**Reporting of Unauthorized Discharges**

LAC 33:I.Chapter 39 establishes regulations for the reporting of unauthorized discharges or spills. This document is intended to assist the regulated community in determining when notification of discharges to the air must be provided.[[1]](#footnote-1)

**Discharges that Cause Emergency Conditions**

In the event of an unauthorized discharge that causes an emergency condition, the discharger must notify the Department of Public Safety’s Hazardous Materials Hotline (Hotline) by telephone at (225) 925-6595 immediately (i.e., a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances, but in no case later than one hour after learning of the discharge). An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public; cause significant adverse impacts to the land, water, or air; or cause severe damage to property. Notification must be made regardless of the amount of the discharge.[[2]](#footnote-2)

**Discharges that Do Not Cause Emergency Conditions**

In the event of an unauthorized discharge that does not cause an emergency condition, the discharger must notify the Hotline within 24 hours after learning of the discharge *if* the discharge exceeds a reportable quantity (RQ).[[3]](#footnote-3) If the discharge does not exceed an RQ, the discharger must notify the Louisiana Department of Environmental Quality (LDEQ) in accordance with applicable regulations.[[4]](#footnote-4)

**Reportable Quantities**

As noted above, in the event of an unauthorized discharge that does not cause an emergency condition, the discharger must determine if the discharge exceeds an RQ. LDEQ’s RQ list is set forth in LAC 33:I.3931; and, unless otherwise noted, the “basis for determination of the RQ for any pollutant is that quantity of the substance discharged continuously, intermittently, or as a one-time mass discharge within any continuous 24-hour period.”[[5]](#footnote-5)

*Discharges from Permitted Emission Points*

If the unauthorized discharge[[6]](#footnote-6) originates from an emission point addressed in an air permit issued pursuant to LAC 33:III.Chapter 3 or Chapter 5, the permittee may use the permitted maximum pound per hour rate for the affected emission point as the “floor” for determining if an RQ has been exceeded. However, if a permittee chooses to do so, emissions attributed to the unauthorized discharge must be included in the annual emissions total for the affected emission point for purposes of determining compliance with ton per year limitations.

Alternatively, the permittee may choose to use a “floor” of zero. In such case, emissions attributed to the unauthorized discharge should not be aggregated with other emissions from the emission point for purposes of determining compliance with ton per year limitations.

In both cases, emissions attributed to the unauthorized discharge should be reported to LDEQ’s Emissions Reporting and Inventory Center (ERIC) per LAC 33:III.919, if applicable.

*Discharges from Unpermitted Sources*

If the unauthorized discharge does not originate from an emission point addressed in an air permit, then the RQ “floor” shall be zero in all instances.

As before, emissions attributed to the unauthorized discharge should be reported to ERIC, if applicable.

*Examples*

In the following examples, the permitted maximum pound per hour rate for pollutant *A* is 500 pounds per hour and the RQ for pollutant *A* is 1000 pounds. In all cases, the unauthorized discharge does not cause an emergency condition.

1. An unauthorized discharge of 1400 pounds of *A* originates from a permitted flare.

In this example, the unauthorized discharge does *not* have to be reported per LAC 33:I.3917.A because excess emissions of *A* are less than 1500 pounds (i.e., the permitted maximum pound per hour rate plus the RQ).

1. An unauthorized discharge of 1400 pounds of *A* originates from a previously undetected and unpermitted leak in a pipeline.

In this example, the unauthorized discharge has to be reported per LAC 33:I.3917.A because excess emissions of *A* exceed 1000 pounds (i.e., the RQ “floor” of zero plus the RQ).

1. An unauthorized discharge of 1600 pounds of *A* originates from a permitted flare.

In this example, the unauthorized discharge has to be reported per LAC 33:I.3917.A because excess emissions of *A* exceed 1500 pounds (i.e., the permitted maximum pound per hour rate plus the RQ).

1. An unauthorized discharge of 900 pounds of *A* originates from a previously undetected and unpermitted leak in a pipeline.

In this example, the unauthorized discharge does *not* have to be reported per LAC 33:I.3917.A because excess emissions of *A* are less than 1000 pounds (i.e., the RQ “floor” of zero plus the RQ).

1. Note that LAC 33:I.Chapter 39 also applies to unauthorized discharges to water and land (LAC 33:I.3907). [↑](#footnote-ref-1)
2. LAC 33:I.3915.A.1 [↑](#footnote-ref-2)
3. LAC 33:I.3917.A [↑](#footnote-ref-3)
4. This document primarily focuses on LAC 33:I.Chapter 39. However, other reporting requirements may apply, including, but not limited to, LAC 33:III.919 (Emissions Inventory), Part 70 General Condition R (of LAC 33:III.535.A), Louisiana General Condition XI (of LAC 33:III.537.A), and LAC 33:III.5107.B. [↑](#footnote-ref-4)
5. LAC 33:I.3927.B [↑](#footnote-ref-5)
6. Unauthorized discharges may include “malfunctions” as defined in LAC 33:III.111 and “upsets” as defined in LAC 33:III.507.J.1. [↑](#footnote-ref-6)