

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Water Resources  
Water Pollution Control Division

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Pollution Control Division regulations, LAC 33:IX.708.C ( Log # WP023 ).

The provisions of this rule are applicable to discharges of produced water associated with oil and natural gas production activities. The original rule required termination of produced water discharges in intermediate, brackish, and saline water areas inland of the territorial seas by January 1, 1995, with possible extensions out to January 1, 1997. The original rule also required discharges to freshwater areas to be terminated by July 1, 1992, unless the discharge was directed to a major deltaic pass of the Mississippi River or to the Atchafalaya River, including Wax Lake Outlet, below Morgan City. The freshwater area discharges which did not have a July 1, 1992, termination date would be allowed to continue discharging indefinitely.

The proposed rule changes would allow continued produced water discharges for up to an additional two years (January 1, 1999) for operators to arrange for an alternate disposal method unless the discharge contains produced water of Outer Continental Shelf and/or territorial seas origin. The discharges of Outer Continental Shelf and/or territorial seas origin may continue for up to an additional three years (January 1, 2000). Pursuant to an approved schedule, produced water discharges shall not extend beyond the date upon which the produced water can reasonably be eliminated.

Various facilities have been unable to comply with the requirement to cease all discharges of produced water by January 1, 1997, because:

1) A number of facilities have applied to the Louisiana Department of Natural Resources (DNR) for permits to construct injection wells to receive the produced water that would otherwise be discharged. Due to personnel shortages at DNR, all of the permit applications will not be processed prior to January 1, 1997.

2) Facilities that discharge to a major deltaic pass of the Mississippi River under the authority of LAC 33:IX.708.2.a.iv possess a valid LWDPSS (state) permit which allows continued discharges of produced water. Upon the effective date of the federal guidelines on January 14, 1997, these dischargers still possessed a valid state permit which conflicts with the federal guidelines requiring zero discharge.

3) Certain facilities (open bay areas) that had authority to discharge produced water relied upon a United States Department of Energy study to support an individual or general permit or

a rule change to allow the discharge of produced water. These facilities are now required to attain zero discharge due to the federal guidelines.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on April 24, 1997, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. 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 please contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by the Log # WP023. Such comments should be submitted no later than May 1, 1997, at 4:30 p.m., to Patsy Deaville, Investigations and Regulation Development Division, Post Office Box 82282, Baton Rouge, LA, 70810 or to fax number (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of WP023.

This proposed regulation is available for inspection at the following DEQ office locations from 8:00 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, 4th floor, Baton Rouge, LA 70810; 804 31st Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508.

Linda Korn Levy  
Assistant Secretary

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part IX. Water Quality Regulations**

**Chapter 7. Effluent Standards**

**§708. Exploration for and Production of Oil and Natural Gas**

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**[See Prior Text in A-C.2.a.iii]**

iv. There shall be no discharge of produced water to freshwater swamp or freshwater marsh areas or to natural or manmade water bodies bounded by freshwater swamp or freshwater marsh vegetation unless the discharge has been specifically authorized identified in accordance with an approved schedule for discharge termination, ~~or the discharge has been authorized by a valid LWDPDS permit reflecting a discharge directed to a major deltaic pass of the Mississippi River or to the Atchafalaya River, including Wax Lake Outlet, below Morgan City and the discharge complies with all applicable portions of Subsection C.2.e of this Section.~~

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**[See Prior Text in C.2.a.v]**

b. Intermediate, Brackish, and Saline Water Areas Inland of the Territorial Seas

i. All produced water discharges must be specifically identified in a valid individual or general LWDPDS permit or order and must comply with all applicable portions of Subsection C.2.f of this Section.

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**[See Prior Text in C.2.b.ii-d]**

e. Discharge of Produced Water Into Freshwater Areas After January 1, 1997

i. In light of LPDES general permit LAG290000 and the "Final Effluent Limitations Guidelines and Standards for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category," published December 16, 1996, and effective January 14, 1997 (the federal guidelines), facilities that discharge produced water as

authorized in a valid LWDPDS permit as of July 1, 1996, shall cease the discharge of produced water by July 1, 1997, unless the continued discharge is specifically identified in an order.

ii. Each facility desiring to continue to discharge produced water after July 1, 1997, shall submit to the department, no later than May 1, 1997, a schedule to:

(a). accomplish reinjection of the produced water as expeditiously as possible, or

(b). return their produced water which originated seaward of the coastal areas identified in Subsection C.2.e.iv.(a) of this Section to those areas of origin.

iii. In addition to the schedule required in Subsection C.2.e.ii of this Section, the submittal shall include, at a minimum, a certification by the facility operator of all of the following:

(a). surface discharge of produced water is the only immediately available alternative;

(b). the produced water discharge elimination schedule is limited in term to the period necessary to provide an alternate waste-handling method;

(c). the discharge of produced water has not been eliminated pending the installation of injection systems or returning it to its area of origin (seaward of the coastal areas identified in Subsection C.2.e.iv.(a) of this Section);

(d). the discharge will not cause a violation of water quality standards in the receiving waters; and

(e). the discharge was previously permitted.

iv. Discharges of produced water pursuant to this rule shall not extend beyond the date upon which the produced water discharge can reasonably be eliminated. In no event shall a discharge of produced water to a major deltaic pass of the Mississippi River or to the Atchafalaya River, including Wax Lake Outlet, below Morgan City, continue:

(a). beyond January 1, 1999, for produced water generated in coastal areas as defined in 40 CFR part 435.41(e);

(b). beyond January 1, 2000, for produced water generated seaward of coastal areas identified in Subsection C.2.e.iv.(a) of this Section;  
or

(c). beyond January 1, 2000, for facilities that discharge produced water generated in any combination of areas described in Subsection C.2.e.iv.(a) and (b) of this Section.

v. There shall be no discharge of produced water to a major deltaic pass of the Mississippi River or to the Atchafalaya River, including Wax Lake Outlet, below Morgan City, after January 1, 2000.

f. Discharge of Produced Water Into Intermediate, Brackish, and Saline Water Areas Inland of the Territorial Seas After January 1, 1997

i. Notwithstanding the absolute deadline of Subsection C.2.b.v.(b) of this Section and in light of the federal guidelines, facilities previously authorized by valid LWDPs permits as of July 1, 1996, to discharge produced water under Subsection C.2.b.iv of this Section, pursuant to an approved compliance schedule shall:

(a). cease the discharge of produced water by February 14, 1997; or

(b). submit a revised schedule to accomplish injection of the produced water as expeditiously as possible. This schedule shall be received by the department on or before February 14, 1997. Submission of a schedule is not a defense to an enforcement action for a facility's failure to adhere to the terms and conditions of its permit or prior compliance schedule. In addition to the schedule submission, a certification must be submitted by the facility operator which includes the requirements of Subsection C.2.e.iii of this Section. No compliance schedules in an enforcement order shall extend beyond the minimum time demonstrated necessary for elimination of the discharge and in no case beyond January 1, 1999.

ii. All terms, conditions, limitations, and requirements of the most recent LPDES permit or compliance schedule or order identifying a produced water discharge shall continue in full force and effect unless the department provides otherwise in writing. A schedule to discharge produced water after July 1, 1997, is solely within the

department's enforcement discretion and shall be granted only through a compliance order.

iii. There shall be no discharge of produced water to natural or man-made water bodies located in intermediate, brackish, or saline marsh areas after January 1, 1999.

**[See Prior Text in C.3-5.f]**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:261 (April 1989), amended LR 17:263 (March 1991), LR