

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter A. General Provisions

§5901. Incorporation by Reference of Federal Regulations

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR 68, July 1, 2017.

B. The volumes containing those federal regulations listed in Subsection A of this Section may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

C. Modifications or Exceptions. The following modifications or exceptions are made to the incorporated federal standards.

1. In 40 CFR 68.3 Definitions:

a. *Act*—either the Clean Air Act as amended (42 U.S.C. 7401 et seq.) or the Louisiana Environmental Quality Act, Subtitle II of Title 30.

b. *Administrator* or *Regional Administrator*—the administrator of the United States Environmental Protection Agency or his authorized representative.

c. *Implementing Agency*—Louisiana Department of Environmental Quality.

2. United States Environmental Protection Agency, U.S. Environmental Protection Agency, or EPA shall mean United States Environmental Protection Agency, except that it shall mean Louisiana Department of Environmental Quality in 40 CFR 68.150(a), 68.190(a), and 68.190(c).

3. In 40 CFR 68.10(a)(2) and 40 CFR 68.190(b)(2), the requirement is modified to read:

"Three years after the date on which a new regulated substance is first listed by EPA under 40 CFR 68.130, provided that the Department shall have adopted the addition of the new substance to 40 CFR 68.130 by three years after the date of the new EPA listing."

4. In 40 CFR 68.210, the availability of information to the public shall be ensured by the Louisiana Public Records Act, R.S. 44:1 et seq., except as otherwise declared confidential pursuant to R.S. 30:2030 and all regulations promulgated thereto including LAC 33:I.Chapter 5.

5. In 40 CFR 68.215, the air permitting authority shall refer to Louisiana Department of Environmental Quality permitting authority in LAC 33:III.Chapter 5.

6. In 40 CFR 68.130 the list of substances is modified to read:

"Storers of liquefied petroleum gas whose facilities are permitted through or inspected by the Louisiana Liquefied Petroleum Gas Commission of the Department of Public Safety and Corrections or storers of liquefied petroleum gas who use such gas as a fuel in an agricultural process are not subject to the provisions of this Chapter."

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:810 (May 2006), LR 33:1621 (August 2007), LR 34:1392 (July 2008), LR 35:1109 (June 2009), LR 36:2274 (October 2010), LR 37:2991 (October 2011), LR 38:1231 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1278 (May 2013), LR 40:1336 (July 2014), LR 41:1275 (July 2015), LR 42:1087 (July 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44:748 (April 2018).

§5907. General Duty

A. The owners and operators of stationary sources producing, processing, handling, or storing substances listed in 40 CFR 68.130, Table 59.0 of this Section, or Table 59.1 of LAC 33:III.5913 in quantities greater than the threshold quantities listed in those respective places (as determined in the manner described in 40 CFR 68.115), have a general duty in the same manner and to the same extent as Section 654 of Title 29 of the United States Code (Occupational Safety and Health Act) to identify hazards that may result from accidental releases of such substances using appropriate hazard assessment techniques, to design and maintain a safe facility, and to minimize the off-site consequences of accidental releases of such substances that do occur. For the purposes of this Section the provisions of R.S. 30:2026 (Citizen Suits) shall not be available to any person or otherwise be construed to be applicable to this Section. Nothing in this Section shall be interpreted, construed, implied, or applied to create any liability or basis for suit for compensation for bodily injury or any other injury or property damages to any person that may result from accidental releases of such substances.

Table 59.0 Supplemental List of Regulated Substances and Their Threshold Quantities for Accidental Release Prevention		
CAS Number	Chemical Name	Threshold Planning Quantity (pounds)
Varies	Alkylaluminums	5000
107-05-1	Allyl chloride	1000
7790-98-9	Ammonium perchlorate	7500
7787-36-2	Ammonium permanganate	7500
13863-41-7	Bromine chloride	1500
7789-30-2	Bromine pentafluoride	2500
7787-71-5	Bromine trifluoride	15000
106-96-7	Bromopropyne (3-) (Propargyl bromide)	100
75-91-2	Butyl hydroperoxide (tertiary)	5000
614-45-9	Butyl perbenzoate (tertiary)	7500
353-50-4	Carbonyl fluoride	2500
9004-70-0	Cellulose nitrate (Conc>12.6 percent nitrogen)	2500
13637-63-3	Chlorine pentafluoride	1000
7790-91-2	Chlorine trifluoride	1000
97-00-7	Chloro-2,4-dinitrobenzene (1-)	5000
96-10-6	Chlorodiethylaluminum	5000
76-06-2	Chloropicrin	500
None	Chloropicrin and methyl bromide mixture	1500
None	Chloropicrin and methyl chloride mixture	1500
80-15-9	Cumene hydroperoxide	5000
675-14-9	Cyanuric fluoride	100
110-22-5	Diacetyl peroxide (Conc>70 percent)	5000
334-88-3	Diazomethane	500
94-36-0	Dibenzoyl peroxide	7500
110-05-4	Dibutyl peroxide (tertiary)	5000
7572-29-4	Dichloro acetylene	250
557-20-0	Diethylzinc	10000
105-64-6	Diisopropyl peroxydicarbonate	7500
105-74-8	Dilauroyl peroxide	7500
97-02-9	Dinitroaniline (2,4-)	5000
1338-23-4	Ethyl methyl ketone peroxide (Conc>60 %)	5000
371-62-0	Ethylene fluorohydrin	100
684-16-2	Hexafluoroacetone	5000
10035-10-6	Hydrogen bromide	5000
7722-84-1	Hydrogen peroxide (Conc>=52 percent by weight)	7500
7803-49-8	Hydroxylamine	2500
463-51-4	Ketene	100
78-85-3	Methacrylaldehyde	1000
920-46-7	Methacryloyl chloride	150
30674-80-7	Methacryloyloxyethyl isocyanate	100
74-83-9	Methyl bromide	2500
453-18-9	Methyl fluoroacetate	100
421-20-5	Methyl fluorosulfate	100
74-88-4	Methyl iodide	7500
79-84-4	Methyl vinyl ketone	100
100-01-6	Nitroaniline (p-)	5000
7783-54-2	Nitrogen trifluoride	5000
10544-73-7	Nitrogen trioxide	250
75-52-5	Nitromethane	2500
20816-12-0	Osmium tetroxide	100
7783-41-7	Oxygen difluoride	100
19624-22-7	Pentaborane	100
7601-90-3	Perchloric acid (Conc>60 percent by weight)	5000
7616-94-6	Perchloryl fluoride	5000
627-13-4	Propyl nitrate	2500

Table 59.0 Supplemental List of Regulated Substances and Their Threshold Quantities for Accidental Release Prevention		
CAS Number	Chemical Name	Threshold Planning Quantity (pounds)
107-44-8	Sarin	100
7783-79-1	Selenium hexafluoride	1000
7803-52-3	Stibine (Antimony hydride)	500
5714-22-7	Sulfur pentafluoride	250
7783-80-4	Tellurium hexafluoride	250
10036-47-2	Tetrafluorohydrazine	5000
7719-09-7	Thionyl chloride	250
1558-25-4	Trichloro (chloromethyl) silane	100
27137-85-5	Trichloro (dichlorophenyl) silane	2500
2487-90-3	Trimethoxysilane	1500

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1126 (November 1996).

Subchapter B. Risk Management Program Requirements

§5911. Registration for Stationary Sources

A. The owner or operator of each stationary source that has a covered process as defined by 40 CFR 68.3 shall register with the Office of Environmental Compliance by the latest of the following dates:

1. January 31, 1998; or
2. within 60 days after the date on which a stationary source becomes subject to this Chapter.

B. The registration shall include the following:

1. the name of the stationary source, the owner/operator, the street address, the mailing address, the telephone number, and the program level (as defined by 40 CFR Part 68) of the facility (highest program of a process at the facility, Program 3 being the highest);

2. the name, mailing address, and telephone number of the invoicing contact person;

3. the location of the source by parish, and latitude and longitude; and

4. the following certification dated and signed by the owner or operator:

"The undersigned certifies that, to the best of my knowledge, information, and belief formed after reasonable inquiry, the information submitted is true, accurate, and complete."

C. If at any time after the submission of the registration, information in the registration is no longer accurate, the owner or operator shall submit an amended registration within 60 days to the Office of Environmental Compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:426 (April 1994), amended LR 22:1125 (November 1996), LR 23:1496 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2464 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 33:2097 (October 2007).

§5913. Supplementary List of Regulated Substances

A. All the requirements of this Chapter for regulated substances listed in 40 CFR 68.130 shall also apply to the supplementary list of chemicals in Table 59.1 of this Section present at stationary sources in more than the threshold quantities listed in Table 59.1 of this Section. If a new substance is added to Table 59.1, an owner or operator of a stationary source that has more than a threshold quantity of

that substance shall comply with all the requirements of this Chapter for regulated substances listed in 40 CFR 68.130 no later than three years after the date the substance is first listed in Table 59.1.

Table 59.1 Supplementary List of Regulated Toxic Substances and Their Threshold Quantities for Accidental Release Prevention (Alphabetical Order)		
CAS Number	Chemical Name	Threshold Planning Quantity (Pounds)
10544-72-6	Nitrogen Tetroxide	250

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1127 (November 1996).