

US EPA ARCHIVE DOCUMENT

**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**

**§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including "solid waste" and "hazardous waste," appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

\* \* \*

[See Prior Text in A - D.1.k]

l. i. oil-bearing hazardous secondary materials (i.e., sludges, by-products, or spent materials) that are generated at a petroleum refinery (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911—including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)) unless the material is placed on the land or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this Paragraph, provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in Subsection D.1.l.ii of this Section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this Subsection, where such materials as generated would have otherwise met a listing under LAC 33:V.Chapter 49, are designated as F037 listed wastes when disposed of or intended for disposal;~~or~~

\* \* \*

[See Prior Text in D.1.l.ii - D.1.o]

p. secondary materials (i.e., sludges, by-products, and spent materials as defined in LAC 33:V.109) (other than hazardous wastes listed in LAC 33:V.Chapter 49) generated within the primary mineral processing industry from which minerals, acids, cyanide,

water, or other values are recovered by mineral processing or by beneficiation, provided that:

\* \* \*

[See Prior Text in D.1.p.i - D.1.p.iv.(c)]

v. the owner or operator provides a notice to the administrative authority identifying the following information: the types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in non land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process; and

\* \* \*

[See Prior Text in D.1.p.vi. - D.1.r.i]

ii. the oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An *associated organic chemical manufacturing facility* is a facility: where the primary SIC code is 2869, but where operations may also include SIC codes 2821, 2822, and 2865; and is physically co-located with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. *Petrochemical recovered oil* is oil that has been reclaimed from secondary materials (i.e., sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes; ~~and~~

\* \* \*

[See Prior Text in D.1.s. - D.2.h.ii.(t)]

iii. a residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under Subsection h.iii.(b) of this Subsection if the owner or operator:

(a). processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and

(b). legitimately reclaims the secondary mineral processing materials;

\* \* \*

[See Prior Text in D.2.i. - D.2.o]

p. Leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided that:

i. the solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, and K172 if these wastes had been generated after the effective date of the listing (February 8, 1999);

ii. the solid wastes described in Subsection p.i of this Section were disposed prior to the effective date of the listing;

iii. the leachate or gas condensate do not exhibit any characteristic of hazardous waste nor are derived from any other listed hazardous waste;

iv. discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act, and

v. after February 13, 2001, leachate or gas condensate will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system), provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this paragraph after the emergency ends.

\* \* \*

[See Prior Text in D.3 - D.8]

9. Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under 404 of the Federal Water Pollution Control Act (33 U.S.C.1344) or section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413) is not a hazardous waste. For this Subsection, the following definitions apply:

a. the term dredged material has the same meaning as defined in 40 CFR 232.2 and

b. the term permit means:

i. a permit issued by the U.S. Army Corps of Engineers (Corps) or an approved State under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

ii. a permit issued by the Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

iii. in the case of Corps civil works projects, the administrative equivalent of the permits referred to in Subsection 9.a and b of this Subsection, as provided for in Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

\* \* \*

[See Prior Text in E - O.2.c.vi]

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 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 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687 (September 1998), LR 24:1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§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]

~~*Corrective Action Management Unit* or (CAMU)—an area within a facility that is designated by the administrative authority under LAC 33:V.2601 for the purpose of implementing corrective action requirements under LAC 33:V.3322 and RCRA 3008(h). A CAMU shall only be used only for the management managing of remediation wastes pursuant to for implementing such corrective action or cleanup requirements at the facility.~~

\* \* \*

[See Prior Text in Facility.1 - 2]

3. Notwithstanding Subsection 2 of this definition, a remediation waste management site is not a facility that is subject to LAC 33:V.3322, but is subject to corrective action requirements if the site is located within such a facility.

\* \* \*

[See Prior Text]

~~*Miscellaneous Unit*—a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well (with appropriate technical standards under 40 CFR part 146, 1988, pp. 674-694), containment building, corrective action management unit, or unit eligible for a research, development, and demonstration permit under LAC 33:V.329 or staging pile.~~

\* \* \*

[See Prior Text]

~~*Remediation Waste*—all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris ~~which that~~ contain listed hazardous wastes or ~~which that~~ themselves exhibit a hazardous waste characteristic and are managed for implementing cleanup the purpose of implementing corrective action requirements under LAC 33:V.3322 and RCRA section 3008(h). For a given facility, remediation waste may originate only from within the facility boundary, but may include waste managed in implementing RCRA section 3005(v) or 3008(h) for releases beyond the facility boundary.~~

\* \* \*

[See Prior Text]

*Remedial Action Plan (RAP)*—a special form of RCRA permit that a facility owner or operator may obtain instead of a permit issued under LAC 33:V.303 through 329 and 501

through 537, to authorize the treatment, storage or disposal of hazardous remediation waste (as defined in this Section) at a remediation waste management site.

\* \* \*

[See Prior Text]

Remediation waste management site—a facility where an owner or operator is or will be treating, storing or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under LAC 33:V.3322, but is subject to corrective action requirements if the site is located in such a facility.

\* \* \*

[See Prior Text]

*Solid Waste*—

\* \* \*

[See Prior Text in 1 - 5.a.ii]

iii. returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on land. In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at LAC 33:V.105.D.1.p apply rather than this Subsection.

\* \* \*

[See Prior Text]

Staging pile—an accumulation of solid, non-flowing remediation waste (as defined in this section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the administrative authority according to the requirements of LAC 33:V.2605.

\* \* \*

[See Prior Text]

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 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 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:47 (January 1990), LR 16:218 (March 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 by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

### §110. References

\* \* \*

[See Prior Text A - A.10]

✓ 11. "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846 [Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), ~~and~~ III (December 1996), and IIIA (dated April 1998)]. The Third Edition of SW-846 and Updates I, II, IIA, IIB, and III (document number 955-001-00000-1) are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512-1800. Update IIIA is available through EPA's Methods Information Communication Exchange (MICE) Service. MICE can be contacted by phone at (703) 821-4690. Update IIIA can also be obtained by contacting the U.S. Environmental Protection Agency, Office of Solid Waste (5307W), OSW Methods Team, 401 M Street, SW, Washington, DC, 20460. Copies of the Third Edition and its updates are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650. Copies may be inspected at the Library, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC;

\* \* \*

[See Prior Text A.11 - A.16]

✓ 17 Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry. Available at NTIS, PB99-121949, U.S. Department of Commerce, 5285 Port Royal, Springfield, Virginia 22161.

\* \* \*

[See Prior Text 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 22:814 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:656 (April 1998), LR 24:1690 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**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**

**§322. Classification of Permit Modifications**

The following is a listing of classifications of permit modifications made at the request of the permittee.

Modifications Class

\* \* \*

[See Prior Text in A - D.3.f]

g. Staging piles 2

\* \* \*

[See Prior Text in E - N.2]

3. Approval of a staging pile or staging pile operating term extension pursuant to

LAC 33:V.2605 2

<sup>1</sup> Class 1 modifications requiring prior administrative authority approval.

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 13:433 (August 1987), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:815 (September 1996), amended by the Office of the Secretary, LR 24:2245 (December 1998), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:436 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 5. Permit Application Contents**

**Subchapter B. Signatories to Permit Applications and Reports, Changes of Authorizations, and Certifications**

**§513. Certification**

A. 1. Any person signing a document under LAC 33:V.507 or 509 shall make the following certification: "~~I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.~~"

2. For remedial action plans (RAPs) under Subpart G of this Chapter, if the operator certifies according to Subsection 1 of this Section, then the owner may choose to make the following certification instead of the certification in Subsection 1 of this Section: "Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons who manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

\* \* \*

[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), amended LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

### **Subchapter F. Special Forms of Permits**

#### **§540. Remedial Action Plans (RAPs).**

Remedial Action Plans (RAPs) are special forms of permits that are regulated under Subchapter G of 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 Environmental Assessment, Environmental Planning Division, LR 26: \*\*

### **Subchapter G. Remedial Action Plans (RAPs)**

#### **General Information**

#### **§545. Why is this subpart written in a special format?**

This subpart is written in a special format to make it easier to understand the regulatory requirements. Like other LDEQ regulations, this establishes enforceable legal requirements. For this Subpart, "I" and "you" refer to the owner/operator.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

#### **§550. What is a RAP?**

A. A RAP is a special form of a RCRA permit that you, as an owner or operator, may obtain, instead of a permit issued under LAC 33:V.303 through 329 and 501 through 537, to authorize you to treat, store, or dispose of hazardous remediation waste (as defined in LAC 33:V.109) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under LAC 33:V.699.

B. The requirements in LAC 33:V.303 through 329 and 501 through 537 do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under

Subchapter G of this Chapter. The definitions in LAC 33:V.109 apply to RAPs.

✓ C. Notwithstanding any other provision of LAC 33:V. Subpart 1, any document that meets the requirements in this section constitutes a RCRA permit under RCRA section 3005(c).

D. A RAP may be:

✓ 1. a stand-alone document that includes only the information and conditions required by this Subchapter; or

✓ 2. part (or parts) of another document that includes information and/or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subchapter.

✓ E. If you are treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by Federal or State cleanup authorities, your RAP does not affect your obligations under those authorities in any way.

✓ F. If you receive a RAP at a facility operating under interim status, the RAP does not terminate your interim status.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

### **§555. When do I need a RAP?**

A. Whenever you treat, store, or dispose of hazardous remediation wastes in a manner that requires a RCRA permit under LAC 33:V.Chapter 3, you must either obtain:

1. a RCRA permit according to LAC 33:V.303 through 329 and 501 through 537; or 2. a RAP according to this Subchapter.

B. Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subchapter.

C. You may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. You must have these RAPs approved as a modification to your existing permit according to the requirements of LAC 33:V.321 through 323 instead of the requirements in this Subchapter. When you submit an application for such a modification, however, the information requirements in LAC 33:V.321.C.1.a.i, iv, LAC 33:V.321.C.2.a.iv, and LAC

33:V.321.C.3.a.iv do not apply; instead, you must submit the information required under LAC 33:V.580. When your permit is modified the RAP becomes part of the RCRA permit. Therefore when your permit (including the RAP portion) is modified, revoked and reissued, terminated or when it expires, it will be modified according to the applicable requirements in LAC 33:V.321 through 323, revoked and reissued according to the applicable requirements in LAC 33:V.323, terminated according to the applicable requirements in LAC 33:V.323, and expire according to the applicable requirements in LAC 33:V.315.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§560. Does my RAP grant me any rights or relieve me of any obligations?**

The provisions of LAC 33:V.307 apply to RAPs. (Note: The provisions of LAC 33:V.307.A provide you assurance that, as long as you comply with your RAP, LDEQ will consider you in compliance with Subtitle C of RCRA, and will not take enforcement actions against you. However, you should be aware of four exceptions to this provision that are listed in LAC 33:V.307.)

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**Applying for a RAP**

**§565. How do I apply for a RAP?**

To apply for a RAP, you must complete an application, sign it, and submit it to the administrative authority according to the requirements in this Subchapter.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§570. Who must obtain a RAP?**

When a facility or remediation waste management site is owned by one person, but the treatment, storage or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner must also sign the RAP application.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§575. Who must sign the application and any required reports for a RAP?**

Both the owner and the operator must sign the RAP application and any required reports according to LAC 33:V.507, 509, and 511. In the application, both the owner and the operator must also make the certification required LAC 33:V.513.A. However, the owner may choose the alternative certification under LAC 33:V.513.B if the operator certifies under LAC 33:V.513.A.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§580. What must I include in my application for a RAP?**

You must include the following information in your application for a RAP:

- A. the name, address, and EPA identification number of the remediation waste management site;
- B. the name, address, and telephone number of the owner and operator;
- C. the latitude and longitude of the site;
- D. the United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;
- E. a scaled drawing of the remediation waste management site showing:
  - 1. the remediation waste management site boundaries;
  - 2. any significant physical structures; and
  - 3. the boundary of all areas on-site where remediation waste is to be treated, stored or disposed;
- F. a specification of the hazardous remediation waste to be treated, stored or disposed of at the facility or remediation waste management site. This must include information on:
  - 1. constituent concentrations and other properties of the hazardous remediation

wastes that may affect how such materials should be treated and/or otherwise managed;

2. an estimate of the quantity of these wastes; and

3. a description of the processes you will use to treat, store, or dispose of this waste including technologies, handling systems, design and operating parameters you will use to treat hazardous remediation wastes before disposing of them according to the LDR standards of LAC 33:V.Chapter 22, as applicable;

G. enough information to demonstrate that operations that follow the provisions in your RAP application will ensure compliance with applicable requirements of LAC 33:V.Chapters 15 through 37, 41, and 43;

H. such information as may be necessary to enable the administrative authority to carry out his duties under other state laws as is required for traditional RCRA permits under LAC 33:V.517.U;

I. any other information the administrative authority decides is necessary for demonstrating compliance with this Subsection or for determining any additional RAP conditions that are necessary to protect human health and the environment.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§585. What if I want to keep this information confidential?**

LAC 33:V.319 allows you to claim as confidential any or all of the information you submit to LDEQ under this Subsection. You must assert any such claim at the time that you submit your RAP application or other submissions by stamping the words "confidential business information" on each page containing such information. If you do assert a claim at the time you submit the information, LDEQ will treat the information according to the procedures in LAC 33:V.319. If you do not assert a claim at the time you submit the information, LDEQ may make the information available to the public without further notice to you. LDEQ will deny any requests for confidentiality of your name and/or address.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§590. To whom must I submit my RAP application?**

You must submit your application for a RAP to the administrative authority for approval.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§595. If I submit my RAP application as part of another document, what must I do?**

If you submit your application for a RAP as a part of another document, you must clearly identify the components of that document that constitute your RAP application.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§600. What is the process for approving or denying my application for a RAP?**

A. If the administrative authority tentatively finds that your RAP application includes all of the information required by LAC 33:V.580 and that your proposed remediation waste management activities meet the regulatory standards, the administrative authority will make a tentative decision to approve your RAP application. The administrative authority will then prepare a draft RAP and provide an opportunity for public comment before making a final decision on your RAP application, according to this Subchapter.

B. If the administrative authority tentatively finds that your RAP application does not include all of the information required by LAC 33:V.580 or that your proposed remediation waste management activities do not meet the regulatory standards, the administrative authority may request additional information from you or ask you to correct deficiencies in your application. If you fail or refuse to provide any additional information the administrative authority requests, or to correct any deficiencies in your RAP application, the administrative authority may make a tentative decision to deny your RAP application. After making this tentative decision, the administrative authority will prepare a notice of intent to deny your RAP application ("notice of intent to deny") and provide an opportunity for public comment before making a final decision on your RAP application, according to the requirements in this Subchapter. The administrative authority may deny the RAP application either in its entirety or in part.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§605. What must the administrative authority include in a draft RAP?**

If the administrative authority prepares a draft RAP, it must include the:

A. information required under LAC 33:V.580 A through F;

B. the following terms and conditions:

✓ 1. terms and conditions necessary to ensure that the operating requirements specified in your RAP comply with applicable requirements of LAC 33:V.Chapters 15 through 37, 41, and 43 (including any recordkeeping and reporting requirements). In satisfying this provision, the Administrative authority may incorporate, expressly or by reference, applicable requirements of LAC 33:V.Chapters 15 through 37, 41, and 43 into the RAP or establish site-specific conditions as required or allowed by LAC 33:V.Chapters 15 through 37, 41, and 43;

✓ 2. terms and conditions in LAC 33.V.309;

✓ 3. terms and conditions for modifying, revoking and reissuing, and terminating your RAP, as provided in LAC 33:V.640; and

✓ 4. any additional terms or conditions that the administrative authority determines are necessary to protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and

✓ C. if the draft RAP is part of another document, as described in LAC 33:V.550, the administrative authority must clearly identify the components of that document that constitute the draft RAP.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§610. What else must the administrative authority prepare in addition to the draft RAP or notice of intent to deny?**

Once the administrative authority has prepared the draft RAP or notice of intent to deny, he must then:

A. prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;

B. compile an administrative record, including:

1. the RAP application, and any supporting data furnished by the applicant;
2. the draft RAP or notice of intent to deny;
3. the statement of basis and all documents cited therein (material readily available at LDEQ or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and
4. any other documents that support the decision to approve or deny the RAP;

and

C. make information contained in the administrative record available for review by the public upon request.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§615. What are the procedures for public comment on the draft RAP or notice of intent to deny?**

A. The administrative authority must:

1. send notice to you of his intention to approve or deny your RAP application, and send you a copy of the statement of basis;
2. publish a notice of his intention to approve or deny your RAP application in a major local newspaper of general circulation;
3. broadcast his intention to approve or deny your RAP application over a local radio station; and
4. send a notice of his intention to approve or deny your RAP application to each unit of local government having jurisdiction over the area in which your site is located, and to each State agency having any authority under State law with respect to any construction or operations at the site.

B. The notice required by Subsection A of this Section must provide an opportunity for

the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.

C. The notice required by Subsection A of this Section must include:

1. the name and address of the office processing the RAP application;
2. the name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;
3. a brief description of the activity the RAP will regulate;
4. the name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;
5. a brief description of the comment procedures in this section, and any other procedures by which the public may participate in the RAP decision;
6. if a hearing is scheduled, the date, time, location and purpose of the hearing;
7. if a hearing is not scheduled, a statement of procedures to request a hearing;
8. the location of the administrative record, and times when it will be open for public inspection; and
9. any additional information the administrative authority considers necessary or proper.

D. If, within the comment period, the administrative authority receives written notice of opposition to his intention to approve or deny your RAP application and a request for a hearing, the Administrative authority must hold an informal public hearing to discuss issues relating to the approval or denial of your RAP application. The administrative authority may also determine on his own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the administrative authority must schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in Subsection A of this Section. This notice must, at a minimum, include the information required by Subsection C of this Section and:

1. reference to the date of any previous public notices relating to the RAP

application:

2. the date, time and place of the hearing; and

3. a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§620. How will the administrative authority make a final decision on my RAP application?**

A. The administrative authority must consider and respond to any significant comments raised during the public comment period, or during any hearing on the draft RAP or notice of intent to deny, and revise your draft RAP based on those comments, as appropriate.

B. If the administrative authority determines that your RAP includes the information and terms and conditions required in LAC 33:V.699, then he will issue a final decision approving your RAP and, in writing, notify you and all commenters on your draft RAP that your RAP application has been approved.

C. If the administrative authority determines that your RAP does not include the information required in LAC 33:V.699, then he will issue a final decision denying your RAP and, in writing, notify you and all commenters on your draft RAP that your RAP application has been denied.

D. If the administrative authority's final decision is that the tentative decision to deny the RAP application was incorrect, he will withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subchapter.

E. When the administrative authority issues his final RAP decision, he must refer to the procedures for appealing the decision under LAC 33:V.625.

F. Before issuing the final RAP decision, the administrative authority must compile an administrative record. Material readily available at LDEQ or published materials which are generally available and which are included in the administrative record need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see LAC 33:V.610.B) and:

1. all comments received during the public comment period;

2. tapes or transcripts of any hearings;
3. any written materials submitted at these hearings;
4. the responses to comments;
5. any new material placed in the record since the draft RAP was issued;
6. any other documents supporting the RAP; and
7. a copy of the final RAP.

G. The administrative authority must make information contained in the administrative record available for review by the public upon request.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§625. May the decision to approve or deny my RAP application be administratively appealed?**

A. Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing(s) on the draft RAP, may appeal the administrative authority's decision to approve or deny your RAP application pursuant to LAC 33:V. I. Chapter 3. Any person who did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under LAC 33:V.705 (or a decision under LAC 33:V.706 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under LAC 33:V.707 and 717, the administrative authority will give public notice of any grant of review of RAPs by the Department through the same means used to provide notice under LAC 33:V.615. The notice will include:

1. the briefing schedule for the appeal as provided by the Department;
2. a statement that any interested person may file an amicus brief with the Department; and
3. the information specified in LAC 33:V.615.C, as appropriate.

B. This appeal is a prerequisite to seeking judicial review of these LDEQ actions.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§630. When does my RAP become effective?**

Your RAP becomes effective 30 days after the administrative authority notifies you and all commenters that your RAP is approved unless:

A. the administrative authority specifies a later effective date in his decision;

B. you or another person has appealed your RAP under LAC 33:V.625 (if your RAP is appealed, and the request for review is granted under LAC 33:V.625, conditions of your RAP are stayed according to LAC 33:V. I. Chapter 3); or

C. no commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§635. When may I begin physical construction of new units permitted under the RAP?**

You must not begin physical construction of new units permitted under the RAP for treating, storing or disposing of hazardous remediation waste before receiving a finally effective RAP.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**How may my RAP be modified, revoked and reissued or terminated?**

**§640. After my RAP is issued, how may it be modified, revoked and reissued, or terminated?**

In your RAP, the administrative authority must specify, either directly or by reference,

procedures for future modifications, revocations and reissuance, or terminations of your RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change your management of your remediation waste, or that otherwise merits public review and comment. If your RAP has been incorporated into a traditional RCRA permit, as allowed under LAC 33:V.625.C, then the RAP will be modified according to the applicable requirements in LAC 33:V.321 through 323.B.2, revoked and reissued according to the applicable requirements in LAC 33:V.321 and 323.B.3, or terminated according to the applicable requirements of LAC 33:V.323.B.3.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§645. For what reasons may the administrative authority choose to modify my final RAP?**

A. The administrative authority may modify your final RAP on his own initiative only if one or more of the following reasons listed in this section exist(s). If one or more of these reasons do not exist, then the administrative authority will not modify your final RAP, except at your request. Reasons for modification are:

1. you made material and substantial alterations or additions to the activity that justify applying different conditions;
2. the administrative authority finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance;
3. the standards or regulations on which the RAP was based have changed because of new or amended statutes, standards or regulations, or by judicial decision after the RAP was issued;
4. if your RAP includes any schedules of compliance, the administrative authority may find reasons to modify your compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which you as the owner/operator have little or no control and for which there is no reasonably available remedy;
5. you are not in compliance with conditions of your RAP;
6. you failed in the application or during the RAP issuance process to disclose fully all relevant facts, or you misrepresented any relevant facts at the time;

7. the administrative authority has determined that the activity authorized by your RAP endangers human health or the environment and can only be remedied by modifying; or

8. you have notified the administrative authority (as required in the RAP under LAC 33:V.321.B) of a proposed transfer of a RAP.

B. Notwithstanding any other provision in this section, when the administrative authority reviews a RAP for a land disposal facility under LAC 33:V.665, he may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in LAC 33:V.Subpart 1.

C. The administrative authority will not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§650. For what reasons may the Administrative Authority choose to revoke and reissue my final RAP?**

A. The administrative authority may revoke and reissue your final RAP on his own initiative only if one or more reasons for revocation and reissuance exist(s). If one or more reasons do not exist, then the administrative authority will not modify or revoke and reissue your final RAP, except at your request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in LAC 33:V.645.A.5 through 8 if the administrative authority determines that revocation and reissuance of your RAP is appropriate.

B. The administrative authority will not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance, unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§655. For what reasons may the administrative authority choose to terminate my final RAP, or deny my renewal application?**

The administrative authority may terminate your final RAP on his own initiative, or deny

your renewal application for the same reasons as those listed for RAP modifications in LAC 33:V.645.A.5 through 7 if the administrative authority determines that termination of your RAP or denial of your RAP renewal application is appropriate.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

✓ **§660. May the decision to approve or deny a modification, revocation and reissuance, or termination of my RAP be administratively appealed?**

A. Any commenter on the modification, revocation and reissuance or termination, or any person who participated in any hearing(s) on these actions, may appeal the administrative authority's decision to approve a modification, revocation and reissuance, or termination of your RAP, according to LAC 33:V.625. Any person who did not file comments or did not participate in any public hearing(s) on the modification, revocation and reissuance or termination, may petition for administrative review only of the changes from the draft to the final RAP decision.

✓ B. Any commenter on the modification, revocation and reissuance or termination, or any person who participated in any hearing(s) on these actions, may informally appeal the administrative authority's decision to deny a request for modification, revocation and reissuance, or termination pursuant to LAC 33:I.Chapter 3. Any person who did not file comments, or did not participate in any public hearing(s) on the modification, revocation and reissuance or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

C. The process for informal appeals of RAPs is as follows:

1. the person appealing the decision must send a letter to the Secretary of LDEQ. The letter must briefly set forth the relevant facts.

2. the Secretary of LDEQ has 60 days after receiving the letter to act on it.

3. if the Secretary of LDEQ does not take action on the letter within 60 days after receiving it, the appeal shall be considered denied.

✓ D. This informal appeal is a prerequisite to seeking judicial review of these LDEQ actions.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office

of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§665. When will my RAP expire?**

RAPs must be issued for a fixed term, not to exceed 10 years, although they may be renewed upon approval by the administrative authority in fixed increments of no more than ten years. In addition, the administrative authority must review any RAP for hazardous waste land disposal five years after the date of issuance or reissuance and you or the administrative authority must follow the requirements for modifying your RAP as necessary to assure that you continue to comply with currently applicable requirements in RCRA sections 3004 and 3005.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§670. How may I renew my RAP if it is expiring?**

If you wish to renew your expiring RAP, you must follow the process for application for and issuance of RAPs in this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§675. What happens if I have applied correctly for a RAP renewal but have not received approval by the time my old RAP expires?**

If you have submitted a timely and complete application for a RAP renewal, but the administrative authority, through no fault of yours, has not issued a new RAP with an effective date on or before the expiration date of your previous RAP, your previous RAP conditions continue in force until the effective date of your new RAP or RAP denial.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§680. What records must I maintain concerning my RAP?**

You are required to keep records of:

A. all data used to complete RAP applications and any supplemental information that

you submit for a period of at least 3 years from the date the application is signed; and

B. any operating and/or other records the administrative authority requires you to maintain as a condition of your RAP.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§685. How are time periods in the requirements in this Subchapter and my RAP computed?**

A. Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if your RAP specifies that you must close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of your 180 days, and you would have to complete closure by November 28.)

B. Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if you are transferring ownership or operational control of your site, and wish to transfer your RAP, the new owner or operator must submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if you plan to change ownership on January 1, the new owner/operator must submit the revised RAP application no later than October 3, so that the 90th day would be December 31.)

C. If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if you wish to appeal the Administrative authority's decision to modify your RAP, then you must petition the Secretary of LDEQ within 30 days after the administrative authority has issued the final RAP decision. If the 30th day falls on Sunday, then you may submit your appeal by the Monday after. If the 30th day falls on July 4th, then you may submit your appeal by July 5th.)

D. Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, 3 days must be added to the prescribed term. (For example, if you wish to appeal the administrative authority's decision to modify your RAP, then you must petition the Secretary of LDEQ within 30 days after the administrative authority has issued the final RAP decision. However, if the administrative authority notifies you of his decision by mail, then you may have 33 days to petition the Secretary of LDEQ.)

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§690. How may I transfer my RAP to a new owner or operator?**

A. If you wish to transfer your RAP to a new owner or operator, you must follow the requirements specified in your RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute "significant" modifications for purposes of LAC 33:V.640. The new owner/operator must submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between you and the new permittees.

B. When a transfer of ownership or operational control occurs, you as the old owner or operator must comply with the applicable requirements in LAC 33:V.Chapter 37 (Financial Requirements), until the new owner or operator has demonstrated that he is complying with the requirements in that Chapter. The new owner or operator must demonstrate compliance with LAC 33:V.Chapter 37, within six months of the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner/operator demonstrates compliance with LAC 33:V.Chapter 37, to the administrative authority, the administrative authority will notify you that you no longer need to comply with LAC 33:V.Chapter 37, as of the date of demonstration.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§695. What must the State or EPA Region report about non-compliance with RAPs?**

The LDEQ or EPA Region must report noncompliance with RAPs according to the provisions of 40 CRF 270.5.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**Obtaining a RAP for off-site location.**

**§699. May I perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated?**

A. You may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if you believe such a location would be more protective than the contaminated area or areas in close proximity.

B. If the administrative authority determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the administrative authority may approve a RAP for this alternative location.

C. You must request the RAP, and the administrative authority will approve or deny the RAP, according to the procedures and requirements in this Subchapter.

D. A RAP for an alternative location must also meet the following requirements, which the administrative authority must include in the RAP for such locations:

1. The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;

2. The RAP is subject to the expanded public participation requirements in 40 CFR 124.31, 124.32, and 124.33;

3. The RAP is subject to the public notice requirements in LAC 33:V.717;

4. The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault which has had displacement in the Holocene time (you must demonstrate compliance with this standard through the requirements in LAC 33:V.517.T) (See definitions of terms in LAC 33:V.109);

**Note to paragraph D.4:** sites located in political jurisdiction other than those listed in Appendix VI of 40 CFR 264 are assumed to be in compliance with this requirement.

E. These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:

1. Exclusion from facility-wide corrective action under LAC 33:V.3322; and

2. Application of LAC 33:V.1501.H in lieu of LAC 33:V.Chapter 15.

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

HISTORICAL NOTE: Promulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 11. Generators**

**§1109. Pre-Transport Requirements**

\* \* \*

[See Prior Text A - E.1.a]

i. in containers and the generator complies with the applicable requirements of LAC 33:V.Chapter 43.Subchapters H, Q, R, and V; and/or

ii. in tanks and the generator complies with the applicable requirements of LAC 33:V.Chapter 43.Subchapters I, Q, R, and V except LAC 33:V.4442 and 4445 ; and/or

\* \* \*

[See Prior Text E.1.a.iii - E.7.d.iv.(c).(v)]

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), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24.1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality—Hazardous Waste**  
**Chapter 15. Treatment, Storage, and Disposal Facilities**

**§1501. Applicability**

\* \* \*

[See Prior Text in A - G]

H. The requirements of LAC 33:V.1105, 1503, 1504, 1507, 1509, 1511, 1513, 1515, 1517, 1519 and 3322 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing or disposing of hazardous wastes that are not remediation wastes. In these cases, LAC 33:V.1509, 1511, 1513, and 3322 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of LAC 33:V.1509, 1511, and 1513, owners or operators of remediation waste management sites must:

1. Obtain an EPA identification number by applying to the administrative authority using LDEQ Form HW - 1;

2. Obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information which must be known to treat, store or dispose of the waste according to LAC 33:V.Chapters 9 through 11, 15 through 29, and 31 through 37, and must be kept accurate and up to date;

3. Prevent people who are unaware of the danger from entering, and minimize the possibility for unauthorized people or livestock to enter onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate to the administrative authority that:

i. Physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock who may enter the active portion of the remediation waste management site; and

ii. Disturbance of the waste or equipment by people or livestock who enter onto the active portion of the remediation waste management site, will not cause a violation of the requirements of this part;

4. Inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharges that may be causing, or may lead to, a release of

hazardous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and must remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner/operator must take remedial action immediately;

✓ 5. Provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of LAC 33:V.Chapters 9 through 11, 15 through 29, and 31 through 37, and on how to respond effectively to emergencies;

✓ 6. Take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and prevent threats to human health and the environment from ignitable, reactive and incompatible waste;

✓ 7. For remediation waste management sites subject to regulation under LAC 33:V.Chapters 19, 21, 23, 25, 27, 29, 31, and 32, the owner/operator must design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner/operator can meet the demonstration of LAC33:V.1503.B;

✓ 8. Not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave;

✓ 9. Develop and maintain a construction quality assurance program for all surface impoundments, waste piles and landfill units that are required to comply with LAC 33:V.2903.J and K, 2303.C and D, and 2503.L and M at the remediation waste management site, according to the requirements of LAC 33:V.1504;

✓ 10. Develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment;

✓ 11. Designate at least one employee, either on the facility premises or on

call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

12. Develop, maintain and implement a plan to meet the requirements in LAC 33:V.1501.H.2 through 6 and 9 through 10; and

13. Maintain records documenting compliance with LAC 33:V.1501.H.1 through 12

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 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565 (May 1997), LR 23:568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division. LR 24:1106 (June 1998), LR 24:1694 (September 1998), LR 24:1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§1529. Operating Record and Reporting Requirements**

\* \* \*

[See Prior Text in A - B.19]

20. Any records required under LAC 33:V.1501.H.13.

\* \* \*

[See Prior Text in C - E.3]

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 16:399 (May 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§1533. Relationship to Interim Status Standards**

A facility owner or operator who has fully complied with the requirements for interim status - as defined in section 3005(e) of RCRA and regulations under LAC 33:V.4301 - must comply with the regulations specified in LAC 33:V. Chapter 43 in lieu of the regulations in this Chapter, until final administrative disposition of his permit application is made, except as provided under LAC 33:V. Chapter 26.

[Comment: As stated in section 3005(a) of RCRA, after the effective date of regulations under that section, i.e., LAC 33:V.Chapters 3, 5, and 7, the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which meets certain conditions until final administrative disposition of the owner's or operator's permit application is made.]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**§1535. Imminent Hazard Action**

Notwithstanding any other provisions of these regulations, enforcement actions may be brought pursuant to section 7003 of RCRA.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 17. Air Emission Standards**

**§1703. Definitions**

As used in this Chapter, all terms not defined herein shall have the meanings given them in LAC 33:V.109.

\* \* \*  
 [See Prior Text]

*Equipment*—each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange, or other connector and any control devices or systems required by this Chapter.

\* \* \*  
 [See Prior Text]

*Open-Ended Valve or Line*—any valve, except pressure relief valves, having one side of the valve seat in contact with ~~process fluid~~ hazardous waste and one side open to the atmosphere, either directly or through open piping.

\* \* \*  
 [See Prior Text]

*Sampling Connection System*—an assembly of equipment within a process or waste management unit used during periods of representative operation to take samples of the process or waste fluid. Equipment used to take non-routine grab samples is not considered a sampling connection system.

\* \* \*  
 [See Prior Text]

**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 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1696 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**Subchapter C. Air Emission Standards for Tanks, Surface Impoundments, and Containers**

**§1747. Applicability**

\* \* \*  
[See Prior Text A - B.4]

5. a waste management unit that is used solely for on-site treatment or storage of hazardous waste that is ~~generated~~placed in the unit as ~~the~~ a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h), CERCLA authorities, or similar state authorities;

\* \* \*  
[See Prior Text B.6 - D.3]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1701 (September 1998), LR 25:440 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§1753. Waste Determination Procedures**

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

a. An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of LAC 33:V.1751.C.1 from using air emission controls, and thereafter an initial determination of the average VO concentration of the waste stream shall be made for each averaging period that a hazardous waste is managed in the unit; and

b. Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in LAC 33:V.1751.

\* \* \*  
[See Prior Text A.2 - B.1]

a. An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the treated waste stream is placed in the exempt waste management unit, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

b. Perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level such that the applicable treatment conditions specified in LAC 33:V.1751.C.2 are not achieved.

\* \* \*

[See Prior Text B2 - D]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1704 (September 1998), LR 25:440 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§1755. Standards: Tanks**

\* \* \*

[See Prior Text A - H.2]

3. whenever a hazardous waste is in the tank, the tank shall be operated as a closed system that does not vent to the atmosphere except ~~in the event that a safety device, as defined in LAC 33:V.1749, is required to open to avoid an unsafe condition~~ under either or the following conditions as specified in LAC 33:V.1755.H.3.a and b.

a. At those times when opening of a safety device, as defined in LAC 33:V.1703, is required to avoid an unsafe condition.

b. At those times when purging of inerts from the tank is required and the purge stream is routed to a closed-vent system and control device designed and operated in accordance with the requirements of LAC 33:V.1761.

\* \* \*

[See Prior Text I - L.2]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1704 (September 1998), LR 25:440 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§1759. Standards: Containers**

\* \* \*

[See Prior Text A - E.5]

6. Transfer of hazardous waste in or out of a container using Container Level 3 controls shall be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the LDEQ considers to meet the requirements of this paragraph include using any one of the following: A submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

\* \* \*

[See Prior Text F - H.3]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1712 (September 1998), LR 25:441 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**Title 33  
ENVIRONMENTAL QUALITY  
Part V. Hazardous Waste and Hazardous Materials  
Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 22. Prohibitions on Land Disposal**

**Subchapter A. Land Disposal Restrictions**

**§2203. Definitions Applicable to this Chapter**

A. When used in this Chapter the following terms have the meanings given below:

*Hazardous Debris*—debris that contains a hazardous waste listed in LAC 33:V.4903 or that exhibits a characteristic of hazardous waste identified in LAC 33:V.4901. Any deliberate mixing of prohibited hazardous waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in LAC 33:V.2207.

\* \* \*  
[See Prior Text]

*Land Disposal*—placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt-dome formation, salt-bed formation, underground mine or cave, or placement in a concrete vault or bunker intended for disposal purposes.

\* \* \*  
[See Prior Text]

*Soil*—unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles as classified by the U.S. Soil Conservation Service, or a mixture of such materials with liquids, sludges, or solids, that is inseparable by simple mechanical removal processes and is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition in LAC 33:V.2207.

\* \* \*  
[See Prior Text]

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 15:378 (May 1989), amended LR 16:221 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:667 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§2205. Storage of Prohibited Wastes**

\* \* \*

[See Prior Text in A - G]

H. The prohibition and requirements in this do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to LAC 33:V.2605.

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 15:378 (May 1989), amended LR 16:220 (March 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1724 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§2221. Schedule of Wastes Identified or Listed After November 8, 1984**

\* \* \*

[See Prior Text in A - F.2]

3. On September 21, 1998, the wastes specified in LAC 33:V.4901.C as EPA Hazardous Waste Number K088 are prohibited from land disposal. In addition, soil and debris contaminated with ~~this~~ these wastes ~~is~~ are prohibited from land disposal.

\* \* \*

[See Prior Text in F.4 - 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 15:378 (May 1989), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:667 (April 1998), LR 24:1725 (September 1998),

LR 25:443 (March 1999) , amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§2223. Applicability of Treatment Standards**

\* \* \*

[See Prior Text A - H]

I. ~~Zinc-containing~~ micronutrient fertilizers that are produced for the general public's use and that are produced from or contain recycled characteristic hazardous wastes (D004-D011) are subject to the applicable treatment standards in LAC 33:V.Chapter 22.Table 2.

\* \* \*

[See Prior Text J]

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:819 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:668 (April 1998), LR 24:1726 (September 1998), LR 25:443 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§2236. Alternative Land Disposal Restriction (LDR) Treatment Standards for Contaminated Soil**

\* \* \*

[See Prior Text A - B]

C. Treatment Standards for Contaminated Soils. Prior to land disposal, contaminated soil identified by Subsection A of this Section as needing to comply with LDRs must be treated according to all the standards specified in this Subsection or according to the universal treatment standards specified in LAC 33:V.2233.

\* \* \*

[See Prior Text C.1.a - C.3]

a. for soil that also contains analyzable and only nonanalyzable organic constituents, treatment of these analyzable organic constituents to the levels specified in Subsection C.1 and 2 of this Section; or

b. for soil that contains only nonanalyzable constituents, treatment by the method(s) specified in LAC 33:V.2227 for the waste contained in the soil.

\* \* \*

[See Prior Text D - E.2.b]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, LR 25:446 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements**

\* \* \*

[See Prior Text in A - D]

Generator Paperwork Requirements Table				
Required Information	LAC 33:V. 2245.B	LAC 33:V. 2245.C	LAC 33:V. 2245.D	LAC 33:V. 2245.I
EPA Hazardous Waste Numbers and Manifest numbers of first shipment.	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
	See prior Text			
The waste is subject to the LDRs. The constituents of concern for F001-F005, and F039, and underlying hazardous constituents in characteristic wastes, unless the waste will be treated	X	<u>X</u>		

and monitored for all constituents. If all constituents will be treated and monitored there is no need to put them all on the LDR notice.				
---	--	--	--	--

\* \* \*

[See Prior Text in D.1 - K]

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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§2246. Special Rules Regarding Wastes That Exhibit a Characteristic**

\* \* \*

[See Prior Text in A - D.1.b]

2. The certification must be signed by an ~~du~~ authorized representative and must state the language ~~specified~~ found in LAC 33:V.2247.C.

3. If treatment removes the characteristic but does not ~~treat~~ meet standards applicable to underlying hazardous constituents, then the certification found in LAC 33:V.2247.C.4 applies.

\* \* \*

[See Prior Text in E - E.3.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 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§2247. Owners or Operators of Treatment or Disposal Facilities: Testing, Waste Minimization, Recordkeeping, and Notice Requirements**

\* \* \*

[See Prior Text in A - B.2]

a. EPA Hazardous Waste numbers and Manifest Numbers of first shipment;

\* \* \*

[See Prior Text in B.2.b - C.3]

4. For characteristic wastes that are subject to the treatment standards in LAC 33:V.2223 (other than those expressed as a required method of treatment), or LAC 33:V.2236 ~~that are reasonably expected to~~ contain underlying hazardous constituents as defined in LAC 33:V.2203, ~~that~~ if these wastes are treated on-site to remove the hazardous characteristic, and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

"I certify under penalty of law that the waste has been treated in accordance with the requirements of LAC 33:V.2223 or 2236 to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet ~~universal~~ treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

\* \* \*

[See Prior Text in C.5 - H]

**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 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:670 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS2 Number	Concentration in mg/l <sup>3</sup> , or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/l" or TCLP <sup>6</sup> or Technology Code <sup>4</sup>
K088	Spent potliners from primary aluminum reduction.				
		Acenaphthalene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene	205-99-2	0.11	6.8
		Benzo(k)fluoranthene	207-08-9	0.11	6.8
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory 1	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS2 Number		
		Dibenz(a,h)anthracene	53-70-3	0.055	Concentration in mg/kg <sup>5</sup> unless noted as "mg/l TCLP" or Technology Code <sup>4</sup>
		Fluoranthene	206-44-0	0.068	8.2
		Indeno (1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
		Phenanthrene	85-01-8	0.059	3.4
		Pyrene	129-00-0	0.067	5.6
		Antimony	7440-36-0	1.9	8.2
		Arsenic	7440-38-2	1.4	1.15 mg/l TCLP
		Barium	7440-39-3	1.2	5.0 mg/kg TCLP 26.1 mg/kg TCLP
					21 mg/l TCLP

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory 1	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS2 Number		
		Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
		Lead	7439-92-1	0.69	0.75 mg/l TCLP
		Mercury	7439-97-6	0.15	0.025 mg/l TCLP
		Nickel	7440-02-0	3.98	11 mg/l TCLP
		Selenium	7782-49-2	0.82	5.7 mg/l TCLP
		Silver	7440-22-4	0.43	0.14 mg/l TCLP

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS2 Number	Concentration in mg/l <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/l TCLP" or Technology Code <sup>4</sup>
		Cyanide (Total) <sup>7</sup>	57-12-5	1.2	590
		Cyanide (Amenable) <sup>7</sup>	57-12-5	0.86	30
		Fluoride	16984-48-8	35	48-mg/l TCLP
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. <sup>10</sup>				
		Acetonitrile	75-05-8	5.6	1.8
		Acetophenone	96-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl	17804-35-2	0.056	1.4

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory 1	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS2 Number		
		Benzene	71-43-2	0.14	10
		Carbaryl	63-25-2	0.006	0.14
		Carbenzadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS2 Number		
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
		Toluene	108-88-3	0.080	10
		Triethylamine	121-44-8	0.081	1.5
	* * * * [See Prior Text]				
K159	Organics from the treatment of thiocarbamate wastes. <sup>10</sup>	Benzene	71-43-2	0.14	10
		Butylate	2008-41-5	<del>0.0030.042</del>	1.4
		EPTC (Eptam)	759-94-4	<del>0.0030.042</del>	1.4
		Molinate	2212-67-	<del>0.0030.042</del>	1.4

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		CAS <sup>2</sup> Number	Wastewaters Concentration in mg/l <sup>3</sup> , or Technology Code <sup>4</sup>	Nonwastewaters Concentration in mg/kg <sup>5</sup> unless noted as "mg/l TCLP" or Technology Code <sup>4</sup>
		Common Name				
				1		
		Pebulate		1114-71-2	0-0030.042	1.4
		Vernolate		1929-77-7	0-0030.042	1.4
	* * * [See Prior Text]					
P194	OxamyI	OxamyI		23135-22-0	0.056	0.28
	* * * [See Prior Text]					
U404	Triethylamine	Triethylamine		1021-44-8	0.081	1.5
U408	2,4,6-Tribromophenol	2,4,6-Tribromophenol		1148-79-6	0.035	7.4

Table 2 - TREATMENT STANDARDS FOR HAZARDOUS WASTES

Waste Code	Waste Description and Treatment/Regulatory Subcategory <sup>1</sup>	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common Name	CAS <sup>2</sup> Number	Concentration in mg/l <sup>3</sup> ; or Technology Code <sup>4</sup>	Concentration in mg/kg <sup>5</sup> unless noted as "mg/l" or TCLP <sup>6</sup> or Technology Code <sup>4</sup>
	* * * * * [See Prior Text ]				

\* \* \*

[See Prior Text ]

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in LAC 33:V.110, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See LAC 33:V.2201.G.4 and G.5.)

\* \* \*

[See Prior Text ]

10 ~~Between August 26, 1996, and August 26, 1997,~~ the treatment standards for this waste ~~were may be~~ satisfied in ~~40-CFR-268-40(g)~~ by either meeting the constituent concentrations in this table or by treating the waste by the specified technologies: combustion, as defined by the technology code CMBST at LAC 33:V.Chapter 22, Table 3, for nonwastewaters; and biodegradation, as defined by the technology code BIODG, carbon adsorption, as defined by the technology code CARBN, chemical oxidation, as defined by the technology code CHOXD, or combustion, as defined as technology code CMBST at LAC 33:V.Chapter 22, Table 3, for wastewaters.

11 For these wastes, the definition of CMBST is limited to: (1) combustion units operating under LAC 33:V.Chapter 30, (2) combustion units permitted under LAC 33:V.Chapter

31, or (3) combustion units operating under LAC 33:V.Chapter

43.Subchapter N, which have obtained a determination of equivalent treatment under LAC 33.V.2227.B.

NOTE: NA means not applicable.

Table 7. Universal Treatment Standards			
Regulated Constituent-Common Name	CAS <sup>1</sup> Number	Wastewater Standard Concentration in mg/l <sup>2</sup>	Nonwastewater Standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/l TCLP"
Organic Constituents			
* * *			
[See Prior Text]			
Aldicarb sulfone <sup>6</sup>	1646-88-4	0.056	0.28
* * *			
[See Prior Text]			
Barban <sup>6</sup>	101-	0.056	1.4

Table 7. Universal Treatment Standards				
Regulated Constituent-Common Name	CAS <sup>1</sup> Number	Wastewater Standard Concentration in mg/l <sup>2</sup>	Nonwastewater Standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/l TCLP"	
	27-9			
Bendiocarb <sup>6</sup>	22781-23-3	0.056	1.4	
Benomy <sup>6</sup>	17804-35-2	0.056	1.4	
* * *				
[See Prior Text]				
Butylate <sup>6</sup>	2008-41-	0.042	1.4	
* * *				
[See Prior Text]				
Carbary <sup>6</sup>	63-25-2	0.006	0.14	

Table 7. Universal Treatment Standards				
Regulated Constituent-Common Name	CAS <sup>1</sup> Number	Wastewater Standard Concentration in mg/l <sup>2</sup>	Nonwastewater Standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/l TCLP"	
Carbenzadim <sup>6</sup>	10605-21-7	0.056	1.4	
Carbofuran <sup>6</sup>	1563-66-2	0.006	0.14	
Carbofuran phenol <sup>6</sup>	1563-38-8	0.056	1.4	
* * *				
[See Prior Text]				
Carbosulfan <sup>6</sup>	55285-14-8	0.028	1.4	
* * *				
[See Prior Text]				

Table 7. Universal Treatment Standards			
Regulated Constituent-Common Name	CAS <sup>1</sup> Number	Wastewater Standard Concentration in mg/l <sup>2</sup>	Nonwastewater Standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/l TCLP" <sup>4</sup>
m-Cumenyl methylcarbamate <sup>6</sup>	64-00-6	0.056	1.4
* * *			
[See Prior Text]			
Dithiocarbamates (total) <sup>6</sup>	137-30-4	0.028	28
EPTC <sup>6</sup>	759-94-4	0.042	1.4
* * *			
[See Prior Text]			
Formetanate hydrochloride <sup>6</sup>	23422-53-9	0.056	1.4

**Table 7. Universal Treatment Standards**

Regulated Constituent-Common Name	CAS <sup>1</sup> Number	Wastewater Standard Concentration in mg/l <sup>2</sup>	Nonwastewater Standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/l TCLP" <sup>4</sup>
* * * *			
[See Prior Text]			
Methiocarb <sup>6</sup>	2032-65-7	0.056	1.4
Methomyl <sup>6</sup>	16752-77-5	0.028	0.14
* * * *			
[See Prior Text]			
Metolcarb <sup>6</sup>	1129-41-5	0.056	1.4
Mexacarbate <sup>6</sup>	315-18-4	0.056	1.4
Molinate <sup>6</sup>	2212-	0.042	1.4

Table 7. Universal Treatment Standards			
Regulated Constituent-Common Name	CAS1 Number	Wastewater Standard Concentration in mg/l <sup>2</sup>	Nonwastewater Standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/l TCLP"
* * *	67-1		
[See Prior Text]			
Oxamy <sup>6</sup>	23135-22-0	0.056	0.28
* * *			
[See Prior Text]			
Pebulate <sup>6</sup>	1114-71-2	0.042	1.4
* * *			
[See Prior Text]			
Physostigmine <sup>6</sup>	57-47-	0.056	1.4

Table 7. Universal Treatment Standards			
Regulated Constituent-Common Name	CAS Number	Wastewater Standard Concentration in mg/l <sup>2</sup>	Nonwastewater Standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/l TCLP"
	6		
Physostigmine salicylate <sup>6</sup>	57-64-7	0.056	1.4
Promecarb <sup>6</sup>	2631-37-0	0.056	1.4
* * *			
[See Prior Text]			
Propham <sup>6</sup>	112-42-9	0.056	1.4
Propoxur <sup>6</sup>	114-26-1	0.056	1.4
Prosulfocarb <sup>6</sup>	52888-80-9	0.042	1.4

Table 7. Universal Treatment Standards				
Regulated Constituent-Common Name	CAS1 Number	Wastewater Standard Concentration in mg/l <sup>2</sup>	Nonwastewater Standard Concentration in mg/kg <sup>3</sup> unless noted as "mg/l TCLP"	
* * *				
[See Prior Text]				
<u>Triethylamine</u> <sup>6</sup>	<u>101-44-8</u>	<u>0.081</u>	<u>1.5</u>	
* * *				
[See Prior Text]				
<u>Vernolate</u> <sup>6</sup>	<u>1929-77-7</u>	<u>0.042</u>	<u>1.4</u>	
* * *				
[See Prior Text]				

PROPOSED DRAFT

HW072

<sup>6</sup> Reserved Between August 26, 1998 and March 4, 1999, these constituents are not "underlying hazardous constituents" as defined in LAC 33:V.2203.

Note: NA means not applicable

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality  Hazardous Waste

Chapter 26. Corrective Action Management Units and Temporary Units

§2601. Corrective Action Management Units (CAMU)

1 A. ~~For the purpose of implementing~~ To implement remedies under LAC 33:V.3322 or RCRA section 3008(h), or to implement remedies at a permitted facility that is not subject to LAC 33:V.3322, the administrative authority may designate an area at a facility as a corrective action management unit as defined in LAC 33:V.109, ~~in accordance with the requirements of this Section. One or more~~ CAMUs may be designated at a facility under the requirements of this section. A CAMU must be located within the contiguous property under the control of the owner/operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.

\* \* \*

[See Prior Text in A.1 - H]

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 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**§2603. Temporary Units (TU)**

A. For temporary tanks and container storage areas used for treatment or storage of hazardous remediation wastes during remedial activities required under LAC 33:V.3322 or RCRA section 3008(h), or at a permitted facility that is not subject to LAC 33:V.3322 the administrative authority may determine that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements which are protective of human health and the environment. A temporary unit must be located within the contiguous property under the control of the owner/operator where the wastes to be managed in the temporary unit originated. For temporary units, the administrative authority may replace the design, operating, or closure standard applicable to these units under this LAC 33:V.Chapter 9 through 11, 15 through 21, 23 through 29, 31 through 37, and 43 with alternative requirements which protect human health and the environment.

\* \* \*

[See Prior Text in B - G]

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 21:266 (March 1995), amended LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

S2605. Staging Piles

This section is written in a special format to make it easier to understand the regulatory requirements. Like other LDEQ and USEPA regulations, this establishes enforceable legal requirements. For this "I" and "you" refer to the owner/operator.

A. **What is a staging pile?** A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in LAC 33:V.109) that is not a containment building and is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner/operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the administrative authority in accordance with the requirements in this section.

B. **When may I use a staging pile?** You may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if you follow the standards and design criteria the administrative authority has designated for that staging pile. The administrative authority must designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with LAC 33:V.4303..A.5 and B.5). The administrative authority must establish conditions in the

permit, closure plan, or order that comply with Subsections D through K of this section.

C. What information must I provide to get a staging pile designated? When seeking a staging pile designation, you must provide:

1. Sufficient and accurate information to enable the administrative authority to impose standards and design criteria for your staging pile according to Subsections D through K of this Section;
2. Certification by an independent, qualified, registered professional engineer for technical data, such as design drawings and specifications, and engineering studies, unless the administrative authority determines, based on information that you provide, that this certification is not necessary to ensure that a staging pile will protect human health and the environment; and
3. Any additional information the administrative authority determines is necessary to protect human health and the environment.

D. What performance criteria must a staging pile satisfy? The administrative authority must establish the standards and design criteria for the staging pile in the permit, closure plan, or order.

1. The standards and design criteria must comply with the following:
  - a. the staging pile must facilitate a reliable, effective and protective remedy;
  - b. the staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or adequately control cross-media transfer, as necessary to protect human health and the environment (for example, through the use of liners, covers, run-off/run-on controls, as appropriate); and
  - c. the staging pile must not operate for more than two years, except when the administrative authority grants an operating term extension under Subsection I of this section (entitled "May I receive an operating extension for a staging pile?"). You must

measure the two-year limit, or other operating term specified by the administrative authority in the permit, closure plan, or order, from the first time you place remediation waste into a staging pile. You must maintain a record of the date when you first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for three years, whichever is longer.

2. In setting the standards and design criteria, the administrative authority must consider the following factors:

- a. length of time the pile will be in operation;
- b. volumes of wastes you intend to store in the pile;
- c. physical and chemical characteristics of the wastes to be stored in the unit;
- d. potential for releases from the unit;
- e. hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
- f. potential for human and environmental exposure to potential releases from the unit;

E. May a staging pile receive ignitable or reactive remediation waste? You must not place ignitable or reactive remediation waste in a staging pile unless:

- 1. you have treated, rendered or mixed the remediation waste before you placed it in the staging pile so that:
  - a. the remediation waste no longer meets the definition of ignitable or reactive under LAC 33:V.49013.B or D; and
  - b. you have complied with LAC 33:V.1517.B; or

PROPOSED DRAFT

HW072

2. you manage the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.

F. How do I handle incompatible remediation wastes in a staging pile? The term "incompatible waste" is defined in LAC 33:V.109. You must comply with the following requirements for incompatible wastes in staging piles:

1. you must not place incompatible remediation wastes in the same staging pile unless you have complied with LAC 33:V.1517.B;

2. if remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks or land disposal units (for example, surface impoundments), you must separate the incompatible materials, or protect them from one another by using a dike, berm, wall or other device; and

3. you must not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with LAC 33:V.1517.B.

G. Are staging piles subject to Land Disposal Restrictions (LDR) and Minimum Technological Requirements (MTR)? No. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the minimum technological requirements of RCRA 3004(o).

H. How long may I operate a staging pile? The administrative authority may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. You must use a staging pile no longer than the length of time designated by the administrative authority in the permit, closure plan, or order (the "operating term"), except as provided in Subsection I of this section.

I. May I receive an operating extension for a staging pile?

1. The administrative authority may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see Subsection L of this section for modification procedures). To justify to the administrative authority the need for an extension, you must provide sufficient and accurate information to enable the administrative authority to determine that continued operation of the staging pile:

- a. will not pose a threat to human health and the environment; and
- b. is necessary to ensure timely and efficient implementation of remedial actions at the facility.

2. The administrative authority may, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure protection of human health and the environment.

J. What is the closure requirement for a staging pile located in a previously contaminated area?

1. Within 180 days after the operating term of the staging pile expires, you must

close a staging pile located in a previously contaminated area of the site by removing or decontaminating all:

a. remediation waste;

b. contaminated containment system components; and

c. structures and equipment contaminated with waste and leachate.

2. You must also decontaminate contaminated subsoils in a manner and according to a schedule that the administrative authority determines will protect human health and the environment.

3. The administrative authority must include the above requirements in the permit, closure plan, or order in which the staging pile is designated.

**K. What is the closure requirement for a staging pile located in an uncontaminated area?** 1. Within 180 days after the operating term of the staging pile expires, you must close a staging pile located in an uncontaminated area of the site according to LAC 33:V.2315A. and 3507; or according to LAC 33:V.4379 and 4475.A.

2. The administrative authority must include the above requirement in the permit, closure plan, or order in which the staging pile is designated.

**L. How may my existing permit (for example, RAP), closure plan, or order be modified to allow me to use a staging pile?**

1. To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either:

a. the administrative authority must approve the modification under the procedures for Agency-initiated permit modifications in LAC 33:V.503; or

b. you must request a Class 2 modification under LAC 33:V.321.C.

2. To modify a RAP to incorporate a staging pile or staging pile operating term extension, you must comply with the RAP modification requirements under LAC 33:V.640 and 645.

3. To modify a closure plan to incorporate a staging pile or staging pile operating term extension, you must follow the applicable requirements under LAC 33:V.3511.C or 4381.C.

4. To modify an order to incorporate a staging pile or staging pile operating term extension, you must follow the terms of the order and the applicable provisions of LAC 33:V.4303.A.5 or B.5.

M. Is information about the staging pile available to the public? The administrative authority must document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 33. Groundwater Protection**

**§3322. Corrective Action**

\* \* \*

[See Prior Text in A - D]

E. This does not apply to remediation waste management sites unless they are part of a facility subject to a permit for treating, storing or disposing of hazardous wastes that are not remediation wastes.

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 16:614 (July 1990), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of the Secretary, LR 24:2247 (December 1998, amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**Title 1**

**ENVIRONMENTAL QUALITY**

**Part I. Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 38. Universal Wastes**

**Subchapter A. General**

§3813. Definitions

\* \* \*

[See Prior Text]

*Small Quantity Handler of Universal Waste*—a universal waste handler (as defined in this Section) who does not accumulate ~~more than~~ 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, lamps, or antifreeze, calculated collectively) at any time.

\* \* \*

[See Prior Text]

**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 23:570 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1760 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 41. Recyclable Materials**

**Subchapter C. Special Requirements for Group III Recyclable Materials**

**§4145. Spent Lead-acid Batteries Being Reclaimed**

Applicability and Requirements

~~A.—Applicability. The regulations of this Section apply to persons who reclaim (including regeneration) spent lead-acid batteries that are recyclable materials ("spent batteries"). Persons who generate, transport, or collect spent batteries, who regenerate spent batteries, or who store spent batteries but do not reclaim them (other than spent batteries that are to be regenerated) are not subject to these regulations. Are spent lead-acid batteries exempt from hazardous waste management requirements? If you generate, collect, transport, store, or re-generate lead-acid batteries for reclamation purposes, you may be exempt from certain hazardous waste management requirements. Use the following table to determine which requirements apply to you. Alternatively, you may choose to manage your spent lead-acid batteries under the "Universal Waste" rule in LAC 33:V.Chapter 38.~~

<u>If your batteries</u>	<u>And if you</u>	<u>Then you</u>	<u>And you</u>
<p><u>1. Will be reclaimed through re-generation (such as by electrolyte replacement).</u></p>		<p><u>are exempt from LAC 33:V. Subpart 1 except for LAC 33:Chapters 1,31.Table 1 and 49, and LAC 33:V.1103, and the notification requirements at section 3010 of RCRA.</u></p>	<p><u>are subject to LAC 33:V. Chapters 1, 31. Table 1, and 49 and LAC 33:V.1103.</u></p>
<p><u>2. Will be reclaimed other than through re-generation.</u></p>	<p><u>generate, collect, and/or transport these batteries.</u></p>	<p><u>are exempt from LAC 33:V. Subpart 1 except for LAC 33:Chapters 1,31.Table 1 and 49, and LAC 33:V.1103, and the notification requirements at section 3010 of RCRA.</u></p>	<p><u>are subject to LAC 33:V. Chapter 1, 31. Table 1, and 49 and LAC 33:V.1103 and applicable provisions under LAC 33:V.Chapter 22.</u></p>
<p><u>3. Will be reclaimed other</u></p>	<p><u>store these batteries but you</u></p>	<p><u>are exempt</u></p>	<p><u>are subject to</u></p>

<p><u>than through re-generation.</u></p>	<p><u>aren't the reclaimer.</u></p>	<p><u>from LAC 33:V. Subpart 1 except for LAC 33:Chapters 1,31.Table 1 and 49, and LAC 33:V.1103, and the notification requirements at section 3010 of RCRA.</u></p>	<p><u>LAC 33:V. Chapters 1, 31. Table 1, and 49 and LAC 33:V.1103 and applicable provisions under LAC 33:V.Chapter 22.</u></p>
<p><u>4. Will be reclaimed other than through regeneration.</u></p>	<p><u>store these batteries before you reclaim them.</u></p>	<p><u>must comply with LAC 33:V.4145.B and as appropriate other regulatory provisions described in LAC 33:V.4145.B</u></p>	<p><u>are subject to LAC 33:V. Chapters , 31. Table 1, and 49 and LAC 33:V.1103 and applicable provisions under LAC 33:V.Chapter 22..</u></p>
<p><u>5. Will be reclaimed other than through regeneration.</u></p>	<p><u>don't store these batteries before you reclaim them.</u></p>	<p><u>are exempt from LAC 33:V. Subpart 1 except for LAC 33:Chapters 1,31.Table 1 and 49, and</u></p>	<p><u>are subject to LAC 33:V. Chapters , 31. Table 1, and 49 and LAC 33:V.1103 and applicable</u></p>

		<p><u>LAC 33:V.1103, and the notification requirements at section 3010 of RCRA.</u></p>	<p><u>provisions under LAC 33:V.Chapter 22.</u></p>
--	--	---	---

~~B. General Requirements. Owners or operators of facilities that store spent lead acid batteries before reclaiming (other than spent batteries that are to be regenerated) them are subject to the following requirements: If I store spent lead-acid batteries before I reclaim them but not through re-generation, which requirements apply? The requirements of this Subsection apply to you if you store spent lead-acid batteries before you reclaim them, but you don't reclaim them through regeneration. The requirements are slightly different depending on your RCRA permit status.~~

~~1. notification requirements under LAC 33:V.105.A; For Interim Status Facilities, you must comply with:~~

~~a. Notification requirements under section 3010 of RCRA.~~

~~b. All applicable provisions in LAC 33:V.4301 through 4306.~~

~~c. All applicable provisions in LAC 33:V.Chapter 43.Subchapter A except LAC 33:V.4313 (waste analysis).~~

~~d. All applicable provisions in LAC 33:V.Chapter 43.Subchapters B and C.~~

~~e. All applicable provisions in LAC 33:V.Chapter 43.Subchapter D except LAC 33:V.4353 and 4355 (dealing with the use of the manifest and manifest discrepancies).~~

~~f. All applicable provisions in LAC 33:V.Chapter 43.Subchapters E through~~

~~K.~~

~~g. All applicable provisions in LAC 33:V.Chapters 3, 5, and 7.~~

~~2. all applicable provisions in LAC 33:V.Chapters 1 and 9 (but not including 903 or 905), 15 (but not including 1519), 19, 21, 23, 29, 33, 35, 37 and 43; For Permitted Facilities.~~

- a. Notification requirements under section 3010 of RCRA.
  - b. All applicable provisions in LAC 33:V.1501.
  - c. All applicable provisions in LAC 33:V.1503, 1504, 1507, 1509, 1515, and 1517.
  - d. All applicable provisions in LAC 33:V.1511 and 1513.
  - e. All applicable provisions in LAC 33:V.Chapter 9 (but not LAC 33:V.905 or 907(dealing with the use of the manifest and manifest discrepancies).
  - f. All applicable provisions in LAC 33:V.1505, chapters 19, 21, 23, 29, 33, 35, and 37.
  - g. All applicable provisions in LAC 33:V.Chapters 3, 5, and 7.
- ~~3. all applicable provisions of LAC 33:V.Chapters 3 and 5.~~

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 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 13:237 (April 1987), LR 23:579 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.

**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**

Interim status terminates when:

\* \* \*

[See Prior Text in A – E]

F. One of the following occurs:

- 1. final administrative disposition of a permit application is made, except an application for a remedial action plan (RAP) under subpart H of this part, or

**§4306. Imminent hazard action**

Notwithstanding any other provisions of these regulations, enforcement actions may be brought pursuant to section 7003 of RCRA.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*

**Subchapter V. Air Emission Standards for Tanks, Surface Impoundments, and Containers**

**§4727. Waste Determination Procedures**

\* \* \*

[See Prior Text A - A.1]

a. An initial determination of the average VO concentration of the waste stream shall be made before the first time any portion of the material in the hazardous waste stream is placed in a waste management unit exempted under the provisions of LAC 33:V.4725 from using air emission controls, and thereafter an initial determination of the average VO concentration of the waste stream shall be made for each averaging period that a hazardous waste is managed in the unit; and

b. Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the VO concentration limit specified in LAC 33:V.4725.

\* \* \*

[See Prior Text A.2 - A.3.b.i]

ii. A sufficient number of samples, but no less than four samples, shall be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination shall be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

\* \* \*

[See Prior Text A.3.b.iii]

iv. Sufficient information, as specified in the "site sampling plan"

required under Subsection 3.b.iii of this Section, shall be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

c. Analysis. Each collected sample shall be prepared and analyzed in accordance with one or more of the methods listed in Subsection A.3.c.i-ix of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR part 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as  $1.8 \times 10^{-6}$  atmospheres/gram-mole/m<sup>3</sup>) at 25 °C. Each of the analytical methods listed in Subsection A.3.c.ii - vii of this Section has an associated list of approved chemical compounds for which the department considers the method appropriate for measurement. If an owner or operator uses Method 624, 625, 1624, or 1625 in 40 CFR part 136, appendix A to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5 must be followed. If an owner or operator uses EPA Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A, to analyze one or more compounds that are not on that method's published list, the procedures in Subsection A.3.c.viii of this Section must be followed. At the owner's or operator's discretion, ~~the concentration of each individual chemical constituent measured in the waste~~ the owner or operator may adjust test data measured by a method other than Method 25D to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR part 60, appendix A. may be corrected to the To adjust these data, concentration had it been measured using Method 25D by multiplying the measured concentration of each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor by the appropriate constituent-specific adjustment factor ( $f_{m25D}$ ) as specified in Subsection A.4.c of this Section. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 degrees Celsius contained in the waste. Constituent-specific adjustment factors ( $f_{m25D}$ ) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711:

\* \* \*

[See Prior Text A.1.c.i - B.1]

a. An initial determination of the average VO concentration of the waste stream shall

be made before the first time any portion of the material in the treated waste stream is placed in a waste management unit exempted under the provisions of LAC 33:V.4725 from using air emission controls, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

b. Perform a new waste determination whenever changes to the process generating or treating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level such that the applicable treatment conditions specified in LAC 33:V.4725 are not achieved.

\* \* \*

[See Prior Text B.2 - B.3.b.i]

ii. A sufficient number of samples, but no less than four samples, shall be collected and analyzed for a hazardous waste determination. All of the samples for a given waste determination shall be collected within a one-hour period. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

\* \* \*

[See Prior Text B.3.b.iii]

iv. Sufficient information, as specified in the "site sampling plan" required under Subsection B.3.b.iii of this Section, shall be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

e. Analysis. Each collected sample shall be prepared and analyzed in accordance with one or more of the methods listed in Subsection B.3.c.i-ix of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the

point of waste entry to the treatment system, to determine if the conditions of LAC 33:V.4723 or 4725 are met, the waste samples shall be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR part 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-

the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as  $1.8 \times 10^{-6}$  atmospheres/gram-mole/m<sup>3</sup>] at 25°C. Each of the analytical methods listed in Subsection B.3.c.ii - vii of this Section has an associated list of approved chemical compounds for which the department considers the method appropriate for measurement. If an owner or operator uses Method 624, 625, 1624, or 1625 in 40 CFR part 136, appendix A to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5 must be followed. If an owner or operator uses Method 8260 or 8270 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, incorporated by reference in LAC 33:V.110.A, to analyze one or more compounds that are not on that method's published list, the procedures in Subsection B.3.c.viii of this Section must be followed. At the owner's or operator's discretion, ~~the concentration of each individual chemical constituent measured in the waste~~ the owner or operator may adjust test data measured by a method other than Method 25D to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR part 60, appendix A. may be corrected to the To adjust these data, concentration had it been measured using Method 25D by multiplying the measured concentration of each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor by the appropriate constituent-specific adjustment factor ( $f_{m25D}$ ) as specified in Subsection A.4.e of this Section. If the owner or operator elects to adjust test data, the adjustment must be made to all individual chemical constituents with a Henry's law constant value greater than or equal to 0.1 Y/X at 25 degrees Celsius contained in the waste. Constituent-specific adjustment factors ( $f_{m25D}$ ) can be obtained by contacting the Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711:

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[See Prior Text B.3.c.i - D.9]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste

PROPOSED DRAFT

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Services, Hazardous Waste Division, LR 24:1747 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: \*\*.