

US EPA ARCHIVE DOCUMENT

**AMENDMENTS TO THE
HAZARDOUS WASTE REGULATIONS**

EFFECTIVE JULY 20, 1984

**PROPOSED AMENDMENTS TO THE
HAZARDOUS WASTE REGULATIONS**

1.3d)16) Insert the following:

"sludges" after "treatment" and before "generated" sixth line in 1.3d)16) - Page 1-5

1.3d)16) Substitute the following:

Change in the second paragraph "chrome tank" to "chrome tan" - Page 1-5

1.3d)16) Insert the following:

Change the second paragraph to insert the word "sludges" after "treatment" and before "generated" - Page 1-5

1.3d)16) Substitute the following:

TiO₂ for TiO last paragraph - Page 1-5

1.3d)19) Insert the following:

Change to insert the word "arsenical" before "treated wood" - Page 1-5

1.3d)21) Insert the following:

Insert a comma after "solid waste" and change the second "waste" to "water" - Page 1-5

1.3d)23) Substitute the following:

Change "used" to "reused" - Page 1-6

1.3i)1) Add the following:

"as amended" after "(SW846)" - Page 1-8

2.1 Delete the following:

Definition of "Waste" - Page 2-13

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2.1 Substitute the following:

Definition of "Solid Waste" - Page 2-11

(NOTE: This replaces the previous definition in its entirety)

Solid Waste - A solid waste is any garbage, refuse, sludge or any other waste material which is not excluded under 1.3d).

An "other waste material" is any solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining or agricultural operations, or from community activities which:

Is discarded or is being accumulated, stored or physically, chemically or biologically treated prior to being discarded; or

Has served its original intended use and sometimes is discarded; or

Is a manufacturing or mining by-product and sometimes is discarded.

A material is "discarded" if it is abandoned (and not used, re-used, re-claimed or recycled) by being:

Disposed of; or

Burned or incinerated, except where the material is being burned as a fuel for the purpose of recovering usable energy; or

Physically, chemically, or biologically treated (other than burned or incinerated) in lieu of or prior to being disposed of.

A material is "disposed of" if it is discharged, deposited, injected, dumped, spilled, leaked or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground or surface waters.

A "manufacturing or mining by-product" is a material that is not one of the primary products of a particular manufacturing or mining operation, is a secondary and incidental product of the particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and is typically processed through the next step of the process within a short time.

2.1 **Substitute the following:**

Definition of "Hazardous Waste" - Page 2-6.

(NOTE: This replaces the previous definition in its entirety)

Hazardous Waste - A solid waste, as defined in 2.1 is a hazardous waste if:

It is not excluded from regulation as a hazardous waste under 1.3d); and

It meets any of the following criteria:

It exhibits any of the characteristics of hazardous waste identified in 24.2.

It is listed in 24.1 and has not been excluded from the lists in 24.1 by the Environmental Protection Agency.

It is a mixture of a solid waste and a hazardous waste that is listed in 24.1 solely because it exhibits one or more of the characteristics of hazardous waste identified in 24.2., unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 24.2.

It is a mixture of solid waste and one or more hazardous wastes listed in 24.1 and has not been excluded by EPA. The mixtures of solid wastes and hazardous wastes listed in 24.1 are not hazardous wastes, unless they exhibit the characteristics of a hazardous waste in 24.2 or are listed in 24.1 if the generator can demonstrate that the mixture consists of wastewater excluded under 24.3.

2.1 **Insert the following:**

In second paragraph which begins "Elementary neutralization unit" - insert "only" after "exhibit" and before "the corrosivity" third line - Page 2-4

2.1 **Substitute the following:**

Under the definition of "Empty Container" Item (a) (3), third line change "100 gallons" to "110 gallons" - Page 2-4

2.1 Change definition:

Page 2-7 - Change definition of "Incompatible waste" to read:

(NOTE: This replaces the previous definition in its entirety)

"Incompatible waste -- a waste unsuitable for commingling with another waste or material if the commingling might result in the generation of: extreme heat or pressure; fire; explosion or violent reaction; substances which are shock-sensitive, friction-sensitive, or which otherwise have the potential of reacting violently; toxic dusts, mists, fumes, gases, or other chemicals; volatilized ignitable or toxic chemicals due to heat generation in such a manner that the likelihood of contamination of groundwater, or escape of the substances into the environment, is increased; or any other similar reactions, or where its placement in a particular device or facility may cause corrosion or decay of containment materials."

2.1 Change definition:

Page 2-10 - Change definition of "Point source" to read:

(NOTE: This replaces the previous definition in its entirety)

"Point source -- any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture."

2.1 Change definition:

Page 2-13 - Change definition of "Underground injection" to read:

(NOTE: This replaces the previous definition in its entirety)

"Underground injection -- the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (see also "injection well")"

3.2e) Substitute the following:

Page 3-1

"Requirements for existing TSD facilities -- Owners and operators of existing TSD facilities must submit Part I of their permit application requirements listed in 4.8 to the Administrative Authority no later than thirty (30) days after the date they first become subject to the permitting standards set forth in the LHWR."

3.2k)1) Substitute the following:**Page 3-3**

"If any owner or operator of a TSD facility has filed Part I of the permit application and has not yet filed a Part II permit application, the owner or operator shall file an amended Part I permit application."

3.3b)9) Substitute the following:**For the last sentence in 3.3b)9) - Page 3-5**

"After the immediate response activities are completed, any treatment, storage, or disposal of spilled material or spill residue or debris that is undertaken must be covered by interim status, permit or emergency permit."

3.3c)2) Substitute the following:**Page 3-6**

Ninth line: "Maintains a description and quantity of each hazardous waste received and subsequent treatment including methods and dates;"

Eleventh line: "annual" for "quarterly"

3.8a) Add:**Page 3-11**

(NOTE: This addition provides clarification regarding the status of a facility while it is awaiting action by the State on its application for a renewal permit.)

- "a) Continuation of expiring permits — the conditions of an expired permit continue in force until the effective date of a new permit if:
- 1) The permittee has submitted a timely application under 4.9 and the applicable sections in 4.10 - 4.16 which is a complete (under 4.2) application for a new permit; and
 - 2) The Administrative Authority through no fault of the permittee, does not issue a new permit with an effective date under 5.4 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).
- b) **Effect.** Permits continued under this section remain fully effective and enforceable.

- c) **Enforcement.** When the permittee is not in compliance with the conditions of the expiring or expired permit, the Administrative Authority may choose to do any or all of the following:

Initiate enforcement action based upon the permit which has been continued;

Issue a notice of intent to deny the new permit under 5.3c)2). If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

Issue a new permit under 3.2 with appropriate conditions; or

Take other actions authorized by these regulations.

- d) An EPA issued permit does not continue in force beyond its expiration date under Federal law if at that time a State is the permitting authority. States authorized to administer the RCRA program may continue either EPA or State-issued permits until the effective date of the new permits."

3.5D7) Substitute the following:

Page 3-9

(NOTE: It was the State's intent to satisfy the RCRA reporting requirements by making reference to DEQ Notification Regulations. However, this could not be accomplished and it was necessary to spell out the RCRA requirement in the HWMP.)

"The permittee shall report any non-compliance which may endanger health or the environment within 24 hours except as more immediate notification is required by the "Notification Regulations and Procedures for Unauthorized Discharges".

At a minimum such notification must include:

Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.

Any information of a release or discharge of hazardous waste or of a fire or explosion from the HWM facility, which could threaten the environment or human health outside the facility.

The description of the occurrence and its cause shall include:

Name, address, and telephone number of the owner or operator;

Name, address, and telephone number of the facility;

Date, time, and type of incident;

Name and quantity of material(s) involved;

The extent of injuries, if any;

An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance and its cause; the period of non-compliance including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The Administrative Authority may waive the five (5) day written notice requirement in favor of a written report within fifteen (15) days."

4.2 Substitute the following:

Page 4-1

(NOTE: This change provides clarification as to what constitutes "completeness".)

"Completeness — The Administrative Authority shall not issue a permit before receiving a complete application for a permit except for permits by rule (3.3c), or emergency permits (5.2). An application for a permit is complete when the Administrative Authority receives an application form and any supplemental information which are completed to his or her satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility."

4.4a) Substitute the following:

Page 4-1

"a) For a Corporation: By a principal executive officer of at least the level of vice-president."

5.2g) Delete:

Page 5-1 - Delete "5.2g)"

6.2b) Change to read:

Page 6-1, fifth line change "the Louisiana Department of Natural Resources" to "the Louisiana Department of Environmental Quality".

6.7f) Delete:

"transporter" first line - Page 6-5

7.4a)4) Delete:

"7.4a)4)" and renumber sequential items under 7.4a) - Page 7-2

7.5e)2) Add the following:

"as specified in 3.3a)1)" after "requirements" and before "of" in line 3 - Page 7-6

7.5e)3) Add the following:

Page 7-6

"3) Generators who accumulate hazardous waste for less than ninety (90) days are subject to the requirements of 7.8, 7.9, and 7.10 of these regulations."

7.9 Change to read:

Change "9.7g)" to "9.7f)" on last line - Page 7-9

8.2b) & c) Delete:

"8.2b)" and "8.2c)" - Page 8-2

8.4f)5) Delete:

parenthetical phrase "(if a manifest has not been received by the facility)" -Page 8-4

8.6f) Delete:

"8.6f)" on Page 8-6

8.8e) Substitute the following:

Page 8-7

"e) An air, rail, highway, or water transporter who has discharged hazardous waste must:

- 1) Give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802 or 202-426-2675); and
- 2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

8.8f) Add:

Page 8-7

"f) A water (bulk shipment) transporter who has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances."

9.14e) Delete:

"9.14e)" and re-letter sequential items - Page 9-20

receiving international waste

9.7b)1) Change to read:

Change "9.7g)" to "9.7f)" - Page 9-10

9.7e) Change to read:

Change "(see 9.7g))" to "(see 9.7f))" - Page 9-11

9.7f)9) Change to read:

Change "9.7g)8)" to "9.7f)8)" - Page 9-13

12.5a) Delete:

"when necessary" from last sentence - Page 12-1.

12.8d) Add:

Page 12-3

"d) The owner or operator must place the results of each waste analysis and trial test and any documented information regarding compatibility testing in the operating record of the facility."

13.2g) Substitute the following:

Page 13-3

(NOTE: This changes provides clarifications regarding the design and technical requirements that an operator of a waste pile must meet in order to qualify for a possible exemption to the Groundwater Protection requirements of Chapter 18.)

"g) The owner or operator of a double-lined waste pile is not subject to regulation under Chapter 18 if the following conditions are met:

The pile (including its underlying liners) must be located entirely above the seasonal high water table.

The pile must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of 13.2a)1).

A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners.

The pile must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with 13.2a)2).

If liquid leaks into the leak detection system, the owner or operator must:

Notify the Administrative Authority of the leak in writing within seven days after detecting the leak; and

Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

If a detection monitoring program pursuant to 18.9 has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of Chapter 18 within a period of time specified in the permit.

The Administrative Authority will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

13.5b)4) Add the following:

Page 13-4

"4) The presence of liquids in leak detection system, where installed to comply with 13.2g)."

13.6a)1) Change to read:

Change "corrosivity" to "reactivity" - Page 13-4

13.8c)1) Change to read:

Change "19.4" to "19.6" - Page 13-5

13.8c)2) Change to read:

Change "19.9" to "19.12" - Page 13-5

14.2a)1) Add the following:

"installed to cover all surrounding earth likely to be in contact with the waste or leachate. The liner must be:"

after the words "must be" first paragraph last line - Page 14-1

14.2b) Add the following:

"detection" after "leachate" and before "system" in third line - Page 14-2

14.6a)2) Substitute the following:

"2) 9.9 is complied with or 23.11 for interim status facilities" - Page 14-5

14.7 Change to read:

Page 14-5 - Change last line to read; "cell, unless 9.9 is complied with or 23.11 for interim status facilities."

14.11b) Change to read:

Change "19.8 through 19.10" to "19.10 through 19.14" - Page 14-7

15.8a)1) Change to read:

Change "corrosivity" to "reactivity" - Page 15-9

16.2a) Change to read:

Change "16.6d)1)" on third to last line to "16.6c)1)" - Page 16-1

16.2a)5) Add:

Page 16-2

"5) The synthetic liner must be installed to cover all surrounding earth likely to be in contact with the waste or leachate."

16.2h) Substitute the following:**Page 16-3**

"h) The owner or operator of a double lined surface impoundment is not subject to regulation under Chapter 18 if the following conditions are met:

The impoundment (including its underlying liners) must be located entirely above the seasonal high water table.

The impoundment must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of 16.2.

A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners.

If liquid leaks into the leak detection system, the owner or operator must:

Notify the Administrative Authority of the leak in writing within seven (7) days after detecting the leak; and

Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

If a detection monitoring program pursuant to 18.9 has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of Chapter 18 of this part within a period of time specified in the permit.

The Administrative Authority will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied."

16.6b) Change to read:

Change "19.10 and 19.11" to "19.10 through 19.14" on third line - Page 16-5

16.7a)1) Change to read:

Change "corrosivity" to "reactivity" - Page 16-7

16.7a)2) Change to read:

"9.9 is complied with or 23.11 for interim status facilities; or" - Page 16-16

16.8 Change to read:

Change last line to read; "impoundment, unless 9.9 is complied with or 23.11 for interim status facilities" - Page 16-7

17.8a)2) Delete the following:

Delete entire Comment: - Pages 17-14 and 17-15

17.10d) Substitute the following:

Page 17-20

"d) This monitoring and inspection data must be recorded and the records must be placed in the operating log as required by 9.12."

18.1b) Substitute the following:

Page 18-1

"b) Except as provided in 1.3d), 13.2g) and 16.2h), the owner or operator is subject to all groundwater monitoring regulations."

18.1b) Change to read:

Change "13.2h)" to "13.2g)" - Page 18-1

18.1c) Change to read:

Change "18.9" to "18.8" second line - Page 18-1

18.1d)2) Change to read:

Page 18-2

"2) Apply during the post-closure care period under Chapter 19, Subchapter II post-closure requirements if the owner or operator is conducting a detection monitoring program under 18.9."

18.4c) Delete:

"Identified in the permit application under Chapters 3, 4, and 5." - Page 18-5

18.5a)3) Change to read:

Change "alternative" to "alternate" - Page 18-5

18.8a)2) Substitute the following:

Page 18-7

"2) Represent the quality of groundwater passing the point of compliance."

18.9h)3) Change to read:

Change reference from "18.9h)3)" to "18.9h)2)" - Page 18-15

19.1b) Change to read:

Change "19.2 and 19.9" to "19.2 through 19.9" , in first sentence on Page 19-1

19.1c) Substitute the following:

"c) Subsections 19.8 through 19.14 (post-closure care) apply to the owners and operators of:" -Page 19-1

20.3a) Change to read:

Change "19.2 through 19.7" to "19.2 through 19.9" third line - Page 20-3.

Change "(See 19.5)" to "(See 19.6)", on last line - Page 20-3

20.4c)1) Delete the following:

"standard" from first sentence - Page 20-8

20.4d)9) Add:

"beyond the current expiration date, the Administrative Authority will draw on the letter of credit", after "credit" sixth line - Page 20-11

20.4e)8) Change to read:

Change fourth paragraph to read, "Closure is ordered by the Administrative Authority or a U.S. District Court; or" - Page 20-13



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20.8b)1) Delete:**Page 20-34**

Delete the phrase "insurance requirement" after "transact" and before "business" in the third paragraph.

20.8c) Substitute the following:**Change "Chapter 4" to "Chapter 3" - Page 20-35****20.10h) Change to read:****"Chapter 20" to "Chapter 19" second line of Recital 3 - Page 20-61****21.6 Change to read:****Change "24.1c)5)" to "24.1d)" second line - Page 21-1.****21.6a) Delete the following:****Delete the "or" in the third line - Page 21-1****22.14 Add the following:**

(NOTE: This change requires owner/operators of facilities that reuse or recycle hazardous waste to obtain a permit in addition to meeting the technical requirements. This change is necessary to bring the State's regulations in compliance with Federal requirements.)

Special requirements for hazardous waste which is used, re-used, recycled or reclaimed.

- a) Except as otherwise provided in paragraph b) of this section a reusable material which meets any of the following criteria is not subject to the regulations under Chapters 3 through 5 and Chapter 7 through Chapter 21 and Chapter 23 if;
- 1) It is legitimately being beneficially used or reused or recycled or reclaimed.
 - 2) It is being accumulated, stored or physically, chemically or biologically treated prior to legitimate beneficial use or reuse or recycling or reclamation.
 - 3) It is one of the following materials being used, reused, recycled or reclaimed in the specified manner:

- 20.4e)10) Change to read:
Change "20.4a)3)" to "20.4i)" - Page 20-13
- 20.4f)10) Insert the following:
"The guarantor must be the parent corporation of the owner or operator." As the second sentence in 20.4f)10) - Page 20-16.
- 20.5a) Change to read:
Change "19.7 through 19.10" to "19.10 through 19.14" in the fifth line - Page 20-17
- 20.6a)9) Change to read:
Change "20.6g) or 20.6h)" to "20.6a)7) or 20.6a)8)" - Page 20-20
- 20.6c)1) Delete the following:
"standard" from first sentence - Page 20-22
- 20.6d)3) Change to read:
Change "20.6c)" to "20.6a)3)" second paragraph, - Page 20-25
- 20.6e)8) Change to read:
Change fourth paragraph to read, "Closure is ordered by the Administrative Authority or a U.S. District Court; or" - Page 20-28
- 20.6e)11) Change to read:
Change "119.6.9" to "20.6)i)", last line - Page 20-28
- 20.8a) Change to read:
Page 20-32 - sixth line changed to read "The owner or operator must have and maintain liability coverage for sudden and accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense cost."
Page 20-33 - seventh line from top of Page changed to read, "the liability coverage must be at least \$5 million per occurrence with an annual aggregate of at least \$5 million, exclusive of legal defense costs."

Spent pickle liquor which is reused in wastewater treatment at a facility holding a National Pollutant Discharge Elimination System (NPDES) permit or which is being accumulated, stored, or physically, chemically or biologically treated before such reuse.

A reusable material which would constitute a hazardous waste under Chapter 24.1c) or 24.2

- b) **Except for those waste listed in 22.14a)3) of this section, a reusable material that is a sludge, or that is listed in 24.1 or 24.2 or that contains one or more hazardous wastes listed in 24.1 or 24.2; and that is transported or stored prior to being used, re-used, recycled, or reclaimed is subject to the following requirements with respect to such transportation or storage:**
 - 1) **Notification requirements under 1.3a) of the regulations.**
 - 2) **Chapters 6, 7, 8, 9, 11, 12, 13, 16, 18, 19 and 20.**
 - 3) **Chapter 23, Subchapter I, II, III, IV, V, VI, VII, VIII, IX, X and XI.**
- c) **Those waste listed in 24.1a) and 24.1b) are also subject to the permitting requirements of Chapters 3, 4 and 5.**

23.1e) Substitute the following:

"e) Interim status facilities must comply with Chapters 1, 2, 3, 4, 21, 22, 23, and 24." - Page 23-1

23.2 Substitute the following:

Page 23-1

(NOTE: This change provides clarification regarding the procedure that a facility must follow if it wishes to modify its interim status operations.)

"Changes during interim status -

- a) **New hazardous wastes not previously identified in Part I of the permit application may be treated, stored, or disposed of at a facility if the owner or operator submits a revised Part I permit application prior to such a change;**
- b) **Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part I permit application prior to such a change (along with a justification explaining the need for the change) and the Administrative Authority approves the change because of a lack of available treatment, storage, or disposal capacity at other hazardous waste management facilities;**

- c) **Changes in the processes for the treatment, storage, or disposal of hazardous waste may be made at a facility or additional processes may be added if the owner or operator submits a revised Part I permit application prior to such a change (along with a justification explaining the need for the change) and the Administrative Authority approves the change because:**
 - 1) **It is necessary to prevent a threat to the human health or the environment because of an emergency situation, or**
 - 2) **It is necessary to comply with State regulations or local laws.**

- d) **Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part I permit application no later than ninety (90) days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of Chapter 23 Subchapter VII (financial requirements), until the new owner or operator has demonstrated to the Administrative Authority that it is complying with that Subchapter. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the Administrative Authority by the new owner or operator of compliance with that Subchapter the Administrative Authority shall notify the old owner or operator in writing that it no longer needs to comply with that part as of the date of demonstration.**

- e) **In no event shall changes be made to an HWM facility during interim status which amounts to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility.**

23.6 Change to read:
 Change "9.14a)" to "9.14e)" - Page 23-2

23.20 Change to read:
 Change "9.7b)" to "9.7a)" - Page 23-4

23.21 Change to read:
 Change "9.7c)" to "9.7b)" - Page 23-4

23.22 Change to read:
 Change "9.7d)2)" to "9.7c)2)" - Page 23-4

- 23.24 Change to read:
Change "9.7f)" to "9.7e)" - Page 23-4
- 23.25 Change to read:
Change "9.7g)" to "9.7f)" - Page 23-4
- 23.29b)4) Change to read:
Change "9.7g)10)" to "9.7f)10)" - Page 23-5
- 23.33a) Change to read:
Change "9.7g)10)" to "9.7f)10)" - Page 23-6
- 23.36b)2) Add the following:
Manganese;
Sodium Page 23-9
- 23.37b) Change to read:
Change "Table 1" to "Table 2" - Page 23-10.
- 23.41b) Typographical correction:
Third sentence "whenever" should be "whenever" - Page 23-14.
- 23.41c) Insert the following:
Page 23-14, first sentence
"treatment, storage or" after "a operator of" and before "disposal."
- 23.41d) Add the following:
Page 23-14
Add "23.44" after "23.43" on third line from the last line.
- 23.41d) Add the following:
Page 23-14, fourteenth line after "approval within thirty days" add: "The Administrative Authority will approve and modify this plan in writing within sixty (60) days. If the Administrative Authority modifies the plan, this modified plan becomes the approved closure plan."

**23.42a) Change to read:
Change "23.39c)" to "23.41" - Page 23-14**

**23.42b) Change to read:
Change "23.39c)" to "23.41" - Page 23-15**

**23.45b)2) Typographical correction:
"post" should be "pose" - Page 23-16**

**23.47 Add the following:
"The owner or operator must identify the type, location, and quantity of hazardous wastes disposed of within each cell or area of the facility." before the last sentence on Page 23-19**

**23.52c)8) Delete:
Delete the phrase "pursuant to Section 3008 of RCRA" - Page 23-27**

**23.54a)9) Change to read:
Change "20.6g) or 20.6h)" to "23.5a)7) or 23.5a)8)" - Page 23-36**

**23.54b)3) Insert the following parenthetical note:
"(20.10a))" after "agreement" and before "to" in line twelve of 23.54b)3) - Page 23-37.**

**23.54c)3) Change to read:
Change reference from "28.10a)" in the fifth paragraph to "20.10a)" - Page 23-39**

**23.54c)9) Delete:
Delete the phrase "pursuant to Section 3008 of RCRA" - Page 23-40**

**23.54d)8) Substitute the following:
Page 23-42
"Closure is ordered by the Administrative Authority, or a U.S. District Court; or"**

23.77c) Add the following:

- "e) The owner or operator must place the results from each waste analysis and trial test, or the documented information in the operating record of the facility." -Page 23-55

23.78 Substitute the following:

Inspections — "The owner or operator must comply with 9.5 and inspect:" - Page 23-55

23.89 Typographical correction:

"treatment" should be "treatment" - Page 23-58.

23.90 Substitute the following:

Page 23-58

"General Operating requirements -

- a) Hazardous waste must not be placed in or on a land treatment facility unless the waste can be made less hazardous or non-hazardous by biological degradation or chemical reactions occurring in or on the soil.
- b) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portions of the facility during peak discharge from at least a 25-year storm.
- c) The owner or operator must design, construct, operate, and maintain a run-off management system capable of collecting and controlling a water volume at least equivalent to a 24-hour, 25-year storm.
- d) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.
- e) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator must manage the unit to control wind dispersal."

23.95a) Change to read:

Change "23.41b)" to "23.41a)" and change "23.46b)" to "23.46" - Page 23-59

23.95(f)3) Change to read:

Change "15.5" to "23.92" - Page 23-61

23.118 Typographical correction:

"chemicak" should be "chemical" - Page 23-67

24.1a) Add the following:

(NOTE: EPA in February, 1984, added a new listed hazardous waste. This change brings the State in compliance with the Federal Program.)

**Page 24-3
Industry and
EPA
hazardous
waste no.**

**Hazard
code**

Hazardous Waste

F024

(T)

Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. This listing does not include light ends, spent filters and filter aids, spent dessicants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in 24.1b)

24.1b) Substitute the following:

Page 24-5

KO24 T "Distillation bottoms from the production of phthalic anahydride from naphthalene."

24.1c) Substitute the following:

Page 24-8

"c) Discarded commercial chemical products, off-specification species, container residues and spill residues thereof - The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded:"

24.1c)3) Change to read:**Page 24-9**

- "3) Any residue remaining in a container or inner liner removed from a container that has been used to hold any commercial chemical product of manufacturing chemical intermediate having the generic name listed in 24.1d), or any container or inner liner removed from a container that has been used to hold any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in 24.1d), unless."

24.1d) Change to read:**Page 24-9**

- "d) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in 24.1c)1) through 24.1c)4), are identified as acute hazardous waste (H) and are subject to the small quantity exclusions defined in 21.6. These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Table 3."

24.1e) Change to read:**Page 24-14**

- "e) Commercial chemical products or manufacturing intermediates or off-specification commercial chemical products referred to in 24.1c)1), 24.1c)2), and 24.1c)4) are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in 21.2 and 21.7. These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Table 4."

in evidence



AMENDMENTS

December 20, 1984

AMENDMENTS

The following Sections of the Rules and Regulations for the Fee System of the Environmental Programs Governed by the Environmental Control Commission and Administered by the Corresponding Divisions of the Office of Environmental Affairs are hereby rescinded.

1. 3.2
2. 3.2.1.
3. 3.5.1.
4. 3.6.1.
5. 3.6.2
6. 3.6.3
7. 3.6.4
8. 3.6.5

Amendments to Chapters 3 and 7 of the Louisiana Hazardous Waste Regulations shall be as follows:

3.2 Overview of the permit program

- a) No later than ninety days after the promulgation or revision of these regulations, all generators and transporters of hazardous waste, and all owners or generators of hazardous waste treatment, storage, or disposal facilities must file or have on file a notification of that activity using Notification Form HW-1, available from the Administrative Authority. For generators of hazardous waste, the Notification Form HW-1 shall be deemed a registration upon acceptance and approval by the Administrative Authority.

7.1 Applicability

- f) A person who generates a hazardous waste as defined in Chapter 2 and further specified in Chapter 24 and 25 is subject to the requirements of these Chapters and shall register with the Department in accordance with the applicable provisions of e 3.2.

The Louisiana Hazardous Waste Regulations are hereby amended to ADD the following:

CHAPTER 25 Fee Schedules

- 25.1 Applicability - The regulations in this Chapter apply to generators of hazardous waste as well as treaters, storers, and disposers of hazardous waste except for those provisions as provided in 7.1 and 9.1.
- 25.2 Scope and Purpose - It is the purpose of these regulations to establish a fee system for funding the monitoring, investigation and other activities required to be conducted for the maintenance of a safe and healthful

environment by the Department of Environmental Quality in accordance with the Louisiana Environmental Quality Act (La. R.S. 30:1051 et seq.). Fees are required for all permits, licenses, registrations, and variances authorized by the Act.

- 25.3 Authority - These regulations provide fees as required by La. R.S. 30:1065.
- 25.4 Definitions - See Chapter 2.
- 25.5 Application Fees - Treaters, Storers, and/or Disposers.

- a) A one time application fee is charged to cover application, evaluation, and other related program costs.
- b) Each application thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified unless approved by the Administrative Authority. Major amendments may be considered as a separate application for purposes of calculating fees.

25.6 Calculation of Application Fees

- a) The applicant is required to calculate his appropriate application fee according to the schedule included in the permit application form. Payment of this fee must be attached to the application.

b) Fee schedule:

Item	Fee	
Site analysis - per acre site size	250	1)
Process and plan analysis	1,000	
Facility analysis - per facility 2)	500	
Management/financial analysis	1,000	

NOTES: Fee equals total of the four items.

- 1) Up to 100 acres, no additional fee thereafter
- 2) Incinerator, landfarm, treatment pond, etc., each counted as a facility

- 25.7 Provision for collection of additional fees should application fees paid be less than program costs:

Operators who paid an application fee of \$15,000 will be assessed an additional fee equalling the deficit, apportioned equally, provided that no Operator pays more than the calculated fee in 25.6.

- 25.8 Provision of funds collected in excess of program costs:

Excess funds over program cost generated by this fee shall be credited to the following year's budget.

25.9 Annual Maintenance Fees - Treaters, Storers, and/or Disposers

- a) Unless otherwise provided herein, all activities for which an annual fee is provided shall be subject to the payment of such fee within thirty (30) days from receipt of billing.

25.10 Calculation of Annual Maintenance Fees

Formula to apportion fees:

Fee per site + fee per facility + fee based on volume

Fee Per Site:

Off-site Disposer (Commercial)	\$25,000
Off-site Disposer (Non-commercial)	5,000
On-site Disposer	2,500

Fee Per Facility:

Standard for all disposers (For each facility)	\$1,500	ea.
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Fee Based on Volume:

Less than - 1,000 tons	1,000
Less than 10,000 tons	2,000
Less than 100,000 tons	3,000
Less than 1,000,000 tons	4,000
More than 1,000,000 tons	5,000

Maximum fee (cut-off):

Off-site (Commercial)	\$40,000
Off-site (Non-commercial)	20,000
On-site	15,000

Note: The higher fee for off-site disposal is due to cost of the manifest system and emergency response to transport spills. (Neither cost is applicable to on-site disposers).

25.11 Generators of Hazardous Waste

- a) All generators of hazardous waste, must file or have on file a notification of that facility, using Notification Form HW-1 available from the Administrative Authority (See 3.2a)).

For generators of hazardous waste, the Notification Form HW-1 shall be deemed a registration upon acceptance and approval by the Administrative Authority.

25.12 Registration Fees - Generators

An initial and annual monitoring and maintenance fee is charged for each generator registration. There is no fee for modifying an existing registration based on any change of information submitted on Notification Form HW-1.

Initial fee \$5.00

- 25.13 Annual Monitoring and Maintenance Fee**
- a) **Fee will annually be \$150.00**
- 25.14 Method of Payment - Fee payment shall be made by check, draft or money order payable to the Department of Environmental Quality and mailed to the attention of the Hazardous Waste Division at the following address:**
- Department of Environmental Quality
Office of Solid and Hazardous Waste
Hazardous Waste Division
Post Office Box 44066
Baton Rouge, Louisiana 70804-4066**
- 25.15 Late Payment - Unless otherwise provided herein, annual fees or other charges not received within fifteen (15) days of the due date will be subject to a late charge at an additional ten (10) percent per month.**
- 25.16 Failure to Pay - The prescribed application fee or annual fee as provided herein will constitute a violation of these regulations and shall subject the person to applicable enforcement actions under the Louisiana Environmental Quality Act including, but not limited to, revocation or suspension of the applicable permit, license, registration or variance.**
- 25.17 Effective Date - The application fees prescribed herein shall be required for all applications filed on or after these fee regulations are published in the Louisiana Register as adopted.**

The annual fees prescribed herein shall be effective for the state fiscal year in which these fee regulations are published in the Louisiana Register as adopted and each state fiscal year thereafter. Fees submitted to the Department in accordance with previous fee regulations for the the state fiscal year in which these fee regulations are published in the Louisiana Register as adopted shall be credited against the fees and due and payable under these fee regulations.