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☐ EMERGENCY RULE ☒ NOTICE OF INTENT ☐ RULE ☐ POTPOURRI

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This is your authority to publish in the (month) December 20, 16 *Louisiana Register* the document indicated above.

Office of Conservation

Office/Board/Commission promulgating this document

Richard P. leyoub Commissioner

(name) (title)

Name and title of person whose signature will appear in the publication (at the end of the document)

Department of Natural Resources

Department under which office/board/commission is classified

Stacey Dykes 225 342-8244 225 242-3505

(name) (phone) (fax)

Name, phone number, and FAX number of person to contact regarding this document

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E-mail address of contact person

Amendment to LAC 43:XIX. Chapter 5

Short descriptive listing for this document to be used in the *Louisiana Register's* TABLE OF CONTENTS/INDEX

File name

Richard P. leyoub

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here: ☐

Signature of Agency Head or Designee

for Richard P. leyoub, Commissioner

Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT #

ISIS AGENCY: I certify the availability of fiscal year 16/17 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

AGENCY	COST CENTER	OBJECT	FUND	INTERNAL ORDER	ORG #
432	4321030300	4950	595006	43200N0900	N/A 4321

NON-ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

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Department of Natural Resources

Agency Name

P. O. Box 94275 Capitol Station

Street Address or Post Office Box

Baton Rouge LA 70804

City

State

Zip Code

Richard P. leyoub 225-342-5560

Signature of Agency Head or Designee - Phone #

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NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Advanced Notice of Rulemaking and Solicitation of Comments on Offsite E and P Waste Transfer Pipeline Systems (LAC 43:Part XIX.Subpart 1)

The Department of Natural Resources, Office of Conservation proposes to amend LAC 43: XIX.Subpart 1 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana. The proposed amendment is made to implement requirements for E and P Waste Transfer Pipeline Systems.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation – General Operations Subpart 1. Statewide Order No. 29-B

Chapter 5. Off-Site Storage, Treatment and/or Disposal of Exploration and Production Waste Generated from Drilling and Production of Oil and Gas Wells

§ 501. Definitions

...

Transfer Pipeline System-an offsite pipeline system by which only E and P Waste is transferred to a permitted in-state or out-of-state transfer station or disposal facility.

...

§ 503. - § 569.

§ 571. Requirements for E and P Waste Transfer Pipeline Systems

A. Notification

1. The Office of Conservation shall be notified in writing at least 30 days prior to installation of an offsite E and P Waste transfer pipeline system. Written notification shall include the following items:

- a. The pipeline system operator/company name, address and principal officer contact information including emergency contacts;
- b. Estimated time frame construction will begin;
- c. A list of all E and P Waste types to be transported via the pipeline system;
- d. A list of all E and P Waste operators/generators that will utilize the pipeline system;
- e. A narrative description, map(s) and schematic diagram(s) as necessary to accurately describe the geographic location of the entire pipeline system to be operated in Louisiana, the pipeline system starting and ending point and all points of entry in between, and the final in-state or out-of-state disposition of E and P Waste transmitted through the pipeline system.

f. Detailed plans for generator, transporter and commercial facility or transfer station operator compliance with manifesting requirements of LAC 43:XIX.571.C and 545.

2. The Office of Conservation shall be notified in writing no later than 5 calendar days following completion of construction of the E and P Waste transfer pipeline system. Such notification shall include the date, or anticipated date, when E and P Waste transmission operations are scheduled to begin.

3. The Office of Conservation shall be notified in writing of any change in the principal officers, management, or ownership of an E and P Waste transfer pipeline system within 10 calendar days of the change.

4. The Office of Conservation shall be notified in writing within 5 calendar days of the effective date of any change in the operational status of a pipeline system including but not limited to any changes to the items listed in 571.A.1 above; if and when a pipeline system, or section of the pipeline system is shut-in or removed from service, brought back into service, permanently removed from service and/or decommissioned.

B. Design, Operations and Maintenance Criteria

1. E and P Waste transfer pipeline systems shall be designed, constructed, operated and maintained in a manner which is protective of public health, safety and welfare and the environment, surface water, groundwater aquifers and underground sources of drinking water.

C. Manifesting Requirements

1. All E and P Waste transported via an E and P Waste transfer pipeline system shall be properly manifested in accordance with LAC 43:XIX.545. E and P Waste manifesting plans submitted for compliance with the notification requirements of LAC 43:XIX.571.A.1.f shall be approved by the Office of Conservation prior to implementation.

D. Reporting Requirements

1. Any spills which occur during the offsite transportation of E and P Waste where any quantity of E&P Waste is released directly to the environmental, i.e., the spilled E and P Waste is not completely confined within a non-earthen metal, plastic, fiberglass, concrete or other impervious containment system, shall be reported by phone to the Office of Conservation within 24 hours of the spill and other appropriate state and federal agencies in accordance with each agencies' applicable reporting requirements. A written report of the incident must be submitted within 5 calendar days detailing the incident and methods of corrective action. The report shall also include the identification of all operators/generators utilizing the E and P Waste transfer pipeline system at the time of discharge.

2. Initiation of pipeline repair and E and P Waste removal/containment system clean-up activities for any E and P Waste spill remaining within a containment system not required to be reported for compliance with LAC 43:XX.571.D.1 above shall commence as soon as is practicable within 24 hours of detection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation.

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Small Business Statement

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Public Comments

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., January 12, 2016, at Office of Conservation, Environmental Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Environmental Division, 617 North Third Street, Room 830, Baton Rouge, LA 70802. Reference Docket No. R A 2016-03. All inquiries should be directed to Gary Snellgrove at the above addresses or by phone to (225) 342-7222. No preamble was prepared.

Fiscal and Economic Impact Statement

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

There are no anticipated implementation costs to state or local governmental units as a result of the proposed rule change. As a result of natural gas shale production activities in North Louisiana, the first and only off-site exploration and production (E and P) waste fluids pipeline system for waste transportation to a permitted out-of-state disposal facility was installed in Louisiana. There was previously no state regulation or governing policy for notification, design, operation, maintenance, waste manifesting and reporting. Requirements for E and P Waste transfer pipeline systems (waste pipeline) currently exist by order of the Commissioner of Conservation. The proposed rule seeks to codify the existing agency policy into rule.

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

The proposed rule change will have no effect on revenue collections of state or local governmental units.

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

There has been and currently remains only one directly affected company operating an E and P waste transfer pipeline system in the state. The department believes that the company affected by these regulations has already incorporated these standards and is currently in compliance. To that end, there are no anticipated increased costs to the E and P waste transfer pipeline system operating company or other non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Richard P. Ieyoub
Commissioner
1501#032

Chief Economist