

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Notice of Public Hearing
Substantive Changes to Proposed Rule OS078,
Notification Requirements and Reportable Quantity List
(LAC 33:I.3905, 3919, 3925, and 3931) (OS078S)
(0708Pot2)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that the department is seeking to incorporate substantive changes to the proposed amendments to the Office of the Secretary regulations, LAC 33:I.3905, 3919, 3925, and 3931 (OS078S), which were originally noticed as OS078 in the May 20, 2007, issue of the *Louisiana Register*.

The department is proposing substantive changes to address comments received during the public comment period for proposed rule OS078. The proposed rule moved the unauthorized discharge reporting requirements in LAC 33:III.5107.B to LAC 33:I.Chapter 39, in an effort to streamline reporting requirements and remove duplicative reporting language from the regulations. In order to complete this streamlining process, some toxic air pollutant (TAP) reportable quantities (RQs) were added to the table at LAC 33:I.3931, and some TAP RQs in the table were lowered. However, in response to comments, this action is being reversed, and RQs for the toxic air pollutants that were added in proposed rule OS078 have been removed. The RQs for these pollutants revert back to the federal RQs, where applicable. Other minor changes are made to clarify the regulations.

A ~~strikeout~~/underline/~~shaded~~ version of the proposed rule that distinguishes original proposed language from substantively changed language is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

A public hearing on the substantive changes will be held on September 26, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the substantive changes. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

Written comments regarding the substantive changes must be received no later than October 3, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by email to judith.schuerman@la.gov. Persons commenting should reference OS078S in their correspondence. Copies of this proposed regulation with substantive changes can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy.

This regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

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Executive Counsel

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****§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.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 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 20:182 (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:

Subchapter C. Requirements for Prompt Notification**§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 ~~promptly~~ notify the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, within seven days in accordance with LAC 33:I.3923.

B. Dischargers ~~are not relieved from any requisite~~ shall submit written notification ~~procedures in accordance with LAC 33:I.3925 or of 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:***.

Subchapter D. Notification Procedures

§3925. Written Notification Procedures

A. - A.2. ...

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 required information has been submitted.

B. - C. ...

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:**.

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. - A.2. ...

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
Acetaldehyde	Acetic aldehyde	75070	U001	100 ⁺ 700
Acrylamide	Acrylic amide	79061	U007	25 ^g
Acrylic acid	Acroleic acid, propene acid	79107		400 ^g
Acrylonitrile		107131	U009	35 ^g
Allyl chloride	3-Chloropropene	107051		1000/10 [@]
Aniline	Aminobenzene	62533	U012	5000/6001000 [@]
Antimony*		7440360		5000/38100 [@]
Antimony compounds		20008		100/38 [@]
Barium*		7440393		100/38 [@]
Barium compounds		20020		100/38 [@]
Biphenyl	1,1 biphenyl, xenene	92524		98 ^g
Butenes (all isomers)		25167673		100 ⁺
n-Butyl alcohol	1-Butanol	71363	U031	5000/1000 [@]
Carbonic dichloride	Phosgene	75445	P095	10/1 [@]
Chlorinated dibenzo furans, all isomers				1/4 [@]
Chlorinated dibenzo p-dioxins, TCDD and OCDD isomers				1 ^g

Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Chlorine dioxide	Chlorine oxide	10049044		1
Chlorobenzene	Benzene chloride	108907	U037	25 ⁶
Chromium ³ *		7440473		5000/25100 [@]
Chromium compounds		20064		100/25 ⁶
Copper ³		7440508		5000/25100 [@]
Copper compounds		20086		25100
Cumene	Isopropyl benzene	98828	U055	5000/1000 [@]
1,2-Dichloroethane	Ethylene dichloride, EDC	107062	U077	49 ⁶
Dichloromethane	Methylene chloride, DCM	75092	U080	540 ⁶
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		5000/5001000 [@]
Hydrogen fluoride	Hydrofluoric acid	7664393	U134	100/10 [@]
Maleic anhydride	cis-Butenedioic anhydride	108316	U147	70 ⁶
Manganese*	Colloidal manganese	7439965		100/75 ⁶
Manganese compounds				100/75 ⁶
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
Nickel		7440020		25 ⁶
Nickel compounds				25 ⁶
Nitric acid	Hydrogen nitrate	7697372		1000/100 [@]
Nitrobenzene	Nitrobenzol	98953	U169	400 ⁶
Oil				1 barrel
Phthalic anhydride	1,3-Isobenzofurandione	85449	U190	5000/4001000 [@]
Polynuclear aromatic hydrocarbons ***				1
Produced water				1 barrel
Propionaldehyde	Propionic aldehyde	123386		1000/100 [@]
Propylene	Propene	115071		100 [†]
Selenium		7782492		25 ⁶
Sulfur dioxide				500
Sulfuric acid		7664939		75 ⁶
Sweet pipeline gas (Methane/Ethane)				42000 (1,000,000 scf)
Toluene	Methyl benzene	108883	U220	100 [†]
Toluene 2,4 diisocyanate		584849	U223	25 ⁶
Toluene 2,6 diisocyanate		91087	U223	25 ⁶
Vinyl acetate	Vinyl acetate monomer	108054		5000/100 [@]

Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Zinc		7440666		200 ⁶
Zinc compounds				200 ⁶
Volatile organic compounds not otherwise listed ⁴				5000
Only those highly reactive volatile organic compounds listed below: acetaldehyde; butenes (all isomers); ethylene; and propylene; toluene; xylene (all isomers); and/or isoprene 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).

** The combined emissions of all glycol ethers in one of the following three categories shall be totaled to determine if a reportable quantity has been exceeded.

1. This reportable quantity is applicable to the aggregate emissions of the following glycol ethers with an RQ of 100 refer only to the following compounds and not the general class of compounds: 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.

2. The federal RQ applies to any other mono- or di- ether of ethylene glycol, diethylene glycol, or triethylene glycol: R(OCH₂CH₂)_n-OR', where, n = 1, 2, or 3; R = alkyl or aryl groups; and R' = R, H, or any group which, when removed, yields glycol ether with the structure: R(OCH₂CH₂)_n-OH. Polymers are excluded from the glycol ether category.

3. For all other glycol ethers there is no RQ assigned.

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

~~⁶ Only emissions to the atmosphere are applicable.~~

@ The first RQ listed denotes the reportable quantities 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 quantities that will apply to unauthorized emissions based on total mass emitted into the atmosphere.

† The RQ listed denotes the reportable quantities 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.

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:**.