

BOBBY JINDAL
GOVERNOR



HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL ASSESSMENT

March 14, 2008

Re: Red Tagging of Fill Ports / New UST Delivery Prohibition Process

Dear Underground Storage Tank Owners and Fuel Distributors:

On August 8, 2005, the Federal Energy Policy Act of 2005 became law, requiring states that receive federal grant money to promulgate Delivery Prohibition (Red Tag) regulations, requiring underground storage tank systems that are found to be out of compliance with certain regulations to have fuel deliveries prohibited, or "Red Tagged".

The Louisiana Department of Environmental Quality (LDEQ) developed Delivery Prohibition for USTs regulations (LAC 33:XI.Chapter 4) that became final on September 20, 2007. These regulations are available for review at the following website:

<http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx>.

Beginning April 15, 2008, LDEQ Underground Storage Tank Division will begin implementation of the Delivery Prohibition regulations and will begin classifying certain underground storage tanks as ineligible for delivery, deposit, or acceptance of product by means of "Red Tagging". LDEQ will immediately "Red Tag" underground storage tanks that are not registered, that do not meet the 1998 upgrade requirements (no corrosion protection, no spill prevention, or no overfill protection), that have no established release detection method, and tanks that have released product and the release has not been addressed. LDEQ will also "Red Tag" tanks with other violations (deficiencies in the operation and maintenance of release detection, corrosion protection, or spill and overfill prevention, or no financial responsibility) if the deficiencies are not corrected within 30 days of being notified of that deficiency by LDEQ. Physical red tags will be tied around the affected tank fill ports. The facility will be allowed to sell the remaining fuel in the affected tank(s), but no fuel deliveries will be allowed into the affected tank(s) until the tank/tank system has returned into compliance with the regulations.

LAC 33:XI.403.C states that "It shall be unlawful for any person to place, or allow the placement of, a regulated substance into a UST that the department has red tagged/prohibited from delivery of regulated substances under Subsection A or B of this Section".



If any fuel is delivered into a UST that has been Red Tagged, LDEQ may take enforcement action against both the UST owner and the fuel distributor. Violations of LAC 33:XI.403.C could result in penalties up to \$32,500 per event (LAC 33:I.705).

In order to provide adequate notification to product deliverers, LDEQ will publish a list of Red Tagged facilities on the LDEQ website (www.deq.louisiana.gov). This list will be updated whenever facilities are added and removed from the list. LDEQ will also email, fax, or call all identified active bulk distributors every time a UST facility is Red Tagged, and also when a Red Tag is removed.

The Red Tags can only be removed by LDEQ, or a person authorized by LDEQ, after written documentation is provided to LDEQ that documents that the affected tank/tank system has returned into compliance with the applicable UST regulations. Once compliance is documented, LDEQ has a two working day time frame to remove Red Tags, and LDEQ will make every effort to expedite the Red Tag removal process in order for compliant facilities to begin receiving fuel as soon as possible. Please contact Sam Broussard of my staff at 337-262-5744 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Chustz".

Steve Chustz, Administrator
Underground Storage Tank Division