

**NOTICE OF INTENT****Department of Environmental Quality  
Office of Solid and Hazardous Waste  
Hazardous Waste Division**

RCRA IV Authorization Federal Package  
(LAC 33:V.Chapters 1, 5, 15, 19, 22, 30, 31, 37, 40, 41,  
43, 44, 45 and 49)(HW050)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Hazardous Waste Division Regulations, LAC 33:V.Chapters 1, 5, 15, 22, 30, 31, 37, 40, 41, 43, and 49 (HW050).

This proposed rule makes the following changes: 1) references are changed from 40 CFR 266 appendices to 40 CFR 51 to ensure that BIF Air Quality Screening Procedures are consistent, 2) allows BIF residues to meet LDR standards instead of more stringent health-based constituent levels to avoid disposal as a hazardous waste, 3) lists constituents found in wood surface protection wastes, 4) expands exemption for samples used in treatability studies by quantity and toxicity, 5) amends recordkeeping instructions for BIFs, Miscellaneous Units, and TSDs so that the unit of measurement codes and handling codes used by TSDs for on-site records match codes used by facilities on the Part A permit application forms, and 6) excludes from the definition of solid waste oil recovered from petroleum refinery wastewaters and from other sources, both on-site and off-site, if the oil is subsequently inserted (along with normal process streams) into the petroleum refining process prior to crude distillation or catalytic cracking.

These revisions are being made to maintain authorization from the Environmental Protection Agency to manage the Hazardous Waste Program. These revisions will also provide consistency between the state regulations and the federal regulations.

This proposed rule is identical to a federal law or regulation which is applicable in Louisiana, therefore, no fiscal or economic impact will result from the proposed rule. The rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

**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.33.a]

b. waste from burning any of the materials in LAC 33:V.4105.B.10-12;

\* \* \*

[See Prior Text in D.33.c-37.b]

i. The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with nonacute hazardous waste, 1,000 kg of nonacute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2,500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated waste stream.

ii. The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with nonacute hazardous waste, or may include 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of hazardous waste, and 1 kg of acute hazardous waste.

\* \* \*

[See Prior Text in D.37.b.iii-vi]

c. The administrative authority may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The administrative authority may grant requests on a case-by-case basis for quantity limits in excess of those specified in Subsection D.37.b.i of this Section for up to an additional 5,000 kg of media contaminated with nonacute hazardous waste, 500 kg of nonacute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste and 1 kg of acute hazardous waste:

i. in response to requests for authorization to ship, store, and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations;

ii. in response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: there has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of a previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an on-going treatability study to determine final specifications for treatment;

iii. The additional quantities and time frames allowed in Subsection D.37.c.i and ii of this Section are subject to all the provisions in Subsection D.37.a and b.iii and vi of this Section. The generator or sample collector must apply to the administrative authority and provide in writing the following information:

(a). the reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

(b). documentation accounting for all samples of hazardous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(c). a description of the technical modifications or change in specifications that will be evaluated and the expected results;

(d). if such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(e). such other information that the administrative authority considers necessary.

\* \* \*

[See Prior Text in D.38-38.b]

c. No more than a total of 10,000 kg of "as received" media contaminated with nonacute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subjected to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

d. The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which may include 10,000 kg of media contaminated with nonacute hazardous waste, 2,500 kg of media contaminated with acute hazardous waste, 1,000 kg of nonacute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

e. No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

\* \* \*

[See Prior Text in D.38.f-43.d]

e. material subjected on in-situ mining techniques which are not removed from the ground as part of the extraction process;

f. nonwastewater splash condenser dross residue from the treatment of K061 in high-temperature metals

recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery; and

g. recovered oil from petroleum refining, exploration and production, and from transportation incident thereto, which is to be inserted into the petroleum refining process (SIC Code 2911) along with normal process streams prior to crude distillation or catalytic cracking. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land, and must not be accumulated speculatively, before being so recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration and production, and transportation practices. Recovered oil includes oil that is recovered from refinery wastewater collection and treatment systems, oil recovered from oil and gas drilling operations, and oil recovered from wastes removed from crude oil storage tanks. Recovered oil does not include (among other things) oil-bearing hazardous wastes listed in LAC 33:V.4901 (e.g., K048-K052, F037, F038). However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does not include used oil as defined in LAC 33:V.4001.

\* \* \*

[See Prior Text in D.44-M.10]

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:

## **Chapter 5. Permit Application Contents**

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

#### **§537. Permits for Boiler and Industrial Furnaces**

**Burning Hazardous Waste for Recycling Purposes Only (boilers and industrial furnaces burning hazardous waste for destruction are subject to permit requirements for incinerators)**

\* \* \*

[See Prior Text in A-B.3.b]

4. Final Permit. For the final period of operation, the administrative authority will develop operating requirements in conformance with LAC 33:V.3005.E that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of LAC 33:V.3009-3015. After reviewing the trial burn results, the administrative authority will modify the permit as necessary to develop a final permit that will ensure compliance with the performance standards of LAC 33:V.3009-3015. The permit modification shall proceed

according to LAC 33:V.321.

\* \* \*

[See Prior Text in 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 15:737 (September 1989), amended LR 18:1375 (December 1992), LR 21:266 (March 1995), LR 22:

**Chapter 15. Treatment, Storage, and Disposal Facilities**

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

\* \* \*

[See Prior Text in A-B.2]

3. Record the estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1.

Table 1. Units For Reporting	
Units of Measure	Code <sup>1</sup>
Gallons	G
Gallons per hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds per Hour	J
Kilograms per Hour	R
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I

<sup>1</sup> Single digit symbols are used here for data processing purposes.

4. The method(s) (by handling code(s) as specified in Table 2) and date(s) of treatment, storage, or disposal.

Table 2. Handling Codes for Treatment, Storage, and Disposal Methods
Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.

<b>Storage</b>
S01 Container (barrel, drum, etc.)
S02 Tank
S03 Waste Pile
S04 Surface Impoundment
S05 Drip Pad
S06 Containment Building (Storage)
S99 Other Storage (specify)
<b>Treatment</b>
<b>Thermal Treatment</b>
T06 Liquid injection incinerator
T07 Rotary kiln incinerator
T08 Fluidized bed incinerator
T09 Multiple hearth incinerator
T10 Infrared furnace incinerator
T11 Molten salt destructor
T12 Pyrolysis
T13 Wet air oxidation
T14 Calcination
T15 Microwave discharge
T18 Other (specify)
<b>Chemical Treatment</b>
T19 Absorption mound
T20 Absorption field
T21 Chemical fixation
T22 Chemical oxidation
T23 Chemical precipitation
T24 Chemical reduction
T25 Chlorination
T26 Chlorinolysis
T27 Cyanide destruction
T28 Degradation
T29 Detoxification
T30 Ion exchange
T31 Neutralization
T32 Ozonation
T33 Photolysis
T34 Other (specify)
<b>Physical Treatment</b>
<b>Separation of Components:</b>
T35 Centrifugation

T36 Clarification
T37 Coagulation
T38 Decanting
T39 Encapsulation
T40 Filtration
T41 Flocculation
T42 Flotation
T43 Foaming
T44 Sedimentation
T45 Thickening
T46 Ultrafiltration
T47 Other (specify)
<b>Removal of Specific Components:</b>
T48 Absorption-molecularsieve
T49 Activated carbon
T50 Blending
T51 Catalysis
T52 Crystallization
T53 Dialysis
T54 Distillation
T55 Electrodialysis
T56 Electrolysis
T57 Evaporation
T58 High gradient magnetic separation
T59 Leaching
T60 Liquid ion exchange
T61 Liquid-liquid extraction
T62 Reverse osmosis
T63 Solvent recovery
T64 Stripping
T65 Sand filter
T66 Other (specify)
<b>Biological Treatment</b>
T67 Activated sludge
T68 Aerobic lagoon
T69 Aerobic tank
T70 Anaerobic tank
T71 Composting
T72 Septic tank
T73 Spray irrigation
T74 Thickening filter

T75 Tricking filter
T76 Waste stabilization pond
T77 Other (specify)
T78 [Reserved]
T79 [Reserved]
<b>Boilers and Industrial Furnaces</b>
T80 Boiler
T81 Cement Kiln
T82 Lime Kiln
T83 Aggregate Kiln
T84 Phosphate Kiln
T85 Coke Oven
T86 Blast Furnace
T87 Smelting, Melting, or Refining Furnace
T88 Titanium Dioxide Chloride Process Oxidation Reactor
T89 Methane Reforming Furnace
T90 Pulping Liquor Recovery Furnace
T91 Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid
T92 Halogen Acid Furnaces
T93 Other Industrial Furnaces Listed in LAC 33:V.109 (specify)
<b>Other Treatment</b>
T94 Containment Building (Treatment)
<b>Disposal</b>
D79 Underground Injection
D80 Landfill
D81 Land Treatment
D82 Ocean Disposal
D83 Surface Impoundment (to be closed as a landfill)
D99 Other Disposal (specify)
<b>Miscellaneous (Chapter 32)</b>
X01 Open Burning/Open Detonation
X02 Mechanical Processing
X03 Thermal Unit
X04 Geologic Repository
X99 Other Chapter 32 (specify)

\* \* \*

[See Prior Text in B.5-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:

## Chapter 22. Prohibitions on Land Disposal

**Appendix**  
**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 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
* * * [See Prior Text in D001-P014]					
P015	Beryllium Powder	Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or RTHRM
* * * [See Prior Text in P016-U359]					

<sup>1</sup> The waste descriptions provided in this table do not replace waste descriptions in LAC 33:V.Chapter 49. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

<sup>2</sup> CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number is given for the parent compound only.

<sup>3</sup> Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

<sup>4</sup> All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in LAC 33:V.Chapter 22, Appendices, Table 3. Technology Codes and Descriptions of Technology-Based Standards.

<sup>5</sup> Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of LAC 33:V.Chapter 31, LAC 33:V.Chapter 43.Subpart N, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in LAC 33:V.2223.E. All concentration standards for nonwastewaters are based on analysis of grab samples.

<sup>6</sup> Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment/Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.

<sup>7</sup> 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, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

*Note:* NA means not applicable.

### Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

#### §3001. Applicability

\* \* \*

[See Prior Text in A-B.2]

3. hazardous wastes that are exempt from regulation under LAC 33:V.105.D and 4105.B.10-12, and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under LAC 33:V.Chapter 39; and

\* \* \*

[See Prior Text in B.4-F.1.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 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:

**Chapter 31. Incinerators****§3105. Applicability**

\* \* \*

[See Prior Text in A-E]

Table 1. Hazardous Constituents			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
* * * [See Prior Text in Acetonitrile-Benzyl Chloride]			
Beryllium Powder	Same	7440-41-7	P015
* * * [See Prior Text in Beryllium compounds, N.O.S. <sup>1</sup> -Potassium cyanide]			
Potassium pentachlorophenate	Pentachlorophenol, potassium salt	7778736	None
* * * [See Prior Text in Potassium silver cyanide-Sodium cyanide]			
Sodium pentachlorophenate	Pentachlorophenol, sodium salt	131522	None
* * * [See Prior Text in Streptozotocin-2,3,4,6-Tetrachlorophenol]			
2,3,4,6-Tetrachlorophenol, potassium salt	same	53535276	None
2,3,4,6-Tetrachlorophenol, sodium salt	same	25567559	None
* * * [See Prior Text in Tetraethyldithiopyrophosphate-Zinc phosphide]			

<sup>1</sup> The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this table.

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 11:1139 (December 1985), LR 13:433 (August 1987), LR 14:424 (July 1988), LR 15:737 (September 1989), LR 16:399 (May 1990), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), LR 22:

**§3115. Incinerator Permits for New or Modified Facilities**

\* \* \*

[See Prior Text in A-B.11.d]

12. during, or immediately after, each approved trial burn the applicant must make the following determinations when a DRE trial burn is required under LAC 33:V.3009.A:

a. a quantitative analysis of the trial POHCs in the waste feed;

\* \* \*

[See Prior Text in B.12.b-D]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 22:

**Chapter 37. Financial Requirements****Subchapter F. Financial and Insurance Instruments**

**§3719. Wording of the Instruments**

\* \* \*

[See Prior Text in A-C]

D. Letter of Credit. A letter of credit, as specified in LAC 33:V.3707.D or 3711.D or 4403.C or 4407.C must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**IRREVOCABLE STANDBY LETTER OF CREDIT**

Secretary

Louisiana Department of Environmental Quality

P.O. Box 82263

Baton Rouge, LA 70884-2263

Dear [Sir or Madam]:

We hereby establish our Irrevocable Standby Letter of Credit Number \_\_\_\_\_ in favor of the Department of Environmental Quality of the State of Louisiana at the request and for the account of [owner's or operator's name and address] up to the aggregate amount of U.S. dollars \$\_\_\_\_\_ upon presentation of:

1. a sight draft, bearing reference to the Letter of Credit Number \_\_\_\_\_ drawn by the Secretary or his or her designated representative, together with;
2. a statement signed by the Secretary or his or her designated representative, reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq."

This Letter of Credit is effective as of \_\_\_\_\_, 19\_\_\_\_, and shall expire on \_\_\_\_\_, 19\_\_\_\_ [date at least one year later], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [\_\_\_\_, 19\_\_\_\_] and on each successive expiration date thereafter, unless, at least 120 days before the then current expiration date, we notify both you and [name of owner/operator] by certified mail that we have decided not to extend this Letter of Credit beyond the then current expiration date. In the event we give such notification, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and [name of owner/operator], as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of owner/operator] in accordance with your instructions.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:V.3719.D as such regulations were constituted on the date shown immediately below.

[Signature(s) and Titles of Official(s) of issuing institutions]

[DATE]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

\* \* \*

[See Prior Text in E-J.2.e]

K. Letter of Credit. A letter of credit, as specified in LAC 33:V.3715 or 4411, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**IRREVOCABLE STANDBY LETTER OF CREDIT**

Secretary

Louisiana Department of Environmental Quality

P.O. Box 82263

Baton Rouge, Louisiana 70884-2263

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit Number \_\_\_\_\_ in the favor of ["any and all third-party liability claimants" or insert name of trustee of the standby trust fund], at the request and for the account of [owner or operator's name and address] for third-party liability awards or settlements up to [in words] U.S. dollars \$\_\_\_\_\_ per occurrence and the annual aggregate amount of [in words] U.S. dollars, for sudden accidental occurrences and/or for third-party liability awards or settlements up to the amount of [in words] U.S. dollars \$\_\_\_\_\_ per occurrence, and the annual aggregate amount of [in words] U.S. dollars \$\_\_\_\_\_ for nonsudden accidental occurrences available upon presentation of a sight draft bearing reference to this Letter of Credit Number \_\_\_\_\_, and [insert the following language if the letter of credit is being used without a standby trust fund:]

\* \* \*

[See Prior Text in K.1-1.c.ii.(a)]

(b). to any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in Subsection K.1.c.i or ii of this Section.

\* \* \*

[See Prior Text in K.1.d-e.v]

2. Or, as an alternative to the Certificate of Valid Claim, a valid final court order establishing a judgment against the Grantor for bodily injury or property damage caused by sudden or nonsudden accidental occurrences arising from the operation of the Grantor's facility or group of facilities.

This Letter of Credit is effective as of [date] and shall expire on [date at least one year later], but such expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify you, the administrative authority, and [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date.

Whenever this Letter of Credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us.

[Insert the following language if a standby trust fund is not being used: "In the event that this letter of credit is used in combination with another mechanism for liability coverage, this letter of credit shall be considered [insert "primary" or "excess" coverage]."

We certify that the wording of this letter of credit is identical to the wording specified in LAC 33:V.3719.K as such regulations were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution [Date]]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits published and copyrighted by the International Chamber of Commerce" or "the Uniform Commercial Code"].

\* \* \*

[See Prior Text in L-N.2]

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

**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 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:47 (January 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:

## **Chapter 40. Used Oil**

### **§4001. Definitions**

Terms that are defined in LAC 33:V.109 have the same meanings when used in this Chapter.

\* \* \*

[See Prior Text]

*Petroleum Refining Facility*—an establishment primarily engaged in producing gasoline, kerosine, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes (i.e., facilities classified as SIC 2911).

\* \* \*

[See Prior Text]

*Used Oil Transfer Facility*—any transportation-related facility, including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation or prior to an activity performed in accordance with LAC 33:V.4009.B.2. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subchapter E of this Chapter.

\* \* \*

[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 21:266 (March 1995), amended LR 22:

### **Subchapter A. Materials Regulated as Used Oil**

#### **§4003. Applicability**

This Section identifies those materials which are subject to regulation as used oil under this Chapter. This Section also identifies some materials that are not subject to regulation as used oil under this Chapter and indicates whether these materials may be subject to regulation as hazardous waste under this Subpart.

\* \* \*

[See Prior Text in A-B.2.b]

c. regulation as used oil under this Chapter if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resulting mixture does not exhibit the characteristic of ignitability under LAC 33:V.4903.

\* \* \*

[See Prior Text in C-F]

G. Used Oil Introduced into Crude Oil Pipelines or a Petroleum Refining Facility

\* \* \*

[See Prior Text in G.1-I]

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 22:

### **Subchapter B. Standards for Used Oil Generators**

#### **§4009. Applicability**

\* \* \*

[See Prior Text in A-B.2.a]

b. separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse pursuant to section 402 or section 307(b) of the Clean Water Act, LAC 33:IX, or other applicable federal or state regulations governing the management or discharge of wastewater;

\* \* \*

[See Prior Text in B.2.c-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 21:266 (March 1995), amended LR 22:

### **Chapter 41. Recyclable Materials**

#### **§4105. Requirements for Recyclable Materials**

Recyclable materials are subject to additional regulations as follows:

\* \* \*

[See Prior Text in A-B.7]

8. fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under LAC 33:V.105.D.43.g);

9. hazardous waste fuel produced from oil-bearing

hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under LAC 33:V.4005 of this Chapter and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

10. hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under LAC 33:V.4005;

11. oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under LAC 33:V.4005;

12. petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility by the same person who generated the waste, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in LAC 33:V.4903;

13. wastes described in Subsection B.1-13 of this Section, which are used or reused on-site or stored at the generation site prior to such use or reuse on-site are exempt from these regulations except that on-site storage shall be in an environmentally sound manner.

\* \* \*

[See Prior Text in C-E]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:219 (March 1990), LR 17:362 (April 1991), repromulgated LR 18:1256 (November 1992), amended LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:

## **Chapter 43. Interim Status**

### **§4357. Operating Record**

\* \* \*

[See Prior Text in A]

B. Records of each hazardous waste received, treated, stored, or disposed of at the facility must be recorded, as they become available, and maintained in the operating record until closure of the facility. These records shall include the following information:

1. a description by its common name and the EPA hazardous waste number(s) (LAC 33:V.Chapter 49) that apply to the waste and the quantity of each hazardous waste received. The waste description also must include the waste's physical form, i.e., liquid, sludge, solid, or contained gas. If the waste is not listed in LAC 33:V.Chapter 49, the description also must include the process that produced it.

\* \* \*

[See Prior Text in B.2]

3. the estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1;

<b>Table 1. Units For Reporting</b>	
<b>Units of Measure</b>	<b>Code<sup>1</sup></b>
Gallons	G
Gallons per hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds per Hour	J
Kilograms per Hour	R
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I

<sup>1</sup> Single digit symbols are used here for data processing purposes.

4. the method(s) (by handling code(s) as specified in Table 2) and date(s) of treatment, storage, or disposal;

<b>Table 2. Handling Codes for Treatment, Storage, and Disposal Methods</b>
Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.
<b>Storage</b>
S01 Container (barrel, drum, etc.)
S02 Tank
S03 Waste Pile
S04 Surface Impoundment
S05 Drip Pad
S06 Containment Building (Storage)
S99 Other Storage (specify)
<b>Treatment</b>
<b>Thermal Treatment</b>
T06 Liquid injection incinerator

T07 Rotary kiln incinerator
T08 Fluidized bed incinerator
T09 Multiple hearth incinerator
T10 Infrared furnace incinerator
T11 Molten salt destructor
T12 Pyrolysis
T13 Wet air oxidation
T14 Calcination
T15 Microwave discharge
T18 Other (specify)
<b>Chemical Treatment</b>
T19 Absorption mound
T20 Absorption field
T21 Chemical fixation
T22 Chemical oxidation
T23 Chemical precipitation
T24 Chemical reduction
T25 Chlorination
T26 Chlorinolysis
T27 Cyanide destruction
T28 Degradation
T29 Detoxification
T30 Ion exchange
T31 Neutralization
T32 Ozonation
T33 Photolysis
T34 Other (specify)
<b>Physical Treatment</b>
<b>Separation of Components:</b>
T35 Centrifugation
T36 Clarification
T37 Coagulation
T38 Decanting
T39 Encapsulation
T40 Filtration
T41 Flocculation
T42 Flotation
T43 Foaming
T44 Sedimentation
T45 Thickening
T46 Ultrafiltration

T47 Other (specify)
<b>Removal of Specific Components:</b>
T48 Absorption-molecularsieve
T49 Activated carbon
T50 Blending
T51 Catalysis
T52 Crystallization
T53 Dialysis
T54 Distillation
T55 Electrodialysis
T56 Electrolysis
T57 Evaporation
T58 High gradient magnetic separation
T59 Leaching
T60 Liquid ion exchange
T61 Liquid-liquid extraction
T62 Reverse osmosis
T63 Solvent recovery
T64 Stripping
T65 Sand filter
T66 Other (specify)
<b>Biological Treatment</b>
T67 Activated sludge
T68 Aerobic lagoon
T69 Aerobic tank
T70 Anaerobic tank
T71 Composting
T72 Septic tank
T73 Spray irrigation
T74 Thickening filter
T75 Tricking filter
T76 Waste stabilization pond
T77 Other (specify)
T78 [Reserved]
T79 [Reserved]
<b>Boilers and Industrial Furnaces</b>
T80 Boiler
T81 Cement Kiln
T82 Lime Kiln
T83 Aggregate Kiln
T84 Phosphate Kiln

T85 Coke Oven
T86 Blast Furnace
T87 Smelting, Melting, or Refining Furnace
T88 Titanium Dioxide Chloride Process Oxidation Reactor
T89 Methane Reforming Furnace
T90 Pulping Liquor Recovery Furnace
T91 Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid
T92 Halogen Acid Furnaces
T93 Other Industrial Furnaces Listed in LAC 33:V.109 (specify)
<b>Other Treatment</b>
T94 Containment Building (Treatment)
<b>Disposal</b>
D79 Underground Injection
D80 Landfill
D81 Land Treatment
D82 Ocean Disposal
D83 Surface Impoundment (to be closed as a landfill)
D99 Other Disposal (specify)
<b>Miscellaneous (Chapter 32)</b>
X01 Open Burning/Open Detonation
X02 Mechanical Processing
X03 Thermal Unit
X04 Geologic Repository
X99 Other Chapter 32 (specify)

5. records and results of waste analyses and trial tests performed as specified in LAC 33:V.2237.A, 2245, 4313, 4445, 4453, 4467, 4481, 4507, 4515, 4527, 4539, 4557, and 4587;

6. summary reports and details of all incidents that require implementing the contingency plan as specified in LAC 33:V.1513.F.10;

7. records and results of inspections as required by LAC 33:V.1509.D (except these data need be kept only three years);

8. monitoring, testing, or analytical data, and corrective action where required by LAC 33:V.Chapter 43.Subchapter E, 4320, 4367, 4375, 4437, 4440, 4449, 4451, 4455, 4470, 4472, 4474, 4483, 4485, 4489.D.1, 4497, 4498, 4502, 4519, 4529, 4557, 4559, 4587, and 4589;

9. all closure cost estimates under LAC 33:V.4401 and, for disposal facilities, all post-closure cost estimates under LAC 33:V.4405;

10. records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal prohibition granted pursuant to LAC 33:V.2239, monitoring data required pursuant to a petition under LAC 33:V.2241 or 2242 or a certification under LAC

33:V.2235, and the applicable notice required of a generator under LAC 33:V.2245;

11. for an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247;

12. for an on-site treatment facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247;

13. for an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under LAC 33:V.2235, 2245, or 2247;

14. for an on-site land disposal facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under LAC 33:V.2235, 2245, or 2247;

15. for an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under LAC 33:V.2235, 2245, or 2247;

16. for an on-site storage facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under LAC 33:V.2235, 2245, or 2247.

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 15:378 (May 1989), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:

**Chapter 49. Lists of Hazardous Wastes**

**§4901. Category I Hazardous Wastes**

\* \* \*

[See Prior Text in A-E.Comment]

**Table 3. Acute Hazardous Wastes**

EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste
* * * [See Prior Text in Acetaldehyde, chloro-Benzylchloride]		
P015	7440-41-7	Beryllium Powder
* * * [See Prior Text in Bromoacetone-Zinc phosphide....]		

<sup>1</sup> CAS Number given for parent compound only.

\* \* \*

[See Prior Text in F-G(Table 6)]

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

HISTORICAL NOTE: Promulgated by the Department of

Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:320 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:790 (November 1988), LR 15:182 (March 1989), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:

A public hearing will be held on August 29, 1996, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by HW050. Such comments should be submitted no later than August 29, 1996, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA, 70810 or to FAX number (504)765-0486. The comment period for this rule ends on the same date as the public hearing.

Mike Strong  
Assistant Secretary