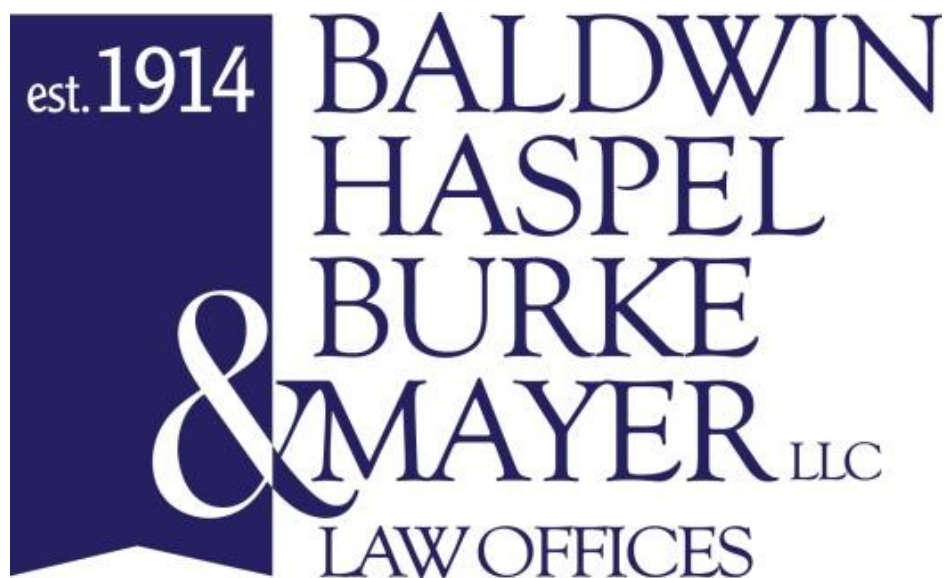


LOUISIANA ENVIRONMENTAL RELEASE REPORTING QUICK REFERENCE GUIDE

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GLOSSARY OF ACRONYMS

BSEE-Bureau of Safety and Environmental Enforcement	OPA-Oil Pollution Act
CERCLA-Comprehensive Environmental Response, Compensation and Liability Act	OCS-Outer Continental Shelf
CWA-Clean Water Act	PCB-Polychlorinated Biphenyls
EPCRA-Emergency Planning and Community Right-To-Know-Act	PHMSA-Pipeline and Hazardous Materials Administration
LAC-Louisiana Administrative Code	RCRA-Resource Conservation and Recovery Act
LDEQ-Louisiana Department of Environmental Quality	RP-Responsible Person
LDPS-Louisiana Department of Public Safety	RQ-Reportable Quantity
LEPC-Local Emergency Planning Committee	TSCA-Toxic Substance
NRC-National Response Center	US DOT-Department of Transportation
SERC-State Emergency Planning Commission	UST-Underground Storage Tanks
SPOC-Single Point of Contact	

Generally Applicable Across Media				
Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who must report:
LAC 33:I Chapter 39 “Notification Regulations and Procedures for Unauthorized Discharges”	LDEQ/LDPS	<u>Emergency Condition:</u> ¹ reportable regardless of the amount	<u>Emergency Condition:</u> Immediate Notification (within 1-hour) to LDPS 225-925-6595 LDPS will notify LDEQ of emergency Written Report: within 7 days.	Discharger
		<u>Non-Emergency Condition:</u> Reportable Quantity based upon amount released within a given continuous 24-hour period RQ established by: 40 C.F.R. 117.3 40 C.F.R. 320.4 LAC 33:I.3921(B)	<u>Non-Emergency Condition:</u> Within 24 hours of learning of the discharge, notification must be made to LDEQ/OEC at 225-763-3908 or 225-342-1234 (after hours) Using Incident Report Form ² Written Follow-up: To LDEQ OEC within 7 calendar days of initial notification	Discharger

¹ Emergency Condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water or air environment, or cause severe damage to property.

² <https://deq.louisiana.gov/index.cfm?md=form&tmp=home&fmid=online-incident-reporting-spill-incident-release>

Generally Applicable Across Media

Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
LAC 33:V Chapter 101; La. R.S. 30:2361-2380 Hazardous Material Information Development, Preparedness, and Response Act/ Right to Know Law	LDPS/LEPC	Regardless of amount: causes injury requiring hospitalization; any fatality; or results in a fire or explosion which could reasonably be expected to affect public safety beyond facility boundaries	Immediate Notification to LEPC then to:* LDPS 225-925-6595 Updates required if the circumstances change Written Report within 5 days *state regulation requires notification to LEPC first. Federal regulation simply requires notification to both LEPC & SERC/LDPS. To ensure compliance with both, call LEPC first.	Owner/Operator
		RQ release reasonably expected to escape beyond site of facility SEE RQ TABLE BELOW		
		If material requires an MSDS under 29 C.F.R. §1910.1200 SEE RQ TABLE BELOW		
		Owner/Operator has knowledge of off-site protective activity		
<p align="center"> Hazardous Material Group Reportable Quantity (RQ) ----- EHS (40CFR Part 355, Appendix A) As designated ----- CERCLA (40CFR Part 302, Table 302.4) As designated ----- DOT (49CFR Part 172, Appendix 172.101) As designated ----- Compressed or refrigerated flammable gases {*} 100 lbs. ----- Flammable liquids {*} 100 lbs. ----- All other liquids requiring an MSDS {*} 1000 lbs. ----- All other materials requiring an MSDS {*} 5000 lbs. ----- ----- {*} Where there are no federal RQs established </p>				

Generally Applicable Across Media				
Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
CERCLA 40 C.F.R. § 302	EPA	RQ of a material listed in 40 C.F.R. § 302.4, Table (release of RQ within a continuous 24 hour period)	Immediate notification to: National Response Center at 800-424-8802	Person in Charge
TSCA 40 C.F.R. § 761 PCB REPORTING	EPA	Under National Contingency Plan: all spills involving 1 pound or more by weight of PCBs	Immediate notification to: National Response Center at 800-424-8802	Responsible Party
		Where spill directly contaminates surface water, sewers, or drinking water supplies (§761.120(d))	EPA Region 6 214-665-7579 (Within 24 hours of discovery)	
		Where spill directly contaminates grazing lands or vegetable gardens (§761.120(d))	EPA Region 6 214-665-7579 (Within 24 hours of discovery)	
		>10 pounds of PCBs of 50 ppm or greater or spills regardless of amount of 50 ppm or greater directly contaminating surface water, sewers, drinking water supplies, grazing lands or vegetable gardens (≤10 pounds must be cleaned up, but not reported)	EPA Region 6 214-665-7579 (Within 24 hours of discovery) <u>AND</u> proceed to decontaminate the spill area in accordance with this TSCA policy in the shortest possible time after discovery, but in no case later than 24 hours after discovery.	
		Note: 40 C.F.R. §717.12 not required to record a significant adverse reaction to the environment if the alleged cause can be directly attributable to an accidental spill or other accidental discharge, emission exceeding permitted limits, or other incident of environmental contamination that has been reported to the Federal Government under any applicable authority.		

Groundwater				
Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
LAC 33:I. Chapter 39 Specifically, §3919	LDEQ	Any unauthorized discharge resulting in contamination of groundwater	Immediate if release is RQ 225-925-6595 Notify SPOC within 7 days. Written notification in accordance with §3925	Discharger
Groundwater→water located beneath the ground surface or below a surface water body in a saturated zone or stratum G-water contamination→ the degradation of naturally occurring groundwater quality either directly or indirectly as a result of human activities				

Surface Water				
Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
Clean Water Act/ OPA 40 C.F.R. § 117.21 40 C.F.R. § 110.6	EPA	Upon knowledge of any discharge of a designated hazardous substance from such vessel or facility in quantities equal to or exceeding in any 24-hour period the reportable quantity determined by <u>40 C.F.R. § 117.3</u> Table discharged to a navigable waterway, adjoining shoreline, or contiguous zone	Immediate notification to National Response Center at 800-424-8802 as required by <u>33 C.F.R. § 153.203</u>	Person in Charge a vessel or an onshore or an offshore facility
	USCG	Upon knowledge of any discharge of oil to navigable waterways, shorelines, and contiguous zones if: it violates applicable standards, or causes a film, sheen or discoloration	Immediate notification to National Response Center at 800-424-8802 as required by <u>33 C.F.R. § 153.203</u>	

Surface Water				
Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
LPDES Permit Reporting Requirements LAC 33:IX.2701	LDEQ	Any non-compliance with LPDES permit which may endanger health or environment	Within 24 hours by permittee to LDEQ as provided by LAC 33:I.3923	Permittee
		Any unanticipated bypass which exceeds any effluent limitation in the permit	Written report within 5 days per LAC 33:I.3925(B) and (C)	
		Any upset which exceeds any effluent limitation in the permit		
		Violation of maximum daily discharge limitation for any of the pollutions listed in the permit per LAC 33:IX.2707(G).		
		Other non-compliance with LPDES Permit not listed above	Report with Discharge Monitoring Reports	Permittee

Air				
Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
LAC 33:III.927	LDEQ	Unauthorized discharge of any air pollutant into the atmosphere	<p>Reported in accordance with LAC 33:I Chapter 30 (See chart above on pg 3)</p> <p>Written Reports pursuant to LAC 33:I.3925 also.</p> <p>Timely and appropriate follow-up reports should be submitted detailing methods and procedures to be used to prevent similar atmospheric releases.</p>	Discharger
Air contaminant → particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof produced by other than natural processes.				

Hazardous Waste				
Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
Louisiana Hazardous Waste Control Law (La. R.S. 30:2171, et seq.) LAC 33:V.105(J) LAC 33:V.309(L)(7) LAC 33:V.309(L)(11)	LDEQ	LAC 33:V.105(J) Unauthorized discharge of hazardous waste in contravention of 30:2171, et seq. or Regulations, or of terms of permit/license, <u>which results in an emergency condition</u>	Immediate Notification (within 1-hour) to LDPS 225-925-6595 LDPS will notify LDEQ of emergency Written Report: within 7 days.	Discharger
		Non-Emergency Condition	Shall notify SPOC within 24 hours of learning of discharge	Discharger
		LAC 33:V.309(L)(7) Any non-compliance which may endanger health or the environment	Within 24 hours exception as more immediate notification is required under LAC 33:I.Chapter 39	Permittee
		All noncompliance not otherwise reported	At the time monitoring reports are submitted	Permittee

SOLID WASTE				
Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
Solid Waste Regulations LAC 33:VII.315.F LAC 33:VII.315.H	LDEQ	Any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land of the state in contravention of the LEQA, the regulations or a permit issued thereunder	Reported to LDEQ Office of Environmental Compliance pursuant to LAC 33:I. Chapter 39 (see above)	Any person causing, allowing, or suffering said discharge or by any person with knowledge
		Or any accident, fire or explosion which results in such a discharge	<u>Emergency Condition:</u> Immediate Notification (within 1 hour) to LDPS 225-925-6595 LDPS will notify LDEQ of emergency Written Report: within 7 days. <u>All other Cases:</u> Within 24 hours to SPOC through email, online incident form or phone (LAC 33:I.3923)	Discharger
<i>Solid Waste</i> → any garbage, refuse, or sludge from a waste treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, and construction/demolition debris. <i>Solid waste</i> does not include solid or dissolved material in domestic sewage; solid or dissolved materials in irrigation-return flows or industrial discharges that are point sources subject to permits under La. R.S. 30:2074; source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended (42 U.S.C. Section 2011 et seq.); or hazardous waste subject to permits under La. R.S. 30:2171 et seq. LAC 33:VII.115.				

**MISCELLANEOUS
UST/TRANSPORTATION/OFFSHORE**

Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
<p>Under Ground Storage Tanks (USTs) <u>LAC 33:XI.707 and 713(A)</u></p>	<p>LDEQ</p>	<p>Suspected Releases (§707) Suspected release from UST; unusual operating conditions; defective monitoring device and recalibration</p> <p>§711: Must immediately investigate and confirm all suspected releases within 7 days</p>	<p>LDEQ Office of Environmental Compliance <24 hours If emergency condition: Immediately (unless more immediate reporting required under La. Discharge Notification Regulations)</p>	<p>All owners, operators, employees, agents, contractors, or assigns having knowledge of any</p>
		<p>Spill/overflow of petroleum >25 gallons or causes sheen in surface water, or results in an emergency condition</p>	<p>Report under LAC 33:I. Chapter 39</p>	
		<p>A release of a hazardous substance equal to or in excess of its reportable quantity</p>	<p>Shall also be reported immediately (rather than within 24 hours) to the National Response Center</p>	

New regulations for USTs recently became effective on September 20, 2018. Changes were made to the reporting and response provisions, which can be found at the following link. <https://deq.louisiana.gov/resources/category/regulations-lac-title-33>

**MISCELLANEOUS
UST/TRANSPORTATION/OFFSHORE**

Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
PHMSA: Hazardous Material Transportation 49 C.F.R. § 171.15 and 171.16 (incident reports) <i>(made effective in LA through LAC 33.V.10303)</i>	USDOT	<u>Incident during transportation</u> (including loading, unloading and temporary storage) as a direct result of a hazardous material where person is killed, hospitalized; >\$50K property damage; radioactive contamination; infectious substance release and several others (see Sec. 171.15(a) 1-5)	As soon as practical, but no later than 12 hours after the occurrence A telephone report is required to National Response Center at 800-424-8802	<u>Transporter</u>
LA Hazardous Materials Transportation and Motor Carrier Safety Act La. R.S. 32:1510	LDPS	<u>Incident during transportation</u> if person is killed, hospitalized due to fire, explosion or exposure; continuing danger to life, property, health; or \$10K property damage If release occurs within a facility subject to reporting requirements of <u>La. R.S. 30:2373</u> classified under the following SIC codes: 211, 22111, 3221, 324-326, 331, 4953, 4212 & 4789, it is exempted	Immediate notification to LDPS at 225-925-6595 A written report should also be filed with LDPS If HAZMAT is subject instead to Code of Federal Regulations, carrier should notify US DOT	<u>Each person involved in an incident, accident, or the cleanup of an incident or accident during the transportation, loading, unloading, or related storage in any place of a hazardous material</u>

**MISCELLANEOUS
UST/TRANSPORTATION/OFFSHORE**

Governing Regulation/Statute	Responsible Agency/ies	Reporting Requirement Trigger	Timing of Reporting Requirement	Who Must Report
OCS OPERATIONS 30 C.F.R. §§ 250.187, 254.46	BSEE	Oil spill of more than or believed to be more than 1 barrel liquid pollutant spill	Immediate to National Response Center, if oil and oral report to the BSEE Regional Supervisor (without delay) Written Report due within 15 days	“You”* *You means a lessee, the owner or holder of operating rights, a designated operator or agent of the lessee(s), a pipeline right-of-way holder, or a State lessee granted a right-of-use and easement 30 C.F.R. § 250.105
Inactive and Abandoned Sites LAC 33:VI.201(B)	LDEQ	Discovery of discharge or disposal of hazardous substance at inactive or uncontrolled site	SPOC within 24 hours by Owner/Operator/RP 30-day notification in writing using procedures in LAC 33:I.3925(B) & (C) by others listed in	Owner/Operator, Lessee, Transporter, Generator, Discharger or Disposer

Additional Resources:

<https://deq.louisiana.gov/page/rules-regulations>

<https://deq.louisiana.gov/page/written-notification-procedures>

<https://www.epa.gov/epcra/cercla-and-epcra-continuous-release-reporting>

<http://www.lsp.org/esu.html#>

<https://www.epa.gov/emergency-response/when-are-you-required-report-oil-spill-and-hazardous-substance-release>

Millan, Stanley A., Crochet, Anne J., and Stetter, Roger A., La. Prac. Env'tl. Compl. Ch. 7 Introduction (2018-2019 ed.)