



State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

July 6, 2016

Re: Updated UST Delivery Prohibition Process

Dear Underground Storage Tank Fuel Distributors:

On August 8, 2005, the Federal Energy Policy Act of 2005 became law, requiring states that receive federal grant money to promulgate Delivery Prohibition (Red Tag) regulations, requiring underground storage tank systems that are found to be out of compliance with certain regulations to have fuel deliveries prohibited, or "red tagged".

The Louisiana Department of Environmental Quality (LDEQ) developed Delivery Prohibition for USTs regulations (LAC 33:XI.Chapter 4) that became final on September 20, 2007. These regulations can be found at the following website: <http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx>.

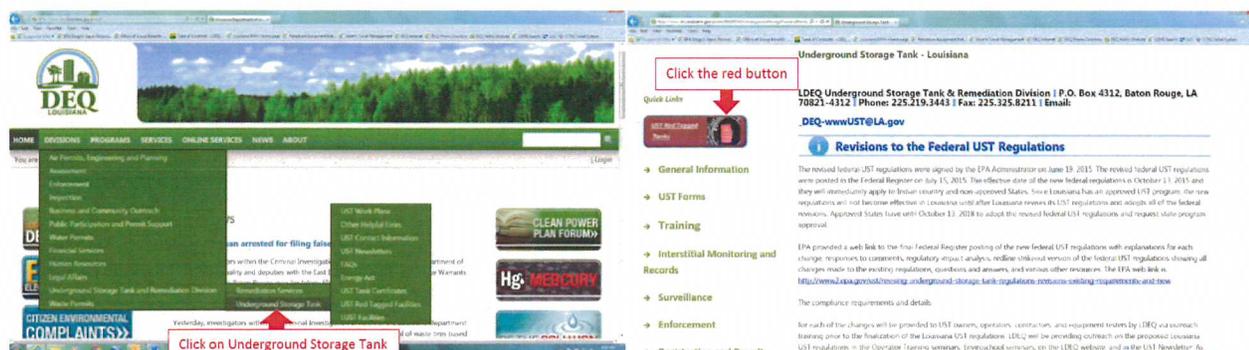
On April 15, 2008, LDEQ Underground Storage Tank Division began implementation of the Delivery Prohibition regulations and began classifying certain underground storage tanks as ineligible for delivery, deposit, or acceptance of product by means of red tagging. LDEQ immediately red tags underground storage tanks that are not registered, that do not meet the 1998 upgrade requirements (no corrosion protection, no spill prevention, or no overfill protection), that have no established release detection method, and that have released product and the release has not been addressed. LDEQ also red tags tanks with other violations (deficiencies in the operation and maintenance of release detection, corrosion protection, or spill and overfill prevention, or no financial responsibility) if the deficiencies are not corrected within 30 days of being notified of that deficiency by LDEQ. Physical red tags are tied around the affected tank fill ports. The facility is allowed to sell the remaining fuel in the affected tank(s), but no fuel deliveries are allowed into the affected tank(s) until the tank/tank system has returned into compliance with the regulations.

LAC 33:XI.403.C states that "It shall be unlawful for any person to place, or allow the placement of, a regulated substance into a UST that the department has red tagged/prohibited from delivery of regulated substances under Subsection A or B of this Section".

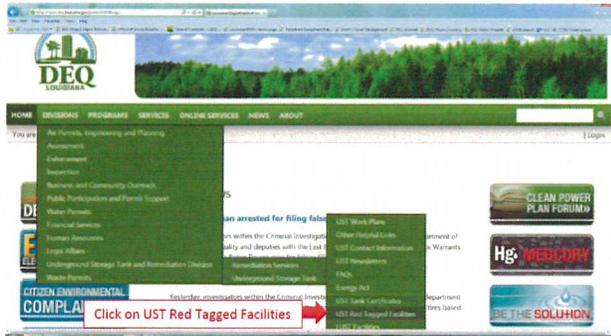


If any fuel is delivered into a UST that has been red tagged, LDEQ will take enforcement action against both the UST owner and the fuel distributor. Violations of LAC 33:XI.403.C could result in penalties up to \$32,500 per event (LAC 33:I.705).

In order to provide adequate notification to product deliverers, LDEQ will continue to publish a list of red tagged facilities on the LDEQ website (www.deq.louisiana.gov). This list will be updated whenever facilities are added and removed from the list. **Effective July 11, 2016, LDEQ will no longer email identified active bulk distributors every time a UST facility is red tagged or when the red tags are removed.** Fuel distributors will have to check the LDEQ website in order to determine ahead of time if a UST facility's underground storage tanks have been red tagged. The UST Red Tagged Tanks list can be accessed by either clicking the red button on the main Underground Storage Tank page or clicking on the UST Red Tagged Facilities tab as outlined below:



Or



Whenever you click the red “UST Red Tagged Tanks” button or the “UST Red Tagged Facilities” tab you will see a “Fetching Data...” message. It may take a minute or so for the database to autopopulate. The red tagged facility list will then be displayed:

UST Red Tagged Facilities

Total Records: 5

Master ID Number	Facility Name	Physical address	Physical City	Physical Zip	Parish	Tags applied to all tanks	Owner Name	Owner Address	Owner City	Owner State	Owner Zip
72166	Paul E Riviere Inc	1840 L&A Rd	Metairie	70001	Jefferson	Y	Paul E Riviere Inc	1840 L&A Rd	Metairie	LA	70001
13393	Exxon Co USA #55943	2965 Monroe Hwy	Pineville	71360	Rapides	Y	G&B Oil Products LLC	PO Box 8712	Alexandria	LA	713061712
74157	AKW Food Mart #2	2305 Lee St	Alexandria	71301	Rapides	Y	Raed Mustafa	2305 Lee St	Alexandria	LA	71301
74925	Express Line #2	1317 E Pinhook Rd	Lafayette	70501	Lafayette	Y	Mohammed Esmail	151 West Bank Expressway	Gretna	LA	70053
79568	Bayou Express	8696 Main St	Houma	70363	Terrebonne	Y	Albert Lagraze	3620 Edenborn Ave	Metairie	LA	70002

The red tags can only be removed by LDEQ, or a person authorized by LDEQ, after written documentation is provided to LDEQ that documents that the affected tank/tank system has returned into compliance with the applicable UST regulations. Once compliance is documented, LDEQ has a two working day time frame to remove red tags, and LDEQ will make every effort to expedite the red tag removal process in order for compliant facilities to begin receiving fuel as soon as possible. Please contact me at 337-262-5744 or samuel.broussard@la.gov with any questions.

Sincerely,

Samuel W. Broussard, Environmental Scientist Senior
Underground Storage Tank and Remediation Division