This document is scheduled to be published in the Federal Register on 2026-11-17 and available online at **https://www.federalregister.gov/d/2026-23383**, and on **https://govinfo.gov**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA-HQ-OLEM-2025-3324; FRL-13373-02-OLEM]

Louisiana: Approval of State Coal Combustion Residuals Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of final decision.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is approving the Louisiana coal combustion residuals (CCR) permit program under the Resource Conservation and Recovery Act (RCRA). After reviewing the CCR permit program application submitted by the Louisiana Department of Environmental Quality (LDEQ), EPA has determined that Louisiana's partial CCR permit program meets the standard for approval under RCRA. Louisiana's CCR permit program will operate in lieu of the Federal CCR program with the exception of the specific provisions noted below.

DATES: This action is effective on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OLEM-2025-3324. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

FOR FURTHER INFORMATION CONTACT: Michelle Lloyd, Office of Resource Conservation and Recovery, Waste Identification Notice and Generators Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 566-0560; e-mail address: *lloyd.michelle@epa.gov*. For more

information on this document please visit *https://www.epa.gov/coal-combustion-residuals.*

SUPPLEMENTARY INFORMATION:

List of Acronyms
CBI Confidential Business Information
CCR coal combustion residuals
CFR Code of Federal Regulations
CINWL Commercial industrial nonhazardous waste landfill
EDMS Louisiana Electronic Database Management System
EPA Environmental Protection Agency
FR *Federal Register*
La. R.S. Louisiana Revised Statutes
LAC Louisiana Administrative Code
LDEQ Louisiana Department of Environmental Quality
MCL maximum contaminant level
MSWLF municipal solid waste landfill
NOV notice of violation
NPDES National Pollutant Discharge Elimination System
OLEM Office of Land and Emergency Management
RCRA Resource Conservation and Recovery Act
SHWD Solid and Hazardous Waste Division
SOP Standard Operating Procedures
STAG State and Tribal Assistance Grant
TSD Technical Support Document
USACE U.S. Army Corps of Engineers
USWAG Utility Solid Waste Activities Group
WIIN Water Infrastructure Improvements for the Nation
WPD Louisiana Waste Permits Division

I. General Information

A. Summary of Final Action

EPA is taking final action to approve of Louisiana's partial CCR permit program because the Agency finds that the State's program requires each CCR unit in the State to achieve compliance with the minimum requirements in the Federal CCR regulations or with alternative requirements that EPA has determined to be at least as protective as the requirements of the Federal CCR regulations in 40 CFR part 257, subpart D, for the reasons set forth in the Proposed Approval (91 FR 34189, June 5, 2026) and this final action. See, 42 U.S.C. 6945(d)(1)(B).

B. Background

CCR are generated from the combustion of coal, including solid fuels classified as anthracite, bituminous coal, subbituminous coal, and lignite, for the purpose of generating steam

to power a generator to produce electricity or electricity and other thermal energy by electric utilities and independent power producers. CCR include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. CCR can be sent offsite for disposal or beneficial use or disposed of in on-site landfills or surface impoundments.

On April 17, 2015, EPA published a final rule adding 40 CFR part 257, subpart D, which established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302). The rule created a self-implementing program that regulates the location, design, operating criteria, and groundwater monitoring and corrective action for CCR units, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units. EPA has since amended 40 CFR part 257, subpart D on August 5, 2016 (81 FR 51802), July 30, 2018 (83 FR 36435), August 28, 2020 (85 FR 53516), November 12, 2020 (85 FR 72506), May 8, 2024 (89 FR 38950), November 8, 2024 (89 FR 88650), and February 10, 2026 (91 FR 5806). More information on these rules is provided in the Technical Support Document in the docket for this document.

C. Statutory Authority

EPA is issuing this final action pursuant to RCRA sections 4005(d) and 7004(b)(1). See 42 U.S.C. 6945(d) and 6974(b)(1). As amended by section 2301 of the 2016 WIIN Act, RCRA section 4005(d) instructs EPA to establish a Federal permit program similar to those under RCRA subtitle C and other environmental statutes and authorizes States to develop their own CCR permitting programs that go into effect in lieu of the Federal permit program upon approval by EPA. See 42 U.S.C. 6945(d).

Under RCRA section 4005(d)(1)(A), 42 U.S.C. 6945(d)(1)(A), States seeking approval of a State CCR program must submit to the Administrator "in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under state law for regulation by the State of coal combustion residuals units that are located in the state." The statute provides that EPA shall approve a State CCR permit program if the

Administrator determines that the State program will require each CCR unit located in the State to achieve compliance with either: (1) The Federal CCR requirements at 40 CFR part 257, subpart D; or (2) Other State criteria that the Administrator, after consultation with the State, determines to be "at least as protective as" the Federal requirements. 42 U.S.C. 6945(d)(1)(B). The Administrator must make a final determination, after providing for public notice and an opportunity for public comment, within 180 days of receiving a State's complete submittal of the information specified in RCRA section 4005(d)(1)(A).[1] 42 U.S.C. 6945(d)(1)(B). EPA may approve a State CCR permit program in whole or in part. Id. Once approved, the State permit program operates in lieu of the Federal requirements. 42 U.S.C. 6945(d)(1)(A). In a State with a partial program, only the State requirements that have been approved by EPA operate in lieu of the Federal requirements, and facilities remain responsible for compliance with all remaining Federal requirements in 40 CFR part 257.

As noted above, the Federal CCR regulations are self-implementing, meaning that CCR landfills and surface impoundments must comply with the terms of the regulations prior to obtaining a Federal permit or a permit issued by an approved State. Noncompliance with the Federal CCR regulations can be the subject of an enforcement action brought directly against the facility. Once a final CCR permit is issued by an approved State or pursuant to a Federal CCR permit program, however, the terms of the permit apply in lieu of the terms of the Federal CCR regulations and/or requirements in an approved State program, and RCRA section 4005(d)(3) provides a permit shield against direct enforcement of the applicable Federal or State CCR regulations (meaning the permit's terms become the enforceable requirements for the permittee).

RCRA section 7004(b), which applies to all RCRA programs, directs that "public participation in the development, revision, implementation, and enforcement of any … program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the

[1] USEPA 2017. Coal Combustion Residuals State Permit Program Guidance Document; Interim Final. Office of Land and Emergency Management, Washington, DC 20460. August. (providing that the 180-day deadline does not start until EPA determines the application is complete).

States." 42 U.S.C. 6974(b)(1). Accordingly, EPA considers permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings in evaluating State CCR permit program applications.

Once a State CCR permit program is approved, the Administrator must review the approved program no less frequently than every 12 years, no later than three years after a revision to an applicable section of 40 CFR part 257, subpart D, and no later than one year after any unauthorized significant release from a CCR unit located in the State. EPA also must review an approved State CCR permit program at the request of another State alleging that the soil, groundwater, or surface water of the requesting State is or is likely to be adversely affected by a release from a CCR unit in the approved State. See 42 U.S.C. 6945(d)(1)(D)(i)(I) through (IV).

In a State with an approved State CCR permit program, EPA may commence administrative or judicial enforcement actions under RCRA section 3008, 42 U.S.C. 6928, if the State requests assistance or if EPA determines that an EPA enforcement action is likely to be necessary to ensure that a CCR unit is operating in accordance with the criteria of the State's permit program. 42 U.S.C. 6945(d)(4). EPA can enforce any Federal requirements that remain in effect (i.e., those for which there is no corresponding approved State provision). EPA may also exercise its inspection and information gathering authorities under RCRA section 3007 in a State with an approved program. 42 U.S.C. 6927.

II. The Louisiana Application

EPA began working with LDEQ in June 2017 as the State developed its application for the State's partial CCR permit program. As it has with other States, EPA discussed with LDEQ the process for EPA to review and approve the State's CCR permit program, LDEQ's anticipated timeline for submitting a CCR permit program application to EPA, and LDEQ's regulations for issuing permits. In addition, LDEQ and EPA discussed site-specific issues and potential differences between the State and Federal programs as LDEQ developed its CCR regulations at

Louisiana Administrative Code (LAC) 33:VII.Chapter 10. Specifically, EPA and LDEQ discussed the differences between the "uppermost aquifer" requirements of the Federal CCR regulations and the "uppermost permeable zone" requirements of the State solid waste regulations to determine if the State provisions would be at least as protective as the Federal regulations. EPA and LDEQ also discussed groundwater protection standards, public participation requirements, and permitting procedures.

On May 20, 2025, LDEQ submitted its CCR permit program application to EPA Region 6 requesting approval of the State's partial CCR permit program. On September 12, 2025, EPA sent questions to LDEQ to supplement the application. On December 16, 2025, LDEQ sent a draft application to EPA for review that incorporated responses to EPA's questions. On February 2, 2026, EPA sent additional comments to LDEQ. LDEQ responded with proposed revisions on February 13, 2026. On February 20, 2026, EPA sent limited comments to LDEQ on remaining recommendations. LDEQ responded with a proposed revision on February 23, 2026. On March 2, 2026, and March 19, 2026, LDEQ submitted a revised application to EPA Region 6.[2]

On June 5, 2026, EPA proposed to approve the Louisiana CCR permit program (Proposed Action) (91 FR 34189).

III. EPA Analysis of the Louisiana Application-Basis for Approval

RCRA section 4005(d) requires EPA to evaluate two components of a State CCR permitting program to determine whether it meets the standard for approval: the program itself, and the technical criteria that will be included in each permit issued under the State program. This Unit of this document discusses EPA's review of both requirements under RCRA section 4005(d) and the criteria EPA uses to conduct this review.

[2] The revised Narrative Description, from March 19, 2026, was substituted for the original Narrative Description, from May 2025, as well as the 40 CFR part 257 Checklist, and copies of the Louisiana Statutes, Regulations, and Guidance. All other documents submitted as part of the original May 20, 2025 application remained unchanged and are available in the docket supporting this action.

First, EPA must evaluate the permit program itself (or other system of prior approval and conditions). See 42 U.S.C. 6945(d)(1)(A) through (B). RCRA section 4005(d)(1)(A) directs the State to provide evidence of a State permit program's compliance with RCRA requirements in such form as determined by the Administrator. In turn, RCRA section 4005(d)(1)(B) directs EPA to approve the State program based upon a determination that the program "requires each coal combustion residuals unit located in the state to achieve compliance with the applicable [Federal or State] criteria." In other words, the statute directs EPA to determine that the State has sufficient authority to require compliance at all CCR units located within the State. See also 42 U.S.C. 6945(d)(1)(D)(ii)(I). To make this determination, EPA evaluates the State's authority to issue permits and impose conditions in those permits, as well as the State's authority to conduct compliance monitoring and enforcement.

During this review of the State permit program, EPA also determines whether the program contains procedures consistent with the public participation directive in RCRA section 7004(b). RCRA section 7004(b), which applies to all RCRA programs, directs that "public participation in the development, revision, implementation, and enforcement of any … program under this chapter shall be provided for, encouraged, and assisted by the Administrator and the States." 42 U.S.C. 6974(b)(1). To make this determination, EPA evaluates the State's public participation procedures for issuing permits and for intervention in civil enforcement proceedings.

Although 40 CFR part 239 applies to the approval of State Municipal Solid Waste Landfill (MSWLF) programs under RCRA section 4005(c)(1) rather than EPA's evaluation of CCR permit programs under RCRA section 4005(d), the specific criteria outlined in that regulation provide a helpful framework to examine the relevant aspects of a State's CCR permit program. States are familiar with these criteria because all States have MSWLF programs that have been approved pursuant to these regulations, and the regulations are generally regarded as protective and appropriate.

Consequently, EPA relied on the four categories of criteria outlined in 40 CFR part 239 as guidelines to evaluate the Louisiana CCR permit program: permitting requirements, requirements for compliance monitoring authority, requirements for enforcement authority, and requirements for intervention in civil enforcement proceedings.

Second, EPA must evaluate the technical criteria that will be included in each permit issued under the State CCR permit program to determine whether they are the same as the Federal criteria, or to the extent they differ, whether the modified criteria are "at least as protective as" the Federal requirements. See 42 U.S.C. 6945(d)(1)(B). Only if both components meet the statutory requirements may EPA approve the program. See 42 U.S.C. 6945(d)(1). EPA makes this determination by comparing the State's technical criteria to the corresponding Federal criteria and, where necessary, evaluating whether different State criteria are at least as protective as the Federal criteria.

Upon careful review, and as discussed in more detail below, EPA has determined that Louisiana's partial CCR permit program includes all the elements of an adequate State CCR permit program. It also contains all the technical criteria in 40 CFR part 257, subpart D, except for the provisions specifically discussed below that Louisiana has not included in its partial CCR permit program. Consequently, EPA is approving the majority of Louisiana's partial CCR permit program application. The State's CCR permit program does not encompass the full scope of Federal CCR requirements as presently constituted, and the provisions of the Federal CCR regulations that are not part of Louisiana's approved CCR permit program will remain directly applicable to affected CCR units. 42 U.S.C. 6945(d)(1)(B).

EPA's full analysis of the Louisiana CCR permit program, and how the Louisiana regulations differ from the Federal requirements, can be found in the Technical Support

Document. EPA determined that the Louisiana CCR permit program application was complete and notified Louisiana of its determination by letter.[3]

A. Adequacy of the Louisiana Permit Program

Section 4005(d)(1)(A) of RCRA, 42 U.S.C. 6945(d)(1)(A), requires a State seeking State CCR permit program approval to submit to EPA, "in such form as the Administrator may establish, evidence of a permit program or other system of prior approval and conditions under State law for regulation by the State of coal combustion residuals units that are located in the State." Although the statute directs EPA to establish the form of such evidence, the statute does not require EPA to promulgate regulations governing the process or standard for determining the adequacy of such State programs. EPA, therefore, developed the Coal Combustion Residuals State Permit Program Guidance Document; Interim Final (82 FR 38685, August 15, 2017) (the "Guidance Document"). The Guidance Document provides recommendations on a process and standards that States may choose to use to apply for EPA approval of its CCR permit programs, based on the standards in RCRA section 4005(d), existing regulations at 40 CFR part 239, and the Agency's experience in reviewing and approving State programs.

EPA evaluated the Louisiana CCR permit program using the process and statutory and regulatory standards discussed in Units II.C. and IV.A. of this preamble. EPA's findings are summarized below and provided in more detail in the Technical Support Document located in the docket supporting this final determination.

1. Guidelines for Permitting

In EPA's judgment, an adequate State CCR permit program must ensure that: (1) Existing and new facilities are permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria; (2) The State has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257,

[3] Completeness Letter for the Louisiana CCR Permit program, signed June 2, 2026. EPA-HQ-OLEM-2025-3324-0044.

subpart D requirements; and (3) The State has the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257, subpart D, or such other State criteria that have been determined and approved by the Administrator to be at least as protective as 40 CFR part 257, subpart D.

a. Permit Required

A State permit is required for CCR units under LAC 33:VII.1003.B, which requires CCR facilities with an existing CCR landfill, or an existing or inactive CCR surface impoundment, to obtain a solid waste permit in accordance with LAC 33:VII.Chapter 5. The requirements and procedures for solid waste facilities to obtain permits can be found in LAC 33:VII.509.A.1. CCR facilities will be required to submit an application to the LDEQ Office of Environmental Services for a new solid waste permit or a modification to an existing solid waste permit, as applicable, within 365 days of the date of the approval of the State's CCR permitting program. Under LAC 33:VII.1003.C, the disposal or management of CCR in a new or lateral expansion of a CCR landfill or surface impoundment is prohibited unless such activity is authorized by a permit issued in accordance with LAC 33:VII.509, 513, and 517.

b. Permitting Authority

LAC 33:VII.1003.A-D and 1004.A-L have provisions imposing requirements for CCR permits, permit terms and conditions, permit issuance and duration, permit renewals, permit modifications, and changes in ownership.

LDEQ has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257, subpart D requirements. The provisions at LAC 33:VII.1004.A through J address requirements for CCR permit application contents and information requirements to ensure that a permit application includes sufficient information and reports to characterize the geology at the facility; demonstrate compliance with: land use and location restrictions, design criteria, groundwater monitoring zone and unit siting, groundwater monitoring and corrective action, groundwater monitoring parameters, operating

criteria; other requirements involving certification of all technical reports by an engineer licensed in the State of Louisiana; closure and post-closure cost estimates; recordkeeping; and submission of records to LDEQ for review.

LAC 33:VII.1004.B.1 requires CCR permit and permit modification applications to contain information required by prescribed application forms from the State, and information required by 40 CFR part 257, subpart D, which the State incorporates by reference at LAC 33:VII.1003.A. Under LAC 33:VII.1004.B.2, a new permit application or permit renewal application must include all information included in LAC 33:VII.519 (Permit application forms) and LAC 33:VII.709.A-D (Standards Governing Type I and II Solid Waste Disposal Facilities). Under LAC 33:VII.519.D, incomplete applications not containing the information required by LAC 33:VII.519.B and LAC 33:VII.1004.A and .B, are not accepted for review and LDEQ must notify the applicant when a permit application is determined to be incomplete. If the applicant elects to continue with the permit application process, the applicant must follow the requirements provided in the notice. The notice may require the applicant to submit additional information in addendum or to submit a new application. Further, LAC 33:VII.519.G and LAC 33:VII.1004.A2 require the applicant to submit any additional information that LDEQ has determined is necessary for making a decision on the application, including information needed to prepare a draft or final permit decision.

c. Permit Requirements and Permitting Process

Before submitting its permit application, a prospective applicant must coordinate with local, State, and Federal agencies. More details on the required consultations are found in the Technical Support Document.

After the public notice period has ended and after LDEQ has reviewed and considered public comments received during the comment period, LDEQ must issue a final decision on the permit. LAC 33:VII.1006.A.4.e, LAC 33:VII.1006.B.1. No more than 20 days after LDEQ has issued a final permit decision it must publish a notice of final permit decision on the LDEQ

website. LAC 33:VII.1006.A.5.b. The regulations also require the notice of final decision to be sent to people who commented on the draft permit and to people who requested written notice. LAC 33:VII.1006.A.5.b-c.

LAC 33:VII.1004.A.3.a requires that once a permit has been issued for a facility, a renewal application must be submitted no later than 365 days prior to expiration of the permit. Each facility processing and/or disposing of CCR subject to the permitting requirements must operate under a permit for the active life of the facility and duration of post-closure care, until such time LDEQ deems closure and post-closure complete and terminates permit coverage. LAC 33:VII.1004.A.4.

LDEQ may review a permit at any time. LAC 33:VII:1004.A and LAC 33:VII.509.G. After review of a permit, LDEQ may, for cause, suspend, revoke, or modify a permit in accordance with the procedures outlined in the Louisiana Administrative Procedure Act, Louisiana Revised Statutes (La. R.S.) 49:950 *et seq*. LAC 33:VII.1004.A.5 requires the owner or operator of a facility to obtain a permit modification, in accordance with LAC 33:VII.517, prior to making a change in a CCR unit or initiating any change that is a deviation from the specifications in 40 CFR part 257, subpart D, or the existing permit. Pursuant to LAC 33:VII.1004.A.7, proposed changes in ownership must comply with LAC 33:I.Chapter 19.

Louisiana requires CCR permit holders to comply with the permit modification requirements in LAC 33:VII:1004.A.5 and LAC33:VII.517. Owners and operators must submit an application to incorporate any changes to ensure compliance with the CCR requirements.

Facilities must also submit an application for a minor or major modification of the permit. LAC 33:VII.1004.A.5 requires that "The owner or operator shall obtain a permit modification in accordance with LAC 33:VII.517 prior to making a change in a CCR unit, or initiating any change that is a deviation from the specifications in 40 CFR part 257, subpart D and/or the existing permit." At LAC 33:VII.1002.A, Louisiana defines a minor modification as "any modification that does not meet the criteria for a major modification." Louisiana defines

major modifications as “any change in a site, facility, process or disposal method, or operation that substantially deviates from the permit or tends to substantially increase the impact of the site, facility, process or disposal method, or operation on the environment.”

The items listed in LAC 33:VII.517.B.1.a through i are major modifications, as defined in LAC 33:VII.1002.A. See the Technical Support Document for details.

d. Duration of Permits

The regulations provide that permits for CCR units are to be issued for a maximum of 10 years and may be issued for a period of less than 10 years, under LAC 33:VII.1003.D and 1004.A.3, in compliance with the requirements of LAC 33:VII.509.D.2.

EPA has determined that the Louisiana approach to CCR permit applications and approvals is adequate. The program meets the criteria listed at the beginning of this Unit of this document. The Louisiana requirements described above require existing and new facilities to be permitted or otherwise approved and in compliance with either 40 CFR part 257 or other State criteria. The requirements described above show that Louisiana has the authority to collect all information necessary to issue permits that are adequate to ensure compliance with relevant 40 CFR part 257, subpart D requirements, or other State criteria. Finally, Louisiana has the authority to impose requirements for CCR units adequate to ensure compliance with either 40 CFR part 257, subpart D, or such other State criteria that have been determined and approved by the Administrator to be at least as protective as 40 CFR part 257, subpart D.

EPA has determined that the Louisiana approach to CCR permit applications and approvals is adequate, and that this aspect of the Louisiana CCR permit program meets the standard for program approval.

2. Guidelines for Public Participation

Based on RCRA section 7004, 42 U.S.C. 6974, it is EPA’s judgment that an adequate State CCR permit program will ensure that: (1) Documents for permit determinations are made available for public review and comment; (2) Final determinations on permit applications are

made known to the public; and (3) Public comments on permit determinations are considered and significant comments are responded to in the permit record. EPA's review of Louisiana's CCR permit program indicates that the State has adopted public participation procedures that allow interested parties to talk openly and frankly about permit issues and search for mutually agreeable solutions to differences in views. An overview of Louisiana's public participation provisions is provided below.

a. Public Notice and Participation in the CCR Permit Application Process

Louisiana provides public participation opportunities throughout the State's CCR permitting process, including pre-application and post-application public notices, public participation procedures for draft and final permits, the opportunity for the public to comment, and opportunities for the public to request public hearings. LDEQ also maintains an electronic document management system (EDMS) where all documents submitted by a facility and all responses from LDEQ are available for public review. These accessible documents include permitting documents, correspondence, approvals and groundwater reports. Under LAC 33:VII.513.C.2.f, permit applications are available for public review as soon as practicable subject to confidentiality of the provisions of LAC 33:I.Chapter 5.

The Louisiana public notice requirements apply to applications for initial permits, permit renewals, and major modifications of CCR landfills and surface impoundments. Louisiana requires public notice during the pre-application and post-application periods, as well as for draft permits and final permit decisions. See LAC 33:VII.1006.A.1.

The applicant for a CCR permit must publish a public notice of intent to submit a permit application within 45 days before submitting the application. LAC 33:VII.1006.A.2. Prospective applicants for solid waste permits, including initial permits, permit, and major modifications, must publish a notice of their intent to submit a permit application and provide the opportunity for public comments. LAC 33:VII.513.B.7. The notice must be published within 45 days prior to submission of the application to the Office of Environmental Services. Under LAC

33:VII.1006.A.3, Louisiana requires all CCR applicants to publish a notice of application submittal within 45 days after submitting the application to the Office of Environmental Services. LAC 33:VII.513.B.8. Once an application is deemed technically complete and a draft permit has been prepared, the draft permit must be submitted for public notice. LAC 33:VII.513.G, LAC 33:VII.1006.A.4. The Office of Environmental Services must publish a notice of the draft permit decision and solicit comments from interested individuals and groups. LAC 33:VII.513.G.3.

Under LAC 33:VII.513.B.7, LAC 33:VII.513.B.8, and LAC 33:VII.513.G.3, public notices for pre-permit application, post-permit application, and draft permit decisions must be published one time as a single classified advertisement in (1) The legal or public notices section of the official journal of the State; and (2) A major local newspaper of general circulation in the area where the facility is located. However, if the facility is in the same parish or area as the official journal of the State, then a single classified advertisement in the legal or public notices section of the official journal of the State is the only public notice required.

An example of a public notice to be placed in the local newspaper for intention to submit a permit application to the Office of Environmental Services for existing/proposed solid waste facilities is provided in LAC 33:VII.3001. An example of a public notice to be placed in the local newspaper after submittal of a permit application is provided in LAC 33:VII.3003. Both notices must include the physical location of the proposed facility and the address where comments concerning the facility may be filed.

LAC 33:VII.1006.A.4.b requires Louisiana to send a copy of the draft permit to the local public library in the parish where the facility is located, LDEQ regional offices, and/or governing authority for public review. The draft permit must also be made available for public review in the EDMS. LAC 33:VII.1006.A.4.c. Under LAC 33:VII.513.G.4 and G.5, the Office of Environmental Services must send a copy of the draft permit decision to the parish library where the facility is located and to the appropriate regional office for public review. The State must also

send a copy of the draft permit decision to the parish governing authority where the facility is located. LAC 33:VII.513.G.6. Under LAC 33:VII.1006.A.4.e, the Office of Environmental Services must review all comments received within the timeframe specified in the public notice prior to the preparation of a final permit decision.

LAC 33:VII.1006.A.5 requires public notices for final permit decisions to comply with the requirements at LAC 33:VII.513.H and 513.I. Pursuant to LAC 33:VII.513.H, the administrative authority must issue a standard permit or a standard permit denial, including reasons for the denial, after the public notice period has ended. The administrative authority may also issue a closure permit to allow closure activities to be accomplished at a facility that has been issued a standard permit denial but has previously accepted waste under a prior permit or an order. Under LAC 33:VII.513.I, the administrative authority is required to publish a notice of the final permit decision on LDEQ's website no later than 20 days following the issuance of a final permit decision. The State sends the notice only to persons who commented on the draft permit decision and to those persons who have requested to be provided written notice.

Pursuant to LAC 33:VII.1006.A.4.d, Louisiana requires a public comment period of a minimum of 30 days for permit applications and major modifications. The public comment period may be extended to 45 or 60 days at the discretion of LDEQ Secretary. Under LAC 33:VII.513.G.3, LDEQ must publish a notice of the draft permit decision that solicits comments from interested individuals and groups. LDEQ must review and consider all public comments received during the public comment period prior to making a final decision on a permit. LAC 33:VII.1006.A.4.e and LAC 33:VII.513.G.3. LDEQ must draft a document addressing public comments received during the public comment period. The Response to Comments document must be included with LDEQ's final decision on the permit application and must be made available to the public on the State's EDMS.

LAC 33:VII.1006.B.1 requires opportunities for public hearing to be conducted. LAC 33:VII.509.E. Under LAC 33:VII.509.E.1 through 4, LDEQ, at its discretion, may hold public hearings concerning CCR permits and major modifications of CCR permits.

LAC 33:VII.1006.B.1 and LAC 33:VII.509.E.4 require LDEQ to hold a public hearing for any CCR facility permit if LDEQ determines, on the basis of comments received and other information, that a hearing is necessary or appropriate. LAC 33:VII.1006.B.3 also provides LDEQ with the authority to hold a public hearing on any permit application that does not require a public hearing. Pursuant to LAC 33:VII.509.E.4, public hearings must be conducted in accordance with the State's Environmental Quality Act (La. R.S.30:2001 *et seq*.) for fact finding hearings or other hearing procedures by the Administrative Procedure Act (La. R.S. 49:950 *et seq*.). Under LAC 33:VII.1006.B.2, the proceedings of all public hearings must be recorded and a copy of the recording or a verbatim transcript recording must be filed in the record of the hearing.

LAC 33:VII.509.E.5 provides the public with the opportunity to request a hearing. Within 30 days after the date of publication of the draft permit decision in a newspaper notice pursuant to LAC 33:VII.513.G.3, any person may request that LDEQ consider whether a public hearing is necessary. If LDEQ determines that the requests warrant it, a public hearing will be scheduled. If LDEQ determines that the requests do not raise genuine and pertinent issues, the Office of Environmental Services is required to send the requestor of the hearing written notification of the determination. All requests for a hearing must be in writing and must contain the name and affiliation of requestor and the comments in support of or in objection to the issuance of a permit.

Public notice of a public hearing is required under LAC 33:VII.1006.B.4 and LAC 33:VII.509.E.6 if LDEQ determines that a hearing is necessary. The notice must be published at least 20 days before a hearing. The publication of the public notice for a hearing follows the same procedure as described for pre-permit application, post-permit application and draft permit decisions. Those persons on the Office of Environmental Services mailing list for hearings must

be mailed notice of the hearing at least 20 days before a public hearing. Louisiana also requires that a notice be published at least 20 days before a public hearing in the departmental bulletin, if available, or on LDEQ's website in the public notices section.

The Office of Environmental Services reviews comments received within 30 days after the date of a public hearing. LAC 33:VII.509.E.7.

b. Challenges to Permit Decisions

Permit decisions can be challenged. Permit applicants can request that LDEQ hold an adjudicatory hearing and can appeal the final determination to the 19th Judicial District Court. La. R.S. 30:2024. Citizens can appeal final permit actions to the 19th Judicial District Court. La. R.S. 30:2050.21. Following the issuance or denial of a permit, under La. R.S. 49:978.1, a person who is aggrieved by a final decision or order in an adjudication proceeding is entitled to judicial review whether or not he has applied to the agency for rehearing. La. R.S. 30:2050.21.A, La. R.S. 30:2050.31. Louisiana also allows an aggrieved person to appeal a final permit action, a final enforcement action, or a declaratory ruling only to the 19th Judicial District Court. A petition for review must be filed in the district court within 30 days after notice of the action or ruling being appealed has been given. Under La. R.S. 49:979, an aggrieved party may obtain a review of any final judgment of the district court by appeal to the appropriate circuit court of appeal.

EPA has determined that the Louisiana approach to public participation requirements provides adequate opportunities for public participation in the permitting process sufficient to meet the standard for program approval. The provisions described above meet the three criteria listed at the beginning of this Unit of this document by providing several means by which documents for draft and final permit determinations are made available for public review and comment, as well as ensuring that public comments on permit determinations are considered and significant comments are responded to in the permit record.

3. Guidelines for Compliance Monitoring Authority

An adequate permit program must provide the State with the authority to gather information about compliance, perform inspections, and ensure that the information it gathers is suitable for enforcement.

La. R.S. 30:2011.D(2) provides the Secretary of LDEQ the general power to require such conditions as necessary to assure compliance with applicable Federal and State laws. LAC 33:VII.903.A provides the State with the authority to undertake investigations to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the persons or parties involved, and to provide the results of an investigation to any complainant who provided the information prompting the investigation, upon written request. LAC 33:VII.529.A.8 also provides LDEQ with the authority to enter a permit holder's premises; have access to and copy any records kept under the conditions of its permit; inspect any facilities, equipment practices, or operations regulated or required under its permit; and sample or monitor any substances or parameters at any location for the purposes of assuring permit compliance.

The State has authorities and guidelines for inspections, analysis, and monitoring, which allow the State to: (1) Verify the accuracy of information submitted by owners or operators of the CCR unit; (2) Verify the adequacy of methods (including sampling) used by owners or operators in developing that information; (3) Produce evidence admissible in an enforcement proceeding; and (4) Receive and ensure proper consideration of information submitted by the public.

Per LAC 33:VII.407.C, every permitted facility in Louisiana is inspected prior to waste acceptance as a start-up inspection. In addition, LAC 33:VII.407.B requires LDEQ to perform periodic inspections and LDEQ performs yearly groundwater monitoring system inspections and yearly compliance inspections. In addition to the inspections by LDEQ, CCR facilities are also required to submit a detailed annual certification of compliance in accordance with LAC 33:VII.525 to certify whether the facility is in compliance with the terms of the permit and to identify any deviations.

All CCR facilities are required to have a groundwater monitoring program and submit the results semiannually to LDEQ for evaluation. LAC 33:VII.1004.G.3 and LAC 33:VII.1005. CCR facilities are also required to submit an annual certification of compliance to certify whether the facility is in compliance with the terms of the permit and to identify any deviations. LAC 33:VII.525. All certifications and verifications executed by a licensed professional engineer in an application must be accompanied by all material technical reports relied upon by the professional engineer licensed in the State of Louisiana for certification. LAC 33:VII.1004.B.4.

The Secretary of LDEQ has the authority to conduct inquiries and develop facts in investigations by staff investigatory procedures or formal investigations and may conduct inspections and examinations of facilities and records. La. R.S. 30:2011.D(5), La. R.S. 30:2016, and LAC 33:VII.905.A. The Secretary may also hold public hearings and/or issue subpoenas pursuant to La. R.S. 30:2025(I). La. R.S. 30:2011.D(5) also requires the Secretary to hold no less than three public fact-finding hearings to investigate issues concerning environmental equity in the administration of department programs with respect to resident populations who do not have the economic resources to participate in the environmental decision making affecting their area. Other types of hearing (e.g., a hearing on a proposed rule) may be held in any locality. La. R.S. 30:2016.

When a hearing is an "investigation or inquiry" into a specific activity, it must be held in the parish where the activity took place. *Id*. At the conclusion of the investigation, all facts and information concerning the alleged violation are compiled by LDEQ staff and a report of the investigation is presented to the administrative authority for use in possible enforcement proceedings. Any complainant who provided the information prompting the investigation is notified of its results. LAC 33:VII.905.A.

Complaints can be submitted by any member of the public in various ways: via telephone at 225- 219-3640, via email at *SPOC@la.gov*, in writing, or online through the online citizen complaint form. Once a complaint is received by LDEQ, it is forwarded to the Surveillance

Division and assigned a team leader to investigate; then the assigned team leader investigates the complaint. Citizens may submit a complaint anonymously via email or telephone. Once a complaint is investigated, the citizen is notified of the results of the investigation.

Accordingly, EPA has determined that these compliance monitoring authorities are adequate, and that this aspect of the Louisiana CCR permit program meets the standard for program approval.

4. Guidelines for Enforcement Authority

An adequate State CCR permit program must provide the State with adequate enforcement authority to administer its State CCR permit program, including the authority to: (1) Restrain any person from engaging in activity which may damage human health or the environment, (2) Sue to enjoin prohibited activity, and (3) Sue to recover civil penalties for prohibited activity.

LDEQ has adequate enforcement authority for its existing programs. LAC 33:VII.907, La. R.S. 30:2025, and La. R.S. 30:2050. LDEQ is authorized to initiate action under La. R.S. 30:2025 if a determination is made that a violation of the terms and conditions of a permit has occurred or is about to occur. La. R.S. 30:2025 authorizes LDEQ to take civil action to enforce the provisions of the subtitle, including civil actions to recover damages and penalties. La. R.S. 30:2050 further delineates the enforcement procedures and process for judicial review that would apply to a permitted facility.

Under LAC 33:VII.1008.A, the failure of any person to comply with the State's CCR regulations or the terms and conditions of any permit granted or order issued thereunder is a violation of the Louisiana Environmental Quality Act (La. R.S. 30:2001 *et seq*.). LAC 33:VII.907 authorizes LDEQ to initiate enforcement action against any facility that fails to comply with the regulations, terms, and conditions of any permit granted, or any order issued. When a violation occurs, LDEQ may initiate one or more actions. La. R.S. 30:2025. Specifically, La. R.S. 30:2025.C(1) and (2) and La. R.S. 30:2050.8.A give LDEQ the authority to bring a civil

suit, issue a compliance order, an emergency cease and desist order, or enter into a cooperative agreement. The Secretary may issue an emergency cease and desist order if a violation occurs or is about to occur that endangers or is causing damage to the public health or the environment. As a result of enforcement findings, LDEQ may also require modifications for permits. LDEQ may review a permit at any time. LAC 33:VII.509.G. After review of a permit, LDEQ may, for cause, suspend, revoke, or modify a permit in accordance with the procedures outlined in the Louisiana Administrative Procedure Act, La. R.S. 49:950 *et seq*.

La. R.S. 30:2050.8.E specifically provides the Secretary the authority to file an action in a district court for injunctive relief at the expiration of the cease and desist order. The Secretary is required to establish that a violation is occurring or is about to occur and that the violation is endangering or causing significant damage to public health or the environment.

La. R.S. 30:2025.B authorizes LDEQ to bring civil suits to recover any damages or penalties resulting from violation of any requirement of the Louisiana Environmental Quality Act (La. R.S. 30:2001 *et seq*.) or permitting requirement. La. R.S. 30:2025.B(1)(a) and La. R.S. 30:2025.B(1)(d) specifically address the authority of the attorney general and the procedures for bringing civil suits in a district court. If the court determines a violation has occurred, then the penalty must take into consideration the cost of restoring the affected area to its previous condition and its present market value and include any reasonable costs made by the State in connection with the violation. The court may also award actual damages to the prevailing plaintiff.

The State's authority to recover civil penalties is provided by La. R.S. 30:2025.E and La. R.S. 30:2026.A. Under La. R.S. 30:2025.E(1)(a), any person found to be in violation of any requirement of the Act may be liable for a civil penalty of not more than the cost to the State of any response action made necessary by such violation and a penalty of not more than $32,500 for each day of violation. Under La. R.S. 30:2025.E(2), any person to whom a compliance order or a cease and desist order is issued, who fails to take corrective action within the time specified in

the order, is liable for a civil penalty of not more than $50,000 for each day of continued violation or noncompliance.

Based on the foregoing, EPA has determined that this aspect of the Louisiana CCR permit program meets the standard for program approval.

5. Intervention in Civil Enforcement Proceedings

Based on RCRA section 7004, an adequate CCR State permit program must provide an opportunity for citizen intervention in civil enforcement proceedings. Specifically, the State must either: (1) Provide for citizen intervention as a matter of right; or (2) Have in place a process to: (a) Provide notice and opportunity for public involvement in civil enforcement actions, (b) Investigate and provide responses to citizen complaints about violations, and (c) Not oppose citizen intervention when permissive intervention is allowed by statute, rule, or regulation.

The Louisiana statutes and Code of Civil Procedure provide the opportunity for the public to intervene and participate in the State's civil enforcement process. La. R.S. 30:2050.10.A authorizes the Secretary of LDEQ to adopt procedures for the issuance of declaratory rulings on significant matters, including providing aggrieved persons the right of intervention. La. R.S.30:2050.10.A(7). Article 1091 of the Louisiana Code of Civil Procedure allows a third person having an interest to intervene in a pending action to enforce a right related to or connected with the object of the pending action against one or more of the parties.

La. R.S. 30:2050.1.B.(1) requires the Secretary to maintain a list of all notices of violations, compliance orders, and penalty assessments issued in the preceding three months. The list must be updated monthly. La. R.S. 30:2050.1.B.(2)(a). On a periodic basis, the Secretary must mail a copy of the list, either separately or as part of a LDEQ publication, to persons who ask to be placed on the mailing list.

Pursuant to La. R.S. 30:2050.6.B.(4), the Secretary has the authority to provide opportunity for members of the public to file written comments regarding a contested order or assessment and to attend the informal hearing if one is held. La. R.S. 30:2050.7.B requires that

before signing a settlement or compromise, the Secretary must invite and receive written public comment on the proposed settlement agreement or compromise during the 45 days following notice to the attorney general.

Under La. R.S. 30:2050.7.C, the Secretary must give notice of a proposed settlement or compromise to a person who has requested notice and must require the respondent to publish a notice in the official journal of the parish governing authority for the parish in which the violation that gives rise to the order or assessment occurred. The Secretary may also require the respondent to publish the notice in any other newspaper of general circulation.

The Secretary may hold a public hearing regarding a proposed settlement or compromise under La. R.S. 30:2050.7.D when either of the following conditions is satisfied: (1) A written request for a public hearing has been filed by 25 persons, by a governmental subdivision or agency, or by an association having not less than 25 members who reside in the parish in which the facility is located; or (2) The Secretary finds a significant degree of public interest in the settlement or compromise.

La. R.S. 30:2026.A(1) allows any person having an interest, which is or may be adversely affected, to commence a civil action on his own behalf against any person whom he alleges to be in violation of the Act or of the regulations. The action must be brought either in the district court in the parish in which the violation or alleged violation occurs or in the district court of the domicile of the alleged violator, and must be afforded preferential hearing by the court. La. R.S. 30:2026.C specifies that nothing in La. R.S. 30:2026 shall be construed to limit or deny any person's right to injunctive or other extraordinary and ordinary relief provided the requirements of La. R.S. 30:2026 are followed. La. R.S. 30:2026.A(3) allows the court to award costs of court including reasonable attorneys and expert witness fees to the prevailing party.

EPA has determined that these authorities provide for an adequate level of citizen involvement in the enforcement process, and that this aspect of the Louisiana CCR permit program meets the standard for program approval.

B. Adequacy of Technical Criteria

EPA conducted an analysis of the Louisiana CCR permit program application, including a thorough analysis of Louisiana statutory authorities at La. R.S. 30:2001 et seq for the CCR program, as well as its regulations at LAC 33:VII.Chapter 10. As noted above, Louisiana has requested approval of a partial CCR permit program.

1. Louisiana CCR Units and Resources

LDEQ has identified 9 CCR units (3 landfills and 6 surface impoundments) at 4 facilities in Louisiana.[4] LDEQ demonstrated that it has the personnel to administer a permit program that is at least as protective as the Federal requirements.[5] LDEQ indicates that the State program is funded by fees and fines collected as part of the solid waste, hazardous waste, water, air, and remediation programs. La. R.S. 30:2014. As the CCR facilities are solid waste facilities, fees from these facilities, including solid waste permit application review fees, permit modification review fees, annual fees, closure plan review fees, annual groundwater monitoring and maintenance fees, and enforcement fines, would directly contribute to LDEQ funding. In addition, LDEQ applied for EPA State and Tribal Assistance Grants (STAG) funding for Fiscal Years 2023 through 2026. In total, LDEQ has received $1,069,479 in funding to develop its CCR permit program. If EPA receives future appropriations, if approved, LDEQ can continue to apply and receive funds for implementation of its CCR permit program. EPA has determined that LDEQ staffing and funding are adequate for LDEQ to administer the CCR permit program.

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2. Louisiana CCR Regulations

[4] For more information on the specific facilities covered by the Louisiana CCR Permit Program, see pages 14-15 of the Narrative, which is included in the docket for this action.

[5] The discussion on State personnel is included on pages 15-17 of the Narrative, which is included in the docket for this action, and is described further in the Technical Support Document.

EPA has determined that the portions of the Louisiana CCR permit program that were submitted for approval meet the standard for approval under RCRA section 4005(d)(1)(B)(i), 42 U.S.C. 6945(d)(1)(B)(i). To make this determination, EPA compared the technical requirements in the Louisiana CCR regulations at LAC 33:VII.Chapter 10 to the Federal CCR regulations at 40 CFR part 257 to determine whether they differed from the Federal requirements, and if so, whether those differences met the standard in RCRA sections 4005(d)(1)(B)(ii) and (C), 42 U.S.C. 6945(d)(1)(B)(ii) and (C).

The Louisiana Environmental Quality Act (La. R.S. 30:2001 *et seq*.) establishes authority and procedures for LDEQ to carry out the purposes of the Act. LDEQ has jurisdiction over all aspects of management of industrial solid waste, including the regulation of CCR material.

Act 449 of 1979 established State Authority to develop and implement a regulatory control and management program for solid wastes consistent with the requirements of RCRA. This Act and Act 507 of 1980 have resulted in the incorporation of the objectives and elements of the RCRA subtitle D State Solid Waste Plan into State law. LDEQ has enforced these regulations since 1989 and has ensured that all facilities that process, manage, store, and/or dispose of solid waste in Louisiana operate in a manner protective of human health and the environment. The solid waste rules and regulations were developed under the authority of the Secretary of LDEQ, as mandated by the Louisiana Solid Waste Management and Resource Recovery Law (La. R.S. 30:2151 *et seq*.).

In 1983, Act 449 was renamed the Environmental Quality Act, and Act 97 provided for the creation of LDEQ. These changes affected only the structure and organization of the agency; the purposes and policies of environmental protection in the State remained unchanged, and the charge to adopt and promulgate rules and regulations and to develop standards was directed to the Secretary of LDEQ. In 1991, Act 735 mandated that LDEQ publish the Environmental Regulatory Code and update the code quarterly. LAC 33:VII, “Solid Waste Regulations” was prepared and published according to La. R.S. 49:950. The second edition of the Environmental

Regulatory Code was published pursuant to La. R.S. 49:963.1 and included all policies and procedures adopted by LDEQ on February 20, 1993. LDEQ regulations give LDEQ the authority to implement permitting regulations, groundwater regulations, enforcement regulations, and financial assurance requirements.

Louisiana's authority to incorporate the Federal CCR regulations by reference is based on La. R.S. 30:2180(A)(3) which provides LDEQ the authority to exercise all incidental powers necessary to assure that the State program is consistent with any Federal laws or regulations. On October 20, 2024, LDEQ adopted rules in the Louisiana Register Volume 50, Number 10, to adopt the requirements of the 40 CFR part 257, subpart D Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments. At LAC 33:VII.1003.A, Louisiana largely adopted by reference 40 CFR part 257, subpart D as amended through December 14, 2020, except for 40 CFR 257.50(e), 257.51, and all amendments made to the Federal CCR regulations by the July 30, 2018 Final Rule (83 FR 36435), the May 8, 2024 Final Rule (89 FR 38950), the Legacy Technical Corrections Final Rule (89 FR 88650, November 8, 2024), and the February 10, 2026 final rule (91 FR 5806). With these exceptions, the technical requirements are identical to, or equivalent to, the Federal CCR regulations.

In addition, LDEQ adopted certain additional State-specific provisions. With these exceptions, LDEQ states that the technical requirements are identical to the Federal CCR regulations.

3. Louisiana Partial Program

LDEQ is seeking approval of its partial CCR permit program pursuant to RCRA section 4005(d). Louisiana's CCR regulations reflect 40 CFR part 257, subpart D, as amended through December 14, 2020, except for certain provisions of the July 2018 Final Rule (83 FR 36435, July 30, 2018); however, the Federal CCR regulations have changed since then as a result of litigation and the Legacy CCR surface impoundments and CCR management units final rule (89 FR 38985, May 8, 2024) (the 2024 Legacy Rule), and the CCR Management Unit Deadline

Extension Rule (91 FR 5806, February 10, 2026). LDEQ has not adopted regulations reflecting certain 2018, 2024, or February 2026 changes. Therefore, LDEQ has not sought approval of any State regulations that would operate in lieu of these amendments. EPA is approving only those aspects of Louisiana's CCR program that were submitted for approval.

In the 2024 Legacy Rule, EPA amended certain terms and provisions that apply to all CCR units. It is EPA's understanding that LDEQ interprets the provisions in LAC 33:VII.Chapter 10 in the same way that EPA interprets those in 40 CFR part 257, subpart D. Therefore, EPA is approving the State's version of these requirements:

1. Throughout 40 CFR part 257, subpart D, the regulations were amended by removing the phrase "Web site" and adding in its place the word "website" wherever it appears.

2. 40 CFR 257.50(c); this amendment revises the scope of applicability to specify that it includes inactive CCR surface impoundments at utilities or power producers regardless of how electricity is currently being produced at the facility.

3. 40 CFR 257.51; this section was reserved, as the effective date of 40 CFR part 257, subpart D, October 19, 2015, has passed.

4. 40 CFR 257.52; this amendment clarifies that all CCR units are subject to the requirement to comply with all other Federal, State, Tribal, or local laws or other requirements. In addition, all CCR units continue to be subject to 40 CFR 257.3-1, 257.3-2, and 257.3-3.

5. "Active facility or active electric utilities or independent power producers"; this amendment to 40 CFR 257.53 clarifies that the relevant operational date for any active facility or active electric utilities or independent power producers is on or after October 19, 2015.

6. "CCR landfill or landfill"; this amendment to 40 CFR 257.53 clarifies that a CCR landfill means an area of land or an excavation that "contains", rather than "receives", CCR, and meets the other criteria of the definition.

7. "CCR surface impoundment or impoundment"; this amendment to 40 CFR 257.53 deleted the words "which is".

8. “CCR unit”; this amendment to 40 CFR 257.53 clarifies that this term includes legacy CCR surface impoundments and CCRMU.

9. “Contains both CCR and liquids”; this additional definition in 40 CFR 257.53 is consistent with the term’s plain meaning and dictionary definitions as this term used in the closure performance standard in 40 CFR 257.102(d)(2)(i) for CCR surface impoundments.

10. “Inactive CCR surface impoundment”; this amendment to 40 CFR 257.53 clarifies that this term is applicable to such CCR surface impoundments “located at an active facility.”

11. “Infiltration”; this additional definition in 40 CFR 257.53 is consistent with the term’s plain meaning and dictionary definitions to assist in the application of closure performance standards for CCR units.

12. “Liquids”; this additional definition in 40 CFR 257.53 is consistent with the term’s plain meaning and dictionary definitions to assist in the applicability for CCR surface impoundments and the application of closure performance standards for CCR units.

13. “State Director”; this amendment to 40 CFR 257.53 clarifies that the State director is the chief administrative officer of the lead State agency responsible for implementing the State program regulating disposal in all CCR units.

14. “Technically feasible or feasible”; this amendment to 40 CFR 257.53 clarifies that certain requirements of 40 CFR part 257, subpart D refer only to feasible rather than technically feasible. The amendment ensures that these terms are interpreted in the same way.

15. “Technically infeasible or infeasible”; this amendment to 40 CFR 257.53 clarifies that certain requirements of 40 CFR part 257, subpart D refer only to infeasible rather than technically infeasible. The amendment ensures that these terms are interpreted in the same way.

16. 40 CFR 257.61(a); this amendment updates a reference to 40 CFR 230.41(a), as the previously referenced provision has since been amended.

17. 40 CFR 257.80(a); this amendment clarifies that all CCR units are subject to the fugitive dust requirements.

18. 40 CFR 257.90(a); this amendment clarifies that all CCR units are subject to the groundwater monitoring and corrective action requirements. In addition, it corrects a typographical error.

19. 40 CFR 257.100(a)(1); this amendment clarifies that inactive CCR surface impoundments, regardless of how the facility produces electricity, are subject to the same compliance deadlines applicable to existing CCR surface impoundments, subject to certain requirements.

20. 40 CFR 257.104(a); this amendment clarifies that all owners or operators of CCR units that are subject to 40 CFR 257.102 are subject to the post-closure care requirements, except for those owners and operators of a CCR unit that elect to close the CCR unit by removing CCR.

First, LDEQ is not seeking approval of the following provisions of the State regulations:

1. A portion of LAC 33:VII.1003.A: The State adopted requirements from 40 CFR 257.73(a)(4), 257.73(d)(1)(iv), 257.74(a)(4), and 257.74(d)(1)(iv) for vegetative cover for slope stability, but is not seeking approval because the Federal provision has been challenged and is under reconsideration.

2. A portion of LAC 33:VII.1003.A: The State has adopted the groundwater protection standards for cobalt, lead, lithium, and molybdenum found at 40 CFR 257.95(h)(2), but is not seeking approval because the Federal provision has been challenged and is under reconsideration.

3. The variance and exemption provisions in LAC 33:I.Chapter 18, LAC 33:VII:307, and La. R.S. 30:2014, 2014.1: LDEQ may grant or approve variances or exemptions for permitted solid waste facilities that differ from the regulations. However, as written, it would be difficult for EPA to establish a record to support finding that this variance process would meet the RCRA section 4005(d) approval standard. As a result, LDEQ is not seeking approval for the variance and exemption provisions.

Second, the following list identifies amendments to the requirements in 40 CFR part 257, subpart D that were not included in Louisiana's application. These provisions will continue to apply directly to, and remain Federally enforceable for, each CCR unit in Louisiana. Meaning, the requirements in LAC 33:VII.1003.A that do not meet the standard for approval as of the date of the Final Approval, as enumerated below, are not being approved:

1. 40 CFR 257.90(g) for suspension of groundwater monitoring;

2. 40 CFR 257.103(f) for alternative closure demonstrations;

Third, EPA amended certain provisions of the Federal CCR regulations in the 2024 Legacy Rule that apply to all CCR units and are more prescriptive than the requirements in the 2015 CCR Rule. LDEQ did not adopt these amendments and did not seek approval of these provisions. Thus, the following Federal provisions will be applicable to CCR units in Louisiana:

1. "Operator"; this amendment to 40 CFR 257.53 specifies the definition of operator to include certain other person(s) including those responsible for disposal or otherwise actively engaged in the solid waste management of CCR and person(s) responsible for directing or overseeing groundwater monitoring, closure or post-closure activities at a CCR unit.

2. "Owner"; this amendment to 40 CFR 257.53 broadened the definition of owner to include person(s) who own a facility, whether in full or in part.

3. 40 CFR 257.80(b)(6); this amendment specifies that the owner or operator must amend the written fugitive dust control plan no later than 30 days after whenever there are certain changes in condition.

4. 40 CFR 257.102(c)(2); this amendment specifies the criteria for complete removal and decontamination activities during the active life and post-closure care period of a CCR unit.

5. 40 CFR 257.102(d)(2); this amendment specifies that the closure performance standards for drainage and stabilization of a unit when leaving CCR in place apply to all CCR units, including CCR management units (CCRMU) and CCR landfills, where free liquids remain in the unit.

6. 40 CFR 257.102(f)(2)(ii)(C) and(D); these amendments specify that CCR landfills that intersect with groundwater are eligible for the closure time extensions available to CCR surface impoundments, subject to certain requirements.

7. 40 CFR 257.104(a)(2), (c)(1) and (3); these amendments specify that an owner or operator closing a CCR unit pursuant to the closure by removal and decontamination standards during the active life and post-closure care period, 40 CFR 257.102(c)(2), must complete groundwater corrective action.

8. 40 CFR 257.104(g); this amendment specifies that a deed notation, required pursuant to 40 CFR 257.102(i), may be removed after the owner or operator demonstrates that groundwater monitoring concentrations no longer exceed any protection standard (i.e., the unit must be in detection monitoring) and certain notifications of completion of post-closure care are completed.

9. 40 CFR 257.105(a); this amendment specifies that each file in the operating record must indicate the date the file was placed in the record.

10. 40 CFR 257.105(e); (f)(1) through (14); (f)(19); (g); (h)(1) through (4); (h)(10) and (11); (h)(13) and (14); (i)(4) through (20); these amendments extend the retention times for certain documents maintained in the operating record.

11. 40 CFR 257.107(b); this amendment specifies that owners and operators using one website to meet the requirements of multiple environmental rules must delineate the postings for each regulatory program under a separate heading on the combined website.

12. 40 CFR 257.107(e); (f)(1) through (4); (f)(6) through (13); (f)(18); (g); (h)(1) through (3); (h)(8); (h)(10) through (11); (i)(4) through (20); these amendments extend the retention times for certain documents maintained on the facility's CCR website.

Fourth, in the 2024 Legacy Rule, EPA added requirements for legacy CCR surface impoundments. LDEQ did not adopt these amendments. Thus, any legacy CCR surface impoundments in Louisiana will remain subject to the following Federal CCR regulations:

1. 40 CFR 257.50(e); this amended provision specifies that 40 CFR part 257, subpart D applies to electric utilities or independent power producers that ceased producing electricity prior to October 19, 2015 and have a legacy CCR surface impoundment onsite.

2. “Inactive facility or inactive electric utility or independent power producer”; this added definition to 40 CFR 257.53 specifies the facility where legacy CCR surface impoundments are located.

3. “Legacy CCR surface impoundment”; this added definition to 40 CFR 257.53 specifies a new type of CCR unit that meets certain criteria.

4. 40 CFR 257.100(a)(2); EPA amended 40 CFR 257.100(a) to add paragraph (2), which specifies that legacy CCR surface impoundments are subject to all of the requirements applicable to existing CCR surface impoundments, except for the requirements in 40 CFR 257.60 through 257.64 and 257.71.

5. 40 CFR 257.100(f) through (j); these additional provisions include reporting and technical requirements for legacy CCR surface impoundments.

6. 40 CFR 257.101(e); this added provision specifies the deadlines when owners or operators of legacy CCR surface impoundments must initiate closure.

7. 40 CFR 257.101(g); this added provision specifies requirements for deferral to permitting for closures conducted under substantially equivalent regulatory authority.

8. 40 CFR 257.105(k), 257.106(k), and 257.107(k); these added provisions specify recordkeeping, notification, and CCR website posting requirements for legacy CCR surface impoundments.

Fifth, in the 2024 Legacy Rule, EPA also added requirements for CCR management units. LDEQ did not adopt these provisions. Thus, any CCR management units in Louisiana will remain subject to the following Federal CCR regulations:

1. 40 CFR 257.50(d); this amended provision specifies the scope of CCRMU requirements.

2. “CCR management unit”; this additional definition in 40 CFR 257.53 is for a new type of CCR unit.

3. “Closed prior to October 19, 2015”; this additional definition in 40 CFR 257.53 specifies the applicability of CCR landfills or surface impoundments that completed closure of the unit in accordance with State law prior to October 19, 2015.

4. “Critical infrastructure”; this additional definition in 40 CFR 257.53 specifies infrastructure, large buildings, or other structures vital to the success or continuation of current site operations or activities for the public welfare. Under the Federal CCR regulations, CCRMU located under critical infrastructure have the option to defer certain requirements to permitting.

5. “Inactive CCR landfill”; this additional definition in 40 CFR 257.53 is for a new type of CCR unit related to CCRMU.

6. “Regulated CCR unit”; this additional definition in 40 CFR 257.53 is a conforming change, which means any new CCR landfill, existing CCR landfill, new CCR surface impoundment, existing CCR surface impoundment, inactive CCR surface impoundment, or legacy CCR surface impoundment. This term specifies that CCRMU are not considered regulated CCR units.

7. 40 CFR 257.75; this additional section includes requirements for identifying CCRMU.

8. 40 CFR 257.90(b)(3); this additional provision specifies a deadline for the owners and operators of CCRMU to comply with certain groundwater monitoring requirements.

9. 40 CFR 257.90(e); EPA amended one sentence in this provision to add an annual groundwater monitoring and corrective action report deadline for CCRMU. LDEQ has not adopted this amendment, *see* LAC 33:VII.1003.A. Therefore, the majority of this provision, as adopted by LDEQ based on the December 14, 2020 version of 40 CFR 257.90(e), is approved for LDEQ to administer, but the added deadline for CCRMU will remain the applicable criteria for CCRMU in Louisiana and any CCRMU in Louisiana will remain subject to the Federal CCR regulations.

10. 40 CFR 257.95(b); this amended provision adds a deadline for CCRMU to sample and analyze the groundwater for all constituents in 40 CFR part 257, appendix IV.

11. 40 CFR 257.101(f); this additional provision specifies the deadlines when CCRMU must initiate closure.

12. 40 CFR 257.101(g) and (h); these include additional requirements for deferral to permitting for closures conducted under substantially equivalent regulatory authority and under critical infrastructure.

13. 40 CFR 257.102(b)(2)(iii) and (v); these amended provisions renumber paragraphs (b)(2)(iii) to (iv) and add new paragraphs (b)(2)(iii) and (v). The added provisions are only applicable to CCRMU.

14. 40 CFR 257.102(f)(1)(iii); this additional provision specifies when CCR management units must complete closure activities.

15. 40 CFR 257.102(f)(2)(ii)(E) and (F); these additional provisions specify when CCR management units may extend the complete closure activities.

16. 40 CFR 257.104(d)(2)(iii); these amended provisions renumber paragraph (d)(2)(iii) to (iv) and add a new paragraph (d)(2)(iii). This added provision is only applicable to CCRMU.

17. 40 CFR 257.105(f)(25) and (26), 40 CFR 257.106(f)(24) and (25), 40 CFR 257.107(f)(24) and (25); these include additional recordkeeping, notification, and CCR website posting provisions for CCRMU.

Sixth, Louisiana has one exclusion in the State CCR regulations that is not being approved as EPA has determined the provision is not at least as protective as the Federal CCR regulations. At LAC 33:VII.1001.B.2, Louisiana exempts from the State's CCR regulations "CCR surface impoundments that no longer contain water or can no longer impound liquids." Therefore, the Federal CCR regulations will continue to apply for this type of unit.

EPA has determined that the Louisiana CCR regulations contain all of the technical elements of the Federal CCR regulations, including requirements for location restrictions, design

and operating criteria, groundwater monitoring and corrective action, closure requirements and post-closure care, recordkeeping, notification, and CCR website posting requirements. The Louisiana CCR permit program also contains State-specific language, references, definitions, and State-specific requirements that differ from the Federal CCR regulations, but which EPA has determined to be "at least as protective as" the Federal criteria. These State-specific requirements are also discussed further in sections III.1. and V of the Technical Support Document.

The effect of approving a State CCR permit program is that, except for the provisions for which EPA has not granted approval, the Louisiana CCR permit program will apply in lieu of the Federal CCR regulations. For the State provisions that will not be approved upon finalization, the corresponding Federal requirements will continue to apply directly to facilities, and therefore facilities must comply with both the Federal requirements and the State requirements.

IV. Louisiana CCR Permits

In accordance with LAC 33:VII.1004.A, all CCR units must be permitted in accordance with LAC 33:VII.Chapter 10. LDEQ has not issued any LAC 33:VII.Chapter 10 CCR permits. In accordance with LAC 33:VII.1004.A, owners or operators of existing CCR landfills and CCR surface impoundments must apply for a major modification or permit renewal within 365 days of the approval of the State CCR permit program for all CCR units that currently have LDEQ solid waste permits. In accordance with LAC 33:VII.1003.C, the disposal or management of CCR in a new or lateral expansion of a CCR landfill or surface impoundment is prohibited unless such activity is authorized by a permit issued in accordance with LAC 33:VII.509, 513, and 517.

Since LDEQ has not issued permits under LAC 33:VII.Chapter 10 regulations, no LDEQ permits are part of the permit program record under review. In accordance with RCRA sections 4005(d)(3)(A) and 4005(d)(6), in the absence of a permit issued under an approved State program, the owner or operator of a CCR unit must continue to comply with the Federal CCR regulations until a permit from an approved State is issued. 42 U.S.C. 6945(d)(3)(A), and

(d)(6). Any permits issued after approval of the State program will be subject to program review provisions required by RCRA sections 4005(d)(1)(D)(i) and 4005(d)(1)(D)(ii). 42 U.S.C. 6945(d)(1)(D)(i), and (ii).

V. EPA Responses to Major Comments on the Proposed Determination

EPA announced its proposal to approve, in part, the Louisiana CCR permit program, and initiated a 60-day public comment period, on June 5, 2026 (91 FR 34189). EPA also held a public hearing on July 21, 2026. The public hearing provided interested persons with the opportunity to present information, views, or arguments concerning EPA's proposal. Oral comments received during the public hearing are documented in the transcript of the hearing, which, along with the written comments received during the public comment period, are included in the docket for this Action.

During the comment period, EPA received 43 written comments from members of the public, plus an additional comment from the public hearing. EPA received several comments that support approval of Louisiana's CCR permit program and LDEQ's ability to administer the program. Other commenters allege that LDEQ has demonstrated that it cannot be relied upon to adequately implement the program. These comments rely on language from the 2024 Alabama Program Denial (89 FR 48774, June 7, 2024) and judicial opinions on certain CCR court cases to support their position. The commenters provided detailed concerns about CCR facilities in Louisiana. Commenters also raised questions regarding certain definitions that are different from the Federal regulations and the adequacy of public participation. EPA also received several comments expressing concerns over CCR contamination of the environment, pertaining to concerns that LDEQ would not properly implement the program. EPA's responses to individual comments are provided in the Response to Comments document included in the docket for this Action.[6] EPA provides a response to one comment below.

[6] Comment Summary and Response Document. Louisiana Coal Combustion Residuals State Permit Program Approval. Docket No. EPA-HQ-OLEM- 2025–3324. November 2026.

Alternative Closure Demonstration Jurisdiction

Comment summary: A commenter requested clarity regarding the 40 CFR 257.103(f)(2) alternative closure demonstration requirements, which set forth the Part A demonstration and approval process finalized by EPA in 2020. The commenter asserted that, under 40 CFR 257.103(f)(2), and accordingly as incorporated by Louisiana, an unlined or clay-lined CCR surface impoundment could continue to receive CCR and non-CCR wastestreams after April 2021 if the facility submitted an application indicating its intent to cease operation of its coal-fired boiler(s) and complete closure of the impoundment within prescribed timeframes–October 2023 for units 40 acres or smaller, and October 2028 for units larger than 40 acres.

In November 2020, three CCR facilities in Louisiana (Big Cajun II Power Plant, Brame Energy Center, Dolet Hills Power Station) submitted a timely Part A demonstration under 40 CFR 257.103(f)(2), and on January 11, 2022, EPA determined that the three CCR facilities' demonstrations were complete and confirmed that the cease waste receipt deadline is tolled until EPA issues its final decision. To date, EPA has not issued a final determination on these Part A demonstrations. The commenter urges the Agency to clarify whether EPA or LDEQ will have jurisdiction over pending Part A demonstrations upon EPA's final approval of LDEQ's State CCR permit program.

LDEQ's regulations incorporate the Part A provisions at 40 CFR 257.103. Additionally, the commenter notes that LDEQ's permit program application stated that, upon EPA's approval, LDEQ would assume jurisdiction over any Part A demonstrations pending before EPA at that time, but EPA did not address this statement in its Proposed Decision.

On November 28, 2025, EPA proposed to extend the 40 CFR 257.103(f)(2) alternative closure deadlines to cease coal combustion and complete closure of the underlying impoundment by three years–from October 17, 2028 to October 17, 2031. EPA's 2026 Unified Agenda anticipated a final rule by July 2026, but the revision has not yet been finalized. Because Louisiana incorporated the Federal CCR regulations as amended through July 1, 2022, the

extended 2031 deadline, once finalized, would not be automatically incorporated into LDEQ's approved CCR permit program. This creates a potential regulatory gap for facilities with pending Part A demonstrations and/or those that in the future may operate under Part A demonstrations in Louisiana.

In the event LDEQ assumes jurisdiction of the pending Part A demonstrations in the State, the commenter urges EPA and LDEQ to coordinate on providing a prompt mechanism to allow Louisiana facilities with those pending or granted demonstrations to operate under the revised 2031 deadline, if finalized. To accomplish this, the commenter requested that EPA consider the following approaches: (1) EPA reassumes authority over pending Part A determinations based on the final revisions to 40 CFR 257.103(f)(2) and the resulting gap between the State and Federal program, ensuring that facilities with pending or approved applications benefit from the extended deadline without requiring a separate State program amendment; (2) EPA and LDEQ develop a streamlined process by which LDEQ can incorporate the revised 40 CFR 257.103(f)(2) deadline into its State regulations and EPA can expeditiously approve this minor State program modification.

Comment response: On November 12, 2020, EPA received a demonstration for the Big Cajun II Power Plant requesting authorization to continue using the Bottom Ash Basin until April 1, 2025, and completing closure no later than October 17, 2028, pursuant to the alternative closure provision 40 CFR 257.103(f)(2). Similarly, on November 12, 2020, EPA received a demonstration for the Brame Energy Center requesting authorization to continue using the Bottom Ash Pond until August/September 2027 and completing closure no later than October 17, 2028, pursuant to the alternative closure provision 40 CFR 257.103(f)(2). On November 12, 2020, EPA received a demonstration for the Dolet Hills Power Station requesting authorization to use the Ash Basins Nos. 1 and 2 until December 2021 and completing closure no later than October 17, 2023, pursuant to the alternative closure provision 40 CFR 257.103(f)(2). The Dolet

Hills Power Station has since withdrawn its demonstration since ceasing receipt of waste on September 1, 2022.

On January 11, 2022, EPA sent a letter to each facility to communicate EPA's determination that the submitted demonstrations contain sufficient information for EPA to evaluate the merits of its demonstrations. EPA has not made any decision on whether to approve the demonstrations. As a consequence of the submission of a complete demonstration, the deadline for the CCR unit covered by the demonstration to cease receipt of waste is tolled until EPA issues a final decision on the demonstration. 40 CFR 257.103(f)(3)(ii).

On page 15 of its Narrative Description, LDEQ stated that "If EPA reaches a decision prior to the approval of these regulations, the facilities [Brame Energy Center, owned by Cleco Power LLC, and Big Cajun II Power Plant, owned by Point Coupee RT LLC] will be held to that decision. However, if no decision is reached before EPA approves these regulations, the LDEQ would make a decision regarding the applications. All of the surface impoundments are either lined with at least three feet of naturally occurring low permeability soils or are underlain by natural clays. In areas where the natural soils did not meet the standard of three feet of low permeability soils, recompacted clay was installed. Cleco Brame and Dolet Hills and Point Coupee RT LLC plan to close all CCR surface impoundments in Louisiana by 2026. If the facilities do not close, the impoundments will be required to be retrofitted with geosynthetic liners."

On November 28, 2025, EPA issued a proposed rule (90 FR 54611) to extend the alternative regulatory deadline in 40 CFR 257.103(f)(2)(iv)(B) to cease coal-fired generation and complete the closure of their unlined CCR surface impoundments larger than 40 acres. The proposed alternative deadline would extend the existing deadline by three years to October 17, 2031. See 40 CFR 257.103(f)(2)(iv)(B)(*2*). Owners and operators of coal-fired boilers that do not meet the conditional requirements under 40 CFR 257.103(f)(2)(iv)(B)(*2*) would remain subject to the existing deadline to cease coal-fired generation and complete the closure of their unlined

CCR surface impoundments (i.e., October 17, 2028). See 40 CFR 257.103(f)(2)(iv)(B)(*1*). This rule change would provide regulatory flexibility to allow placement of CCR in the affected impoundments, and therefore coal-fired electricity generation, to continue at these facilities for up to three additional years.

On August 26, 2026, EPA and LDEQ met and discussed the Part A demonstrations and this comment.[7] LDEQ affirmed that the State adopted 40 CFR 257.103(f)(2) by reference and understood the challenges with the State CCR regulations and EPA's proposed, but not yet final, rule extending certain deadlines. EPA continues to work on the final rule.

Due to the potential rule changes, EPA seeks to ensure that facilities with pending or approved 40 CFR 257.103(f)(2) demonstrations benefit from the extended deadline without requiring a separate State program amendment. Therefore, in response to this comment, EPA is clarifying here and in the list of partial program elements that EPA will remain the regulatory authority for the 40 CFR 257.103(f)(2) alternative closure demonstrations. Louisiana will be the primary authority for most aspects of the CCR program, as enumerated in Unit III.B.3. of this preamble, but facilities subject to 40 CFR 257.103(f)(2) must continue to comply with the Federal CCR provision and associated requirements. After EPA finalizes the amendment to the cease receipt of waste and completion of closure deadline, EPA will work to develop a streamlined process by which LDEQ can incorporate the revised 40 CFR 257.103(f)(2) deadline into its State CCR regulations and EPA can expeditiously approve this State CCR permit program revision.

VI. Approval of the Louisiana CCR Permit Program

The partial Louisiana CCR permit program, as described in its Application and Units II and III of this preamble, is approved. Because this is a partial program approval, only the State requirements that have been approved will operate in lieu of the analogous Federal requirements in RCRA section 4005(d)(3). Accordingly, owners and operators of CCR units in Louisiana will

[7] Memo from August 26, 2026 Meeting Between EPA HQ, EPA Region 6, and LDEQ. August 26, 2026.

remain responsible for compliance with all applicable requirements in 40 CFR part 257 for which Louisiana did not seek approval that are listed in Unit III.B. EPA will implement these provisions under the Federal CCR program, until and unless Louisiana submits a revised CCR permit program application and receives approval for these provisions. A permit issued by a State is not a shield for noncompliance with these 40 CFR part 257 provisions. For all CCR units in the State, the Federal regulations at 40 CFR part 257 will remain in effect until such time that LDEQ permits those units under its approved CCR permit program after providing an opportunity to comment on the entire permit consistent with the process required for new permits.

RCRA section 4005(d)(1)(D) specifies that EPA will review a State CCR permit program:

- From time to time, as the Administrator determines necessary, but not less frequently than once every 12 years;
- Not later than three years after the date on which the Administrator revises the applicable criteria for CCR units under part 257 of title 40, CFR (or successor regulations promulgated pursuant to RCRA sections 1008(a)(3) and 4004(a));
- Not later than one year after the date of a significant release (as defined by the Administrator), that was not authorized at the time the release occurred, from a CCR unit located in the State; and
- At the request of any other State that asserts that the soil, groundwater, or surface water of the State is or is likely to be adversely affected by a release or potential release from a CCR unit located in the State for which the program was approved.

RCRA section 4005(d)(4)(B) also provides that in a State with an approved CCR permitting program, the Administrator may commence an administrative or judicial enforcement action under RCRA section 3008 if:

- The State requests that the Administrator provide assistance in the performance of an enforcement action; or
- After consideration of any other administrative or judicial enforcement action involving the CCR unit, the Administrator determines that an enforcement action is likely to be necessary to ensure that the CCR unit is operating in accordance with the criteria established under the State's permit program.

VII. Final Action

In accordance with 42 U.S.C. 6945(d), EPA is approving the Louisiana partial CCR permit program.

Lee Zeldin,
Administrator.

[FR Doc. 2026-23383 Filed: 11/16/2026 8:45 am; Publication Date: 11/17/2026]