

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Hazardous Waste Generator Improvements Rule

(LAC 33:V.105, 108, 109, 110, 301, 305, 311, 321, 329, 501, 1001, 1003, 1005, 1007, 1009, 1011, 1013, 1015, 1017, 1019, 1021, 1023, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039, 1041, 1043, 1045, 1047, 1049, 1051, 1053, 1055, 1057, 1059, 1061, 1063, 1065, 1067, 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1121, 1127, 1199, 1301, 1305, 1309, 1319, 1501, 1509, 1513, 1516, 1529, 1705, 1709, 1713, 1717, 1802, 1901, 1903, 1905, 1907, 1909, 1915, 2101, 2109, 2117, 2201, 2205, 2245, 2246, 2249, 2317, 2523, 2604, 2723, 2805, 2917, 3001, 3003, 3017, 3121, 3513, 3515, 3801, 3805, 3821, 3829, 3843, 3851, 3867, 3873, 3883, 4003, 4007, 4013, 4035, 4049, 4069, 4105, 4141, 4143, 4145, 4217, 4301, 4317, 4385, 4438, 4501, 4549, 4561, 4901, 4907, 5101, 5121, and 5307) (HW124)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste regulations. (HW124)

The proposed Rule adopts the federal Generator Improvements Rule which amends the hazardous waste program as relating to generators. A summary of the revisions are as follows: reorganizes the regulations to make them more user-friendly, provides a better understanding of the program, addresses regulatory gaps to strengthen environmental protection, provides greater flexibility for generators to manage hazardous waste, and makes corrections to address inadvertent errors and remove obsolete references. The proposed Rule will also provide additional clarification and updates specific to the hazardous waste program in Louisiana. Louisiana is authorized by the U.S. Environmental Protection Agency (EPA) to administer the hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act. One requirement for retaining authorization is to maintain state hazardous waste regulations so that they are equivalent to or more stringent than corresponding federal regulations. This includes adoption of the Generator Improvements Rule published on November 28, 2016. Since inception of the regulatory hazardous waste program in 1980, EPA and states have become increasingly aware of the need for more clarity, consistency, and flexibility. The majority of these issues were identified in several program evaluations conducted by EPA that included feedback from the regulated community and other stakeholders. The purpose of this rulemaking is to adopt the federal Generator Improvements Rule which contains many of the recommendations noted in these evaluations. Additionally, Louisiana will be seeking additional changes to go along with EPA improvements to the program to increase both environmental protection and business flexibility. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(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. EPA Identification Numbers and Notification of Hazardous Waste Activity

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 notify the Office of Environmental Services, using the HW-1 form.
2. Within 90 days after changes in waste characteristics or changes in these regulations that result in changes in the notification, interim status facilities must revise their notification form by resubmitting a corrected copy of the HW-1 form.
3. All notifications of hazardous waste activity received must be in accordance with the department's notification procedures and must receive an active EPA identification number issued through the state of Louisiana.
4. All facilities with an active EPA identification number shall be subject to requirements in LAC 33:V.Subpart 1.
5. Approved Forms for Notification of Hazardous Waste Activity
 - a. Notification of Hazardous Waste Activity Form (HW-1). All notifications of hazardous waste activity shall be made on the most current HW-1 form approved by the department and found on the department's website. The department may provide the HW-1 form in either a hardcopy or web-based format or both.
 - b. Other forms approved by the department. At the discretion of the department, other forms may be approved for use. In these instances, the official notification of approval forms will be found on the department's website.
6. Out-of-date forms and forms not approved by the department. Notification of hazardous waste activity submitted on forms not approved by the department, or on forms that are not current, will be rejected.
 - a. If rejected, the applicant shall resubmit the notification using the appropriate, approved form.
 - b. Resubmittals shall be submitted timely to the Office of Environmental Services. Original due dates will not be extended for resubmittals due to an unapproved or out-of-date form.

7. See LAC 33:V.1017 for additional notification requirements for generators of hazardous waste.

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.

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.

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*;

h. — t.iii.(d). ...

iv. nothing in this Section preempts, overrides, or otherwise negates the provision in LAC 33:V.1005 that requires any person who generates a solid waste to determine if that waste is a hazardous waste; and

v. interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in Subclause D.1.t.iii.(b) of this Section, and that afterward will be used only to store hazardous secondary materials excluded under this Subparagraph, are not subject to the closure requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37 and 43;

u. — x.viii. ...

ix. persons operating under this exclusion must meet the requirements of the *Code of Federal Regulations* at 40 CFR 261, subpart M (emergency preparedness and response for management of excluded hazardous secondary materials), July 1, 2017, which are hereby incorporated by reference;

y. — y.v.(d). ...

(e). the hazardous secondary material generator must comply with the emergency preparedness and response conditions in 40 CFR 261, subpart M (emergency preparedness and

response for management of excluded hazardous secondary materials), July 1, 2017; these requirements are hereby incorporated by reference for this exclusion;

1.y.vi. — 4.c. ...

5. Treatability Study Samples

a. Except as provided in Subparagraph D.5.b of this Section, persons who generate or collect samples for the purpose of conducting *treatability studies* as defined in LAC 33:V.109 are not subject to any requirement of LAC 33:V.Chapters 10, 11, 13, 15, or 49, or to the notification requirements of Subsection A of this Section, nor are such samples included in the quantity determinations of LAC 33:V.1009 and 1013.C when:

a.i. — c.iii.(e). ...

6. Samples Undergoing Treatability Studies at Laboratories and Testing Facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to LAC 33:V.Subpart 1 requirements) are not subject to any requirement of LAC 33:V.Chapters 3, 5, 10, 11, 13, 15, 22, 41, and 43 or to the notification requirements of Subsection A of this Section, provided that the following conditions are met. A mobile treatment unit may qualify as a testing facility subject to Subparagraphs D.6.a-k of this Section. Where a group of mobile treatment units is located at the same site, the limitations specified in Subparagraphs D.6.a-k of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit:

a. — i.vii. ...

j. the facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under LAC 33:V.109.*Hazardous Waste* and, if so, are subject to LAC 33:V.Chapters 3, 5, 10, 11, 13, 15, 22, 41, 43, and 49, unless the residue and unused samples are returned to the sample originator under the Paragraph D.5 of this Section exemption; and

D.6.k. — L.2. ...

a. if a generator is accumulating the waste, the administrative authority will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of LAC 33:V.Chapters 10 and 11. The notice will become final within 30 days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the administrative authority will hold a public hearing. The

administrative authority will provide notice of the hearing to the public and allow public participation at the hearing. The administrative authority will issue a final order after the hearing stating whether or not compliance with LAC 33:V.Chapters 10 and 11 is required. The order becomes effective 30 days after service of the decision unless the administrative authority specifies a later date or unless review by the administrative authority is requested. The order may be appealed to the administrative authority by any person who participated in the public hearing. The administrative authority may choose to grant or to deny the appeal. Final department action occurs when a final order is issued and department review procedures are exhausted; and

L.2.b. — O.2.d.iii. ...

iv. the intermediate or reclamation facility shall have the equipment and trained personnel needed to safely manage the hazardous secondary material and shall meet emergency preparedness and response requirements under 40 CFR part 261, subpart M, July 1, 2017, which is hereby incorporated by reference;

O.2.d.v. — 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 Investigations Division, LR 43:1523 (August 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§108. Reserved

[Editor's Note: The requirements in Section 108 were repromulgated as independent requirements for very small quantity generators under LAC 33:V.1003.A.1.a and conditions for exemption for very small quantity generators under LAC 33:V.1009.]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:706, 716 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:606 (April 2006), LR 36:2554 (November 2010), LR 38:774 (March 2012), amended by the Office of the Secretary, Legal Division, LR 43:1138 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), Repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§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.

* * *

Act—The Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq.

* * *

Acute Hazardous Waste—hazardous wastes that meet the listing criteria in LAC 33:4907.A.2 and therefore are either listed in LAC 33:4901.B with the assigned hazard code of (H) or are listed in LAC 33:4901.E.

* * *

Central Accumulation Area—any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either LAC 33.V.1013 (for small quantity generators) or LAC 33:V.1015 (for large quantity generators).

* * *

EPA Identification Number—the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility. An EPA identification number is site-specific. If a facility moves to another location, the owner/operator must obtain a new EPA identification number for the facility.

* * *

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.1011, 1013, and 1015.

* * *

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

1. greater than or equal to 1,000 kilograms (2200 lbs) of nonacute hazardous waste; or
2. greater than 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; or
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. with the assigned hazard code of (H) or LAC 33.V.4901.E.

* * *

Nonacute Hazardous Waste—all hazardous wastes that are not acute hazardous waste, as defined in this Section.

* * *

Partial Closure—the closure of a hazardous waste management unit in accordance with the applicable closure requirements of LAC 33:V.Chapters 10, 11, 13, 15, 17, 18, 19, 23, and 43 at a facility that contains other active hazardous waste management units. For example, a partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

* * *

Personnel or Facility Personnel—all persons who work at or oversee the operations of a hazardous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

* * *

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

1. greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of nonacute hazardous waste; and
2. less than or equal to 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. 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. 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. 100 kilograms (220 lbs) of nonacute hazardous waste; and
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), LR 46:

§110. Incorporation by Reference

A. — D. ...

1. "Flammable and Combustible Liquids Code" (NFPA 30) (1977 or 1981), approved for LAC 33:V.1013.C, 1917.B, and 4443;

D.2. — G.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 22:814 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:656 (April 1998), LR 24:1690 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:270 (February 2000), LR 27:291 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1010 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

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

§301. Authority

A. ...

B. This Chapter establishes general conditions for permit standards applicable to treatment, storage, and disposal (TSD) facilities. LAC 33:V.Chapter 5 establishes the contents of the permit application and LAC 33:V.Chapter 7 establishes the administrative procedures for receipt, evaluation, and issuance of TSD permits. LAC 33:V.Chapters 10 and 11 establishes standards applicable to generators of hazardous waste. LAC 33:V.Chapter 13 establishes standards applicable to transporters of hazardous waste. LAC 33:V.Chapter 15 establishes general standards for TSD facilities. LAC 33:V.Chapters 19-32 establish specific technical requirements for various disposal facility components.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§305. Scope of the Permit

A. — B.4. ...

C. Specific Exclusions and Exemptions. The following persons are not required to obtain a hazardous waste permit:

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;

3. farmers who dispose of hazardous waste pesticides from their own use as provided in LAC 33:V.1003.C;

4. persons who own or operate facilities solely for the treatment, storage, or disposal of hazardous waste excluded from regulation under LAC 33:V.105.D or 1009 (very small quantity generator exemption);

C.5. — F.1. ...

2. If the owner/operator has not submitted a Part II application for a post-closure permit, the owner/operator may petition the administrative authority for a determination that a post-closure permit is not required because the closure met the applicable LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 closure standards.

F.2.a. — 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:

§311. Establishing Permit Conditions

A. — D. ...

E. Each RCRA permit shall include permit conditions necessary to achieve compliance with Subtitle II of Title 30 of the Louisiana Revised Statutes and LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 41. In satisfying this provision the administrative authority may incorporate applicable requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 41 directly by reference into the permit or establish other permit conditions that are based on these regulations. Each permit issued under Subtitle II of Title 30 of the Louisiana Revised Statutes shall contain terms and conditions as the administrative authority determines necessary to protect human health and the environment.

F. RCRA Permits for Hazardous Waste Combustion Units. If, as the result of an assessment or other information, the administrative authority determines that conditions are necessary in addition to those required under 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, or LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 41, to ensure protection of human health and the environment, the administrative

authority shall include those conditions in a RCRA permit for a hazardous waste combustion unit.

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 10:280 (April 1984), LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs Division, LR 34:619 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§321. Modification of Permits

A. — C.2.n.i. ...

ii. the requested modification does not comply with the appropriate requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 or other applicable requirements;

2.n.iii. — 5.c.ii. ...

iii. sufficient information to ensure compliance with LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 standards; and

5.c.iv. — 5.d. ...

i. the authorized activities are in compliance with the standards of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37; and

5.d.ii. — 11.c. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 28:1000 (May 2002), LR 29:319 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430, 2454 (October 2005), LR 33:2100 (October 2007), LR 34:619 (April 2008), LR 35:1879 (September 2009), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§329. Research, Development, and Demonstration Permits

A. The administrative authority may issue a research, development, and demonstration permit for any hazardous waste treatment facility which proposes to utilize an innovative and experimental hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, or 41. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:

A.1. — D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 5. Permit Application Contents

Subchapter A. General Requirements for Permit Applications

§501. Permit Application

A. — C.1. ...

a. six months after the date of publication of regulations which first require them to comply with LAC 33:V.Chapters 10, 11, 15, 25, 30, 41 or 43; or

b. thirty days after the date they first become subject to the standards set forth in LAC 33:V.Chapters 10, 11, 15, 25, 30, 41, or 43, whichever first occurs.

2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2467 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2454 (October 2005), LR 33:2100 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

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

§1001. Definitions Used in Chapter

A. The following definitions apply to this Chapter:

Condition for Exemption—any requirement in LAC 33:V.1003.C, 1009, 1011, 1013, 1015, or Subchapter C of this Chapter that states an event, action, or standard that shall occur or be met in order to obtain an exemption from any applicable requirement in LAC 33:V.Subpart 1.

Independent Requirement—a requirement of Chapter 10 that states an event, action, or standard that shall occur or be met; and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption from storage facility permit, interim status and operating requirements under LAC 33:V.1009, 1011, 1013, 1015, or Subchapter C of this Chapter.

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:

§1003. Purpose, Scope and Applicability

A. The regulations of this Chapter establish standards for a generator of hazardous waste as defined in LAC 33:V.109.

1. A person who generates a hazardous waste as defined in LAC 33:V.109 is subject to all the applicable independent requirements in the regulations below.

a. Independent requirements of a very small quantity generator include:

- i. LAC 33:V.1005.A-E (Hazardous Waste Determination and Recordkeeping);
- ii. LAC 33:V.1007 (Generator Category Determination);
- iii. LAC 33:V.1017 (EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators); and
- iv. LAC 33:V.5121.C.2 (Annual Fees).

b. Independent requirements for a small quantity generator include:

- i. LAC 33:V.1005 (Hazardous Waste Determination and Recordkeeping);
 - ii. LAC 33:V.1007 (Generator Category Determination);
 - iii. LAC 33:V.1017 (EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators);
 - iv. LAC 33:V.1019 (Recordkeeping);
 - v. LAC 33:V.1027 (Recordkeeping and Reporting for Small Quantity Generators);
 - vi. LAC 33:V.1107 (The Manifest System);
 - vii. LAC 33:V.Chapter 10.Subchapter E (Pre-transport Requirements);
 - viii. LAC 33:V.Chapter 11.Subchapter B (Transboundary Shipments of Hazardous Waste);
- and

ix. LAC 33:V.5121.C.1 (Annual Fees).

c. Independent requirements of a large quantity generator include:

- i. LAC 33:V.1005 (Hazardous Waste Determination and Recordkeeping);
- ii. LAC 33:V.1007 (Generator Category Determination);
- iii. LAC 33:V.1017 (EPA Identification Numbers and Notification of Hazardous Waste Activities for Generators);

- iv. LAC 33:V.Chapter 10.Subchapter B (Recordkeeping and Reporting for Small Quantity Generators and Large Quantity Generators), except LAC 33:V.1027;
- v. LAC 33:V.1107 (Manifest Requirements);
- vi. LAC 33:V.Chapter 10.Subchapter E (Pretransport Requirements);
- vii. LAC 33:V.Chapter 11.Subchapter B (Transboundary Shipments of Hazardous Waste);
and
- viii. LAC 33:V.5121.C.1 (Annual Fees).

2. A generator that accumulates hazardous waste on-site is a person that stores hazardous waste and is subject to the applicable requirements of LAC 33:V.Subpart 1, unless it is one of the following:

- a. a very small quantity generator that meets the conditions for exemption in LAC 33:V.1009;
- b. a small quantity generator that meets the conditions for exemption in LAC 33:V.1011 and 1013; or
- c. a large quantity generator that meets the conditions for exemption in LAC 33:V.1011 and 1015.

3. If a generator is a small quantity generator or a large quantity generator, it shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility, as defined in LAC 33:V.109, or not otherwise authorized to receive the generator's hazardous waste. A very small quantity generator shall comply with the requirements of Section 1009 of this Chapter regarding management of hazardous waste.

B. Determining Generator Category. A generator shall use LAC 33:V.1007 to determine which provisions of this Chapter are applicable to the generator based on the quantity of hazardous waste generated per calendar month.

C. A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards of this Chapter or other standards in LAC 33:V.Chapters 3, 5, 7, 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43 for those wastes, provided he triple rinses each emptied pesticide container in accordance with the provisions of LAC 33:V.109.Empty Container.2.c and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label.

D. Failure to Comply

1. A person who generates a hazardous waste as defined in LAC 33:V.109 and further specified in LAC 33:V.Chapter 49 is subject to the requirements of this Chapter and penalties prescribed in the Louisiana Environmental Act, La. R.S. 30:2001, *et seq.*, for noncompliance.

2. A generator's noncompliance with a condition for exemption in this Chapter is not subject to penalty or injunctive relief under the Louisiana Environmental Quality Act, La. R.S. 30:2001, *et seq.*, as a violation of a condition for exemption in this Chapter. Noncompliance by a generator with an applicable condition for exemption for storage permit and operations requirements means that a facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in LAC 33:V.Subpart 1. Without an exemption, any violations of such storage requirements are subject to penalty and injunctive relief under the Louisiana Environmental Quality Act, La. R.S. 30:2001, *et seq.*

E. An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility shall comply with the generator standards established in this Chapter. The provisions of this Chapter are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of this Chapter only apply to owners or operators who are shipping hazardous waste, which they generated at that facility. A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and requirements set forth in LAC 33:V.Subpart 1.

F. Persons responding to an explosives or munitions emergency in accordance with LAC 33:V.1501.C.7.a.iv or d or 4307, and 305.C.12 or 13 are not required to comply with the standards of this Chapter.

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:

§1005. Hazardous Waste Determination and Recordkeeping

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 order to ensure the wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the steps in Subsections B-G of this Section.

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 at any

time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change.

C. The generator shall determine if the waste is exempted or excluded from regulation under LAC 33:V.105.D.

D. If the waste is not exempted or excluded under LAC 33:V.105.D, the person shall then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under LAC 33:V.Chapter 49. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, process producing the waste, feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting petition under LAC 33:V.105.M to demonstrate to the Office of Environmental Services that the waste from this particular site or operation is not a hazardous waste.

E. The person then shall also determine whether the waste exhibits one or more hazardous characteristics as identified in LAC 33:V.4903 by following the procedures in Paragraph E.1 or 2 of this Section, or a combination of both.

1. The person shall apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about the chemical feedstocks and other inputs to the production process); knowledge of products, byproducts, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in LAC 33:V.4903, or an equivalent test method approved by the administrative authority under LAC 33:V.105.I, may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste shall obtain a representative sample of the waste for testing, as defined at LAC 33:V.109.

2. When available knowledge is inadequate to make an accurate determination, the person shall test the waste according to the methods set forth in LAC 33:V.4903, or according to an

equivalent method approved by the administrative authority under LAC 33:V.105.I and in accordance with Subparagraphs a and b below.

a. Persons testing their waste shall obtain a representative sample of the waste for testing as defined at LAC 33:V.109.

b. Where a test method is specified in LAC 33:V.4903, the results of the regulatory test, when properly performed, shall be definitive for determining the regulatory status of the waste.

F. If the waste is determined to be hazardous, the generator shall refer to LAC 33:V. Subpart 1 for other possible exclusions or restrictions pertaining to management of the specific waste.

G. Recordkeeping for Small Quantity Generators and Large Quantity Generators. A small or large quantity generator shall maintain records supporting its hazardous waste determinations, including records that identify whether a *solid waste* is a *hazardous waste*, as defined by LAC 33:V.109. Records shall be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records shall comprise the generator's knowledge of the waste and support the generator's determination, as described in Subsections D and E of this Section. The records shall include, but are not limited to the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described in Paragraph E.1 of this Section. The periods of record retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the administrative authority.

H. Identifying Hazardous Waste Numbers for Small Quantity Generators and Large Quantity Generators. If the waste is determined to be hazardous, small quantity generators and large quantity generators shall identify all applicable EPA hazardous waste numbers (EPA hazardous waste codes) in LAC 33:V.4901 and 4903. Prior to shipping the waste off-site, the generator shall mark its containers with all applicable EPA hazardous waste numbers (EPA hazardous waste codes) according to LAC 33:V.1063.C.

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:

§1007. Generator Category Determination

A. A Generator Shall Determine its Generator Category. A generator’s category is based on the amount of hazardous waste generated each month and may change from month to month.

This Section sets forth procedures to determine whether a generator is a very small quantity generator, small quantity generator, or large quantity generator for a particular month, as defined in LAC 33:V.109.

B. Generators of Either Acute Hazardous Waste or Nonacute Hazardous Waste. A generator who generates either acute hazardous waste or nonacute hazardous waste in a calendar month shall determine its generator category for that month by doing the following:

1. counting the total amount of hazardous waste generated in a calendar month;
2. subtracting the total of any amounts of waste exempt from counting as described in Subsections D and E of this Section; and
3. determining the resulting generator category for the hazardous waste generated using Table 1 of this Section.

C. Generators of Both Acute Hazardous Waste and Nonacute Hazardous Waste. A generator who generates both acute hazardous waste and nonacute hazardous waste in the same calendar month shall determine its generator category for that month by doing the following:

1. counting separately the total amount of acute hazardous waste and the total amount of nonacute hazardous waste generated in a calendar month;
2. subtracting from each total any amounts of waste exempt from counting as described in Subsections D and E of this Section;
3. determining separately the resulting categories for the quantities of acute and nonacute hazardous waste generated using Table 1 of this Section; and
4. comparing the resulting generator categories from Paragraph C.3 of this Section and applying the more stringent generator category to the accumulation and management of both nonacute and acute hazardous waste generated for that month.

<p>Table 1. Generator Categories Based on Quantity of Hazardous Waste Generated in a Calendar Month</p>
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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
Greater than 1 kg (2.2 lbs) (> 1 kg)	Any Amount	Any Amount	Large Quantity Generator
Any Amount	Greater than or equal to 1,000 kg (2,000 lbs) (≥ 1,000 kg)	Any Amount	Large Quantity Generator
Any Amount	Any Amount	Greater than 1,000 kg (220 lbs) (>100 kg)	Large Quantity Generator
Less than or equal to 1 kg (2.2 lbs) (≤ 1 kg)	Greater than 100 kg (220 lbs.) and less than 1,000 kg (2,200 lbs) (>100 kg and <1,000 kg)	Less than or equal to 100 kg (220 lbs) (≤ 100 kg)	Small Quantity Generator
Less than or equal to 1 kg (2.2 lbs) (≤ 1 kg)	Less than or equal to 100 kg (220 lbs) (≤ 1 kg)	Less than or equal to 100 kg (220 lbs) (≤ 100 kg)	Very Small Quantity Generator

D. When making the monthly quantity-based determination required by this Chapter, the generator shall include all hazardous waste that it generates, except hazardous waste that is:

1. exempt from regulation under LAC 33:V.105.D.3-6 and 8, 109.Empty Container.1.a, and 4105.A.1;
2. managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in LAC 33:V.109;
3. recycled, without prior storage or accumulation, only in an on-site process subject to regulation under LAC 33:V.4105.D;
4. used oil managed under the requirements of LAC 33:V.4105.A.3 and Chapter 40;

5. spent lead-acid batteries managed under the requirements of LAC 33:V.4145;
6. universal waste managed under LAC 33:V.105.D.7 and Chapter 38; or
7. managed as part of an episodic event in compliance with LAC 33:V.Chapter 10.Subchapter C.

E. In determining the quantity of hazardous waste generated in a calendar month, a generator need not include:

1. hazardous waste when it is removed from on-site accumulation, as long as the hazardous waste has been previously counted once;
2. hazardous waste generated by on-site treatment (including reclamation) of the generator's hazardous waste, so long as the hazardous waste that is treated was previously counted once; or
3. hazardous waste spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been previously counted once.

F. Based on the generator category as determined under this Section, the generator shall meet the applicable independent requirements listed in LAC 33:V.1003. A generator's category also determines which of the provisions of LAC 33:V.1009, 1011, 1013, or 1015 shall be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating hazardous waste.

G. Mixing Hazardous Waste with Solid Waste

1. Very Small Quantity Generator Waste

a. Hazardous waste generated by a very small quantity generator may be mixed with solid waste. Very small quantity generators may mix a portion or all of its hazardous waste with solid waste and remain subject to LAC 33:V.1009 even though the resultant mixture exceeds the quantity limits identified in the definition of *very small quantity generator* at LAC 33:V.109, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in LAC 33:V.4903.

b. If the resulting mixture exhibits a characteristic of hazardous waste, this resultant mixture is a newly generated hazardous waste. The very small quantity generator shall count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the calendar month quantity limits for the very small quantity generator identified in the definition of generator categories found in LAC 33:V.109. If so, to remain exempt from permitting, interim status, and operating standards, the

very small quantity generator shall meet the conditions for exemption applicable to either a small quantity generator or a large quantity generator. The very small quantity generator shall also comply with the applicable independent requirements for either a small quantity generator or a large quantity generator.

c. If a very small quantity generator's waste is mixed with used oil, the mixture is subject to LAC 33:V.Chapter 40. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under LAC 33:V.Chapter 40.

2. Small Quantity Generator and Large Quantity Generator Hazardous Waste

a. Hazardous waste generated by a small quantity generator or a large quantity generator may be mixed with a solid waste. These mixtures are subject to the following: the mixture rule in LAC 33:V.109.Hazardous Waste.2.c, 3.b, 3.c, and 4.e; the prohibition of dilution rule at LAC 33:V.2207.A; the land disposal restriction requirements of LAC 33:V.2223 if a characteristic hazardous waste is mixed with a solid waste so that it no longer exhibits the hazardous characteristic; and the hazardous waste determination requirement at LAC 33:V.1005.

b. If the resulting mixture is found to be a hazardous waste, this resultant mixture is a newly generated hazardous waste. A small quantity generator shall count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the small quantity generator calendar monthly quantity limits identified in the definition of generator categories found in LAC 33:V.109. If so, to remain exempt from the permitting, interim status, and operating standards, the small quantity generator shall meet the conditions for exemption applicable to the large quantity generator. The small quantity generator shall also comply with the independent requirements for a large quantity generator.

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:

§1009. Conditions for Exemption for Very Small Quantity Generators

A. Provided that the very small quantity generator meets all the conditions for exemption listed in this Section, hazardous waste generated by the very small quantity generator is not subject to the requirements of LAC 33:V.Subpart 1 (except LAC 33:V.1003-1009) and the very small quantity generator may accumulate hazardous waste on-site without complying with such requirements. The conditions for exemption are included in Paragraphs 1-7 below.

1. In a calendar month, the very small quantity generator shall generate less than or equal to the amounts specified in the definition of very small quantity generator in LAC 33:V.109.
2. The very small quantity generator shall comply with LAC 33:V.1005.A-E.
3. If the very small quantity generator accumulated at any time greater than 1 kilogram (2.2 lbs.) of acute hazardous waste or 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 or E, all quantities of that acute hazardous waste are subject to the following additional conditions for exemption:
 - a. such waste is held on-site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided above; and
 - b. the conditions for exemption in LAC 33:V.1015.
4. If the very small quantity generator accumulates at any time 1,000 kilograms (2,200 lbs.) or greater of nonacute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:
 - a. such waste is held on-site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceed the amounts provided above;
 - b. the quantity of waste accumulated on-site never exceeds 6,000 kilograms (13,200 lbs.); and
 - c. the conditions for exemption in LAC 33:V.1013.C.2-G.
5. A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in Paragraphs A.3 and 4 of this Section shall either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:
 - a. permitted under 40 CFR 270, LAC 33:V.Subpart 1, or a RCRA approved hazardous waste program of any other state;
 - b. in interim status under 40 CFR 265 and 270, LAC 33:V.Subpart 1, or a RCRA approved hazardous waste program of any other state;
 - c. authorized to manage hazardous waste by a state with a hazardous waste management program approved under 40 CFR 271;
 - d. permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to 40 CFR 258, LAC 33:VII.Subpart 1;

- e. permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, is subject to the requirements in 40 CFR 257.5-30, LAC 33:VII.Subpart 1; or
 - f. a facility which:
 - i. beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
 - ii. treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;
 - g. for universal waste managed under LAC 33:V.Chapter 38, a universal waste handler or destination facility subject to the requirements of 40 CFR 273 or LAC 33:V.Chapter 38;
 - h. a large quantity generator under the control of the same person as the very small quantity generator, provided the following conditions are met:
 - i. the very small quantity generator and the large quantity generator are under the control of the same *person* as defined in LAC 33:V.109. Control for the purpose of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person as defined in LAC 33:V.109 shall not be deemed to control such generators;
 - ii. the very small quantity generator marks its container(s) of hazardous waste with:
 - (a). the words “Hazardous Waste”; and
 - (b). 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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).
6. A container holding hazardous waste shall be closed at all times during accumulation, except when:
- a. adding, removing, or consolidating the hazardous waste; or
 - b. temporary venting of a container is necessary:
 - i. for the proper operation of equipment; or
 - ii. to prevent a dangerous situation, such as build-up of extreme pressure.

7. A very small quantity generator shall label or mark each container accumulating hazardous waste with the words “Hazardous Waste” or with other words that identify the contents of the container.

B. The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

C. A very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with LAC 33:V.Chapter 10.Subchapter C in lieu of LAC 33:V.1011, 1013, and 1015.

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:

§1011. Satellite Accumulation Area Regulations for Small Quantity Generators and Large Quantity Generators

A. A generator may accumulate as much as 55 gallons of nonacute hazardous waste and/or either one quart of liquid acute hazardous waste listed in LAC 33:V.4901.B or E, or 1 kg (2.2 lbs.) of solid acute hazardous waste listed in LAC 33:V.4901.B or E in containers at or near any point of generation where waste initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with the requirements of LAC 33:V.Subpart 1, provided that all of the conditions for exemption in this Section are met. A generator may comply with the conditions for exemption in this Section instead of complying with the conditions for exemption in LAC 33:V.1013.C. or 1015.B, except as required in Paragraphs A.7 and 8 of this Section. The conditions for exemption for satellite accumulation are included in Paragraphs 1-8 below.

1. If a container holding hazardous waste is not in good condition, or if it begins to leak, the generator shall immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with LAC 33:V.1013.C or 1015.B.

2. The generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

3. Special Standards for Incompatible Wastes

- a. Incompatible wastes, or incompatible wastes and materials (see LAC 33:V.199.Appendix B for examples), shall not be placed in the same container, unless the generator complies with LAC 33:V.1517.B.
 - b. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material, unless the generator complies with LAC 33:V.1517.B.
 - c. A container holding a hazardous waste that is incompatible with any waste or other material accumulated nearby in other containers shall be separated from the other materials or protected from them by any practical means.
4. A container holding hazardous waste shall be closed at all times during accumulation, except:
 - a. when adding, removing, or consolidating waste; or
 - b. when temporary venting of a container is necessary:
 - i. for the proper operation of equipment; or
 - ii. to prevent dangerous situations, such as build-up of extreme pressure.
5. A generator shall mark or label its container with:
 - a. the words "Hazardous Waste"; and
 - b. 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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).
6. A generator who accumulates either acute hazardous waste listed in LAC 33:V.4901.B or E or nonacute hazardous waste in excess of the amounts listed in Subsection A of this Section at or near any point of generation shall do the following:
 - a. comply within three consecutive calendar days with the applicable central accumulation area regulations in LAC 33:V.1013.C or 1015.B, or
 - b. remove the excess from the satellite accumulation area within three consecutive calendar days to either:

- i. a central accumulation area operated in accordance with the applicable regulations in LAC 33:V.1013.C or 1015.B;
 - ii. an on-site interim status or permitted treatment, storage, or disposal facility, or
 - iii. an off-site designated facility; and
- c. during the three consecutive calendar day period the generator shall continue to comply with Paragraphs A.1-5 of this Section. (The generator shall mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.)
7. All satellite accumulation areas operated by a small quantity generator shall meet the preparedness and prevention regulations of LAC 33:V.1013.C.8 and emergency procedures regulations of LAC 33:V.1013.C.9.
8. All satellite accumulation areas operated by a large quantity generator shall meet the preparedness, prevention and emergency procedures in LAC 33:V.Chapter 10.Subchapter D.

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:

§1013. Conditions for Exemption for Small Quantity Generators

- A. A small quantity generator may accumulate hazardous waste on-site without a permit or interim status, and without complying with the requirements of LAC 33:V.Subpart 1, provided that all the conditions for exemption listed in this Section are met.
- B. Generation. The generator generates in a calendar month no more than the amounts specified in the definition of small quantity generator in LAC 33:V.109.
- C. Accumulation. The generator accumulates hazardous waste on-site for no more than 180 days, unless in compliance with the conditions for exemption for longer accumulation in Subsections E and F of this Section. The following accumulation conditions also apply:
1. Accumulation Limit. The quantity of hazardous waste accumulated on-site never exceeds 6,000 kilograms (13,200 lbs.).
 2. Accumulation of Hazardous Waste in Containers
 - a. Condition of Containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the small quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this Section.

- b. Compatibility of Waste with Container. The small quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.
- c. Management of Containers
 - i. A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.
 - ii. A container holding hazardous waste shall not be opened, handled, or accumulated in a manner that may rupture the container or cause it to leak.
- d. Inspections. At least weekly, the small quantity generator shall inspect central accumulation areas. The small quantity generator shall look for leaking containers and for deterioration of containers caused by corrosion or other factors. See Subparagraph C.2.a of this Section for remedial action required if deterioration or leaks are detected.
- e. Special Conditions for Accumulation of Incompatible Wastes
 - i. Incompatible wastes, or incompatible wastes and materials (see LAC 33:V.199.Appendix B for examples), shall not be placed in the same container, unless the generator complies with LAC 33:V.1517.B.
 - ii. Hazardous waste shall not be placed in an unwashed container that previously held an incompatible waste or material (see LAC 33:V.199.Appendix B for examples), unless the generator complies with LAC 33:V.1517.B.
 - iii. A container accumulating hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.
- 3. Accumulation of Hazardous Waste in Tanks
 - a. A small quantity generator of hazardous waste shall comply with the following operating conditions.
 - i. Treatment or accumulation of hazardous waste in tanks shall comply with LAC 33:V.1517.B.

- ii. Hazardous waste or treatment reagents shall not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.
 - iii. Uncovered tanks shall be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.
 - iv. Where hazardous waste is continuously fed into a tank, the tank shall be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a standby tank).
- b. Except as noted in Subparagraph C.3.c of this Section, a small quantity generator that accumulates hazardous waste in tanks shall inspect, where present:
- i. discharge control equipment (e.g., waste feed cutoff systems, bypass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;
 - ii. data gathered from the monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;
 - iii. the level of waste in the tank at least once each operating day to ensure compliance with Clause C.3.a.iii of this Section;
 - iv. the construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and
 - v. the construction materials of, and the area immediately surrounding, discharge confinement (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.
- c. A small quantity generator accumulating hazardous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are properly identified, shall inspect at least weekly, where applicable, the areas identified in Clauses C.3.b.i-v of this Section. Use of the alternate inspection schedule shall be documented in the generator's

operating record. This documentation shall include a description of the established workplace practices at the generator.

d. A small quantity generator accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the small quantity generator can demonstrate, in accordance with LAC 33:V.109.Hazardous Waste.4 or 5, that any solid waste removed from its tank is not a hazardous waste, then it shall manage such waste in accordance with all applicable provisions of LAC 33:V.Chapters 10, 11, 13, 22, and 43.

e. A small quantity generator shall comply with the following special conditions for accumulation of ignitable or reactive waste.

i. Ignitable or reactive waste shall not be placed in a tank, unless:

(a). the waste is treated, rendered, or mixed before or immediately after placement in a tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under LAC 33:V.4903.B or D and LAC 33:V.1517.B is complied with;

(b). the waste is accumulated or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(c). the tank is used solely for emergencies.

ii. A small quantity generator which treats or accumulates ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the 1977 or 1981 National Fire Protection Association's "Flammable and Combustible Liquids Code" (incorporated by reference in LAC 33:V.110).

iii. A small quantity generator shall comply with the following special conditions for incompatible wastes.

(a). Incompatible wastes, or incompatible wastes and materials (see LAC 33:V.199.Appendix B for examples), shall not be placed in the same tank, unless the generator complies with LAC 33:V.1517.B.

(b). Hazardous waste shall not be placed in an unwashed tank that previously held an incompatible waste or material, unless the generator complies with LAC 33:V.1517.B.

f. A small quantity generator accumulating hazardous waste in tanks shall use inventory logs, monitoring equipment or other records in accordance with LAC 33:V.1909.D or E to

demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering.

g. A small quantity generator accumulating hazardous waste in tanks shall keep inventory logs or records documenting the generator's compliance with LAC 33:V.1909.D or E on-site and readily available for inspection.

4. Accumulation of Hazardous Waste on Drip Pads. If the waste is placed on drip pads, the small quantity generator shall:

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

b. remove all wastes from the drip pad at least once every 90 days (Any hazardous wastes that are removed from the drip pad at least once every 90 days are then subject to the 180-day accumulation limit in Subsection C of this Section and LAC 33:V.1011 if hazardous waste is being managed in satellite accumulation areas prior to being moved to the central accumulation area.); and

c. maintain on-site at the facility the following records readily available for inspection:

i. a written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least every 90 days; and

ii. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system, and the date and time of the removal.

5. Accumulation of Hazardous Waste in Containment Buildings. If the wastes is placed in containment buildings, the small quantity generator shall:

a. comply with LAC 33:V.Chapter 43.Subchapter T;

b. label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site;

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);

d. maintain the following records on-site and made readily available for inspection:

i. the professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 (This certification shall be in the generator's files prior to operation of the unit.); and

ii. inventory logs or other records (i.e., monitoring equipment or any other effective means) with the following information:

(a). a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with maintaining the 90-day limit, and documentation that the procedures are complied with; or

(b). documentation that the unit is emptied at least once every 90 days.

6. Labeling and Marking of Containers and Tanks

a. A small quantity generator shall mark or label its containers and tanks accumulating hazardous waste with:

i. the words "Hazardous Waste"; and

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 Communication Standard in 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

b. In addition to Clauses 6.a.i and ii above, each container shall be marked or labelled with the date upon which each period of accumulation begins. The date shall be clearly visible for inspection on each container.

7. Land Disposal Restrictions. A small quantity generator shall comply with all the applicable requirements in LAC 33:V.Chapter 22.

8. Preparedness and Prevention

- a. Maintenance and Operation of Facility. A small quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, which could threaten human health or the environment.
- b. Required Equipment. All areas where hazardous waste is either generated or accumulated shall be equipped with the items in Clauses 1013.C.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:
 - i. an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
 - ii. a device (i.e., a telephone) immediately available at the scene of operations, or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;
 - iii. portable fire extinguishers, fire control equipment, including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals, spill control equipment, and decontamination equipment; and
 - iv. water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.
- c. Testing and Maintenance of Equipment. All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to ensure its proper operation in time of emergency.
- d. Access to Communications or Alarm System
 - i. 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 Subparagraph C.8.b of this Section.

ii. In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Subparagraph C.8.b of this Section.

e. Required Aisle Space. The small quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

f. Arrangements with Local Authorities

i. The small quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous waste handled at the facility. Arrangements may be made with the local emergency planning committee, if it is determined to be the appropriate organization with which to make arrangements.

(a). A small quantity generator attempting to make arrangements with its local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

(b). As part of this coordination, the small quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

(c). Where more than one police or fire department might respond to an emergency, the small quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

ii. A small quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency.

This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

iii. A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code at the facility's location (i.e., state fire marshal or district fire chief) as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided the waiver is documented in the operating record.

9. Emergency Procedures. The small quantity generator shall comply with the following conditions for those areas of the generator facility where hazardous waste is generated and accumulated.

a. At all times there shall be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in Subparagraph C.9.d of this Section. This employee is the emergency coordinator.

b. The small quantity generator shall post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

- i. the name and emergency telephone number of the emergency coordinator;
- ii. location of fire extinguishers and spill control material, and if present, fire alarm; and
- iii. the telephone number of the fire department, unless the facility has a direct alarm.

c. The small quantity generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

d. The emergency coordinator or his designee shall respond to any emergencies that arise.

The applicable responses are as follows.

i. In the event of a fire, the small quantity generator shall call the fire department or attempt to extinguish it using a fire extinguisher.

ii. In the event of a spill, the small quantity generator is responsible for containing the flow of hazardous waste to the extent possible, and as soon as is practicable, cleaning up the

hazardous waste and any contaminated materials or soil. Such containment and cleanup can be conducted either by the small quantity generator or by a contractor on behalf of the small quantity generator.

iii. Immediate Emergency Notification

(a). Notification to the Louisiana State Police, Department of Public Safety

(i). In the event of a fire, explosion, or other release that could threaten human health outside the facility or when the small quantity generator has knowledge that a spill has reached surface water, the small quantity generator shall immediately, but in no case later than one hour, notify the 24-hour Louisiana Emergency Hazardous Materials Hotline by calling 1-877-922-6595 or 225-925-6595. This notification to the Louisiana State Police, Department of Public Safety shall be in accordance with LAC 33:I.Chapter 39 and shall include the following information:

[a]. the name and telephone number, and employer of the contact person;

[b]. the company or responsible party's name;

[c]. where the incident occurred (mailing address and physical location);

[d]. date and time the incident began and ended;

[e]. the identity of the hazardous material released or involved (this would include proper chemical name if available, an indication of whether it is an extremely hazardous substance and whether it is a solid, liquid or gas);

[f]. the actual amount or an estimate of the amount released; or in the absence of quantity data for the hazardous materials released, one of the following incident classifications: unusual event, site emergency, or general emergency;

[g]. whether the material released escaped or could reasonably be expected to escape, beyond the site of the facility;

[h]. if available, the substance's hazard class and any other identifier (e.g., U.N. number, CHRIS code, etc.);

[i]. medium into which the hazardous materials was released (e.g., air, water, land);

[j]. whether the release resulted in a fire or explosion;

[k]. injury to personnel, or a fatality resulting from the release or incident;

[l]. details regarding wind direction, wind speed, temperature, and precipitation;

[m]. any need or a recommendation for, an offsite protective action (road closure, shelter-in-place, evacuation, or none);

[n]. details of the release or incident; and

[o]. whether other responsible state and local agencies such as the local emergency planning committee have been notified.

(ii). Updates During the Incident. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge. Additional notifications must be made for discharges of multiple constituents when they originate from different causes or sources or they are substantially different in nature from the discharges in the initial notification.

(iii). Written Follow-Up Reports. Written follow-up reports for any unauthorized discharge that requires notification shall be submitted by the small quantity generator to SPOC in accordance with LAC 33:I.3925 and the Louisiana State Police, Department of Public Safety in accordance with LAC 33.V.Subpart 2.10111.

(b). Emergency Notifications to Other Regulatory Agencies. The small quantity generator should be aware that other federal, state and local agencies may require immediate and/or follow-up notification of an emergency situation under other regulatory authorities, including, but not limited to, the following:

(i). the National Response Center by calling their 24-hour toll free number 1-800-424-8802, to the extent that immediate notification is required under 40 CFR 302.6 (exceedance of reportable quantities) or 40 CFR 110.6 (oil spills); and/or

(ii). the appropriate local emergency planning committee having jurisdiction over the facility to the extent that immediate notification is required under 40 CFR part 355, Subpart C or LAC 33:V.Subpart 2.Chapter 101. (Contact information for each local emergency planning committee is available on the Louisiana State Police, Department of Public Safety's website.)

D. Transporting Over 200 Miles. A small quantity generator who transports its waste, or offers its waste for transportation, over a distance of 200 miles or more for off-site treatment, storage or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that the generator complies with the conditions of Subsection C of this Section.

E. Accumulation Time Limit Extension. A small quantity generator who accumulates hazardous waste for more than 180 days (or for more than 270 days if it transports its waste, or offers its waste for transportation, over a distance of 200 miles or more) is subject to the requirements of LAC 33:V.Subpart 1 unless it has been granted an extension to the 180-day (or

270-day if applicable) period. Such extension may be granted by the Office of Environmental Services if hazardous waste shall remain on-site for longer than 180-days, or 270 days if applicable, due to temporary, unforeseen, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Office of Environmental Services on a case-by-case basis.

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

1. sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
2. sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

G. A small quantity generator experiencing an episodic event may accumulate hazardous waste in accordance with Subchapter C of this Chapter in lieu of Section 1015 of this Chapter.

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:

§1015. Conditions for Exemption for Large Quantity Generators

A. A large quantity generator may accumulate hazardous waste on-site without a permit or interim status, and without complying with the requirements of LAC 33:V.Subpart 1, provided that all of the following conditions for exemption are met.

B. Accumulation. A large quantity generator accumulates hazardous waste on-site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 waste accumulation conditions for exemption in Subsections C-F of this Section. The following accumulation conditions also apply:

1. Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the large quantity generator shall comply with the following:
 - a. Air Emission Standards. The applicable requirements of LAC 33:V.Chapter 43.Q, R, and V;

b. Condition of Containers. If a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator shall immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this Section;

c. Compatibility of Waste with Container. The large quantity generator shall use a container made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

d. Management of Containers

i. A container holding hazardous waste shall always be closed during accumulation, except when it is necessary to add or remove waste.

ii. A container holding hazardous waste shall not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

e. Inspections. At least weekly, the large quantity generator shall inspect central accumulation areas. The large quantity generator shall look for leaking containers and deterioration of containers caused by corrosion and other factors. See Subparagraph B.1.b of this Section for remedial action required if deterioration or leaks are detected.

f. Special Conditions for Accumulation of Ignitable and Reactive Wastes

i. A container holding ignitable or reactive waste shall be located at least 15 meters (50 feet) from the facility's property line unless a written approval is obtained from the authority having jurisdiction (AHJ) over the fire code at the facility's location (i.e., state fire marshal or district fire chief) allowing hazardous waste accumulation to occur within this restricted area. A record of the written approval shall be maintained as long as ignitable or reactive hazardous waste is accumulated in this area.

ii. The large quantity generator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste shall be separated and protected from sources of ignition or reaction including but not limited to the following: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator shall confine smoking and open

flame to specially designated locations. Signs stating “No Smoking” shall be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

g. Special Conditions for Accumulation of Incompatible Wastes

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

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

iii. A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks, or surface impoundments shall be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

2. Accumulation of Hazardous Waste in Tanks

a. If waste is placed in tanks, the large quantity generator shall comply with the applicable requirements of LAC 33:V.1903.A, 1905.B-H, 1907, 1909, 1911, 1913, 1915 (except 1915.C), 1917, 1919, and 1921.

b. A large quantity generator accumulating hazardous waste in tanks shall use inventory logs, monitoring equipment or other records in accordance with LAC 33:V.1909.D or E to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering.

c. A large quantity generator accumulating hazardous waste in tanks shall keep inventory logs or records documenting the generator’s compliance with LAC 33:V.1909.D or E on-site and readily available for inspection.

3. Accumulation of Hazardous Waste on Drip Pads. If the hazardous waste is placed on drip pads, the large quantity generator shall comply with the following.

a. The large quantity generator shall comply with LAC 33:V.2801, 2803, 2804, 2805, 2807, and 2809.

b. The large quantity generator shall remove all wastes from the drip pad at least once every 90 days. Any hazardous wastes that are removed from the drip pad are then subject to the 90-day accumulation limit in Subsection B of this Section and LAC 33:V.1011, if the hazardous wastes are being managed in satellite accumulation areas prior to being moved to a central accumulation area.

c. The large quantity generator shall maintain on-site at the facility the following records readily available for inspection:

i. a written description of procedures that are followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

ii. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

4. Accumulation of Hazardous Waste in Containment Buildings. If the waste is placed in containment buildings, the large quantity generator shall:

a. comply with LAC 33:V.Chapter 43.Subchapter T;

b. label its containment building with the words "Hazardous Waste" in a conspicuous place easily visible to employees, visitors, emergency responders, waste handlers, or other persons on-site;

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);

d. maintain the following records on-site and made readily available for inspection:

i. the professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 (This certification shall be in the generator's files prior to operation of the unit.); and

ii. inventory logs or other records (i.e., monitoring equipment or any other effective means) with the following information:

(a). a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that the generator is consistent with respecting the 90-day limit, and documentation that the procedures are complied with; or

(b). documentation that the unit is emptied at least once every 90-days.

5. Labeling and Marking of Containers and Tanks

a. A large quantity generator shall mark or label its containers and tanks accumulating hazardous waste with:

i. the words “Hazardous Waste”; and

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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

b. In addition to Clauses 5.a.i and ii above, each container shall be marked or labelled with the date upon which each period of accumulation begins. The date shall be clearly visible for inspection on each container.

6. Emergency Procedures. The large quantity generator complies with the standards in Subchapter D of this Chapter, Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators.

7. Personnel Training

a. The Required Training Elements

i. Facility personnel shall successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this Chapter. The large quantity generator shall ensure that this program includes all the elements described in the document required under Clause B.7.d of this Section.

ii. This program shall be directed by a person trained in hazardous waste management procedures, and shall include instruction which teaches facility personnel hazardous waste

management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

iii. At a minimum, the training program shall be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:

- (a). procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
- (b). key parameters for automatic waste feed cut-off systems;
- (c). communications or alarm systems;
- (d). responses to fires or explosions;
- (e). responses to groundwater contamination incidents; and
- (f). shutdown of operations.

iv. For facility employees that receive emergency response training in accordance with U.S. Occupational Safety and Health Administration regulations 29 CFR 1910.120(p)(8) and 120(q), the large quantity generator is not required to provide separate emergency response training in accordance with this Section, provided that the overall facility training meets all the conditions of exemption in this Section.

b. Facility personnel shall successfully complete the program required in Subparagraph B.7.a of this Section within six months after the date of their employment or assignment to the facility, or to a new position at the facility, whichever is later. Employees shall not work in unsupervised positions until they have completed the training standards of Subparagraph B.7.a of this Section.

c. Facility personnel shall take part in an annual review of the initial training required in Subparagraph B.7.a of this Section.

d. The large quantity generator shall maintain documents and records at the facility including:

- i. the job title of each position at the facility related to hazardous waste management, and the name of the employee filling each job;
- ii. a written job description of each position listed under Clause B.7.d.i of this Section (This description may be consistent in its degree of specificity with descriptions for other similar

positions in the same company location or bargaining unit, but shall include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position);

iii. a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under Clause B.7.d.i of this Section; and

iv. records that document that the training or job experience, required under Subparagraphs B.7.a-c of this Section, has been given to, and completed by, facility personnel.

e. Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

8. Closure. These regulations regarding closure are applicable to large quantity generators accumulating hazardous waste in a central accumulation area (i.e., container storage [e.g., drums, roll-off boxes, etc.], tank systems, drip pads, or containment buildings) at a facility. The closure requirements of this Paragraph do not apply to satellite accumulation areas. Except as allowed for by Subparagraph B.8.k of this Paragraph (i.e., Notification requirements for closures initiated prior to {REGULATION PROMULGATION DATE}), prior to closing a central accumulation area, or prior to closing the facility, the large quantity generator shall meet the following conditions.

a. Notification of Closure of a Central Accumulation Area. A large quantity generator shall perform one of the following when closing a central accumulation area.

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 for drip pads. If the central accumulation area is subsequently reopened, the large quantity generator shall update the notice in the operating record.

ii. The large quantity generator shall place a notice in the operating record to document the closure of the central accumulation area within 30 days after closure of the unit. If the central accumulation area is subsequently reopened, the large quantity generator shall update the notice in the operating record. Information required as part of the notice in the operating record shall include:

- (a). reason for closure;
- (b). name and/or other unit designation;
- (c). description of the type of waste accumulation (e.g., single roll-off box accumulating solids, tank system with secondary containment, etc.);
- (d). basic design and construction information for any unit that is a tank system, containment building, or drip pad;
- (e). basic design and construction information for secondary containment (e.g., long-term [i.e., fixed, immovable] or temporary, materials of construction, coating, etc.) (The information shall include whether there are any sumps or engineered swales serving as a receptacle for drainage in the secondary containment.);
- (f). location within the facility (at a minimum, a general location relative to a fixed building or unit along with cardinal direction and distance; a map may be included; geographic coordinates are required for long-term [i.e., fixed, immovable] units);
- (g). period of time of use;
- (h). description of the hazardous waste and waste codes (waste profiles may be included);
- (i). documentation showing how the last stored hazardous waste was managed (e.g., copies of final manifests or written/signed notation if sent off-site for treatment or disposal; written/signed notation if transferred elsewhere on-site for treatment, storage, or disposal as may be authorized by LAC 33:V.Subpart 1);
- (j). for a central accumulation area consisting of container storage, the following information to support a presumptive demonstration of closure in accordance with Clause B.8.d.i of this Paragraph:
 - (i). weekly inspection logs, summary, or other information (e.g., photographs, written documentation of spill clean ups, etc.) to demonstrate during the entirety of the accumulation period that:
 - [a]. there were no spills, leaks, or releases of hazardous waste or hazardous constituents onto the secondary containment or soil immediately surrounding and beneath the unit, or they were properly cleaned up and managed in order to meet the closure performance standards; and
 - [b]. for container storage with long-term (i.e., fixed, immovable) secondary containment, there were no visible signs of significant cracks, gaps, or deterioration of the secondary containment, or they were properly repaired in a timely manner. Any sumps or engineered

swales serving as a receptacle for drainage in the secondary containment should be clearly mentioned;

(ii). for container storage with long-term (i.e., fixed, immovable) secondary containment, after removal of all waste a final inspection log/report and other information (e.g., photographs, etc.) to demonstrate that:

[a]. there was no significant staining or other signs of contamination from hazardous waste on the secondary containment, including sumps or engineered swales serving as a receptacle for drainage in the secondary containment; and

[b]. there were no visible signs of significant cracks, gaps, or deterioration for sumps or engineered swales serving as a receptacle for drainage;

(k). any information that might be needed in support of a sufficiency demonstration (see Subparagraph B.8.e of this Paragraph); and

(l). any other information that might be deemed relevant by the large quantity generator (e.g., documentation regarding additional activities necessary to meet the closure performance standards, photographs, manifests, etc.).

b. Notification of Closure of a Facility, or Optional Notification of Closure of a Central Accumulation Area. A large quantity generator shall provide the following notification for closure of the facility:

i. notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) no later than 30 days prior to closing the facility, and include the following supplemental information in a cover letter:

(a). contact information for person responsible for closure;

(b). reason for closure;

(c). list of units being closed including names and/or other unit designations;

(d). for each unit, description of the type of waste accumulation (e.g., single roll-off box accumulating solids, tank system with secondary containment, etc.);

(e). basic design and construction information for any unit that is a tank system, containment building, or drip pad;

(f). for each unit, basic design and construction information for secondary containment (e.g., long-term [i.e., fixed, immovable] or temporary, materials of construction, coating, etc.) (The

information shall include whether there are any sumps or engineered swales serving as a receptacle for drainage in the secondary containment.);

(g). for each unit, location within the facility (at a minimum, a general location relative to a fixed building or unit along with cardinal direction and distance; a map may be included; geographic coordinates are required for long-term [i.e., fixed, immovable] units);

(h). period of time of use for each unit;

(i). for each unit, description of the hazardous waste and waste codes (waste profiles may be included);

(j). for any unit being closed that is container storage, provide either:

(i). a statement that the unit will be closed in accordance with Clause B.8.d.i of this Paragraph (presumptive demonstration of closure); or

(ii). supplemental information required by Subclause B.8.b.i.(k) of this Paragraph below; and

(k). for any units being closed that are tank systems, containment buildings, drip pads, or container storage requiring additional demonstration efforts of closure under Clause B.8.d.ii of this Paragraph, provide the following:

(i). decontamination method(s) of aboveground components;

(ii). protocol/methods and list of constituents for confirmatory sampling and analysis of rinsate;

(iii). protocol/methods, list of constituents, and locations and depths for confirmatory sampling and analysis of soil (and groundwater, if deemed necessary) immediately surrounding and beneath the unit considering the following:

[a]. soil sampling shall consider random locations and specific locations under the containment including sumps, or engineered swales serving as a receptacle for drainage, and areas where there may have been visible signs of significant staining, cracks, gaps or other deterioration;

[b]. if there is confirmed soil contamination resulting from a release of hazardous waste or hazardous constituents from the central accumulation area, or if there is reason to believe that the groundwater may have been impacted by a release of hazardous waste or hazardous constituents from the central accumulation area, the large quantity generator shall conduct confirmatory groundwater sampling and analysis. The extent of any confirmatory groundwater sampling and analysis shall be based upon site-specific conditions, including but not limited to: depth to the

water table; information regarding any suspected or known contamination in the environmental media; potential mobility of the constituents; site-specific conditions that may encourage constituent mobility; and the extent and effectiveness of any previous response actions; and [c]. in lieu of confirmatory sampling and analysis of soil (and groundwater, if deemed necessary), the large quantity generator may state its intent to demonstrate that the closure performance standards for soil and groundwater have been met through the Risk Evaluation/Corrective Action Program (RECAP) and remedial activities (See Clause B.8.f.ii of this Paragraph for container storage, tank systems, and containment buildings and LAC 33:V.2809.B.2 for drip pads); and

ii. notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) within 90 days after closing the facility that it has complied with the closure performance standards of Subparagraph B.8.c of this Paragraph. If the facility cannot meet the closure performance standards of Subparagraph B.8.c of this Paragraph, the facility shall notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) that it will close as a landfill (i.e., close with waste in place) under 4501.B and D in the case of container storage, tank system or containment building unit(s). A facility with drip pads shall notify using the department's Notification of Hazardous Waste Activity Form (HW-1) that it will close under the standards of LAC 33:V.2809.B. The following supplemental information shall be included in a cover letter with any notification submitted under this Clause:

(a). information included in the prior notification of closure as delineated in Subclauses B.8.b.i.(a)-(i) of this Paragraph;

(b). for any container storage being closed in accordance with Clause B.8.d.i of this Paragraph (presumptive demonstration of closure):

(i). a signed statement from the responsible official stating that the closure performance standards have been met through the presumptive demonstration of closure requirements of Clause B.8.d.i of this Paragraph; and

(ii). documentation for any sufficiency demonstrations approved under Subparagraph B.8.e of this Paragraph; and

- (c). for any units being closed that are tank systems, containment buildings, or drip pads (or container storage requiring additional demonstration efforts of closure under Subclause B.8.d.ii of this Paragraph), a closure report submitted for approval including:
- (i). brief overview of closure activities;
 - (ii). details of the closure activities including:
 - [a]. removal of final waste, contaminated debris, and contaminated soil;
 - [b]. decontamination procedures;
 - [c]. analytical results of the rinsate compared to potable water standards (i.e., the numerical closure performance standards, available on the department's website); and
 - [d]. analytical results of the soil (and groundwater, if deemed necessary) compared to the numerical closure performance standards available in guidance on the department's website as delineated below:
 - [i]. the numerical closure performance standards are the applicable limiting screening option standards as defined by the Risk Evaluation/Corrective Action Program (RECAP) in LAC 33:I.Chapter 13;
 - [ii]. for soil, the residential screening standard and industrial screening standard with conveyance notice may be used; and
 - [iii]. in lieu of conducting confirmatory soil sampling (and groundwater sampling, if deemed necessary) during closure, the large quantity generator may state that the closure performance standards for soil and groundwater will be met through RECAP and remedial activities (See Clause B.8.f.ii of this Paragraph for container storage, tank systems, and containment buildings and LAC 33:V.2809.B.2 for drip pads.);
 - (iii). supporting documentation including:
 - [a]. sampling and analysis protocol/methods, locations and depths, and borehole logs, as applicable;
 - [b]. analytical lab data reports; and
 - [c]. supporting documentation deemed relevant by the large quantity generator (e.g., photographs, manifests, description of any other actions relevant to the closure not otherwise mentioned, etc.);
 - (iv). documentation for any sufficiency demonstrations approved under Subparagraph B.8.e of this Paragraph; and

(v). a written statement signed by the responsible official stating that the closure performance standards have been met. (The Office of Environmental Services shall review and approve the closure report and notification to ensure that the closure performance standards have been met.)

iii. A large quantity generator may request additional time to close and meet the closure performance standards. The large quantity generator shall notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) within 75 days after the date provided in Clause B.8.b.i of this Paragraph to request an extension and provide an explanation as to why the additional time is required.

c. Closure Performance Standards

i. Closure Performance Standards for Central Accumulation Areas that are Container Storage, Tank Systems, or Containment Buildings

(a). At closure, the large quantity generator shall close the central accumulation area or facility in a manner that:

(i). minimizes the need for further maintenance by controlling, minimizing, or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere; and

(ii). removes or decontaminates all contaminated equipment, structures and soil and any remaining hazardous waste residues from the central accumulation area including containment system components (e.g., pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste, unless LAC 33:V.109.Hazardous Waste.5 applies.

(b). Any hazardous waste generated in the process of closing either the large quantity generator's facility or unit(s) accumulating hazardous waste shall be managed in accordance with all applicable standards of LAC 33:V.Subpart 1, including removing any hazardous wastes contained in these units within 90 days of generating it and managing these wastes in a RCRA subtitle C hazardous waste permitted treatment, storage, and disposal facility, or interim status facility.

(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).[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.

ii. Closure Performance Standards for Central Accumulation Areas that are Drip Pads. At closure, the large quantity generator shall comply with the closure requirements of Subparagraph B.8.b, Division B.8.c.i.(a).(i), and Subclause B.8.c.i.(b) of this Paragraph, and LAC 33:V.2809.A and B.

d. Special Provisions for Closing a Central Accumulation Area Consisting of Container Storage. This Subparagraph is applicable to closure for a central accumulation area consisting of container storage. The container storage may have temporary or long-term (i.e., fixed, immovable) secondary containment.

i. Presumptive Demonstration of Closure. A large quantity generator shall be considered to have performed due diligence in closing container storage (i.e., no additional closure efforts or verification shall be required) and met the closure performance standards of Clause B.8.c.i of this Paragraph provided the following conditions are met.

(a). All information has been placed in the operating record as required by Clause B.8.a.ii of this Paragraph.

(b). All containers were removed from the central accumulation area and were either sent off-site for treatment or disposal or were transferred elsewhere on-site for treatment, storage, or disposal authorized by LAC 33:V.Subpart 1.

(c). Weekly inspection logs, summary, or other information (e.g., photographs, written documentation of spill clean ups, etc.) in the operating record demonstrate during the entirety of the accumulation period that:

(i). there were no spills, leaks, or releases of hazardous waste or hazardous constituents onto the secondary containment or soil immediately surrounding and beneath the unit, or they were properly cleaned up and managed in order to meet the closure performance standards; and

(ii). for container storage with long-term (i.e., fixed, immovable) secondary containment, there were no visible signs of significant cracks, gaps, or deterioration of the secondary containment, or they were properly repaired in a timely manner. (Any sumps or engineered swales serving as a receptacle for drainage in the secondary containment should be clearly mentioned.)

(d). For container storage with long-term (i.e., fixed, immovable) secondary containment, after removal of all waste a final inspection log/report and other information (i.e., photographs, etc.) in the operating record demonstrate that:

(i). there was no significant staining or other signs of contamination from hazardous waste on the secondary containment, including sumps or engineered swales serving as a receptacle for drainage in the secondary containment; and

(ii). there were no visible signs of significant cracks, gaps or deterioration for sumps or engineered swales serving as a receptacle for drainage;

(e). additional demonstration efforts of closure as specified in Clause B.8.d.ii of this Paragraph below are not necessary; and

(f). a signed statement from the responsible official is submitted with the subsequent notification as required by Division B.8.b.ii.(b).(i) of this Paragraph stating the closure performance standards have been met through the presumptive demonstration of closure requirements of this Clause.

ii. Additional Demonstration Efforts of Closure for Container Storage

(a). It is the responsibility of the large quantity generator to be aware of the closure performance standards and to make a good faith effort to demonstrate that the closure performance standards have been met. Additional decontamination procedures and confirmatory sampling of the final rinsate and/or soil (and groundwater, if deemed necessary) shall be required if either:

(i). any of the conditions of Clause B.8.d.i of this Paragraph are not met; or

(ii). the potential future use of the area requires additional efforts to demonstrate that sufficient decontamination has been achieved (e.g., if a secondary containment area has a

potential future use for storing food grade products, then decontamination procedures and confirmatory sampling of the final rinsate may be required to verify that it has been adequately decontaminated);

(b). Container storage requiring additional closure efforts shall meet the notification requirements of Subclause B.8.b.i.(k) of this Paragraph (i.e., prior notification) and Subclause B.8.b.ii.(c) of this Paragraph (i.e., closure report for subsequent notification), unless a sufficiency demonstration is approved by the Office of Environmental Services in accordance with Subparagraph B.8.e of this Paragraph. The Office of Environmental Services shall review and approve the closure report and notification to ensure that the closure performance standards have been met.

e. Sufficiency Demonstration of Closure

i. Prior to, or during closure, the large quantity generator may petition the Office of Environmental Services to meet the closure performance standards through alternate, reduced, or eliminated requirements for closure notifications in Subparagraphs B.8.a and b of this Paragraph. These requirements may include, but are not limited to, documentation, submittal information, decontamination procedures, confirmatory sampling and analysis on the rinsate, and confirmatory sampling and analysis on the soil (and groundwater, if deemed necessary) immediately surrounding and beneath the unit.

ii. A sufficiency demonstration shall not alleviate the large quantity generator's requirement to meet the closure performance standards in Subparagraph B.8.c of this Paragraph, but rather the demonstration of how the closure performance standards have been met.

iii. A sufficiency demonstration will only be approved by the Office of Environmental Services if merited by the supporting information and site-specific conditions.

(a). The following is a partial list of factors the Office of Environmental Services may consider in approving the sufficiency demonstration: accumulation time period; quantity and nature of the hazardous waste; containment design and condition; proper operations and maintenance; any additional protections (e.g., leak detection, etc.); soil and groundwater classification; overall compliance history; existing or future corrective action measures include the central accumulation area and/or the facility (e.g., site-wide corrective action being implemented through an enforceable agreement with the large quantity generator, or an order of

the department specifically includes the central accumulation area and/or the facility); and any other relevant information requested by the Office of Environmental Services.

(b). A few example scenarios for a sufficiency demonstration include, but are not limited to: decontamination might not be necessary for a tank system that accumulated diluted wastewater; confirmatory rinsate sampling might not be necessary for a tank system that will receive a hazardous waste permit to manage the same waste; and confirmatory soil (and groundwater, if deemed necessary) sampling might not be required for a tank system that was used for a one-time event.

iv. The Office of Environmental Services' approval of a sufficiency demonstration may require additional or alternate closure efforts or verification from the large quantity generator depending on site-specific conditions.

v. Upon approval by the Office of Environmental Services, the petitioner shall incorporate the relevant information of the sufficiency demonstration into the closure notification requirements of Subparagraphs B.8.a and b of this Paragraph, as applicable. The large quantity generator shall maintain all documentation in support of the sufficiency demonstration.

f. The use of Risk Evaluation/Corrective Action Program (RECAP) and remedial activities for the closure of container storage, tank systems, and containment buildings.

i. If there is suspected or confirmed contamination in the environmental media (i.e., soil or groundwater) immediately surrounding and beneath the unit as demonstrated by the confirmatory sampling and analytical results specified in Subdivision B.8.b.ii.(c).(ii).[d] of this Paragraph or by other evidence, risk evaluation and/or remedial activities may be conducted by the large quantity generator in order to demonstrate that the closure performance standards have been met.

ii. The risk evaluation and/or remedial activities may be conducted, either in addition to, or instead of, the confirmatory sampling and analysis required by Subdivision B.8.b.ii.(c).(ii).[d] of this Paragraph.

iii. The risk evaluation and/or remedial activities shall be:

(a). in accordance with RECAP as referenced in LAC 33:I.Chapter 13 (Risk Evaluation/Corrective Action Program);

(b). under the direction of the Office of Environmental Assessment; and

(c). subject to all cost recovery provisions of the department.

- iv. A site investigation work plan shall be submitted to the Office of Environmental Assessment in accordance with Appendix B of RECAP.
- v. The risk evaluation must demonstrate that the closure is protective of human health and the environment and that post-closure care is not necessary in order for Subclause B.8.c.i.(c) of this Paragraph (i.e., closure as a landfill) not to apply.
- g. Contamination from Other Sources. The Office of Environmental Services may conditionally approve the closure of a central accumulation area whereby the large quantity generator agrees to address contamination remaining in the environmental media (i.e., soil or groundwater) through additional remedial activities under the direction of the Office of Environmental Assessment. The large quantity generator must successfully demonstrate that either:
 - i. the contamination is from a source other than hazardous waste managed in the unit; or
 - ii. the contamination caused by the hazardous waste managed in the unit is comingled with contamination caused by another source.
- h. Notification of Newly-Identified Release. Any newly identified release of hazardous waste to the environment must be reported either to the Louisiana State Police, Department of Public Safety in accordance with LAC 33:V.105.J.1 (Emergency Conditions) or SPOC in accordance with LAC 33:V.105.J.2 (Nonemergency Conditions).
 - i. Closure Inspections. The department may inspect the central accumulation area before, during, or after the closure activities have been completed.
 - j. Closure Guidance. The large quantity generator should review all guidance that may be issued by the department and 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 Subparagraph B.8 of this Paragraph. 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 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.

k. Notification Requirements for Closures Initiated Prior to {REGULATION PROMULGATION DATE}.

i. For purposes of this Subparagraph, initiation of closure shall consist of removing the final volume of hazardous waste from the central accumulation area(s) with the intent of no longer using the unit(s) for accumulation of hazardous waste.

ii. A large quantity generator shall meet the closure performance standards of Subparagraph B.8.c of this Paragraph regardless of when closure was initiated.

iii. A large quantity generator that initiated closure prior to {REGULATION PROMULGATION DATE} shall either:

(a). comply with the notification requirements of Subparagraphs B.8.a and b of this Paragraph; or

(b). perform the following:

(i). complete all closure activities and meet the closure performance standards within 180 days of {REGULATION PROMULGATION DATE}, unless such deadline is extended in writing by the Office of Environmental Services upon proper showing by the large quantity generator that such extension is warranted; and

(ii). submit a Certification of No Hazardous Waste Activity form, available on the department's website, to the Office of Environmental Services no later than 30 days after completion of all closure activities. (The department may conduct an inspection of the central accumulation area(s) in order to verify that the closure performance standards were met.)

9. Land Disposal Restrictions. The large quantity generator complies with all applicable requirements under LAC 33:V.Chapter 22.

C. Accumulation Time Limit Extension. A large quantity generator who accumulates hazardous waste for more than 90 days is subject to the applicable requirements of LAC 33:V.Subpart 1, unless granted an extension to the 90-day period. Such extension may be granted by the Office of Environmental Services if hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Office of Environmental Services on a case-by-case basis.

D. Accumulation of F006 Waste. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days without being subject to LAC 33:V.Subpart 1, provided that it complies with all of the following additional conditions for exemption.

1. The large quantity generator shall implement pollution prevention practices that reduce the amount of any hazardous substances, pollutants, or contaminants entering F006 waste or otherwise released to the environment prior to its recycling.

2. The F006 waste shall be legitimately recycled through metals recovery.

3. No more than 20,000 kilograms of F006 waste shall be accumulated on-site at any one time.

4. The F006 waste shall be managed in accordance with the following.

a. F006 waste shall accumulate in containers, tanks or containment buildings.

i. If the F006 waste is placed in containers, the large quantity generator shall comply with the applicable conditions for exemption in Paragraph B.1 of this Section.

ii. If the F006 waste is placed in tanks, the large quantity generator shall comply with the applicable conditions for exemption of Paragraph B.2 of this Section.

iii. If the F006 waste is placed in containment buildings, the large quantity generator shall comply with LAC 33:V.Chapter 43.Subchapter T. Additionally, the large quantity generator shall place its professional engineer certification that the building complies with the design standards specified in LAC 33:V.4703 in the facility's files prior to operation of the unit. The large quantity generator shall maintain:

(a). a written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the large quantity generator is complying with the procedures; or

(b). documentation that the unit is emptied at least once every 180 days.

b. The large quantity generator is exempt from all the requirements in LAC 33:V.Chapter 43.Subchapters F (Closure and Post-Closure) and G (Financial Requirements), except for those referenced in Paragraph B.8 of this Section.

c. The date upon which each period of accumulation begins shall be clearly marked and shall be clearly visible for inspection on each container.

d. While being accumulated on-site, each container and tank shall be labeled or clearly marked with:

i. the words “Hazardous Waste”; and

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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704).

e. The large quantity generator shall comply with the requirements in Paragraphs B.6 and 7 of this Section.

E. F006 Waste Transported Over 200 Miles. A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the EPA hazardous waste number F006, and who transports this waste, or offers this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days without being subject to LAC 33:V.Subpart 1 if the large quantity generator complies with all of the conditions for exemption in Paragraphs D.1-4 of this Section.

F. F006 Waste Accumulation Time Extension. A large quantity generator who accumulates F006 waste on-site for more than 180 days, or for more than 270 days if the generator transports the waste, or offers this waste for transportation, over a distance of 200 miles or more, or who accumulates more than 20,000 kilograms of F006 waste on-site, is an operator of a storage facility and is subject to the requirements of LAC 33:V.Subpart 1 unless the generator has been granted an extension to the 180-day, or 270-day if applicable, period or an exception to the 20,000 kilogram accumulation limit. Such extensions and exceptions may be granted by the Office Environmental Services if F006 waste must remain on-site for longer than 180 days, or 270 days if applicable, or if more than the 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days

or an exception to the accumulation limit may be granted at the discretion of the Office of Environmental Services on a case-by-case basis.

G. Consolidation of Hazardous Waste Received from Very Small Quantity Generators.

Consolidation of hazardous waste received from very small quantity generators shall be in accordance with this Subsection. Large quantity generators may accumulate on-site hazardous waste received from very small quantity generators under control of the same person (as defined in LAC 33:V.109), without a storage permit or interim status and without complying with the requirements of LAC 33:V.Subpart 1 provided that they comply with the following conditions. Control, for the purposes of this Section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to control such generators.

1. The large quantity generator shall notify the Office of Environmental Services at least 30 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 name(s) and site address(es) for the very small quantity generator(s) as well as the name and business telephone number 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 days after a change in the name or site address for the very small quantity generator.

2. The large quantity generator shall maintain records of shipments for three years from the date the hazardous waste was received from the very small quantity generator. These records shall identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.

3. The large quantity generator shall comply with the independent requirements identified in Subparagraph 1003.A.1.c and the conditions for exemption in this Section for all hazardous waste received from a very small quantity generator. For the purposes of the labeling and marking regulations in Paragraph B.5 of this Section, the large quantity generator shall label the container or unit with the date accumulation started (i.e., the date the hazardous waste was

received from the very small quantity generator). If the large quantity generator is consolidating incoming hazardous waste from a very small quantity generator with either its own hazardous waste or with hazardous waste from other very small quantity generators, the large quantity generator shall label each container or unit with the earliest date any hazardous waste in the container was accumulated on-site.

H. Rejected Load. A large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that waste back as a rejected load or residue in accordance with the manifest discrepancy provisions of LAC 33:V.1516.C or LAC 33:V.4355 may accumulate the returned waste on-site in accordance with Subsections B and C of this Section. Upon receipt of the returned shipment, the generator shall sign:

1. Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
2. Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

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:

§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.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.

B. A generator shall not treat, store, dispose of, transport, or offer for transportation hazardous waste without having received an active EPA identification number.

C. A generator shall not offer its hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an active EPA identification number and the required authorization necessary to receive and manage the generator's waste.

D. Renotification by Small Quantity Generators and Large Quantity Generators

1. A small quantity generator shall renotify the Office of Environmental Services starting in the year 2021 and every four years thereafter using the department's Notification of Hazardous Waste Activity Form (HW-1). Small quantity generators with EPA identification numbers ending in:

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

b. an odd number shall submit notification by September 1, 2021, and every four years thereafter.

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

E. Other significant hazardous waste activities described in this Chapter (i.e., closures for large quantity generators in accordance with Subparagraph 1015.B.8.b, episodic events in accordance with Subchapter C, and large quantity generators consolidating hazardous waste from very small quantity generators in accordance with Paragraph 1015.G.1) shall also require submittal of a Notification of Hazardous Waste Activity to the Office of Environmental Services.

F. Generators shall comply with the general requirements in LAC 33:V.105.A regarding the Notification of Hazardous Waste Activity and for obtaining an EPA identification number.

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.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:

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

§1019. Recordkeeping

- A. A generator shall keep a copy of each manifest signed in accordance with LAC 33:V.1107.D.1 for three years or until he receives a signed copy from the designated facility which received the waste. The signed copy shall be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
- B. A generator shall keep a copy of each annual report and exception report for a period of at least three years from the due date of the report.
- C. See LAC 33:V.1005.G for recordkeeping requirements for documenting hazardous waste determinations.
- D. The periods of retention referred to in this Subchapter are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested 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:

§1021. Annual Report for Large Quantity Generators

- A. A generator who is a large quantity generator for at least one month of the calendar year (reporting year) who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States shall complete and submit an annual report to the Office of Environmental Services by March 1 of the following year. The annual report shall be submitted on the form provided by the Office of Environmental Services and it shall cover generator activities during the reporting year. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators according to LAC 33:V.1015.G.
- B. Any generator who is a large quantity generator for at least one month of the calendar year (reporting year) who disposes, treats, or stores hazardous waste on-site shall complete and submit an annual report to the Office of Environmental Services by March 1 of the following year. Reporting shall be in accordance with the provisions of LAC 33:V.Chapters 3, 5, 7, 10, 11,

15, 17, 19, 21, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 43, and shall include total quantity by type of waste handled, and how that waste was disposed, treated, or stored. The annual report shall be on the form provided by the Office of Environmental Services. Generators shall maintain on-site a copy of each report submitted to the department for a period of at least three years from the date of the report. This requirement also applies to large quantity generators that receive hazardous waste from very small quantity generators according to LAC 33:V.1015.G.

C. Exports of hazardous waste to foreign countries are not required to be reported on the annual report. A separate annual report requirement is set forth in LAC 33:V.1113.G for hazardous waste exporters.

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:

§1023. Exception Reporting

A. A large quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter shall contact the transporter and/or the owner/operator of the designated facility to determine the status of the hazardous waste.

B. A large quantity generator shall submit an exception report to the Office of Environmental Services if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The exception report shall include:

1. a legible copy of the manifest for which the generator does not have confirmation of delivery; and

2. a cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

C. A small quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Office of Environmental Services. The submission to the Office of Environmental Services need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the returned manifest was not received.

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-C of this Section for a shipment forwarding such waste to an alternate facility by a designated facility, the following conditions shall apply.

1. The copy of the manifest received by the generator shall have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility.
2. The 35/45/60-day time frames shall begin the date the waste was accepted by the initial transporter forwarding the hazardous waste from the designated facility to the alternate 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:

§1025. Additional Reporting

A. The administrative authority, as it deems necessary under the Act, may require generators to furnish additional reports concerning the quantities and disposition of waste identified or listed in LAC 33:V.Chapter 49.

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:

§1027. Recordkeeping and Reporting for Small Quantity Generators

- A. A small quantity generator is subject only to the following independent requirements in this Subchapter, which include:
1. recordkeeping in Subsections 1019.A, 1019.C, and 1019.D of this Subchapter;
 2. exception reporting in Subsection 1023.C of this Subchapter; and
 3. additional reporting in Subsection 1025.A of this Subchapter.

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:

Subchapter C. Alternative Standards for Episodic Generation

§1029. Applicability

A. This Subchapter is applicable to very small quantity generators and small quantity generators as defined in LAC 33:V.109.

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:

§1031. Definitions for this Subchapter

A. The following definitions apply to this Subchapter:

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.

Planned Episodic Event—an episodic event that the generator planned and prepared for, including: regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory.

Unplanned Episodic Event—an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or acts of nature such as tornado, hurricane, or flood.

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:

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

A. Very Small Quantity Generator. A very small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following conditions.

1. The very small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under Section 1035 of this Subchapter. Before submittal of a HW-1 notification to the Office of Environmental Services for a second episodic event in a calendar year, the very small quantity generator shall obtain approval of the petition for a second episodic event as required by Section 1035 of this Subchapter.

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 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 within 72 hours of the unplanned event via phone, email, or fax and subsequently submit the

department's Notification of Hazardous Waste Activity Form (HW-1). 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. EPA ID Number. The very small quantity generator shall have an EPA identification number or obtain an EPA identification number using the department's Notification of Hazardous Waste Activity Form (HW-1).

4. Accumulation. A very small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste in containers and tanks the following conditions apply.

a. Containers. A very small quantity generator accumulating in containers shall mark or label its containers with the following:

- i. the words "Episodic Hazardous Waste";
- 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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704); and
- iii. the date upon which the episodic event began; clearly visible for inspection on each container.

b. Tanks. A very small quantity generator accumulating episodic hazardous waste in tanks shall do the following:

- i. mark or label the tank with the words "Episodic Hazardous Waste";
- ii. mark or label the tank with 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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);

iii. use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins; and

iv. keep inventory logs or records with the above information on-site and readily available for inspection.

c. Hazardous waste shall be managed in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water.

i. Containers shall be in good condition and compatible with the hazardous waste being accumulated therein. Containers shall be kept closed except to add or remove waste.

ii. Tanks shall be in good condition and compatible with the hazardous waste accumulated therein. Tanks shall have procedures in place to prevent the overflow (e.g., be equipped with means to stop inflow with systems such as waste feed cutoff systems or bypass systems to a standby tank when hazardous waste is continuously fed into the tank). Tanks shall be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure the tank is operated according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

5. The very small quantity generator shall comply with the hazardous waste manifest provisions of LAC 33:V.1107 when it sends its episodic event hazardous waste off-site to a *designated facility*, as defined in LAC 33:V.109.

6. The very small quantity generator has up to 60 calendar days from the start of the episodic event to manifest and send its hazardous waste generated from the episodic event to a *designated facility*, as defined in LAC 33:V.109.

7. Very small quantity generators shall maintain the following records for three years from the end date of the episodic event:

a. beginning and ending dates of the episodic event;

b. a description of the episodic event;

c. a description of the types and quantities of hazardous wastes generated during the event;

- d. a description of how the hazardous waste was managed as well as the name of the RCRA-designated facility that received the hazardous waste;
- e. name(s) of hazardous waste transporters; and
- f. an approval letter from the administrative authority if the generator petitioned to conduct one additional episodic event per calendar year.

B. **Small Quantity Generator.** A small quantity generator may maintain its existing generator category during an episodic event provided that the generator complies with the following conditions.

1. The small quantity generator is limited to one episodic event per calendar year unless a petition is granted under Section 1035 of this Subchapter. Before submittal of a HW-1 notification to the Office of Environmental Services for a second episodic event in a calendar year, the small quantity generator shall obtain approval of the petition for a second episodic event as required by Section 1035 of this Subchapter.
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 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 within 72 hours of the unplanned event via phone, email, or fax, and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1). 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. **EPA ID Number.** The small quantity generator shall have an EPA identification number or obtain an EPA identification number using the department's Notification of Hazardous Waste Activity Form (HW-1).
4. **Accumulation by Small Quantity Generators.** A small quantity generator is prohibited from accumulating hazardous waste generated from an episodic event on drip pads and in containment buildings. When accumulating hazardous waste generated from an episodic event in containers and tanks, the following conditions shall apply.

a. Containers. A small quantity generator accumulating episodic hazardous waste in containers shall meet the standards of LAC 33:V.1013.C.2 and shall mark or label its containers with the following:

- i. the words “Episodic Hazardous Waste”;
- 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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704); and
- iii. the date upon which the episodic event began, clearly visible for inspection on each container.

b. Tanks. A small quantity generator accumulating episodic hazardous waste in tanks shall meet the standards of LAC 33:V.1013.C.3 and shall:

- i. mark or label the tank with the words “Episodic Hazardous Waste”;
- ii. mark or label the tank with 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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association Code 704);
- iii. use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends; and
- iv. keep inventory logs or records with the above information on-site and available for inspection.

5. The small quantity generator shall treat hazardous waste generated from an episodic event on-site or manifest and ship such hazardous waste off-site to a designated facility, as defined by LAC 33:V.109, within 60 calendar days from the start of the episodic event.

6. The small quantity generator shall maintain the following records for three years from the end date of the episodic event including:

- a. the beginning and end dates of the episodic event;
- b. a description of the episodic event;
- c. a description of the types and quantities of hazardous waste generated during the event;
- d. a description of how the hazardous waste was managed as well as the name of the designated facility (as defined by LAC 33:V.109) that received the hazardous waste;
- e. name(s) of hazardous waste transporters: and
- f. an approval letter from the administrative authority if the generator petitioned to conduct one additional episodic event per calendar year.

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:

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

A. A generator may petition the administrative authority 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 calendar year, the generator may petition the administrative authority for an additional unplanned episodic event in that calendar year within 72 hours of the unplanned event; or
2. an unplanned episodic event in a calendar year, the generator may petition the administrative authority for an additional planned episodic event in that calendar year.

B. The petition shall include the following:

1. the reason(s) why an additional episodic event is needed and the nature of the episodic event;
2. the estimated amount of hazardous waste to be managed from the event;
3. how the hazardous waste is to be managed;
4. the estimated length of time needed to complete the management of the hazardous waste generated from the episodic event—not to exceed 60 days; and
5. information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

C. The petition shall be made to the administrative authority in writing, either on paper or electronically.

D. If the petition is approved by the administrative authority, 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. The generator shall retain written approval in its records for three years from the date the episodic event ended.

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:

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

§1037. Applicability

A. The regulations of this Subchapter apply to those areas of a large quantity generator where hazardous waste is generated or accumulated on-site.

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:

§1039. Maintenance and Operation of Facility

A. A large quantity generator shall maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

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:

§1041. Required Equipment

A. All areas deemed applicable by Section 1037 of this Subchapter shall be equipped with the items in Paragraphs A.1-4 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 hazardous waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below. A large quantity generator may determine the most

appropriate locations within its facility to locate the following equipment necessary to prepare for and respond to emergencies including:

1. an internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
2. a device, such as a telephone, immediately available at the scene of operations, or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;
3. portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
4. water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

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:

§1043. Testing and Maintenance of Equipment

A. All communication or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, shall be tested and maintained as necessary to ensure its proper operation in time of emergency.

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:

§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 a device is not required under Section 1041 of this Subchapter.

B. In the event there is just one employee on the premises while the facility is operating, the employee shall have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone, immediately available at the scene of operation, or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under Section 1041 of this Subchapter.

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:

§1047. Required Aisle Space

A. The large quantity generator shall maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless aisle space is not needed for any of these purposes.

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:

§1049. Arrangements with Local Authorities

A. The large quantity generator shall attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the local emergency planning committee, if it is determined to be the appropriate organization with which to make arrangements.

1. A large quantity generator attempting to make arrangements with its local fire department shall determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

2. As part of this coordination, the large quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, places where personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

3. Where more than one police or fire department might respond to an emergency, the large quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

B. The large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation shall include documentation in the operating record that either confirms such arrangements actively exist or in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

C. A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code at the facility's location (i.e., state fire marshal or district fire chief) as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

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:

§1051. Purpose and Implementation of Contingency Plan

A. A large quantity generator shall have a contingency plan for the facility. The contingency plan shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

B. The provisions of the plan shall be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

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:

§1053. Content of Contingency Plan

A. The contingency plan shall describe the actions facility personnel shall take to comply with Sections 1051 and 1061 of this Subchapter in response to fires, explosions, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

B. If the generator has already prepared a spill, prevention, control, and countermeasures (SPCC) plan in accordance with 40 CFR part 112, or some other emergency or contingency plan, it need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the standards of this Chapter. The generator may develop one

contingency plan that meets all regulatory standards. EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance (i.e., one plan).

C. The plan shall describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the local emergency planning committee, in accordance with Section 1049 of this Subchapter.

D. The plan shall list names and telephone numbers of all persons qualified to act as emergency coordinator (see Section 1059 of this Subchapter), and this list shall be kept up to date. Where more than one person is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staff position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.

E. The plan shall include a list of all emergency equipment at the facility (e.g., fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list shall be kept up to date. In addition, the plan shall include the location and physical description of each item on the list, and a brief outline of its capabilities.

F. The plan shall include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

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:

§1055. Copies of Contingency Plan

A. A copy of the contingency plan and all revisions to the plan shall be maintained at the large quantity generator's facility.

B. The large quantity generator shall submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services).

This document may also be submitted to the local emergency planning committee, as appropriate.

C. A large quantity generator that first becomes subject to these provisions after {REGULATION PROMULGATION DATE}, or a large quantity generator that is otherwise amending its contingency plan shall at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at Subsection B of this Section or, as appropriate, the local emergency planning committee. The quick reference guide shall include:

1. the types/names of hazardous wastes in layman's terms and the hazard associated with each hazardous waste present at any one time (e.g., toxic paint waste, spent ignitable solvent, corrosive acid);
2. the estimated maximum amount of each hazardous waste that may be present at any one time;
3. the identification of any hazardous waste where exposure would require unique or special treatment by medical or hospital staff;
4. a map of the facility showing areas where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes;
 - a. in the case of satellite accumulation areas that are designed for managing small quantities of waste at multiple locations throughout a facility, identification of the general waste-generation locations is acceptable;
 - b. short-term (i.e., temporary) central accumulation units used for no more than 90 days (unless in compliance with the accumulation time limit extension or F006 waste accumulation conditions for exemption in Subsections C through F of LAC 33:V.1015) that are primarily event related (e.g., maintenance events, spill cleanups, etc.) need not be identified in the quick reference guide or contingency plan;
5. a street map of the facility in relation to surrounding businesses, schools, and residential areas to understand how best to get to the facility and also evacuate citizens and workers;
6. the locations of water supply (e.g., fire hydrant and its flow rate);
7. the identification of on-site notification systems (e.g., fire alarm that rings off-site, smoke alarms); and

8. the name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

D. Generators shall update, if necessary, their quick reference guides, whenever the contingency plan is amended and submit these documents to the local emergency responders identified in Subsection B of this Section or, as appropriate the local emergency planning committee.

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:

§1057. Amendment of Contingency Plan

A. The contingency plan shall be reviewed, and immediately amended, if necessary whenever:

1. applicable regulations are revised;
2. the plan fails in an emergency;
3. the generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
4. the list of emergency coordinators changes; or
5. the list of emergency equipment changes.

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:

§1059. Emergency Coordinator

A. At all times, there shall be at least one employee either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in LAC 33:V.1061. Although responsibilities may vary depending on factors such as type and variety of hazardous waste(s) handled by the facility, as well as type and complexity of the facility, this emergency coordinator shall be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the

location of all records within the facility, and the facility's layout. In addition, this person shall have the authority to commit the resources needed to carry out the contingency plan.

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:

§1061. Emergency Procedures

A. Whenever there is an imminent or actual emergency situation, the emergency coordinator or his designee shall immediately:

1. activate internal facility alarm or communication systems, where applicable, to notify all facility personnel; and
2. notify appropriate state or local agencies with designated response roles if their help is needed.

B. Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.

C. Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment shall consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

D. If the emergency coordinator determines that the facility has had a release, fire, or explosion, which could threaten human health or the environment, outside the facility, the emergency coordinator shall report the findings as follows.

1. If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator shall be available to help appropriate officials decide whether local areas should be evacuated.
2. Immediate Emergency Notifications
 - a. Notification to the Louisiana State Police, Department of Public Safety.
 - i. The emergency coordinator shall immediately, but in no case later than one hour, notify the 24-hour Louisiana Emergency Hazardous Materials Hotline by calling 1-877-922-6595 or

225-925-6595. This notification to the Louisiana State Police, Department of Public Safety shall be in accordance with LAC 33:I.Chapter 39 and shall include the following information:

- (a). the name and telephone number, and employer of the contact person;
 - (b). the company or responsible party's name;
 - (c). where the incident occurred (mailing address and physical location);
 - (d). date and time the incident began and ended;
 - (e). the identity of the hazardous material released or involved (this would include proper chemical name if available, an indication of whether it is an extremely hazardous substance, and whether it is a solid, liquid, or gas);
 - (f). the actual amount or an estimate of the amount released; or in the absence of quantity data for the hazardous materials released, one of the following incident classifications: unusual event, site emergency, or general emergency;
 - (g). whether the material released escaped or could reasonably be expected to escape, beyond the site of the facility;
 - (h). if available, the substance's hazard class and any other identifier (e.g., U.N. number, CHRIS code, etc.);
 - (i). medium into which the hazardous materials was released (e.g. air, water, land);
 - (j). whether the release resulted in a fire or explosion;
 - (k). injury to personnel, or a fatality resulting from the release or incident;
 - (l). details regarding wind direction, wind speed, temperature, and precipitation;
 - (m). any need or a recommendation for, an off-site protective action (e.g., road closure, shelter-in-place, evacuation, or none);
 - (n). details of the release or incident; and
 - (o). whether other responsible state and local agencies such as the local emergency planning committee have been notified.
- ii. Updates During the Incident. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge. Additional notifications must be made for discharges of multiple constituents when they originate from different causes or sources or they are substantially different in nature from the discharges in the initial notification.
- b. Emergency Notifications to Other Regulatory Agencies. The large quantity generator should be aware that other federal, state and local agencies may require immediate and/or

follow-up notification of an emergency situation under other regulatory authorities, including, but not limited to the:

i. National Response Center by calling their 24-hour toll free number 1-800-424-8802, to the extent that immediate notification is required under 40 CFR 302.6 (exceedance of reportable quantities) or 40 CFR 110.6 (oil spills); and/or

ii. appropriate local emergency planning committee having jurisdiction over the facility to the extent that immediate notification is required under 40 CFR part 355, subpart C or LAC 33:V.Subpart 2.Chapter 101. Contact information for each local emergency planning committee is available on the Louisiana State Police, Department of Public Safety's website.

E. During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur or spread to other hazardous waste at the generator's facility. These measures shall include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers.

F. If the generator stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

G. Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility. Unless the generator can demonstrate, in accordance with LAC 33:V.109.Hazardous Waste.4 or 5, that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that shall be managed in accordance with all applicable requirements and conditions for exemption in LAC 33:V.Chapters 10, 11, 13, and 43.

H. The emergency coordinator shall ensure the following in the affected area(s) of the facility.

1. No hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed.

2. All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

I. The generator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Written follow-up reports for any unauthorized discharge that requires notification shall be submitted by the large quantity generator to SPOC within seven calendar days of the initial notification in accordance with LAC 33:I.3925 and the Louisiana State Police, Department of Public Safety within five business days of the incident in accordance with LAC 33.V.Subpart 2.10111.

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:

Subchapter E. Pre-transportation Requirements for Small Quantity Generators and Large Quantity Generators

§1063. Packaging, Labeling, Marking, and Placarding

A. Packaging. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall package the waste in accordance with the applicable Department of Public Safety regulations and packaging under LAC 33:V.Subpart 2. Chapter 103.

B. Labeling. Before transporting or offering hazardous waste for transportation off-site, a generator shall label each package in accordance with the applicable transportation regulations on hazardous materials of the Louisiana Department of Public Safety or its successor agency under LAC 33:V.Subpart 2.Chapter 105.

C. Marking

1. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the Department of Public Safety regulations (see Department of Public Safety regulation LAC 33:V.Subpart 2.Chapter 105).

Hazardous Waste: Federal and state law prohibits improper disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address _____

Generator's EPA ID Number _____

Manifest Tracking Number _____

EPA Hazardous Waste Number(s) _____

2. A generator may use a nationally recognized electronic system, such as bar coding, to identify the EPA Hazardous Waste Number(s), as required by Paragraph 1 or 3 of this Subsection.

3. Lab packs that will be incinerated in compliance with LAC 33:V.2227.C are not required to be marked with EPA Hazardous Waste Number(s), except D004, D005, D006, D007, D008, D010, and D011, where applicable.

D. Placarding. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall placard, or offer the initial transporter the appropriate placards for, the shipment according to Department of Public Safety regulations for hazardous materials under LAC 33:V.Subpart 2.Chapter 105.

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:

§1065. Liquids in Landfills Prohibition

A. The placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids, whether or not sorbents have been added, in any landfill is prohibited.

Prior to disposal in a hazardous waste landfill, liquids shall meet additional requirements as specified in LAC 33:V.2515.

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:

§1067. Spills

A. Any spilled material or material trapped in sumps that is a hazardous waste or that will be disposed of as a hazardous waste shall be cleaned up in a timely manner.

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:

Chapter 11. Manifest, Import and Export Requirements

[Editor's Note: The generator requirements in Chapter 10 et al. were consolidated and reorganized in LAC 33:V.Chapter 10.]

Subchapter A. General

§1101. Applicability

[Editor's Note: Parts of 1101 were either revised or moved to LAC 33:V.1003 as part of the consolidation and reorganization of the generator requirements in LAC 33:V.Chapter 10.]

A. Generators, transporters and treatment, storage, and disposal facilities are subject to the applicable manifesting requirements of Sections 1107 and 1108 of this Chapter when transporting hazardous waste off-site.

B. Any person who exports or imports hazardous waste subject to the manifesting requirements of this Chapter, the export requirements for spent lead-acid battery management standards in LAC 33:V.4145, or subject to the universal waste management standards of LAC 33:V.Chapter 38, to or from the OECD member countries listed in LAC 33:V.1113.I.1.a for recovery shall comply with the applicable requirements of Sections 1113, 1125, and 1127 of this Chapter.

C. Any person who imports hazardous waste from a foreign country into the state of Louisiana must comply with the standards applicable to generators established in LAC 33:V.Chapter 10.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:398 (May 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 22:20 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), LR 24:1106 (June 1998), LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:822 (May 2006), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), LR 46:

§1103. Reserved

[Editor's Note: The requirements for hazardous waste determinations in Section 1103

were repromulgated in LAC 33:V.1005.]

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 15:378 (May 1989), LR 17:658 (July 1991), LR 22:818 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of the Secretary, Legal Division, LR 43:1140 (June 2017), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1105. Reserved

[Editor's Note: The requirements for EPA identification numbers in Section 1105 were

repromulgated in LAC 33:V.1017.]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:362 (April 1991), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2455 (October 2005), LR 33:2101 (October 2007), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1107. Manifest Requirements

A. — A.6. ...

7. Generators must get written confirmation of acceptability of the hazardous waste from the operator of the hazardous waste facility before shipping the hazardous waste. The confirmation must be maintained as part of the facility manifest records (see LAC 33:V.1019).

8. The requirements of this Chapter and LAC 33:V.1063.C do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding LAC 33:V.1301.A, the generator or transporter must comply with the requirements for transporters set forth in LAC 33:V.1315 and 1317 in the event of a discharge of hazardous waste on a public or private right-of-way.

A.9. — D.1.b. ...

c. retain one copy, in accordance with LAC 33:V.1019.A.

D.2. — E.1. ...

2. Reporting and Recordkeeping. Both the generator and disposer shall maintain copies of the manifests and other records as required elsewhere in LAC 33:V.Subpart 1. The generator and disposer shall include all such wastes in the annual report as provided in LAC 33:V.1021.

F. — G.1.b. ...

H. Waste Minimization Certification. A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the Uniform Hazardous Waste Manifest.

1. "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me that minimizes the present and future threat to human health and the environment."

2. "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

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 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:622 (April 2008), LR 38:775 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:566 (April 2016), LR 43:1140 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1109. Reserved

[Editor's Note: The pretransportation requirements in Section 1109 were repromulgated in LAC 33:V.1063 and 1107.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 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:2102 (October 2007), LR 34:622 (April 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended LR 38:776 (March 2012), amended by the Office of the Secretary, Legal Division, LR 43:1140 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1111. Reserved

[Editor's Note: The recordkeeping and reporting requirements in Section 1111 were repromulgated in LAC 33:V.Chapter 10.]

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 16:220 (March 1990), LR 17:365 (April 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2102 (October 2007), LR 38:776 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018),

repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1113. Exports of Hazardous Waste

A. — E.9. ...

F. Exception Reports. In lieu of the requirements of LAC 33:V.1023, a primary exporter must file an exception report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, if any of the following occurs:

F.1. — G.1.d. ...

e. except for hazardous waste produced by exporters of greater than 100 kg, but less than 1000 kg, in a calendar month, unless provided in accordance with LAC 33:V.1021 in even numbered years:

G.1.e.i. — I.2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:72 (January 2008), LR 34:622 (April 2008), LR 38:782 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:40 (January 2018), LR 46:

§1121. Reserved

[Editor's Note: The spill requirements in Section 1121 were repromulgated in LAC 33:V.1067.]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter B. Transboundary Shipments of Hazardous Waste

§1127. Transboundary Shipments of Hazardous Waste for Recovery within the OECD

A. — F.2. ...

3. A recognized trader shall not arrange for import or export of hazardous waste without having received an EPA identification number.

G. — G.1.d. ...

e. in even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kg but less than 1,000 kg in a calendar month and except for hazardous waste for which information was already provided pursuant to LAC 33:V.1021:

e.i. — f. ...

* * *

2. Exception Reports. Any person who meets the definition of primary exporter in LAC 33:V.109 or who initiates the movement document under Subsection D of this Section must file an exception report, in lieu of the requirements of LAC 33:V.1023 (if applicable), with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20560, if any of the following occurs:

G.2.a. — I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), LR 34:72 (January 2008), LR 34:1012 (June 2008), LR 38:783 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1199. Reserved

[Editor's Note: Uniform hazardous waste manifest and instructions in Section 1199, Appendix A were removed from the regulations. See LAC 33:V.1107.A for USEPA uniform manifest requirements.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:42 (January 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 13. Transporters

§1301. Applicability

A. ...

B. The regulations set forth in LAC 33:V.Chapters 10, 11 and 13 establish the responsibilities of generators and transporters in the handling, transportation and management of hazardous waste. In these regulations, Louisiana has expressly adopted certain regulations of the

Department of Public Safety (DPS). These regulations concern, among other things, labeling, marking, placarding, using proper containers and reporting discharges. The department has adopted these regulations in order to satisfy its statutory obligation to promulgate regulations which are necessary to protect human health and the environment in the transportation of hazardous waste. The department adoption of these DPS regulations ensures consistency with the requirements of DPS and thus avoids the establishment of duplicative or conflicting requirements with respect to these matters.

C. — D.2. ...

E. A transporter of hazardous waste must also comply with LAC 33:V.Chapters 10 and 11 if he transports hazardous waste into Louisiana from abroad or mixes hazardous wastes of different United States Department of Transportation shipping descriptions by placing them into a single container.

F. — 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 by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 38:789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:567 (April 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1305. Transfer Facility Requirements

A. — B. ...

C. A transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements applicable to the DPS regulations on packaging under LAC 33:V.Subpart 2.Chapter 101 at a transfer facility for a period of 10 days or less is not subject to regulation under LAC 33:V.Chapters 1-7, 15-29, 31-38, and 43 with respect to the storage of those wastes. The transporter shall notify the Office of Environmental Services using the department's Notification of Hazardous Waste Activity Form (HW-1) and obtain written approval by the administrative authority prior to storing waste under Subparagraph C of this Section.

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), repromulgated LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1511 (November 1997), LR 24:1694 (September 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1309. Compliance with the Manifest

A. — B.2. ...

C. A transporter shall not transport a shipment of hazardous waste in containers unless each hazardous waste container is marked and labeled as required in LAC 33:V.1063.B and C. If the label is lost or detached, the transporter shall replace it based on the information taken from the manifest for the shipment.

D. — 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 by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), LR 27:44 (January 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1319. Use of Containers

A. — B.4. ...

C. When consolidating the contents of two or more containers with the same hazardous waste into a new container, or when combining and consolidating two different hazardous wastes that are compatible with each other, the transporter shall mark its containers of 119 gallons or less with the:

1. words “Hazardous Waste”; and
2. applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in LAC 33:V.4901 and 4903, or in compliance with LAC 33:V.1063.C.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:73 (January 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. — B. ...

C. The requirements of this Chapter do not apply to:

1. the owner or operator of a facility permitted, licensed, or registered to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by LAC 33:V.1009;
2. — 3. ...

4. a farmer disposing of waste pesticides from his own use as provided in LAC 33:V.1003.C;
5. — 9. ...
10. a generator accumulating waste on-site in compliance with LAC 33:V.Chapter 10;
- C.11. — G. ...
- H. The requirements of LAC 33:V.1017, 1503, 1504, 1507, 1509, 1511, 1513, 1515, 1517, 1519, and 3322 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, LAC 33:V.1509, 1511, 1513, and 3322 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of LAC 33:V.1509, 1511, and 1513, owners or operators of remediation waste management sites must:
 1. ...
 2. obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information which must be known to treat, store, or dispose of the waste according to LAC 33:V.Chapters 10, 11, 15-29, and 31-37, and must be kept accurate and up to date;
 3. — 4. ...
 5. provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of LAC 33:V.Chapters 10, 11, 15-29, and 31-37, and on how to respond effectively to emergencies;
 6. — 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), LR 32:606 (April 2006), LR 34:623 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1509. General Inspection Requirements

- A.1. — B.3. ...

4. The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of possible deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, a malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in LAC 33:V.1709, 1719, 1721, 1731, 1753, 1755, 1757, 1759, 1761, 1763, 1765, 1907, 1911, 2109, 2309, 2507, 2711, 2907, 3119, and 3205, where applicable. LAC 33:V.517.G requires the inspection schedule to be submitted with Part II of the permit application. The department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the department may modify or amend the schedule as may be necessary.

C. — D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:993 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1513. Contingency Plan and Emergency Procedures

A. — F.4.a. ...

b. conduct immediate emergency notifications as stated below.

i. Notification to the Louisiana State Police, Department of Public Safety

(a). The emergency coordinator shall immediately, but in no case later than one hour, notify the 24-hour Louisiana Emergency Hazardous Materials Hotline by calling 1-877-922-6595 or 225-925-6595. This notification to the Louisiana State Police, Department of Public Safety shall be in accordance with LAC 33:I.Chapter 39 and shall include the following information:

(i). the name and telephone number, and employer of the contact person;

(ii). the company or responsible party's name;

(iii). where the incident occurred (mailing address and physical location);

(iv). date and time the incident began and ended;

(v). the identity of the hazardous material released or involved (this would include proper chemical name if available, an indication of whether it is an extremely hazardous substance and whether it is a solid, liquid or gas);

- (vi). the actual amount or an estimate of the amount released; or in the absence of quantity data for the hazardous materials released, one of the following incident classifications: unusual event; site emergency; or general emergency;
 - (vii). whether the material released, escaped, or could reasonably be expected to escape beyond the site of the facility;
 - (viii). if available, the substance's hazard class and any other identifier (e.g., U.N. number, CHRIS code, etc.);
 - (ix). medium into which the hazardous materials was released (e.g. air, water, land);
 - (x). whether the release resulted in a fire or explosion;
 - (xi). injury to personnel, or a fatality resulting from the release or incident;
 - (xii). details regarding wind direction, wind speed, temperature, and precipitation;
 - (xiii). any need or a recommendation for, an off-site protective action (road closure, shelter-in-place, evacuation, or none);
 - (xiv). details of the release or incident; and
 - (xv). whether other responsible state and local agencies such as the local emergency planning committee have been notified.
- (b). Updates During the Incident. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge. Additional notifications must be made for discharges of multiple constituents when they originate from different causes or sources or they are substantially different in nature from the discharges in the initial notification.
- ii. Emergency Notifications to Other Regulatory Agencies. The owner or operator should be aware that other federal, state and local agencies may require immediate and/or follow-up notification of an emergency situation under other regulatory authorities, including, but not limited to, the following:
- (a). the National Response Center by calling their 24-hour toll free number 1-800-424-8802, to the extent that immediate notification is required under 40 CFR 302.6 (exceedance of reportable quantities) or 40 CFR 110.6 (oil spills); and/or
 - (b). the appropriate local emergency planning committee having jurisdiction over the facility to the extent that immediate notification is required under 40 CFR part 355, subpart C or LAC 33:V.Subpart 2.Chapter 101. Contact information for each local emergency planning committee is available on the Louisiana State Police, Department of Public Safety's website.

5. — 8.b. ...

9. The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Written follow-up reports for any unauthorized discharge that requires notification shall be submitted by the owner or operator to SPOC in accordance with LAC 33:I.3925 and the Louisiana State Police, Department of Public Safety in accordance with LAC 33.V.Subpart 2.10111.

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 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2456 (October 2005), LR 33:2104 (October 2007), LR 34:993 (June 2008), LR 35:1879 (September 2009), LR 38:777 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities

A. — B.2.e. ...

3. Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of LAC 33:V.Chapters 10 and 11. The provisions of LAC 33:V.1013, 1015, and 1017 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of LAC 33:V.1013, 1015, and 1017 only apply to owners or operators who are shipping hazardous waste which they generated at that facility or operating as a large quantity generator consolidating hazardous waste from very small quantity generators under LAC 33:V.1015.G.

B.4. — C.6.b. ...

c. For full or partial load rejections and container residues contained in non-empty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in LAC 33:V.1023.

7. ...

D. Unmanifested Waste Report. If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in LAC 33:V.1307.E.2, and if the waste is not excluded from the manifest requirements by LAC 33:V.1009, then the owner or operator must prepare and submit a single copy of a report to the administrative authority within 15 days after receiving the waste. The unmanifested waste report must be submitted to the Office of

Environmental Services. The report must be designated "Unmanifested Waste Report" and include the following information:

D.1. — K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:1012 (June 2008), LR 38:777, 789 (March 2012), amended by the Office of the Secretary, Legal Division, LR 42:568 (April 2016), LR 43:1141 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1529. Operating Record and Reporting Requirements

A. — C.3. ...

D. Annual Report. The owner or operator shall complete and submit an annual report to the Office of Environmental Services by March 1 of each year. The annual report shall be submitted on the form provided by the administrative authority and it shall cover activities during the previous calendar (reporting) year. Information submitted on a more frequent basis may be included by reference or in synopsis form where it is not pertinent to reporting under LAC 33:V.1516 or monitoring reporting under LAC 33:V.3317. It shall include monitoring data where required.

E. — E.3. ...

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 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:278 (February 2000), LR 26:2473 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), LR 33:2104 (October 2007), LR 34:623 (April 2008), LR 34:993 (June 2008), LR 34:1895 (September 2008), LR 35:1879 (September 2009), amended by the Office of the Secretary, Legal Division, LR 43:1141 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 17. Air Emission Standards

Subchapter A. Process Vents

§1705. Applicability

A. — A.1.a. ...

b. a unit (including a hazardous waste recycling unit) that is not exempt from the permitting requirements under LAC 33:V.1015 (i.e., a hazardous waste recycling unit that is not a 90-day

tank or container) and that is located on a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapter 3, 5, 7, or 43; or

c. a unit that is exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

2. — 3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1698 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:294 (March 2001), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:606 (April 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1709. Standards: Closed-Vent Systems and Control Devices

A. — I. ...

J. Alternative Control Device: Documentation. An owner or operator of an affected facility seeking to comply with the provisions of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37 by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

K. — O.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 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1698 (September 1998), LR 25:438 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1895 (September 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1713. Recordkeeping Requirements

A. — B.4.f. ...

C. Design: Documentation, Monitoring, Operating, and Inspection. Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37 shall be recorded and kept up-to-date in the facility operating record. The information shall include:

C.1. — 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 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 22:818 (September 1996), amended by the Office Of Waste Services, Hazardous Waste Division, LR 24:1700 (September 1998), LR 25:438 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter B. Equipment Leaks

§1717. Applicability

A. — B.1. ...

2. a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapter 3, 5, 7, or 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

C. — G. ...

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1700 (September 1998), LR 25:438 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:294 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 32:607 (April 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 18. Containment Buildings

§1802. Design and Operating Standards

A. — C.3.c. ...

4. inspect and record in the facility operating record, at least once every seven days, data gathered from monitoring and leak detection equipment as well as the containment building and the area immediately surrounding the containment building to detect signs of releases of hazardous waste.

D. — 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 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475

(November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2106 (October 2007), LR 34:624 (April 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 19. Tanks

§1901. Applicability

A. — D. ...

E. See LAC 33:V.1013.C.3 for applicable requirements for small quantity generators accumulating hazardous waste in tanks. See LAC 33:V.1015.B.2 for applicable requirements for large quantity generators accumulating hazardous waste in tanks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1107 (June 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1013 (June 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018), LR 46:

§1903. Assessment of Existing Tank System's Integrity

A. For each existing tank system that does not have secondary containment meeting the requirements of LAC 33:V.1907.B-I, the owner or operator shall determine that the tank system is not leaking or is fit for use. Except as provided in Subsection C of this Section, the owner or operator shall obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified professional engineer, in accordance with LAC 33:V.513, that attests to the tank system's integrity by November 20, 1988. Tanks excluded from permitting requirements under LAC 33:V.1015.B.2 must have an assessment as described in this Section by November 20, 1990.

B. — D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:994 (June 2008), 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:

§1905. Design and Installation of New Tank Systems or Components

A. — G. ...

H. Owners or operators of new tanks systems or components subject to the accumulation time exclusion of LAC 33:V.1015.B must obtain and submit to the Office of Environmental

Services, prior to placing the tank system in service, a written assessment, reviewed and certified by an independent registered professional engineer, in accordance with LAC 33:V.513, attesting that the tank system has sufficient structural integrity and is acceptable for storing or treating hazardous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed, and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. The assessment, which will be used by the administrative authority to review the acceptability of the tank system design, must include at a minimum the requirements specified in LAC 33:V.1905.A.1-5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 16:683 (August 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:995 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1907. Containment and Detection of Releases

A. — C.4. ...

[NOTE: If the collected material is a *hazardous waste* as defined in LAC 33:V.109, it is subject to management as a hazardous waste in accordance with all applicable requirements of LAC 33:V.Chapters 10, 11, 13, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 33, 35, 37, and 43. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of Sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of Section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302.]

D. — K.1. ...

a. one year from June 20, 2010, for tanks meeting the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1015.B; and

1.b. — 2. ...

a. within one year from June 20, 2010, for tanks existing prior to this date and that meet the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1015.B;

b. ...

c. prior to tank installation, for tanks and/or tank systems installed after June 20, 2010, that meet the requirements for the accumulation time exclusion of LAC 33:V.305.C.2 and 1015.B;

d. — 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 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:624 (April 2008), LR 34:995 (June 2008), LR 34:1896 (September 2008), LR 36:1235 (June 2010), repromulgated LR 36:1536 (July 2010), amended by the Office of the Secretary, Legal Division, LR 38:2756 (November 2012), LR 43:1142 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2138 (November 2017), LR 46:

§1909. General Operating Requirements

A. — C. ...

D. Owners or operators must provide documentation, maintained on-site, that batch tanks subject to the accumulation time exclusions of LAC 33:V.1013.C and 1015.B have been emptied and cleaned of all residues and/or sludges at least once in each 90-day period for large quantity generators and at least once in each 180-day period for small quantity generators.

1. — 1.b. ...

2. Notwithstanding the provisions of Paragraph D.1 of this Section, except to the extent otherwise approved by the administrative authority, batch tanks subject to the accumulation time exclusions of LAC 33:V.1013.C and 1015.B must be completely emptied and cleaned once per year to a level sufficient to allow visual inspection of all tank interior surfaces.

E. Owners or operators must provide documentation, maintained on-site, that continuous-flow tanks subject to the accumulation time exclusions of LAC 33:V.1013.C and 1015.B have been emptied at least once in each 90-day period for large quantity generators and once in each 180-day period for small quantity generators.

1. A continuous-flow tank is deemed emptied if the owner or operator can demonstrate, via a mass balance approach and appropriate documentation or methodology, that hazardous waste has not been stored therein for more than the accumulation time limits. The key parameters in the mass balance approach are the volume of the tank, the daily throughput of the hazardous waste, and the time period the hazardous waste “resides” in the tank. As an example, in the case of a large quantity generator with a 6,000 gallon tank and daily throughput of 300 gallons per day, the hazardous waste would have a residence time of 20 days (i.e., 6,000 gallons/300 gallons per day)

and would meet the requirements of LAC 33:V.1015.B since the hazardous waste has been in the tank for less than 90 days.

2. ...

3. A continuous-flow tank in which a significant amount of residue or sludge is accumulated may not qualify for the accumulation time exclusions of LAC 33:V.1013.C and 1015.B. Therefore, the owner or operator of a continuous-flow tank for which that exclusion is claimed must ensure that significant accumulation of residue or sludge does not occur in the tank by satisfying the requirements either of Subsection D of this Section (in which case the words “continuous-flow tank” shall be substituted for the words “batch tank” in each instance where “batch tank” appears in that Subsection), or of Paragraph E.4 of this Section.

4. The owner or operator must provide documentation, maintained on-site, establishing that significant accumulations of residue or sludge do not occur within the tank; i.e., almost all residues or sludges in the tank at the beginning of the 90-day or 180-day accumulation period have been removed (or displaced by incoming waste or newly-formed residues or sludges) by the end of the 90-day or 180-day accumulation period. The determination of what constitutes “significant accumulation of residue or sludge” shall be made on a case-by-case basis. However, no significant accumulation of residues or sludges shall be deemed to have occurred if the residues or sludges that accumulate in the tank constitute less than 5 percent by volume of the total tank capacity. To the extent that there is no significant accumulation of residue or sludge in the tank, the one-year storage prohibition under LAC 33:V.2205 shall not apply to any residue or sludge contained therein.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1804 (October 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1237 (June 2010), repromulgated LR 36:1538 (July 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§1915. Closure and Post-Closure Care

A. — C.5. ...

D. Owners or operators of tanks subject to the accumulation exclusion of LAC 33:V.1015.B are exempt from the requirements of LAC 33:V.Chapters 35 and 37, except for LAC 33:V.3507.

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 13:651 (November 1987),

amended LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1511 (November 1997), amended by the Office of the Secretary, LR 24:2245 (December 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 21. Containers

§2101. Applicability

- A. The regulations in this Chapter apply to owners and operators of all hazardous waste facilities that store hazardous waste in containers, except as otherwise provided in LAC 33:V.1501. Under the definition of *empty container* in LAC 33:V.109 and 4901.D.3, if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container meets the definition of *empty container* as defined in LAC 33:V.109. In that event, management of the container is exempt from the requirements of this Chapter.
- B. Containers not exempted from these regulations shall be considered hazardous and shall be disposed of or treated by an acceptable waste disposal or treatment method.
- C. If a hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container is empty as defined in LAC 33:V.109. In that event, management of the container is exempt from the requirements of this Chapter.
- D. Empty containers sent to a reclaimer are considered product, and thus are not subject to these rules and regulations. Residue from the reclaimer's operations must be disposed of in a permitted facility.
- E. The storage of hazardous waste prohibited from land disposal must also be in accordance with the requirements of LAC 33:V.2205.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1107 (June 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§2109. Inspections

- A. At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. Remedial action as described in LAC 33:V.1509.C and 2103 shall be taken if deterioration or leaks are detected.
- B. — C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), repromulgated LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs Division, LR 34:996 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§2117. Closure

A. At closure, all hazardous waste and hazardous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous waste or hazardous waste residues must be decontaminated or removed. At closure, as throughout the operating period, unless the owner or operator can demonstrate in accordance with LAC 33:V.109.Hazardous Waste.6 that the solid waste removed from the containment system is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of LAC 33:V.Chapters 10-43.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2201. Purpose, Scope, and Applicability

- A. — I. ...
1. waste pesticides that a farmer disposes of in accordance with LAC 33:V.1003.C;
 2. — 3. ...
 4. waste generated by *very small quantity generators*, as defined in LAC 33:V.1009;
 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:

§2205. Storage of Prohibited Wastes

A. ...

1. A generator may store such wastes in tanks, containers, or containment buildings on-site solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements of LAC 33:V.1013, 1015, Chapters 10, 11, 15, 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, 37, 43, and 51.

2. An owner/operator of a hazardous waste treatment, storage, or disposal facility may store such wastes in tanks, containers, or containment buildings solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal provided that:

a. each container is clearly marked to identify its contents and with:

i. the words "Hazardous Waste";

ii. the applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in LAC 33:V.4901 and 4903; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s);

iii. 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 at 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 at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704); and

iv. the date each period of accumulation begins; and

b. each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator must comply with the operating record requirements specified in LAC 33:V.1529 or 4357.

A.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 15:378 (May 1989), amended LR 16:220 (March 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January

1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:280 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements

A. Requirements for Generators. A generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in LAC 33:V.2223, 2230, or 2236. This determination can be made concurrently with the hazardous waste determination required in LAC 33:V.1005 in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using Test Method 1311 in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846, as incorporated by reference in LAC 33:V.110, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of LAC 33:V.1519 and 2247.A. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed, and some soils are contaminated by such hazardous wastes. These treatment standards are also found in LAC 33:V.2223, and are described in detail in LAC 33:V.2299.Appendix, Table 3. These wastes, and soils contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste, or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they must comply with the special requirements of LAC 33:V.2246 in addition to any applicable requirements in this Section.

B. — D. ...

Generator Paperwork Requirements Table
* * *

E. If a generator is managing and treating a prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under LAC 33:V.1011, 1013, or 1015 to meet applicable LDR treatment standards found in LAC 33:V.2223, the generator must develop and follow a written waste analysis plan that describes the procedures the generator will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of LAC 33:V.2299.Appendix, Table 8, however, are not subject to these waste analysis requirements.) The plan must be kept on-site in the generator's records, and the following requirements must be met.

E.1. — L. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266, 267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), LR 27:295 (March 2001), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:996 (June 2008), amended by the Office of the Secretary, Legal Division, LR 43:1144 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:41 (January 2018), LR 46:

§2246. Special Rules Regarding Wastes That Exhibit a Characteristic

A. The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under this Chapter. This determination may be made concurrently with the hazardous waste determination required in LAC 33:V.1005. For purposes of this Chapter, the waste will carry the waste code for any applicable listing under LAC 33:V.4901. In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes (LAC 33:V.4903), except when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in Subsection B of this Section. If the generator determines that his waste displays a hazardous characteristic (and is not D001 nonwastewaters treated by CMBST, RORGS, or POLYM of LAC 33:V.2299.Appendix, Table 3), the generator must determine the *underlying hazardous constituents* (as defined in LAC 33:V.2203.A), in the characteristic waste.

B. — F.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 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:2478 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2459 (October 2005), LR 33:2109 (October 2007), LR 34:997 (June 2008), LR 34:1897 (September 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

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.1009.

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:

Chapter 23. Waste Piles

§2317. Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

A. Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in LAC 33:V.2301.C) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the administrative authority pursuant to the standards set out in this Subsection, and in accord with all other applicable requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37. The factors to be considered are:

A.1. — B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 25. Landfills

§2523. Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

A. Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in a landfill unless the owner or operator operates the landfill in accordance with a management plan for these wastes which is approved by the administrative authority pursuant to the standards set out in this Subsection, and in accordance with all other applicable requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37. The factors to be considered are:

A.1. — B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 26. Corrective Action Management Units and Special Provisions for Cleanup

§2604. Temporary Units (TU)

A. For temporary tanks and container storage areas used to treat or store hazardous remediation wastes during remedial activities required under LAC 33:V.3322 or RCRA Section 3008(h), or at a permitted facility that is not subject to LAC 33:V.3322, the administrative authority may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner/operator where the wastes to be managed in the temporary unit originated. For temporary units, the administrative authority may replace the design, operating, or closure standard applicable to these units under LAC 33:V.Chapters 10, 11, 15-21, 23-29, 31-37, and 43 with alternative requirements which protect human health and the environment.

B. — G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:285 (February 2000), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 27. Land Treatment

§2723. Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

A. Hazardous Wastes F020, F021, F022, F023, F026, and F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the administrative authority pursuant to

the standards set out in this Subsection, and in accordance with all other applicable requirements of the LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37. The factors to be considered are:

A.1. — B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 28. Drip Pads

§2805. Design and Operating Requirements

Owners and operators of drip pads must ensure that the pads are designed, installed, and operated in accordance with Subsection A or C of this Section.

A. — I. ...

J. The drip pad surface must be cleaned thoroughly at least once every seven days such that accumulated residues of hazardous waste or other materials are removed, using an appropriate and effective cleaning technique, including but not limited to, rinsing, washing with detergents or other appropriate solvents, or steam cleaning. The owner or operator must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log. The owner/operator must determine if the residues are hazardous in accordance with LAC 33:V.1005 and if so must manage them in accordance with LAC 33:V.Subpart 1.

K. — P. ...

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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), LR 30:1674 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2462 (October 2005), LR 33:2113 (October 2007), LR 34:627 (April 2008), LR 34:999 (June 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 29. Surface Impoundments

§2917. Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026, and F027

A. Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the administrative

authority pursuant to the standards set out in this Subsection, and in accordance with all other applicable requirements of LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37. The factors to be considered are:

A.1. — B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

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:

§3003. Management Prior to Burning

A. Standards for Generators. Generators of hazardous waste burned in a boiler or industrial furnace are subject to LAC 33:V.Chapters 10 and 11.

B. — C. ...

1. Owners and operators of facilities that store or treat hazardous waste that is burned in a boiler or industrial furnace are subject to the applicable provision of LAC 33:V.Chapters 1, 3, 5, 10, 11, 15, 19, 21, 23, 25, 29, 33, 35, 37 and 43, except as provided by LAC 33:V.3003.C.2.

These standards apply to storage and treatment by the burner as well as to storage and treatment facilities operated by intermediaries (processors, blenders, distributors, etc.) between the generator and the burner.

2. Owners or operators of facilities that burn, in an on-site boiler or industrial furnace exempt from regulation under the small quantity burner provisions of LAC 33:V.3017,

hazardous waste that they generate are exempt from regulation under LAC 33:V.Chapters 1, 3, 5, 10, 11, 15, 19, 21, 23, 25, 29, 33, 35, 37, and 43 with respect to the storage of mixtures of hazardous waste and the primary fuel to the boiler or industrial furnace in tanks that feed the fuel mixture directly to the burner. Storage of hazardous waste prior to mixing with the primary fuel is subject to regulation as prescribed in LAC 33:V.3003.C.1.

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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:299 (March 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§3017. Small Quantity On-Site Burner Exemption

A. — C. ...

* * *

[Note: Hazardous wastes that are subject to the special requirements for very small quantity generators under LAC 33:V.1009 may be burned in an off-site device under the exemption provided by LAC 33:V.3017, but must be included in the quantity determination for the exemption.]

D. — 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 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 31. Incinerators

§3121. Closure

A. At closure the owner or operator must remove all hazardous waste and hazardous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site. At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with LAC 33:V.109.Hazardous Waste.6, that the residue removed from the incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with applicable requirements of LAC 33:V.Chapters 10-43.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended

LR 18:1256 (November 1992), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 35. Closure and Post-Closure

Subchapter A. Closure Requirements

§3513. Closure; Time Allowed for Closure

A. — D.1.b. ...

c. the nonhazardous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under LAC

33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, and 37;

D.1.d. — E.7.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 13:433 (August 1987), LR 17:478 (May 1991), LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2486 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2466 (October 2005), LR 33:2117 (October 2007), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§3515. Disposal or Decontamination of Equipment, Structures and Soils

A. During the partial and final closure periods, all contaminated equipment, structures, and soils must be properly disposed of or decontaminated, unless otherwise specified in LAC

33:V.1803, 1915, 2315, 2521, 2719, 2809, and 2911, or under the authority of LAC 33:V.3203

and 3207. By removing any hazardous waste or hazardous constituents during partial and final

closure, the owner or operator may become a generator of hazardous waste and must handle that

waste in accordance with all applicable requirements of LAC 33:V.Chapters 10 and 11.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 38. Universal Wastes

Subchapter A. General

§3801. Scope and Applicability

A. — B. ...

C. Very small quantity generator wastes that are regulated under LAC 33:V.1009 and are also of the same type as the universal wastes defined in LAC 33:V.3813 may, at the generator's option, manage these wastes under the requirements of this Chapter.

D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 24:1496 (August 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:712 (May 2001), repromulgated LR 27:1518 (September 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§3805. Applicability—Pesticides

A. — B. ...

1. recalled pesticides described in Paragraph A.1 of this Section, and unused pesticide products described in Paragraph A.2 of this Section, that are managed by farmers in compliance with LAC 33:V.1003.C (LAC 33:V.1003.C addresses pesticides disposed of on the farmer's own farm in a manner consistent with the disposal instructions on the pesticide label, providing the container is triple rinsed in accordance with the definition of *empty container* under LAC 33:V.109);

B.2. — 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 23:569 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter B. Standards for Small Quantity Handlers of Universal Waste

§3821. Waste Management

A. — A.3. ...

a. if the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it is subject to all applicable requirements of these regulations. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to LAC 33:V.Chapters 10 and 11;

A.3.b. — C.2.b. ...

c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of LAC 33:V.1013.C.2.a or 1015.B.1.b;

d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of LAC 33:V.1013.C.2.a or 1015.B.1.b;

2.e. — 3. ...

a. If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and shall manage it subject to LAC 33:V.Chapters 10 and 11.

C.3.b. — F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:571 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:302 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3118 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§3829. Response to Releases

A. ...

B. A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of these regulations. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with LAC 33:V.Chapters 10 and 11.

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 23:573 (May 1997), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter C. Standards for Large Quantity Handlers of Universal Waste

§3843. Waste Management

A. — A.3. ...

a. if the electrolyte and/or other solid waste exhibit a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the hazardous electrolyte and/or other waste and is subject to LAC 33:V.Chapters 10 and 11;

A.3.b. — C.2.b. ...

- c. ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of LAC 33:V.1013.C.2.a or 1015.B.1.b;
- d. immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of LAC 33:V.1013.C.2.a or 1015.B.1.b;

2.e. — 3. ...

- a. If the mercury, residues, and/or other solid waste exhibit a characteristic of hazardous waste, it shall be managed in compliance with all applicable requirements of these regulations. The handler is considered the generator of the mercury, residues, and/or other waste and is subject to LAC 33:V.Chapters 10 and 11.

C.3.b. — F.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3120 (December 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§3851. Response to Releases

- A. ...
- B. A large quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of these regulations. The handler is considered the generator of the material resulting from the release, and is subject to LAC 33:V.Chapters 10 and 11.

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 23:576 (May 1997), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter D. Standards for Universal Waste Transporters

§3867. Response to Releases

- A. ...
- B. A universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of these

regulations. If the waste is determined to be a hazardous waste, the transporter is subject to LAC 33:V.Chapters 10 and 11.

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 23:577 (May 1997), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter E. Standards for Destination Facilities

§3873. Applicability

A. The owner or operator of a *destination facility* (as defined in LAC 33:V.3813) is subject to all applicable requirements of LAC 33:V.Chapters 3, 5, 10, 11, 15, 17, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 37, 41, and 43, and the notification requirement under LAC 33:V.105.A.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 32:607 (April 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter G. Petition to Include Other Wastes under This Chapter

§3883. Factors for Petitions to Include Other Wastes under This Chapter

A. — A.1. ...

2. the waste or category of waste is not exclusive to a specific industry or group of industries and is commonly generated by a wide variety of types of establishments including, for example, households, retail and commercial businesses, office complexes, very small quantity generators, small businesses, and government organizations, as well as large industrial facilities;

3. — 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:320 (February 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 40. Used Oil

Subchapter A. Materials Regulated as Used Oil

§4003. Applicability

This Section identifies those materials that are subject to regulation as used oil under this Chapter. This Section also identifies some materials that are not subject to regulation as used oil under this Chapter and indicates whether these materials may be subject to regulation as hazardous waste under this Subpart.

A. — B.2.c. ...

3. Very Small Quantity Generator Hazardous Waste. Mixtures of used oil and very small quantity generator hazardous waste regulated under LAC 33:V.1009 are subject to regulation as used oil under this Chapter.

C. — I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended LR 22:828, 836 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 25:481 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 34:631 (April 2008), LR 34:1017 (June 2008), LR 34:1899 (September 2008), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§4007. Prohibitions

A. Surface Impoundment Prohibition. Used oil shall not be managed in surface impoundments or waste piles unless the units are subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

B. — C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter B. Standards for Use Oil Generators

§4013. Used Oil Storage

A. ...

B. Storage Units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

C. — E.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:481 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter D. Standards for Used Oil Transporter and Transfer Facilities

§4035. Used Oil Storage at Transfer Facilities

A. Used oil transporters are subject to all applicable spill prevention, control, and countermeasures (40 CFR Part 112) in addition to the requirements of this Subchapter. Used oil

transporters are also subject to the Underground Storage Tanks (LAC 33:XI) standards for used oil stored in underground tanks, whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter. Used oil transfer facility status is contingent upon approval of the administrative authority.

B. **Applicability.** This Section applies to used oil transfer facilities. Used oil transfer facilities are transportation-related facilities, including loading docks, parking areas, storage areas, and other areas, where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under LAC 33:V.Chapter 40.Subchapter E.

C. **Storage Units.** Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

D. **Condition of Units.** Containers and aboveground tanks used to store used oil at transfer facilities must:

1. be in good condition (no severe rusting, apparent structural defects or deterioration); and
2. not be leaking (no visible leaks).

E. **Secondary Containment for Containers.** Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:
 - a. dikes, berms, or retaining walls; and
 - b. a floor. The floor must cover the entire area within the dikes, berms, or retaining walls; or
 - c. an equivalent secondary containment system.
2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

F. **Secondary Containment for Existing Aboveground Tanks.** Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:
 - a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

G. Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil which is released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

H. Labels

1. Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."

2. Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."

I. Response to Releases. Upon detection of a release of used oil to the environment which is not subject to the requirements of LAC 33:XI.715 and which occurred after the effective date of the recycled used oil management program in effect in the state in which the release is located, the owner/operator of a transfer facility must perform the following cleanup steps:

1. stop the release;

2. contain the released used oil;

3. clean up and manage properly the released used oil and other materials; and

4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:481 (March 1999),

amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter E. Standards for Used Oil Processors and Re-Refiners

§4049. Used Oil Management

A. Used oil processors/re-refiners are subject to all applicable Spill Prevention, Control, and Countermeasures (40 CFR Part 112) in addition to the requirements of this Subchapter. Used oil processors/re-refiners are also subject to the Underground Storage Tanks (LAC 33:XI) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter.

B. Management Units. Used oil processors/re-refiners may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

C. Condition of Units. Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must:

1. be in good condition (no severe rusting, apparent structural defects or deterioration); and
2. not be leaking (no visible leaks).

D. Secondary Containment for Containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:
 - a. dikes, berms, or retaining walls; and
 - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - c. an equivalent secondary containment system.
2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

E. Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:
 - a. dikes, berms, or retaining walls; and
 - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

F. Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:

a. dikes, berms, or retaining walls; and

b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

c. an equivalent secondary containment system.

2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

G. Labels

1. Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

2. Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

H. Response to Releases. Upon detection of a release of used oil to the environment not subject to the requirements of LAC 33:XI.715 which has occurred after the effective date of the recycled used oil management program in effect in the state in which the release is located, an owner/operator must perform the following cleanup steps:

1. stop the release;

2. contain the released used oil;

3. clean up and manage properly the released used oil and other materials; and

4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

I. Closure

1. Aboveground Tanks. Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:

- a. at closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under LAC 33:V.Subpart 1; and
 - b. if the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in LAC 33:V.4049.I.1.a, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (LAC 33:V.4501).
2. Containers. Owners and operators who store used oil in containers must comply with the following requirements:
- a. at closure, containers holding used oils or residues of used oil must be removed from the site; and
 - b. the owner or operator must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil and manage them as hazardous waste, unless the materials are not hazardous waste under LAC 33:V.Chapters 1, 31, 41, and 49.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:482 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter F. Standards for Used Oil Burners that Burn Off-Specification Used Oil for Energy Recovery

§4069. Used Oil Storage

- A. Used oil burners are subject to all applicable Spill Prevention, Control, and Countermeasures (40 CFR Part 112) in addition to the requirements of this Subchapter. Used oil burners are also subject to the Underground Storage Tank (LAC 33:XI) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subchapter.
- B. Storage Units. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under LAC 33:V.Chapters 10, 11, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, and 43.

C. Condition of Units. Containers and aboveground tanks used to store oil at burner facilities must:

1. be in good condition (no severe rusting, apparent structural defects or deterioration); and
2. not be leaking (no visible leaks).

D. Secondary Containment for Containers. Containers used to store used oil at burner facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:
 - a. dikes, berms, or retaining walls; and
 - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall.
2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

E. Secondary Containment for Existing Aboveground Tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:
 - a. dikes, berms, or retaining walls; and
 - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - c. an equivalent secondary containment system.
2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

F. Secondary Containment for New Aboveground Tanks. New aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.

1. The secondary containment system must consist of, at a minimum:
 - a. dikes, berms, or retaining walls; and
 - b. a floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - c. an equivalent secondary containment system.
2. The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

G. Labels

1. Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."
2. Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."

H. Response to Releases. Upon detection of a release of used oil to the environment not subject to the requirements of LAC 33:XI.715 which has occurred after the effective date of the recycled used oil management program in effect for the state in which the release is located, a burner must perform the following cleanup steps:

1. stop the release;
2. contain the released used oil;
3. clean up and manage properly the released used oil and other materials; and
4. if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:482 (March 1999), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 41. Recyclable Materials

§4105. Requirements for Recyclable Material

A. — A.4. ...

B. Generators and transporters of recyclable materials are subject to the applicable requirements of LAC 33:V.Chapters 10, 11 and 13 and the notification requirements of LAC 33:V.105, except as provided in Paragraph A.1 of this Section.

C. Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 10, 11, 15, 19, 21, 22, 23, 29, 33, 35, and 37, and Chapter 43.Subchapters A-K; and the notification requirements of LAC 33:V.105.A, except as provided in Subsection A of this Section. The recycling process itself is exempt from regulation, except as provided in Subsection E of this Section.

D. — D.1. ...

2. LAC 33:V.1516.B and C, dealing with the use of manifest and manifest discrepancies;
3. Subsection E of this Section; and

4. LAC 33:V.1529.D (Annual Report).

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 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), LR 24:1108 (June 1998), LR 24:1742 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:608 (April 2006), LR 38:779 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:42 (January 2018), LR 46:

§4141. General Requirements for Recyclable Materials Used in a Manner Constituting Disposal

A. Generators and transporters of materials that are used in a manner that constitutes disposal are subject to all the requirements of LAC 33:V.Chapters 10, 11 and 13, and the notification requirements under Section 3010 of RCRA and LAC 33:V.1017.

B. Owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the materials, are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 10, 11, 15, 19, 21, 23, 29, 33, 35, and 37, and the notification requirements of Section 3010 of RCRA and LAC 33:V.1017.

C. Owners and operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of LAC 33:V.Chapters 3, 5, 7, 10, 11, 15, 19, 21, 22, 23, 25, 27, 29, 31, 33, 35, and 37, and the notification requirements of Section 3010 of RCRA and LAC 33:V.1017. These requirements do not apply to products that contain these recyclable materials under the provisions of LAC 33:V.4139.B.

D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:610 (April 2006), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§4143. Recyclable Materials Utilized for Precious Metal Recovery

A. — B.1. ...

2. generators shall operate in accordance with LAC 33:V.1107 and 1108;

B.3. — D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:685 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 36:2554 (November 2010), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§4145. Spent Lead-Acid Batteries Being Reclaimed

A. ...

If Your Batteries:	And If You:	Then You:	And You:
1. will be reclaimed through regeneration (such as by electrolyte replacement);		are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1.

If Your Batteries:	And If You:	Then You:	And You:
<p>2. will be reclaimed other than through regeneration;</p>	<p>generate, collect, and/or transport these batteries;</p>	<p>are exempt from LAC 33:V. Subpart 1 except for LAC 33:V.Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;</p>	<p>are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22.</p>
<p>3. will be reclaimed other than through regeneration;</p>	<p>store these batteries, but you aren't the reclaimer;</p>	<p>are exempt from LAC 33:V. Subpart 1 except for LAC 33:V.Chapters 1 and 49, and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;</p>	<p>are subject to LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22.</p>

If Your Batteries:	And If You:	Then You:	And You:
4. will be reclaimed other than through regeneration;	store these batteries before you reclaim them;	must comply with LAC 33:V.4145.B and, as appropriate, other regulatory provisions described in LAC 33:V.4145.B;	are subject to LAC 33:V. Chapter 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22.
5. will be reclaimed other than through regeneration;	don't store these batteries before you reclaim them;	are exempt from LAC 33:V. Subpart 1 except for LAC 33:V. Chapters 1 and 49 and LAC 33:V.1005 and 3105, Table 1, and the notification requirements at Section 3010 of RCRA and LAC 33:V.105;	are subject to LAC 33:V. Chapter 49 and LAC 33:V.1005 and 3105, Table 1, and applicable provisions under LAC 33:V.Chapter 22.

<p>6. will be reclaimed through regeneration or any other means.</p>	<p>export these batteries for reclamation in a foreign country.</p>	<p>are exempt from LAC 33:V.Chapters 3, 5, 7, 13, 15, 17,19, 21, 22, 23, 25, 27, 28, 29, 30, 32, 33, 35, 37, and 43, and the notification requirements at section 3010 of RCRA. You are also exempt from LAC 33:V.Chapters 10 and 11, except for LAC 33:V.1005, and except for the applicable requirements in either: (a) LAC 33:V.1125; or (b) LAC 33:V.1113.D “Notification of Intent to Export”, LAC 33:V.1113.G.1.a-d, f and G.2 “Annual Reports”, and LAC 33:V.1113.H “Recordkeeping”.</p>	<p>are subject to LAC 33:V.Chapters 1, 31, 39, 41, and 49 as applicable and LAC 33:V.1005, and either must comply with LAC 33:V.1125.A (if shipping to one of the OECD countries specified in LAC 33:V.1113.I.1.a), or shall:</p> <p>(a) comply with the requirements applicable to a primary exporter in LAC 33:V.1113.D, G.1.a-d, G.2, and H.</p> <p>b) export these batteries only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in LAC 33:V.1113.A-I.2; and</p> <p>(c) provide a copy of the EPA Acknowledgement of</p>
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If Your Batteries:	And If You:	Then You:	And You:
			Consent for the shipment to the transporter transporting the shipment for export.

If Your Batteries:	And If You:	Then You:	And You:
<p>7. will be reclaimed through regeneration or any other means.</p>	<p>transport these batteries in the U. S. to export them for reclamation in a foreign country.</p>	<p>are exempt from LAC 33:V.Chapters 3, 5, 7, 13, 15, 17,19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, 41, and 43, and the notification requirements at section 3010 of RCRA.</p>	<p>must comply with applicable requirements in LAC 33:V.1125 (if shipping to one of the OECD countries specified in LAC 33:V.1113.I.1.a, or must comply with the following:</p> <p>(a) you may not accept a shipment if you know the shipment does not conform to the EPA Acknowledgement of Consent;</p> <p>(b) you must ensure that a copy of the EPA Acknowledgement of Consent accompanies the shipment; and</p> <p>(c) you must ensure that the shipment is delivered to the facility designated by the person initiating the shipment.</p>

B. — B.2.d. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 13:237 (April 1987), LR 23:579 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:287 (February 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:611 (April 2006), LR 32:830 (May 2006), LR 38:790 (March 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 42. Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation, and Disposal

§4217. When is your LLMW no longer eligible for the storage and treatment conditional exemption?

A. When your LLMW has met the requirements of your department, NRC, or NRC agreement state license for decay-in-storage and can be disposed of as nonradioactive waste, then the conditional exemption for storage no longer applies. On that date your waste is subject to hazardous waste regulation under the relevant sections, and the time period for accumulation of a hazardous waste, as specified in LAC 33:V.1013 or 1015, begins.

B. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1006 (May 2002), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. — D.2. ...

COMMENT: The owner or operator of a facility under Paragraphs D.1 and 2 of this Section is subject to the requirements of LAC 33:V.Chapters 10, 11, 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, and-37 to the extent they are included in a permit by rule granted to such a person under 40 CFR 122 and by 144.14.

3. — 3.b. ...

4. the owner or operator of a facility permitted, licensed, or registered by the state to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation by LAC 33:V.1009;

5. ...

6. a generator accumulating waste on-site in compliance with LAC 33:V.Chapter 10, except to the extent the requirements are included in LAC 33:V.Chapter 10;

7. a farmer disposing of waste pesticides from his own use in compliance with LAC 33:V.1003.C;

8. — 10.d. ...

11. a transporter storing manifested shipments of hazardous waste in containers meeting the requirements of LAC 33:V.1063.A at a transfer facility for a period of 10 days or less;

D.12. — J. ...

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

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

Subchapter A. General Facility Standards

§4317. General Inspection Requirements

A. — B.2. ...

3. The frequency of inspection may vary for the items on the schedule. However, the frequency should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, shall be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in LAC 33:V.4425, 4437, 4440, 4455, 4470, 4485, 4502, 4519, 4529, 4541, 4555, 4565, 4567, 4577, and 4727-4739, where applicable.

C. — D. ...

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

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

Subchapter F. Closure and Post-Closure

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

A. During the partial and final closure periods, all contaminated equipment, structures, and soil must be properly disposed of, or decontaminated unless specified otherwise in LAC 33:V.4442, 4457, 4475, 4489, 4501, 4601, or 4705. By removing all hazardous wastes or hazardous constituents during partial and final closure, the owner or operator may become a generator of hazardous waste and must handle that hazardous waste in accordance with all applicable requirements of LAC 33:V.Chapters 10 and 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:614 (July 1990), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter I. Tanks

§4438. Reserved

[Editor's Note: The special requirements for small quantity generators accumulating hazardous waste in tanks in Section 4438 were repromulgated in LAC 33:V.1013.C.3 et al.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:714 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1005 (June 2008), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter M. Landfills

§4501. Closure and Post-Closure

- A. — D.1. ...
2. maintain and monitor the leachate collection, removal, and treatment system (if there is one present in the landfill) to prevent excess accumulation of leachate in the system. If the collected leachate is a hazardous waste under LAC 33:V.Chapter 49, it must be managed as a hazardous waste in accordance with all applicable requirements of LAC 33:V.Chapters 10, 11, 13 and 43. If the collected leachate is discharged through a point source to waters of the United States, it is subject to the requirements of Section 402 of the Clean Water Act, as amended;
3. — 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR

33:1627 (August 2007), amended by the Office of the Secretary, Legal Division, LR 43:1149 (June 2017), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Subchapter Q. Air Emission Standards for Process Vents

§4549. Applicability

A. — B.1. ...

2. a unit (including a hazardous waste recycling unit) that is not exempt from permitting under LAC 33:V.1015 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 27, 31, and 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a 90-day tank or container) and is not a recycling unit under the requirements of LAC 33:V.4105.

* * *

C. ...

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

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

Subchapter R. Air Emission Standards for Equipment Leaks

§4561. Applicability

A. — B.1. ...

2. a unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of LAC 33:V.Chapters 3, 5, 7, 27, 31, and 43; or

3. a unit that is exempt from permitting under the provisions of LAC 33:V.1015 (i.e., a 90-day tank or container) and is not a recycling unit under the provisions of LAC 33:V.4105.

C. — F. ...

* * *

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

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

Chapter 49. Lists of Hazardous Wastes

[Editor’s Note: Chapter 49 is divided into two Sections: category I hazardous wastes, which consist of hazardous wastes from nonspecific and specific sources (F and K wastes), acute hazardous wastes (P wastes), and toxic wastes (U wastes) (LAC 33:V.4901); and category II hazardous wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

§4901. Category I Hazardous Wastes

A. — A.1. ...

2. The following hazardous wastes listed in LAC 33:V.4901.B are subject to the exclusion limits for acutely hazardous wastes established in LAC 33:V.1007: EPA Hazardous Wastes Numbers F020, F021, F022, F023, F026, and F027.

B. — D.4. ...

* * *

E. The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in Paragraphs D.1-4 of this Section are identified as acute hazardous wastes (H).

* * *

Table 3. Acute Hazardous Wastes (Alphabetical Order by Substance)
* * *

F. The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in Paragraphs D.1-4 of this Section are identified as toxic wastes (T) unless otherwise designated.

* * *

G. ...

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, 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 14:426 (July 1988), LR 14:791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829, 840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR 27:715 (May 2001), LR 28:1009 (May 2002), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), LR 33:1627 (August 2007), LR 34:635 (April 2008), LR 34:1020 (June 2008), LR 34:2392 (November 2008), LR 36:2555 (November 2010), LR 38:780 (March 2012), amended by the Office of the Secretary, Legal Division, LR 39:2492 (September 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§4907. Criteria for Listing Hazardous Waste

A. — B. ...

C. The administrative authority shall use the criteria for listing specified in this Chapter to establish the exclusion limits referred to in LAC 33:V.1007.D.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:478 (May 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:715 (May 2001), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Chapter 51. Fee Schedules

§5101. Applicability

A. The regulations in this Chapter apply to generators of hazardous waste as well as treaters, storers, and disposers of hazardous waste except as provided in LAC 33:V.1003 and LAC 33:V.1501.

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 18:724 (July 1992), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

§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.1.b. ...

2. Very Small Quantity Generators (VSQG). Very small quantity generators (see LAC 33:V.1009) shall pay a fee of \$83 per year to the department.

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:

Chapter 53. Military Munitions

§5307. Standards Applicable to Emergency Responses

A. Explosives and munitions emergencies involving military munitions or explosives are subject to LAC 33:V.1003.F, 1301.G, 1501.7.a, and 4307, or alternatively to LAC 33:V.701.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1757 (September 1998), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 46:

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule may have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has been prepared.

Small Business Statement

Pursuant to R.S. 49:965.6, this Small Business Economic Impact Statement has been prepared:

The existing regulations and proposed Rule contain three increasing levels of compliance requirements for facilities that generate different volumes of hazardous waste (i.e., very small, small, and large quantity generators). A small business may fall into any of the three levels. The proposed Rule contains requirements for generators in all three levels that are more stringent, less stringent, and equally stringent, as compared to the current regulations. The more stringent requirements, which must be adopted by Louisiana, are expected to cause a small increase in paperwork and cost of compliance for impacted small businesses. However, the equally stringent requirements will make the regulatory requirements clearer, more user-friendly, and flexible for small businesses. The less stringent requirements will offer facilities, including small businesses, additional flexibility in managing their hazardous waste including: very small quantity generators being able to send their hazardous waste to affiliate large quantity generators under the control of the same person; very small and small quantity generators being allowed to exceed their regulatory limits up to twice a year; and large quantity generators being allowed to seek a waiver of a buffer zone requirement for storage of reactive or ignitable waste.

The proposed Rule must reflect new EPA federal requirements pertaining to hazardous waste generators; thus there are no alternative methods available other than those equally and less stringent requirements within the proposed Rule.

Provider Impact Statement

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

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW 124. Such comments must be received no later than May 5, 2020, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW 124. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on April 28, 2020, 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 and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, 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.

Herman Robinson
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

Person Preparing Statement:	<u>Donelson Caffery</u>	Dept.:	<u>Environmental Quality</u>
Phone:	<u>225-219-3452</u>	Office:	<u>Environmental Services</u>
Return Address:	<u>602 North Fifth Street</u> <u>Baton Rouge, LA 70802</u>	Rule Title:	<u>HW Generator Improvements Rule</u> <u>(LAC 33:V105, 108, 109, 110, 301, 305, 311, 321, 329, 501, 1001, 1003, 1005, 1007, 1009, 1011, 1013, 1015, 1017, 1019, 1021, 1023, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039, 1041, 1043, 1045, 1047, 1049, 1051, 1053, 1055, 1057, 1059, 1061, 1063, 1065, 1067, 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1121, 1127, 1199, 1301, 1305, 1309, 1319, 1501, 1509, 1513, 1516, 1529, 1705, 1709, 1713, 1717, 1802, 1901, 1903, 1905, 1907, 1909, 1915, 2101, 2109, 2117, 2201, 2205, 2245, 2246, 2249, 2317, 2523, 2604, 2723, 2805, 2917, 3001, 3003, 3017, 3121, 3513, 3515, 3801, 3805, 3821, 3829, 3843, 3851, 3867, 3873, 3883, 4003, 4007, 4013, 4035, 4049, 4069, 4105, 4141, 4143, 4145, 4217, 4301, 4317, 4385, 4438, 4501, 4549, 4561, 4901, 4907, 5101, 5121, and 5307))</u>

Date Rule
Takes Effect: Upon Promulgation

SUMMARY
(Use complete sentences)

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

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

There will be an increase in expenditures of the Department of Environmental Quality (DEQ) as a result of the proposed rule amending the Hazardous Waste Regulations (HW124).

The proposed rule adopts the federal Generator Improvements Rule (GIR) which amends the hazardous waste (HW) program relating to generators in Louisiana. The HW regulations contain three increasing levels of compliance requirements for facilities depending on the amount of generated HW. The proposed rule contains changes that are less stringent, equally stringent, and more stringent compared to current regulations. The equally and less stringent requirements reorganize; make technical corrections; clarify; and provide greater flexibility for HW management. The more stringent requirements address gaps in the regulation to strengthen environmental protection and safety to employees; emergency responders; and the general public. Additional requirements include further emergency response planning; identification of associated hazards along with labeling requirements; closure notifications; and added notification and reporting requirements.

The proposed rule changes will result in increased expenditures of DEQ's statutory dedicated funds (Environmental Trust Fund). The regulations will require additional work for several divisions within DEQ: Public Participation and Permits Support Division; Waste Permits Division, Surveillance Division, and Enforcement Division. In anticipation of the rule change, DEQ requested four new classified positions for the Office of Environmental Services. The full annual cost of these requested positions, including overhead, is estimated at \$623,305. There will likely be slight increases in these expenditures annually based on salary increases, changes in retirement costs, and changes in insurance costs. For FY20, these positions will be hired in the last quarter of the year, and the total cost, including overhead, is projected at \$155,839. These costs will be absorbed within the agency's existing operating budget.

As DEQ moves forward with the implementation of this rule, additional staff will be added in the other divisions mentioned above to address the workload. By FY22, DEQ estimates an additional six classified positions will be necessary. The total for these ten new positions, including overhead, is \$1,558,263 annually. DEQ plans to seek additional fee authority to cover the new expenditures; however, if it is not approved, then DEQ will have to identify existing resources to cover the new expenditures.

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

There is currently no impact on revenues of DEQ. There is no revenue mechanism provided for in the enabling legislation for these regulations. However, the agency anticipates proposing an increase to fees for HW generators during the 2020 Regular Legislative Session in order to fund the new positions required at DEQ. Potential revenue increases will depend upon any authority granted.

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

The proposed rule will cause some increase in net costs to regulated entities, primarily to large and small businesses that generate hazardous waste that must be properly stored, labeled, manifested, and shipped for proper disposal. Utilizing a recent North Carolina economic impact study regarding the implementation of the same rule, DEQ estimates an overall net cost of approximately \$625,494 per year for Louisiana businesses to meet the new Federal requirements of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition or employment in the public and private sectors. These changes are mandatory statewide and will impact all hazardous waste generators in a similar manner.

Signature of Agency Head or Designee

Herman Robinson, General Counsel
Typed Name & Title of Agency Head or Designee

Date of Signature

Legislative Fiscal Officer or Designee

Date of Signature