

EMERGENCY RULE REMEDIATION OF SITES WITH CONTAMINATED MEDIA

The Louisiana Department of Environmental Quality (LDEQ) has adopted an emergency rule (HW084E3) to address remediation of sites with contaminated environmental media (effective August 10, 2003 and extended on August 20, 2004). The rule can be viewed [here](#).

Under this rule, contaminated media containing one or more listed hazardous wastes (LAC 33:V.4901) at concentrations below applicable LDEQ Risk Evaluation/Corrective Action Program (RECAP) Screening Standards (LAC 33:I.Chapter 13) and no longer exhibiting any of the characteristics of a hazardous waste (LAC 33:V.4903) have been excluded from the definition of a hazardous waste. However, land disposal treatment standards (LAC 33:V.2299) apply prior to placement in a land disposal unit even though the media may no longer contain a hazardous waste. These regulations can be viewed [here](#).

In short, environmental media containing a listed hazardous waste may not have to be handled as a hazardous waste if the concentration of the listed waste is less than the applicable RECAP Screening Standard. With this ruling, disposal and transportation costs associated with site remediation activities can be substantially reduced when contaminated environmental media (*i.e.*, soil, sediments, surface water or groundwater) are not required to be managed in the same manner as a hazardous waste.

The LDEQ is drafting a rule to promulgate these regulation changes; however, the emergency rule, which expires December 1, 2004, will be extended once again. Once adopted, the final rule will most likely be based on the application of at least the Management Option 1 RECAP Standards (MO-1 RS) in lieu of the RECAP Screening Standards as currently stated in the emergency ruling.

For further questions concerning this emergency rule and related regulations, please contact Melanie Hanks or Yolunda Righteous using the following contact information.



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