondetect		Nondetect	39
1,2-Dichloroethane [Ethylene dichloride]	107-06-2	Nondetect		Nondetect	39
1,1-Dichloroethylene [Vinylidene chloride]	75-35-4	Nondetect		Nondetect	39
Dichloromethoxy ethane [Bis(2-chloroethoxy)methane]	111-91-1	Nondetect		Nondetect	2400
2,4-Dichlorophenol	120-83-2	Nondetect		Nondetect	2400
2,6-Dichlorophenol	87-65-0	Nondetect		Nondetect	2400
1,2-Dichloropropane [Propylene dichloride]	78-87-5	Nondetect		Nondetect	39

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
cis-1,3-Dichloropropylene	10061-01-5	Nondetect		Nondetect	39
trans-1,3-Dichloropropylene	10061-02-6	Nondetect		Nondetect	39
1,3-Dichloro-2-propanol	96-23-1	Nondetect		Nondetect	30
Endosulfan I	959-98-8	Nondetect		Nondetect	1.4
Endosulfan II	33213-65-9	Nondetect		Nondetect	1.4
Endrin	72-20-8	Nondetect		Nondetect	1.4
Endrin aldehyde	7421-93-4	Nondetect		Nondetect	1.4
Endrin Ketone	53494-70-5	Nondetect		Nondetect	1.4
Epichlorohydrin [1-Chloro-2,3-epoxy propane]	106-89-8	Nondetect		Nondetect	30
Ethylidene dichloride [1,1-Dichloroethane]	75-34-3	Nondetect		Nondetect	39
2-Fluoroacetamide	640-19-7	Nondetect		Nondetect	100
Heptachlor	76-44-8	Nondetect		Nondetect	1.4
Heptachlor epoxide	1024-57-3	Nondetect		Nondetect	2.8

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Hexachlorobenzene	118-74-1	Nondetect		Nondetect	2400
Hexachloro-1,3-butadiene [Hexachlorobutadiene]	87-68-3	Nondetect		Nondetect	2400
Hexachlorocyclopentadiene	77-47-4	Nondetect		Nondetect	2400
Hexachloroethane	67-72-1	Nondetect		Nondetect	2400
Hexachlorophene	70-30-4	Nondetect		Nondetect	59000
Hexachloropropene [Hexachloropropylene]	1888-71-7	Nondetect		Nondetect	2400
Isodrin	465-73-6	Nondetect		Nondetect	2400
Keponone [Chlordecone]	143-50-0	Nondetect		Nondetect	4700
Lindane [gamma-Hexachlorocyclohexane] [gamma-BHC]	58-89-9	Nondetect		Nondetect	1.4
Methylene chloride [Dichloromethane]	75-09-2	Nondetect		Nondetect	39
4,4'-methylene-bis(2-chloroaniline)	101-14-4	Nondetect		Nondetect	100
Methyl iodide [Iodomethane]	74-88-4	Nondetect		Nondetect	39
Pentachlorobenzene	608-93-5	Nondetect		Nondetect	2400

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Pentachloroethane	76-01-7	Nondetect		Nondetect	39
Pentachloronitrobenzene [PCNB] [Quintobenzene] [Quintozene]	82-68-8	Nondetect		Nondetect	2400
Pentachlorophenol	87-86-5	Nondetect		Nondetect	2400
Pronamide	23950-58-5	Nondetect		Nondetect	2400
Silvex [2,4,5-Trichlorophenoxypropionic acid]	93-72-1	Nondetect		Nondetect	7.0
2,3,7,8-Tetrachlorodibenzo-p-dioxin [2,3,7,8-TCDD]	1746-01-6	Nondetect		Nondetect	30
1,2,4,5-Tetrachlorobenzene	95-94-3	Nondetect		Nondetect	2400
1,1,2,2-Tetrachloroethane	79-34-5	Nondetect		Nondetect	39
Tetrachloroethylene [Perchloroethylene]	127-18-4	Nondetect		Nondetect	39
2,3,4,6-Tetrachlorophenol	58-90-2	Nondetect		Nondetect	2400
1,2,4-Trichlorobenzene	120-82-1	Nondetect		Nondetect	2400
1,1,1-Trichloroethane [Methyl chloroform]	71-55-6	Nondetect		Nondetect	39
1,1,2-Trichloroethane [Vinyl trichloride]	79-00-5	Nondetect		Nondetect	39
Trichloroethylene	79-01-6	Nondetect		Nondetect	39

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Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required-10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
Trichlorofluoromethane [Trichloromonofluoromethane]	75-69-4	Nondetect		Nondetect	39
2,4,5-Trichlorophenol	95-95-4	Nondetect		Nondetect	2400
2,4,6-Trichlorophenol	88-06-02	Nondetect		Nondetect	2400
1,2,3-Trichloropropane	96-18-4	Nondetect		Nondetect	39
Vinyl Chloride	75-01-4	Nondetect		Nondetect	39
Notes: NA – Not Applicable					

D. Implementation. Wastes that meets the comparable or syngas fuel specifications provided by Subsection B or C of this Section ~~(these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in Paragraph D.3 or 4 of this Section)~~ is are excluded from the definition of solid waste provided in Paragraphs ~~D.1-13~~ that the conditions under of this Section are met. For purposes of this Section, such materials are called excluded fuel; the person claiming and qualifying for the exclusion is called the excluded fuel generator; and the person burning the excluded fuel is called the excluded fuel burner. The person who generates the excluded fuel must claim the exclusion by complying with

the conditions of this Section and keeping records necessary to document compliance with those conditions.

1. Notices. ~~For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable/syngas fuel generator and the person burning the comparable/syngas fuel is called the comparable/syngas fuel burner. The person who generates the comparable fuel or syngas fuel must claim and certify to the exclusion.~~

a. Notices to State RCRA and CAA Authorized States or Regional RCRA and CAA Administrative Authority in Unauthorized States

i. The generator must submit a one-time notice, except as provided by Clause D.1.a.v of this Section, to the regional or state RCRA and CAA administrative authority in whose jurisdiction the exclusion is being claimed and where the ~~comparable/syngas~~excluded fuel will be burned, certifying compliance with the conditions of the exclusion and providing the following documentation; ~~as required by Clause D.1.a.iii of this Section.~~

ii. ~~If the generator is a company that generates comparable/syngas fuel at more than one facility, the generator shall specify at which sites the comparable/syngas fuel will be generated.~~

~~iii. A comparable/syngas fuel generator's notification to the administrative authority must contain the following items:~~

~~(a) the name, address, and EPA ID number of the person/facility claiming the exclusion;~~

~~(b) the applicable EPA hazardous waste codes for the hazardous waste that would otherwise apply to the excluded fuel;~~

~~(c) the name and address of the units meeting the requirements of Paragraph D.2 and Subsection E of this Section that will burn the comparable/syngas excluded fuel; and~~

~~(d) the following statement signed and submitted by the person claiming the exclusion or his authorized representative:~~

~~"Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of LAC 33:V.4909 have been met for all waste identified in this notification. Copies of the records and information required at LAC 33:V.4909.D.10 are available at the comparable/syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting~~

~~false information, including the possibility of fine and imprisonment for knowing violations.~~an estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed, except as provided by Clause D.1.a.iii of this Section; and

(e). the following statement signed and submitted by the person claiming the exclusion or his authorized representative:

"Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of LAC 33:V.4909 have been met for all waste identified in this notification. Copies of the records and information required at LAC 33:V.4909.D.10 are available at the generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ii. If there is a substantive change in the information provided in the notice required under Paragraph D.1 of this Section, the generator must submit a revised notification.

iii. Excluded fuel generators must include an estimate of the average and maximum monthly and annual quantity of material for which an exclusion would be claimed only in notices submitted after December 19, 2008, for newly excluded fuel or for revised notices as required by Clause D.1.a.ii of this Section.

b. Public Notice. Prior to burning an excluded ~~comparable/syngas~~-fuel, the burner must publish in a major newspaper of general circulation local to the site where the fuel will be burned, a notice entitled “Notification of Burning a ~~Comparable/Syngas~~-Fuel Excluded under the Resource Conservation and Recovery Act” containing the following information:

i. the name, address, and EPA ID number of the generating facility(ies);

ii. the name and address of the burner and the identification of the unit(s) that will burn the ~~comparable/syngas~~excluded fuel;

iii. a brief, general description of the manufacturing, treatment, or other process generating the ~~comparable/syngas~~excluded fuel;

iv. an estimate of the average and maximum monthly and annual quantity of the ~~waste claimed to be excluded~~ fuel to be burned; and

v. ...

2. ~~Burning. The comparable/syngas fuel exclusion for fuels meeting the requirements of Subsection B or C and Paragraph D.1 of this Section~~ applies only if the fuel is burned in the following units that also shall be subject to federal/state/local air emission requirements, including all applicable CAA MACT requirements:

a. – d. ...

3. ~~Blending to Meet the Viscosity Specifications. A hazardous waste blended to meet the viscosity specification shall~~Hazardous waste shall not be blended to meet the comparable fuel specification under Subsection B of this Section, except as provided by Subparagraph D.3.a of this Section.

a. ~~as generated and prior to any blending, manipulation, or processing meet the constituent and heating value specifications of Subparagraph B.1.a and Paragraph B.2 of this Section;~~Blending to Meet the Viscosity Specification. A hazardous waste blended to meet the viscosity specification for comparable fuel shall:

i. as generated and prior to any blending, manipulation, or processing, meet the constituent and heating value specifications of Subparagraph B.1.a and Paragraph B.2 of this Section;

~~b.~~ii. be blended at a facility that is subject to the applicable requirements of LAC 33:V.Chapters ~~11, 9,~~ 15, 17, ~~18,~~ 19, 21, 23, ~~24,~~ 25, 27, 28, 29, ~~30,~~ 31, 32, 33, 35, 37, ~~and~~ 43, and LAC 33:V.1109.E; and

~~e.~~iii. not violate the dilution prohibition of Paragraph D.6 of this Section.

b. Residuals resulting from the treatment of a hazardous waste listed in LAC 33:V.4901 to generate a comparable fuel remain a hazardous waste.

4. – 5.a.i. ...

ii. is performed at a facility that is subject to the applicable requirements of LAC 33:V.Chapters ~~11, 9,~~ 15, 17, ~~18,~~ 19, 21, 23, ~~24,~~ 25, 27, 28, 29, ~~30,~~ 31, 32, 33, 35, 37, ~~and~~ 43, ~~or~~ and LAC 33:V.1109.E, or is an exempt recycling unit in accordance with LAC 33:V.~~4115~~4105.C; and

a.iii. – b. ...

6. Dilution Prohibition for Comparable and Syngas Fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a hazardous waste to meet the ~~exclusion~~ specifications of Subparagraph B.1.a.~~2~~–~~or~~ Paragraph B.~~2~~, or Subsection C of this Section.

7. ~~Waste~~Fuel Analysis Plans for Generators. The generator of an ~~comparable/syngas~~excluded fuel shall develop and follow a written ~~waste~~fuel analysis plan that describes the procedures for sampling and analysis of the ~~hazardous waste~~ materials to be excluded. The plan shall be followed and retained at the ~~facility excluding the waste~~ site of the generator claiming the exclusion.

a. ...

i. the parameters for which each ~~hazardous waste~~excluded fuel will be analyzed and the rationale for the selection of those parameters;

ii. ...

iii. the sampling method which will be used to obtain a representative sample of the ~~waste~~excluded fuel to be analyzed;

iv. the frequency with which the initial analysis of the ~~waste~~excluded fuel will be reviewed or repeated to ensure that the analysis is accurate and up to date; and

v. if process knowledge is used in the ~~waste~~ determination, any information prepared by the generator in making such determination

b. ~~The waste analysis plan shall also contain records of~~ For each analysis, the generator shall document the following:

i. the dates and times ~~waste~~ samples were obtained, and the dates the samples were analyzed;

ii. – viii. ...

c. Syngas fuel generators shall submit for approval, prior to performing sampling, analysis, or any management of an excluded syngas fuel, ~~as an excluded waste,~~ a waste fuel analysis plan containing the elements of Subparagraph D.7.a of this Section to the appropriate regulatory authority. The approval of ~~waste~~ fuel analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the ~~waste~~ fuel analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.

8. Excluded~~Comparable~~ Fuel Sampling and Analysis

a. General. For ~~each~~ wastes for which an exclusion is claimed, under the specifications provided by Subsections B and C of this Section, the generator of the ~~hazardous~~ waste must test for all the constituents on LAC 33:V.3105, Table 1, except those that the generator determines, based on testing or knowledge, should not be present in the fuel~~waste~~. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents with a specification in Table 7 of this Section should not be present:

i. a constituent that triggered the toxicity characteristic for the ~~waste~~ constituents that were the basis of the listing of the ~~waste stream~~ hazardous secondary material as a hazardous waste, or constituents for which there is a treatment standard for the waste code in LAC 33:V.2223;

ii. – iv. ...

[NOTE: Any claim under ~~Paragraph D.8~~ of this Section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the ~~waste~~ excluded fuel above the exclusion specifications.]

b. Use of Process Knowledge. For each waste for which the comparable fuel or syngas exclusion is claimed where the generator of the ~~comparable/syngas~~ excluded fuel is not the original generator of the hazardous waste, the generator of the ~~comparable/syngas~~ excluded fuel may not use process knowledge in accordance with Subparagraph D.8.a of this Section and must test to determine that all of the constituent specifications of ~~Paragraph~~ Subsections B-2 and Subsection C of this Section, as applicable, have been met.

c. The ~~comparable/syngas~~ excluded fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above

the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the ~~waste~~excluded fuel. For the ~~waste~~fuel to be eligible for exclusion, a generator must demonstrate that:

i. ~~each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around~~ of the mean concentration for each constituent of concern is not above the specification level; and

ii. the analysis could have detected the presence of the constituent at or below the specification level, ~~at the 95 percent upper confidence limit around the mean.~~

d. – e. ...

f. The generator must conduct sampling and analysis in accordance with ~~their waste~~the fuel analysis plan developed under Paragraph D.7 of this Section.

g. Viscosity Condition for Comparable Fuel. ~~Syngas fuel and Excluded~~ comparable fuel that ~~have~~has not been blended ~~in order~~ to meet the kinematic viscosity specifications shall be analyzed as generated.

h. If a ~~comparable fuel~~hazardous waste is blended ~~in order~~ to meet the kinematic viscosity specifications for comparable fuel, the generator shall:

i. analyze the ~~fuel~~hazardous waste as generated to ensure that it meets the constituent and heating value specifications of Subsection B of this Section; and

ii. ...

i. ~~Excluded-comparable/syngas~~ fuel must be retested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties ~~of the waste~~in a manner that may affect conformance with the specifications.

9. ~~Speculative Accumulation. Any persons handling a comparable/syngas fuel are subject to the speculative accumulation test under LAC 33:V.109. *Solid Waste.2.c.Excluded*~~fuel must not be accumulated speculatively, as defined in LAC 33:V.109.

10. Operating Records. The generator must maintain an operating records of the following information on-site containing the following information:

a. – a.i. ...

ii. for each excluded fuel, the applicable EPA hazardous waste codes that would be applicable if the material were discarded~~for each hazardous waste excluded as a fuel~~; and

iii. ...

b. a brief description of the process that generated the excluded fuel, and if the comparable fuel generator is not the generator of the original hazardous waste, provide a

brief description of the process that generated the hazardous waste ~~and process that generated the~~
~~excluded fuel, if not the same;~~

c. ~~an estimate of the average and maximum~~ the monthly and annual
quantities of each ~~waste~~ fuel claimed to be excluded;

d. documentation for any claim that a constituent is not present in the
~~hazardous waste~~ excluded fuel as required under Subparagraph D.8.a of this Section;

e. the results of all analyses and all detection limits achieved as
required under Paragraph D. ~~8~~ 7 of this Section;

f. if the ~~excluded waste~~ comparable fuel was generated through
treatment or blending, ~~documentation as required under~~ of compliance with the applicable
provisions of Paragraphs D.3 ~~or~~ and 4 of this Section;

g. if the ~~waste~~ excluded fuel is to be shipped off-site, a certification
from the burner as required under Paragraph D.12 of this Section;

h. ~~a waste~~ the fuel analysis plan and ~~the results~~ documentation of ~~the~~ all
sampling and analysis results as required by Paragraph D.7 of this Section that includes the
following:

i. – viii. ...

- i. if the generator ships ~~comparable/syngas~~excluded fuel off-site for burning, the generator must retain for each shipment the following information on-site:
- i. the name and address of the facility receiving the ~~comparable/syngas~~excluded fuel for burning;
 - ii. the quantity of ~~comparable/syngas~~excluded fuel shipped and delivered;
 - iii. ...
 - iv. a cross-reference to the record of ~~comparable/syngas~~excluded fuel analysis or other information used to make the determination that the ~~comparable/syngas~~excluded fuel meets the specifications as required under Paragraph D.87 of this Section-; and
 - v. ...

11. Records Retention. Records must be maintained for a period of three years.

A generator must maintain a current ~~waste~~ fuel analysis plan during that three-year period.

12. Burner Certification to the Generator. Prior to submitting a notification to the state and regional administrative authority, a ~~comparable/syngas fuel~~ generator of excluded fuel who intends to ship the excluded fuel off-site for burning must obtain a one-time written, signed statement from the burner:

- a. certifying that the ~~comparable/syngas~~excluded fuel will only be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under Paragraph D.2 of this Section;
- b. identifying the name and address of the ~~units~~facility that will burn the ~~comparable/syngas~~excluded fuel; and
- c. certifying that the state in which the burner is located is authorized to exclude wastes as ~~comparable/syngas~~excluded fuel under the provisions of this Section.

13. Ineligible Waste Codes. Wastes that are listed as hazardous waste because of presence of dioxins or furans, as set out in LAC 33:V.4901.G, Table 6, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.

14. Regulatory Status of Boiler Residues. Burning excluded fuel that was otherwise a hazardous waste listed under LAC 33:V.4901.B-D does not subject boiler residues, including bottom ash and emission control residues, to regulation as derived-from hazardous wastes.

15. Residues in Containers and Tank Systems Upon Cessation of Operations

- a. Liquid and accumulated solid residues that remain in a container or tank system for more than 90 days after the container or tank system ceases to be operated for

storage or transport of excluded fuel product are subject to LAC 33:V.Chapters 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

b. Liquid and accumulated solid residues that are removed from a container or tank system after the container or tank system ceases to be operated for storage or transport of excluded fuel product are solid wastes subject to regulation as hazardous waste if the waste exhibits a characteristic of hazardous waste under LAC 33:V.4903.B-E.2 or if the fuel were otherwise a hazardous waste listed under LAC 33:V.4901.B-E when the exclusion was claimed.

c. Liquid and accumulated solid residues that are removed from a container or tank system and which do not meet the specifications for exclusion under Subsection B or C of this Section are solid wastes subject to regulation as hazardous waste if:

i. the waste exhibits a characteristic of hazardous waste under LAC 33:V.4903.B-E.2; or

ii. the fuel were otherwise a hazardous waste listed under LAC 33:V.4901.B-E. The hazardous waste code for the listed waste applies to these liquid and accumulated solid residues.

16. Waiver of RCRA Closure Requirements. Interim status and permitted storage and combustion units, and generator storage units exempt from the permit requirements under LAC 33:V.1109.E, are not subject to the closure requirements of LAC 33:V.Chapters 9, 15,

17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43; provided that the storage and combustion unit has been used to manage only hazardous waste that is subsequently excluded under the conditions of this Section, and that afterward will be used only to manage fuel excluded under this Section.

17. Spills and Leaks

a. Excluded fuel that is spilled or leaked and that therefore no longer meets the conditions of the exclusion is discarded and shall be managed as a hazardous waste if it exhibits a characteristic of hazardous waste under LAC 33:V.4903.B-E.2 or if the fuel were otherwise a hazardous waste listed in LAC 33:V.4901.B-E.

b. For excluded fuel that would have otherwise been a hazardous waste listed in LAC 33:V.4901.B-E and which is spilled or leaked, the hazardous waste code for the listed waste applies to the spilled or leaked material.

18. Nothing in this Section preempts, overrides, or otherwise negates the provisions in CERCLA Section 103, which establish reporting obligations for releases of hazardous substances, or the U.S. Department of Transportation requirements for hazardous materials in 49 CFR parts 171-180.

E. Failure to Comply with the Conditions of the Exclusion. An excluded fuel loses its exclusion status if any person managing the fuel fails to comply with the conditions of the exclusion under this Section. The material then must be managed as hazardous waste from the

point of generation. In such situations, EPA or an authorized state agency may take enforcement action under RCRA section 3008(a).

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 25:489 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:305 (March 2001), LR 28:1010 (May 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 34:644 (April 2008), LR 34:1021 (June 2008), LR 38:0000 (March 2012).