NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Division

Regulatory Permit for Oil and Gas Well Testing

(LAC 33:III.307) (AQ346)

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 Air regulations, LAC 33:III.307 (AQ346).

This revision to the section, Regulatory Permit for Oil and Gas Well Testing will allow well testing equipment to be utilized for longer than 10 operating days. The section, Regulatory Permit for Oil and Gas Well Testing currently limits operation of temporary separators, tanks, meters, and fluid-handling equipment to 10 operating days (LAC 33:III.307.E). The revision will allow well testing equipment to be utilized for longer periods such that additional testing events can be authorized by the regulatory permit process. The basis and rationale for this rule are to allow well testing equipment to be utilized for longer than 10 operating days such that additional testing events can be authorized by the regulatory permit process. This 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.

**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.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ346. Such comments must be received no later than August 2, 2017, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ346. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on July 26, 2017, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. 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 Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson

General Counsel

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 3. Regulatory Permits

§307. Regulatory Permit for Oil and Gas Well Testing

A. - D. …

E. Operation of temporary separators, tanks, meters, and fluid-handling equipment ~~beyond~~in excess of ~~10 operating days~~the following time periods shall not be authorized by this regulatory permit and must be approved separately by the administrative authority~~.~~:

1. for horizontally-drilled wells completed with or without hydraulic fracturing, 60 days; and

2. for vertically-drilled wells, 10 days.

F. - G. …

H. Definitions

*Horizontally-Drilled Well—*a well that is turned horizontally at depth, providing access to oil and gas reserves at a wide range of angles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 35:457 (March 2009), amended by the Office of the Secretary, Legal Division, LR 43: