

## NOTICE OF INTENT

### Department of Natural Resources

General Provisions  
(LAC 43:XIX.Chapter 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 rule changes will increase safety and prevent future accidents involving oil and gas storage tanks on drilling sites. (Note: The struck through portions are being removed from the existing rules and the underlined portions are being added to the existing rules.)

#### Title 43

#### NATURAL RESOURCES

#### Part XIX. Office of Conservation - General Operations

#### Subpart 1. Statewide Order No. 29-B

#### Chapter 1. General Provisions

#### §115. Fire Hazards

A. – C.1 \*\*\*

C.1. Each permanent oil, tank or battery of tanks that are located within the corporate limits of any city, town or village, or where such tanks are closer than 500 feet to any highway or inhabited dwelling or closer than 1000 feet to any school or church, must:

a. Be surrounded by a dike (or firewall) or retaining wall of at least the capacity of such tank or battery of tanks, with the exception of such areas where such dikes (or firewalls) or retaining walls would be impossible such as in water areas. At the discretion of the Commissioner of Conservation, firewalls of 100 percent capacity can be required where other conditions or circumstances warrant their construction.

b. Be enclosed by a fence no less than four feet high and at a minimum, composed of four strands of wire and a lockable gate which shall be locked when the site is unmanned and the fence and gate shall be properly maintained at all times. Conservation shall be provided a means to unlock the gate.

c. All hatches to the tank, which do not serve as a pressure relief device, must be sealed when the site is unmanned.

d. A warning sign must be prominently displayed on or immediately adjacent to the tank or ladder providing access to the tank and the gate providing entry to the site, denoting danger, flammable contents.

e. The above safety regulations must be implemented within three months of their promulgation.

C.2 – F. \*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:80 et seq.

HISTORICAL NOTE: Promulgated by Department of Natural Resources, Office of Conservation, LR 21:398 (August 2021)

#### 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.

#### Small Business Analysis

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

#### Provider Impact Statement

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

#### 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., April 10, 2019, at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Executive Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. Reference Docket No. R A 2021-01. All inquiries should be directed to John Adams at the above addresses or by phone to (225) 342-7889. No preamble was prepared.

#### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

#### RULE TITLE: Oilfield Site Restoration Fund

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

There are no anticipated implementation costs to the Department of Natural Resources (DNR) or local governmental units as a result of the proposed rule change. The proposed amendment will increase safety and prevent future accidents involving oil and gas storage tanks on drilling sites by requiring certain safety features at project sites.

#### 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 and local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes directly affect well operators. Operators of producing wells are currently required to maintain oil tanks in a safe manner. The proposed amendment specifies that a fence with locked gate and signage alerting of fire hazard are required for tanks that are closer than 500 feet to any highway or inhabited dwelling or closer than 1,000 feet to any school or church. DNR estimates the cost per operator to be less than \$1,000.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes are not anticipated to have any impact on competition or employment.

Richard P. Ieyoub  
Commissioner

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office