

US EPA ARCHIVE DOCUMENT

ADDENDUM TO THE
EPA-APPROVED LOUISIANA REGULATORY & STATUTORY
REQUIREMENTS
APPLICABLE TO THE HAZARDOUS MANAGEMENT
PROGRAM

August, 2011



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On July 13, 2012, EPA published a Federal Register document announcing its decision to incorporate by reference, at 272.951(c), Louisiana's authorized hazardous waste program (77 FR 41292). However, sections 1111.B.1.c, 1113, and 4407.A.12 of the Louisiana Administrative Code (LAC), Title 33, as amended through December 31, 2009, while incorporated by reference into the Federal regulations effective September 11, 2012, include State amendments that have not been reviewed or approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore, not Federally enforceable. This document gives notice that notwithstanding the language in the Louisiana hazardous waste regulations incorporated by reference at §272.951(c)(1), EPA will only enforce the State provisions actually authorized by EPA. The Addendum document contains the actual authorized text of the regulatory language at the citations listed above that EPA will enforce.

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The authorized version of § 1111.B.1.c (previously LHWR § 7.6(b)(1) 3rd paragraph) enforceable by EPA is:

LHWR § 7.6 Recordkeeping and Reporting

* * * * *

b) Annual Report

1) * * *

The EPA identification number, name, and address of each offsite treatment, storage, or disposal facility to which waste was shipped during the year. For exported shipments, the report must give the name and address of the foreign facility;

* * * * *

[Louisiana Hazardous Waste Regulations (LHWR), as amended March 20, 1984.]

The authorized version of § 1113 (previously LHWR § 7.7) enforceable by EPA is:

LHWR § 7.7 Special conditions

a) International shipments

- 1) Any person who exports hazardous waste to a foreign country, from a point of departure for the foreign country in Louisiana must comply with the requirements of this Chapter and with the special requirements of § 7.7. Importation of hazardous waste from a foreign country into Louisiana is prohibited under Act 260.
- 2) When shipping hazardous waste outside the United States from Louisiana, the generator must:

Notify the Administrative Authority in writing four weeks before the initial shipment of hazardous waste to each country in each calendar year:

The waste must be identified by its EPA hazardous waste identification number and its Louisiana Department of Public Safety shipping description; and

The name and address of the foreign consignee must be included this notice. [Note: The requirements to notify specified in 7.7a) will not be delegated to States authorized under 40 CFR Part 271. Therefore, all generators must notify the EPA and the Administrative Authority as required.]

Require that the foreign consignee confirm the delivery of the waste in the foreign country. A copy of the manifest signed by the foreign consignee may be used for this purpose; and

Meet the requirements under § 7.4b) for the manifest, except that in the place of the name, address, and EPA identification number of the designated facility, the name and address of the foreign consignee must be used. The generator must identify the point of departure from the United States through which the waste must travel before entering a foreign country.

3) A generator must file an Exception Report, if:

He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five days from the date it was accepted by the initial transporter; or

Within ninety days from the date the waste was accepted by the initial transporter, the generator has not received a written confirmation from the foreign consignee that the hazardous waste was received.

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[Louisiana Hazardous Waste Regulations (LHWR), as amended March 20, 1984.]

The authorized version of § 4407.A.12 (previously LHWR § 23.54(a)(12)) enforceable by EPA is:

LHWR § 23.54 Financial Assurance for Post-Closure Care

* * * * *

a) Post-closure trust fund

* * * * *

12) The Administrative Authority will agree to termination of the trust when:

An owner or operator substitutes alternate financial assurance as specified in §23.54; or

The Administrative Authority released the owner or operator from the requirements of §23.54a) in accordance with §23.54l)

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[Louisiana Hazardous Waste Regulations (LHWR), as amended March 20, 1984.]