

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Community Injection Wells and Systems (LAC 43:XIX.317)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, notice is hereby given that the Department of Natural Resources, Office of Conservation proposes to amend Statewide Order No. 29-B (LAC 43:XIX.317) to facilitate the use of produced water or brine in community enhanced recovery projects on a non-commercial basis.

The Department of Natural Resources, Office of Conservation proposes to amend provisions governing the oversight of the Class II Injection Well program within the Underground Injection Control (UIC) Program located within the Office of Conservation. Oversight for the Class II Injection Well program is held by the Underground Injection Control Program (UIC Program), located within the Louisiana Office of Conservation. Class II wells are a federally-designated well class that allow for the injection of fluid associated with exploration and production of hydrocarbons. The UIC Program has held Primary Enforcement Authority from the United States Environmental Protection Agency (US EPA) for Class II wells since 1982.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation

Subpart 1. Statewide Order No. 29-B

Chapter 3. Pollution Control—Onsite Storage, Treatment, and Disposal of Exploration and Production Waste (E and P Waste) Generated from the Drilling and Production of Oil and Gas Wells (Oilfield Pit Regulations)

§317. Requirements for Class II Community Saltwater Injection Wells and Systems

A. General Provisions

1. Community Saltwater Disposal Wells and Systems. The use of a legally permitted saltwater disposal well and system for community saltwater disposal purposes is prohibited unless the disposal well system operator submits a statement of noncommercial operation and the information requested in §317.B below to the Office of Conservation. Such statement must indicate that the operators using the community saltwater disposal system share only in the cost of operating and maintaining the well and related storage tanks and equipment (system).

2. Community Enhanced Oil Recovery Injection Wells and Systems. The use of a legally permitted enhanced oil recovery injection well for community saltwater injection purposes is prohibited unless the injection well operator submits a statement of noncommercial operation and the information requested in §317.B below to the Office of Conservation.

B. The operator of an existing or proposed community saltwater injection well and system must submit the following information to the Office of Conservation:

1. the name of the community saltwater injection system including the injection well name(s) and number(s), serial number(s), field, and section, township, and range;

2. a list of the operators using the community saltwater injection system;

3. - 5. ...

C. Within six months of the effective date of this amendment and annually thereafter, the operator of an existing community saltwater injection system shall report the information required in §317.B above to the Office of Conservation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 26:2806 (December 2000).

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on the family has been considered. The proposed rule has a positive impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;

3. the effect on employment and workforce development;

4. the effect on taxes and tax credits;

5. the effect on child and dependent care, housing, health care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule.

This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Stephen Lee, Director of the Injection and Mining Division, Office of Conservation, Louisiana Department of Natural Resources, P.O. Box 94396, Baton Rouge, LA 70804-9396. Written comments will be accepted through the close of business, 5:00 p.m. on December 1, 2022.

Public Hearing

Interested persons may submit written comments to Stephen Lee, Director of the Injection and Mining Division, Office of Conservation, Louisiana Department of Natural Resources, P.O. Box 94396, Baton Rouge, LA 70804-9396. Written comments will be accepted through the close of business, 5 p.m. on December 1, 2022. A public hearing is not currently scheduled, but if requested will be held on the morning of Thursday, December 1, 2022.

Richard P. Ieyoub
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This proposed rule change is not anticipated to result in costs or savings to state or local governmental units. The proposed rule adds language that allows for the operation of non-commercial community enhanced recovery injection well projects.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This rule change is not anticipated to have any effect on revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

This rule change will allow operators to re-use produced water or brine on a non-commercial basis for enhanced recovery projects. This rule change is likely to create a costs savings for operators of oil and gas wells located near enhanced recovery injection projects by not having to install injection wells or commercially dispose of their waste. Also, operators who operate these enhanced recovery projects will benefit by not having to install brine or water source wells.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have any impact on competition or employment.