Laura Almond

From:	Laura Almond
Sent:	Monday, November 9, 2026 2:10 PM
To:	APA - Senate Environment; APA - House Natural Res; APA - Senate President; APA - House Speaker
Cc:	Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills
Subject:	APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079
Attachments:	HW142 NOI.pdf; SW079 NOI.pdf; AQ408ft NOI.pdf

November 9, 2026

The Honorable Eddie J. Lambert, Chairman
c/o Committee Senior Attorney
Senate Committee on Environmental Quality

The Honorable Brett F. Geymann, Chairman
c/o Committee Senior Attorney
House Committee on Natural Resources and Environment

RE: Summary Report for Proposed Rules:

AQ408ft - Incorporation by Reference of 40 CFR Part 62, Subpart IIIa (LAC 33:III.3103)
Proposed on September 20, 2026

HW142 - Part V. Hazardous Waste and Hazardous Materials (LAC 33:V.Chapters 1, 3, 4, 10, 15, 30, 37, 43, and 51)
Proposed on September 20, 2026

SW079 - Solid Waste Regulatory Permits (LAC 33:VII.509, 531, 533, 535, 537, 539, 541, 543, 1501, and 1505)
Proposed on September 20, 2026

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting this report regarding the above-referenced proposed rules, which were published in the *Louisiana Register*. **Neither oral nor written comments were received.** No changes have been made to any of the proposed rules since the reports provided for in R.S. 49:966(B) were submitted. Attached is the Notice of Intent for each one for informational purposes. The original proposed rules were previously provided to you and are not being resubmitted with this report.

We would appreciate it if you would acknowledge receipt of this message by return email. Please contact Laura Almond at (225) 219-3985 if you have any questions regarding this material.

Sincerely yours,

Jill C. Clark
General Counsel

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This concludes this transmission.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 31. Incorporation of Federal Plans for Designated Facilities and Pollutants
Subchapter A. Incorporation by Reference
§3103. Incorporation by Reference of 40 CFR Part 62, Subpart IIIa (Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before June 4, 2010 and Have Not Been Modified or Reconstructed Since August 7, 2013)

A. Federal plan requirements published in the *Code of Federal Regulations* at 40 CFR 62, Subpart IIIa, December 11, 2024, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs Division, LR 52:

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

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

Provider Impact Statement

This proposed 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 Rule. Persons commenting should reference the proposed Rule by AQ408ft. Such comments must be received no later October 28, 2026, 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 Rule 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 AQ408ft. The proposed Rule is available on the Internet at https://www.deq.louisiana.gov/about-ldeq/monthly-regulation-changes-2026.

Public Hearing

A public hearing will be held on October 28, 2026, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Microsoft Teams at https://teams.microsoft.com/meet/225581962557365?p=WA1olUFploGq8u2YOV Meeting ID: 225 581 962 557 365 Passcode: A2NL2hJ9 or by phone (872) 239-6160 using phone conference ID: 833 450 698#. Should individuals with a disability need an accommodation to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule 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.

Jill C. Clark
General Counsel

2609#038

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Solid Waste Regulatory Permits
(LAC 33:VII.Chapter 5 and Chapter 15)

Under the authority of the Louisiana 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 Solid Waste regulations, LAC 33:VII.509, 1501, and 1505 (SW079).

The proposed Rule will create a framework and standards to review and issue solid waste regulatory permits as well as define standards for four types of regulatory permits (air curtain destructors, grease processing facilities, separaton facilities, and injection well processing facilities). Regulatory permits are designed for facilities that conduct specific processes that would otherwise require a standard permit, but the requirements of a standard permit would be overly burdensome.

Regulatory permits are written authorizations promulgated into the solid waste regulations for the construction, installation, modification, operation, closure or post-closure of a facility used or intended to be used to process or dispose of solid waste. The basis and rationale for the proposed Rule are to create a comprehensive regulatory framework for regulatory permits and define the requirements for air curtain destructors, grease processing facilities, nonputrescuble separation facilities, and injection well processing facilities. These permits will provide a less burdensome permitting process for specific minor processing, storing, and disposal facilities. The proposed 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.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations
Chapter 5. Solid Waste Management System
Subchapter B. Permit Administration
§509. Permit System

A. - B.3. ...

4. Regulatory Permit. Regulatory permits may be issued by the administrative authority when it is determined

to be appropriate considering the type of operations or facilities that would be covered. Regulatory permits shall be promulgated in accordance with the procedures provided in R.S. 30:2019. Regulatory permits are not subject to the requirements of LAC 33:VII.Chapter 13.

B.5. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2518, 2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2488 (October 2005), LR 33:1035 (June 2007), LR 33:2143 (October 2007), LR 37:3236 (November 2011) repromulgated LR 37:3509 (December 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 52:677 (May 2026), LR 52:

Subchapter F. Regulatory Permits

§531. Applicability

A. Regulatory permits apply only to:

1. air curtain destructors that process only untreated woodwaste;

2. processors of grease not mixed with domestic sewage and not managed under LAC 33:IX. Chapter 73;

3. separation facilities that only segregate recyclables from nonputrescible residential and commercial waste and construction and demolition debris; and

4. injection well processing/storage facilities that operate class I nonhazardous waste disposal wells.

B. A regulatory permit is valid for up to five years. To renew, the permit holder shall submit a regulatory permit application form to the Office of Environmental Services at least 180 calendar days before the permit expires, following the application process in LAC 33:VII.535. If the permit holder submits the renewal application by that deadline and the administrative authority has not issued a final decision before the permit expires, the existing permit shall remain in effect until the administrative authority issues a final decision.

C. A separate application shall be submitted for each regulatory permit and proposed modifications.

D. No modification shall be instituted without the written approval of the administrative authority.

E. The applicable requirements of LAC 33:VII.535 and the conditions listed in LAC 33:VII.529 shall apply to all facilities operating under a regulatory permit.

F. Regulatory permits shall not apply to:

1. an air curtain destructor that processes waste resulting from land or right-of-way clearing and disposed of on the site where generated in accordance with LAC 33:VII.303.A.1;

2. an air curtain destructor that combusts any type of solid waste other than untreated woodwaste;

3. a facility that processes grease that has been commingled with domestic sewage; or

4. a facility that receives waste for any injection well other than a class I nonhazardous waste disposal well.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

§533. Definitions

A. For all purposes of this Subchapter, the terms defined in this Section shall have the following meanings.

Domestic Sewage—waste and wastewater from humans or household operations that is discharged to, or otherwise enters, a treatment works.

Food Service Facility—any facility, other than a private residence, that prepares and/or packages food or beverages for sale or consumption, on or off-site. Examples include, but are not limited to: food courts, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, and other similar facilities.

Grease—a material, either liquid or solid, composed primarily of a fatty or oily substance from animal or vegetable sources. The terms fats, oils, and grease; oil and grease; and oil and grease substances shall all be included within this definition. Grease includes only material removed from a grease trap at a food service facility that has not been commingled with domestic sewage. Grease does not include used cooking oil.

Grease Trap—a plumbing device designed to intercept grease and solids before they enter a domestic sewage system.

Injection Well Processing Facility—any facility that processes nonhazardous residential, commercial, and/or industrial waste prior to being disposed in a solid waste injection well. The facility may conduct nonthermal and nondestructive incidental processing of the waste prior to injection. The facility may also process exploration and production waste regulated by the Louisiana Department of Conservation and Energy prior to disposal in a class I injection well.

Used Cooking Oil—a material, either liquid or solid, composed primarily of fat, oil, or grease from animal or vegetable sources that is source separated by the generator for reclamation and/or reuse and not destined for disposal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

§535. Standards Governing All Regulatory Permits

A. Regulatory Permit Application

1. A completed application form shall be submitted to the Office of Environmental Services for a:

a. proposed facility;

b. proposed modification to the facility;

c. closure of the facility; or

d. facility seeking renewal.

2. Certification. The person who prepared the regulatory permit application shall provide the following certification:

> "I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit application and that the facility as described in this permit application meets the requirements of LAC 33:VII.Subpart 1. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

B. Location Characteristics. If the facility is located in, or within 1,000 feet of, a wetland, estuary, wildlife-hatchery area, habitat of an endangered species, archaeological site, historic site, publicly-owned recreation area, or similar

critical environmental area, the permit holder shall isolate the facility from that area with effective barriers that eliminate probable adverse impacts from facility operations. The permit holder shall describe in the regulatory permit application form the measures used to protect the listed areas from the adverse impacts of facility operations.

C. Facility Characteristics

1. The facility shall have a perimeter barrier that prevents unauthorized entry and exit, except by willful entry.

2. Each entry point to the facility shall be continuously monitored, manned, or locked during operating hours.

3. Each entry point shall be locked during nonoperating hours.

4. The owner or operator shall enter into a written agreement with the local fire department for fire protection at the facility.

5. The owner or operator shall develop and implement a fire protection and safety plan to protect personnel and minimize the impact on the environment.

D. Discharge from a facility operating under a regulatory permit shall be controlled and shall conform to applicable state and federal laws, including the Clean Water Act and Louisiana Water Pollution Control Law.

E. Additional Authorization

1. The applicant may be required to obtain an additional permit from other local, state, and federal agencies. Typical permits that may be needed include, but are not limited to, the following:

a. National Pollutant Discharge Elimination System/Louisiana Pollutant Discharge Elimination System (Section 402 of the Clean Water Act);

b. Louisiana Water Discharge Permit;

c. Louisiana Coastal Use Permit issued by the Department of Conservation and Energy, Office of Permitting and Compliance;

d. Louisiana Air Emissions Permit;

e. U.S. Army Corps of Engineers Permit (Dredge and Fill, Section 404 of the Clean Water Act); or

f. appropriate local permit, license, certification, registration, or approval.

2. It is the responsibility of the applicant to identify the other applicable permits that may be required. A listing of the permits that the applicant intends to apply for shall be included in the regulatory permit application form.

3. The applicant shall provide appropriate documentation to the Office of Environmental Services that the proposed use does not violate zoning or other land-use regulations that exist at the time of the submittal of the regulatory permit application form.

4. The applicant of an injection well processing/storage facility regulatory permit shall provide a copy of the order approving the drilling, constructing and operating for the Class I injection well issued by the Louisiana Department of Conservation and Energy.

F. Fees. All applicable requirements of LAC 33:VII.Chapter 15 shall apply to regulatory permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

§537. Regulatory Permit Standards Governing Air Curtain Destructors

A. Buffer Zones

1. Buffer zones of not less than 300 feet shall be provided between the facility and the property line for any new facility. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 300 feet from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes where the landowners' properties are located. In addition, air curtain destructors shall maintain at least a 1,000-foot buffer from any dwelling, other than a dwelling or structure located on the property on which the burning is conducted unless the appropriate notarized affidavit waivers are obtained. The affidavits, if applicable, shall be maintained on-site and shall be accessible for inspections by the department.

2. No storage, processing, or disposal of solid waste shall occur within the buffer zone.

B. Methods for Receiving and Monitoring Incoming Waste

1. All air curtain destructor facilities shall have a method to determine the quantity, by volume, of incoming untreated woodwaste, and sources of all incoming waste, whether the waste was generated in-state or out-of-state. All facilities shall also have a method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste). A record of the quantities of incoming waste and of unauthorized deliverables shall be kept on-site according to Paragraph C.1 of this Section.

2. All unauthorized waste that may come onto the site, or be found on the site, shall be segregated and stored in a closed container. All unacceptable waste shall be removed from the site at least every 14 days. A record of the shipment to properly permitted facilities shall be kept on-site in accordance with Subsection C.1 of this Section. Additional storage time may be granted by the administrative authority on a case-by-case basis upon request.

C. Facility Administrative Procedures

1. Recordkeeping

a. The permit holder shall maintain all records on-site that are necessary for the effective management of the facility and for preparing the required reports for the life of the facility. These records shall also be maintained for a minimum of three years after final closure. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location, provided they are readily available to the administrative authority for review upon request. Records kept shall include, but not be limited to:

i. copies of the applicable Louisiana solid waste rules and regulations;

ii. copies of all notification forms (including those pertaining to prior regulatory permits);

iii. letters from the administrative authority approving the operation of the facility;

iv. daily log that shall include:

(a). the volume of waste received at the facility;

(b). a description of ash management activities, including the volume of ash removed from the site or used in accordance with Paragraph D.5 of this Section; and

(c). daily clean up of the facility, including equipment and waste handling areas; and

v. any other additional information required by the administrative authority.

2. Personnel. All air curtain destructor facilities operating under a regulatory permit shall have the personnel necessary to achieve the operational requirements of the facility.

D. Facility Operational Standard

1. No solid waste shall be stored long enough to cause a nuisance, health hazard, or detriment to the environment.

2. Air curtain destructors shall adhere to the following operating requirements.

a. Ash shall be removed on a regular basis so as to not cause a hazard or nuisance.

b. Water shall be applied to the ash before removal.

c. Smoldering of woodwaste shall be prevented during nonoperating hours.

d. Only untreated *woodwaste*, as defined in LAC 33:VII.115, may be accepted. No burning of treated woodwaste or other solid waste is permitted.

e. All emissions and burning operations are subject to the Louisiana air quality regulations. These regulations and any other permit requirements shall be followed.

f. Only clean fuels (i.e., diesel fuel, No. 2 fuel oil, kerosene, etc.) shall be used to ignite waste.

g. Burning shall be conducted between the hours of 8 a.m. and 5 p.m.

h. Incoming woodwaste shall be inspected at the gate before unloading. If any waste other than woodwaste is detected, the entire load shall be rejected. All rejected loads shall be recorded in the daily log.

i. Storage of woodwaste and yard trash shall be in a designated area.

j. The volume of woodwaste and yard trash stored on-site shall not exceed 10 days of the processing capacity of the air curtain destructor, unless otherwise approved by the administrative authority.

k. No waste or combustible material shall be stored within 50 feet of the air curtain destructor.

3. The owner or operator shall maintain the air curtain destructor to design standards and shall not operate it if it is malfunctioning.

4. If the air curtain destructor is a trench burner, the approximate dimensions of the trench (i.e., burn pit) shall be specified on the regulatory permit application form.

5. At least every three months, ash shall either be removed and taken to an authorized and/or permitted facility, or used in an application approved by Louisiana Department of Agriculture and Forestry and LDEQ. These requirements also apply if the air curtain destructor becomes inoperable. Additional storage time may be granted by the administrative authority on a case-by-case basis upon request.

6. Burning shall not take place during rain events.

7. The owner or operator shall use care to minimize the amount of dirt on the material being burned.

8. Material shall not be added to the air curtain destructor so as to be stacked above the air curtain.

9. An operator shall remain with the air curtain destructor at all times when it is operating. Personnel shall remain on-site until burning activities, including smoldering, are completed for the day.

E. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services in writing at least 90 days before closure or intent to close an air curtain destructor facility by submitting a regulatory permit application form in accordance with LAC 33:VII.535.A.

2. At closure, or prior to moving an air curtain destructor, remaining woodwaste shall be processed or removed to a permitted facility for disposal. If woodwaste is removed from the facility, documentation that the woodwaste was properly disposed of shall be provided with a regulatory permit application form in accordance with LAC 33:VII.535.A.

3. At closure or prior to moving an air curtain destructor, all remaining ash shall be removed or used in accordance with Paragraph D.5 of this Section.

4. Within 30 days of completion of closure activities, the permit holder shall submit a written notice to the Office of Environmental Services that the closure requirements of Paragraphs 1 through 3 of this Subsection have been met and request a closure inspection in accordance with LAC 33:VII.407.E. The administrative authority reserves the right to determine if a facility has been closed properly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2 154(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

§539. Regulatory Permit Standards Governing Grease Processing Facilities

A. Buffer Zones

1. The facility shall comply with a buffer zone requirement of not less than 200 feet between the facility and the property line. Buffer zones of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the submittal of a permit application. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility, or 300 feet for a church. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located.

2. No storage, processing, or disposal of solid waste shall occur within the buffer zone.

3. A facility shall not be located within 10,000 feet of the end of any public-use airport runway used by turbojet aircraft, or within 5,000 feet of the end of any public-use airport runway used only by piston-type aircraft.

B. Methods for Receiving and Monitoring Incoming Waste

1. The facility shall have a method to determine the quantity by volume of grease from in-state or out-of-state generators. The facility shall also have a method to control

entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste). Records of the quantities of incoming waste and of unauthorized deliverables shall be kept on-site in accordance with Paragraph C.1 of this Section.

2. All unauthorized waste that may come onto the site, or be found on the site, shall be segregated and stored in closed containers. All unacceptable waste shall be removed from the site at least every 10 days. A record of the shipment to properly permitted facilities shall be kept on-site in accordance with Paragraph C.1 of this Section. Additional storage time may be granted by the administrative authority on a case-by-case basis upon request.

C. Facility Administrative Procedures

1. Recordkeeping

a. The permit holder shall maintain all records on-site that are necessary for the effective management of the facility and for preparing the required reports for the life of the facility. These records shall also be maintained for a minimum of three years after final closure. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. Records kept on-site shall include, but not be limited to:

i. copies of the applicable Louisiana solid waste rules and regulations;

ii. copies of all notification forms, including those pertaining to prior regulatory permits;

iii. letters from the administrative authority approving the operation of the facility;

iv. daily log that shall include:

(a). the volume of waste received at the facility;

(b). the volume of waste sent off site for disposal and/or recovery; and

(c). daily clean up of the facility, including equipment and waste handling areas; and

v. any other additional information required by the administrative authority.

2. Personnel. All grease facilities operating under a regulatory permit shall have the personnel necessary to achieve the operational requirements of the facility.

D. Facility Operational Plan

1. All waste shall be stored and/or processed in a container or tank that meets the standards of LAC 33:VII.503.

2. The facility shall provide an operational plan that describes in specific detail how the grease waste will be managed during all phases of the processing operation. At a minimum, the plan shall address the:

a. route the waste will follow after receipt;

b. sequence in which the waste will be processed within the unit;

c. method of discharge, treatment, and/or off-site disposal of wastewater generated during processing of grease waste;

d. method and operational changes that will be used during wet weather (including maintenance of roads and water management); and

e. recordkeeping procedures to be employed to ensure all pertinent activities are properly documented.

E. Facility Operational Standard

1. The operator shall review and maintain the documentation that all waste received meets the definition of *grease* as defined in this Subchapter, and has not been commingled with other waste streams, including but not limited to, domestic sewage and hazardous waste.

2. All containers and tanks shall provide containment of the waste and meet the requirements of LAC 33:VII.503.

3. Provisions shall be made for at least daily cleanup of the facility, including equipment and waste handling areas. The facility shall control litter, odor, and other pollution of adjoining areas.

4. No solid waste shall be stored long enough to cause a nuisance, health hazard, or detriment to the environment.

5. Treatment facilities for wash-down and other contaminated water shall be provided.

6. Each loading and unloading area shall be constructed and operated to prevent litter from leaving the tipping area. This area shall be constructed of sufficiently low permeable material (i.e., concrete or asphalt) to prevent soil and groundwater contamination.

7. Sufficient equipment shall be provided and maintained at all facilities to meet the facilities' operational needs.

F. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services in writing at least 90 days before closure or intent to close a grease processing facility by submitting a regulatory permit application form in accordance with LAC 33:VII.535.A.

2. At closure, all remaining grease shall be processed and/or removed to an authorized facility. Documentation that the grease was properly removed to an authorized facility shall be provided with a regulatory permit application form in accordance with LAC 33:VII.535.A.

3. Within 30 days of completion of closure activities, the permit holder shall submit a written notice to the Office of Environmental Services that the closure requirements of Paragraphs 1 and 2 of this Subsection have been met and request a closure inspection in accordance with LAC 33:VII.407.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

§541. Regulatory Permit Standards Governing Separation Facilities

A. Buffer Zones

1. The facility shall maintain a buffer zone of at least 200 feet between the facility and the property line. The buffer zone shall be at least 300 feet where the property line is adjacent to a structure currently being used as a church and used as a church before the permit application was submitted. The owner or operator may reduce the required buffer only with a notarized affidavit from each landowner having an ownership interest in property located less than 200 feet from the facility (or less than 300 feet for a church). The owner or operator shall record a copy of each notarized affidavit in the mortgage and conveyance records of the parish in which the landowner's property is located.

2. No solid waste shall be stored, processed, or disposed of within the buffer zone.

B. Methods for Receiving and Monitoring Incoming Waste

1. The facility shall have a method to determine the quantity, by volume of nonputrescible waste from in-state or out-of-state generators. The facility shall also have a method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste). Records of the quantities of incoming waste and of unauthorized deliverables shall be kept on-site in accordance with Paragraph C.1 of this Section.

2. All unauthorized waste that may come onto the site, or be found on the site, shall be segregated and stored in closed containers. All unacceptable waste shall be removed from the site at least every ten days. A record of the shipment to properly permitted facilities shall be kept on-site in accordance with Paragraph C.1 of this Section. Additional storage time may be granted by the administrative authority on a case-by-case basis upon request.

C. Facility Administrative Procedures

1. Recordkeeping

a. The permit holder shall maintain all records on-site that are necessary for the effective management of the facility and for preparing the required reports for the life of the facility. These records shall also be maintained for a minimum of three years after final closure. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location, provided they are readily available to the administrative authority for review upon request. Records kept shall include, but not be limited to:

i. copies of the applicable Louisiana solid waste rules and regulations;

ii. copies of all notification forms including those pertaining to prior regulatory permits;

iii. letters from the administrative authority approving the operation of the facility;

iv. daily log that shall include:

(a). the volume of waste received at the facility;

(b). the volume of waste sent off site for disposal and/or recovery; and

(c). daily cleanup of the facility, including equipment and waste handling areas; and

v. any other additional information required by the administrative authority.

2. Personnel. All separation facilities operating under a regulatory permit shall have the personnel necessary to achieve the operational requirements of the facility.

D. Facility Operational Plan

1. All waste and recovered material shall be stored in accordance with LAC 33:VII.503.

2. The facility shall provide an operational plan that describes in specific detail how the nonputrescible waste will be managed during all phases of the processing operations. At a minimum, the plan shall address the:

a. route the waste will follow after receipt;

b. sequence in which the waste will be segregated on-site;

c. method of separation;

d. management of waste generated during separation;

e. method and operational changes that will be used during wet weather, including maintenance of roads and water management; and

f. recordkeeping procedures to be employed to ensure all pertinent activities are properly documented.

E. Facility Operational Standard

1. The operator shall review and maintain the documentation that all waste received is nonputrescible residential and commercial waste, and/or construction and demolition debris.

2. All containers shall provide containment of the wastes and meet the requirements of LAC 33:VII.503.

3. Provisions shall be made for at least daily cleanup of the facility, including equipment and waste handling areas. The facility shall control litter, odor, and other pollution of adjoining areas.

4. Provisions shall be made for wash-down and other contaminated water.

5. Each loading and unloading area shall be constructed and operated to prevent litter from leaving the tipping area. This area shall be constructed of sufficiently low permeable material (i.e., concrete or asphalt) to prevent soil and groundwater contamination.

6. Sufficient equipment shall be provided and maintained at all facilities to meet the facilities' operational needs.

F. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services in writing at least 90 days before closure or intent to close a separation facility by submitting a regulatory permit application form in accordance with LAC 33:VII.535.A.

2. At closure, all remaining solid waste and reclaimed materials shall be processed and/or removed to an authorized facility. Documentation that the waste was properly removed to an authorized facility shall be provided with a regulatory permit application form in accordance with LAC 33:VII.535.A.

3. Within 30 days of completion of closure activities, the permit holder shall submit a written notice to the Office of Environmental Services that the closure requirements of Paragraphs 1and 2 of this Subsection have been met and request a closure inspection in accordance with LAC 33:VII.407.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

§543. Regulatory Permit Standards Governing Injection Well Processing/Storage Facilities

A. Injection Well Order

1. The facility shall comply with all provisions of their class I injection well order requirements issued by the Louisiana Department of Conservation and Energy.

B. Buffer Zones

1. The facility shall comply with a buffer zone requirement of not less than 200 feet between the facility and the property line. A buffer zone of not less than 300 feet shall be provided between the facility and the property line when the property line is adjacent to a structure currently being used as a church and having been used as a church prior to the

submittal of a permit application. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility, or 300 feet for a church. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located.2. No storage or processing of solid waste shall occur within the buffer zone.

C. Methods for Receiving and Monitoring Incoming Waste

1. The facility shall have a method to determine the quantity, by volume of waste from in-state or out-of-state generators. The facility shall also have a method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste). Records of the quantities and generators of incoming waste, and of unauthorized deliverables shall be kept on-site in accordance with Paragraph D.1 of this Section.

2. All unauthorized waste that may come onto the site shall be rejected and documented in the daily log.

D. Facility Administrative Procedures

1. Recordkeeping

a. The permit holder shall maintain all records on-site that are necessary for the effective management of the facility and for preparing the required reports for the life of the facility. These records shall also be maintained for a minimum of three years after final closure. These records may be retained in paper copy or in an electronic format. Electronically maintained records shall be a true and accurate copy of the records required to be maintained. Records older than three years may be kept at an off-site location provided they are readily available to the administrative authority for review upon request. Records kept shall include, but not be limited to:

i. copies of the applicable Louisiana solid waste rules and regulations;

ii. copies of all notification forms, including those pertaining to prior regulatory permits;

iii. letters from the administrative authority approving the operation of the facility;

iv. daily log that shall include:

(a). the name of the generator and volume of waste received at the facility;

(b). the volume of waste sent off site for disposal and/or recovery; and

(c). daily cleanup of the facility, including equipment and waste handling areas; and

v. any other additional information required by the administrative authority.

2. Personnel. All injection well processing/storage facilities operating under a regulatory permit shall have the personnel necessary to achieve the operational requirements of the facility.

3. Injection Well

a. The permit holder shall operate the injection well in accordance with the Louisiana Department of Conservation and Energy order and shall:

i. submit a copy of reports required as scheduled by the injection well order to the Office of Environmental Services; and

ii. notify the Office of Environmental Compliance within seven days of any compliance action being taken by the Louisiana Department of Conservation and Energy pertaining to the operation of the injection well.

E. Facility Operational Plan

1. All waste received and stored shall be stored in accordance with LAC 33:VII.503.

2. The facility shall provide an operational plan that describes in specific detail how the waste will be managed during all phases of the processing operations. At a minimum, the plan shall address the:

a. route the waste will follow after receipt;

b. processing of received material prior to injection, if necessary;

c. management of waste generated during on-site storage and processing;

d. method and operational changes that will be used during wet weather, including maintenance of roads and water management; and

e. recordkeeping procedures to be employed to ensure all pertinent activities are properly documented.

F. Facility Operational Standard

1. The operator shall review and maintain the documentation that all waste received is residential, commercial, and/or industrial solid waste or exploration and production waste managed under Louisiana Department of Conservation and Energy.

2. All containers and tanks shall provide containment of the waste and meet the requirements of LAC 33:VII.503. Solid waste and exploration and production waste shall be stored in separate tank units.

3. Provisions shall be made for at least daily cleanup of the facility, including equipment and waste handling areas. The facility shall control litter, odor, and other pollution of adjoining areas.

4. Provisions shall be made for wash-down and other contaminated water.

5. Each loading and unloading area shall be constructed and operated to contain waste from leaving. This area shall be constructed of sufficiently low permeable material (i.e., concrete or asphalt) to prevent soil and groundwater contamination.

6. Sufficient equipment shall be provided and maintained at all facilities to meet the facilities' operational needs.

G. Facility Closure Requirements

1. Notification of Intent to Close a Facility. All permit holders shall notify the Office of Environmental Services in writing at least 90 days before closure or intent to close an injection well receiving facility by submitting a regulatory permit application form in accordance with LAC 33:VII.535.A.

2. At closure, all remaining solid waste shall be processed and/or removed to an authorized facility. Documentation that the solid waste was properly removed to an authorized facility shall be provided with a regulatory permit application form in accordance with LAC 33:VII.535.A.

3. Within 30 days of completion of closure activities, the permit holder shall submit a written notice to the Office of Environmental Services that the closure requirements of Paragraphs 1 and 2 of this Subsection have been met and request a closure inspection in accordance with LAC 33:VII.407.E.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 52:

Chapter 15. Solid Waste Fees

§1501. Permit Application Review Fee

A. ...

B. Applicants for type III standard permits, beneficial-use plans, or regulatory permits shall pay a permit application review fee of $1,325 for each facility. The fee shall accompany each permit application submitted.

C. Standard permit holders providing permit modifications for type I, I-A, II, and II-A facilities shall pay a $2,650 permit-modification review fee. The fee shall accompany each modification submitted. Permit holders providing mandatory modifications in response to these regulations shall pay a $825 permit-modification fee. The fee shall accompany each mandatory modification submitted. Permit modifications required by LAC 33:VII.805.A will not be subject to a permit modification fee.

D. Permit holders providing permit modifications for type III facilities, beneficial-use facilities, or regulatory permits shall pay a $813 modification review fee. The fee shall accompany each modification submitted.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003), repromulgated by the Office of the Secretary, Legal Affairs Division, LR 33:1108 (June 2007), amended LR 37:3258 (November 2011), amended by the Office of the Secretary, Legal Division, LR 43:946 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48: LR 48:1500 (June 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§1505. Annual Fee

A. - B.1.b. ...

c. $825 for type I-A, II-A, III, beneficial-use facilities and regulatory permits.

2. - 2.e. ...

f. for Type I-A, II-A, III (except construction or demolition debris disposal facilities), beneficial use facilities and regulatory permits, no tonnage fee.

B.2.g. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2051 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:2241 (December 2006), repromulgated LR 33:1108 (June 2007), amended LR 35:2180 (October 2009), amended by the Office of the Secretary, Legal Division, LR 43:947 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 48: LR 48:1500 (June 2022), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

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

Provider Impact Statement

The proposed 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 Rule. Persons commenting should reference the proposed Rule by SW079. Such comments must be received no later than November 4, 2026, 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 Rule 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 SW079. The proposed Rule is available on the Internet at https://www.deq.louisiana.gov/about-ldeq/monthly-regulation-changes-2026.

Public Hearing

A public hearing will be held on October 28, 2026, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Microsoft Teams at https://teams.microsoft.com/meet/225581962557365?p=WA1olUFploGq8u2YOV Meeting ID: 225 581 962 557 365 Passcode: A2NL2hJ9 or by phone (872) 239-6160 using phone conference ID: 833 450 698#. 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 Rule 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.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Solid Waste Regulatory Permits

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

The proposed rule change may result in nominal savings for the Louisiana Department of Environmental Quality (LDEQ) due to a decrease in workload requirements to review permits. The proposed rule change implements four new types of regulatory permits for the following facilities: air curtain destructor facilities, grease processing facilities, separation facilities, and injection well processing facilities. Currently, these facilities use a Type III standard permit; by switching these facilities over, LDEQ anticipates a decrease in workload to review and approve regulatory permits over standard Type III permits.

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

The proposed rule change is not anticipated to impact revenue collections of state or local governmental units. Both the regulatory permits and the Type III permits have the same application, modification, and annual fee schedules. This will result in no new revenue to LDEQ.

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

The proposed rule change will likely provide an economic benefit to facilities that will now be eligible to be approved under regulatory permitting. The proposed regulatory permit system provides a more streamlined permitting system for minor solid waste processing and/or disposal facilities. The application process is not as complex as the standard permitting process and does not require costly public notice requirements, financial assurance, certifications or complex standard permit application.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may moderately improve competition and employment. The proposed regulatory permits lower the barrier to entry for minor processing facilities to open and operate in Louisiana. Lowering the regulatory barrier may allow for new facilities to operate, providing potential employment opportunities.

Jill C. Clark
General Counsel
2609#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Waste Tire Regulation Revisions
(LAC 33:VII.Chapters 105 and 111)

Under the authority of the Louisiana 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 Solid Waste regulations, LAC 33:VII.Chapter 105 and 111 (SW077).

The proposed Rule raises financial safeguards, updates permitting procedures, eliminates outdated provisions, and strengthens environmental protections for the handling, processing, and end use of waste tires in Louisiana. The proposed revisions to Louisiana's waste tire regulations include several updates that strengthen oversight, clarify responsibilities, and modernize procedures. Key definitions were added or clarified. Permit terms for processing and collection facilities were extended from five to ten years, but modification requests now require more detailed submittals, including drawings and narratives. Major modifications, such as increasing waste tire volume or expanding facility boundaries, will now trigger public notice and hearing requirements, which align with the public trust doctrine.

Applicants for new or renewal permits will now provide proof of zoning and have an emergergency response plan approved by the state fire marshal prior to submittal, which aligns with similar permits approved by the department.

The expired land reclamation pilot study was removed, and land reclamation projects will instead be reviewed on a case-by-case basis with engineering, soil, and groundwater protection requirements. End-market users and permitted facilities will be required to have written fire protection agreements and updated safety and evacuation plans. End-market projects will be designed, constructed, and operated to prevent adverse environmental impacts by identifying and protecting nearby sensitive areas, ensuring proper soil and groundwater conditions, and installing certified protective soil covers and barriers according to Louisiana engineering and environmental standards. End-market slope stabililization/erosion control projects will be subject to boring requirements.

Because closure costs have not been updated since 1994, financial assurance requirements were increased. Storage and recordkeeping requirements were expanded to prevent long-term accumulation and environmental risks.

Finally, property owners with more than 20 waste tires stored, deposited, or abandoned but were not generated by a waste tire generator may request a waiver to remove more than the limited number of tires per day, per person. The basis and rationale for this proposed Rule are to revise and update the waste tire regulations to current industry practices, enhance public safety, and streamline administrative procedures. This proposed 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.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling
Chapter 105. Waste Tires
§10505. Definitions

A. The following words, terms, and phrases shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

* * *

Civil Engineering Project—generally a project that requires designs and/or calculations for the construction or maintenance of the physical environment, such as roads, bridges, canals, dams, and buildings. For purposes of these

increase in per-case expenditures for local education agencies (LEAs) associated with special education due process hearings. Shifting the burden of proof from the petitioner to the LEA may require additional preparation, documentation, and presentation of evidence, potentially increase attorney and staff time and associated legal costs. State data indicates approximately 40 to 45 special education complaints are filed annually, with only a small number proceeding to a full hearing.

The proposed rule change amending LAC 28:CLVII in *Bulletin 135—Health and Safety* requires LEAs to revise existing behavioral health services policies, post such policies on their websites, include them in student handbooks, coordinate scheduling of behavioral health services provided inside and outside of physical classrooms as medically necessary, and coordinate and conduct school based service delivery review meetings within specified timelines. While this is anticipated to increase administrative workload for LEAs, any resulting impact on expenditures is indeterminable.

There are no anticipated implementation costs or savings to state governmental units as a result of the proposed rule change, which amends LAC 28:XLIII in *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act* and to implement Acts 943 and 944 of the 2026 Regular Legislative Session. The Louisiana Department of Education will administer the behavioral health complaint and dispute resolution procedures and process due process hearing requests using existing staff and previously appropriated funds.

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

There is no anticipated effect on the revenue collections of state or local governmental units as a result of the proposed rule change.

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

Parents of students with exceptionalities may benefit from the proposed rule change as the burden of proof in special education due process hearings would shift from the petitioner to the local education agency (LEA). The change may reduce the evidentiary burden on parents involved in due process proceedings.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment in the public or private sectors as a result of the proposed rule change.

Beth Scioneaux	Patrice Thomas
Deputy Superintendent	Deputy Fiscal Officer
2609#077	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Hazardous Waste and Hazardous Materials
(LAC 33:V.Chapters 1, 3, 4, 10, 15, 30, 37, 43, and 51)

Under the authority of the Louisiana 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, 3, 4, 10, 15, 30, 37, 43, and 51 (HW142).

The proposed Rule consolidates duplicative text in LAC 33:V.Chapter 43 (Interim Status). Where a Chapter 43 Section reproduces in full a standard already codified elsewhere in LAC 33:V, the reproduced text is replaced with a cross-reference in the form "Interim status facilities must comply with LAC 33:V.____." Existing cross-references are conformed to cite the specific Subsections and Paragraphs that apply rather than an entire Section. The proposed Rule amends 81 Sections and reduces Chapter 43 by approximately 38,400 words.

Chapter 43 was built Section by Section beginning in 1984 and has been amended more than twenty times since. Rather than referring interim status facilities to standards already stated elsewhere in LAC 33:V, the Chapter often reproduced those standards verbatim, so the same requirement now appears in two places. A departmental review identified 98 Chapter 43 Sections within confirmed near-duplicate clusters, the largest comprising 43 Sections of substantially identical text. Duplication of this kind creates a maintenance burden and a compliance risk. When the underlying standard is amended, the duplicated text must be separately located and amended, or the two provisions drift apart and leave the regulated community with two differently worded statements of one obligation. A cross-reference causes future amendments to carry through automatically.

Within Chapter 43, the proposed Rule replaces the text of 45 Sections with a cross-reference to the standard that already governs, repeals 11 Sections whose requirements are stated in LAC 33:V.Chapter 15 and makes conforming or clerical corrections in the remaining 15 Sections. The 11 repealed Chapter 43 Sections are §§4339, 4341, 4343, 4345, 4347, 4349, 4353, 4355, 4356, 4359, and 4361, which address contingency planning, the emergency coordinator, emergency procedures, use of the manifest system, manifest discrepancies, unmanifested waste reports, recordkeeping, and the annual report. Each requirement continues to apply to interim status facilities through LAC 33:V.Chapter 15, and Sections 4337 and 4351 are amended to state that application expressly.

Outside Chapter 43, the proposed Rule amends Section 105 (Program Scope) to remove obsolete references to the Department of Natural Resources and to the February 1, 1984, transfer of authority, to update the mailing address of the United States Environmental Protection Agency office that receives written agreements, and to conform the judicial review and rulemaking petition provisions to current law. It also removes an obsolete telephone number for reporting unauthorized discharges and makes clerical corrections in Sections 325 and 3705. In Chapter 51, a correction is made and obsolete and redundant fee provisions are removed.

The basis and rationale for the proposed Rule are to simplify and modernize the structure of Chapter 43 without altering the obligations it imposes, and to eliminate the risk that duplicated provisions diverge from the standards they restate. The proposed 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.

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 individual unit at a treatment, storage, and disposal (TSD) facility under LAC 33:V.706.

A. - A.3. ...

4. Reserved.

5. Approved Forms for Notification of Hazardous Waste Activity

a. Notification of Hazardous Waste Activity Form (HW-1). All notifications of hazardous waste activity shall be made on the most current HW-1 form approved by the department and found on the department's website.

A.5.b. - B.2. ...

C. Control of Wastes. Wastes generated, transported, treated, stored, and/or disposed of in Louisiana are controlled by the state of Louisiana according to the appropriate statutes of the state of Louisiana as follows, and provided that nothing contained herein shall limit the authority granted to the Department of Environmental Quality.

C.1. - C.3. ...

a. salt water injection wells including related surface installations, mud pits, and other areas associated with the exploration and production of oil and gas.

C.4. - D.2.l.i. ...

ii. a copy of the written agreement has been submitted to: Waste Identification Branch (5304), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave, NW, Washington, DC 20460;

D.2.m. - D.11.e.iii. ...

E. Judicial Review. Judicial review is available as provided in the Louisiana Administrative Procedure Act (R.S.49:978.1) and the Louisiana Environmental Quality Act.

F. - G. ...

H. General Procedures to Petition the Administrative Authority. The procedure to petition for rulemaking is set forth in LAC 33:I.Chapter 9.

I. - I.3. ...

J. Discharge Reporting Requirements

1. Emergency Conditions. For any unauthorized discharge of a Hazardous Waste, in contravention of the Louisiana Hazardous Waste Control Law (R.S. 30:2171 et seq.) or of the regulations, or of the terms and conditions of a permit or license issued thereunder, which results or threatens to result in an emergency condition (a condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water or air environment, or cause severe damage to property), the discharger shall immediately, but in no case later than one hour, notify in accordance with other provisions of LAC 33:I.Chapter 39.

J.2. - R.8.h. ...

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 38:791 (March 2012), amended by the Office of the Secretary, Legal Division, LR 40:1336 (July 2014), LR 42:2178, 2181 (December 2016), LR 43:1151 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:896 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division, LR 50:1456 (October 2024), LR 51:1843 (November 2025), LR 51:2071 (December 2025), LR 52:669 (May 2026), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits
§325. Compliance Schedule for Facilities Existing on the Effective Date of These Regulations

A. - B.3.c. ...

4. The applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the administrative authority.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Chapter 4. Requirements for Commercial Treatment, Storage, and Disposal Facility Permits
§405. Requirements for Commercial TSD Facilities

A. - B.1.c. ...

2. The administrative authority may approve, on a case-by-case basis, an alternative to the requirements in Subparagraph B.1.a or b of this Section if the applicant can affirmatively demonstrate that as a result of site-specific circumstances, the location of the proposed waste management unit will not adversely impact an environmentally sensitive area, impose an undue risk to human health.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:285 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§407. Guidelines for the Infrastructure Assessment Report Prepared by Local Government

A. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178 and 2182.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:287 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§409. Departmental Action on Commercial Hazardous Waste TSD Permit Applications

A. The secretary's report shall be issued in conjunction with the draft permit decision for commercial hazardous waste treatment, storage, or disposal facilities. The report will assess the impact of the location of the facility on the citizens in the surrounding area, the local infrastructure, and on the environment. The sources of information for the report include the permit application contents required in LAC 33:V, the Infrastructure Assessment Report prepared by the local governmental subdivision, and other information sources as appropriate.

B. - B.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2178.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division LR 27:287 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Chapter 10. Generators of Hazardous Waste

[Editor's Note: Chapter 10 consolidates and reorganizes the requirements for generators formerly contained in LAC 33:V.108 and Chapter 11.]

Subchapter A. General

§1015. Conditions for Exemption for Large Quantity Generators

A. - B.1.g. ...

i. Incompatible wastes, or incompatible wastes and materials (see LAC 33:V.199.Appendix B for examples), shall not be placed in the same container, unless the generator complies with LAC 33:V.4321.

ii. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see LAC 33:V.199.Appendix B for examples), unless the generator complies with LAC 33:V.4321.

B.1.g.iii. - G.3. ...

H. Rejected Load. A large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that waste back as a rejected load or residue in accordance with the manifest discrepancy provisions of LAC 33:V.1516.C or LAC 33:V.4351.C may accumulate the returned waste on-site in accordance with Subsections B and C of this Section. Upon receipt of the returned shipment, the generator shall sign:

1. - 2. ...

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

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:911 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:0000 (May 2026), LR 52:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1527. Receiving and Monitoring Incoming Waste

A. - E. ...

F. Unmanifested Waste Reports. Any wastes presented for disposal that are not accompanied by a properly completed manifest shall be rejected. The TSD operator shall note the name of the driver, hauler, and the vehicle identification numbers.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2456 (October 2005), LR 33:2104 (October 2007), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3007. Interim Status Standards for Burners

A. - A.4.d. ...

e. LAC 33:V.Chapter 43.Subchapter D (Manifest System, Recordkeeping, and Reporting), except that LAC 33:V.4353 does not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources;

A.4.f. - D. ...

E. Noncompliance with Certification Schedule. If the owner or operator does not comply with the interim status compliance schedule provided by LAC 33:V.3007.B-D, hazardous waste burning shall terminate on the date that the deadline is missed, closure activities must begin under LAC 33:V.3007, and hazardous waste burning may not resume except under an operating permit issued under LAC 33:V.537. For purposes of compliance with the closure provisions of LAC 33:V.3007.L, 4381.B, and 4383, the boiler or industrial furnace has received "the known final volume of hazardous waste" on the date that the deadline is missed.

F. - L. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:822 (September 1996), amended

by the Office of Waste Services, Hazardous Waste Division, LR 24:1740 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2483 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2463 (October 2005), LR 33:2114 (October 2007), LR 34:629 (April 2008), LR 34:999 (June 2008), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Chapter 37. Financial Requirements

Subchapter A. Closure Requirements

§3705. Cost Estimate for Closure

A. - C. ...

D. The owner or operator shall keep, at the facility during the operating life of the facility, the latest closure cost estimate prepared as specified in LAC 33:V.3705.A and C and, when this estimate has been adjusted as specified in LAC 33:V.3705.B, the latest adjusted closure cost estimate. The cost estimate shall be available to the administrative authority by request.

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 16:399 (May 1990), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - D.8....

9. the owner or operator of an elementary neutralization unit or wastewater treatment unit (as defined in LAC 33:V.109), provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 high TOC subcategory defined in LAC 33:V.2299.Appendix, Table 2, Treatment Standards for Hazardous Wastes) or reactive (D003) waste to remove the characteristic before land disposal, the owner/operator shall comply with the requirements set out in LAC 33:V.4321;

10. - 11. ...

12. the addition of absorbent material to waste in a container (as defined in LAC 33:V.109) or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container and LAC 33:V.4321 and LAC 33:V.Chapter 43, Subchapter H are complied with;

D.13. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:632 (April 2008), amended by the Office of the Secretary, Legal Division, LR 43:1146 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1854 (November 2025), 51:2074 (December 2025), LR 52:

Subchapter A. General Facility Standards

§4313. General Waste Analysis

A. Interim status facilities shall comply with LAC 33:V.1519.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:1057 (December 1990), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:714 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4317. General Inspection Requirements

A. Interim status facilities shall comply with LAC 33:V.1509.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1744 (September 1998), LR 25:484 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:947 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4320. Construction Quality Assurance Program

A. Interim status facilities shall comply with LAC 33:V.1504.

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 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2499 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2475 (October 2005), LR 33:2126 (October 2007), LR 52:

§4321. General Requirements for Ignitable, Reactive, or Incompatible Wastes

A. Interim status facilities shall comply with LAC 33:V.1517.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter C. Contingency Plan and Emergency Procedures

§4337. Applicability

A. The regulations of this Subchapter apply to owners and operators of all hazardous waste facilities except as provided in LAC 33:V.4307. Interim status facilities shall comply with LAC 33:V.1513.A.1, A.3, B, C.2, and D-F.

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

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

the Office of Waste Services, Hazardous Waste Division, LR 24:1109 (June 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4339. Purpose and Implementation of Contingency Plan

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1626 (August 2007), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4341. Content of Contingency Plan

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4343. Copies of Contingency Plan

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4345. Amendment of Contingency Plan

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4347. Emergency Coordinator

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4349. Emergency Procedures

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March, 1984), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter D. Manifest System, Recordkeeping, and Reporting

§4351. Applicability

A. The regulations in this Subchapter apply to owners and operators of both on-site and off-site facilities, except as LAC 33:V.4307 provides otherwise. LAC 33:V.4351.C and 4363 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor to owners and operators of off-site facilities with respect to military munitions waste.

B. The revised manifest form and procedures in 40 CFR 260.10, 261.7, 265.70, 265.71, 265.72, and 265.76 shall be effective as of September 5, 2006. The manifest form and procedures in the July 1, 2004, CFR shall be applicable until September 5, 2006.

C. Interim status facilities shall comply with LAC 33:V.1516.B-D.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1109 (June 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:830 (May 2006), LR 52:

§4353. Use of the Manifest System

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:367 (April 1991), amended by the Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4355. Manifest Discrepancies

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:367 (April 1991), amended by the Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4356. Unmanifested Waste Report

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4357. Operating Record

A. Interim status facilities shall comply with LAC 33:V.1529.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1744 (September 1998), LR 25:484 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1803 (October 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1626 (August 2007), LR 34:633 (April 2008), LR 34:1018 (June 2008), LR 34:1899 (September 2008), LR 52:

§4359. Availability, Retention, and Disposition of Records

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4361. Annual Report

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§4365. Additional Reports

A. In addition to submitting the biennial report and unmanifested waste reports described in LAC 33:V.4357 and 4363, the owner or operator shall also report to the administrative authority:

1. - 4. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1744 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1002 (June 2008), LR 52:

Subchapter F. Closure and Post-Closure

§4381. Closure Plan; Amendment of Plan

A. ...

B. Interim status facilities shall comply with LAC 33:V.3511.B-E.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:485 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2500 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2475 (October 2005), LR 33:2127 (October 2007), LR 34:633 (April 2008), LR 52:

§4383. Closure; Time Allowed for Closure

A. Interim status facilities shall comply with LAC 33:V.3513.

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 14:791 (November 1988), LR 17:478 (May 1991), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2500 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2127 (October 2007), LR 52

§4385. Disposal or Decontamination of Equipment, Structures, and Soils

A. Interim status facilities shall comply with LAC 33:V.3515.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:614 (July 1990), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:947 (July 2020), LR 52:

§4387. Certification of Closure

A. Interim status facilities shall comply with LAC 33:V.3517.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2501 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2475 (October 2005), LR 33:2128 (October 2007), LR 34:1003 (June 2008), LR 52:

§4389. Post-Closure Care and Use of Property

A. Interim status facilities shall comply with LAC 33:V.3521.

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 18:723 (July 1992), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4391. Post-Closure Plan; Amendment of Plan

A. ...

B. Until final closure of the facility, a copy of the most current post-closure plan shall be furnished to the administrative authority upon request, including request by mail. In addition, for facilities without approved post-closure plan, it shall also be provided during site inspections, on the day of inspection, to any officer, employee or representative of the agency who is duly designated by the administrative authority. After final closure has been certified, the person or office specified in LAC 33:V.4381.B shall keep the approved post-closure plan during the post-closure period.

C. Interim status facilities shall comply with LAC 33:V.3523.B.

D. Amendment of Plan. Interim status facilities shall comply with LAC 33:V.3523.D.

E. - G.2.b. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:485 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2501 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2476 (October 2005), LR 33:2128 (October 2007), LR 52:

§4393. Post-Closure Notices

A. Interim status facilities shall comply with LAC 33:V.3525.

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 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2502 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2476 (October 2005), LR 33:2129 (October 2007), LR 52:

§4395. Certification of Completion of Post-Closure Care

A. Interim status facilities shall comply with LAC 33:V.3525.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2502 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2477 (October 2005), LR 33:2129 (October 2007), LR 34:1003 (June 2008), LR 52:

Subchapter G. Financial Requirements

§4397. Applicability

A. ...

B. Interim status facilities shall comply with LAC 33:V.3701.B.-D.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 13:651 (November 1987), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1109 (June 1998), LR 25:486 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:73 (January 2008), LR 52:

§4399. Definitions of Terms as Used in This Subpart

A. Interim status facilities shall comply with LAC 33:V.3703.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:219 (March 1990), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Division, LR 43:1148 (June 2017), LR 52:

§4401. Cost Estimate for Closure

A. Interim status facilities shall comply with LAC 33:V.3705.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:634 (April 2008), LR 52:

§4403. Financial Assurance for Closure

A. By the effective date of these regulations an owner or operator of each facility shall establish financial assurance for closure of the facility.

B. Interim status facilities shall comply with LAC 33:V.3707.A., B., D., E., F., G., H., and I.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:219 (March 1990), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1520 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2502 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2477 (October 2005), LR 33:2129 (October 2007), LR 34:1003 (June 2008), LR 52:

§4405. Cost Estimate for Post-Closure Care

A. Interim status facilities shall comply with LAC 33:V.3709.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4407. Financial Assurance for Post-Closure Care

A. An owner or operator of each hazardous waste disposal unit shall establish financial assurance for post-closure care of the facility.

B. Interim status facilities shall comply with LAC 33:V.3711.A, B, D, E, F, G, H, and I.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1521 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2504 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2479 (October 2005), LR 33:2131 (October 2007), LR 34:1003 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1148 (June 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4409. Use of a Mechanism for Financial Assurance of Both Closure and Post-Closure Care

A. Interim status facilities shall comply with LAC 33:V.3713.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4411. Liability Requirements

A. Interim status facilities shall comply with LAC 33:V.3715.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:399 (May 1990), LR 18:723 (July 1992), repromulgated LR 19:627 (May 1993), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1521 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2506 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2481 (October 2005), LR 33:2133 (October 2007), LR 34:1004 (June 2008), LR 52:

§4413. Incapacity of Owners or Operators, Guarantors, or Financial Institutions

A. Interim status facilities shall comply with LAC 33:V.3717.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2507 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2482 (October 2005), LR 33:2134 (October 2007), LR 52:

Subchapter I. Tanks

§4433. Assessment of Existing Tank System's Integrity

A. Interim status facilities shall comply with LAC 33:V.1903.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1004 (June 2008), LR 52:

§4435. Design and Installation of New Tank Systems or Components

A. Interim status facilities shall comply with LAC 33:V.1905.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1004 (June 2008), LR 52:

§4437. Containment and Detection of Releases

A. Interim status facilities shall comply with LAC 33:V.1907, except Subsection K.

B. The following procedures shall be followed in order to request a variance from secondary containment.

1. The administrative authority will inform the public, through a newspaper notice, of the availability of the demonstration for a variance. The notice shall be placed in a daily or weekly major local newspaper of general circulation and shall provide at least 30 days from the date of the notice for the public to review and comment on the demonstration for a variance. The administrative authority also will hold a public hearing, in response to a request or at his own discretion, whenever such a hearing might clarify one or more issues concerning the demonstration for a variance. Public notice of the hearing will be given at least 30 days prior to the date of the hearing and may be given at the same time as notice of the opportunity for the public to review and comment on the demonstration. These two notices may be combined.

2. The administrative authority will approve or disapprove the request for a variance within 90 days of receipt of the demonstration from the owner or operator and will notify in writing the owner or operator and each person who submitted written comments or requested notice of the variance decision. If the demonstration for a variance is incomplete or does not include sufficient information, the 90-day time period will begin when the administrative authority receives a complete demonstration, including all information necessary to make a final determination. If the public comment period in Paragraph H.4 of this Section is extended, the 90-day time period will be similarly extended.

C. All tank systems, until such time as secondary containment meeting the requirements of this Section is provided, shall comply with the following.

1. For non-enterable underground tanks, a leak test that meets the requirements of LAC 33:V.4433 shall be conducted at least annually.

2. For other than non-enterable underground tanks and for all ancillary equipment, an annual leak test, as described in Paragraph I.1 of this Section, or an internal inspection or other tank integrity examination by an independent, qualified professional engineer that addresses cracks, leaks, corrosion, and erosion shall be conducted at least annually. The owner or operator shall remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed.

3. The owner or operator shall maintain on file at the facility a record of the results of the assessments conducted in accordance with Paragraphs I.1-2 of this Section.

4. If a tank system or component is found to be leaking or unfit-for-use as a result of the leak test or assessment in Paragraphs I.1-2 of this Section, the owner or operator shall comply with the requirements of LAC 33:V.4441.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2507 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2482 (October 2005), LR 33:2134 (October 2007), LR 34:1004 (June 2008), LR 34:1899 (September 2008), LR 36:1238 (June 2010), repromulgated LR 36:1539 (July 2010), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4439. General Operating Requirements

A. Interim status facilities shall comply with LAC 33:V.1909.A, B, and C.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), amended by the Office of the Secretary, Legal Affairs Division, LR 34:634 (April 2008), LR 52:

§4440. Inspections

A. Interim status facilities shall comply with LAC 33:V.1911.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1005 (June 2008), LR 52:

§4441. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems

A. A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use,

shall be removed from service immediately, and the owner or operator shall satisfy the following requirements.

B. Interim status facilities shall comply with LAC 33:V.1913.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1006 (June 2008), LR 52:

§4446. Air Emission Standards

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

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1745 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter J. Surface Impoundments

§4449. Action Leakage Rate

A. The owner or operator of surface impoundment units subject to LAC 33:V.4462.A shall submit a proposed action leakage rate to the Office of Environmental Services when submitting the notice required under LAC 33:V.4462.B. Within 60 days of receipt of the notification, the administrative authority will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the administrative authority before the original 60- or the extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

B. Interim status facilities shall comply with LAC 33:V.2904.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2482 (October 2005), LR 33:2134 (October 2007), LR 52:

§4452. Response Actions

A. Interim status facilities shall comply with LAC 33:V.2906.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 34:1006 (June 2008), LR 52:

§4453. Waste Analysis and Trial Tests

A. - B.1. ...

2. obtain written, documented information on similar treatment of similar waste under similar operating conditions; to show that this treatment will comply with LAC 33:V.4321.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4459. Special Requirements for Ignitable or Reactive Waste

A. Ignitable or reactive waste shall not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of LAC 33:V.Chapter 22 and:

1. the waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that the resulting waste, mixture, or dissolution of material no longer meets the characteristics of ignitable or reactive waste under LAC 33:V.4903.B and D, and 4321 is complied with; or

2. the surface impoundment is used solely for emergencies.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:1057 (December 1990), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1900 (September 2008), LR 52:

§4461. Special Requirements for Incompatible Wastes

A. Incompatible wastes or incompatible wastes and materials shall not be placed in the same surface impoundment, unless LAC 33:V.1517.B is complied with.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter K. Waste Piles

§4471. Special Requirements for Ignitable or Reactive Waste

A. Ignitable or reactive wastes shall not be placed in a pile unless the waste and pile satisfy all applicable requirements of LAC 33:V.Chapter 22, and:

1. addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under LAC 33:V.109 and complies with LAC 33:V.4321; or

2. the waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:1057 (December 1990), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4472. Response Actions

A. Interim status facilities shall comply with LAC 33:V.2306.

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 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 34:1006 (June 2008), LR 52:

§4474. Action Leakage Rates

A. The owner or operator of waste pile units subject to LAC 33:V.4476 shall submit a proposed action leakage rate to the Office of Environmental Services when submitting the notice required under LAC 33:V.4476. Within 60 days of receipt of the notification, the administrative authority will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the administrative authority before the original 60- or the extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

B. Interim status facilities shall comply with LAC 33:V.2304.

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 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2508 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 52:

Subchapter L. Land Treatment

§4479. General Operating Requirements

A. Hazardous waste shall not be placed in or on a land treatment facility unless the waste can be made less hazardous or non-hazardous by biological degradation or chemical reactions occurring in or on the soil.

B. Interim status facilities shall comply with LAC 33:V.2703.C.-F.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 18:723 (July 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4483. Food-Chain Crops

A. Interim status facilities shall comply with LAC 33:V.2709.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter M. Landfills

§4497. Action Leakage Rate

A. The owner or operator of landfill units subject to LAC 33:V.4512.A shall submit a proposed action leakage rate to the administrative authority when submitting the notice required under LAC 33:V.4512.B. Within 60 days of receipt of the notification, the administrative authority will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the administrative authority before the original 60- or the extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

B. Interim status facilities shall comply with LAC 33:V.2504.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:634 (April 2008), LR 52:

§4498. Response Actions

A. Interim status facilities shall comply with LAC 33:V.2508.

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 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1007 (June 2008), LR 52:

§4503. Special Requirements for Ignitable or Reactive Waste

A. Interim status facilities shall comply with LAC 33:V.2511.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4505. Special Requirements for Incompatible Wastes

A. Incompatible wastes, or incompatible wastes and materials, shall not be placed in the same landfill cell, unless LAC 33:V.1517.B is complied with.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4507. Special Requirements for Liquid Waste

A. Interim status facilities shall comply with LAC 33:V.2515.

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), LR 21:266 (March 1995), LR 22:829 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:686 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:634 (April 2008), LR 34:1007 (June 2008), LR 52:

§4511. Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)

A. - A.2. ...

3. The sorbent material used shall not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers in accordance with LAC 33:V.4321.

4. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1745 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 38:779 (March 2012), LR 52:

Subchapter N. Incinerators

§4521. Closure

A. Interim status facilities shall comply with LAC 33:V.3121.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter P. Chemical, Physical, and Biological Treatment

§4545. Special Requirements for Ignitable or Reactive Waste

A. ...

1. the waste is treated, rendered, or mixed before or immediately after placement in the treatment process or equipment so that the resulting waste, mixture, or dissolution of material no longer meets the characteristics of ignitable or reactive waste under LAC 33:V.4903.B and D, and 4321 is complied with; or

2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1900 (September 2008), LR 52:

Subchapter Q. Air Emission Standards for Process Vents

§4549. Applicability

A. Interim status facilities shall comply with LAC 33:V.1705.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1745 (September 1998), LR 25:486 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020), LR 52:

Subchapter R. Air Emission Standards for Equipment Leaks

§4561. Applicability

A. Interim status facilities are subject to the requirements of LAC 33:V.1717.A-B and D-G.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1745 (September 1998), LR 25:486 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2541 (October 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:948 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter T. Containment Buildings

§4701. Applicability

A. Interim status facilities are subject to the requirements of LAC 33:V.1801.

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 21:266 (March 1995), amended LR 21:944 (September 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:635 (April 2008), LR 34:1008 (June 2008), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4703. Design and Operating Standards

A. Interim status facilities are subject to the requirements of LAC 33:V.1802.

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 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2136 (October 2007), LR 34:635 (April 2008), LR 34:1008 (June 2008), LR 52:

§4705. Closure and Post-Closure Care

A. Interim status facilities are subject to the requirements of LAC 33:V.1803.

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 21:266 (March 1995), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Subchapter U. Hazardous Waste Munitions and Explosives Storage

§4707. Applicability

A. Interim status facilities are subject to the requirements of LAC 33:V.2401.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1746 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4709. Design and Operating Standards

A. Interim status facilities are subject to the requirements of LAC 33:V.2403.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1746 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

§4711. Closure and Post-Closure Care

A. Interim status facilities are subject to the requirements of LAC 33:V.2405.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1746 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

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

§4727. Waste Determination Procedures

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

1. Interim status facilities are subject to the requirements of LAC 33:V.1753.A.

2. Direct Measurement to Determine Average VO Concentration of a Hazardous Waste at the Point of Waste Origination

a. Identification. The owner or operator shall identify and record the point of waste origination for the hazardous waste.

b. Sampling. Samples of the hazardous waste stream shall be collected at the point of waste origination in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i. The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis shall be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream, but shall not exceed one year.

ii. A sufficient number of samples, but no less than four samples, shall be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination shall be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii. All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan shall be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found in Method 25D in 40 CFR Part 60, Appendix A.

iv. Sufficient information, as specified in the site sampling plan required under Clause A.3.b.iii of this Section shall be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

c. Analysis. Each collected sample shall be prepared and analyzed in accordance with Method 25D in 40 CFR Part 60, Appendix A for the total concentration of volatile organic constituents, or by using one or more appropriate methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3) at 25°C. At the owner's or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total volatile organic concentration that is a result of including a compound with a Henry's law constant value of less than 0.1 Y/X at 25°C. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (fm25D). If the owner or operator elects to adjust test data, the adjustment shall be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25°C that are contained in the waste. Constituent-specific adjustment factors (fm25D) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711. Other test methods may be used if they meet one of the following requirements in Clause A.3.c.i or ii of this Section and provided that the requirement to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3) at 25°C is met:

i. any EPA standard method that has been validated in accordance with Alternative Validation Procedure for EPA Waste and Wastewater Methods, 40 CFR Part 63, Appendix D; or

ii. any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR Part 63, Appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

d. Calculations

i. The average VO concentration ($\overline{C}$) on a mass-weighted basis shall be calculated by using the results for all waste determinations conducted in accordance with Subparagraphs A.3.b and c of this Section and the following equation.

$$(\overline{C}) = \frac{1}{Q_T} x \sum_{i=1}^{n} (Q_i x C_i)$$

where:

$\overline{C}$ = average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, ppmw

i = individual waste determination "i" of the hazardous waste

n = total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year)

Qi = mass quantity of hazardous waste stream represented by Ci, kg/hr

QT = total mass quantity of hazardous waste during the averaging period, kg/hr

Ci = measured VO concentration of waste determination "i" as determined in accordance with the requirements of Subparagraph A.3.c of this Section (i.e., the average of the four or more samples specified in Clause A.3.b.ii of this Section), ppmw

ii. For the purpose of determining Ci, for individual waste samples analyzed in accordance with Subparagraph A.3.c of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

(a). if Method 25D in 40 CFR Part 60, Appendix A is used for the analysis, one-half the blank value determined in the method at Section 4.4 of Method 25D in 40 CFR Part 60, Appendix A;

(b). if any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3) at 25°C.

e. Provided that the test method is appropriate for the waste as required under Subparagraph A.3.c of this Section, the department will determine compliance based on the test method used by the owner or operator as recorded in accordance with LAC 33:V.4735.

3. Use of Owner or Operator Knowledge to Determine Average VO Concentration of a Hazardous Waste at the Point of Waste Origination

a. Documentation shall be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

b. If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that is validated in accordance with Method 301 in 40 CFR Part 63, Appendix A as the basis for knowledge of the waste.

c. An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value that would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR Part 60, Appendix A. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (fm25D).

d. In the event that the administrative authority and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement as specified in Paragraph A.3 of this Section shall be used to establish compliance with the applicable requirements of this Subpart. The administrative authority may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the requirements of Subparagraph A.3.c of this Section.

B. Waste Determination Procedures for Treated Hazardous Waste

1. Interim status facilities are subject to the requirements of LAC 33:V.1753.B.

2. Procedure to Determine the Average VO Concentration of a Hazardous Waste at the Point of Waste Treatment

a. Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste.

b. Sampling. Samples of the hazardous waste stream shall be collected at the point of waste treatment in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i. The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis shall be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream, but shall not exceed one year.

ii. A sufficient number of samples, but no less than four samples, shall be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination shall be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii. All samples shall be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan shall describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan

shall be maintained on-site in the facility operating records. An example of acceptable sample collection and handling procedures for a total volatile organic constituent concentration may be found in Method 25D in 40 CFR Part 60, Appendix A.

iv. Sufficient information, as specified in the site sampling plan required under Clause B.3.b.iii of this Section, shall be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

c. Analysis. Each collected sample shall be prepared and analyzed in accordance with Method 25D in 40 CFR Part 60, Appendix A for the total concentration of volatile organic constituents, or by using one or more appropriate methods when the individual organic compound concentrations are identified and summed and the summed waste concentration accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3) at 25°C. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of LAC 33:V.4723 or 4725 are met, then the waste samples shall be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. At the owner's or operator's discretion, the owner or operator may adjust test data obtained by any appropriate method to discount any contribution to the total VO concentration that is a result of including a compound with a Henry's law constant value less than 0.1 Y/X at 25°C. To adjust these data, the measured concentration of each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (fm25D). If the owner or operator elects to adjust test data, the adjustment shall be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25°C that are contained in the waste. Constituent-specific adjustment factors (fm25D) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711. Other test methods may be used if they meet one of the following requirements in Clause B.3.c.i or ii of this Section and provided that the requirement to reflect all organic compounds in the waste with Henry's law constant values greater than or equal to 0.1 Y/X (which can also be expressed as 1.8 x 10-6 atmospheres/gram-mole/m3) at 25°C is met:

i. any EPA standard method that has been validated in accordance with Alternative Validation Procedure for EPA Waste and Wastewater Methods, 40 CFR Part 63, Appendix D; or

ii. any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR Part 63, Appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other sections of Method 301 are not required.

d. Calculations. The average VO concentration ($\overline{C}$) on a mass-weighted basis shall be calculated by using the results for all waste determinations conducted in accordance with Subparagraphs B.3.b and c of this Section and the following equation.

$$(\overline{C}) = \frac{1}{Q_T} x \sum_{i=1}^{n} (Q_i x C_i)$$

where:

$\overline{C}$ = average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, ppmw

i = individual waste determination "i" of the hazardous waste

n = total number of waste determinations of the hazardous waste conducted for the averaging period (not to exceed one year)

Q_i = mass quantity of hazardous waste stream represented by Ci, kg/hr

Q_T = total mass quantity of hazardous waste during the averaging period, kg/hr

C_i = measured VO concentration of waste determination "i" as determined in accordance with the requirements of Subparagraph B.3.c of this Section (i.e., the average of the four or more samples specified in Clause B.3.b.ii of this Section), ppmw

e. Provided that the test method is appropriate for the waste as required under Subparagraph B.3.c of this Section, compliance shall be determined based on the test method used by the owner or operator as recorded in accordance with LAC 33:V.4739.

3. Procedure to Determine the Exit Concentration Limit (C_t) for a Treated Hazardous Waste

a. The point of waste origination for each hazardous waste treated by the process at the same time shall be identified.

b. If a single hazardous waste stream is identified in Subparagraph B.4.a of this Section, then the exit concentration limit (C_t) shall be 500 ppmw.

c. If more than one hazardous waste stream is identified in Subparagraph B.4.a of this Section, then the average VO concentration of each hazardous waste stream at the point of waste origination shall be determined in accordance with the requirements of Subsection A of this Section. The exit concentration limit (C_t) shall be calculated by using the results determined for each individual hazardous waste stream and the following equation.

$$C_t = \frac{\sum_{x=1}^{m} (Q_x \times \overline{C}_x) + \sum_{y=1}^{n} (Q_y \times 500\ ppmw)}{\sum_{x=1}^{m} Q_x + \sum_{y=1}^{n} Q_y}$$

where:

Ct= exit concentration limit for treated hazardous waste, ppmw

x = individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section

y = individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section

m = total number of "x" hazardous waste streams treated by process

n = total number of "y" hazardous waste streams treated by process

Q_x = annual mass quantity of hazardous waste stream "x," kg/yr

Q_y = annual mass quantity of hazardous waste stream "y," kg/yr

$\bar{C}_x$ = average VO concentration of hazardous waste stream "x" at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section, ppmw

4. Procedure to Determine the Organic Reduction Efficiency (R) for a Treated Hazardous Waste

a. The organic reduction efficiency (R) for a treatment process shall be determined based on results for a minimum of three consecutive runs.

b. All hazardous waste streams entering the treatment process and all hazardous waste streams exiting the treatment process shall be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

c. For each run, information shall be determined for each hazardous waste stream identified in Subparagraph B.5.b of this Section using the following procedures:

i. the mass quantity of each hazardous waste stream entering the process (Q_b) and the mass quantity of each hazardous waste stream exiting the process (Q_a) shall be determined;

ii. the average VO concentration at the point of waste origination of each hazardous waste stream entering the process ($\bar{C}_b$) during the run shall be determined in accordance with the requirements of Paragraph A.3 of this Section. The average VO concentration at the point of waste treatment of each waste stream exiting the process ($\bar{C}_a$) during the run shall be determined in accordance with the requirements of Paragraph B.3 of this Section.

d. The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) shall be calculated by using the results determined in accordance with Subparagraph B.5.c of this Section and the following equations.

$$E_b = \frac{1}{10^6}\sum_{j=1}^{m}\left(Q_{bj}\, x\, \bar{C}_{bj}\right)$$

$$E_a = \frac{1}{10^6}\sum_{j=1}^{m}\left(Q_{aj}\, x\, \bar{C}_{aj}\right)$$

where:

E_a = waste volatile organic mass flow exiting process, kg/hr
E_b = waste volatile organic mass flow entering process, kg/hr
m = total number of runs (at least 3)
j = individual run "j"
Q_b = mass quantity of hazardous waste entering process during run "j," kg/hr
Q_a = average mass quantity of hazardous waste exiting process during run "j," kg/hr
$\bar{C}_a$ = average VO concentration of hazardous waste exiting process during run "j" as determined in accordance with the requirements of Paragraph B.3 of this Section, ppmw
$\bar{C}_b$ = average VO concentration of hazardous waste entering process during run "j" as determined in accordance with the requirements of Paragraph A.3 of this Section, ppmw

e. The organic reduction efficiency of the process shall be calculated by using the results determined in accordance with Subparagraph B.5.d of this Section and the following equation.

$$R = \frac{E_b - E_a}{E_b}\, x\, 100\%$$

where:

R = organic reduction efficiency, percent

E_b = waste volatile organic mass flow entering process as determined in accordance with the requirements of Subparagraph B.5.d of this Section, kg/hr

E_a = waste volatile organic mass flow exiting process as determined in accordance with the requirements of Subparagraph B.5.d of this Section, kg/hr

5. Procedure to Determine the Organic Biodegradation Efficiency R_{bio} for a Treated Hazardous Waste

a. The fraction of organics biodegraded (F_{bio}) shall be determined using the procedure specified in 40 CFR Part 63, Appendix C.

b. The R_{bio} shall be calculated by using the following equation.

$$R_{bio} = F_{bio} \times 100\%$$

where:

R_{bio} = organic biodegradation efficiency, percent

F_{bio} = fraction of organic biodegraded as determined in accordance with the requirements of Subparagraph B.6.a of this Section

6. Procedure to Determine the Required Organic Mass Removal Rate (RMR) for a Treated Hazardous Waste

a. All of the hazardous waste streams entering the treatment process shall be identified.

b. The average VO concentration of each hazardous waste stream at the point of waste origination shall be determined in accordance with the requirements of Subsection A of this Section.

c. For each individual hazardous waste stream that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate and the density of the hazardous waste stream at the point of waste origination shall be determined.

d. The RMR shall be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream and the following equation.

$$RMR = \sum_{y=1}^{n}\left[V_y\, x\, k_y\, x\, \frac{(\bar{C}_y - 500\ ppmw)}{10^6}\right]$$

where:

RMR = required organic mass removal rate, kg/hr

y = individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500 ppmw at the point of waste origination as determined in

accordance with the requirements of Subsection A of this Section

n = total number of "y" hazardous waste streams treated by process

V_y = average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, m3/hr

k_y = density of hazardous waste stream "y," kg/m3

$\bar{C}_y$ = average VO concentration of hazardous waste stream "y" at the point of waste origination as determined in accordance with the requirements of Subsection A of this Section, ppmw

7. Procedure to Determine the Actual Organic Mass Removal Rate (MR) for a Treated Hazardous Waste

a. The MR shall be determined based on results for a minimum of three consecutive runs. The sampling time for each run shall be one hour.

b. The waste volatile organic mass flow entering the process (E_b) and the waste volatile organic mass flow exiting the process (E_a) shall be determined in accordance with the requirements of Subparagraph B.5.d of this Section.

c. The MR shall be calculated by using the mass flow rate determined in accordance with the requirements of Subparagraph B.8.b of this Section and the following equation.

$$MR = E_b - E_a$$

where:

MR = actual organic mass removal rate, kg/hr

E_b = waste volatile organic mass flow entering process as determined in accordance with the requirements of Subparagraph B.5.d of this Section, kg/hr

E_a = waste volatile organic mass flow exiting process as determined in accordance with the requirements of Subparagraph B.5.d of this Section, kg/hr

8. Procedure to Determine the Actual Organic Mass Biodegradation Rate (MRbio) for a Treated Hazardous Waste

a. The MRbio shall be determined based on results for a minimum of three consecutive runs. The sampling time for each run shall be one hour.

b. The waste organic mass flow entering the process (Eb) shall be determined in accordance with the requirements of Subparagraph B.5.d of this Section.

c. The fraction of organic biodegraded (Fbio) shall be determined using the procedure specified in 40 CFR Part 63, Appendix C.

d. The MRbio shall be calculated by using the mass flow rates and fraction of organic biodegraded determined in accordance with the requirements of Subparagraphs B.9.b and c of this Section, respectively, and the following equation.

$$MR_{bio} = E_b \, x \, F_{bio}$$

where:

MR_{bio} = actual organic mass biodegradation rate, kg/hr

E_b = waste organic mass flow entering process as determined in accordance with the requirements of Subparagraph B.5.d of this Section, kg/hr

F_{bio} = fraction of organic biodegraded as determined in accordance with the requirements of Subparagraph B.9.c of this Section

C. - D.9. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1747 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:288 (February 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1019 (June 2008), LR 52:

Chapter 51. Fee Schedules

§5113. Provision for Collection of Additional Fees Should Application Fees Paid Be Less Than Program Costs

Repealed.

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 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14:621 (September 1988), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§5115. Provision of Funds Collected in Excess of Program Costs

Repealed.

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 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 14:621 (September 1988), repealed by the Office of the Secretary, Legal Affairs Division, LR 52:

§5147. Fee for NHEM Determination for Contaminated Environmental Media

A. A fee of $3,000 shall be submitted at the time a request for a review of contaminated environmental media for a NHEM determination is made in accordance with LAC 33:V.106.

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

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 33:455 (March 2007), amended by the Office of the Secretary, Legal Division, LR 43:946 (May 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

Small businesses should not be significantly impacted by the proposed Rule as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

The proposed 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 Rule. Persons commenting should reference the proposed Rule by HW142. Such comments must be received no later than November 4, 2026, 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 Rule 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 SW077. The proposed Rule is available on the Internet at https://www.deq.louisiana.gov/about-ldeq/monthly-regulation-changes-2026.

Public Hearing

A public hearing will be held on October 28, 2026, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Microsoft Teams at https://teams.microsoft.com/meet/225581962557365?p=WA1olUFploGq8u2YOV Meeting ID: 225 581 962 557 365 Passcode: A2NL2hJ9 or by phone (872) 239-6160 using phone conference ID: 833 450 698#. Should individuals with a disability need an accommodation to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule 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.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Hazardous Waste and Hazardous Materials

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

The proposed rule change is not anticipated to impact costs or savings to state or local governmental units. The proposed rule change consolidates duplicative text in the Louisiana Administrative Code (LAC) 33:V.Chapter 43 (Interim Status) by replacing the duplicative text with a cross-reference to the relevant section within LAC 33:V. The rule makes no substantive change. Every requirement that applies under existing rules applies under the proposed rule change. The proposed rule change also makes various technical corrections throughout LAC 33.

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

The proposed rule change is not anticipated to impact revenue collections of state or local governmental units.

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

The proposed rule change is not anticipated to impact costs or economic benefits for any directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to impact competition or employment in either the public or private sector.

Jill C. Clark	Patrice Thomas
General Counsel	Deputy Fiscal Officer
2609#039	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference of 40 CFR Part 62, Subpart IIIa (LAC 33:III.3103)

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 Air regulations, LAC 33:III.3103 (Log #AQ408ft).

The proposed Rule is identical to federal regulations found in 40 CFR Part 62, Subpart IIIa, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

On December 11, 2024, the Environmental Protection Agency (EPA) issued 40 CFR 62, Subpart IIIa — Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before June 4, 2010, and Have Not Been Modified or Reconstructed Since August 7, 2013. In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted into the Louisiana Administrative Code. The proposed Rule incorporates by reference the corresponding federal regulations included in 40 CFR Part 62, Subpart IIIa, December 11, 2024, into the Louisiana Administrative Code (LAC), Title 33, Part III, Air, which is necessary to maintain delegation, authorization, etc. granted to Louisiana by EPA. Exceptions to the incorporation by reference are explicitly listed in the proposed Rule. The basis and rationale for the proposed Rule are to mirror the federal regulations as they apply to Louisiana's affected sources. The proposed 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.

Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule 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 SW077. The proposed Rule is available on the Internet at https://www.deq.louisiana.gov/about-ldeq/monthly-regulation-changes-2026.

Public Hearing

A public hearing will be held on October 28, 2026, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Microsoft Teams at https://teams.microsoft.com/meet/225581962557365?p=WA1olUFploGq8u2YOV Meeting ID: 225 581 962 557 365 Passcode: A2NL2hJ9 or by phone (872) 239-6160 using phone conference ID: 833 450 698#. Should individuals with a disability need an accommodation to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule 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.

Jill C. Clark
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Hazardous Waste and Hazardous Materials

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

The proposed rule change is not anticipated to impact costs or savings to state or local governmental units. The proposed rule change consolidates duplicative text in the Louisiana Administrative Code (LAC) 33:V.Chapter 43 (Interim Status) by replacing the duplicative text with a cross-reference to the relevant section within LAC 33:V. The rule makes no substantive change. Every requirement that applies under existing rules applies under the proposed rule change. The proposed rule change also makes various technical corrections throughout LAC 33.

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

The proposed rule change is not anticipated to impact revenue collections of state or local governmental units.

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

The proposed rule change is not anticipated to impact costs or economic benefits for any directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to impact competition or employment in either the public or private sector.

Jill C. Clark	Patrice Thomas
General Counsel	Deputy Fiscal Officer
2609#039	Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference of 40 CFR Part 62, Subpart IIIa (LAC 33:III.3103)

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 Air regulations, LAC 33:III.3103 (Log #AQ408ft).

The proposed Rule is identical to federal regulations found in 40 CFR Part 62, Subpart IIIa, which are applicable in Louisiana. For more information regarding the federal requirement, contact William Little at (225) 219-3985. No fiscal or economic impact will result from the rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:963(B)(3) and (4).

On December 11, 2024, the Environmental Protection Agency (EPA) issued 40 CFR 62, Subpart IIIa — Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before June 4, 2010, and Have Not Been Modified or Reconstructed Since August 7, 2013. In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted into the Louisiana Administrative Code. The proposed Rule incorporates by reference the corresponding federal regulations included in 40 CFR Part 62, Subpart IIIa, December 11, 2024, into the Louisiana Administrative Code (LAC), Title 33, Part III, Air, which is necessary to maintain delegation, authorization, etc. granted to Louisiana by EPA. Exceptions to the incorporation by reference are explicitly listed in the proposed Rule. The basis and rationale for the proposed Rule are to mirror the federal regulations as they apply to Louisiana's affected sources. The proposed 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.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 31. Incorporation of Federal Plans for Designated Facilities and Pollutants
Subchapter A. Incorporation by Reference
§3103. Incorporation by Reference of 40 CFR Part 62, Subpart IIIa (Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units That Commenced Construction On or Before June 4, 2010 and Have Not Been Modified or Reconstructed Since August 7, 2013)

A. Federal plan requirements published in the *Code of Federal Regulations* at 40 CFR 62, Subpart IIIa, December 11, 2024, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, the Office of the Secretary, Legal Affairs Division, LR 52:

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

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

Provider Impact Statement

This proposed 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 Rule. Persons commenting should reference the proposed Rule by AQ408ft. Such comments must be received no later October 28, 2026, 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 Rule 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 AQ408ft. The proposed Rule is available on the Internet at https://www.deq.louisiana.gov/about-ldeq/monthly-regulation-changes-2026.

Public Hearing

A public hearing will be held on October 28, 2026, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or online via Microsoft Teams at https://teams.microsoft.com/meet/225581962557365?p=WA1olUFploGq8u2YOV Meeting ID: 225 581 962 557 365 Passcode: A2NL2hJ9 or by phone (872) 239-6160 using phone conference ID: 833 450 698#. Should individuals with a disability need an accommodation to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule 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.

Jill C. Clark
General Counsel

2609#038

~~NOTICE OF INTENT~~

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Solid Waste Regulatory Permits
(LAC 33:VII.Chapter 5 and Chapter 15)

Under the authority of the Louisiana 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 Solid Waste regulations, LAC 33:VII.509, 1501, and 1505 (SW079).

The proposed Rule will create a framework and standards to review and issue solid waste regulatory permits as well as define standards for four types of regulatory permits (air curtain destructors, grease processing facilities, separaton facilities, and injection well processing facilities). Regulatory permits are designed for facilities that conduct specific processes that would otherwise require a standard permit, but the requirements of a standard permit would be overly burdensome.

Regulatory permits are written authorizations promulgated into the solid waste regulations for the construction, installation, modification, operation, closure or post-closure of a facility used or intended to be used to process or dispose of solid waste. The basis and rationale for the proposed Rule are to create a comprehensive regulatory framework for regulatory permits and define the requirements for air curtain destructors, grease processing facilities, nonputrescuble separation facilities, and injection well processing facilities. These permits will provide a less burdensome permitting process for specific minor processing, storing, and disposal facilities. The proposed 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.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations
Chapter 5. Solid Waste Management System
Subchapter B. Permit Administration
§509. Permit System

A. - B.3. ...

4. Regulatory Permit. Regulatory permits may be ~~issued by the administrative authority when it is determined~~

Laura Almond

From: APA - House Speaker <apa.housespeaker@legis.la.gov>
Sent: Monday, November 9, 2026 2:11 PM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11 to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees https://www.legis.la.gov/legis/Committees.aspx?c=H and here for Senate Committees https://www.legis.la.gov/legis/Committees.aspx?c=S. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Monday, November 9, 2026 2:11 PM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11 to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees https://www.legis.la.gov/legis/Committees.aspx?c=H and here for Senate Committees https://www.legis.la.gov/legis/Committees.aspx?c=S. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Monday, November 9, 2026 2:11 PM
To: Laura Almond
Cc: APA - Senate Environment
Subject: Request received

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ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

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If you would like to contact your state legislator, click here https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11 to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees https://www.legis.la.gov/legis/Committees.aspx?c=H and here for Senate Committees https://www.legis.la.gov/legis/Committees.aspx?c=S. The name and contact information of all committee members is available at these sites.

Laura Almond

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Monday, November 9, 2026 2:11 PM
To: Laura Almond
Subject: Request received

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11 to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees https://www.legis.la.gov/legis/Committees.aspx?c=H and here for Senate Committees https://www.legis.la.gov/legis/Committees.aspx?c=S. The name and contact information of all committee members is available at these sites.

Laura Almond

From: Microsoft Outlook
To: APA - Senate Environment; APA - House Natural Res; APA - Senate President; APA - House Speaker
Sent: Monday, November 9, 2026 2:11 PM
Subject: Relayed: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

APA - Senate Environment (apa.s-envq@legis.la.gov)

APA - House Natural Res (apa.h-natr@legis.la.gov)

APA - Senate President (apa.senatepresident@legis.la.gov)

APA - House Speaker (apa.housespeaker@legis.la.gov)

Subject: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079



APA Summary Report for Prop...

Laura Almond

From: Microsoft Outlook
To: Jill Clark
Sent: Monday, November 9, 2026 2:12 PM
Subject: Delivered: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079



APA Summary
Report for Prop...

Laura Almond

From: Microsoft Outlook
To: William Little
Sent: Monday, November 9, 2026 2:12 PM
Subject: Delivered: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079

Your message has been delivered to the following recipients:

William Little (William.Little@la.gov)

Subject: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079



APA Summary Report for Prop...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette (DEQ)
Sent: Monday, November 9, 2026 2:12 PM
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Subject: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079



APA Summary
Report for Prop...

Laura Almond

From: Microsoft Outlook
To: Deidra Johnson
Sent: Monday, November 9, 2026 2:12 PM
Subject: Delivered: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079

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Deidra Johnson (Deidra.Johnson@LA.GOV)

Subject: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079



APA Summary Report for Prop...

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Monday, November 9, 2026 2:12 PM
Subject: Delivered: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079



APA Summary Report for Prop...

Laura Almond

From: Morris, Luke <morrisl@legis.la.gov>
To: Laura Almond
Sent: Monday, November 9, 2026 2:11 PM
Subject: Read: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079

Your message

To: Morris, Luke
Subject: APA Summary Report for Proposed Rules AQ408ft, HW142, and SW079
Sent: Monday, November 9, 2026 2:10:16 PM (UTC-06:00) Central America

was read on Monday, November 9, 2026 2:11:23 PM (UTC-06:00) Central America.