

US EPA ARCHIVE DOCUMENT

PR XI
RCRA VIII
Signed 2/9/00

MEMORANDUM OF AGREEMENT BETWEEN

THE STATE OF LOUISIANA

AND

THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI

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I. GENERAL

This Memorandum of Agreement (hereinafter "Agreement") establishes policies, responsibilities, and procedures pursuant to 40 CFR 271.8 for the State of Louisiana's Hazardous Waste program (hereinafter "State Program") authorized under Section 3006 of the Resource Conservation and Recovery Act (hereinafter "RCRA" or "the Act") of 1976 (42 USC 6901 et seq.) as amended [Public Laws 94-580, 96-482, the Hazardous and Solid Waste Amendments (HSWA) of 1984, Public Law 98-616], and the United States Environmental Protection Agency (hereinafter EPA) Regional Office for Region VI. This Agreement further sets forth the manner in which the State and the EPA will coordinate in the State's administration and enforcement of the State program and pending State authorization.

This Agreement is entered into by the Secretary of the Louisiana Department of Environmental Quality (hereinafter "Secretary" or "the State") and the Regional Administrator, EPA Region VI (hereinafter "Regional Administrator" or "EPA").

For administrative purposes, the Louisiana Department of Environmental Quality-Hazardous Waste Division (LDEQ-HWD) will serve as lead agency to simplify coordination of activities and communication between the State and the EPA.

Nothing in this Agreement shall be construed to restrict in any way the EPA's authority to fulfill its oversight and enforcement responsibilities under RCRA. Nothing in this Agreement shall be construed to contravene any provision of 40 CFR Part 271.

The parties will review the Agreement jointly at least once a year (and other times as appropriate) during preparation of the multi-year State grant work program (hereinafter "State Work Program"), in connection with grant funding under Section 3011 of RCRA.

This Agreement amends the revised agreement which was effective on December 11, 1997. This Agreement may be modified upon the initiative of either party in order to ensure consistency with State program modifications made or for any other purpose mutually agreed upon. Any revisions or modifications to this Agreement must be in writing and must be signed by the State and the Regional Administrator. This Agreement will remain in effect until such time as State program authorization is withdrawn by or is voluntarily transferred to the EPA according to the criteria and procedures established in 40 CFR 271.22 and 40 CFR 271.23.

This Agreement shall be executed by the State and the Regional Administrator and shall become effective at the time the State's authorization takes effect, which shall be the date set out in the Federal Register notice of the Regional Administrator's decision to grant authorization to the State.

II. POLICY STATEMENT

The hazardous waste program has matured from both the national and the state perspectives since the first state authorizations several years ago. This agreement acknowledges the natural progression in the regulatory process and the resulting shift in the State and EPA roles. One of the primary purposes of this document is to clarify and delineate the respective roles of the regulatory agencies.

This agreement recognizes the pre-eminent role that the State has as the lead agency in protecting human health and the environment in Louisiana. The EPA brings oversight and enforcement capabilities to this collaborative environmental protection effort. Where possible, with the limited exception of combustion risk evaluations, this agreement encourages a shift by the EPA to program-wide, limited after-the-fact reviews, rather than case-by-case intervention.

Each of the parties to this Agreement is responsible for ensuring that its obligations under RCRA are met. Upon granting of final authorization by the EPA, the State assumes primary responsibility for implementing the authorized provisions of the RCRA and HSWA hazardous waste program within its boundaries. The EPA retains its responsibility to ensure full and faithful execution of the requirements of RCRA. The State and the Regional Administrator agree to maintain a high level of cooperation and coordination between their respective staffs in a partnership to assure successful and effective administration of the State program.

Section 3006(g) of RCRA provides that hazardous waste requirements and prohibitions promulgated pursuant to HSWA are applicable in authorized States at the same time that they are applicable in unauthorized States with the exception of Section 3006(f) - Availability of Information, which cannot be implemented by the EPA in authorized States. While the EPA retains responsibility for the direct implementation of those provisions of HSWA which the State is not authorized to implement, it is the intention of the EPA and the State to coordinate the implementation of such provisions to the greatest degree possible.

The EPA will oversee implementation of the authorized State program in order to ensure full execution of the requirements of RCRA, consistent with the Government Performance and Results Act of 1993 (GPRA), to promote national consistency in implementation of the hazardous waste program, to allow the EPA to report to the President and Congress on the achievements of the hazardous waste program, and to encourage States and the EPA to agree on desirable technical support and targets for joint efforts to prevent and mitigate environmental problems associated with the improper management of hazardous wastes. Oversight will be accomplished by the EPA primarily through but not limited to written reporting requirements and annual review of the State's programs.

The LDEQ-HWD has negotiated a Memorandum of Understanding (MOU) with the Radiation Protection Division (RPD) of LDEQ. This MOU sets forth the roles and responsibilities of each Division over components of radioactive mixed waste that are to be regulated. The function of the RPD is described in the MOU. "Radioactive mixed waste" is defined for the MOU as waste that contains radioactive waste as defined by the Federal Atomic Energy Act (AEA), as amended (source, special nuclear or by-product material) and hazardous waste as defined by the Federal Resource Conservation and Recovery Act (RCRA), as amended.

In addition, the Radiation Protection Division will consult with the Hazardous Waste Division with regard to regulation and management of radioactive mixed waste and may not adopt any rules or engage in any management activities that are in conflict with State or Federal laws and rules relating to regulation of radioactive mixed waste.

III. STATE PROGRAM REVIEW

A. General

The Regional Administrator will assess the State administration and enforcement of the State Program on a continuing basis for effectiveness, equivalence and consistency with RCRA and this Agreement. This assessment will be accomplished by the EPA review of information submitted by the State in accordance with this Agreement, the State grant work program, and annual review of State program activities.

The Regional Administrator may also consider, as part of this regular assessment, written comments about the State's program administration and enforcement that are received from regulated persons, the public, and Federal, State and local agencies. Copies of any such comments received by the Regional Administrator will be provided to the State.

To ensure effective program review, the State agrees to allow the EPA access to all files and other information requested by the Regional Administrator or his/her designee and deemed necessary by the EPA for reviewing State program administration and enforcement.

Review of the LDEQ-HWD files may be scheduled at quarterly intervals. Program review meetings between the State and the Regional Administrator or their assignees will be scheduled at reasonable intervals not less than annually to review specific operating procedures and schedules, to resolve problems and to discuss mutual program concerns.

These meetings will be scheduled at least fifteen (15) days in advance unless agreed to differently. A tentative agenda for the meeting will be prepared by the EPA.

B. Identification of Priority Activities

The State and the EPA agree to develop criteria for priority activities annually as a part of the State grant work program. These priority activities will include activities regarding handlers of hazardous waste. The criteria will be based on GPRA, guidance issued by the EPA in the annual RCRA Implementation Plan (RIP), addenda to this MOA and other guidance documents as may be appropriate, and will serve to identify those activities which should receive the highest priority during the grant period.

Examples of activities which will be considered high priority will include, but not be limited to, facilities to be inspected, facilities to be permitted, and enforcement against facilities with known or suspected groundwater contamination.

IV. INFORMATION SHARING

A. General

In order to more fully address environmental concerns and to improve our ability to measure the effect that the hazardous waste program has on the attainment of regulatory goals, the State and the EPA agree to identify and reduce significant data gaps whenever possible. As the national hazardous waste program matures, the respective roles and responsibilities in this State/Federal partnership will continue to evolve. During the annual review of this Agreement, the State and the Regional Administrator will carefully examine the following sharing provisions for needed revision.

B. EPA

1. The EPA will keep the State informed of the content and meaning of Federal statutes, regulations,

guidelines, standards, policy decisions, directives, and any other factors that affect the State Program. The EPA will also provide general technical guidance to the State. The EPA will share with the State any national reports developed by the EPA from the data submitted through State reporting requirements.

2. The State and the EPA agree to the sharing of information as specified in the multi-year State grant work program.
3. The EPA agrees to make available to the State copies of any reports and data resulting from compliance inspections within sixty (60) days of completion of the inspections.
4. The State and the EPA have agreed on procedures and responsibilities regarding the Resource Conservation and Recovery Information System (RCRIS) as outlined in the RCRA Information Management (RIM) Memorandum of Understanding (MOU). The RIM MOU establishes agreements between the State and the EPA regarding RCRIS, the Biennial Reporting System, records management, system security, dispute resolution and grant incorporation. The State and the EPA have agreed to this MOU to better manage and share the information contained in the system.
5. The EPA will make available to the State other relevant information as requested which the State needs to implement its approved program. Information provided to the State will be subject to the terms of 40 CFR Part 2.

C. State

1. The State agrees to inform the Regional Administrator in advance of any proposed program changes that would affect the State's ability to implement the authorized program. Program changes of concern include modification of the State's legal authorities (i.e., statutes, regulations and judicial or legislative actions affecting those authorities), modifications of Memoranda of Agreement or Understanding with other agencies, and modifications of resource levels (i.e., available or budgeted personnel and funds). The State recognizes that program revisions must be made in accordance with the provisions of 40 CFR Part 271.21, and that until approved by the EPA, revisions are not authorized as RCRA Subtitle C requirements.
2. Through development of, but not limited to the State grant work process, the EPA and the State will agree on the type and frequency of reports the State will make in order for the EPA to maintain oversight of the implementation of the State's authorized program.
 - a. Compliance monitoring and enforcement information;
 - b. Information indicating the status of the State's permitting, closure, post-closure, and groundwater monitoring and corrective action activities;
 - c. Various reports designed to accurately describe the status of the State's authorized program including biennial reports summarizing the quantities and types of hazardous waste generated, transported, treated, stored and disposed in the State; and
 - d. State decisions to grant variances, waivers, and de-listing requests made by hazardous waste handlers
3. The State agrees to provide the EPA with copies of reports on data resulting from any compliance inspection and subsequent enforcement actions, when the EPA requests such copies.

4. The State agrees to provide any pertinent information requested by the Regional Administrator or his/her designee within a mutually agreed upon time frame, as necessary for the EPA to carry out its oversight responsibilities. Unless otherwise agreed upon, the above information shall be sent to Mr. Bob Hanneschlager, Multimedia Planning and Permitting Division Acting Director, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

D. Site Visits

The EPA is responsible for maintaining reliable national data on hazardous waste management. This data is used to report to the President and Congress on the achievements of the hazardous waste program and to support the EPA's regulatory development efforts. Whenever the EPA determines that it needs to obtain certain information, the EPA will first seek to gain this information from the States. The State of Louisiana agrees to supply the Regional Administrator with this information if readily available and as resources allow. If the State is unable to provide the information or if it is necessary to supplement the State information, the EPA may conduct a special survey or perform information collection site visits after notifying the State. The EPA will share with the State any national reports developed by the EPA as a result of such information collection.

E. Emergency Situations

Upon receipt of any information that the handling, storage, treatment, transportation, or disposal of hazardous waste is endangering human health or the environment, the party in receipt of such information shall immediately notify by telephone the other party(ies) to this Agreement of the existence of such situation.

LDEQ Contact: Ross Williams, Program Manager
Emergency Response
504/342-1234 or 504/765-2568

EPA Contact: Mr. Bob Hanneschlager, Acting Director
Multimedia Planning and Permitting Division
214/665-7200

F. Confidentiality

1. Any information obtained or used in the administration of the State program shall be available to the EPA upon request without restriction. If the information has been submitted to the State under a claim of confidentiality, the State must submit that claim to the EPA when providing information. Any information obtained from a State and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2.
2. The EPA agrees to furnish to the State information in its files which is not submitted under a claim of confidentiality and which the State needs to implement its program. Subject to the conditions in 40 CFR Part 2, the EPA will furnish the State information submitted to the EPA under a claim of confidentiality which the State needs to implement its program. All information that the EPA agrees to transfer to the State will be transferred in accordance with the requirements of 40 CFR Part 2. The EPA will notify affected facilities when such information is sent to the State.

V. PERMIT ISSUANCE

A. EPA Permitting

Permits are required by federal and state statutes for protection of human health and the environment, and are a means to control environmental impacts and to promote monitoring and the collection of invaluable data. The State of Louisiana will serve as lead agency for all authorized permitting activities. The State of Louisiana and EPA agree to share workloads in the area of pre-permit risk evaluation as outlined in the attached addendum. The EPA has oversight authority over State permits.

The EPA will process and enforce RCRA permits in the State in areas covered by new Federal regulation until the State receives final authorization for them. At the time the State program is approved in the new areas, the EPA will suspend issuance of Federal permits in the State. The EPA will also transfer any pending permit applications, completed permits, or pertinent file information to the state within thirty (30) days of the approval of the state program in conformance with the conditions of this agreement.

B. EPA Overview of State Permits

While the EPA may comment on any permit application or draft permit, the EPA's overview function will focus primarily on those facilities identified in the referenced Addendum and the annual State grant work program.

The EPA may comment in writing on any draft permit or proposed permit modification, whether or not the EPA commented on the permit application. Where the EPA indicates in a comment that issuance, modification, re-issuance, termination, or denial of the permit would be inconsistent with the approved State program, the EPA shall include the following in the comment:

- a) a statement of the reasons for the comment (including the section of the State law or regulations that supports the comment), and
- b) the actions that should be taken by the State in order to address the comments (including the conditions which the permit would include if it were issued by the EPA).

The EPA shall send a copy of its written comments to the permit applicant.

The EPA shall withdraw such comments when satisfied that the State has met or refuted its concerns and shall also provide the permit applicant with a copy of such withdrawal.

Under Section 3008(a)(3) of RCRA, the EPA may terminate a State-issued permit in accordance with the procedures of 40 CFR Part 124, Subpart E, or bring an enforcement action in accordance with the procedures of 40 CFR Part 22 in the case of a violation of a State program requirement. In exercising these authorities, the EPA will observe the conditions established in 40 CFR 271.19(e).

C. State Permitting

The State is responsible for expeditiously drafting, circulating for public review and comment, issuing, modifying, reissuing, and terminating RCRA permits for those hazardous waste treatment, storage and disposal facilities contained in the authorized provisions of the State's program and shall do so in a manner consistent with RCRA as amended by HSWA, this Agreement, all applicable Federal requirements, and the State's Program Description. The State has the authority to issue and enforce all portions of the EPA-issued RCRA permits or portions of permits.

The State agrees to issue, modify and reissue all permits contained in the authorized portions of the State's program in accordance with L.R.S. 30:2014, 2022, 2023, 2024, 2180, 2183 and L.R.S. 49:951 et seq., and Sections 323, 703, 721 of the Louisiana Administrative Code (LAC 33:V.Subpart 1) to include as permit conditions all applicable provisions of sections 309 and 311 of the Louisiana Administrative Code (LAC 33:V.Subpart 1), and to include as permit conditions all applicable provisions of relevant State environmental regulations. This Agreement also applies to permits issued after final authorization but for which the processing may have begun before final authorization.

The State agrees that any compliance schedules contained in State issued permits will require compliance with applicable standards.

The State agrees to consider all comments the EPA makes on permit applications and draft permits. The State will satisfy or refute the EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification.

VI. PERMIT ADMINISTRATION

A. EPA

The EPA will administer any RCRA permits or portions of permits it has issued to facilities in the State until the State becomes authorized for those portions. The EPA will be responsible for enforcing the terms and conditions of those Federal permits while they remain in force.

B. State

The State agrees to review all hazardous waste permits which were issued under State law prior to the effective date of this Agreement and to modify or revoke and reissue such permits as necessary to require compliance with the amended State Program with L.R.S. 30:2192, L.R.S. 49:951 et seq., and Chapters 19-37 and 43 of the Louisiana Administrative Code (LAC 33:V.Subpart 1). The State agrees to modify or revoke and reissue these State permits as RCRA permits in accordance with schedules determined in the State grant work program. The EPA and the State agree to concur on a reasonable time schedule relative to the permitting activities mentioned above and as outlined by the Boilers and Industrial Furnaces (BIFs) Workshare Agreement between EPA Region 6 and LDEQ and stated in the grant workplan.

VII. COMPLIANCE MONITORING AND ENFORCEMENT

A. EPA

Nothing in this Agreement shall restrict the EPA's right to inspect any hazardous waste generator, transporter, or facility or bring enforcement action against any person believed to be in violation of the State or Federal hazardous waste program or believed to have had a release of hazardous waste or constituent. Before conducting an inspection of a generator, transporter or facility, the Regional Administrator will normally give the State at least seven (7) days notice of the intent to inspect in accordance with 40 CFR 271.8(b)(3)(I). If the State performs a compliance inspection and submits a report and data relevant thereto within that time to the EPA, no EPA inspection will be made unless the Regional Administrator deems the State report and data to be inadequate. In case of an imminent hazard to human health and the environment, the Regional Administrator may shorten or waive the notice period.

The frequency of EPA oversight and training inspections will be specified in the annual State grant work program. The EPA will negotiate on an annual basis with the State the percentage of the State's compliance inspections on which the EPA will accompany the State.

The EPA may take enforcement action against any person determined to be in violation of RCRA in accordance with Section 3008(a). The EPA will take enforcement action upon determining that the State has not taken timely and appropriate enforcement action or upon request by the State. Prior to issuing a compliance order under Section 3008(a), the EPA will give notice to the State. The EPA also retains its rights to issue orders and bring actions under Sections 3008(h), 3013 and 7003 of RCRA, and any other applicable Federal statute.

After notice to the State, the EPA may take action under Section 3008 of RCRA against a holder of a State-issued permit on the grounds that the permittee is not complying with a condition of that permit. In addition, the EPA may take action under Section 3008 of RCRA against a holder of a State-issued permit on the grounds that the permittee is not complying with a condition that the Regional Administrator, in commenting on that permit application or draft permit, stated was necessary to implement approved State program requirements, whether or not that condition was included in the final permit.

B. State

The State agrees to carry out a timely and effective program for monitoring the compliance by generators, transporters, and facilities with applicable program requirements (see 40 CFR 271.15). As part of this program, the State will conduct inspections to assess compliance with generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements. Compliance monitoring activities and priorities will be specified in the State/EPA Enforcement Agreement and the annual State grant work program and shall be consistent with all applicable Federal requirements and with the State's Program Description.

The LDEQ-HWD will inspect all Federal facilities in the State. The EPA may perform oversight inspections at Federal facilities.

The State agrees to take timely and appropriate enforcement action as defined in the State/EPA Enforcement Agreement or annual State grant work program against all persons in violation of generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements, including violations detected by State or Federal compliance inspections. The State will maintain procedures for receiving and ensuring proper consideration of information

about violations submitted by the public. The State agrees to retain all records for a least three (3) years unless there is an enforcement action pending. In that case all records will be retained until such action is resolved.

VIII. AVAILABILITY OF INFORMATION (Section 3006(f))

A. General

Section 3006(f) of RCRA provides that States may be authorized by the Administrator under this Section if the State program provides for the public availability of information obtained by the State regarding facilities and sites for treatment, storage, and disposal of hazardous waste; and that such information is available to the public in substantially the same manner, and to the same degree, as would be the case if the Administrator was carrying out the provisions of this subtitle in the State.

B. Requests for Information

1. Pursuant to the Federal Freedom of Information Act (FOIA), 5 U.S.C. 552(a)(2), the State agrees to make certain materials routinely available without a formal FOIA request. Examples of these materials are final opinions or orders in case adjudication, State regulations, statements of agency policy, and administrative staff manuals affecting the public. In addition, records prepared for routine public distribution will also be made available. Examples of such records are press releases, copies of speeches, pamphlets, and educational materials.
2. The State agency agrees to make reasonable efforts to assist a requester in identifying records being sought, and helping the requester formulate his or her request.
3. If a request for information is denied, the State agrees to provide the requester the basis for the denial and notification of State judicial (or, if they exist, administrative) procedures, including statutes of limitation.
4. The State agrees to make the fullest possible disclosure of records to the public, subject to any of the exemptions under the Federal FOIA recognized by the State.
5. A reduction or waiver of fees will be considered in connection with each request from a representative of the press or other communication medium, or from a public interest group. The State agrees to reduce or waive the fee if it determines that a reduction or waiver of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public.


C. Confidentiality of Business Information

If a claim of confidentiality is asserted and cannot be resolved in the time period provided for an agency response to a request, the State agrees to notify the requester of the confidentiality claim within the maximum 20-day time limit provided for any agency response. In addition, the requester will be told that the request was denied in order to resolve the business confidentiality claim.

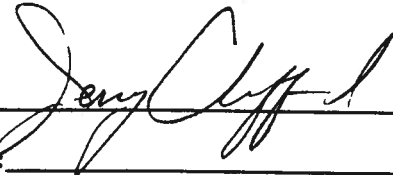
D. Oversight

1. The State agrees to keep a log of denials of requests for information (or a file containing copies of denial letters sent to requesters) which will be made available to the EPA during the State review.
2. The State agrees to keep the EPA fully informed of any proposed modifications to its basic statutory or regulatory authority, its forms, procedures, or priorities, as applied to Section 3006(f).
- 3.

STATE OF LOUISIANA
DEPARTMENT OF
ENVIRONMENTAL QUALITY

BY: 
TITLE: Secretary
DATE: 1-25-99

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BY: 
TITLE: _____
DATE: 2/9/00

ADDENDUM

The State of Louisiana and EPA agree to the following work share activities for the onsite Boiler and Industrial Furnace (BIF) facilities in Louisiana:

A. EPA will:

1. Approve all Trial Burn/Risk Burn Plans and Reports and Quality Assurance Project Plans (QAPPs) for interim status BIFs.
2. Conduct all Human Health and Ecological Risk Assessments including review of facility initiated risk assessments.
3. Per the schedule in Table 1, Develop permit conditions and/or monitoring requirements to address identified unacceptable risk.
4. Ensure that any measures deemed necessary to address unacceptable risk identified from the risk assessment is addressed timely and appropriately.
5. Collect ambient air monitoring data from the Geismar area for approximately one year to support the Region's development of multi-pathway risk assessments for selected BIFs.
6. Provide an up-to-date hazardous waste combustion permit manual and training in September 1997 on how to write a permit, review a Part B permit application, provide quality trial burn oversight and perform permit limit calculations.
7. Conduct Air Modeling training during first quarter of Fiscal year 1998 to demonstrate air modeling methods, modeling tools, and running and analyzing the model outputs.
8. Provide copies of all draft reports, as completed, of trial burn oversight, audits of laboratories conducting the sample analysis, reviews of trial burn reports, and risk assessments.
9. During the permit renewals for those BIFs currently permitted as incinerators, EPA will require that during the trial burns, the facilities collect the data necessary to conduct a comprehensive risk assessment.
10. EPA will require collection of data necessary to conduct a comprehensive risk assessment for all combustion permits (through omnibus authority).

B. LDEQ will:

1. Ensure all Boiler and Industrial Furnace (BIF) permits are issued by 2001 in accordance with the schedule in Table 2.
2. Ensure that any measures deemed necessary to address identified unacceptable risk from the EPA risk assessment is addressed timely and appropriately.
3. Ensure that all permits issued to hazardous waste combustion facilities are protective of human health and the environment.
 - a. Ensure compliance with all terms and conditions of trial burn plans and schedules approved by EPA.
 - b. Observe all trial burns to ensure trial burn is conducted as approved.
 - c. Ensure any trial burn schedule extensions are coordinated with EPA prior to approval.

- d. Participate in Peer review of draft Risk Assessment Reports developed by EPA.
- e. Ensure permit conditions developed by EPA are incorporated into the permit to address risk to human health and the environment from foodchain and other direct or indirect pathways identified through comprehensive risk assessments.
- f. Ensure that the appropriate corrective action permit conditions pursuant to the Hazardous and Solid Waste Amendments (HSWA) are imposed to stabilize and/or remediate releases by the year 2005 to meet the goals of the Government Performance and Results Act of 1993.
- g. Ensure the public has the opportunity to be involved in all phases of the permit process to the extent required.
- h. Send draft BIF permits to EPA for comment at least thirty (30) days prior to public notice.

4. Acknowledge EPA's independent federal authority to collect data necessary to conduct comprehensive risk assessments.

TABLE 1

EPA SCHEDULE OF LOUISIANA BIF TRIAL BURN/RISK ASSESSMENTS (7/24/97)				
FACILITY	TRIAL BURN PLAN	TRIAL BURN DATES (1997)	TRIAL BURN REPORT Due Date/Status	FINAL RISK ASSESSMENT REPORT Schedule*
BASF	Approved 2/7/97	Feb. 10 - Mar. 7	NOD July 21, 1997	Oct 1997
ANGUS	Approved 3/20/97	Mar. 31 - Apr. 4	July 7, 1997	Nov 1997
RUBICON	Approved 3/28/97	June 9-Jul.31	Oct. 30, 1997	Mar 1998
DUPONT	Approved 4/11/97	April 21-25	Aug 25, 1997	Nov 1997
DOW	Approved 6/12/97	By Aug. 31	Nov. 30, 1997	April 1998
GEORGIA GULF	Approved 6/18/97	Aug. 25- Sept.5	Nov. 30, 1997	April 1998
EXXON PLASTICS	Approved 7/1/97	July 14-18	Oct. 30, 1997	March 1998
UNION CARBIDE	2nd NOD response due 7/14/97.	March 1998	June 30, 1998	October 1998
DCI	Approved 3/7/97	April 28-30	Aug. 31, 1997	Jan. 1998
WESTVACO	Risk Burn Only. 1st NOD issued 6/6/97.	September 1997	Dec. 18, 1997	April 1998

- Draft permit conditions and/or monitoring requirements to address identified risk developed 30 days after final Risk Assessment Report. Risks identified may need immediate attention through permit or order and may cause Louisiana's projected permit schedule to change.

TABLE 2

**STATE OF LOUISIANA
BIF PROJECTED PERMITTING TIMETABLE**

Issue Final Permit/Denial

Fiscal Year	FY 98	FY99	FY00	FY01
Boiler & Industrial Furnace Facility	Angus (2) BASF (3) *Dupont (1)	Exxon (2) Rubicon (4) Union Carbide (2)	DSM Copolymer (1) Ga. Gulf (2) ¹ Rhone-Poulenc (1) ¹	Borden (1) Dow (4) Westvaco (2) Vulcan (2) ¹

* To re-test 9/97 probably will not be completed until 4th quarter of '98.

¹ NOTE:

Above schedule assumes that existing industrial furnaces currently permitted as incinerators (Rhone-Poulenc, Georgia Gulf, Vulcan) prior to the BIF Rule, will be re-permitted as BIFs upon expiration of their permits.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

SEP 24 1999

SUBJECT: 6EN-HS Review of Louisiana Program Description and Memorandum of Agreement (MOA) for RCRA Cluster VIII)

FROM: Carol Peters-Wagnon, Chief *CWP*
ALONM Section (6EN-HS)

TO: Catherine Carter, Chief
Grants and Authorization Section (6PD-G)

My staff reviewed the Louisiana MOA and noted that the enforcement language in Section VII "Compliance Monitoring and Enforcement" has not been changed. Therefore, we have no comments.

If you have any questions, please call Katy Griffith at x5-8531.

Fact Sheet

The State of Louisiana Memorandum of Agreement (MOA) With the Regional Administrator

BACKGROUND INFORMATION:

- Any State that seeks to administer a program under Authorization of State Hazardous Waste Programs shall submit a MOA. The MOA shall be executed by the State Director and the Regional Administrator and shall become effective when approved by the Administrator.

All MOA shall include the following:

- Provisions for the Regional Administrator to promptly forward to the State Director information obtained prior to program approval in notification provided under section 3010(a) of RCRA.
- Provisions specifying the frequency and content of reports, documents and other information which the State is required to submit to EPA.
- Provisions for coordination of compliance monitoring activities by the State and by EPA.
- Provisions allowing EPA to conduct compliance inspections of all generators, transporters, and HWM facilities in each year for which the State is operating under final authorization.
- No limitations on EPA compliance inspections of generators, transporters, or non-major HWM facilities.
- Provisions for the prompt transfer from EPA to the State of pending permit applications and any other information relevant to program operation not already in the possession of the State Director (e.g., support files for permit issuance, compliance reports etc.).
- Provisions specifying classes and categories of permit applications, draft permits, and proposed permits that the State will send to the Regional Administrator for review, comment and, where applicable, objection.
- When appropriate, provisions for joint processing of permits by the State and EPA.

- Provisions for the State Director to promptly forward to EPA copies of all major HWM facilities for review and comments.

- provisions for the State director to review all permits issued under State law prior to the date of program approval and modify or revoke and re-issue them to require compliance with the requirements.

- Provisions for modification of the MOA in accordance with §271.21.