

POTPOURRI

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**State Implementation Plan Revision—Withdrawal of Stage
II Vapor Recovery Systems Requirements**

Under the authority of the Louisiana Environmental Quality Act, R. S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Planning and Assessment Division, will submit a proposed revision to the State Implementation Plan (SIP) for the Stage II Vapor Recovery System as required under the Clean Air Act (CAA). (1903Pot2)

Pursuant to the authority provided by Section 202(a)(6) of the Clean Air Act (42 USC 7521(a)(6)), the administrator of the United States Environmental Protection Agency (EPA) has determined onboard refueling vapor recovery (ORVR) technology is in widespread use throughout the motor vehicle fleet. The administrator also determined that emission reductions from ORVR are essentially equal to and have surpassed the emission reductions achieved by vapor recovery systems required by section 182(b)(3) and (42 USC 7511a(b)(3)), (i.e. Stage II).

Pursuant to EPA's determination, the Louisiana Department of Environmental Quality (LDEQ) has promulgated a revision to state regulations and will submit a revision to its state implementation plan (SIP) concerning Stage II vapor recovery (LAC 33:III.2132) in the affected parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge. The revisions:

1. terminate the requirements to install Stage II vapor recovery systems at motor vehicle fuel dispensing facilities (MVFD);
2. provide standards and requirements to decommission existing Stage II equipment at MVFD; and
3. require the decommissioning of existing Stage II equipment within 18 months of final approval of a SIP revision by the EPA to eliminate Stage II requirements.

The LDEQ invites all interested persons to submit written comments concerning the SIP revision no later than 4:30 p.m., April 25, 2019, to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA, 70821-4314, or e-mail at vivian.aucoin@la.gov.

A copy of the proposal may be viewed on the LDEQ website or at LDEQ headquarters at 602 North 5th Street, Baton Rouge, Louisiana 70802.

Herman Robinson
General Counsel

1903#029

POTPOURRI

**Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division**

**Withdrawal of Log Number OS092—Revisions to the Risk
Evaluation/Corrective Action Program (RECAP)
(LAC 33:I.1307)**

This potpourri notice announces the withdrawal of rulemaking for log number OS092 to allow LDEQ to further engage stakeholders and allow additional outreach. This rule was proposed on January 20, 2019. The rulemaking process has been terminated. No further action will be taken on log number OS092.

Herman Robinson
General Counsel

1903#030

POTPOURRI

**Department of Public Safety and Corrections
Oil Spill Coordinator's Office**

**Notice of Restoration Planning for Oil Spill
Bay Long Oil Spill**

Action:

Notice of Intent to Conduct Restoration Planning (NOI) for Bay Long Oil Spill, Plaquemines Parish, LA.

Agencies:

Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Louisiana Coastal Protection and Restoration Authority (CPRA); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); and Louisiana Department of Wildlife and Fisheries (LDWF) (collectively, the "Trustees").

Authorities:

The Oil Pollution Act of 1990 (OPA) (33 U.S.C. § 2701 et seq.) and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA) (La. Rev. Stat. 30:2451 et seq.) are the principal federal and state statutes, respectively, authorizing designated federal and state agencies and tribal officials to act on behalf of the public to (1) assess damages for injuries to natural resources and services resulting from a discharge of oil or the substantial threat of a discharge and (2) develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured resources. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at La. Admin. Code Title 43:XXIX. By letter dated March 27, 2017, and pursuant to 33 U.S.C. § 2706(b)(3), the Governor

of Louisiana designated the Trustees to act on behalf of the public under OPA. Harvest Pipeline Company (“Harvest”), a subsidiary of Hilcorp Energy Company, as the operator of the pipeline, is the identified Responsible Party and is therefore liable according to 33 U.S.C. § 2702 and La. Rev. Stat. 30:2480 for any natural resource damages resulting from the Incident.

Purpose:

As required by 15 C.F.R. §§ 990.41 and 990.42, the Trustees have determined that impacts to natural resources and services resulting from the unauthorized discharge of oil from 2 underwater pipelines near Bay Long, Louisiana beginning on or about September 05, 2016 (hereinafter, the “Incident”) (La. NRDA case file # LA2016_0905_1017) warrant proceeding with a Natural Resource Damage Assessment (NRDA) to pursue restoration for this Incident. In accordance with 15 C.F.R. § 990.44 and LAC 43:XXIX.123, the Trustees are issuing this NOI to inform the public that they are proceeding to the Restoration Planning Phase of the NRDA, during which trustees evaluate information on potential injuries and use that information to determine the need for, type of, and scale of restoration as described in subpart E of 15 C.F.R. Part 990. The Trustees will be opening an Administrative Record (AR) pursuant to 15 C.F.R. § 990.45 and LAC 43:XXIX.127. The AR will be available to the public and document the basis for the Trustees’ decisions pertaining to injury assessment and selection of restoration alternatives.

Summary of Incident:

On or about September 05, 2016, a subcontractor for Great Lakes Dredge and Dock Company struck two 12” pipelines owned and operated by Harvest with an excavation marsh buggy while performing restoration activities on an outer coast restoration project on Chenier Ronquille in Bay Long, a sub-estuary of Barataria Bay. An estimated 150 barrels of crude oil were released into Bay Long, connecting waterways, marshes, and onto a nearby barrier island before the lines were shut in and repaired. Response actions continued for several weeks, and at the height of the response approximately 175 personnel were on-scene assisting with the clean-up of spilled oil. Harvest clean-up operations included, among others, hard and sorbent booming, use of skimmers, pumps, excavation, low pressure high volume flushing, various washing techniques, removal of oiled habitat, and use of vacuum trucks, cranes, and airboats. Natural resources within the area that provide services to the public were impacted by oil and response actions resulting in injuries and mortality to a variety of wildlife, including, but not limited to, birds. Wildlife response personnel observed over 200 oiled birds. Salt marsh and the services that that resource provides, among others, were also potentially impacted as a result of the discharged oil and response activities.

The Trustees began the Pre-assessment/field investigation Phase of the NRDA in accordance with 15 C.F.R. § 990.43 and LAC 43:XXIX.117 to determine if they had jurisdiction to pursue restoration under OPA and OSPRA, and, if so, whether it was appropriate to do so. During the Pre-assessment Phase, the Trustees collected and analyzed, and are continuing to analyze, the following: (1) data reasonably expected to be necessary to make a determination of jurisdiction and/or a determination to conduct restoration

planning, (2) ephemeral data, and (3) information needed to design or implement anticipated assessment activities as part of the Restoration Planning Phase. Activities included, among other things, collection of dead fish and wildlife, collection of qualitative, quantitative and observational data about oiled habitats and wildlife, and sediment and oil sample collection and analysis.

Under the NRDA regulations applicable to OPA and OSPRA, the Trustees prepare and issue a Notice of Intent to Conduct Restoration Planning (NOI) if they determine conditions that confirm the jurisdiction of the Trustees and the appropriateness of pursuing restoration of natural resources have been met. This NOI announces that the Trustees have made the determination to proceed with restoration planning to evaluate, assess, quantify, and develop plans for restoring, rehabilitating, replacing, and/or acquiring the equivalent of injured natural resources and losses resulting from the Incident. The restoration planning process will include collection of information that the Trustees determine is appropriate for identifying and quantifying the injuries and losses of natural resources, including services, and to determine the need for, and the type and scale of restoration alternatives.

Determinations

Determination of Jurisdiction: The Trustees have made the following findings pursuant to 15 C.F.R. § 990.41 and LAC 43:XXIX.101:

1. The Incident resulted in the discharge of oil into or upon navigable waters of the United States. Such occurrence constitutes an “incident” within the meaning of 15 C.F.R. § 930.30.

2. The Incident was not authorized under a permit issued pursuant to federal, state, or local law; was not from a public vessel; and was not from an onshore facility subject to the Trans-Alaska Pipeline Authority Act, 43 U.S.C. § 1651, et seq.

3. Natural resources under the trusteeship of the Trustees have been injured as a result of the Incident.

As a result of the foregoing determinations, the Trustees have jurisdiction to pursue restoration under OPA and OSPRA.

Determination to Conduct Restoration Planning: The Trustees have determined, pursuant to 15 C.F.R. § 990.42(a), that:

1. Data collected pursuant to 15 C.F.R. § 990.43 demonstrate that injuries to natural resources have resulted from the Incident, as described above.

2. The response actions did not adequately address the injuries resulting from the Incident.

3. Feasible primary and/or compensatory restoration actions exist to address injuries from the Incident.

Based upon the foregoing determinations, the Trustees intend to proceed with restoration planning for this Incident.

Public Participation:

The Trustees invite the public to participate in restoration planning for this Incident. Public participation in decision-making is encouraged and will be facilitated through a publically available AR (described above) and publication of public notices in the Louisiana Register. Opportunities to participate in the process will be provided by the Trustees at important junctures throughout the planning process and will include requests for input on restoration alternatives and

review of planning and settlement documents. Public participation is consistent with all State and Federal laws and regulations that apply to the NRDA process, including Section 1006 of the Oil Pollution Act (OPA), 33 U.S.C. § 2706; the regulations for NRDA under OPA, 15 C.F.R. Part 990; Section 2480 of OSPRA, La. Rev. Stat. 30:2480; and the regulations for NRDA under OSPRA, La. Admin. Code 43:XXIX, Chapter 1.

For Further Information:

For more information or to view the AR please contact the Louisiana Oil Spill Coordinator's Office, P.O. Box 66614, Baton Rouge, LA 70896, (225) 925-6606 (Attn: Gina Muhs Saizan).

Marty J. Chabert
Oil Spill Coordinator

1903#018

POTPOURRI

**Department of Public Safety and Corrections
Oil Spill Coordinator's Office**

Notice of Restoration Planning for Oil Spill
Lake Grand Ecaille Oil Spill

Action:

Notice of Intent to Conduct Restoration Planning (NOI) for Lake Grand Ecaille Oil Spill, Plaquemines Parish, LA.

Agencies:

Louisiana Oil Spill Coordinator's Office, Department of Public Safety and Corrections (LOSCO); Louisiana Coastal Protection and Restoration Authority (CPRA); Louisiana Department of Environmental Quality (LDEQ); Louisiana Department of Natural Resources (LDNR); and Louisiana Department of Wildlife and Fisheries (LDWF) (collectively, the "Trustees").

Authorities:

The Oil Pollution Act of 1990 (OPA), 33 U.S.C. § 2701 et seq., and the Louisiana Oil Spill Prevention and Response Act of 1991 (OSPRA), La. Rev. Stat. 30:2451 et seq., are the principal federal and state statutes, respectively, authorizing designated federal and state agencies and tribal officials to act on behalf of the public to (1) assess damages for injuries to natural resources and services resulting from a discharge of oil or the substantial threat of a discharge and (2) develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured resources. OPA implementing regulations may be found at 15 C.F.R. Part 990 and OSPRA regulations at La. Admin. Code tit. 43, pt. XXIX. By letter dated March 27, 2017, and pursuant to 33 U.S.C. §2706(b)(3), the Governor of Louisiana designated the Trustees to act on behalf of the public under OPA. Hilcorp Energy Company ("Hilcorp"), as the owner and operator of the pipeline, is the identified Responsible Party and is therefore liable according to 33 U.S.C. §2702 and La. Rev. Stat. 30:2480 for any natural resource damages resulting from the Incident.

Purpose:

As required by 15 C.F.R. §§ 990.41 and 990.42, the Trustees have determined that impacts to natural resources and services resulting from the unauthorized discharge of oil from a flow line near Port Sulphur, Louisiana beginning on

or about July 25, 2016 (hereinafter, the "Incident") (La. NRDA case file # LA2016_0725_0630) warrant proceeding with a Natural Resource Damage Assessment (NRDA) to pursue restoration for this Incident. In accordance with 15 C.F.R. § 990.44 and LAC 43:XXIX.123, the Trustees are issuing this NOI to inform the public that they are proceeding to the Restoration Planning Phase of the NRDA, during which trustees evaluate information on potential injuries and use that information to determine the need for, type of, and scale of restoration as described in subpart E of 15 C.F.R. Part 990. The Trustees will be opening an Administrative Record (AR) pursuant to 15 C.F.R. § 990.45 and LAC 43:XXIX.127. The AR will be available to the public and document the basis for the Trustees' decisions pertaining to injury assessment and selection of restoration alternatives.

Summary of Incident:

On or about July 25, 2016, Hilcorp located a discharge of crude oil from an out of service three-inch flow line. The discharge was due to corrosion on the flow line and a faulty check valve on an operational well. The Trustees were notified that the discharge resulted in the release of an estimated 30-100 barrels of crude oil into the connecting waterways and wetlands of Lake Grand Ecaille. Response actions and active maintenance were ongoing for over two months after the release. Hilcorp's cleanup operations included, among others, hard and sorbent booming, low pressure flushing, the use of absorbents and skimmers. Natural resources within the area that provide services to the public were impacted by oil and response activities resulting in injuries to wildlife and brackish marsh.

The Trustees began the Pre-assessment/field investigation Phase of the NRDA in accordance with 15 C.F.R. §990.43 and LAC 43:XXIX.117 to determine if they had jurisdiction to pursue restoration under OPA and OSPRA, and, if so, whether it was appropriate to do so. During the Pre-assessment Phase, the Trustees collected and analyzed, and are continuing to analyze, the following: (1) data reasonably expected to be necessary to make a determination of jurisdiction and/or a determination to conduct restoration planning, (2) ephemeral data, and (3) information needed to design or implement anticipated assessment activities as part of the Restoration Planning Phase. Activities included, among other things, collection of qualitative, quantitative and observational data about oiled habitats and wildlife during multiple site visits.

Under the NRDA regulations applicable to OPA and OSPRA, the Trustees prepare and issue a Notice of Intent to Conduct Restoration Planning (NOI) if they determine conditions that confirm the jurisdiction of the Trustees and the appropriateness of pursuing restoration of natural resources have been met. This NOI announces that the Trustees have made the determination to proceed with restoration planning to evaluate, assess, quantify, and develop plans for restoring, rehabilitating, replacing, and/or acquiring the equivalent of injured natural resources and losses resulting from the Incident. The restoration planning process will include collection of information that the Trustees determine is appropriate for identifying and quantifying the injuries and losses of natural resources, including services, and to determine the need for, and the type and scale of restoration alternatives.