NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs and Criminal Investigations Division

Delisting Exclusion of Solvents/EDC Process Wastewater Effluent and Solvents East Ditch Sediment from Hazardous Waste for The Dow Chemical Company, Plaquemine

(LAC 33:V.4999.Appendix E) (HW125)

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.4999.Appendix E (HW125).

The proposed Rule will delist solvents/EDC process wastewater effluent and solvents east ditch sediment from certain EPA hazardous waste number categories and will establish monitoring conditions to maintain the delisting status. The proposed rulemaking will acknowledge LDEQ’s acceptance of Dow’s delisting exclusion petition submitted to fulfill a requirement in a Consent Agreement and Final Order (CAFO) with EPA issued per Docket No. RCRA-06-2010-0933.

Prior to October 5, 2015, The Dow Chemical Company owned and operated the hazardous waste incinerator (F-700) in the solvents/EDC production unit, now owned and operated by Olin Corporation (Blue Cube Operations, LLC). A wet scrubber system treats incinerator combustion gas and generates an aqueous effluent waste that carries the same hazardous waste category numbers as the waste treated in the incinerator. The scrubber effluent waste discharges to a lined ditch and then to an unlined ditch (solvents east ditch) through an LPDES permitted point (Outfall 201). In accordance with the CAFO, Dow chose to pursue a waste delisting option under LDEQ oversight for both the solvents/EDC process wastewater effluent. and solvents east ditch sediment (in situ). The basis and rationale for this proposed Rule are based on an evaluation of the information provided by the petitioner, including the analytical data, and the department’s analysis of the information,including results of the Delisting Risk Assessment Software assessment. LDEQ found this initial petition to be deficient for determining delisting eligibility for all requested waste codes affecting the solvents east ditch sediment. After further sampling and analysis, Dow submitted a petition addendum on February 21, 2018, which satisfactorily demonstrated that both waste streams were eligible for delisting. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW125. Such comments must be received no later than March 5, 2024, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW125. The proposed regulation is available on the Internet at https://deq.louisiana.gov/page/rules-regulations.

**Public Hearing**

A public hearing will be held via Zoom on February 27, 2024, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at https://deqlouisiana.zoom.us/j/9373792954?omn=84764065727 or by telephone by dialing (636) 651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below, or at (225) 219-1325.

The proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette

Executive Counsel

**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**

**§4999. Appendices—Appendix A, B, C, D, and E**

Appendix A. — Appendix D. …

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Appendix E. Wastes Excluded under LAC 33:V.105.M

A. — B.3.b. …

| Table 1 – Wastes Excluded |
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| BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA |
| \* \* \* |

| Table 1 – Wastes Excluded |
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| Denka Performance Elastomer LLC, LaPlace, LA Denka Performance Elastomer LLC, LaPlace LADenka Performance Elastomer LLC, LaPlace, LA Denka Performance Elastomer LLC, LaPlace, LA Denka Performance Elastomer LLC, LaPlace, LA |
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| Table 1 – Wastes Excluded |
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| Lyondell Chemical Company, Lake Charles, LA |
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| Table 1 – Wastes Excluded |
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| Marathon Oil Co., Garyville, LA |
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| Table 1 – Wastes Excluded |
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| Motiva Enterprises LLC, Norco, LA |
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| Table 1 – Wastes Excluded |
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| Syngenta Crop Protection, Inc., St. Gabriel, LA |
| \* \* \* |

| Table 1 - Wastes Excluded |
| --- |
| The Dow Chemical Company, Plaquemine, LA |
| The solvents/EDC production unit, formerly owned and operated by The Dow Chemical Company, but currently owned and operated by Blue Cube Operations LLC since October 5, 2015, generates process wastewater effluent from an air pollution control system (wet scrubbing) that treats combustion gas produced from RCRA-permitted F-700 thermal treatment unit (incinerator), which combusts chlorinated organic waste feed streams carrying EPA listed hazardous waste numbers K016, K019, U044, U077, U080, U083, U210, U211, and U227. The specific hazardous waste streams combusted and their related EPA hazardous waste numbers are: Solvent Heavies (Tank D-700) – D001, D019, D022, D028, D032, D033, D034, D035, D039, and D040; EDC Heavies (Tank T-107) – D001, D018, D019, D022, D028, D032, D033, D035, D039, D040, K019, U077, and U227; Hexes (Tanks D-13/D-15) – D019, D032, D033, D034, D039, K016, U210, and U211; Chlorine Taffy (from chlorine unit) – D019, D022, D032, D033, D034, and D039; General Waste (Tank D-42) – D001, D019, D022, D028, D032, D033, D034, D039, K016, K019, U044, U077, U080, U083, U210, and U211; VRU Waste (Tank D-930) – D001, D019, D022, D028, D033, D039, U044, U077, U080, U210, and U211; Glycol Ethers/PDC (from Dow’s glycol unit) – D001, D019, D022, D028, D032, D035, and D039. The solvents/EDC process wastewater effluent is discharged through LPDES-permitted Internal Outfall 201 into the solvents east ditch. The Dow Chemical Company shall implement a sampling and analysis monitoring program that meets the following conditions for this hazardous waste number delisting exclusion to remain in effect. |
| (1). Testing  Sample collections and analyses, including quality control procedures, shall be performed according to methodologies described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,* EPA Publication Number SW-846, as incorporated by reference in LAC 33:V.110. All samples shall be taken while the F-700 thermal treatment unit is operating within 70 percent of its permitted maximum hazardous waste feed rate. All sampling and analytical results including quality control information shall be reported to the department. |
| (1)(A). Initial Organic Verification Testing of Solvents/EDC Process Wastewater Effluent  During the first six months after promulgation of this delisting exclusion, The Dow Chemical Company shall collect and analyze a monthly grab sample of solvents/EDC process wastewater effluent for Condition (3)(A) - organic constituents. If the analytical results obtained during the six monthly test events are significantly below Condition (3)(A) - delisting exclusion levels, as determined by the department in writing, then The Dow Chemical Company may replace Condition (1)(A) - organic testing with Condition (1)(B). Condition (1)(A) shall remain in effect indefinitely until the department makes this determination. |
| (1)(B). Subsequent Organic Verification Testing of Solvents/EDC Process Wastewater Effluent  Following satisfactory completion of Condition (1)(A) and written concurrence by the department, The Dow Chemical Company shall continue to collect and analyze grab samples annually thereafter for Condition (3)(A) - organic constituents on a randomly chosen operating day during the same operating month as the previous year’s sampling event. If the department determines, in writing, that the analytical results obtained during the annual test events are significantly below delisting exclusion levels in Condition (3)(A), then The Dow Chemical Company may discontinue further organic testing of solvents/EDC process wastewater effluent. Condition (1)(B) shall remain in effect indefinitely until the department makes this determination. |
| (1)(C). Polychlorinated Dibenzodioxins and Polychlorinated Dibenzofurans (Dioxins and Furans) Testing  During the first 30 days after promulgation of this delisting exclusion, The Dow Chemical Company shall collect and analyze a grab sample of Solvents/EDC process wastewater effluent for Condition (3)(B) - dioxins and furans. If the department determines, in writing, that analytical results are insignificant, then The Dow Chemical Company may discontinue dioxins and furans testing. Condition (1)(C) shall remain in effect indefinitely on a monthly, or other monitoring schedule as directed by the department, until the department makes this determination. |
| (2). Waste Holding and Handling  Subject to conditions of this delisting exclusion, the solvents/EDC process wastewater effluent becomes nonhazardous industrial solid waste.  This newly delisted waste shall always be managed and/or disposed in accordance with all applicable solid waste regulations. If constituent levels in any representative sample equal or exceed any Condition (3) - delisting exclusion level, the solvents/EDC process water effluent shall be immediately resampled and reanalyzed for constituents that exceeded delisting exclusion levels. If the repeat analysis is less than delisting exclusion levels, then The Dow Chemical Company shall resume Condition (1) - sampling and analysis. If reanalysis results equal or exceed any delisting exclusion levels, then within 45 days The Dow Chemical Company shall submit a report to the department describing probable causes for exceeding the constituent level and proposing corrective action measures. The department shall determine the necessary corrective action and shall notify The Dow Chemical Company, in writing, of the corrective action needed. The Dow Chemical Company shall implement the corrective action and reinitiate sampling and analysis for the constituent(s) per Condition (1). Within 30 days after receiving written notification, The Dow Chemical Company may appeal the corrective action determined by the department. During the full period of corrective action determination and implementation this delisting exclusion of solvents/EDC process wastewater effluent shall remain in effect unless the department notifies The Dow Chemical Company, in writing, of a suspension or rescission of all or part of this delisting exclusion. Sampling and analysis shall continue through this period as long as this delisting exclusion remains in effect. |
| (3). Delisting Exclusion Levels  The following delisting exclusion levels have been determined safe by taking into account health-based criteria and analytical method detection limits. Condition (3) concentrations shall be measured in the extract from samples by the appropriate method(s) specified in LAC 33:V. 4903.E, and shall be less than the following levels: |
| (3)(A). Organic Constituents in Solvents/EDC Process Wastewater Effluent  Carbon Tetrachloride—0.057 mg/L; Methylene Chloride—0.089 mg/L. |
| (3)(B). Dioxins and Furans in Solvents/EDC Process Wastewater Effluent  The 15 congeners listed in Section 1.1 of EPA Publication Number SW-846 Method 8290—monitor only.  (3)(B). Dioxins and Furans in Solvents/EDC Process Wastewater Effluent  The 15 congeners listed in Section 1.1 of EPA Publication Number SW-846 Method 8290—monitor only. |
| (4). Changes in F-700 Thermal Treatment Unit Operating Conditions or Waste Feed Streams  If Blue Cube Operations LLC significantly changes operating conditions of the solvents/EDC production unit F-700 Thermal Treatment Unit (incinerator) specified in the RCRA permit or delisting exclusion petition submitted by The Dow Chemical Company, or adds any previously unpermitted waste feed streams to the incinerator, or significantly changes any waste feed profile described in the delisting exclusion petition, and any of these actions would justify a Class 3 modification to Blue Cube Operations LLC’s RCRA permit pertaining to this combustion unit, The Dow Chemical Company shall notify the department, in writing. Following receipt of written acknowledgement by the department and after Blue Cube Operations LLC has implemented the changes, The Dow Chemical Company shall collect and analyze a grab sample of solvents/EDC process wastewater effluent for the full listing of constituents found in 40 CFR Part 264, Appendix IX—Groundwater Monitoring List (LAC 33:V.3325). If Appendix IX analysis results identify any hazardous constituent above delisting exclusion levels, or above universal treatment standards at 40 CFR 268.48, then The Dow Chemical Company shall reinstitute Condition (1) testing for a minimum of six months, or until the department determines, in writing, that no more monitoring is required. This conditional delisting exclusion of solvents/EDC process wastewater effluent shall remain in effect until the department deems circumstances warrant suspending, amending, or terminating this delisting exclusion. Blue Cube Operations LLC may eliminate feeding any waste stream to the incinerator at any time without affecting this delisting exclusion of the solvents/EDC process wastewater effluent or any monitoring schedule. |

| Table 1 - Wastes Excluded |
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| The Dow Chemical Company, Plaquemine, LA |
| The solvents east ditch (owned by The Dow Chemical Company) historically receives process wastewater effluent from the solvents/EDC production unit, formerly owned and operated by The Dow Chemical Company, but currently owned and operated by Blue Cube Operations LLC since October 5, 2015. Blue Cube Operations LLC generates solvents/EDC process wastewater effluent from an air pollution control system (wet scrubbing) that treats combustion gas produced from RCRA-permitted F-700 thermal treatment unit (incinerator), which burns chlorinated organic wastes carrying EPA listed hazardous waste numbers K016, K019, U044, U045, U077, U080, U083, U210, U211, U227, and F024. The specific hazardous wastes combusted and their EPA hazardous waste numbers are: Solvent Heavies (Tank D-700) – D001, D019, D022, D028, D032, D033, D034, D035, D039, and D040; EDC Heavies (Tank T-107) – D001, D018, D019, D022, D028, D032, D033, D035, D039, D040, K019, U077, and U227; Hexes (Tanks D-13/D-15) – D019, D032, D033, D034, D039, K016, U210, and U211; Chlorine Taffy (from chlorine unit) – D019, D022, D032, D033, D034, and D039; General Waste (Tank D-42) – D001, D019, D022, D028, D032, D033, D034, D039, K016, K019, U044, U077, U080, U083, U210, and U211; VRU Waste (Tank D-930) – D001, D019, D022, D028, D033, D039, U044, U077, U080, U210, and U211; Glycol Ethers/PDC (from Dow’s glycol unit) – D001, D019, D022, D028, D032, D035, and D039. The solvents east ditch sediment also carries the same aforementioned waste numbers (including U045 and F024, associated with past operations only). The Dow Chemical Company shall implement a sampling and analysis monitoring program that meets the following conditions for this hazardous waste number delisting exclusion to remain in effect. |
| (1). Testing  For monitoring purposes, solvents east ditch sediment samples for analysis shall either be:  a) in-situ ditch sediment collected according to an LDEQ-approved sampling and analysis plan; or  b) solids filtered from solvents/EDC process wastewater effluent before it comingles with any other waste stream or process area stormwater runoff.  Sample collections and analyses, including quality control procedures, shall be performed according to methodologies described in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication Number SW-846, as incorporated by reference in LAC 33:V.110. All samples shall be taken while the F-700 thermal treatment unit is operating within 70 percent of its permitted maximum hazardous waste feed rate. All results including quality control information shall be reported to the department. |
| (1)(A). Initial Organic Verification Testing of Solvents East Ditch Sediment  During the first six months after promulgation of this delisting exclusion, The Dow Chemical Company shall collect and analyze a sample of solvents east ditch sediment for Condition (3)(A) - organic constituents. After completing this initial test event, The Dow Chemical Company shall sample and analyze for Condition (3)(A) -organic constituents annually for up to three years afterward during the same operating period as the previous year’s sampling event. If the analytical results are significantly below Condition (3)(A) delisting exclusion levels, as determined by the department in writing, then The Dow Chemical Company may discontinue further organic monitoring of solvents east ditch sediment. Condition (1)(A) shall remain in effect on an annual basis indefinitely until the department makes this determination. |
| (1)(B). Polychlorinated Dibenzodioxins and Polychlorinated Dibenzofurans (Dioxins and Furans) Monitoring  During the first 30 days after promulgation of this delisting exclusion, The Dow Chemical Company shall collect and analyze a solvents east ditch sediment sample for Condition (3)(B) - dioxins and furans. After that, The Dow Chemical Company shall sample and analyze for Condition (3)(B) - dioxins and furans once every three years beginning three years after the initial sampling event and during the same operating month as the previous year’s sampling event. If the department determines, in writing, that analytical results are significantly below universal treatment standards, then The Dow Chemical Company may discontinue further monitoring of solvents east ditch sediment for dioxins and furans. Condition (1)(B) shall remain in effect indefinitely on a monthly, or other monitoring schedule as directed by the department, until the department makes this determination. |
| (2). Waste Holding and Handling  Subject to conditions of this delisting exclusion, solvents east ditch sediment becomes nonhazardous industrial solid waste.  This newly delisted waste shall always be managed and/or disposed in accordance with all applicable solid waste regulations. If constituent levels in any representative sample equal or exceed any Condition (3) - delisting exclusion levels, the solvents east ditch sediment shall be immediately resampled and reanalyzed for constituents that exceed delisting exclusion levels. If the repeat analysis is less than delisting exclusion levels, then The Dow Chemical Company shall resume Condition (1) - sampling and analysis. If reanalysis results equal or exceed any delisting exclusion levels, then within 45 days The Dow Chemical Company shall submit a report to the department describing probable causes for exceeding the constituent level and proposing corrective action measures. The department shall determine the necessary corrective action and shall notify The Dow Chemical Company of the corrective action needed. The Dow Chemical Company shall implement the corrective action and reinitiate sampling and analysis for the constituent(s) per Condition (1). Within 30 days after receiving written notification, The Dow Chemical Company may appeal the corrective action determined by the department. During the full period of corrective action determination and implementation, this delisting exclusion of solvents east ditch sediment shall remain in effect unless the department notifies The Dow Chemical Company, in writing of a suspension or rescission of all or part of this delisting exclusion. Sampling and analysis shall continue through this period, as long as this delisting exclusion remains in effect. |
| (3). Delisting Exclusion Levels  The following delisting exclusion levels have been determined safe by taking into account health-based criteria and analytical method detection limits. Condition (3) concentrations shall be measured in the extract from samples by the appropriate method(s) specified in LAC 33:V. 4903.E. Concentrations in the extract shall be less than the following levels: |
| (3)(A). Organic Constituents in Solvents East Ditch Sediment  Methylene Chloride—30.0 mg/kg. |
| (3)(B). Dioxins and Furans in Solvents East Ditch Sediment  The 15 congeners listed in Section 1.1 of EPA Publication Number SW-846 Method 8290—monitor only, ug/kg. |
| (4). Changes in F-700 Thermal Treatment Unit Operating Conditions or Waste Feed Streams  If Blue Cube Operations LLC significantly changes operating conditions of the solvents/EDC production unit F-700 Thermal Treatment Unit (incinerator) specified in the delisting exclusion petition submitted by The Dow Chemical Company, or adds any previously unpermitted waste feed streams to the incinerator, or significantly changes any waste feed profile described in the delisting exclusion petition, and any of these actions would justify a Class 3 modification to Blue Cube Operations LLC’s RCRA permit, The Dow Chemical Company shall notify the department in writing. Following receipt of written acknowledgement by the department and after Blue Cube Operations LLC has implemented the changes, The Dow Chemical Company shall collect and analyze a solvents east ditch sediment sample for the full listing of constituents found in 40 CFR Part 264, Appendix IX—Groundwater Monitoring List (LAC 33:V.3325). If Appendix IX analysis results identify any hazardous constituent above delisting exclusion levels, or above universal treatment standards at 40 CFR 268.48, then The Dow Chemical Company shall reinstitute Condition (1) testing for a minimum of two six-month operating periods, or until the department determines, in writing, that no more monitoring is required. This conditional delisting exclusion of solvents east ditch sediment shall remain in effect until the department deems circumstances warrant suspending, amending, or terminating this delisting exclusion. Blue Cube Operations LLC may eliminate feeding any waste stream to the incinerator at any time without affecting the delisting exclusion of solvents east ditch sediment or any monitoring schedule. |
| (5). Changes in Analytical Profile of Solvents East Ditch Sediment.  Solvents east ditch sediment in-situ is excluded from certain EPA waste number categories presumptive upon the initial analysis for hazardous constituents in solids filtered from continuously generated solvents/EDC process wastewater effluent, as presented in the delisting exclusion petition submitted to LDEQ. This delisting exclusion does not extend to any additional hazardous waste numbers determined applicable subsequent to actual analysis of solvents east ditch sediment in-situ, nor absolve The Dow Chemical Company from any management or corrective action that might be required. |

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| Table 2 – One-Time Wastes Excluded |
| Murphy Exploration and Production Company, Amelia, LA |
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| Table 2 – One-Time Wastes Excluded |
| Conrad Industries, Inc. (Conrad), Morgan City, LA |
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| Table 2 – One-Time Wastes Excluded |
| Marine Shale Processors, Inc., Amelia LA |
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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), promulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 38:2757 (November 2012), LR 40:1692 (September 2014), LR 42:2179 (December 2016), LR 43:1149 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2139 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 49:59 (January 2023), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 50:

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Person Preparing Statement: | David Mata |  | Dept.: | Environmental Quality |
| Phone: | (225) 219-3231 |  | Office: | Environmental Services |
| Return Address: | 602 N. 5th St. |  | Rule Title: | Delisting Exclusion of Solvents/EDC Process Wastewater Effluent and Solvents/East Ditch Sediment from Hazardous Waste for The Dow Chemical Company, Plaquemine. |
|  | Baton Rouge, LA 70802 |  |  | (LAC 33:V.4999.Appendix E) |
|  |  |  | Date Rule Takes Effect: | Upon promulgation |

SUMMARY

(Use complete sentences)

In accordance with Section 961 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.

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

There will be no cost or savings to state or local governmental units for implementing this rule

The Dow Chemical Company is requesting to exclude (delist) from the hazardous waste regulations the Solvents/Ethylene Dichloride (EDC) Process Wastewater Effluent and Solvents/East Ditch sediment generated by activities conducted by Blue Cube Operations LLC from the Solvents/EDC production unit, particularly from the F-700 thermal treatment unit (TTU) in Plaquemine, LA permitted by the Resource Conservation and Recovery Act (RCRA). This rulemaking is a one-time delisting which applies to the Solvents/EDC Process Wastewater Effluent and Solvents/East Ditch sediment that is a generated from an air pollution control system (wet scrubbing) that treats combustion gas produced from the F-700 TTU, which burns chlorinated organic wastes carrying Hazardous Waste listed by the Environmental Protection Agency (EPA). The delisting was requested by the Dow Chemical Company to meet compliance with the Consent Agreement and Final Order (CAFO) directed by the EPA in 2012. This delisting applies particularly to the Solvents East Ditch sediment.

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

There is no estimated effect on revenue collections of state or local governmental units resulting from this proposed rule change.

1. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Assuming the delisting petition is granted, the Dow Chemical Company will meet the Consent Agreement and Final Order directed by the EPA. This change would produce an economic benefit for the company. The delisting of the Solvents/EDC Process Wastewater Effluent and Solvents/East Ditch sediment will allow the company to manage the effluent/sediment outside of RCRA disposal standards. The company will not have to remove, haul, and transport the effluent/sediment to a hazardous waste disposal facility, potentially reducing the impact of traffic and stress to the roadways.

1. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have negligible effects on competition and employment.

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| Signature of Head or Designee |  | Legislative Fiscal Officer or Designee |
| Courtney J. Burdette, Executive Counsel |  |  |
| Typed Name & Title of Agency Head or Designee |  |  |
|  |  |  |
| Date of Signature |  | Date of Signature |

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

The following information is required 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.

1. 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).   
     
   The Dow Chemical Company is requesting a one-time petition to exclude (delist) from the hazardous waste regulations the Solvents/EDC Process Wastewater Effluent and Solvents/East Ditch sediment that is a generated from an air pollution control system (wet scrubbing) that treats combustion gas produced from F-700 TTU, which burns chlorinated organic wastes carrying EPA listed Hazardous Waste. The delisting was requested to meet compliance with the (CAFO) directed by EPA. This delisting applies particularly to the Solvents East Ditch Sediment. There will be no costs or savings to state or local governmental units for implementing this rule.

1. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.   
     
   LAC 33:V.105.M allows a hazardous waste generator to petition to the department for this kind of rulemaking when a listed hazardous waste does not meet any of the criteria that cause the material to be classified as a hazardous waste. Based on extensive testing, the department has determined that the nature of this material does not warrant retaining this material as a hazardous waste.

1. Compliance with Act 11 of the 1986 First Extraordinary Session
2. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, the proposed rule will not result in any 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

**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?

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| --- | --- | --- | --- |
| **COSTS** | **FY 24** | **FY 25** | **FY 26** |
| PERSONAL SERVICES | $0 | $0 | $0 |
| OPERATING EXPENSES | $0 | $0 | $0 |
| PROFESSIONAL SERVICES | $0 | $0 | $0 |
| OTHER CHARGES | $0 | $0 | $0 |
| EQUIPMENT | $0 | $0 | $0 |
| MAJOR REPAIR & CONSTR. | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |
| **POSITIONS (#)** | **0** | **0** | **0** |

1. 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.

There are no costs or savings to state agencies associated with the implementation of this rule.

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

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| --- | --- | --- | --- |
| **SOURCE** | **FY 24** | **FY 25** | **FY 26** |
| STATE GENERAL FUND | $0 | $0 | $0 |
| AGENCY SELF-GENERATED | $0 | $0 | $0 |
| DEDICATED | $0 | $0 | $0 |
| FEDERAL FUNDS | $0 | $0 | $0 |
| OTHER (Specify) | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |

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

No funds are needed to implement this 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.

There are no anticipated costs or savings resulting from the proposed change to local governmental units.

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

Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| **REVENUE INCREASE/DECREASE** | **FY 24** | **FY 25** | **FY 26** |
| STATE GENERAL FUND | $0 | $0 | $0 |
| AGENCY SELF-GENERATED | $0 | $0 | $0 |
| DEDICATED | $0 | $0 | $0 |
| FEDERAL FUNDS | $0 | $0 | $0 |
| LOCAL FUNDS | $0 | $0 | $0 |
| **TOTAL** | **$0** | **$0** | **$0** |

\*Specify the particular fund being impacted.

1. 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.

Not applicable

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

1. What persons, small businesses, 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.   
     
   The Dow Chemical Company benefits from the delisting of the Solvents/EDC Process Wastewater Effluent and Solvents/East Ditch sediment. The delisting will not relieve the company from any liability for these wastes under federal or state law. This change would produce an economic benefit for the facility. The delisting of the Solvents East Ditch sediment will allow the facility to not have to manage the sediment according to RCRA disposal standards. If the delisting is approved, the facility does not have to remove, haul, and transport the sediment to a hazardous waste landfill, potentially reducing the impact of traffic and stress to the roadways.

1. 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.   
     
   The Dow Chemical Company will save a substantial amount of money if this delisting is approved. The delisting of the Solvents/EDC Process Wastewater Effluent and Solvents/East Ditch sediment will allow the facility to not have to manage the sediment according to RCRA disposal standards.

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 effects on competition are negligible.