

**Comment Summary Response & Concise Statement –
Written Notification Procedures
LAC 33:I.3925
Log Number OS098**

COMMENT 1: The proposed Rules would revise Section 3925.B.2 as follows (LDEQ change underlined):

2. the time and date of prompt notification, the state official contacted when reporting, the name of the person making that notification, ~~and~~ identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred; and the location where the incident occurred;

LCA requests that the Department clarify in a Response to Comments that the phrase “the location where the incident occurred” means the general address for the site or facility, its Agency Interest No., or equivalent description if the release involves a transport vessel or vehicle, and not a specific location within a site or facility. LCA notes that the preamble to the proposal did not provide any information concerning this particular amendment. For a stationary source that has a LDEQ issued Agency Interest Number, providing such number should be sufficient information to both identify the site location. LCA does not object to the amendment, but believes that the above clarification is necessary to provide adequate instructions to the regulated community.

FOR: No argument is necessary; the comment does not suggest an amendment or change.

RESPONSE: 1: LDEQ appreciates LCA’s support of the amendment.

The request for the location where the incident occurred is not required for fixed facilities. This information is required for incidents that occur away from a fixed facility. This would include incidents such as, but not limited to:

- transportation related incidents, which would require either a street address, mile marker or distance from a specific interstate exit, and/or latitude/longitude coordinates;
- oil and gas related incidents, which would require an oil and gas field, well site, and/or latitude and longitude coordinates; or
- maritime incidents, which would require river mile or latitude/longitude coordinates.

COMMENT 2: The Department has proposed to allow submission of the written release report required by LAC 33:I.3925 via electronic mail (“e-mail”). The current rule authorizes transmittal of the required report only by mail or by facsimile (“fax”). The Department is also proposing to eliminate the option of submittal of such reports via fax.

LCA strongly supports the Department’s proposal to allow submittal of these reports via e-mail. The Proposed Rules will modernize efficient delivery of the report by allowing use of e-mail. The Department already accepts e-mail filing of requests for administrative hearing on enforcement actions and for the submittal of other types of regulatory documents. Further, many other states allow electronic filing of release reports such as those provided for in LAC 33:I.3925. LCA requests, however, that the Department make the following non-substantive revision to the proposed language (additions in double underline):

C. Written notification reports shall be submitted to SPOC by mail or ~~fax~~ electronic mail (email). The transmittal envelope and report or ~~fax cover page~~ email subject line and report should be clearly marked “UNAUTHORIZED DISCHARGE NOTIFICATION REPORT.” The email address can be found on the LDEQ webpage at the Single Point of Contact page under Written Notification Procedures: (LAC 33:I.3926) section.

AGAINST: The word Email is a 1970’s abbreviation of electronic mail and the meaning is widely known and universally accepted.

RESPONSE: 2: LDEQ appreciates LCA’s support for submittal of written notifications via Email.

The abbreviation of Email for electronic mail is universally accepted and defined by the Oxford Dictionary as “messages distributed by electronic means from one computer user to one or more recipients via a network.” and therefore, the definition for Email does not need to be explained.

The agency respectfully declines to make this change.

COMMENT 3: The LCA requests that the Department provide confirmation of receipt of e-mails submitting written release reports pursuant to LAC 33:I.3925.

FOR: No argument is necessary; LDEQ agrees with Comment 3 and it does not suggest an amendment or change.

RESPONSE: 3: LDEQ is working internally to develop a specific process for automatically generating a received receipt reply for Email submittals. This process will be in place before the rule is finalized.

COMMENT 4: LCA urges the Department to widely communicate to the regulated community that fax filing will no longer be accepted after the effective date of the Proposed Rules. Some facilities have established written protocols for fax filing and will need to inform and train their staff on alternative procedures.

FOR: No argument is necessary; LDEQ agrees with Comment 4 and it does not suggest an amendment or change.

RESPONSE: 4: The agency will utilize various means to notify affected stakeholders of this change. However, until such time receipt of faxes are fully phased out, the agency will continue to accept all written reports, including via fax.

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Comment #

SUGGESTED BY

1-4

Maureen N. Harbourt, Kean Miller LLP, on behalf of
Louisiana Chemical Association

Comments reflected in this document are repeated verbatim from the written submittals.

Total Commenters: 1

Total Comments: 4