

## NOTICE OF INTENT

### Department of Natural Resources Office of Conservation

#### Commercial Facilities Hours of Operation (LAC 43:XIX.533 and 537)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43:XIX, Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment and adoption are made implement Act 191 of the 2018 Regular Session which repealed the Commissioners authority to regulate the hours of operation or receiving of offsite treatment, storage and disposal facilities of E & P Waste.

#### Title 43

#### NATURAL RESOURCES

#### Part XIX. Office of Conservation—General Operations

##### Subpart 1. Statewide Order No. 29-B

#### Chapter 5. Off-Site Storage, Treatment and/or Disposal of Exploration and Production Waste Generated from Drilling and Production of Oil and Gas Wells

NOTE: Onsite disposal requirements are listed in LAC 43:XIX, Chapter 3.

EDITOR'S NOTE: Statewide Order 29-B was originally codified in LAC 43:XIX as §129. In December 2000, §129 was restructured into Chapters 3, 4 and 5. Chapter 3 contains the oilfield pit regulations. Chapter 4 contains the injection/disposal well regulations. Chapter 5 contains the commercial facility regulations. A cross-reference chart in the December 2000 *Louisiana Register*, page 2798, indicates the locations for the rules in each existing Section.

EDITOR'S NOTE: Chapter 5 was amended in November 2001. A chart showing the restructuring of Chapter 5 is found on page 1898 of the *Louisiana Register*, November 2001.

#### §533. General Operational Requirements for Commercial Facilities and Transfer Stations

A. ...

B. Commercial facilities and transfer stations shall be adequately manned during hours of receiving and off loading of E and P Waste.

C. All facilities and systems for treatment, control, and monitoring (and related appurtenances) which are installed or used to achieve compliance with the conditions of a permit shall be properly operated and maintained at all times.

D. Inspection and entry by Office of Conservation personnel shall be allowed as prescribed in R.S. 30:4.

E. Discharges from land treatment cells, tanks, tank retaining walls and/or barges into man-made or natural drainage or directly into state waters will be allowed only after the necessary discharge permit has been obtained from the appropriate state and/or federal agencies and in accordance with the conditions of such permit.

F. A sign shall be prepared, displayed and maintained at the entry of each permitted commercial facility or transfer station. Such sign shall utilize a minimum of 1-inch lettering to state the facility name, address, phone number, and site code shall be made applicable to the activities of each facility according to the following example.

"This E and P Waste (storage, treatment and/or disposal) facility has been approved for (temporary storage, treatment

and/or disposal) of exploration and production waste only and is regulated by the Office of Conservation. Violations shall be reported to the Office of Conservation at (225) 342-5515."

G.A vertical aerial color photograph (or series of photographs) with stereoscopic coverage of each Type A land treatment facility must be obtained during the month of October every two years and provided to the Office of Conservation by November 30 of the year the photo is taken. Such photograph(s) must be taken at an original photo scale of 1" = 1000' to 1" = 500' depending on the size of the facility. Photo(s) are to be provided as prints in either 8" x 10" or 9" x 9" formats. The commissioner may require more frequent aerial photos as deemed necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 27:1909 (November 2001).

#### §537. Hours of Receiving

(Omitted in its entirety)

#### Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

#### Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

#### Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., August 10, 2018, at Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Environmental Division, 617 North Third Street, Room 830, Baton Rouge, LA 70802. Reference Docket No. R A 2018-01. All inquiries should be directed to Gary Snellgrove at the above addresses or by phone to (225) 342-7222. No preamble was prepared.

Richard P. Ieyoub  
Commissioner

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Offsite E and P Waste Transfer Pipeline Systems

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated direct material effect on state or local governmental expenditures as a result of the proposed rule changes. The existing rule provides for the Commissioner's authority to regulate the hours a commercial facility and transfer station is allowed to receive Exploration and Production Waste (E&P Waste). In addition, the existing rule requires that commercial facilities and transfer stations to be adequately manned during hours of receiving and off-loading of E&P Waste.

The proposed rule changes remove the Commissioner's authority to regulate the hours of receiving of E&P Waste, thereby allowing operators to receive and off-load E&P Waste on a twenty-four (24) hour basis. The proposed rule changes do not change the requirement that commercial facilities and transfer stations are to be adequately manned during hours of receiving and off-loading of E&P Waste.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated cost increases associated with the proposed rule changes, but the proposed rule changes will impact Commercial Exploration and Production (E&P) Waste Disposal Facilities by allowing these operators to receive and off-load E&P waste on a twenty-four (24) hour basis providing them an opportunity to become more efficient and competitive in the market.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes could allow Louisiana Operators to become more competitive in the market place and potentially increase employment.

Richard P. Ieyoub  
Commissioner

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office