

Title 33
ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 2. Notification

**Chapter 39. Notification Regulations
and Procedures for Unauthorized
Discharges**

Subchapter A. General

§3901. Authority

A. Regulations for reporting unauthorized discharges or spills are hereby established by the Department of Environmental Quality by order of the administrative authority and pursuant to R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3903. Purpose

A. The purposes of these regulations are as follows:

1. to protect the health and well being of the people of the state of Louisiana and to prevent and mitigate damage to property or to the environment due to unauthorized discharges of pollutants to land, water, or air;

2. to provide a uniform notification and reporting procedure for unauthorized discharges by any person;

3. to enable appropriate emergency response to unauthorized discharge incidents; and

4. to provide the department with the discharge information that shall be used to ensure compliance with permit terms and conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1668 (August 2004).

§3905. Definitions

A. The following terms as used in these regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

Administrative Authority—the Secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

Air Contaminant—particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof produced by other than natural processes.

Barrel—a 42-gallon measure.

Brine from Solution Mining—liquids and suspended particulate matter that are obtained by processing fluids brought to the surface in conjunction with the solution mining of brine.

By-Pass—a diversion of a waste stream from any portion of a conveyance or treatment facility.

Department—the Department of Environmental Quality.

Discharge—the placing, releasing, spilling, percolating, draining, pumping, leaking, mixing, leaching, migrating, seeping, emitting, disposing, by-passing, or other escaping of pollutants on or into the air, waters of the state, or the ground. A release shall not include a federal or state permitted release.

Discharger—a facility, plant, company, site, person or its representatives, agents or employees, which discharge pollutants.

Division—the appropriate division within the Department of Environmental Quality.

DPS—the Department of Public Safety; the State Police.

Emergency Condition—any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water or air environment, or cause severe damage to property.

Emission—a discharge of air contaminants into the outdoor atmosphere.

Facility—a pollution source, or any public or private property or site where an activity is conducted, which is required to be regulated under Subtitle II of Title 30 of the Louisiana Revised Statutes and does or has the potential to do any of the following:

- a. emit air contaminants into the atmosphere;
- b. discharge pollutants into waters of the state;
- c. use or control radioactive materials and waste;
- d. transport, process, and/or dispose of solid wastes;

or

e. generate, transport, treat, store, or dispose of hazardous wastes.

Groundwater—water located beneath the ground surface or below a surface water body in a saturated zone or stratum.

Groundwater Contamination—the degradation of naturally occurring groundwater quality either directly or indirectly as a result of human activities.

Hotline—24-hour Louisiana Emergency Hazardous Materials Hotline.

Immediately—a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances.

Leachate—a liquid that has passed through or emerged from solid waste and may contain soluble, suspended, or miscible materials removed from such wastes.

Migrating—any movement by leaching, spilling, discharging, or any other uncontained or uncontrolled manner, except as permitted by law or other regulations of the department.

Oil—any of numerous smooth, greasy, combustible hydrocarbons that are liquid or at least easily liquefiable on warming, are soluble in ether but not in water, including but not limited to crude oil, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

Permit or *License*—written authorization by the administrative authority to discharge, emit, treat, store and/or dispose of liquid, gaseous, semi-solid, or solid waste or reusable materials, or radioactive material from or at a site or facility, including all conditions set forth therein.

Person—any individual, municipality, public or private corporation, partnership, firm, the United States government and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana, political subdivisions of the state of Louisiana, commissions, and interstate bodies.

Pollutant—any substance introduced into the environment of the state by any means that would tend to degrade the chemical, physical, biological, or radiological integrity of such environment.

Pollution Source—the immediate site or location of a discharge or potential discharge, including such surrounding property or water body necessary to quarantine the area or secure from access by the general public.

Produced Water—includes liquids and suspended particulate matter that are obtained by processing fluids brought to the surface in conjunction with the recovery of oil and gas from underground geologic formations or with underground storage of hydrocarbons.

Radiation—any electromagnetic or ionizing radiation including gamma rays and X-rays; alpha and beta particles;

high-speed electrons, neutrons, protons, and other nuclear particles; but not sound waves.

Radioactive By-Product Material—any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

Radioactive Material—any material, whether solid, liquid, or gas, which emits radiation spontaneously.

Radionuclide—a radioactive species of an atom characterized by the constitution of its nucleus.

Release—the accidental or intentional spilling, leaking, pumping, pouring, emitting, escaping, leaching, or dumping of hazardous substances or other pollutants into or on any land, air, water, or groundwater. A release shall not include a federal or state permitted release.

Reportable Quantity—that specific quantity associated with pollutants, as set forth in Subchapter E of this Chapter, the release of which requires notification pursuant to this regulation.

Reusable Material—any material defined in LAC 33:V.Chapter 49 of the hazardous waste regulations which would be classified as a hazardous waste except that it will be beneficially used, reused, or legitimately recycled, or reclaimed, unless exempted in LAC 33:V.Chapter 41 of the hazardous waste regulations.

Secretary—the Secretary of the Department of Environmental Quality.

Site—the geographic location, other than a facility, of an unauthorized discharge.

Solid Waste—any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities; but does not include or mean solid or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under R.S. 30:2074, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, (42 U.S.C. 2011, et seq.) as amended, or hazardous waste subject to permits under R.S. 30:2171 et seq.

Solid Waste Facility—any land and appurtenances thereto used for storing, processing, and/or disposing of solid wastes.

SPOC—the Office of Environmental Compliance, Emergency and Radiological Services Division, Single Point of Contact (SPOC).

Transport Vehicle—a motor vehicle, aircraft, rail freight car, freight container, cargo tank, portable tank, or vessel used for the transportation of hazardous substances or other pollutants. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

Transportation—the movement of solid, liquid, or hazardous reusable materials or wastes from the point of generation or storage to the point of treatment, storage, or disposal by any means of commercial or private transport. The term does not apply to the movement of hazardous wastes on the premises of a hazardous waste treatment, storage or disposal facility.

Treatment—any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any reusable material or waste so as to neutralize such reusable material or waste or render it nonhazardous, safer for transport, amenable for recovery or storage, or reduced in volume. The term also includes any activity or processing designed to change the physical form or chemical composition of hazardous waste to render it nonhazardous.

Unauthorized Discharge—a continuous, intermittent, or one-time discharge, whether intentional or unintentional, anticipated or unanticipated, from any permitted or unpermitted source which is in contravention of any provision of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.) or of any permit or license terms and conditions, or of any applicable regulation, compliance schedule, variance, or exception of the administrative authority. (*Discharge* is defined in this Section as the placing, releasing, spilling, percolating, draining, pumping, leaking, mixing, leaching, migrating, seeping, emitting, disposing, by-passing, or other escaping of pollutants on or into the air, waters, subsurface water or the ground.) A release shall not include a federal or state permitted release.

Vessel—any type of watercraft used, or capable of being used, as a means of transportation on the water.

Waste—any material for which no use or reuse is intended and which is to be discarded.

Waters of the State—both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, groundwaters, and all other water courses and waters within the confines of the state, and all bordering waters and the Gulf of Mexico.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2204(A) and 30:2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), amended by the Office of Secretary, Legal Affairs Division, LR 33:2080 (October 2007), LR 33:2627 (December 2007), LR 36:1242 (June 2010).

§3907. Scope

A. These regulations apply to all persons or parties, both permitted and unpermitted, licensed or unlicensed, who have responsibility for facilities, vessels, transport vehicles, or sites from which an unauthorized gaseous, liquid, semi-solid, or solid discharge may be released on or into the air, water, or land environment within the boundaries of the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3909. Enforcement

A. Failure to comply with any of the provisions of these regulations constitutes a violation of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.). Each day of failure to give the required notification shall constitute a separate violation and shall be in addition to any other violations of the act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

§3911. Severability

A. If any provision of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end provisions of these regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993).

Subchapter B. Requirements for Emergency Notification

§3915. Notification Requirements for Unauthorized Discharges That Cause Emergency Conditions

A. Notification to the DPS 24-Hour Louisiana Emergency Hazardous Materials Hotline

1. In the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this Subsection will be made regardless of the amount of the discharge.

2. One notification to the hotline for any unauthorized discharge will suffice for unauthorized discharges that continue for more than one day if the initial notification clearly states that the discharge is expected to continue for more than one day.

3. The hotline must be immediately notified of any adverse change in the nature or rate of the discharge.

Additional notifications must be made for discharges of multiple constituents when they originate from different causes or sources or they are substantially different in nature from the discharges in the initial notification.

4. Compliance with this Section does not relieve dischargers of the necessity of following any applicable written notification procedure in LAC 33:I.3925 or any terms and conditions of any applicable permit or license issued under the Louisiana Environmental Quality Act.

B. Notification to the Department of Environmental Quality. In the event of an unauthorized discharge which requires notification under Subsection A of this Section, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2204(A), 2194(C), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), LR 30:1668 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1240 (June 2010).

Subchapter C. Requirements for Non-Emergency Notification

§3917. Notification Requirements for Unauthorized Discharges That Do Not Cause Emergency Conditions

A. In the event of an unauthorized discharge that exceeds a reportable quantity specified in Subchapter E of this Chapter but that does not cause an emergency condition, the discharger shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within 24 hours after learning of the discharge.

B. Compliance with this Section does not relieve dischargers of the necessity of following any applicable written notification procedure in LAC 33:I.3925 or any terms and conditions of any applicable permit or license issued under the Louisiana Environmental Quality Act.

C. Notification to the Department of Environmental Quality. In the event of an unauthorized discharge that requires notification under Subsection A of this Section, the DPS 24-hour Louisiana Emergency Hazardous Materials Hotline will notify the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended LR 30:1668 (August 2004), amended by the Office of the

Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2080 (October 2007), LR 36:1240 (June 2010).

§3919. Notification Requirements for Unauthorized Discharges with Groundwater Contamination Impact

A. In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger shall notify SPOC within seven days.

B. Dischargers shall submit written notification in accordance with LAC 33:I.3925 or any permit or license terms and conditions issued under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2076(D), 2183(I), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), repealed LR 19:1022 (August 1993), repromulgated and amended LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1668 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2080 (October 2007), LR 33:2628 (December 2007).

Subchapter D. Procedures for Notifying the Department

§3923. Notification Procedures for Other Regulatorily Required Reporting

A. Notifications not required by LAC 33:I.3915 or 3917 shall be provided to the department within a time frame not to exceed 24 hours, or as specified by the specific regulation or permit provision requiring the notification, and shall be given to SPOC, as follows:

1. by the online incident reporting screens found at <http://www.deq.louisiana.gov/apps/forms/irf/forms/>;
2. by e-mail utilizing the information for reporting releases found at <http://www.deq.louisiana.gov/portal/tabid/279/Default.aspx>;
3. by telephone at (225) 219-3640 during office hours, or at (225) 342-1234 after hours and on weekends and holidays; or
4. for radiation incidents, by telephone at (225) 765-0160.

B. Mobile or marine radio notifications should be directed to the nearest communication center or to a telephone center for forwarding of the notification by telephone.

C. The party who is required to give prompt notification shall provide the following information, as applicable:

1. the name of the person making the notification and the telephone number where any return calls from response agencies can be placed;

2. the name and location of the facility or site where the unauthorized discharge is imminent or has occurred, using common landmarks. In the event of an incident involving transport, include the name and address of the transporter and generator;

3. the date and time the incident began and ended, or the estimated time of continuation if the discharge is continuing;

4. the extent of any injuries and identification of any known personnel hazards that response agencies may face;

5. the common or scientific chemical name, the U.S. Department of Transportation hazard classification, and the best estimate of amounts of any or all discharged pollutants;

6. a brief description of the incident sufficient to allow response agencies to formulate their level and extent of response activity; and

7. for unauthorized emissions of toxic air pollutants listed in LAC 33:III.5112, Table 51.2 or 51.3 or radioactive material, the following supplemental information:

a. the location of the source facility or stack;

b. the time at onset of the emission;

c. the prevailing local wind direction and estimated wind velocity at the time of onset; and

d. the duration of the emission if stopped at the time of notification.

D. Compliance with this Section does not relieve dischargers of the necessity of following any applicable written notification procedure in LAC 33:I.3925 or any terms and conditions of any applicable permit or license issued under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:1668 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2080 (October 2007), LR 36:1240 (June 2010), LR 36:2553 (November 2010).

§3925. Written Notification Procedures

A. Written reports for any unauthorized discharge that requires notification under LAC 33:I.3915.A, 3917, 3919, or 3923 shall be submitted by the discharger to SPOC in accordance with this Section within seven calendar days after the expiration of the time allowed for the notification required by LAC 33:I.3915.A, 3917, 3919, or 3923, unless otherwise provided for in a valid permit or other department regulation.

1. If mailed by US mail or other courier service (e.g., Federal Express, UPS, etc.), the submittal date will be the date of the postmark on the envelope accompanying the written notification report.

2. If delivered by other means (e.g., hand-delivered, faxed, etc.), the submittal date of the written notification will be the date of receipt by the department.

3. For information required by Subsection B of this Section that is not available at the time of submittal of the written notification report due to an ongoing investigation, updates of the status of the ongoing investigation of the unauthorized discharge shall be submitted every 60 days until the investigation has been completed and the results of the investigation have been submitted.

B. Written notification reports required by LAC 33:I.3915, 3917, and 3919 shall include, but not be limited to, the following information:

1. the name, address, telephone number, Agency Interest (AI) number (number assigned by the department) if applicable, and any other applicable identification numbers of the person, company, or other party who is filing the written report, and specific identification that the report is the written follow-up report required by this Section;

2. the time and date of prompt notification, the state official contacted when reporting, the name of the person making that notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;

3. date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;

4. details of the circumstances (unauthorized discharge description and root cause) and events leading to any unauthorized discharge, including incidents of loss of sources of radiation, and if the release point is subject to a permit:

a. the current permitted limit for the pollutant(s) released;

b. the permitted release point/outfall ID; and

c. which limits were exceeded (SO₂ limit, mass emission limit, opacity limit, etc.) for air releases;

5. the common or scientific chemical name of each specific pollutant that was released as the result of an unauthorized discharge, including the CAS number and U.S. Department of Transportation hazard classification, and the best estimate of amounts of any or all released pollutants (total amount of each compound expressed in pounds, including calculations);

6. a statement of the actual or probable fate or disposition of the pollutant or source of radiation and what off-site impact resulted;

7. remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation;

8. procedures or measures which have or will be adopted to prevent recurrence of the incident or similar incidents, including incidents of loss of sources of radiation;

9. if an unpermitted or unlicensed site or facility is involved in the unauthorized discharge, a schedule for submitting a permit or license application to the department, or rationale for not requiring a permit or license;

10. the reporting party's status (former or present owner, operator, disposer, etc.);

11. for discharges to the ground or groundwater, the following information shall also be included: all information of which the reporting party is aware that indicates pollutants are migrating, including, but not limited to, monitoring well data; possible routes of migrations; and all information of which the reporting party is aware regarding any public or private wells in the area of the migration used for drinking, stock watering, or irrigation;

12. what other agencies were notified;

13. the names of all other responsible parties of which the reporting party is aware;

14. a determination by the discharger of whether or not the discharge was preventable, or if not, an explanation of why the discharge was not preventable;

15. the extent of injuries, if any; and

16. the estimated quantity, identification, and disposition of recovered materials, if any.

C. Written notification reports shall be submitted to SPOC by mail or fax. The transmittal envelope and report or fax cover page and report should be clearly marked "UNAUTHORIZED DISCHARGE NOTIFICATION REPORT."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1669 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:2080 (October 2007), LR 33:2628 (December 2007), LR 36:1240 (June 2010), LR 36:2553 (November 2010).

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3927. Determination and Use of Reportable Quantity

A. The reportable quantity list in this Subchapter should be used to determine the need for and timeliness of notification to the department for unauthorized discharges which do not cause an emergency condition. This list is intended as a guide for the regulated community to reportable quantities of some of the more common pollutants. Exclusion of a substance from this list does not relieve the discharger from the reporting requirements of this regulation or from those of other department regulations.

Each discharge must be evaluated individually and reported appropriately by the discharger.

B. The basis for determination of the reportable quantity for any pollutant in this Subchapter, unless otherwise noted, will be that quantity of the substance discharged continuously, intermittently, or as a one-time mass discharge within any continuous 24-hour period.

C. The reportable quantity determined under this Subchapter, except where otherwise noted, will apply regardless of the environmental medium (land, air, water, groundwater) into which the pollutant is discharged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994).

§3929. Radionuclides: Notification of Incidents

A. The reportable quantity for all radionuclides will be determined in accordance with the Louisiana Radiation Regulations, LAC 33:XV.Chapter 4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994).

§3931. Reportable Quantity List for Pollutants

A. Incorporation by Reference of Federal Regulations

1. Except as provided in Subsection B of this Section, the following federal reportable quantity lists are incorporated by reference:

a. 40 CFR 117.3, July 1, 2009, Table 117.3—Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act; and

b. 40 CFR 302.4, July 1, 2009, Table 302.4—List of Hazardous Substances and Reportable Quantities.

2. Notification Requirements. The following administrative reporting exemptions are hereby incorporated by reference:

a. 40 CFR 302.6(e), July 1, 2009—Notification Requirements; and

b. 40 CFR 355.40(a)(2)(vii), July 1, 2009—Emergency Release Notification.

B. Modifications or Additions. The following table contains modifications to the federal reportable quantity lists incorporated by reference in Subsection A of this Section, as well as reportable quantities for additional pollutants. If a pollutant is listed with more than one reportable quantity, the lower value reportable quantity shall be used.

Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
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Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Acetaldehyde	Acetic aldehyde	75070	U001	700
Allyl chloride	3-Chloropropene	107051		1000/10 [@]
Aniline	Aminobenzene	62533	U012	5000/1000 [@]
Antimony*		7440360		5000/100 [@]
Antimony compounds		20008		100
Barium*		7440393		100
Barium compounds		20020		100
Brine from Solution Mining				5000
n-Butyl alcohol	1-Butanol	71363	U031	5000/1000 [@]
Carbonic dichloride	Phosgene	75445	P095	10/1 [@]
Chlorinated dibenzo furans, all isomers				1
Chlorine dioxide	Chlorine oxide	10049044		1
Chromium ³ *		7440473		5000/100 [@]
Chromium compounds		20064		100
Copper ³		7440508		5000/100 [@]
Copper compounds		20086		100
Cumene	Isopropyl benzene	98828	U055	5000/1000 [@]
Ethyl acrylate	2-Propenoic acid, ethyl ester	140885	U113	1000/10 [@]
Ethylene	Ethene	74851		5000* or 100 ⁺
Glycol ethers **				100
Hexane	Hexyl hydride	110543		5000/1000 [@]
Hydrogen chloride	Hydrochloric acid	7647010		5000/1000 [@]
Hydrogen fluoride	Hydrofluoric acid	7664393	U134	100/10 [@]
Manganese*	Colloidal manganese	7439965		100
Manganese compounds				100
Methyl acrylate	2-Propenoic acid methyl ester	96333		10
Methyl ethyl ketone (MEK)	2-Butanone	78933	U159	5000/1000 [@]
Methyl isobutyl ketone	4-Methyl-2-pentanone	108101	U161	5000/1000 [@]
Methylmercaptan	Methanethiol	74931	U153	100/25 [@]
Methyl methacrylate	2-Methylacrylic acid methyl ester	80626	U162	1000/100 [@]
Methylene diphenyl diisocyanate	Methylene bisphenyl isocyanate	101688		1000
Nitric acid	Hydrogen nitrate	7697372		1000/100 [@]
Oil				1 barrel
Phthalic anhydride	1,3-Isobenzofurandione	85449	U190	5000/1000 [@]
Polynuclear aromatic hydrocarbons ***				1
Produced water				1 barrel
Propionaldehyde	Propionic aldehyde	123386		1000/100 [@]
Propylene	Propene	115071		100 ⁺
Sulfur dioxide				500
Sweet pipeline gas (Methane/Ethane)				42000 (1,000,000 scf)
Vinyl acetate	Vinyl acetate monomer	108054		5000/100 [@]
Volatile organic compounds not otherwise listed ⁴				5000
Only those highly reactive volatile organic compounds listed below: ethylene and propylene ⁵				100 ⁺
F003 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			F003	100
Methyl isobutyl ketone		108101		5000/1000 [@]
n-Butyl alcohol		71363		5000/1000 [@]
F005 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			F005	100
Methyl ethyl ketone		78933	U159	5000/1000 [@]

* No reporting of releases into the ambient air of this metal is required if the diameter of the pieces of solid metal released is equal to or exceeds 100 micrometers (0.004 inches).

** This reportable quantity is applicable to the aggregate emissions of the following glycol ethers: ethylene glycol monomethyl ether (CAS Number 109864), ethylene glycol monomethyl ether acetate (CAS Number 110496), ethylene glycol monoethyl ether (CAS Number 110805), ethylene glycol monoethyl ether acetate (CAS Number 111159), diethylene glycol dimethyl ether (CAS Number 111966), and ethylene glycol dimethyl ether

(CAS Number 110714). All other glycol ethers are subject to the federal RQ, if applicable, that is incorporated by reference in LAC 33:1.3931.A.

*** The emissions of all Polynuclear Aromatic Hydrocarbons (PAHs), excluding any PAHs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded.

¹ Chemical Abstracts Service Registry Number.

² Resource Conservation and Recovery Act of 1976, as amended.

³ Prompt notification of releases of massive forms of these substances is not required if the diameter of the pieces of the substance released is equal to or exceeds 100 micrometers (0.004 inches).

⁴ The emissions of all volatile organic compounds (VOCs), excluding any VOCs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded. *VOC* is defined in LAC 33:III.111, and exempt compounds are listed in LAC 33:III.2117.

⁵ The emissions of these highly reactive VOCs shall be totaled to determine if an RQ has been exceeded.

@ The first RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into or onto all media within any consecutive 24-hour period. The second RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into the atmosphere.

† The RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into the atmosphere for facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

RQ for the state except the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

C. Copies of documents incorporated by reference may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401, or by telephone at (866) 512-1800.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2006), LR 33:640 (April 2007), LR 33:2628 (December 2007), LR 34:69 (January 2008), LR 34:866 (May 2008), repromulgated LR 34:981 (June 2008), amended LR 35:1106 (June 2009), LR 36:1242 (June 2010), LR 36:2272 (October 2010).

Chapter 41. Hazardous Waste Site Cleanup Fund Site Prioritization

§4101. Purpose

A. The purpose of this Chapter is to establish procedures for prioritizing sites for funding from the Hazardous Waste Site Cleanup Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., in particular, 2205(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:696 (May 2003).

§4103. Applicability

A. This Chapter applies to hazardous and nonhazardous sites to be funded by the Hazardous Waste Site Cleanup Fund and will become effective on May 20, 2003.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., in particular, 2205(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:696 (May 2003).

§4105. Prioritization Scheme

A. Each site shall be prioritized by a numerical ranking system based on:

1. health risks;
2. groundwater and surface water contamination;
3. owner/operator recalcitrance or refusal to comply with department-required actions;
4. site owner/operator financial abilities;
5. eligibility for any other viable funding mechanism;
6. availability of money within the fund; and
7. determination by the secretary that the fund should be used to facilitate actions in a timely manner to abate emergencies.

B. The goal of the prioritization scheme is to allow the department to maximize risk reduction in proportion to the fund dollars spent. The department will use the prioritization numerical ranking system as a tool to aid the department in managing risk reduction in proportion to the fund dollars spent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., in particular, 2205(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:696 (May 2003).

