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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

§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:

\* \* \*  
[See Prior Text]

*Liner*—a continuous layer of material, beneath and on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

~~Louisiana State~~ *EPA Acknowledgement of Consent*—the cable sent to the administrative authority EPA from the United States Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

\* \* \*  
[See Prior Text]

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, in 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 16:47 (January 1990), LR 16:220 (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 LR 19:626.

Title 33  
ENVIRONMENTAL QUALITY  
Part V. Hazardous Waste and Hazardous Materials  
Subpart 1. Department of Environmental Quality-Hazardous Waste  
Chapter 3. General Conditions for Treatment, Storage, and Disposal  
Facility Permits

§305. Scope of the Permit

\* \* \*  
[See Prior Text in A-C.10]

D. RCRA Permits by Rule

\* \* \*  
[See Prior Text in 1-1.a]

b. The owner or operator of an injection well disposing of hazardous waste if he or she has a valid permit for underground injection issued under LAC 43:XVII.Subparts 1 and 2 and is in compliance with such permit and LAC 43:XVII.203.F, and associated surface facilities are permitted under LAC 33:V.3321 and 3322. For underground injection permits issued after November 8, 1984, the owner or operator must comply with LAC 33:V.Chapter 22, LAC 33:V.3322, R.S. 30:2077, and R.S. 30:2193. Where the underground injection well is the only unit at a facility which requires a RCRA permit, the owner or operator must comply with LAC 33:V.516 and with the following information requirements for solid waste management units.

\* \* \*  
[See Prior Text in 1.b.i-G.3]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, in 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).

§323. Suspension, Modification or Revocation and Reissuance, and Termination of Permits

\* \* \*  
[See Prior Text in A-B]

1. Suspension

a. The administrative authority may temporarily suspend the operator's right to accept additional hazardous waste to treat, store, or dispose of until violations are corrected. If violations are corrected, the administrative authority may lift the enforcement. Suspension of a permit and/or subsequent corrections of the causes of the suspension by the permittee shall not preclude the administrative authority from terminating the permit if necessary. The administrative authority shall give notice to the operator, by registered mail, return receipt requested, of violation of the permit or act, listing the specific violations. If the operator fails to comply with this notice by correcting the cited violations within 30 days from date of notice, the administrative authority may issue an order requiring compliance within a specified time, or may commence a civil action in the district court in the parish in which the violation occurred for appropriate relief, including a temporary or permanent injunction. If the operator fails to take corrective action within the time specified in the order, the administrative authority shall assess a civil penalty, and may suspend or terminate the permit, all pursuant to LAC 33:V.Chapter 1 of these regulations and the Act.

\* \* \*

[See Prior Text in B.1.b-B.7]

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 14:790 (November 1988), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992).

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ENVIRONMENTAL QUALITY  
Part V. Hazardous Waste and Hazardous Materials  
Subpart 1. Department of Environmental Quality—Hazardous Waste  
Chapter 5. Permit Application Contents

Subchapter A. General Requirements For Permit Applications

§501. Permit Application

A. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit a permit application to the administrative authority as described in this Section and LAC 33:V.4301, 4303, and 4305. Persons currently authorized with interim status shall apply for permits when required by the administrative authority. Persons covered by RCRA permits by rule (LAC 33:V.305.ED) need not apply. Procedures for applications, issuance, and administration of emergency permits are found exclusively in LAC 33:V.701 and 703. Procedures for application, issuance, and administration of research, development, and demonstration permits are found exclusively in LAC 33:V.329.

\* \* \*

[See Prior Text in B-C.1]

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

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

2. At any time after promulgation of Phase II the owner and operator of an existing hazardous waste management facility may be required to submit Part II of their permit application. The administrative authority may require submission of Part II. Any owner or operator shall be allowed at least 120 days from the date of request to submit Part II of the application. Any owner or operator of an existing hazardous waste management facility may voluntarily submit Part II of the application at any time. Notwithstanding the above, any owner or operator of an existing hazardous waste management facility must submit a Part II permit application in accordance with the dates specified in LAC 33:V.4305. Any owner or operator of a land disposal facility in existence on the effective date of statutory or regulatory amendments under ~~these regulations~~The Act that render the facility subject to the requirement to have a RCRA permit must submit a Part

II application in accordance with the dates specified in LAC 33:V.4305.

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).

§503. Completeness

The administrative authority shall not issue a permit before receiving a complete application for a permit except for permits by rule (LAC 33:V.305.C) or emergency permits (LAC 33:V.701). 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.~~ The administrative authority may deny a permit for the active life of a hazardous waste management facility or TSD unit before receiving a complete application for the permit. An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in this Section.

\* \* \*

[See Prior Text in 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 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991).

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Subpart 1. Department of Environmental Quality-Hazardous Waste  
Chapter 11. Generators

§1107. The Manifest System

A. General Requirements

\* \* \*  
[See Prior Text in 1-8]

9. The manifest form used must be obtained from the department. An example of this form may be found in the Notification of Hazardous Waste Activity Package (Form HW-1) which may be obtained from the department.

\* \* \*  
[See Prior Text in B-C.6]

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

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

§1109. Pre-transport Requirements

\* \* \*  
[See Prior Text in A-D]

E. Accumulation Time

1. Except as provided in LAC 33:V.1109.E.7, ~~8,~~ and ~~9,~~ a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:

\* \* \*  
[See Prior Text in 1.a-7.e]

~~8. A GENERATOR WHO GENERATES LESS THAN 100 KILOGRAMS OF HAZARDOUS WASTE IN A CALENDAR MONTH AND WHO MUST TRANSPORT HIS WASTE, OR OFFER HIS 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 HE COMPLIES WITH THE REQUIREMENTS OF LAC 33:V.1109.E.7.~~

~~9. A GENERATOR WHO GENERATES LESS THAN 100 KILOGRAMS OF HAZARDOUS WASTE IN A CALENDAR MONTH AND WHO ACCUMULATES HAZARDOUS WASTE IN QUANTITIES EXCEEDING 600 KG OR ACCUMULATES HAZARDOUS WASTE FOR MORE THAN 180 DAYS (OR FOR MORE THAN 270 DAYS IF HE OR SHE MUST TRANSPORT HIS OR HER WASTE, OR OFFER THE WASTE FOR TRANSPORTATION, OVER A DISTANCE OF 200 MILES OR MORE) IS AN OPERATOR OF A STORAGE FACILITY AND IS SUBJECT TO THE REQUIREMENTS OF LAC 33:V. CHAPTERS 9, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 32, 33, 35, 37, AND 43 AND THE PERMIT REQUIREMENTS OF LAC 33:V. CHAPTERS 3, 5, 7, 27, 31, AND 43 UNLESS HE OR SHE HAS BEEN GRANTED AN EXTENSION TO THE 180 DAY (OR 270 DAY IF APPLICABLE) PERIOD. SUCH EXTENSION MAY BE GRANTED BY THE ADMINISTRATIVE AUTHORITY IF HAZARDOUS WASTE MUST REMAIN ON-SITE FOR LONGER THAN 180 DAYS (OR 270 DAYS IF APPLICABLE) DUE TO UNFORESEEN, TEMPORARY, AND UNCONTROLLABLE CIRCUMSTANCES. AN EXTENSION OF UP TO 30 DAYS MAY BE GRANTED AT THE DISCRETION OF THE ADMINISTRATIVE AUTHORITY ON A CASE-BY-CASE BASIS.~~

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).

\$1111. Recordkeeping and Reporting

\* \* \*  
[See Prior Text in A.1-B.1.d]

e. a description of the waste, the EPA hazardous waste number (see LAC 33:V.4901 or 4903), ~~hazard class assigned the waste by the Louisiana Department of Public Safety and Corrections or its successor agency~~U.S. Department of Transportation hazard class, and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage, or disposal facility within the United States. This information must be listed by EPA identification number of each such off-site facility to which waste was shipped;

\* \* \*  
[See Prior Text in f-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 16:220 (March 1990), LR 17:362 (April 1991).

§1113. Exports of Hazardous Waste

\* \* \*  
[See Prior Text in A-B]

C. General Requirements

Exports of hazardous wastes are prohibited except in compliance with the applicable requirements of LAC 33:V.1113 and LAC 33:V.Chapter 13. Exports of hazardous waste are prohibited unless:

\* \* \*  
[See Prior Text in 1-2]

3. a copy of the ~~Louisiana State~~ EPA Acknowledgment of Consent for the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water [bulk shipment]);

4. the hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the ~~Louisiana State~~ EPA Acknowledgement of Consent.

D. Notification of Intent to Export

1. A primary exporter of hazardous waste must notify the ~~administrative authority~~ United States Environmental Protection Agency of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:

\* \* \*  
[See Prior Text in a-b]

i. a description of the hazardous waste and the EPA hazardous waste number (LAC 33:V.4901 and 4903), ~~Louisiana Department of Public Safety and Corrections (or its successor agency)~~ U.S. Department of Transportation proper shipping name, hazard class, and ID number (UN/NA) for each hazardous waste as identified in 49 CFR Part 171-177;

\* \* \*  
[See Prior Text in ii-viii]

2. Notification shall be sent to the Louisiana

Department of Environmental Quality with "Attention: Notification to Export" prominently displayed on the front of the envelope. [Note: This does not relieve the regulated community from the requirement of submitting notification to the Office of International Activities, as required by 40 CFR 262.53(b).]

3. Except for changes to the telephone number required by Subsection D.1.a. of this Section, changes to the information required by Subsection D.1.b.v of this Section, and decreases in the quantity indicated pursuant to Subsection D.1.b.iii of this Section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification), the primary exporter must provide the ~~administrative authority~~ United States Environmental Protection Agency with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to Subsection D.1.b.viii of this Section and in the ports of entry to and departure from transit countries pursuant to Subsection D.1.b.iv of this Section) has been obtained and the primary exporter received a ~~Louisiana State~~ EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.

4. Upon request by the ~~administrative authority~~ United States Environmental Protection Agency, a primary exporter shall furnish to the ~~administrative authority~~ United States Environmental Protection Agency any additional information which a receiving country requests in order to respond to a notification.

\* \* \*  
[See Prior Text in 5]

6. Where the receiving country consents to the receipt of the hazardous waste, the administrative authority will forward ~~an Louisiana State~~ EPA Acknowledgement of Consent to the primary exporter for purposes of LAC 33:V.1113.E.8. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, the administrative authority will notify the primary exporter in writing. The administrative authority will also notify the primary exporter of any responses from transit countries.

#### E. Special Manifest Requirements

A primary exporter must comply with manifest requirements of LAC 33:V.1107, except for the following:

\* \* \*  
[See Prior Text in 1-3]

4. the following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: ``and conforms to the terms of the attached ~~Louisiana State~~ EPA Acknowledgment of Consent'';

\* \* \*  
[See Prior Text in 5-7]

a. ~~renotify the administrative authority~~United States Environmental Protection Agency of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with LAC 33:V.1113.D.3 and obtain an ~~Louisiana State~~ EPA Acknowledgment of Consent prior to delivery; or

\* \* \*  
[See Prior Text in b-c]

8. the primary exporter must attach a copy of the ~~Louisiana State~~ EPA Acknowledgment of Consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an ~~Louisiana State~~EPA Acknowledgment of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the ~~Louisiana State~~EPA Acknowledgment of Consent to the shipping paper;

\* \* \*  
[See Prior Text in E.9]

F. Exception Reports

In lieu of the requirements of LAC 33:V.1111.C, a primary exporter must file an Exception Report with the ~~administrative authority~~United States Environmental Protection Agency, if:

\* \* \*  
[See Prior Text in F.1-.3]

G. Annual Reports

1. Primary exporters of hazardous waste shall file with the ~~administrative authority~~ United States Environmental Protection Agency no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:

\* \* \*

[See Prior Text in a-c]

d. by consignee, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from LAC 33:V.4901 or 4903), ~~Louisiana State Department of Public Safety and Corrections (or its successor agency)~~ U.S. Department of Transportation hazardous class, the name and US EPA ID number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;

\* \* \*

[See Prior Text in e-f]

2. Reports shall be sent to the administrative authority of the Louisiana Department of Environmental Quality. [Note: This does not relieve the regulated community from the requirement of submitting annual reports to the Office of International Activities.]

H. Recordkeeping

\* \* \*

[See Prior Text in 1-1.a]

b. keep a copy of each ~~Louisiana State~~ EPA Acknowledgment of Consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;

\* \* \*

[See Prior Text in c-d]

2. The periods of 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~~ United States Environmental Protection Agency.

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).

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Subpart 1. Department of Environmental Quality—Hazardous Waste  
Chapter 13. Transporters

§1307. The Manifest System

\* \* \*  
[See Prior Text in A]

1. if he knows the shipment does not conform to the ~~Louisiana State~~EPA Acknowledgment of Consent; and

2. unless, in addition to a manifest signed in accordance with LAC 33:V.1107, such waste is also accompanied by a ~~Louisiana State~~EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water [bulk shipment]).

\* \* \*  
[See Prior Text in B]

C. The transporter must ensure that the manifest accompanies the hazardous waste, except as provided for bulk water or rail transport in LAC 33:V.1307.E and 1307.F. In the case of exports, the transporter must ensure that a copy of the ~~Louisiana State~~EPA Acknowledgment of Consent also accompanies the hazardous waste.

\* \* \*  
[See Prior Text in D-E.1]

2. a shipping paper containing all the information required on the manifest (excluding the EPA identification number, generator certification and signature) and, for exports, a ~~Louisiana State~~EPA Acknowledgment of Consent accompanies the hazardous waste;

\* \* \*  
[See Prior Text in E.3-F.1.d]

2. Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification, and signatures) and, for exports, a ~~Louisiana State~~EPA Acknowledgment of Consent accompanies the hazardous waste at all times. [Note: Intermediate rail transporters are not required to sign either the manifest or shipping paper.];

\* \* \*  
[See Prior Text in F.3-H]

~~1. A TRANSPORTER TRANSPORTING HAZARDOUS WASTE FROM A GENERATOR WHO GENERATES LESS THAN 100 KILOGRAMS OF HAZARDOUS WASTE IN A CALENDAR MONTH NEED NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION OR THOSE OF LAC 33:V.1311 PROVIDED THAT.~~

~~1. THE WASTE IS BEING TRANSPORTED PURSUANT TO A RECLAMATION AGREEMENT AS PROVIDED FOR IN LAC 33:V.1107.A.10.~~

~~2. THE TRANSPORTER RECORDS, ON A LOG OR SHIPPING PAPER, THE FOLLOWING INFORMATION FOR EACH SHIPMENT.~~

~~a. THE NAME, ADDRESS, AND UNITED STATES EPA IDENTIFICATION NUMBER OF THE GENERATOR OF THE WASTE.~~

~~b. THE QUANTITY OF WASTE ACCEPTED.~~

~~c. ALL SHIPPING INFORMATION REQUIRED BY THE LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS OR ITS SUCCESSOR AGENCY, AND~~

~~d. THE DATE THE WASTE IS ACCEPTED.~~

~~3. THE TRANSPORTER CARRIES THIS RECORD WHEN TRANSPORTING WASTE TO THE RECLAMATION FACILITY.~~

~~4. THE TRANSPORTER RETAINS THESE RECORDS FOR A PERIOD OF AT LEAST THREE YEARS AFTER TERMINATION OR EXPIRATION OF THE AGREEMENT.~~

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), repromulgated LR 18:1256 (November 1992).

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Subpart 1. Department of Environmental Quality—Hazardous Waste  
Chapter 15. Treatment, Storage, and Disposal Facilities  
§1519. General Waste Analysis

A. Hazardous Waste Chemical and Physical Analysis

1. Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous wastes if applicable under LAC 33:V.3513.D, he or she must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with all requirements of ~~these regulations and permit conditions~~ LAC 33:V.Chapters 15 and 22.

\* \* \*  
[See Prior Text in A.2-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 LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:1256 (November 1992).

Title 33  
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials  
Subpart 1. Department of Environmental Quality-Hazardous Waste

Chapter 29. Surface Impoundments

§2907. Monitoring and Inspection

\* \* \*  
[See Prior Text in A-D.2]

E. An owner or operator required to have a leak detection system under LAC 33:V.2903.I or J must record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

1. After the final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

2. "Pump operating level" is a liquid level proposed by the owner or operator and approved by the administrative authority based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

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).

§2911. Closure and Post-closure Care

\* \* \*  
[See Prior Text in A-B.1]

2. maintain and monitor the leak detection system in

accordance with LAC 33:V.2903 and 2907.E and comply with all other applicable leak detection system requirements of this Chapter where such a system is present between double liner systems;

\* \* \*

[See Prior Text in B.3-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), LR 18:1256 (November 1992).

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Chapter 31. Incinerators

§3107. Waste Analysis

A. As a portion of the trial burn plan required by LAC 33:V.3115 or with the permit application, the owner or operator must have included an analyses of the waste feed sufficient to provide all information required by LAC 33:V.~~1519~~A529 and 3115.B. Owners or operators of new hazardous waste incinerators must provide the information required by LAC 33:V.3115 to the greatest extent possible.

\* \* \*  
[See Prior Text in B]

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

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

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ENVIRONMENTAL QUALITY  
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Subpart 1. Department of Environmental Quality-Hazardous Waste  
Chapter 39. Small Quantity Generators

§3901. Applicability

SMALL QUANTITY GENERATORS ARE SUBJECT TO ALL THE REQUIREMENTS OF THIS CHAPTER AND CHAPTER 11 EXCEPT FOR THOSE EXCLUSIONS LISTED IN THIS CHAPTER AND ANY SECTION REFERENCED IN THIS CHAPTER.

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, in LR 10:200 (March 1984), amended in LR 13:237 (April 1987).

§3903. Quantitative Limit

A GENERATOR IS A SMALL QUANTITY GENERATOR FOR THE CALENDAR MONTH, IF HE GENERATES LESS THAN AN AVERAGE OF 100 KILOGRAMS OF HAZARDOUS WASTE IN THAT PER CALENDAR MONTH EXCEPT AS SPECIFIED IN LAC 33:V.3911-107. IF THE QUANTITATIVE LIMIT SET FORTH IN THIS SECTION IS EXCEEDED, THE GENERATOR MUST RENOTIFY THE ADMINISTRATIVE AUTHORITY OF HIS CHANGE IN STATUS AND REMAIN IN THAT CATEGORY FOR THE NEXT CALENDAR YEAR.

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, in LR 10:200 (March 1984), amended LR 13:237 (April 1987), repromulgated LR 18:1256 (November 1992).

~~§3905. Petition for Exemption~~

~~SMALL QUANTITY GENERATORS ARE REQUIRED TO NOTIFY THE ADMINISTRATIVE AUTHORITY IN WRITING THAT THEY HAVE CLAIMED SMALL QUANTITY GENERATOR STATUS, EXCEPT FOR THOSE WASTES IDENTIFIED IN LAC 33:V.3911, 3913, 3915, AND 3917.C, A SMALL QUANTITY GENERATOR'S HAZARDOUS WASTES ARE NOT SUBJECT TO THESE REGULATIONS PROVIDED THE GENERATOR COMPLIES WITH THE REQUIREMENTS OF LAC 33:V.3913, 3915, AND 3917.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 13:237 (April 1987), LR 16:220 (March 1990).

§39075. Recycle

A. THE GENERATOR MUST NOTIFY HIS ON-SITE REUSE/RECYCLE ACTIVITIES IN ACCORDANCE WITH LAC 33:V.4103.

B. HAZARDOUS WASTE THAT IS RECYCLED AND THAT IS DESCRIBED IN LAC 33:V.4105.C.4 AND LAC 33:V.4105.B IS NOT INCLUDED IN THE QUANTITY DETERMINATIONS REFERENCED IN THIS SECTION AND IS NOT SUBJECT TO ANY REQUIREMENTS OF THIS SECTION CHAPTER. HAZARDOUS WASTE THAT IS SUBJECT TO THE REQUIREMENTS OF LAC 33:V.4113 AND 4115, AND LAC 33:V.4139, AND 4143 INCLUSIVE IS INCLUDED IN THE QUANTITY DETERMINATION OF LAC 33:V.CHAPTERS 1, 31, 39, 41, AND 49 AND IS SUBJECT TO THE REQUIREMENTS OF LAC 33:V.SUBPART 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, in LR 10:200 (March 1984), amended in LR 11:1139 (December 1985).

~~§3909. Exemptions~~

~~IN DETERMINING THE QUANTITY OF HAZARDOUS WASTE HE GENERATES, A GENERATOR NEED NOT INCLUDE:~~

~~A. HIS HAZARDOUS WASTE WHEN IT IS REMOVED FROM ON-SITE STORAGE; OR~~

~~B. HAZARDOUS WASTE PRODUCED BY ON-SITE TREATMENT (INCLUDING RECLAMATION) OF HIS HAZARDOUS WASTE, SO LONG AS THE HAZARDOUS WASTE THAT IS TREATED WAS COUNTED ONCE; OR~~

~~C. SPENT MATERIALS THAT ARE GENERATED, RECLAIMED, AND SUBSEQUENTLY REUSED ON-SITE, SO LONG AS SUCH SPENT MATERIALS HAVE BEEN COUNTED ONCE.~~

~~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, in LR 10:200 (March 1984), amended LR 16:220 (March 1990).~~

§391107. Acutely Hazardous Wastes

IF A GENERATOR GENERATES ACUTELY HAZARDOUS WASTE IN A CALENDAR MONTH IN QUANTITIES GREATER THAN SET FORTH BELOW, ALL QUANTITIES OF THAT ACUTELY HAZARDOUS WASTE ARE SUBJECT TO FULL REGULATION (LAC 33:V.SUBPART 1):

\* \* \*

[See Prior Text in A]

B. A TOTAL OF 100 KILOGRAMS OF ANY RESIDUE OR CONTAMINATED SOIL, WASTE, OR OTHER DEBRIS RESULTING FROM THE CLEANUP OF A SPILL, INTO OR ON ANY LAND OR WATER, OF ANY ACUTELY HAZARDOUS WASTES LISTED IN LAC 33:V.4901.B, C, OR E.

(COMMENT: "FULL REGULATION" MEANS THOSE REGULATIONS APPLICABLE TO GENERATORS OF GREATER THAN 100 KG OF NON-ACUTELY HAZARDOUS WASTE IN A CALENDAR MONTH.)

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).

§391309. Accumulation Time

~~A SMALL QUANTITY GENERATOR MAY ACCUMULATE HAZARDOUS WASTE ON-SITE. IF HE ACCUMULATES AT ANYAT NO TIME IS A SMALL QUANTITY GENERATOR ALLOWED TO ACCUMULATE MORE THAN A TOTAL OF 1000 KILOGRAMS OF HIS HAZARDOUS WASTE, OR ON-SITE. AT NO TIME IS A SMALL QUANTITY GENERATOR ALLOWED TO ACCUMULATE HIS ACUTELY HAZARDOUS WASTES IN QUANTITIES GREATER THAN SET FORTH IN LAC 33:V.391107. ALL OF THOSE ACCUMULATED WASTES FOR WHICH THE ACCUMULATION LIMIT WAS EXCEEDED ARE SUBJECT TO THE TIME PERIOD OF LAC 33:V.1109.E FOR ACCUMULATION OF WASTES ON SITE. THE TIME PERIOD BEGINS FOR A SMALL QUANTITY GENERATOR WHEN THE ACCUMULATED WASTES EXCEED THE APPLICABLE EXCLUSION LEVEL. AT NO TIME IS THE SMALL QUANTITY GENERATOR ALLOWED TO STORE THE MATERIAL ON-SITE LONGER THAN 365 DAYS.~~

AUTHORITY NOTE: Promulgated iyn 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, in LR 10:200 (March 1984), amended in LR 13:237 (April 1987), LR 18:1256 (November 1992).

§39151. Exemption Requirements

~~IN ORDER FOR HAZARDOUS WASTE GENERATED BY A SMALL QUANTITY GENERATOR TO BE EXCLUDED FROM THE FULL REQUIREMENTS OF THESE REGULATIONS, THE SMALL QUANTITY GENERATOR MUST:~~

~~A. COMPLY WITH THE MANIFEST REQUIREMENTS IN LAC 33:V.1107;~~

~~A. COMPLY WITH LAC 33:V.1103;~~

~~B. STORE HAZARDOUS WASTE ON SITE IN COMPLIANCE WITH THE REQUIREMENTS OF LAC 33:V.3913; AND~~

~~C. EITHER TREAT OR DISPOSE OF HIS HAZARDOUS WASTE IN AN ON-SITE FACILITY, OR B. ENSURE DELIVERY TO AN OFF-SITE STORAGE, TREATMENT OR DISPOSAL FACILITY, EITHER OF WHICH, IF LOCATED IN THE UNITED STATES, IS:~~

\* \* \*

[See Prior Text in 1-4]

a. BENEFICIAALLYLEGITIMATELY USES OR RE-USES, OR LEGITIMATELY RECYCLES OR RECLAIMS ITS WASTE; OR

b. TREATS ITS WASTE PRIOR TO BENEFICIALLEGITIMATE USE OR

RE-USE OR LEGITIMATE RECYCLING OR RECLAMATION.

DC. ALL OF THE FOLLOWING WILL BE REQUIRED:

1. THE DATE ON WHICH EACH ACCUMULATION PERIOD BEGAN SHALL BE CLEARLY MARKED AND VISIBLE FOR INSPECTION, AS SPECIFIED IN LAC 33:V.1109.E.1.d;

\* \* \*

[See Prior Text in 2]

3. ALL HAZARDOUS WASTE CONTAINERS BEING STORED ON-SITE IN CONTAINERS OR TANKS PRIOR TO DIRECT SHIPMENT TO A TSD FACILITY SHALL BE REGULATED BY LAC 33:V.CHAPTERS 19 OR 21. ~~ALL HAZARDOUS WASTE CONTAINERS BEING ACCUMULATED AT A CENTRAL LOCATION PRIOR TO SHIPMENT TO A TSD FACILITY, ALTHOUGH NOT GENERATED AT THE CENTRAL LOCATION, SHALL BE REGULATED BY THE APPLICABLE SECTIONS OF LAC 33:V.CHAPTER 7, EXCEPT LAC 33:V.1105.A AND B. THE CENTRAL LOCATION MUST MANIFEST PER LAC 33:V.1107 AND THE CENTRAL LOCATION MAY ONLY RECEIVE HAZARDOUS WASTE FROM SITES UNDER THE SAME OWNERSHIP. WHEN THE HAZARDOUS WASTE IS ACCUMULATED AT THE CENTRAL LOCATION, THE SMALL QUANTITY GENERATOR LOCATION SHALL COMPLY WITH LAC 33:V.CHAPTER 21.~~ A SECURITY SYSTEM SHALL BE PROVIDED TO INSURE THAT SITE INGRESS AND EGRESS BY THE PUBLIC IS CONTROLLED AND THAT EMPLOYEES ARE PROTECTED FROM HAZARDS TO HEALTH RESULTING FROM CONTACT WITH EXTREMELY HAZARDOUS OPERATIONS.

\* \* \*

[See Prior Text in 4.a-b]

5. THE OWNER OR OPERATOR SHALL BE REQUIRED TO SUBMIT AN ANNUAL REPORT FOR ~~EACH SMALL QUANTITY GENERATOR FOR ALL HAZARDOUS WASTE SHIPPED DIRECTLY TO A TSD FACILITY OFF-SITE.~~ THE ANNUAL REPORT IS DUE BY MARCH 1 OF EACH CALENDAR YEAR COVERING THE PERIOD OF JANUARY 1 TO DECEMBER 31 OF THE PREVIOUS YEAR. THE REPORT WILL INCLUDE THE GENERATOR ID ~~IF APPLICABLE,~~ THE TYPE OF WASTE, THE AMOUNT OF WASTE AND THE DISPOSITION OF THE WASTE.

~~THE OWNER OR OPERATOR SHALL BE REQUIRED TO SUBMIT AN ANNUAL REPORT FOR ONLY THE CENTRAL LOCATION WHEN WASTE IS ACCUMULATED AT THE CENTRAL LOCATION FROM THE SMALL QUANTITY GENERATOR LOCATION PRIOR TO SHIPMENT TO A TSD FACILITY. THE ANNUAL REPORT SHALL MEET THE REQUIREMENTS OF THE ABOVE PARAGRAPH.~~

6. A TRAINING PROGRAM SHALL BE DEVELOPED AND DOCUMENTED FOR ALL PERSONNEL WHOSE DUTIES MAY INVOLVE HAZARDOUS WASTE MANAGEMENT OR EMERGENCY RESPONSE. THIS TRAINING MUST BE A PROGRAM OF CLASSROOM INSTRUCTION OR ON THE JOB TRAINING AND MUST BE DIRECTED BY A PERSON TRAINED IN HAZARDOUS WASTE MANAGEMENT PROCEDURES. RECORDS OF THIS TRAINING MUST BE KEPT ON-SITE. AT A MINIMUM, THIS PROGRAM MUST:

a. TEACH FACILITY PERSONNEL HAZARDOUS WASTE MANAGEMENT PROCEDURES RELEVANT TO THE POSITIONS IN WHICH THEY ARE EMPLOYED;

b. ENSURE THAT PERSONNEL ARE ABLE TO RESPOND EFFECTIVELY TO EMERGENCIES BY FAMILIARIZING THEM WITH PROCEDURES AND EQUIPMENT; AND

c. BE REVIEWED ON AN ANNUAL BASIS.

7. A SMALL QUANTITY GENERATOR IS EXCLUDED FROM THE SPECIFIC CONTINGENCY PLAN REQUIREMENTS UNDER LAC 33:V.1117. HOWEVER, THE SMALL QUANTITY GENERATOR MUST HAVE WRITTEN EMERGENCY PROCEDURES WHICH AT A MINIMUM, MUST INCLUDE:

a. EMERGENCY PHONE NUMBERS; AND

b. SPILL CLEANUP PROCEDURES.

~~7. ACCUMULATED WASTES MUST BE STORED IN AN ENVIRONMENTALLY SOUND MANNER PRIOR TO DISPOSAL.~~

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, in LR 10:200 (March 1984), amended LR 13:237 (April 1987), LR 16:220 (March 1990), repromulgated LR 18:1256 (November 1992).

\*As appeared in the published rule.

~~§3917. Special Requirements~~

~~A. HAZARDOUS WASTE SUBJECT TO THE REDUCED REQUIREMENTS OF THIS CHAPTER MAY BE MIXED WITH NON-HAZARDOUS WASTE AND REMAIN SUBJECT TO THESE REDUCED REQUIREMENTS EVEN THOUGH THE RESULTANT MIXTURE EXCEEDS THE QUANTITY LIMITATIONS IDENTIFIED IN THIS CHAPTER, UNLESS THE MIXTURE MEETS ANY OF THE CHARACTERISTICS OF HAZARDOUS WASTES IDENTIFIED IN LAC 33:V.4903.~~

~~B. IF ANY PERSON MIXES A HAZARDOUS WASTE THAT EXCEEDS THE QUANTITY EXCLUSION LEVEL OF THIS CHAPTER WITH A SOLID WASTE, THE MIXTURE IS SUBJECT TO FULL REGULATION.~~

~~C. IF A SMALL QUANTITY GENERATOR'S WASTES ARE MIXED WITH USED OIL, THE MIXTURE IS SUBJECT TO LAC 33:V.4147 IF IT IS DESTINED TO BE BURNED FOR ENERGY RECOVERY. ANY MATERIAL PRODUCED FROM SUCH A MIXTURE BY PROCESSING, BLENDING, OR OTHER TREATMENT IS ALSO SO REGULATED IF IT IS DESTINED TO BE BURNED FOR ENERGY RECOVERY.~~

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 in LR 13:237 (April 1987), LR 16:220 (March 1990).

Title 33  
ENVIRONMENTAL QUALITY  
Part V. Hazardous Waste and Hazardous Materials  
Subpart 1. Department of Environmental Quality — Hazardous Waste  
Chapter 43. Interim Status

§4305. Termination of Interim Status

\* \* \*  
[See Prior Text A-B.2]

C. For owners ~~ex~~and operators of each incinerator facility which has achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1989, unless the owner or operator of the facility submits a Part II application for a RCRA permit for an incinerator facility by November 8, 1986.

\* \* \*  
[See Prior Text in D-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 10:200 (March 1984), amended LR 16:220 (March 1990), LR 16:614 (July 1990).