

## Laura Almond

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**From:** Laura Almond  
**Sent:** Thursday, April 9, 2026 1:44 PM  
**To:** 'apa.h-natr@legis.la.gov'; 'apa.s-envq@legis.la.gov'; 'apa.senatepresident@legis.la.gov'; 'apa.housespeaker@legis.la.gov'  
**Cc:** Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills  
**Subject:** Summary Report for Proposed Rule MM022  
**Attachments:** MM022 Notice of Intent.pdf; MM022 Response to Comments.pdf; MM022 Rule Language Technical Amendments.pdf

April 9, 2026

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

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

**RE: Summary Report for Proposed Rule MM022  
Hazardous Waste Generator Improvement Rule Clean-Up  
(LAC 33:V.Chapters 1, 3, 10, 22, 30, and 51; LAC 33:VII.Chapters 1, 3, and 7)  
Proposed on September 20, 2025**

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Comments were received. Technical amendments have been made to the proposed rule. Attached are computer files comprising the summary report along with a copy of the notice of intent. The original proposed rule was previously provided to you and is 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) 219-3981 if you have any questions regarding this material.

Sincerely yours,

Jill C. Clark  
General Counsel

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This concludes this transmission.

Laura Almond  
Environmental Project Specialist  
Louisiana Department of Environmental Quality  
Legal Affairs Division  
(225) 219-3985



Environmental Quality Act and the environmental regulations found in the Louisiana Environmental Code of Regulations (Title 33). XP's can be issued quickly due to specific violations being linked to an established fine already codified in the regulations. The XP is a voluntary agreement, where the respondent agrees to pay the fine and to forgo the right to request an adjudicatory hearing. The XP procedure allows the department, when agreed upon by the respondent, to more efficiently and effectively bring facilities into compliance with state environmental regulations.

The proposed rule change expands the XP Program maximums for a specific violation from \$3,000 to \$5,000 and for a case involving two or more violations from \$5,000 to \$10,000, thereby allowing the Enforcement Division to resolve penalty components of more cases utilizing the XP Program. This does not necessarily increase the penalties for a specific violation, but provides greater access to the XP program for a violator who would exceed the current maximum cap of \$3,000 or \$5,000, depending on the number of violations.

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

The proposed rule change is not anticipated to have any effect on the revenue collections of the state and local governmental units.

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

The proposed rule changes are not anticipated to impose any additional costs to directly affected persons and nongovernmental groups.

The revisions to the existing XP rule are being proposed to allow more enforcement cases to be resolved more quickly by allowing greater access to the program. The regulated sector will be able to take the necessary corrective steps and pay the monetary penalty more efficiently. Therefore, the business will be able to achieve compliance earlier.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have an effect on competition or employment.

Jill C. Clark  
General Counsel  
2509#061

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

Hazardous Waste Generator Improvement Rule Clean-Up  
(LAC 33:V.Chapters 1, 3, 10, 22, 30, and 51;  
LAC 33:VII.Chapters 1, 3, and 7)

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, 10, 22, 30, and 51 and the Solid Waste regulations, LAC 33:VII.Chapters 1, 3, and 7 (MM022).

The proposed Rule will update and revise language that is inaccurate or unnecessary as well as clarify and correct formatting inconsistencies contained in Rule HW124

(Generator Improvements Rule) promulgated July 20, 2020. Larger changes and additions include the:

- revision of LAC 33:V.105.A.8 for notification of ceasing regulated hazardous waste activities;
- addition of LAC 33:V.105.A.9 for relocation of hazardous waste activities to another location;
- addition of LAC 33:V.1013.C.2.d.i that details how small quantity generators shall conduct and maintain weekly inspection records;
- addition of LAC 33:V.1015.B.1.e.i that details how large quantity generators must conduct and maintain weekly inspection records; and
- addition of LAC 33:V.1033.A.8 and LAC 33:V.1033.B.7 that details procedures to withdraw an episodic event notification.

Additionally, the proposed Rule creates LAC 33:VII.119, which outlines the waste determination process and LAC 33:VII.315.P, which requires solid waste generators to conduct a hazardous waste determination for all generated wastes. The proposed Rule also updates references to the hazardous waste regulations in LAC 33:VII that either have been moved or no longer exist. The basis and rationale for this proposed Rule are to correct language that is incorrect or inaccurate, clarify and provide minimums for regulations that were added or modified, incorporate waste determination requirements from the hazardous waste regulations into solid waste, and update solid waste citations that reference moved or deleted hazardous waste citations. 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 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. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. ...

1. Within 90 days after the promulgation or revision of these regulations anyone subject to these regulations who has not previously notified the department on the Notification of Hazardous Waste Activity Form (HW-1), or whose notification on the HW-1 Form is not approved, shall notify the Office of Environmental Services, using the most current HW-1 Form or other form approved by the department.

2. - 6. ...

a. If rejected, the person shall resubmit the notification using the appropriate, approved form.

6.b. - 7. ...

8. Required Notifications for Ceasing Regulated Hazardous Waste Activities

a. A large quantity generator closing a facility shall follow the closure notification requirements in LAC 33:V.1015.B.8 using the HW-1 Form. If no other regulated hazardous waste activities will be occurring at the facility, the EPA identification number for the facility will be deactivated once verified by the department.

b. A generator ceasing an individual regulated hazardous waste activity when there is ongoing regulated hazardous waste activities, shall submit the HW-1 Form to notify the department within seven calendar days of ceasing the activity.) The EPA identification number for the facility will continue to be active for the ongoing regulated hazardous waste activities. (NOTE: LAC 33:V.105.A.8.b does not apply to a large quantity generator. A large quantity generator shall instead comply with the closure notification requirements in LAC 33:V.1015.B.8, as applicable.)

c. A generator ceasing all regulated hazardous waste activities at a facility shall notify the department within 30 calendar days using the most current Certification of No Hazardous Waste Form (Form 7442), or other forms approved by the department. The EPA identification number for the facility will be deactivated once verified by the department. (NOTE: a large quantity generator shall also comply with the closure notification requirements in LAC 33:V.1015.B, as applicable.)

9. Moving Hazardous Waste Activities to Another Location

a. A person moving a regulated hazardous waste activity to another location (i.e., physical address) shall notify the department within 30 days:

i. by submitting the HW-1 Form to obtain a new EPA identification number for the regulated hazardous waste activity at the new physical address; and

ii. if the regulated hazardous waste activity will no longer be conducted at the former facility, submit the required notifications for ceasing regulated hazardous waste activities as required by Subparagraph A.8.a.

10. Failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number, or notify the department of changes to the notification shall constitute a violation of these regulations and the owner and/or operator shall be subject to an enforcement action up to and including the assessment of civil penalties.

B. - D.1.f. ...

g. spent sulfuric acid used to produce virgin sulfuric acid provided it is not *accumulated speculatively* as defined in LAC 33:V.109;

D.1.h. - 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 13:34 (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:

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

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*Final Closure*—the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under LAC 33:V.Chapters 15, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 43 are no longer conducted unless subject to provisions of LAC 33:V.1009, 1011, 1013, and 1015.

\*\*\*

*Large Quantity Generator*—a generator who generates any of the following amounts in a calendar month:

1. - 2. ...

3. greater than 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33.V.4901.E.

\*\*\*

*Small Quantity Generator*—a generator who generates the following amounts in a calendar month:

1. - 2. ...

3. less than or equal to 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33.V.4901.E.

\*\*\*

*Very Small Quantity Generator*—a generator who generates less than or equal to the following amounts in a calendar month:

1. ...
2. 1 kilogram (2.2 lbs) of acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.E; and
3. 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.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 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:34 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1531 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:898 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:1457 (October 2024), LR 51:

**Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits**

**§305. Scope of the Permit**

A. - C.1. ...

2. generators who accumulate hazardous waste on-site in compliance with all of the conditions for exemption provided in LAC 33:V.1009, 1011, 1013, and 1015, as applicable;

C.3. - H. ...

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**Chapter 10. Generators of Hazardous Waste**

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

**Subchapter A. General**

**§1003. Purpose, Scope, and Applicability**

- A. - A.1.b.v. ...  
 vi. LAC 33:V.1107 (Manifest Requirements);  
 A.1.b.vii. - F. ...

**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 46:901 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**§1007. Generator Category Determination**

A. - C.4. ...

Table 1. Generator Categories Based on Quantity of Hazardous Waste Generated in a Calendar Month			
Quantity of Acute Hazardous Waste Generated in a Calendar Month	Quantity of Nonacute Hazardous Waste Generated in a Calendar Month	Quantity of Residues from a Clean-up of Acute Hazardous Waste in a Calendar Month	Generator Category
Any Amount	Any Amount	Greater than 100 kg (220 lbs) (>100 kg)	Large Quantity Generator

D. - G.2.b. ...

**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 46:903 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**§1013. Conditions for Exemption for Small Quantity Generators**

A. - C.2.d. ...

i. The small quantity generator shall record the inspections in an inspection log or summary. Records shall be kept for at least three years from the date of the inspection. At a minimum, these records shall include:

- (a). the date and time of the inspection;

- (b). the name of the inspector;
- (c). a notation of observations made; and
- (d). the date and nature of any repairs or other remedial actions taken.

2.e. - 3.b.iv. ...

v. the construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures, which the inspection reveals on a schedule, which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

3.c. - 4....

a. comply with LAC 33:V.2801, 2803, 2804, 2805, 2807, and 2809.A and B;

4.b. - 5.b....

c. provide an indication of the hazards of the contents in a conspicuous place (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

5.d. - 6.a.i. ...

ii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

6.b. - 8.a ...

b. Required Equipment. All areas where hazardous waste is either generated or accumulated shall be equipped with the items in Clauses 1013.C.8.b.i-iv of this Section, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below. A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies. The required equipment consists of:

C.8.b.i. - G. ...

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 46:906 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

## **§1015. Conditions for Exemption for Large Quantity Generators**

A. - B.1....

a. Air Emission Standards. The applicable requirements of LAC 33:V.Chapter 43.Subchapters Q, R, and V;

B.1.b. - e. ...

i. The large quantity generator shall record the inspections in an inspection log or summary. The generator shall keep these records for at least three years from the date of the inspection. At a minimum, these records shall include:

- (a). the date and time of the inspection;
- (b). the name of the inspector;
- (c). a notation of observations made; and
- (d). the date and nature of any repairs or other remedial actions taken.

B.1.f. - 8.a. ...

i. The large quantity generator shall notify the Office of Environmental Services following the procedures in Subparagraph B.8.b of this Paragraph in order to meet the closure performance standards of Clause B.8.c.i of this Paragraph for container storage, tank systems, and containment buildings or Clause B.8.c.ii of this Paragraph for drip pads. If the central accumulation area is subsequently reopened, the large quantity generator shall update the notice in the operating record.

8.a.ii. - 8.c.i.(b). ...

(c). If the large quantity generator demonstrates that either any contaminated soils and wastes cannot be practicably removed or decontaminated as required in Division B.8.c.i.(a).(ii) of this Paragraph, or that the remaining contaminant levels are not protective of human health and the environment as demonstrated by the confirmatory sampling and analytical results specified in Subdivision B.8.b.ii.(c).(ii).[c] and [d] of this Paragraph, or through the use of RECAP and remedial activities under Subparagraph B.8.f of this Paragraph or LAC 33:V.2809.B.2, then the central accumulation area is considered to be a landfill. The large quantity generator shall then close the central accumulation area and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (LAC 33:V.4501.B and D). In addition, for the purposes of closure, post-closure, and financial responsibility, such a central accumulation area is then considered to be a landfill, and the large quantity generator shall meet all of the requirements for landfills specified in LAC 33:V.Chapter 43.Subchapters F and G.

8.c.i.(c).ii. - i. ...

j. Closure Guidance. The large quantity generator shall review all guidance issued by the department and/or posted on its website including, but not limited to, guidance on confirmatory sampling for aboveground structures and environmental media. The purpose of such guidance is to ensure best management practices, promote consistency, and produce technically defensible closures. Any such guidance issued by the department is not regulation and shall not substitute for the requirements of Paragraph B.8 of this Subparagraph. Thus, any guidance does not impose any new requirements. The department shall retain discretion to use approaches on a case-by-case basis that differ from such

guidance where appropriate. The department will make decisions regarding closure activities required by Subparagraph B.8 of this Paragraph in accordance with the Act and regulations as applied to the specific facts of the closure. Whether or not the recommendations in any guidance are appropriate in a given situation will depend on site-specific circumstances.

B.8.k. - G. ...

1. The large quantity generator shall notify the Office of Environmental Services at least 30 calendar days prior to receiving the first shipment from a very small quantity generator(s) using the department's Notification of Hazardous Waste Activity Form (HW-1) that:

a. identifies the EPA identification number(s), if applicable, the name(s) and site address(es) for the very small quantity generator(s) as well as the contact name and contact information for the very small quantity generator(s); and

b. submits an update of the department's Notification of Hazardous Waste Activity Form (HW-1) within 30 calendar days after a change in the name or site address for the very small quantity generator.

G.2. - H.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 51:

#### **§1017. EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators**

A. All generators (i.e., very small quantity generators, small quantity generators and large quantity generators) shall obtain an active EPA identification number by notifying the Office of Environmental Services using the Notification of Hazardous Waste Activity Form (HW-1) within 14 days after first generating any hazardous waste at the location specified in the notification. The assignment of an active EPA identification number shall serve as proof of this notification to the department by the generator. However, as EPA identification numbers are site-specific, if a generator moves to another location, the generator shall obtain a new EPA identification number for the facility. A generator shall notify the Office of Environmental Services within seven days if any information submitted in the notification of hazardous waste activity changes. As stated in LAC 33:V.105.A.10, failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number or notify the department of changes to the notification shall constitute a violation of these regulations and subject the applicant to enforcement action up to and including the assessment of civil penalties.

B. - D.1. ...

a. an even number, including zero, shall submit notification by April 15, 2021, and every four years thereafter; or

b. ...

2. A large quantity generator shall renotify the Office of Environmental Services by March 1 of each year using the department's Notification of Hazardous Waste Activity Form (HW-1) or other forms approved by the department. A

large quantity generator may submit this renotification as part of its annual report required under LAC 33:V.1021.

E. - F. ...

G. Generators who cease hazardous waste activities shall comply with the notification requirements in LAC 33:V.105.A.8.

H. Generators who move to another location shall comply with the notification requirements in LAC 33:V.105.A.9.

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 46:919 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **Subchapter B. Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators**

##### **§1019. Recordkeeping**

A. - D. ...

E. All records, including plans, required under Subchapter B must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative who is duly designated by the administrative authority.

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 46:920 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

##### **§1023. Exception Reporting**

A. - C. ...

D. For rejected shipments of hazardous waste or container residues contained in nonempty containers that are forwarded to an alternate facility by a designated facility using a new manifest, following the procedures of LAC 33:V.1516.C.5.a.i-vi, the generator shall comply with the requirements of Subsections A or C of this Section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of Subsections A or C of this Section for a shipment forwarding such waste to an alternate facility by a designated facility, the following conditions shall apply.

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 46:919 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **Subchapter C. Alternative Standards for Episodic Generation**

##### **§1031. Definitions for this Subchapter**

A. ...

*Episodic Event*—an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category. An episodic event shall not last more than 60 calendar days, beginning with the

initial generation and accumulation of the episodic-generated hazardous waste, regardless of whether the generator has determined the waste is hazardous, and concluding with the episodic-generated hazardous waste being sent to a designated facility.

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**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 46:921 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**§1033. Conditions for Generators Managing Hazardous Waste from an Episodic Event**

**A. - A.1. ...**

2. Notification. The very small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) using the department's Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the generator shall notify Single Point of Contact (SPOC) within 72 hours of initiating the unplanned event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) via phone, email, or online incident reporting, as specified in LAC 33:I.3923, and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1) to the Office of Environmental Services within 15 days of initiating the unplanned event. The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with LAC 33:V.1013.C.9.a.

**3. - 7.e....**

f. an approval letter from the Office of Environmental Services if the generator petitioned to conduct one additional episodic event per calendar year.

**8. Withdrawal of Notification**

a. The very small quantity generator may withdraw the notification for the episodic event by submitting a letter to the Office of Environmental Services no later than 120 calendar days after submitting the initial notification (HW-1 Form). The letter shall specify the reason for the withdrawal and shall be signed by the owner/operator or a duly authorized representative. Reasons for the withdrawal may include the:

- i. episodic event did not occur;
- ii. waste was determined not to be a hazardous waste in accordance with LAC 33:V.1005; or
- iii. total amount (combined episodic and nonepisodic) of hazardous waste generated in a calendar month did not exceed the very small quantity generator category limit in accordance with LAC 33:V.1007.

**B. - B.1. ...**

2. Notification. The small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event

(i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) using the department's Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the small quantity generator shall notify SPOC within 72 hours of initiating the unplanned event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) via phone, email, or online incident reporting as specified in LAC 33:I.3923, and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1) to the Office of Environmental Services within 15 days of initiating the unplanned event. The small quantity generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency.

**3. - 6.e....**

f. an approval letter from the Office of Environmental Services if the generator petitioned to conduct one additional episodic event per calendar year.

**7. Withdrawal of Notification**

a. The small quantity generator may withdraw the notification for the episodic event by submitting a letter to the Office of Environmental Services no later than 120 calendar days after submitting the initial notification (HW-1 Form). The letter shall specify the reason for the withdrawal and shall be signed by the owner/operator or a duly authorized representative. Reasons for the withdrawal may include the:

- i. episodic event did not occur;
- ii. waste was determined not to be a hazardous waste in accordance with LAC 33:V.1005; or
- iii. total amount (combined episodic and nonepisodic) of hazardous waste generated in a calendar month did not exceed the small quantity generator category limit in accordance with LAC 33:V.1007.

**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 46:921 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

**§1035. Petition to Manage One Additional Episodic Event per Calendar Year**

A. A generator may petition the Office of Environmental Services for a second episodic event in a calendar year without impacting its generator category under the following conditions. If a very small quantity generator or small quantity generator has already held:

1. a planned episodic event in a calendar year, the generator may petition the Office of Environmental Services for an additional unplanned episodic event in that calendar year within 72 hours of initiating the unplanned event; or

2. an unplanned episodic event in a calendar year, the generator may petition the Office of Environmental Services for an additional planned episodic event in that calendar year. (NOTE: The petition shall be submitted and approved prior to notification of the planned event [i.e., at least 30 calendar days prior to commencement].)

**B. - B.5. ...**

C. The petition shall be made to the Office of Environmental Services in writing, either on paper or electronically.

D. If the petition is approved by the Office of Environmental Services, the generator shall comply with Section 1033 of this Subchapter when managing the hazardous waste from the second approved episodic event including notifying the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1). A copy of the written approval of the petition shall accompany the HW-1 notification.

E. ...

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 46:923 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **Subchapter D. Preparedness, Prevention and Emergency Procedures for Large Quantity Generators**

##### **§1045. Access to Communication or Alarm Systems**

A. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 1041 of this Subchapter.

B. ...

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 46:924 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **Chapter 22. Prohibitions on Land Disposal**

##### **Subchapter A. Land Disposal Restrictions**

##### **§2201. Purpose, Scope, and Applicability**

A. - I.3. ...

4. waste generated by *very small quantity generator*, as defined in LAC 33:V.109;

5. - 5.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 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Division, LR 43:1142 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

##### **Subchapter B. Hazardous Waste Injection Restrictions**

##### **§2249. Purpose, Scope, and Applicability**

A. - C.2. ...

3. if the waste is generated by a *very small quantity generator*, as defined in LAC 33:V.109.

D. - D.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 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), LR 27:712 (May 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:938 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces**

##### **§3001. Applicability**

A. - C.2. ...

3. hazardous wastes that are exempt from regulation under LAC 33:V.105.D and 4105.A.1.c-d.iii, and hazardous wastes that are subject to the special requirements for very small quantity generators under LAC 33:V.1009; and

C.4. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:821, 835 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 27:297 (March 2001), LR 27:712 (May 2001), LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:607 (April 2006), LR 34:628 (April 2008), LR 34:1014 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1145 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **Chapter 51. Fee Schedules**

##### **§5121. Generators and Transporters of Hazardous Waste**

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

2. Storage Extension. Application for 30-day Extension of Accumulation Time Limit in LAC 33:V.1013.E and LAC 33:V.1015.C. All requests for extension of accumulation time limit shall be accompanied by a \$500 application fee.

C. - C.3. ...

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), amended by the Office of the Secretary, Legal Division, LR 43:944 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:949 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **Part VII. Solid Waste**

##### **Subpart 1. Solid Waste Regulations**

##### **Chapter 1. General Provisions and Definitions**

##### **§115. Definitions**

A. ...

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*Hazardous Waste Determination*—the process performed in accordance with LAC 33:V.1005 and LAC 33:VII.119.

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**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 LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011), LR 38:46 (January 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:234 (February 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 51:1131 (August 2025), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **§119. Hazardous Waste Determination**

A. A person who generates a *solid waste*, as defined in LAC 33:V.109, shall determine if that waste is a hazardous waste in accordance with LAC 33:V.1005.A.

B. The hazardous waste determination for each solid waste shall be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and/or at any time in the course of its management that it has, may have, or changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste in accordance with LAC 33:V.1005.B.

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

**HISTORICAL NOTE:** Promulgated by the Office of the Secretary, Legal Affairs Division, LR 51:

### **Chapter 3. Scope and Mandatory Provisions of the Program**

#### **§315. Mandatory Provisions**

A. - O. ...

P. Generators shall conduct a hazardous waste determination, as outlined in LAC 33:VII.119 on all generated wastes.

**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 LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1030 (June 2007), LR 34:1400 (July 2008), LR 36:1240 (June 2010), LR 37:3235 (November 2011) repromulgated LR 37:3508 (December 2011), LR 51:

### **Chapter 7. Solid Waste Standards**

#### **Subchapter A. Landfills, Surface Impoundments, Landfarms**

#### **§711. Standards Governing Landfills (Type I and II)**

A. - D.3.c.ii. ...

d. **Waste Characterization.** The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on site for a period of three years.

D.3.e. - F.3.d. ...

**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 LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2492 (October 2005), LR 33:1047 (June 2007), LR 33:2145 (October 2007), LR 34:1901 (September 2008), LR 37:1564 (June 2011), LR 37:3248 (November 2011), ), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 49:2103 (December 2023), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **§713. Standards Governing Surface Impoundments (Type I and II)**

A. - D.3.d. ...

e. **Waste Characterization.** The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

D.4 - F.2.b. ...

**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), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1053 (June 2007), LR 33:2146 (October 2007), LR 36:1241 (June 2010), LR 37:1564 (June 2011), LR 37:3250 (November 2011), repromulgated LR 37:3511 (December 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:235 (February 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

#### **§715. Standards Governing Landfarms (Type I and II)**

A. - D.3.j. ...

k. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained onsite for a period of three years.

D.4 - F.3.b. ...

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), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1058 (June 2007), LR 33:2147 (October 2007), LR 35:1880 (September 2009), LR 37:1565 (June 2011), LR 37:3251 (November 2011), repromulgated LR 37:3511 (December 2011), LR 51:

#### Subchapter B. Solid Waste Processors

#### §717. Standards Governing All Type I-A and II-A

##### Solid Waste Processors

A. - G.3. ...

a. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.1005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained onsite for a period of three years.

G.3.b. - I.3. ...

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 the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:1566 (June 2011), LR 37:3252 (November 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 40:295 (February 2014), LR 51:

##### 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 this proposed Rule by MM022. Such comments must be received no later than November 6, 2025, 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](mailto: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 MM022. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20>.

#### Public Hearing

A public hearing will be held on October 30, 2025, 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 Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881or> or by phone at (646) 255-1997 Meeting ID 683 613 3613. 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: Hazardous Waste Generator Improvement Rule Clean-Up Package

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

There are no anticipated implementation costs or savings to state governmental units as a result of the proposed rule change.

The proposed rule change clarifies notification procedures, clarifies inspection record requirements for waste generators, adds a process for withdrawing episodic event notifications, and makes hazardous waste determination requirements explicit to align state rules with federal law. It also updates and revises language to correct inconsistencies in the Hazardous Waste and Solid Waste sections of the administrative code.

Specifically, the changes include:

- 1) The revision of LAC 33:V.105.A.8 for notification of ceasing regulated hazardous waste activities.
- 2) The addition of LAC 33:V.105.A.9 for moving hazardous waste activities to another location.

3) The addition of LAC 33:V.1013.C.2.d.i, which details how small quantity generators shall conduct and maintain weekly inspection records.

4) The addition of LAC 33:V.1015.B.1.e.i, which details how large quantity generators must conduct and maintain weekly inspection records.

5) The addition of LAC 33:V.1013.B.7, which details procedures to withdraw an episodic event notification.

6) The addition of LAC 33:V.II, Section 119, which outlines Hazardous Waste Determination requirements.

7) The addition of Subsection 315. P, stating that solid waste generators shall conduct a hazardous waste determination for all generated wastes. Waste determination is a requirement for all solid waste under the Resource Conservation and Recovery Act (RCRA), but it was not plainly stated in the solid waste regulations. This update clearly identifies the regulatory requirements.

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

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

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

The proposed rule change is not anticipated to have costs or economic benefits on persons, small businesses, or nongovernmental groups. The proposed rule change only corrects errors in the current regulations or provides clarification to existing regulatory requirements.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Louisiana Department of Environmental Quality does not anticipate any impact on competition in the public and private sectors as a result of the proposed rule change.

Jill C. Clark  
General Counsel  
2509#059

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Environmental Quality Office of the Secretary Legal Affairs Division

#### Hazardous Waste Pharmaceutical Rule (LAC 33:V.Chapters 1, 3, 10, 12, 15, 22, 43, and 49)

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, 10, 12, 15, 22, 43, and 49 (HW133).

The proposed Rule will adopt the mandatory and optional portion of the Federal Management Standards for Hazardous Waste Pharmaceuticals and amendment to the P075 listing for nicotine. The mandatory portions of the proposed Rule create new management standards for pharmaceuticals by healthcare facilities and reverse distributors in lieu of being managed as traditional hazardous waste. The proposed Rule prohibits the disposal of hazardous waste pharmaceuticals down the drain and eliminates dual regulation of Resource Conservation and Recovery Act (RCRA) hazardous wastes that are also Drug Enforcement Administration controlled

~~substances under a conditional exemption. The proposed Rule maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical take-back programs and events, while ensuring their proper disposal and codifies EPA's prior policy on the regulatory status of nonprescription pharmaceuticals going through reverse logistics. The optional portion of the proposed Rule excludes the P075 listing of nicotine and nicotine salts contained in USDA approved over the counter nicotine replacement therapies. The basis and rationale for this proposed Rule are to adopt and incorporate by reference the Federal Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 listing for nicotine. 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 V. Hazardous Waste and Hazardous Materials

#### Subpart I. 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. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.1.a.i. ...

ii. any mixture of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works (POTW) for treatment, except as prohibited by 40 CFR 266.505 and Clean Water Act requirements at 40 CFR 403.5(b). *Domestic Sewage* means untreated sanitary wastes that pass through a sewer system;

D.1.b. - N. ...

1. Except as provided in LAC 33:V.105.N.6, any person seeking to add a hazardous waste or a category of hazardous waste to the universal waste regulations of LAC 33:V.Chapter 38 may petition for a regulatory amendment under LAC 33:I.Chapter 9 and LAC 33:V.Chapter 38.

2. - 5. ...

6. Hazardous waste pharmaceuticals are regulated by 40 CFR part 266 subpart P and may not be added as a category of hazardous waste for management under this Subsection.

O. - 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 12:519 (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

**Comment Summary Response**  
**Hazardous Waste Generator Improvement Rule Clean-Up**  
**(LAC 33:V. Chapters 1, 3, 10, 22, 30, and 51, and LAC 33:VII.Chapters 1, 3, and 7)**  
**(MM022)**

COMMENT 1: The proposed deadline in LAC 33:V.105.A.8.b is unreasonably short for small quantity and very small quantity generators.

The Associations request that the seven day deadline for notification by very small quantity generators (VSQGs) and small quantity generators (SQGs) when they cease an individual regulated hazardous waste activity be changed to thirty days. The seven day deadline is unduly burdensome and unreasonable, because some of these generators are very small businesses with limited staff and resources. Further, the word "permanently" should be inserted before the word "ceasing" so that notice of temporary cessation of an activity is not required.

The proposed revisions to this subsection are shown in bold font below:

b. A generator ceasing an individual regulated hazardous waste activity when there is ongoing regulated hazardous waste activities, shall submit the HW-1 Form to notify the department within ~~seven~~ **thirty** calendar days of **permanently** ceasing the **individual** activity. The EPA identification number for the facility will continue to be active for the ongoing regulated hazardous waste activities. (NOTE: LAC 33:V.105.A.8.b does not apply to a large quantity generator. A large quantity generator shall instead comply with the closure notification requirements in LAC 33:V.1015.B.8, as applicable.)

For: The proposed change would provide closing facilities additional time to notify of their change in status.

Against: This proposed change is not in line with LAC 33:V.1017.A, which requires a facility to submit an updated notification within seven days of any informational change. LAC 33:V.105.A.8.b is for generators ceasing an individual activity, but not all hazardous waste activities, and would require an updated notification in accordance with LAC 33:V.1017.A

RESPONSE 1: Commenters proposal would make the rule less stringent than the federal rules for notification of changes to HW-1 Information. Informational changes have always had the requirement to be submitted within 7 days of the change. The proposed revision is not in line with other notification requirements in LAC 33:V. Additionally, the facility is only ceasing a single activity, and not all activities, therefore a revised notification of seven days in line with LAC 33:V.1017.A is appropriate.

No changes were made to the proposed language.

COMMENT 2: The proposed revisions to LAC 33:V.105.A.9 are ambiguous in light of LAC 33:V.1017. The Associations request that the Department provide guidance to address the relationship of this proposal to LAC 33:V.1017.

Proposed LAC 33:V.105.A.9 provides:

~~9. Failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number or notify the department of changes to the notification shall constitute a violation of these regulations and subject the applicant to enforcement action up to and including the assessment of civil penalties.~~  
Moving Hazardous Waste Activities to Another Location

a. A person moving a regulated hazardous waste activity to another location (i.e., physical address) shall notify the department within 30 days:

i. by submitting the HW-1 Form to obtain a new EPA identification number for the regulated hazardous waste activity at the new physical address; and

ii. if the regulated hazardous waste activity will no longer be conducted at the former facility, submit the required notifications for ceasing regulated hazardous waste activities as required by Subparagraph A.8.a.

The Associations believe this amended provision is ambiguous when read together with LAC 33:V.1017. Does the proposed Section 105.A.9 imply an overlap of 30 days for the two sites (old and new)? Are two different HW-1 notifications/filing required - one for cessation at the old site, another for notification of activity for the new site? New site notification is already covered under generator standards per LAC 33:V.1017 (for SQG/LQG) to obtain a new EPA ID. The Associations request that the Department provide guidance on this ambiguity and address the relationship of this proposal to

Section 1017 in the amendments and response to comments to clarify the requirements.

For: Providing guidance would clarify the expectations from this section.

Against: The section requires a facility to notify within 30-days to relocating to a new facility. This timeframe is in line with the 30-day closure notification for SQGs and large quantity generators (LQGs) facilities are required to notify 30-days prior to closing.

RESPONSE 2: The Louisiana Department of Environmental Quality (LDEQ) will provide requested guidance to this section. The guidance will be published on the LDEQ website at a later date. Relocation of a business typically involves closing the existing facility, which would be required to meet the requirements of LAC 33:V.105.A.8. Additionally, there are facilities that are required to notify of closure and/or relocation that are not generators of hazardous waste.

A minor correction was made to the proposed language in LAC 33:V.105.A.9.a.ii from "... as required in Subparagraph A.8.a" to "... as required in Paragraph A.8."

COMMENT 3: The recordkeeping and retention requirements proposed in LAC 33:V.1013.C.2.d and 1015.B.1.e are overly burdensome and not required by federal generator improvement regulations.

The Associations recommend removing LAC 33:V.1013.C.2.d.i (for SQGs) and 1015.B.1.e.i (for LQGs) from the Proposed Rule, as the added requirements are overly burdensome and unnecessary for compliance. The Proposed Rule adds 1013.C.2.d.i and 1015.B.1.e.i, which require both large and small quantity generators under the corresponding exemption status to maintain a log for the required weekly inspections. These records, or the inspection log, must be kept for at least three years and must include:

- (a) the date and time of the inspection;
- (b) the name of the inspector;
- (c) a notation of observations made; and
- (d) the date and nature of any repairs or other remedial actions taken.

The corresponding federal regulations do not require the

retention of records for the weekly inspections. See 40 C.F.R. 262.16(a)(2)(iv) and 262.17(a)(1)(v). Absent a showing to justify the additional burden and administrative costs, the Department should not adopt more stringent requirements. This additional recordkeeping and retention requirement is overly burdensome, adding administrative steps that do not necessarily equate to a higher degree of compliance. Under both sections 1013 and 1015, containers holding hazardous waste must be in good condition and without leaks. If a container is not in good condition, or if it leaks, the generator must immediately transfer the hazardous waste to a container in good condition or immediately manage the waste in some other way that complies with the conditions for exemption. Thus, compliance is based on the condition of the containers, not by the records kept by the facility.

Although the Associations support the goals of the Hazardous Waste Generator Improvement Rule, we believe this specific requirement may impose an unnecessary and disproportionate burden on our operations, particularly for small quantity generators. Although this rule would harmonize the inspection frequency for SQG and LQG Central Accumulation Areas ("CAA"), it presents a significant logistical challenge for smaller, more remote SQG locations. These sites, which are geographically dispersed, would require dedicated weekly travel and staff time, substantially increasing our operational costs and administrative burden to document each visit. A mandatory, one-size-fits-all regulatory requirement is too restrictive for sites with very low generation rates or highly stable waste streams.

To address this concern, the LDEQ could consider a more flexible, risk-based approach to the inspection frequency for SQG CAAs. This alternative provision could:

- Introduce a tiered approach based on the average weekly volume or risk profile of the waste. For instance, SQG sites with consistently low hazardous waste generation could be permitted to conduct monthly documented inspections rather than weekly inspections.
- Explore the use of alternative documentation methods, such as photographic logs, for low-risk sites to minimize the burden of paperwork while still ensuring accountability.

These measures would achieve the rule's goal of ensuring proper waste management without creating an excessive burden on businesses operating in Louisiana.

Without waiving the prior objections to these provisions, if these are retained in the final rule, at a minimum LDEQ should amend the language to make it clear that the inspection and recordkeeping requirements apply only to hazardous wastes within the CAA, and not to any containers of nonhazardous wastes stored within the CAA. Some facilities store nonhazardous wastes, products, or containers of chemicals still being used for maintenance or other purposes within the CAA.

Both the requirement to inspect for leaks and the requirement to promptly remediate leaks should apply only to hazardous wastes. Otherwise, the records of leaks, such as a small, minor hydraulic fluid stain from a forklift operating within the area, could apply to and inadvertently trigger closure standards. This provision should therefore either specify that it applies only to leaks of hazardous waste or include a mechanism to indicate in the records whether a release involves hazardous wastes.

The Associations suggest the following revisions to Sections 1013.C.2.d.i and 1015.B.1.e.i:

LAC 33:V.1013

A. — C.2.d. ...

i. The small quantity generator shall record the inspections **of hazardous waste containers within the central accumulation area** in an inspection log or summary. Records shall be kept for at least three years from the date of the inspection. At a minimum, these records shall include:

(a). the date and time of the inspection;

(b). the name of the inspector;

(c). a notation of observations **made concerning any leaks of hazardous waste or hazardous waste container deterioration;** and

(d). the date and nature of any repairs or other remedial actions taken **to address any leaks of hazardous waste or hazardous waste container deterioration.**

\* \* \*

LAC 33:V.1015

B.1.b. — e. ...

i. The large quantity generator shall

record the inspections of **hazardous waste containers within the central accumulation area** in an inspection log or summary. The generator shall keep these records for at least three years from the date of the inspection. At a minimum, these records shall include:

- (a). the date and time of the inspection;
- (b). the name of the inspector;
- (c). a notation of observations made concerning any leaks of hazardous waste or deterioration of hazardous waste containers; and
- (d). the date and nature of any repairs or other remedial actions taken to address any leaks of hazardous or deterioration of hazardous waste containers.

For: If LAC 33:V.1013.C.2.d.i and LAC 33:V.1015.B.1.e.i are not adopted, recordkeeping regulations will not change since the implementation of the HWGIR. These rules are more stringent than the federal regulations.

The proposed changes to the rule would only require documentation of spills of hazardous waste inside hazardous waste container storage areas when wastes and products are stored together. Any release or remedial action of non-hazardous waste in a hazardous waste storage area would not be required to be noted on a weekly inspection record.

Against: SQG and LQG facilities are required to conduct inspections, but are not required to document the weekly inspections. Without the inspections being documented, it is not possible to determine if facilities are complying with the inspection requirement.

The proposed changes to the rule would only require documentation of spills of hazardous waste inside hazardous waste container storage area when wastes and products are stored together. Spills of non-hazardous waste and/or chemical products may affect any sampling conducted when the container storage area is closed.

RESPONSE 3: This requirement was added to the new regulatory changes since inspection records have always been required and should have been included in the language of the HWGIR. Prior to the adoption of the HWGIR, SQG and LQG facilities were required to conduct weekly inspections and maintain

records of the inspection (LAC 33:V.1109.E.1.a, which referenced LAC 33:V.2109). LAC 33:V.2109 still applies to permitted hazardous waste facilities. The purpose of this rule change was to reincorporate the recordkeeping requirement and provide a guide for the minimum information to be provided in these records. Without records of the inspection, it is not possible to determine if the facility is actively managing hazardous waste as required by the regulations; nor can a facility show that it was completing inspections in a timely manner. As stated in the body of the comment "...this rule would harmonize the inspection frequency for SQG and LQG centralized accumulation areas (CAAs), it presents a logistical challenge for smaller and more remote SQG locations... these sites, which are geographically dispersed, would require dedicated weekly travel and staff time, substantially increasing operational cost and administrative burden to document each visit..."; the current regulations require weekly inspections of SQG and LQG CAA areas. Documentation of these required weekly inspections would not increase operational cost and/or administrative burden.

The Association requests that the proposed regulation specifically identify hazardous waste containers in the central accumulation area due to some facilities storing nonhazardous wastes or products within the same CAA. These regulations only apply to hazardous waste containers; however, any release of wastes or products in a CAA should be documented. Documentation of these releases and clean ups will be used when conducting closure of LQG CAAs. Additionally, the requirements of LAC 33:V.1013.C.2.d and LAC 33:V.1015.B.2.e.i only apply to CAAs. Satellite accumulation areas (SAAs) are regulated under LAC 33:V.1011. As a best practice, products and non-hazardous wastes should be stored separately.

No changes were made to the proposed language.

COMMENT 4: The Associations request replacement of the word "structure" with "device" in LAC 33:V.1013.C.3.b.v.

Often rubber berms or plastic catchments are used as containment for temporary tanks (frac tanks, for example). Rather than referring to containment structures, which may imply concrete or metal, the Associations request that the rule use the term containment device. The proposed revision would read as follows:

LAC 33:V.1013

2.e. — 3.b.iv. ...

v. the construction materials of, and the area immediately surrounding, discharge confinement **structures devices** (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures, which the inspection reveals on a schedule, which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

For: This change is minimal and/or equivalent.

Against: Discharge confinement structures can include installed devices.

RESPONSE 4: The change between the words structure or device is minimal. Discharge confinement structures can include devices and equipment used to contain a release.

No changes were made to the proposed language.

COMMENT 5: The proposed revisions to LAC 33:V.1015.B.8.c.i.(c) requires clarification.

The proposed amendment to Section 1015.B.8.c.i.(c) states as follows (highlighted for emphasis):

a.ii. — c.i.(b). ...

(c). If the large quantity generator demonstrates that either any contaminated soils and wastes cannot be practicably removed or decontaminated as required in Division B.8.c.i.(a).(ii) of this Paragraph, or that the remaining contaminant levels are not protective of human health and the environment as demonstrated by the confirmatory sampling and analytical results specified in Subdivision B.8.b.ii.(c).(ii).[c] and [d] of this Paragraph, or through the use of RECAP and remedial activities under Subparagraph B.8.f of this Paragraph or LAC 33:V.2809.B.2, then the central accumulation area is considered to be a landfill. The large quantity generator shall then close the central accumulation area and perform post-closure care in accordance with the closure and post-

closure care requirements that apply to landfills (LAC 33:V.4501.B and D). In addition, for the purposes of closure, post-closure, and financial responsibility, such a central accumulation area is then considered to be a landfill, and the large quantity generator shall meet all of the requirements for landfills specified in LAC 33:V.Chapter 43.Subchapters F and G.

c.ii. — i. ...

The existing rule cites only 1015.B.8.b.ii.[d]. The proposed amendment adds 1015.B.8.b.ii.[c]. In order to avoid having the CAA classified as a landfill, it appears that a facility presumptively would have to meet both [c] and [d] or go through a full RECAP assessment. The intent of the rule is to show no contamination in media within the area and for concrete lining the area. Subsection 1015.B.8.b.ii.[c] is for rinsate samples compared to potable water standards. Subsection 1015.B.8.b.ii.[d] is for sampling of soil/groundwater. Unless something is left in place (such as concrete containment on a listed/toxic source), rinsate is not a good standard (if metal, it would go for scrap). LDEQ's proposed use of "and" here creates uncertainty in the closure requirements. The Associations believe that LDEQ should trigger the presumption of closure of a landfill using 1015.B.8.b.ii.[c] only where the rinsate samples are relevant and applicable. Thus, the Associations recommend replacing the proposed "and" with an "or".

For: The proposed citation should read [c] or [d].

Against: Details of the closure activities listed in LAC 33:V.1015.B.8.b.ii(c).(ii) include both [c] and [d]. Changing the regulation to [c] or [d] does not follow the list of closure activities that are required by the referenced language.

RESPONSE 5: This citation corrects the inclusion of a missing requirement [d] by adding an "and" instead of an "or" in the regulations. This is necessary in order to maintain the stringency of the regulation.

The commenter's citation referenced in the current regulations is incorrect and only references a portion of the analytical testing requirements for closure activities. This rule package corrects the incomplete reference. The revised language is in line with LAC 33:V.1015.B.8.b.ii.(c).(ii), which requires closure activities to include analytical results of rinsate and soil (ground

water if deemed necessary).

No changes were made to the proposed language.

COMMENT 6: The addition of LAC 33:V.1019.E should be removed from the proposed rule as overly vague and redundant.

The Associations recommend removing LAC 33:V.1019.E from the proposed rule. As proposed, the language of Section 1019.E is overly vague, using language such as “all records” and “at all reasonable times.” Such language has the potential to create confusion throughout the regulated community. Further, the proposed paragraph is redundant in view of the Department’s broad authority to inspect facilities and request records. Thus, even if the paragraph clearly defined the records required to be made available and at the times at which the records must be produced, the paragraph is unnecessary; because, LDEQ does not require a new subsection 1019.E to request records to be maintained under its own regulations.

In the event the Department disagrees, the Associations recommend the following amendments:

**E. All records, including plans, required under Subchapter B must be furnished within a reasonable time following upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative who is duly designated by the administrative authority, during normal business hours and in a manner that minimizes disruption to facility operations. Nothing in this paragraph shall be construed to override or negate protections for confidential information as set forth in LAC 33:I.Chapter 5.**

Additionally, in light of the overly broad “all records” and “plans,” the Associations request that the Department explicitly reaffirm the protections that may be awarded to confidential information under LAC 33:I. Chapter 5.

For: The comment proposes to not include the addition of LAC 33:V.1019.E or add language allowing the facility time to provide the records during normal business hours in a manner that minimizes disruption to facility operations.

Against: The proposed regulation addition of LAC 33:V.1019.E is based

on La R.S.2012.C.(2)(b) covering the availability of records for inspections of hazardous waste facilities, including all categories of generators. Facilities should be able to provide operating records upon request during an inspection, and/or during an incident at all reasonable times, especially while actively operating. LDEQ does not announce or schedule compliance inspections and operating records should be available for inspection at all reasonable times.

RESPONSE 6: The proposed language is based on La R.S.2012.C.(2)(b) and is not more stringent or broader than the existing requirements for all facilities managing hazardous waste.

La R.S.2012.C.(2)(b) is the basis for obtaining records during inspections:

...  
(b) At reasonable times, have access to and be entitled to copy at his expense, records required to be maintained under the permit, this Subtitle, or rules adopted pursuant thereto. Such inspections of records generally shall be made during normal working hours when the custodian of such records is available. The secretary shall allow a reasonable time to locate the records.

All confidential records will remain confidential.

No changes were made to the proposed language.

COMMENT 7: The Associations recommend revising the proposed definition of Episodic Event.

First, The Associations recommend revising the proposed definition for Episodic Event found in LAC 33:V.1031, as the version currently proposed is contrary to law and varies from the federal definition, resulting in potential ambiguity. By definition, episodic events are those that result "in an increase in the generation of hazardous wastes." LAC 33:V.1031.A (current and proposed). Despite this clear language, the proposed revision purports to add events involving nonhazardous wastes to the definition. The language at issue is the phrase, "regardless of whether the generator has determined the waste hazardous." *Id.* (proposed). However, if the waste is determined to be nonhazardous, the event cannot be considered an episodic event. Thus, the proposed language

goes beyond the federal rules and is contrary to the intent of the state hazardous waste generator improvements rules. This proposed addition is almost certain to cause unnecessary confusion among the regulated community.

Additionally, the provisions of LAC 33:V.1033 dictate how a very small or small quantity generator must manage the hazardous waste generated from the episodic event. The language is clearly limited to hazardous waste. The phrase "regardless of whether the generator has determined the waste hazardous" may also minimize the role of proper waste characterization. This may encourage delays in waste characterization and create enforcement ambiguity.

The EPA's rules clearly limit episodic events to 60 days from generation to sending off-site for disposal/treatment. The proposed language "regardless of whether the generator as determined the waste is hazardous" likely had good intent, but results in ambiguity. The Associations believe that LDEQ does not want a generator to generate a waste that they believe initially is a nonhazardous waste, then wait for a period of time to determine if it is hazardous, and then only start the 60 day clock when that determination is made. The intent is likely to conform to the federal requirement that the whole period be limited to 60 days from generation to encourage prompt waste classification decisions. However, the language selected could be interpreted as applying the standard to nonhazardous wastes. Therefore, the Associations recommend removing the proposed phrase, "regardless of whether the generator has determined the waste is hazardous," and replacing such language as follows:

*Episodic Event*—an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category. An episodic event shall not last more than 60 calendar days, beginning with the initial generation and accumulation of the episodic-generated hazardous waste, regardless of whether the generator has determined the waste is hazardous, and concluding with the episodic-generated hazardous waste being sent to a designated facility. This time limit applies regardless of when the generator determines the waste is hazardous.

For: The proposed change provides additional clarification.

Against: The material in question would at minimum be suspect of being a hazardous waste, pending a waste determination and/or analysis. Episodic events do not apply to solid wastes.

RESPONSE 7: The new regulatory language provides clarification. The time a generator takes to determine if a waste is hazardous is included in all time limits. There is no stand-alone time limit for waste determination for purposes of requesting an episodic event authorization. Therefore, no change in the new regulatory language is necessary.

A minor change in the definition of episodic event was made by replacing the word "whether" with "when". The changed section of the definition originally read as "...regardless of whether the generator has determined the waste is hazardous" and now reads as "... regardless of when the generator has determined the waste is hazardous...".

COMMENT 8: Mandating notification time delays from proper determination would minimize administrative burdens on both the Department and the regulated community.

Although the Associations recognize the intent of the Department's proposed language in both LAC 33.V.1033.A.2 and B.2, the Associations are also concerned with the inevitable delays in determining whether the waste generated is considered an episodic event. There are only a limited number of LELAP-accredited labs which facilities use to determine whether the waste generated is hazardous. Thus, it is unlikely a facility will be able to make the required determination necessary to deem the event an unplanned episodic event within the required time. Under the proposed language, it appears facilities are to report every event, and if the waste is later determined to be nonhazardous, then withdraw the notification via a letter under LAC 33.V.1033.A.8 or B.7. This administrative process would be greatly simplified if the notification time delays for unplanned episodic events were triggered by proper determinations. This would also minimize administrative burdens for all parties. Because the Associations also recognize the Department's intent under the proposed language, the Associations recommend the following:

LAC 33.V.1033

A. — A.1. ...

2. Notification. The very small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) using the department's Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the generator shall notify the ~~Office of Environmental Services~~ Single Point of Contact (SPOC) within 72 hours of ~~initiating the unplanned event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste)~~ **determining that the waste generated from the event is a hazardous waste, but in no case later than 30 days of initiating the unplanned event,** via phone, email, or fax online incident reporting, as specified in LAC 33:I.3923, and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1) to the Office of Environmental Services within 15 days of initiating the unplanned event determining that the waste is hazardous, but in no case later than 45 days of initiating the unplanned event. The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with LAC 33:V.1013.C.9.a.

B. — B.1. ...

2. Notification. The small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) using the department's Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the small quantity generator shall notify the ~~Office of Environmental Services~~ SPOC within 72 hours of ~~initiating the unplanned event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste)~~ **determining that the waste generated from the event is a hazardous waste, but in no case later than 30 days of initiating the unplanned event,** via

phone, email, or ~~fax~~ online incident reporting, as specified in LAC 33:I.3923, and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1) to the Office of Environmental Services within 15 days of ~~initiating the unplanned event determining that the waste is hazardous, but in no case late than 45 days of initiating the unplanned event.~~ The small quantity generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency.

For: These proposed changes are less stringent than the current federal rule.

Against: The State of Louisiana cannot be less stringent than the federal rule.

RESPONSE 8: The time frames to notify are based on federal regulation and not based on determination of when a waste is hazardous or not. The commenter's suggested proposed changes are less stringent than 40 CFR 262.232.(a).(2) and 262.232.(b).(2); the state regulations must be as stringent as the federal regulations.

No changes were made to the new regulatory language.

COMMENT 9: The Associations request clarification of the process for requesting an additional Episodic Event in proposed LAC 33:V.1035.

The Proposed Rule provides:

§1035. Petition to Manage One Additional Episodic Event per Calendar Year

A. A generator may petition the ~~administrative authority~~ Office of Environmental Services for a second episodic event in a calendar year without impacting its generator category under the following conditions. If a very small quantity generator or small quantity generator has already held:

1. a planned episodic event in a calendar year, the generator may petition the ~~administrative authority~~ Office of Environmental Services for an additional

unplanned episodic event in that calendar year within 72 hours of initiating the unplanned event; or

2. an unplanned episodic event in a calendar year, the generator may petition the ~~administrative authority~~ Office of Environmental Services for an additional planned episodic event in that calendar year. (NOTE: The petition shall be submitted and approved prior to notification of the planned event [i.e., at least 30 calendar days prior to commencement].)

The Associations are concerned that it is unclear if the "Note" in Section 1035.A.2 of the proposed revisions means that the petition for an additional Episodic Event must be submitted more than 30 days prior AND approved 30 days prior to authorization. The Associations interpret the proposed rule as meaning that a generator must petition for an additional episodic event well in advance with no specific time limit for that petition. For example, the petition could be submitted 4 months before the planned event, or earlier or later, provided it is approved and notice is given at least 30 days prior to the commencement of the event. However, the Associations seek LDEQ feedback concerning that interpretation.

The Associations also request that the rule provide for response time from the Department for approval of a request for an additional planned Episodic Event. Within 60 days of submittal of the request, LDEQ should either respond or approval should be granted if no response is made within that period. A response is imperative to operations. Thus, the Associations request that before the "Note", the following sentence should be added: "The petition is deemed approved if not denied by the Office of Environmental Services within 60 days of the submittal of the petition."

For: Provides a default second episodic event if LDEQ does not act upon the petition for a second event.

Against: The proposed revision would provide a default approval of a second episodic event if not acted on by LDEQ. The federal regulation does not include a default second event if the petition is not acted upon.

RESPONSE 9: There is no minimum timeframe for the petition to be submitted to the Office of Environmental Services. The 30-day timeline comes from the second event being a planned episodic event, which requires notification 30-days prior to initiating the

planned episodic event. The Office of Environmental Services reviews petitions as quickly as practicably possible to approve or deny a second episodic event.

Very small quantity generators and small quantity generators are limited to one episodic event per calendar year, unless a second is granted by the administrative authority. A default approval of a petition for a second episodic event within 60 days is less stringent than the current federal regulations (40 CFR 262.233). The federal regulations do not have a default approval if not acted on by the EPA. If a second episodic event is not approved, the facility is required to follow LAC 33:V.1007 and change their generator status based on the amount of waste generated in the calendar month of the second event.

No changes were made to the proposed language.

COMMENT 10: The proposed revisions to the Louisiana Solid Waste Regulations, LAC 33:VII.119 should be revised.

The Proposed Rule would amend LAC 33:VII.119 to require solid waste generators to determine if their solid wastes are also hazardous waste. The cross-referencing of solid waste definitions and waste determination procedures between the Hazardous Waste rules (LAC 33:V) and the Solid Waste rules (LAC 33:VII) is incomplete. The proposed language in LAC 33:VII.119 for the waste determination process appears to reference only a portion of the existing requirements in the hazardous waste rules. By including only the procedures of LAC 33:V.1005.B (repeated in the proposed 119.B), the Proposed Rule could be interpreted as excluding other critical components of the hazardous waste determination, such as exemptions and exclusions found in LAC 33:V.1005.C-G. This may create confusion for generators and could lead to generators failing to utilize existing, authorized pathways for waste management.

The Associations recommend modification of the Proposed Rule to change the reference from LAC "33:V.1005.A," as proposed, to "LAC 33:V.1005" to address this issue. In the alternative, the Associations recommend that proposed LAC 33:VII.119.A. be revised as follows:

A. A person who generates a *solid waste*, as defined in LAC 33:V.109, shall determine if that waste is a hazardous

waste in accordance with LAC 33:V.1005.A., **using the steps in LAC 33:V.1005.B-G of this Section.**

For: Both proposed changes offer clarification by either referencing the entire section or the steps.

Against: LAC 33:V.1005.A states that a waste determination must be conducted and then references LAC 33:V.1005.B-G as to how the determination is conducted.

RESPONSE 10: No change needs to be made with the proposed regulation. LAC 33:V.1005.A already states that a waste determination must be conducted in accordance with LAC 33:V.1005.B-G. LAC 33:VII.119.B includes the language of LAC 33:V.1005.B to emphasize that the waste determination must be conducted prior to dilution, mixing, or other alteration.

**Comment Summary Response**  
**Hazardous Waste Generator Improvement Rule Clean Up Package**  
**(LAC 33:V. Chapters 1, 3, 10, 22, 30, and 51, and LAC 33:VII.Chapter 1, 3, and 7)**  
**(MM022)**

COMMENT #

SUGGESTED BY

01 – 10

Bryant R. Bremer, Kean Miller, LLP on behalf of Tokesha Collins-Wright, Louisiana Chemical Association, Damien Watt, Louisiana Mid-Continent Oil and Gas Association, and Michael Doggett, Kean Miller, LLP.

Comments reflected in this document are repeated verbatim from the written submittal.

**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. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. ...

1. Within 90 days after the promulgation or revision of these regulations anyone subject to these regulations who has not previously notified the department on the Notification of Hazardous Waste Activity Form (HW-1), or whose notification on the HW-1 ~~Form~~ is not approved, ~~must~~shall notify the Office of Environmental Services, using the most current HW-1 Form or other form approved by the department.

2. — 6. ...

a. If rejected, the ~~applicant~~person shall resubmit the notification using the appropriate, approved form.

6.b. — 7. ...

8. ~~Facilities who cease hazardous waste activities shall notify the Office of Environmental Services within 30 days using the department's Notification of Hazardous Waste~~

~~Activity Form (HW-1) or other forms approved by the department in accordance with Subparagraph 105.A.5.b of this Section.~~ Required Notifications for Ceasing Regulated Hazardous Waste Activities

a. A large quantity generator closing a facility shall follow the closure notification requirements in LAC 33:V.1015.B.8 using the HW-1 Form. If no other regulated hazardous waste activities will be occurring at the facility, the EPA identification number for the facility will be deactivated once verified by the department.

b. A generator ceasing an individual regulated hazardous waste activity when there is ongoing regulated hazardous waste activities, shall submit the HW-1 Form to notify the department within seven calendar days of ceasing the activity.) The EPA identification number for the facility will continue to be active for the ongoing regulated hazardous waste activities. (NOTE: LAC 33:V.105.A.8.b does not apply to a large quantity generator. A large quantity generator shall instead comply with the closure notification requirements in LAC 33:V.1015.B.8, as applicable.)

c. A generator ceasing all regulated hazardous waste activities at a facility shall notify the department within 30 calendar days using the most current Certification of No Hazardous Waste Form (Form 7442), or other forms approved by the department. The EPA identification number for the facility will be deactivated once verified by the department. (NOTE: a large quantity generator shall also comply with the closure notification requirements in LAC 33:V.1015.B, as applicable.)

9. ~~Failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number or notify the department of changes to the notification shall constitute a violation of these regulations and subject the~~

~~applicant to enforcement action up to and including the assessment of civil penalties.~~ Moving Hazardous Waste Activities to Another Location

a. A person moving a regulated hazardous waste activity to another location (i.e., physical address) shall notify the department within 30 days:

i. by submitting the HW-1 Form to obtain a new EPA identification number for the regulated hazardous waste activity at the new physical address; and

ii. if the regulated hazardous waste activity will no longer be conducted at the former facility, submit the required notifications for ceasing regulated hazardous waste activities as required by SubParagraph A.8.a.

10. Failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number, or notify the department of changes to the notification shall constitute a violation of these regulations and the owner and/or operator shall be subject to an enforcement action up to and including the assessment of civil penalties.

B. — D.1.f. ...

g. spent sulfuric acid used to produce virgin sulfuric acid provided it is not *accumulated speculatively* as defined in LAC 33:V.109. ~~Solid Waste;~~

D.1.h. — 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 52:

**§109. Definitions**

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

\* \* \*

*Final Closure*—the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under LAC 33:V.Chapters 15, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 43 are no longer conducted unless subject to provisions of LAC 33:V.1009, 1011, 1013, and 1015.

\* \* \*

*Large Quantity Generator*—a generator who generates any of the following amounts in a calendar month:

1. — 2. ...

3. greater than 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33.V.4901.E.

\* \* \*

*Small Quantity Generator*—a generator who generates the following amounts in a calendar month:

1. — 2. ...

3. less than or equal to 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33.V.4901.E.

\* \* \*

*Very Small Quantity Generator*—a generator who generates less than or equal to the following amounts in a calendar month:

1. ...

2. 1 kilogram (2.2 lbs) of acute hazardous waste listed ~~in~~ in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.E; and

3. 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed ~~in~~ in LAC 33:V.4901.B with the assigned hazard code of (H) or LAC 33:V.4901.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 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, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:615 (April 2008), LR 34:1009 (June 2008), LR 34:1894 (September 2008), LR 34:2396 (November 2008), LR 36:1235 (June 2010), repromulgated LR 36:1535 (July 2010), amended LR 36:2554 (November 2010), LR 38:774, 781 (March 2012), repromulgated LR 38:1009 (April 2012), amended by the Office of the Secretary, Legal Division, LR 40:1338 (July 2014), LR 41:2600 (December 2015), LR 42:565 (April 2016), LR 42:2178 (December 2016), LR 43:1138 (June 2017), repromulgated by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43:1531 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:898 (July 2020), LR 47:1851 (December 2021), amended by the Office of the Secretary, Legal Affairs Division LR 50:1457 (October 2024), LR 52:

**Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits**

**§305. Scope of the Permit**

A. — C.1. ...

2. generators who accumulate hazardous waste on-site in compliance with all

of the conditions for exemption provided in LAC 33:V.1009, 1011, 1013, and 1015, as

applicable;

C.3. — H. ...

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:900 (July 2020), 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:V.108 and Chapter 11.]

**Subchapter A. General**

**§1003. Purpose, Scope, and Applicability**

- A. — A.1.b.v. ...
- vi. LAC 33:V.1107 (~~The Manifest System~~Requirements);
- A.1.b.vii. — F. ...

**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 46:901 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**§1007. Generator Category Determination**

- A. — C.4. ...

<b>Table 1. Generator Categories Based on Quantity of Hazardous Waste Generated in a Calendar Month</b>			
<b>Quantity of Acute Hazardous Waste Generated in a Calendar Month</b>	<b>Quantity of Nonacute Hazardous Waste Generated in a Calendar Month</b>	<b>Quantity of Residues from a Clean-up of Acute Hazardous Waste in a Calendar Month</b>	<b>Generator Category</b>
* * *			
Any Amount	Any Amount	Greater than <u>1001,000</u> kg (220 lbs) (>100 kg)	Large Quantity Generator
* * *			

D. — G.2.b. ...

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 46:903 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**§1013. Conditions for Exemption for Small Quantity Generators**

A. — C.2.d. ...

i. The small quantity generator shall record the inspections in an inspection log or summary. Records shall be kept for at least three years from the date of the inspection. At a minimum, these records shall include:

- (a). the date and time of the inspection;
- (b). the name of the inspector;
- (c). a notation of observations made; and

(d). the date and nature of any repairs or other remedial actions taken.

2.e. — 3.b.iv. ...

v. the construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator shall remedy any deterioration or malfunction of equipment or structures, which the inspection reveals on a schedule, which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately.

3.c. — 4. ...

a. comply with LAC 33:V.2801, 2803, 2804, 2805, 2807, and 2809.A and B;

4.b. — 5.b. ...

c. provide an indication of the hazards of the contents in a conspicuous place (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazardous communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

5.d. — 6.a.i. ...

ii. an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the U.S. Department of Transportation requirements in 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the U.S. Occupational Safety and Health Administration Hazard Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

6.b. — 8.a. ...

b. Required Equipment. All areas where hazardous waste is either generated or accumulated shall be equipped with the items in Clauses 1013.C.8.b.i-iv of this Section, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below. A small quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies. The required equipment consists of:

C.8.b.i. — G. ...

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 46:906 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**§1015. Conditions for Exemption for Large Quantity Generators**

A. — B.1. ...

a. Air Emission Standards. The applicable requirements of LAC 33:V.Chapter 43.Subchapters Q, R, and V;

B.1.b. — e. ...

i. The large quantity generator shall record the inspections in an inspection log or summary. The generator shall keep these records for at least three years from the date of the inspection. At a minimum, these records shall include:

- (a) the date and time of the inspection;
- (b) the name of the inspector;
- (c) a notation of observations made; and
- (d) the date and nature of any repairs or other remedial

actions taken.

1.f. — 8.a. ...

i. The large quantity generator shall notify the Office of Environmental Services following the procedures in Subparagraph B.8.b of this Paragraph in order to meet the closure performance standards of Clause B.8.c.i of this Paragraph for container storage, tank systems, and containment buildings or Clause B.8.c.ii of this Paragraph for drip pads. If the central accumulation area is subsequently reopened, the large quantity generator shall update the notice in the operating record.

a.ii. — c.i.(b). ...

(c). If the large quantity generator demonstrates that either any contaminated soils and wastes cannot be practicably removed or decontaminated as required in Division B.8.c.i.(a).(ii) of this Paragraph, or that the remaining contaminant levels are not protective of human health and the environment as demonstrated by the confirmatory sampling and analytical results specified in Subdivision B.8.b.ii.(c).(ii).[c] and [d] of this Paragraph, or through the use of RECAP and remedial activities under Subparagraph B.8.f of this Paragraph or LAC 33:V.2809.B.2, then the central accumulation area is considered to be a

landfill. The large quantity generator shall then close the central accumulation area and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (LAC 33:V.4501.B and D). In addition, for the purposes of closure, post-closure, and financial responsibility, such a central accumulation area is then considered to be a landfill, and the large quantity generator shall meet all of the requirements for landfills specified in LAC 33:V.Chapter 43.Subchapters F and G.

c.ii. — i. ...

j. Closure Guidance. The large quantity generator ~~should~~shall review all guidance ~~that may be issued~~ by the department and/or posted on its website including, but not limited to, guidance on confirmatory sampling for aboveground structures and environmental media. The purpose of such guidance is to ensure best management practices, promote consistency, and produce technically defensible closures. Any such guidance issued by the department is not regulation and shall not substitute for the requirements of Paragraph B.8 of this Subparagraph. Thus, any guidance does not impose any new requirements. The department shall retain discretion to use approaches on a case-by-case basis that differ from such guidance where appropriate. The department will ~~base~~make decisions regarding closure activities required by Subparagraph B.8 of this Paragraph in accordance with the Act and regulations as applied to the specific facts of the closure. Whether or not the recommendations in any guidance are appropriate in a given situation will depend on site-specific circumstances.

B.8.k. — G. ...

1. The large quantity generator shall notify the Office of Environmental Services at least 30 calendar days prior to receiving the first shipment from a very small quantity

generator(s) using the department’s Notification of Hazardous Waste Activity Form (HW-1) that:

a. identifies ~~on the form~~ the EPA identification number(s), if applicable, the name(s) and site address(es) for the very small quantity generator(s) as well as the contact name and business telephone number/contact information ~~for a contact person~~ for the very small quantity generator(s); and

b. submits an update of the department’s Notification of Hazardous Waste Activity Form (HW-1) within 30 calendar days after a change in the name or site address for the very small quantity generator.

G.2. — H.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:

**§1017. EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators**

A. All generators (i.e., very small quantity generators, small quantity generators and large quantity generators) shall obtain an active EPA identification number by notifying the Office of Environmental Services using the Notification of Hazardous Waste Activity Form (HW-1) within 14 days after first generating any hazardous waste at the location specified in the notification. The assignment of an active EPA identification number shall serve as proof of this notification to the department by the generator. However, as EPA identification numbers are site-specific, if a generator moves to another location, the generator shall obtain a new EPA identification number for the facility. A generator shall notify the Office of Environmental Services within seven days if any information submitted in the notification of hazardous waste

activity changes. As stated in LAC 33:V.105.A.910, failure to submit a timely and complete Notification of Hazardous Waste Activity Form (HW-1), obtain an active EPA identification number or notify the department of changes to the notification shall constitute a violation of these regulations and subject the applicant to enforcement action up to and including the assessment of civil penalties.

B. — D.1. ...

a. an even number, including zero, shall submit notification by April 15, 2021, and every four years thereafter; or

b. ...

2. A large quantity generator shall renotify the Office of Environmental Services by March 1 of each ~~even-numbered year thereafter~~ using the department's Notification of Hazardous Waste Activity Form (HW-1) or other forms approved by the department. A large quantity generator may submit this renotification as part of its annual report required under LAC 33:V.1021.

E. — F. ...

G. ~~Generators who cease hazardous waste activities or move to another location shall notify the Office of Environmental Services within 30 days using the department's Notification of Hazardous Waste Activity Form (HW-1) or other forms approved by the department in accordance with LAC 33:V.105.A.5.~~ shall comply with the notification requirements in LAC 33:V.105.A.8.

H. Generators who move to another location shall comply with the notification requirements in LAC 33:V.105.A.9.

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 46:919 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**Subchapter B. Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators**

**§1019. Recordkeeping**

A. — D. ...

E. All records, including plans, required under Subchapter B must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative who is duly designated by the administrative authority.

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 46:920 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**§1023. Exception Reporting**

A. — C. ...

D. For rejected shipments of hazardous waste or container residues contained in nonempty containers that are forwarded to an alternate facility by a designated facility using a new manifest, following the procedures of LAC 33:V.1516.C.5.a.i-vi, the generator shall comply with the requirements of Subsections A or C of this Section, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of Subsections A-or C of this Section for a shipment forwarding such waste to an alternate facility by a designated facility, the following conditions shall apply.

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 46:919 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**Subchapter C. Alternative Standards for Episodic Generation**

**§1031. Definitions for this Subchapter**

A. ...

*Episodic Event*—an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator’s usual category. An episodic event shall not last more than 60 calendar days, beginning with the initial generation and accumulation of the episodic-generated hazardous waste, regardless of whether when the generator has determined the waste is hazardous, and concluding with the episodic-generated hazardous waste being sent to a designated facility.

\* \* \*

**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 46:921 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**§1033. Conditions for Generators Managing Hazardous Waste from an Episodic Event**

A. — A.1. ...

2. Notification. The very small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) using the department’s Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the generator shall notify ~~the Office of Environmental Services~~ Single Point of Contact (SPOC) within 72 hours of initiating the unplanned event (i.e.,

commencing the generation and accumulation of the episodic-generated hazardous waste) via phone, email, or ~~fax~~ online incident reporting, as specified in LAC 33:I.3923, and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1) to the Office of Environmental Services within 15 days of initiating the unplanned event. The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency in compliance with LAC 33:V.1013.C.9.a.

3. — 7.e. ...

f. an approval letter from the ~~administrative authority~~ Office of Environmental Services if the generator petitioned to conduct one additional episodic event per calendar year.

8. Withdrawal of Notification

a. The very small quantity generator may withdraw the notification for the episodic event by submitting a letter to the Office of Environmental Services no later than 120 calendar days after submitting the initial notification (HW-1 Form). The letter shall specify the reason for the withdrawal and shall be signed by the owner/operator or a duly authorized representative. Reasons for the withdrawal may include the:

i. episodic event did not occur;

ii. waste was determined not to be a hazardous waste in

accordance with LAC 33:V.1005; or

iii. total amount (combined episodic and nonepisodic) of hazardous waste generated in a calendar month did not exceed the very small quantity generator category limit in accordance with LAC 33:V.1007.

B. — B.1. ...

2. Notification. The small quantity generator shall notify the Office of Environmental Services no later than 30 calendar days prior to initiating a planned episodic event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) using the department’s Notification of Hazardous Waste Activity Form (HW-1). In the event of an unplanned episodic event, the small quantity generator shall notify ~~the Office of Environmental Services~~ SPOC within 72 hours of initiating the unplanned event (i.e., commencing the generation and accumulation of the episodic-generated hazardous waste) via phone, email, or ~~fax~~ online incident reporting as specified in LAC 33:I.3923, and subsequently submit the department’s Notification of Hazardous Waste Activity Form (HW-1) to the Office of Environmental Services within 15 days of initiating the unplanned event. The small quantity generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous waste expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to emergency.

3. — 6.e. ...

f. an approval letter from the ~~administrative authority~~ Office of Environmental Services if the generator petitioned to conduct one additional episodic event per calendar year.

7. Withdrawal of Notification

a. The small quantity generator may withdraw the notification for the episodic event by submitting a letter to the Office of Environmental Services no later than 120 calendar days after submitting the initial notification (HW-1 Form). The letter shall specify the reason for the withdrawal and shall be signed by the owner/operator or a duly authorized representative. Reasons for the withdrawal may include the:

- i. episodic event did not occur;
- ii. waste was determined not to be a hazardous waste in accordance with LAC 33:V.1005; or
- iii. total amount (combined episodic and nonepisodic) of hazardous waste generated in a calendar month did not exceed the small quantity generator category limit in accordance with LAC 33:V.1007.

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 46:921 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**§1035. Petition to Manage One Additional Episodic Event per Calendar Year**

A. A generator may petition the ~~administrative authority~~Office of Environmental Services for a second episodic event in a calendar year without impacting its generator category under the following conditions. If a very small quantity generator or small quantity generator has already held:

- 1. a planned episodic event in a calendar year, the generator may petition the ~~administrative authority~~Office of Environmental Services for an additional unplanned episodic event in that calendar year within 72 hours of initiating the unplanned event; or
- 2. an unplanned episodic event in a calendar year, the generator may petition the ~~administrative authority~~Office of Environmental Services for an additional planned episodic

event in that calendar year. (NOTE: The petition shall be submitted and approved prior to notification of the planned event [i.e., at least 30 calendar days prior to commencement].)

B. — B.5. ...

C. The petition shall be made to the ~~administrative authority~~ Office of Environmental Services in writing, either on paper or electronically.

D. If the petition is approved by the ~~administrative authority~~ Office of Environmental Services, the generator shall comply with Section 1033 of this Subchapter when managing the hazardous waste from the second approved episodic event including notifying the Office of Environmental Services using the department’s Notification of Hazardous Waste Activity Form (HW-1). A copy of the written approval of the petition shall accompany the HW-1 notification.

E. ...

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 46:923 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**Subchapter D. Preparedness, Prevention and Emergency Procedures for Large Quantity Generators**

**§1045. Access to Communication or Alarm Systems**

A. Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation shall have immediate access (e.g., direct or unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under Section 1041 of this Subchapter.

B. ...

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 46:924 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**Chapter 22. Prohibitions on Land Disposal**

**Subchapter A. Land Disposal Restrictions**

**§2201. Purpose, Scope, and Applicability**

A. — I.3. ...

4. waste generated by *very small quantity generator*, as defined in LAC

33:V.1009109;

5. — 5.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 15:378 (May 1989), amended LR 16:398 (May 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 24:666 (April 1998), LR 24:1107 (June 1998), LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Division, LR 43:1142 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:936 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**Subchapter B. Hazardous Waste Injection Restrictions**

**§2249. Purpose, Scope, and Applicability**

A. — C.2. ...

3. if the waste is generated by a *very small quantity generator*, as defined in

LAC 33:V.1009109.

D. — D.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 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), LR 27:712 (May 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:938 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces**

**§3001. Applicability**

A. — C.2. ...

3. hazardous wastes that are exempt from regulation under LAC 33:V.105.D

and 4105.A.1.c-d.iii, and hazardous wastes that are subject to the special requirements for very small quantity generators under LAC 33:V.1007 and 1009; and

C.4. — H. ...

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:821, 835 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 27:297 (March 2001), LR 27:712 (May 2001), LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:607 (April 2006), LR 34:628 (April 2008), LR 34:1014 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1145 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:939 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**Chapter 51. Fee Schedules**

**§5121. Generators and Transporters of Hazardous Waste**

A. — B.1.b. ...

2. ~~90-day~~ Storage Extension. Application for 30-day Extension of

Accumulation Time Limit in LAC 33:V.1013.E and LAC 33:V.1015.C. All requests for extension of accumulation time limit shall be accompanied by a \$500 application fee.

C. — C.3. ...

**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), amended by the Office of the Secretary, Legal Division, LR 43:944 (May 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:949 (July 2020), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**Part VII. Solid Waste**  
**Subpart 1. Solid Waste Regulations**

**Chapter 1. General Provisions and Definitions**

**§115. Definitions**

A. ...

\* \* \*

*Hazardous Waste Determination*—the process performed in accordance with  
LAC 33:V.1103.1005 and LAC 33:VII.119.

\* \* \*

**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 LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1019 (June 2007), LR 34:1023 (June 2008), LR 34:1399 (July 2008), LR 37:1563 (June 2011), LR 37:3233 (November 2011), LR 38:46 (January 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:234 (February 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**§119. Hazardous Waste Determination**

A. A person who generates a *solid waste*, as defined in LAC 33:V.109, shall determine if that waste is a hazardous waste in accordance with LAC 33:V.1005.A.

B. The hazardous waste determination for each solid waste shall be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and/or at any time in the course of its management that it has, may have, or changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste in accordance with LAC 33:V.1005.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.  
 HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 52:

**Chapter 3. Scope and Mandatory Provisions of the Program**

**§315. Mandatory Provisions**

A. — O. ...

P. Generators shall conduct a hazardous waste determination, as outlined in LAC 33:VII.119 on all generated wastes.

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 LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2487 (October 2005), LR 33:1030 (June 2007), LR 34:1400 (July 2008), LR 36:1240 (June 2010), LR 37:3235 (November 2011) repromulgated LR 37:3508 (December 2011), LR 52:

**Chapter 7. Solid Waste Standards**

**Subchapter A. Landfills, Surface Impoundments, Landfarms**

**§711. Standards Governing Landfills (Type I and II)**

A. — D.3.c.ii. ...

d. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC

33:V.41031005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

D.3.e. — F.3.d. ...

**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 LR 19:1143 (September 1993), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2523 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2492 (October 2005), LR 33:1047 (June 2007), LR 33:2145 (October 2007), LR 34:1901 (September 2008), LR 37:1564 (June 2011), LR 37:3248 (November 2011), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

**§713. Standards Governing Surface Impoundments (Type I and II)**

A. — D.3.d. ...

e. Waste Characterization. The permit holder shall review and

maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.41031005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

D.4 — F.2.b. ...

**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), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2524 (November 2000), repromulgated LR 27:704 (May 2001),

amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1053 (June 2007), LR 33:2146 (October 2007), LR 36:1241 (June 2010), LR 37:1564 (June 2011), LR 37:3250 (November 2011), repromulgated LR 37:3511 (December 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:235 (February 2019), amended by the Office of the Secretary, Legal Affairs Division, LR 52:

#### **§715. Standards Governing Landfarms (Type I and II)**

A. — D.3.j. ...

k. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.44031005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

D.4 – F.3.b. ...

**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), repromulgated LR 19:1316 (October 1993), amended by the Office of the Secretary, LR 24:2251 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2525 (November 2000), repromulgated LR 27:704 (May 2001), amended LR 30:1676 (August 2004), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2493 (October 2005), LR 33:1058 (June 2007), LR 33:2147 (October 2007), LR 35:1880 (September 2009), LR 37:1565 (June 2011), LR 37:3251 (November 2011), repromulgated LR 37:3511 (December 2011), LR 52:

#### **Subchapter B. Solid Waste Processors**

#### **§717. Standards Governing All Type I-A and II-A Solid Waste Processors**

A. — G.3. ...

a. Waste Characterization. The permit holder shall review and maintain the hazardous waste determination performed by the generator in accordance with LAC 33:V.41031005 for all solid waste prior to acceptance. Every year thereafter, the permit holder shall require the generator to submit either a written certification that the waste being sent to the permit holder remains unchanged or a new waste characterization. All characterizations and certification records shall be maintained on-site for a period of three years.

G.3.b. — I.3. ...

**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 the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:926 (May 2009), LR 37:1566 (June 2011), LR 37:3252 (November 2011), amended by the Office of the Secretary, Legal Division, LR 40:295 (February 2014), LR 52:

## Laura Almond

---

**From:** APA - House Natural Res <apa.h-natr@legis.la.gov>  
**Sent:** Thursday, April 9, 2026 1:44 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:** Thursday, April 9, 2026 1:44 PM  
**To:** Laura Almond  
**Cc:** APA - Senate Environment  
**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 Environment, Louisiana Senate.

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

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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:** Thursday, April 9, 2026 1:44 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:** APA - House Speaker <apa.housespeaker@legis.la.gov>  
**Sent:** Thursday, April 9, 2026 1:44 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:** Microsoft Outlook  
**To:** 'apa.h-natr@legis.la.gov'; apa.s-envq@legis.la.gov; 'apa.senatepresident@legis.la.gov';  
apa.housespeaker@legis.la.gov  
**Sent:** Thursday, April 9, 2026 1:44 PM  
**Subject:** Relayed: Summary Report for Proposed Rule MM022

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

'apa.h-natr@legis.la.gov' (apa.h-natr@legis.la.gov)

apa.s-envq@legis.la.gov (apa.s-envq@legis.la.gov)

'apa.senatepresident@legis.la.gov' (apa.senatepresident@legis.la.gov)

apa.housespeaker@legis.la.gov (apa.housespeaker@legis.la.gov)

Subject: Summary Report for Proposed Rule MM022



Summary Report  
for Proposed Ru...

## Laura Almond

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**From:** Morris, Luke <morrisl@legis.la.gov>  
**To:** Laura Almond  
**Sent:** Thursday, April 9, 2026 1:44 PM  
**Subject:** Read: Summary Report for Proposed Rule MM022

Your message

To: Morris, Luke  
Subject: Summary Report for Proposed Rule MM022  
Sent: Thursday, April 9, 2026 12:43:45 PM (UTC-06:00) Central America

was read on Thursday, April 9, 2026 12:44:09 PM (UTC-06:00) Central America.

**Laura Almond**

---

**From:** Microsoft Outlook  
**To:** Deidra Johnson  
**Sent:** Thursday, April 9, 2026 1:44 PM  
**Subject:** Delivered: Summary Report for Proposed Rule MM022

**Your message has been delivered to the following recipients:**

Deidra Johnson (Deidra.Johnson@LA.GOV)

Subject: Summary Report for Proposed Rule MM022



Summary Report  
for Proposed Ru...

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Jill Clark  
**Sent:** Thursday, April 9, 2026 1:44 PM  
**Subject:** Delivered: Summary Report for Proposed Rule MM022

**Your message has been delivered to the following recipients:**

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report for Proposed Rule MM022



Summary Report  
for Proposed Ru...

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Courtney Burdette (DEQ)  
**Sent:** Thursday, April 9, 2026 1:44 PM  
**Subject:** Delivered: Summary Report for Proposed Rule MM022

**Your message has been delivered to the following recipients:**

Courtney Burdette (DEQ) (Courtney.Burdette@LA.GOV)

Subject: Summary Report for Proposed Rule MM022



Summary Report  
for Proposed Ru...

**Laura Almond**

---

**From:** Microsoft Outlook  
**To:** Nathan Mills  
**Sent:** Thursday, April 9, 2026 1:44 PM  
**Subject:** Delivered: Summary Report for Proposed Rule MM022

**Your message has been delivered to the following recipients:**

[Nathan Mills \(Nathan.Mills@LA.GOV\)](mailto:Nathan.Mills@LA.GOV)

Subject: Summary Report for Proposed Rule MM022



Summary Report  
for Proposed Ru...

**Laura Almond**

---

**From:** Microsoft Outlook  
**To:** William Little  
**Sent:** Thursday, April 9, 2026 1:44 PM  
**Subject:** Delivered: Summary Report for Proposed Rule MM022

**Your message has been delivered to the following recipients:**

[William Little \(William.Little@la.gov\)](mailto:William.Little@la.gov)

Subject: Summary Report for Proposed Rule MM022



Summary Report  
for Proposed Ru...

## Laura Almond

---

**From:** William Little  
**To:** Laura Almond  
**Sent:** Thursday, April 9, 2026 1:45 PM  
**Subject:** Read: Summary Report for Proposed Rule MM022

Your message

To: William Little  
Subject: Summary Report for Proposed Rule MM022  
Sent: Thursday, April 9, 2026 1:43:45 PM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, April 9, 2026 1:44:54 PM (UTC-06:00) Central Time (US & Canada).