

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Under the authority of the 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 rulemaking procedures have been initiated to amend the Underground Storage Tanks regulations, LAC 33:XI.301 and 303 (Log #UT009).

The proposed rule revises the current regulations to require all owners of new underground storage tanks (UST) systems to register such tanks on the Underground Storage Tanks Registration Form (UST-REG-01) at least 30 days prior to bringing such tanks into use. The certification of installation form, UST Registration of Technical Requirements (UST-REG-02), will no longer be required to be submitted at the same time as the registration form. The proposed rule requires that this form be submitted within 60 days after the introduction of a regulated substance. (Note that the form names have changed.) This rule amends the Underground Storage Tanks Regulations to correct the existing problem with registration of new UST systems. The current regulations prohibit the placing of a regulated substance into an unregistered UST. The regulations currently require that in order to register a new UST, both the Registration of Underground Storage Tanks (UST-REG-01) form and the Registration of Technical Requirements for USTs (UST-REG-02) form be submitted within 30 days of bringing the tanks into use. This has caused a problem since the Registration of Technical Requirements for USTs form cannot be completed until a tank tightness test has been performed, which requires that the tank be filled with fuel. Therefore, the regulations are being revised to allow registration of a UST by completing the UST-REG-01 form 30 days before bringing a UST into use. This would be followed by submission of the UST-REG-02 form 60 days after fuel has been dropped in the UST and the tank can be certified as tight. The basis and rationale for this proposed rule are to allow fuel to be dropped into a UST for the purpose of tank tightness testing without violating the UST regulations.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (2) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 24, 2002, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by UT009. Such comments must be received no later than January 31, 2002, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-0389. Copies of this proposed regulation can be purchased at the above

referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of UT009.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

Title 33

ENVIRONMENTAL QUALITY

Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§301. Registration Requirements

* * *

[See Prior Text in A – A.3]

B. New UST Systems. Upon the effective date of these regulations, all owners of new UST systems (as defined in LAC 33:XI.103) must, ~~within 30 days of~~ at least 30 days before bringing such tanks into use, register them on ~~a form approved by the department~~ an *Underground Storage Tank Registration Form (UST-REG-01)*. Registration forms shall be filed with the Office of Environmental Services, Permits Division. The following registration requirements apply to new UST systems:

* * *

[See Prior Text in B.1 – C.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2194.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), LR 20:294 (March 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28.

§303. Standards for UST Systems

* * *

[See Prior Text in A – A.4.b.i.(e)]

ii. Beginning January 20, 1992, all owners and operators must ensure that the individual exercising supervisory control over installation critical junctures (as defined in LAC 33:XI.1303) of an UST system is certified in accordance with LAC 33:XI.Chapter 13. To demonstrate compliance with Subsection A.4.a of this Section, all owners and operators must provide a certification of compliance on ~~a new or amended UST registration form in accordance with LAC 33:XI.301.~~ the *UST Registration of Technical Requirements Form (UST-REG-02)* within 60 days of the introduction of any regulated substance. Forms shall be filed with the Office of Environmental Services, Permits Division.

* * *

[See Prior Text in A.4.c – B.5.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2194.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:728 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 28.

FISCAL AND ECONOMIC IMPACT STATEMENT

FOR ADMINISTRATIVE RULES

LOG #: UT009

Person

Preparing

Statement: Eddie Stelly

Dept.: Environmental Quality

Phone: (225) 765-0397

Office: Environmental Assessment

Return

Address: P.O. Box 82178

Rule: UST Registration Requirements

Title: Revisions – LAC 33:XI.301 and 303

Baton Rouge, LA 70884

Date Rule

Takes Effect: Upon Promulgation

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

No implementation costs or savings to state or local governmental units are expected as a result of this rule.

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

There should be no effect on revenue collections of state or local governmental units as a result of the implementation of this rule.

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

This rule will have no economic impact on owners or operators of Underground Storage Tanks (UST).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be affected as a result of the implementation of this rule.

Signature of Agency Head or Designee

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

James H. Brent, Ph.D., Assistant Secretary
Typed Name and Title of Agency Head
or Designee

Date of Signature

Date of Signature

LFO 7/1/94

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This proposed rule revises the current regulations to require all owners of new Underground Storage Tanks (UST) systems to register such tanks on the "Underground Storage Tank Registration" Form (UST-REG-01) at least 30 days prior to bringing such tanks into use. The certification of installation form, "UST Registration of Technical Requirements" (UST-REG-02) will no longer be required to be submitted at the same time as the registration form. The proposed rule requires that this form be submitted within 60 days after the introduction of a regulated substance. (Note that the form names have changed)

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This rule amends the Underground Storage Tanks Regulations to correct an existing problem with registration of new Underground Storage Tanks (UST) systems. The current regulations prohibit the placing of a regulated substance into an unregistered UST. The regulations currently require that in order to register a new UST, both the "Registration of Underground Storage Tanks" (UST-REG-01) Form and the "Registration of Technical Requirements for USTs" (UST-REG-02) Form be submitted within 30 days of bringing the tanks into use. This has caused a problem since the "Registration of Technical Requirements for USTs" Form cannot be completed until a tank tightness test has been performed, which requires that the tank be filled with fuel. Therefore, the regulations are being revised to allow registration of a UST by completing the UST-REG-01 Form 30 days before bringing a UST into use. This would be followed by submission of the UST-REG-02 Form 60 days after fuel has been dropped in the UST and the tank can be certified as tight.

- C. Compliance with Act II of the 1986 First Extraordinary Session
 - (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No, there will be no increase in the expenditure of funds.

- 2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) Yes. If yes, attach documentation.
 - (b) No. If no, provide justification as to why this rule change should be published at this time.

This section is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There is no anticipated change in costs to implement the proposed action.

| COSTS | FY 01-02 | FY 02-03 | FY 03-04 |
|------------------------|----------|----------|----------|
| PERSONAL SERVICES | | | |
| OPERATING EXPENSES | | | |
| PROFESSIONAL SERVICES | | | |
| OTHER CHARGES | | | |
| EQUIPMENT | | | |
| <u>TOTAL</u> | 0 | 0 | 0 |
| MAJOR REPAIR & CONSTR. | | | |
| <u>POSITIONS(#)</u> | 0 | 0 | 0 |

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This section is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

| SOURCE | FY 01-02 | FY 02-03 | FY 03-04 |
|-----------------------|----------|----------|----------|
| STATE GENERAL FUND | | | |
| AGENCY SELF-GENERATED | | | |
| DEDICATED | | | |
| FEDERAL FUNDS | | | |
| OTHER (Specify) | | | |
| <u>TOTAL</u> | 0 | 0 | 0 |

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No additional funding is necessary to implement the proposed rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No implementation cost or savings to local government units are expected as a result of this rule.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

This section is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

There should be no effect on revenue collections of state or local governmental units as a result of the implementation of this rule.

| REVENUE INCREASE/DECREASE | FY 01-02 | FY 02-03 | FY 03-04 |
|---------------------------|----------|----------|----------|
| STATE GENERAL FUND | | | |
| AGENCY SELF-GENERATED | 0 | 0 | 0 |
| RESTRICTED FUNDS* | | | |
| FEDERAL FUNDS | | | |
| <u>LOCAL FUNDS</u> | | | |
| <u>TOTAL</u> | <u>0</u> | <u>0</u> | <u>0</u> |

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This section is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

This rule will have no economic impact on owners or operators of new Underground Storage Tanks (UST) systems. The registration fees will remain unchanged.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This section is not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule will have no effect on competition and employment.