

US EPA ARCHIVE DOCUMENT

ATTORNEY GENERAL'S STATEMENT FOR FINAL
AUTHORIZATION FOR CHANGES TO THE FEDERAL
RCRA PROGRAM FROM JULY 1988 THROUGH JUNE 1989

I hereby certify, pursuant to my authority as Attorney General and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 USC 6901 et seq.), and 40 CFR 271 that in my opinion the laws of the state of Louisiana provide adequate authority to carry out the revised program set forth in the revised "Program Description" submitted by the Louisiana Department of Environmental Quality. The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now as specified below. These authorities and this certification supplement the previously certified authorities described in my (or my predecessors) certification(s) of March 8, 1995.

The State of Louisiana was previously granted authorization for clusters referred to by the United States Environmental Protection Agency (U.S.E.P.A.) as Base Program, non-HSWA I, non-Hswa II, non-Hswa III, non-HSWA IV, and Hswa I. This Attorney General's statement coincides with the rules addressed in checklists 49, 52, 55, 58, 59, and 60 in the cluster referred to by the U.S.E.P.A. as non-HSWA V, and checklists 71, 72, and 76 in the cluster referred to by the U.S.E.P.A. as non-HSWA VI.

I. IDENTIFICATION AND LISTING

A. State statutes and regulations contain lists of hazardous waste which encompass all wastes controlled under the following Federal regulations as indicated in the designated Revision Checklists:

- (15) Amendments to the F019 hazardous waste listing to exclude wastewater treatment sludges from zirconium phosphating in aluminum can washing, when such phosphating is an exclusive conversion coating process, 40 CFR 261.31, as amended February 14, 1990 [55 FR 5340], Revision Checklist 72.

Federal Authority: RCRA §3001(b).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec. 4901.B Table 1 as amended September 20, 1994,
effective September 20, 1994.

Remarks of the Attorney General

The state provision is equivalent.

H. State statutes and regulations exempt (with certain limitations) waste samples used in small scale treatability studies from Subtitle C regulation as indicated in Revision Checklist 49.

Federal Authority: RCRA §3001; 40 CFR 260.10 and 261.4(e)&(f) as amended July 19, 1988 (53 FR 27290).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec.	109	as amended October 20, 1994, effective October 20, 1994;
	105.D.37	as amended September 20, 1994, effective September 20, 1994;
	105.D.38	as amended September 20, 1994, effective September 20, 1994.

Remarks of the Attorney General

The state provisions are equivalent.

J. State statutes and regulations that:

- (2) remove five conditionally retained mineral processing wastes from the exemption from hazardous waste regulation under the Beville exclusion, and amend the definitions of "beneficiation" and "designated facility" as indicated in Revision Checklists 71 and 90.

Federal Authority: RCRA §3001(b)(3)(A)(ii); 40 CFR 260.10 and 261.4(b)(7) as amended January 23, 1990 (55 FR 2322) and June 13, 1991 (56 FR 27300).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec.	109	as amended October 20, 1994, effective October 20, 1994.
	105.D.17.A-T	as amended September 20, 1994, effective September 20, 1994.

Remarks of the Attorney General

The state provision is equivalent.

M. State statutes and regulations contain the language to result in consistent interpretation of the criteria for listing

wastes as hazardous under RCRA as indicated in Revision Checklist 76.

Federal Authority: RCRA §3001(a); 40 CFR 261.11(a)(3) as amended May 4, 1990 (55 FR 18726).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec. 4907.A.3 as amended May 20, 1991,
effective May 20, 1991.

Remarks of the Attorney General
The state provision is equivalent.

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORDKEEPING

D. State statutes and regulations include a burden disclosure statement with each uniform manifest form and renew the use of this form as indicated in Revision Checklist 58.

Federal Authority: RCRA §§2002, 3002, and 3003; 40 CFR 262.20 and Part 262 Appendix as amended November 8, 1988 (53 FR 45089).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec. 903.D as amended April 20, 1991,
effective April 20, 1991;
1107.A as amended October 20, 1994,
effective October 20, 1994.

Remarks of the Attorney General
The state provisions are equivalent.

E. State statutes and regulations require that generators who ship hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as a hazardous waste assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility, as indicated in Revision Checklist 71.

Federal Authority: RCRA §§2002, 3002 and 3003; 40 CFR 262.23(e) as amended on January 23, 1990 (55 FR 2322).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec. 1107.D.6 as amended October 20, 1994,
effective October 20, 1994.

Remarks of the Attorney General
The state provision is equivalent.

XI. GROUND-WATER MONITORING

D. State statutes and regulations specify statistical methods, sampling procedures, and performance standards that can be used in groundwater monitoring procedures to detect groundwater contamination at permitted hazardous waste facilities as indicated in Revision Checklist 55.

Federal Authority: RCRA §§1006, 2002(a), 3004 and 3005; 40 CFR 264.91, 264.92, 264.97, 264.98 and 264.99 as amended October 11, 1988 (53 FR 39720).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec.	3303.A.1, A.2	as amended November 20, 1992, effective November 20, 1992;
	3305.A	as amended July 20, 1990, effective July 20, 1990;
	3315.A.1-3, G-J	as amended July 20, 1990, effective July 20, 1990;
	3317.C, D, F-K	as amended July 20, 1990, effective July 20, 1990;
	3319.C, D, F-L	as amended July 20, 1990, effective July 20, 1990.

Remarks of the Attorney General
The state provisions are equivalent.

XV. STANDARDS FOR FACILITIES

H. State statutes and regulations require companies that generate, treat or store hazardous waste in tanks to comply with tank standards equivalent to those indicated in Revision Checklists 28 and 52.

Federal Authority: RCRA §§1006, 2002, 3001 - 3007, 3010, 3014, 3017 - 3019 and 7004; 40 CFR Parts 260, 261, 262, 264, 265, and 270 as amended July 14, 1986 (51 FR 25422), August 15, 1986 (51 FR 29430) and September 2, 1988 (53 FR 34079).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec.	109	as amended October 20, 1994, effective October 20, 1994;
	3515	as amended July 20, 1990, effective July 20, 1990;
	1901.A, B	as amended December 20, 1992, effective December 20, 1992;
	1907.F.3	as amended July 20, 1990, effective July 20, 1990;
	4377.B.2	as amended March 20, 1995, effective March 20, 1995;
	4385	as amended July 20, 1990, effective July 20, 1990;
	4431.A, A.2	as amended December 20, 1992, effective December 20, 1992;
	4437.F.3, G.3.iii	as amended July 20, 1992, effective July 20, 1992;
	4441	as amended July 20, 1992, effective July 20, 1992.

Remarks of the Attorney General

LHWR Sec. 109. Wastewater treatment unit is more stringent than the federal regulation in that it defines the residues from these treatment units whereas the federal regulations do not.

The LHWR is also more stringent than 40 CFR 265.201(c)(3) in that the state requires any generator that generates over 100kg/mo to be classified as a large quantity generator.

XVI. REQUIREMENTS FOR PERMITS

O. State statutes and regulations require that all owners and operators of units that treat, store, or dispose of hazardous waste in miscellaneous units must comply with the general application requirements (including Part A permit requirements), the Part B general application requirements of §270.14, and specific Part B information requirements for miscellaneous units as indicated in Revision Checklists 45 and 59.

Federal Authority: RCRA §§3004 and 3005; 40 CFR 264.600, 270.14 and 270.23 as amended December 10, 1987 (52 FR 46946) and January 9, 1989 (54 FR 615).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec.	517.G, M	as amended November 20, 1992, effective November 20, 1992.
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Remarks of the Attorney General

The state provisions are equivalent.

Q. State statutes and regulations make it clear that existing incinerator facilities must either conduct a trial burn or submit other information as specified in 270.19(a) or (c) before a permit can be issued for that facility as indicated in Revision Checklist 60.

Federal Authority: RCRA §3005(b); 40 CFR Part 270 as amended January 30, 1989 [54 FR 4286).

Citation of Laws and Regulations; Date of Adoption and Effective Date

Louisiana Revised Statutes 30: 2180 et seq as amended June 14, 1991, effective June 14, 1991.

LHWR Sec. 3115.D as amended November 20, 1992,
effective November 20, 1992.

Remarks of the Attorney General

The state provisions are equivalent.

Seal of Office

Richard P. Ieyoub
Attorney General

BY: 

Ian Douglas Lindsey
Assistant Attorney General

Date 8 June 95

