

US EPA ARCHIVE DOCUMENT

ATTORNEY GENERAL'S STATEMENT FOR FINAL
AUTHORIZATION FOR CHANGES TO THE FEDERAL
RCRA PROGRAM RCRA PROGRAM FROM JULY 1987 THROUGH JUNE 1990

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 42, 44A-B, 44D-F, 47, 48, 52, 77, and 79 in the cluster referred to by the U.S.E.P.A. as HSWA II, and checklists 65, 67, 70, and 73 in the cluster referred to by the U.S.E.P.A. as non-HSWA VI.

I. IDENTIFICATION AND LISTING

B. State statutes and regulations define hazardous waste so as to control the generation, transportation, treatment, storage and disposal of hazardous waste produced by small quantity generators of between 100 and 1000 kilograms/month as indicated in Revision Checklist 23 (which supersedes prior amendments by Revision Checklist 17 A) and Revision Checklist 47 (providing technical corrections to Checklist 23). State statutes and regulations also require small quantity generators to certify good faith efforts to minimize waste generation and to select the best available and affordable treatment, storage or disposal alternatives, 40 CFR Part 262 as amended October 1, 1986 [51 FR 35190], Revision Checklist 32 (see Item IX below).

Federal Authority: RCRA §3001(d); 40 CFR Parts 260-263 and 270 as amended March 24, 1986 (51 FR 10146), October 1, 1986 (51 FR 35190), and July 19, 1988 (53 FR 27162).

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.	3911	as amended October 20, 1994, effective October 20, 1994;
	3913	as amended October 20, 1994, effective October 20, 1994.

Remarks of the Attorney General

LAC 33:V.3913 is more stringent than 40 CFR 261.5(f)(2) because the state regulation prohibits a SQG to store material on-site for longer than 365 days. The federal language does not set a limit on accumulation time for generators of less than 100 kg/mth.

J. State statutes and regulations that:

- (1) provide final criteria to define Bevill-excluded mineral processing wastes, finalize the Bevill status of nine mineral processing waste streams, and list those mineral processing wastes subject to conditional retention as indicated in Revision Checklist 65.

Federal Authority: RCRA §3001(b); 40 CFR 261.3 and 261.4 as amended September 1, 1989 (54 FR 36592).

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.Hazardous Waste.2.a	as amended March 20, effective March 20, 1995;
1995,	109.Hazardous Waste.2.c	as amended March 20, 1995, effective March 20, 1995;
	105.D.17	as amended September 20, 1994, effective September 20, 1994;
	105.D.17.a-e	as amended September 20, 1994, effective September 20, 1994;
	105.D.17.f-t	as amended September 20, 1994, effective September 20, 1994.

Remarks of the Attorney General

The state provisions are equivalent.

K. State statutes and regulations incorporate 47 new testing methods as approved methods for use in meeting the regulatory requirements under Subtitle C of RCRA as indicated in Revision Checklists 67 and 73.

Federal Authority: RCRA §§3001, 3004, 3005, and 3006; 40 CFR 260.11 and Part 261 Appendix III as amended September 29, 1989 (54 FR 40260) and March 9, 1990 (55 FR 8948).

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.	303.A	as amended September 20, 1994, effective September 20, 1994;
	323.A, B	as amended October 20, 1994, effective October 20, 1994;
	703.C	as amended March 20, 1984, effective March 20, 1984;
	717.A	as amended May 20, 1991, effective May 20, 1991;
	Ch.49.App.A.Tbl 9	as amended October 20, 1994, effective October 20, 1994;
	Ch.49.App.A.Tbl 10	as amended March 20, 1995, effective March 20, 1995.

Remarks of the Attorney General

The state provisions are equivalent. The meaning contained in 40 CFR 260.11(a) is equivalent to the LHWR. These methods are cited within the text where applicable. Louisiana cannot adopt by reference and for this reason does not wish to adopt and cannot adopt this section. However, the LDEQ is equivalent in that each place that the CFR cites these EPA methods, the Louisiana regulations also cite these methods.

N. State statutes and regulations add eight new testing methods to the section of regulations that incorporates these methods by reference as indicated in Revision Checklist 79.

Federal Authority: RCRA §§3001, 3004, 3005 and 3006; 40 CFR 260.11(a) as amended June 21, 1990 (55 FR 25454).

Remarks of the Attorney General

There are no equivalent cites because the state does not incorporate by reference.

VII. NATIONAL UNIFORM MANIFEST SYSTEM AND RECORDKEEPING

B. State statutes and regulations require that generators, of between 100 and 1000 kg/mo of hazardous waste,

file an exception report in those instances where the generator does not receive confirmation of delivery of his hazardous waste to the designated facility as indicated in Revision Checklist 42.

Federal Authority: RCRA §§3001(d) and 3002(a)(5); 40 CFR Parts 262.42 and 262.44 as amended September 23, 1987 (52 FR 35894).

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.	1111.C.1	as amended October 20, 1994, effective October 20, 1994;
	1111.C.2	as amended October 20, 1994, effective October 20, 1994.

Remarks of the Attorney General

LAC 33:V.1111.C.1 is more stringent than 40 CFR 262.42(a)(1) because the state requires all generators to contact the transporter if the manifest is not received within 15 days. 40 CFR 262.42(a)(1) requires generators of greater than 1000kg/mth to contact the transporter if the manifest is not received within 30 days.

LAC 33:V.1111.C.2 is more stringent than 40 CFR 262.42(a)(2) and (b) because the state requires all generators as opposed to those generators generating greater than 1000kg/mth to submit an exceptions report if the generator has not received the manifest within 45 days as opposed to 60 days required by the federal provision.

There is no state equivalent to 40 CFR 262.44 which makes the state more stringent. 40 CFR 262.44 limits the provisions that generators generating between 100-1000kg/mth must follow. The state does not limit provisions for this class of generator.

XIII. CORRECTIVE ACTION

C. State statutes and regulations require owners and operators of facilities seeking permits to provide descriptive information on the solid waste management units themselves and all available information pertaining to any releases from the units as indicated in Revision Checklist 44 A.

Federal Authority: RCRA §3004(u); 40 CFR 270.14 as amended December 1, 1987 (52 FR 45788).

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.	520	as amended November 20, 1992, effective November 20, 1992;
	516.A	as amended July 20, 1991, effective July 20, 1991;
	516.A.1-6	as amended July 20, 1991, effective July 20, 1991;
	516.B	as amended July 20, 1991, effective July 20, 1991;
	516.C	as amended July 20, 1991, effective July 20, 1991.

Remarks of the Attorney General

LAC 33:V.516.A.1-6 is more stringent than 40 CFR 270.14(d)(1)(i-v) because the state mandates that additional requirements be met for solid waste management units.

All other state provisions are equivalent.

D. State statutes and regulations require that owners and operators of hazardous waste treatment, storage and disposal facilities (including permit-by-rule facilities subject to 264.101) institute corrective action beyond the facility boundary to protect human health and the environment, unless the owner/operator is denied access to adjacent lands despite the owner/operator's best efforts, as indicated in Revision Checklist 44 B.

Federal Authority: RCRA §3004(v); 40 CFR 264.100(e) and 264.101(c) as amended December 1, 1987 (52 FR 45788).

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.	3321.E	as amended July 20, 1991, effective July 20, 1991;
	3321.E.1	as amended July 20, 1991, effective July 20, 1991;
	3321.E.2	as amended July 20, 1991, effective July 20, 1991;
	3322.C	as amended September 20, 1994, effective September 20, 1994.

Remarks of the Attorney General

The state provisions are equivalent.

XIV. HAZARDOUS WASTE EXPORTS

A. State statutes and regulations require generators and transporters of hazardous waste destined for export outside the United States to comply with standards equivalent to those as

indicated in Revision Checklists 17 R, 31, 48, and 97 (with the latter providing technical corrections to Checklist 31).

Federal Authority: RCRA §3017; 40 CFR 262.50 as amended July 15, 1985 (50 FR 28702), August 8, 1986 (51 FR 28664), July 19, 1988 (53 FR 27164), and September 4, 1991 (56 FR 45704).

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.	1101.A	as amended September 20, 1994, effective September 20, 1994;
	1101.C	as amended September 20, 1994, effective September 20, 1994;
	1501.C.4	as amended November 20, 1992, effective November 20, 1992;
	4307	as amended March 20, 1994, effective March 20, 1994;
	305.C.3	as amended October 20, 1994, effective October 20, 1994.

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	as amended December 20, 1992, effective December 20, 1992;
	1901.B	as amended December 20, 1992, effective December 20, 1992;
	1907.F.3	as amended December 20, 1992,

4377.B.2	effective December 20, 1992; as amended July 20, 1990,
4385	effective July 20, 1990; as amended July 20, 1990,
4431.A.1	effective July 20, 1990; as amended December 20, 1992,
4431.A.2	effective December 20, 1992; as amended December 20, 1992,
4437.F.3	effective December 20, 1992; as amended July 20, 1992,
4437.G.3.iii	effective July 20, 1992. as amended July 20, 1992,
4441.Note	effective July 20, 1992; as amended March 20, 1989, effective March 20, 1989.

Remarks of the Attorney General

LAC 33:V.109.Treatment Unit is more stringent in its definition of residues from these units than 40 CFR 260.10.

There is no state equivalent to 40 CFR 265.201(c)(3) rendering the state provision more stringent because it does not allow for a generator class of generation between 100 and 1000kg/mth. The State provides for two classification of generators; those generating less than 100kg/mth and those generating greater than 100kg/mth.

All other state provisions are equivalent.

K. State statutes and regulations require new and existing hazardous waste treatment, storage or disposal facilities to control organic air emissions from process vents and equipment leaks as indicated in Revision Checklists 79 and 87.

Federal Authority: RCRA §§1006, 2002, 3001-3007, 3010, 3014 and 7004; 40 CFR Parts 261, 264, 265 and 270 as amended June 21, 1990 (55 FR 25454) and April 26, 1991 (56 FR 19290).

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.	4115.A	as amended November 20, 1992, effective November 20, 1992;
	4115.B.3	as amended November 20, 1992, effective November 20, 1992;
	4115.C	as amended November 20, 1992, effective November 20, 1992;
	1519.B.7	as amended October 20, 1994,

1509.B.4 effective October 20, 1994;
 as amended March 20, 1995,
 effective March 20, 1995;
 1529.B.6 as amended September 20, 1994
 effective September 20, 1994;
 1529.B.9 as amended March 20, 1995,
 effective March 20, 1995;
 1529.E.3 as amended September 20, 1994,
 effective September 20, 1994;
 1701 as amended July 20, 1991,
 effective July 20, 1991;
 1705.A-B as amended September 20, 1994,
 effective September 20, 1994;
 1703 as amended July 20, 1991,
 effective July 20, 1991;
 1707.A-D as amended July 20, 1991,
 effective July 20, 1991;
 1709.A.1-L as amended September 20, 1994,
 effective September 20, 1994;
 1711.A-F as amended September 20, 1994,
 effective September 20, 1994;
 1713.A.1-F as amended September 20, 1994,
 effective September 20, 1994;
 1715.A-B as amended July 20, 1991,
 effective July 20, 1991;
 1717.A-E as amended September 20, 1994,
 effective September 20, 1994;
 1719.A.1-F as amended July 20, 1991,
 effective July 20, 1991;
 1721.A-I.2 as amended July 20, 1991,
 effective July 20, 1991;
 1723.A-C as amended July 20, 1991,
 effective July 20, 1991;
 1725.A-C as amended July 20, 1991,
 effective July 20, 1991;
 1727.A.1-C as amended July 20, 1991,
 effective July 20, 1991;
 1729.A-H.3 as amended July 20, 1991,
 effective July 20, 1991;
 1731.A-D as amended July 20, 1991,
 effective July 20, 1991;
 1733.A-E as amended July 20, 1991,
 effective July 20, 1991;
 1735 as amended July 20, 1991,
 effective July 20, 1991;
 1737.A-D as amended July 20, 1991,
 effective July 20, 1991;
 1739.A.1-B.4 as amended July 20, 1991,
 effective July 20, 1991;
 1741.A-I as amended September 20, 1994,
 effective September 20, 1994;
 1743.A.1-M as amended July 20, 1992,

1745.A-B	effective July 20, 1992; as amended July 20, 1991, effective July 20, 1991;
4313	as amended March 20, 1995, effective March 20, 1995;
4357.B.3	as amended September 20, 1994, effective September 20, 1994;
4357.B.6	as amended March 20, 1995, effective March 20, 1995;
4365.D	as amended July 20, 1991, effective July 20, 1991;
4549.A-B.2	as amended September 20, 1994, effective September 20, 1994;
4551	as amended July 20, 1991, effective July 20, 1991;
1707.A-D	as amended July 20, 1991, effective July 20, 1991;
517.G	as amended November 20, 1992, effective November 20, 1992;
517.J.6-J.7	as amended November 20, 1992, effective November 20, 1992;
517.J.9	as amended November 20, 1992, effective November 20, 1992;
530-530.D.5	as amended November 20, 1992, effective November 20, 1992;
536-536.E.5	as amended November 20, 1992, effective November 20, 1992;
4561.D	as amended September 20, 1994, effective September 20, 1994;
4563	as amended July 20, 1991. effective July 20, 1991;

Remarks of the Attorney General

The definition of "continuous recorder" found in LAC 33:V.1703 is more stringent than 40 CFR 264.1031 because the state requires that if reasonably available technology exists with recording values of greater than 15 minutes, that the better technology be used. All other LAC 33:V.1703 definitions are equivalent to those definitions found in 40 CFR 264.1031.

All other state provisions are equivalent.

XVI. REQUIREMENTS FOR PERMITS

K. State statutes and regulations allow the permit granting agency to initiate modifications to a permit without first receiving a request from the permittee, in cases where statutory changes, new or amended regulatory standards or judicial decisions affect the basis of the permit as indicated in Revision Checklist 44 D.

Federal Authority: RCRA §3005(c); 40 CFR 270.41(a)(3) as amended December 1, 1987 (52 FR 45788).

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. 323.B.2.C.iii as amended October 20, 1994, effective October 20, 1994.

Remarks of the Attorney General

The state provisions are equivalent.

L. State statutes and regulations require that permittees must comply with new requirements imposed by the land disposal restrictions promulgated under Part 268 even when there are contrary permit conditions, as indicated in Revision Checklist 44 E.

Federal Authority: RCRA §3006(g); 40 CFR 270.4(a) as amended December 1, 1987 (52 FR 45788).

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. 307.A as amended March 20, 1995, effective March 20, 1995.

Remarks of the Attorney General

The state provision is equivalent.

M. State statutes and regulations require information from permit applicants concerning permit conditions necessary to protect human health and the environment as indicated in Revision Checklist 44 F.

Federal Authority: RCRA §3005(c); 40 CFR 270.10 as amended December 1, 1987 (52 FR 45788).

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. 303.Q as amended September 20, 1994, effective September 20, 1994.

Remarks of the Attorney General

The state provision is equivalent.

V. State statutes and regulations incorporate updates to 40 CFR Part 124 as indicated in Revision Checklist 70.

Federal Authority: RCRA §§6901 and 6902; 40 CFR 124.3, 124.5, 124.6, 124.10 and 124.12 as amended April 1, 1983 (48 FR 14146), June 30, 1983 (48 FR 30113), July 26, 1988 (53 FR 28118), September 26, 1988 (53 FR 37396) and January 4, 1989 (54 FR 246).

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.	303.A.1-4	as amended September 20, 1994, effective September 20, 1994;
	323.A	as amended October 20, 1994, effective October 20, 1994;
	323.B.2	as amended October 20, 1994, effective October 20, 1994;
	323.B.2.b	as amended October 20, 1994, effective October 20, 1994;
	323.B.3.a	as amended October 20, 1994, effective October 20, 1994;
	703.C.3	as amended March 20, 1984, effective March 20, 1984;
	717.A.2-5	as amended May 20, 1991, effective May 20, 1991.

Remarks of the Attorney General

The state provisions are equivalent. LHWR 303.A-303.A.4, 323.A, 323.B.2, 323.B.2.b, and 703.C.3 are equivalent to 40 CFR 124.3(a)-124.(a)(3), and 124.6(d)(1)-(3). 40 CFR 124 is a combination of many hazardous waste regulations including but not limited to RCRA. Louisiana does not have a combined regulation. The LHWR cites are equivalent to 40 CFR as they pertain to RCRA. The language as it pertains to other statutes can be found in those corresponding state regulations.

XVII. MINIMUM TECHNOLOGICAL REQUIREMENTS

B. State statutes and regulation require:

- (1) New units, expansions, and replacement units at interim status landfills and surface impoundments and landfills and surface impoundments for which Part B of the permit application is received by the proper authority after November 8, 1984, meet the requirements for double liners and leachate collection systems applicable to new permitted landfills and surface impoundments in 40 CFR 264.221 and 264.301 and 265.221 and 265.301 as indicated in Revision Checklists 17 H and 77.

Federal Authority: RCRA §§1006, 2002(a), 3004, 3005 and 3015(b);
40 CFR 264.221, 265.221, 264.301 and 265.301 as amended July 15,
1985 (50 FR 28702) and May 9, 1990 (55 FR 19262).

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.	2903.J	as amended March 20, 1995, effective March 20, 1995;
	2503.L	as amended March 20, 1995, effective March 20, 1995.

Remarks of the Attorney General

The state provisions are equivalent.

Seal of Office

Richard P. Ieyoub
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BY: 

Ian Douglas Lindsey
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Date

JUL 24 1995