

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment**

**Insignificant Activities List
(LAC 33:III.501)(AQ244)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.501 (Log #AQ244).

This Rule revision corrects contradictory language regarding "insignificant activities" that do not need a permit. LAC 33:III.501.B.5 states in part, "Any activity for which a state or federal applicable requirement applies is not insignificant, even if the activity meets the criteria below." However, Part D of the Insignificant Activities List table allows for an exemption if "no enforceable permit conditions are necessary to ensure compliance with any applicable requirement." Based on the existing list of insignificant sources, it was determined that the language in Part D of the table more accurately reflects the intent of the list. For example, the first entry in the table (A.1) is external combustion equipment with a design rate greater than or equal to 1 million Btu per hour (MM Btu/hr), but less than or equal to 10 MM Btu/hr. Small gas-fired heaters typically fall into this category. Such equipment would be subject to the opacity provisions of LAC 33:III.1101.B and the particulate limitations of LAC 33:III.1313.C; however, enforceable permit conditions (e.g., restrictions on fuel use or hours of operation) are not necessary to ensure compliance with these requirements. The basis and rationale for this proposed rule are to correct contradictory language in the Insignificant Activities List.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

Chapter 5. Permit Procedures

§501. Scope and Applicability

A. - B.4.b. ...

5. Insignificant Activities List. Those activities listed in the following table are approved by the permitting authority as insignificant on the basis of size, emission or production rate, or type of pollutant. By such listing, the permitting authority exempts certain sources or types of sources from the requirement to obtain a permit under this Chapter unless it is determined by the permitting authority on a site-specific basis that any such exemption is not appropriate. The listing of any activity or emission unit as insignificant does not authorize the maintenance of a nuisance or a danger to public health or safety. Any activity for which a federal applicable requirement applies is not insignificant, even if the activity meets the criteria below. For the purpose of permitting requirements under LAC

33:III.507, no exemption listed in the following table shall become effective until approved by the administrator in accordance with 40 CFR Part 70. For purposes of the insignificant activities listed in this Paragraph, *aggregate emissions* shall mean the total emissions from a particular insignificant activity or group of similar insignificant activities (e.g., A.1, A.2, etc.) within a permit per year.

Insignificant Activities List	

[See Prior Text in A. - B.31]	
32. generators, boilers, or other fuel burning equipment that is of equal or smaller capacity than the primary operating unit, that cannot be used in conjunction with the primary operating unit [except for short durations when shutting down the primary operating unit (maximum of 24 hours) and when starting up the primary operating unit until it reaches steady-state operation (maximum of 72 hours)], and that does not increase emissions of or the potential to emit any regulated air pollutant;	

[See Prior Text in B.33 - C.5]	
D. Exemptions Based on Emissions Levels	
The owner or operator of any source may apply for an exemption from the permitting requirements of this Chapter for any emissions unit provided each of the following criteria are met. Activities or emissions units exempt as insignificant based on these criteria shall be included in the permit at the next renewal or permit modification, as appropriate.	
a. The emissions unit emits and has the potential to emit no more than five tons per year of any regulated pollutant.	
b. The emissions unit emits and has the potential to emit less than the minimum emission rate listed in LAC 33:III.5112, Table 51.1, for each Louisiana toxic air pollutant.	
c. The emissions unit emits and has the potential to emit less than the de minimis rate established pursuant to Section 112(g) of the federal Clean Air Act for each hazardous air pollutant.	
d. No new federally enforceable limitations or permit conditions are necessary to ensure compliance with any applicable requirement.	

¹ State or federal regulations may apply.

B.6 - C.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002), amended by the Office of Environmental Assessment, LR 31:

A public hearing will be held on March 29, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. 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, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ244. Such comments must be received no later than April 5, 2005, at

4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ244. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Insignificant Activities List

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no costs or savings to state or local governmental units as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition; no effect on employment in the public and private sectors will be realized.

Wilbert F. Jordan, Jr.
Assistant Secretary
0502#057

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment**

Medical Events Occurring from X-Rays
(LAC 33:XV.102, 613, 615, 915, and 917)(RP038)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.102, 613, 615, 915, and 917 (Log #RP038).

This Rule adds new sections to the radiation regulations for medical events occurring as a result of the

misadministration of X-rays to human beings in the healing arts. LAC 33:XV.613 and 915 are being added to mirror the changes adopted for radioactive materials in LAC 33:XV.712, for notifications of medical events involving the use of X-rays. LAC 33:XV.615 and 917 are being added to mirror the changes adopted for radioactive materials in LAC 33:XV.710, for notifications for embryos/fetuses of medical events involving the use of X-rays. In June 2004, the department adopted new regulations for medical use of radioactive materials in order to mirror the new federal regulations. The definition for misadministration was eliminated and a new definition for medical event was adopted. The new definition was taken verbatim from the NRC rule, which does not include misadministrations occurring from X-rays. The department regulates diagnostic X-ray energies and linear accelerators in LAC 33:XV.Chapters 6 and 9, while the NRC does not. Additionally, new federal reporting requirements were also adopted regarding dose to an embryo/fetus. These new requirements need to be adopted with regard to X-rays as well, for both diagnostic and therapeutic X-ray energies. The basis and rationale for this rule are to modify the adopted federal regulation definition of medical event for misadministrations of radioactive material and reporting requirements for a dose to an embryo/fetus to include not only radioactive material but also X-ray radiation, which is not regulated by the NRC but is regulated by the department.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

**ENVIRONMENTAL QUALITY
Part XV. Radiation Protection**

Chapter 1. General Provisions

§102. Definitions and Abbreviations

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain chapter may be found in that chapter.

Medical Event an event that meets the criteria in LAC 33:XV.613.A, 712.A, or 915.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2563 (November 2000), LR 26:2767 (December 2000), LR 30:1171, 1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:

Chapter 6. X-Rays in the Healing Arts

§613. Notifications, Reports, and Records of Medical Events

A. A registrant shall report any medical event, except for an event that results from patient intervention, in which the

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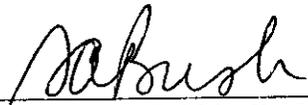
FEB 25 2005

1 DEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the official Journal of the State of Louisiana, the City of Baton Rouge, and the Parish of East Baton Rouge, in the following issues:

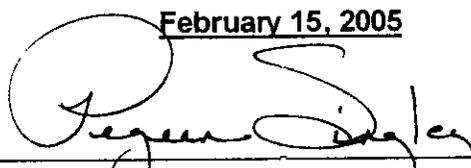
02/15/05



Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above:

February 15, 2005



Pегееп Singley, Notary Public, #66565
My Commission Expires: Indefinite
Baton Rouge, Louisiana

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Insignificant Activities List
(LAC 33:III.50) (AQ244)

Under the authority of the Environmental Quality Act, R.S. 33:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.50, (Log #AQ244).

This rule revision corrects contradictory language regarding "insignificant activities" that do not need a permit. LAC 33:III.50 (B)(5) states "in part, Any activity for which a state or federal applicable requirement applies is not insignificant, even if the activity meets the criteria below." However, Part D of the Insignificant Activities List table allows for an exemption if "no enforceable permit conditions are necessary to ensure compliance with any applicable requirement." Based on the existing list of insignificant sources, it was determined that the language in Part D of the table more accurately reflects the intent of the list. For example, the first entry in the table (A.1) is external combustion equipment with a design rate greater than or equal to 1 million Btu per hour (MM Btu/hr), but less than or equal to 10 MM Btu/hr. Small gas-fired heaters typically fall into this category. Such equipment would be subject to the opacity provisions of LAC 33:III.101.B and the particulate limitations of LAC 33:III.103.C; however, enforceable permit conditions (e.g., restrictions on fuel use or hours of operation) are not necessary to ensure compliance with these requirements. The basis and rationale for this proposed rule are to correct contradictory language in the Insignificant Activities List.

This proposed rule meets an exception listed in R.S. 33:2019 (D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on March 29, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. 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, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on this proposed regulation. Persons commenting should reference this proposed regulation by AQ244. Such comments must be received no later than April 5, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3550 or by e-mail to jdschuer@deq.louisiana.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ244. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/reg/index.htm>.

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Wilbert E. Jordan, Jr.
Assistant Secretary
3019574-fcb-15-11

3019574

DEQ - REGULATION

PO BOX 4314

BATON ROUGE

LA 70821-4314

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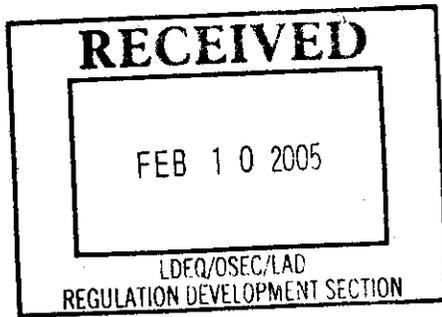
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Wilbert F. Jordan, Jr.
Assistant Secretary

Monroe, LA
February 20, 2005



Publisher of

**THE NEWS-STAR
MONROE, LOUISIANA
PROOF OF PUBLICATION**

The hereto attached advertisement
Was published in the NEWS-STAR.
A daily newspaper of general circulation.
Published in Monroe, Louisiana.
Parish of Ouachita in the issues of:

February 20, 2005

Seth Borden

LEGAL AD DEPT.

Sworn and subscribed before me by

The person whose signature appears above in Monroe, LA on this

6th day of March 20 05 AD

Virginia Heckabay

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REGULATION DEVELOPMENT SECTION

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THE ADVERTISER

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OEA/EPD/Regulation Development Section
P. O. Box 4314
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Department of Environmental Quality
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(LAC 33:111.501) (AQ244)

was published in **THE ADVERTISER** on the following dates:

***Monday, February 14, 2005**

Rose Penfold

ROSE PENFOLD
Legal Clerk

Sworn to and subscribed before me this 14th day of February, 2005.

Monica Lafleur 013817

NOTARY PUBLIC
Monica Lafleur 13817

Department of
Environmental Quality
Office of
Environmental
Assessment

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2/14/05

FEB 16 2005

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

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REGULATION DEVELOPMENT SECTION

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Office of Environmental Assessment

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Wilbert F. Jordan, Jr.
Assistant Secretary

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of The Times-Picayune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached

LEGAL NOTICE

RE: Notice of Intent Insignificant activities list (lac 33: III.501 (AQ244))

Advertisement of Dept. of Environmental Quality
P.O. BOX 4314
Baton Rouge, La. 70821-4313

Was published in The Times Picayune

On the following dates February 12, 2005

Sworn to and subscribed before me this
Day of February, 2005

14th

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492

CERTIFIED COPY

Feb 21/05

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LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

NOTICE OF INTENT
Department of Environmental Quality, Office of Environmental Assessment, Insignificant Activities List (LAC 33:111.501) (AQ244)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:111.501 (Log #AQ244).

This rule revision corrects contradictory language regarding 'insignificant activities' that do not need a permit. LAC 33:111.501.B.5 states in part, "Any activity for which a state or federal applicable requirement applies is not insignificant, even if the activity meets the criteria below." However, Part D of the Insignificant Activities List table allows for an exemption if "no enforceable permit conditions are necessary to ensure compliance with any applicable requirement." Based on the existing list of insignificant sources, it was determined that the language in Part D of the table more accurately reflects the intent of the list. For example, the first entry in the table (A.1) is external combustion equipment with a design rate greater than or equal to 1 million Btu per hour (MM Btu/hr), but less than or equal to 10 MM Btu/hr. Small gas-fired heaters typically fall into this category. Such equipment would be subject to the opacity provisions of LAC 33:111.1101.B and the particulate limitations of LAC 33:111.1313.C; however, enforceable permit conditions (e.g., restrictions on fuel use or hours of operation) are not necessary to ensure compliance with these requirements. The basis and rationale for this proposed rule are to correct contradictory language in the Insignificant Activities List.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on March 29, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. 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, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ244. Such comments must be received no later than April 5, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ244. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/reg/index.htm>.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Baratara Street, Lakeport, LA 70374.

Willbert F. Jordan, Jr.
Assistant Secretary
February 18 2005
00143104

Before me the undersigned authority, personally came and appeared

Kerlee R. Baudreaux
who being duly sworn, deposes and says:

He/She is a duly authorized agent of
LAKE CHARLES AMERICAN PRESS
a newspaper published daily at 4900 Highway 90 East,
Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893
Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s)
dated:

00143104 - \$48.00

February 18, 2005

Kerlee R. Baudreaux

Duly Authorized Agent

Subscribed and sworn to before me on this 18th day of February, 2005 at

Gwendolyn R. Dugas

Notary Public

19100876

LA DEPT OF ENVIRONMENTAL QUALITY

Gwendolyn R. Dugas
#056523

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Insignificant Activities List
(LAC 33:III.501) (AQ244)

..Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.501 (Log #AQ244).

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AP 2/14/05

The Times

PROOF OF PUBLICATION

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FEB 21 2005

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

STATE OF LOUISIANA
PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

. Altheas Critton, personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT Department of Environmental Quality Office of Environmental Assessment Insignificant Activities List (LAC 33:III.501) (AQ244)

February 14, 2005

(Signed) *Altheas Critton*

Sworn to and subscribed before me this 14th day of February 2005

Diana W. Barber
(Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE



..A public hearing will be held on March 29, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. 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, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

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..This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Baratania Street, Lockport, LA 70374.

..Wilbert F. Jordan, Jr.
..Assistant Secretary

The Times:
February 14, 2005

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3/17/05

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FEB 23 2005

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Insignificant Activities List
(LAC 33:111.501) (AQ244)

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This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on March 29, 2004, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to

I, Linda Ward, Call Center Supervisor

of THE TOWN TALK, published at Alexandria, Louisiana do solemnly swear that the

Legal Notice

advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for one insertions commencing with the issue dated February 18, 2005 and ending with the issue dated February 18, 2005.

Linda V. Ward

Subscribed and sworn to before me

this 18th day of February, 2005

[Signature]

Notary Number 019888

attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below, or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

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WILBERT F. JORDAN,
JR.
Assistant Secretary

(2) 18

COPY

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:
INSIGNIFICANT ACTIVITIES LIST
LOG #: AQ244
PUBLIC HEARING

The Public Hearing held by the Louisiana Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning, Regulation Development, at the Galvez Building, Room C111, 602 N. Fifth Street, Baton Rouge, Louisiana, beginning at 1:33 p.m., on March 29, 2005.

BEFORE: Lori B. Overland
Certified Court Reporter
In and For the State of
Louisiana

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APR - 5 2005

LDEQ/OEA/AQAD

ASSOCIATED REPORTERS, INC.

(225) 216-2036

A P P E A R A N C E S

FOR THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL
QUALITY:

Nicole Hano
Hearing Officer

Department of Environmental Quality
Office of Environmental Assessment,
Environmental Planning
Regulation Development, 6th Floor
P.O. Box 4314
Baton Rouge, Louisiana 70821-4314

* * * * *

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

8

REPORTER'S CERTIFICATE

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MS. HANO:

Good Afternoon! My name is Nicole Hano. I'm employed with the Louisiana Department of Environmental Quality. I'll be serving as hearing officer this afternoon to receive comments regarding proposed amendments to the State Implementation Plan (SIP) for Air Quality, and proposed amendments to the Environmental Quality regulations.

The comment period for the proposed amendments began on February 20, 2005, when the notices were published in the Louisiana Register. The comment period for rule Log Number OS062* will close at 4:30 p.m., today, March 29, 2005, and the comment periods for Log Numbers AQ244, AQ248, RP038, and RP040 will close at 4:30 p.m., April 5, 2005. The comment period for the proposed SIP amendments, including the addendum, will close at 4:30 p.m., May 6, 2005. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum

1 for all interested parties to present
2 comments on the proposed changes. I'll ask
3 that each person commenting come up and sit
4 at the front table and begin by stating his
5 or her name and affiliation for the record.

6 The first regulations amendment on the
7 agenda is designated by the Log Number
8 AQ244.

9 This rule revision corrects
10 contradictory language regarding
11 "insignificant activities" that do not need
12 a permit. LAC 33:III.501.B.5 states in
13 part, "Any activity for which a state or
14 federal applicable requirement applies is
15 not insignificant, even if the activity
16 meets the criteria below." However, Part D
17 of the Insignificant Activities List table
18 allows for an exemption if "no enforceable
19 permit conditions are necessary to ensure
20 compliance with any applicable requirement."
21 Based on the existing list of insignificant
22 sources, it was determined that the language
23 in Part D of the table more accurately
24 reflects the intent of the list. For
25 example, the first entry in the table (A.1)

1 is external combustion equipment with a
2 design rate greater than or equal to 1
3 million Btu per hour, but less than or equal
4 to 10 million Btu per hour. Small gas-fired
5 heaters typically fall into this category.
6 Such equipment would be subject to the
7 opacity provision of LAC 33:III.1101.B and
8 the particulate limitations of LAC
9 33:III.1313.C; however, enforceable permit
10 conditions (e.g., restrictions on fuel use
11 or hours of operation) are not necessary to
12 ensure compliance with these requirements.

13 Comments will begin with Henry Graham.

14 **MR. GRAHAM:**

15 Good afternoon. My name is Henry
16 Graham. I'm with the Louisiana Chemical
17 Association. LCA is a trade association
18 representing chemical manufacturers in the
19 State of Louisiana.

20 Some of our members -- or many of our
21 members have operating permits under the
22 Title 5 Program and therefore would be
23 impacted by the proposed rule.

24 The LCA supports the adoption of
25 AQ244. We believe that this clarification

1 is needed and is in line with the intent for
2 the rule to clarify those small heaters and
3 generators involved in fuel funding
4 equipment that would not need permits and
5 are thereby classified as insignificant
6 activities.

7 We appreciate the opportunity to
8 comment. Thank you.

9 **MS. HANO:**

10 Does anyone else care to comment on
11 this regulation?

12 If not, the hearing on AQ244 is
13 closed.

14 I'd like to thank you for your
15 attention and participation.

16 This hearing is closed.

17 **THE HEARING WAS CONCLUDED AT 1:35 P.M.**

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C E R T I F I C A T I O N

I, the undersigned reporter, do hereby certify that the above and foregoing is a true and correct transcription of the stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted, in the above entitled cause.

I further certify that the witness was duly sworn by me in my capacity as a Certified Court Reporter pursuant to the provisions of R.S. 37:2551 et seq. in and for the state of Louisiana; that I am not of counsel nor related to any of the counsel of any of the parties, nor in the employ of any of the parties, and that I have no interest in the outcome of this action.

I further certify that my license is in good standing as a court reporter in and for the state of Louisiana.

Lori Overland

Lori Overland, C.C.R.

97083





LOUISIANA MID-CONTINENT OIL AND GAS ASSOCIATION

801 NORTH BOULEVARD, SUITE 201, BATON ROUGE, LA 70802-5727
TELEPHONE (225) 387-3205 FAX (225) 344-5502
E-MAIL info@lmoga.com

April 4, 2005

Ms. Judith Schuerman
LDEQ Office of Environmental Assessment
Regulation Development Section
Post Office Box 4314
Baton Rouge, Louisiana 70821-4314

Re: Amendments to the Air Permit Insignificant Activities List
(Log #AQ244)

Dear Ms. Schuerman:

The Louisiana Mid-Continent Oil and Gas Association appreciates the opportunity to comment on the proposed amendments to the Air Permit Insignificant Activities List (Log # AQ244) which appeared in the February 20, 2005 Louisiana Register. Mid-Continent is an industry trade association representing individuals and companies who together produce, transport, refine and market crude oil, natural gas, petroleum products and electricity in Louisiana. Several Mid-Continent member companies have air permits with equipment affected by the proposed amendments.

Mid-Continent supports the proposed amendments. Mid-Continent agrees with the Department that the existing rule language was contradictory and confusing. The proposed amendments rectify this concern.

Once again, Mid-Continent appreciates the opportunity to submit these comments.

Very truly yours,

Richard T. Metcalf
Health, Safety and Environmental
Affairs Coordinator

**Comment Summary Response & Concise Statement – AQ244
Amendments to the Air Regulations
Insignificant Activities List
LAC 33:III.501**

COMMENT 1: — The commenter supports the proposed amendments. The proposed regulation is needed to clarify existing language that is confusing and contradictory.

The department agrees with the comment; no arguments are necessary.

RESPONSE 1: — The department appreciates the support.

**Comment Summary Response & Concise Statement Key – AQ244
Amendments to the Air Regulations
Insignificant Activities List
LAC 33:III.501**

<u>COMMENT #</u>	<u>SUGGESTED BY</u>
1	Henry Graham / Louisiana Chemical Association
1	Richard Metcalf / Louisiana Mid-Continent Oil and Gas Association

Exempt Compounds
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CF ₂ OC ₂ H ₅)
1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
methane
methyl acetate
methylene chloride (dichloromethane)
methyl formate (HCOOCH ₃)
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃)
parachlorobenzotrifluoride (PCBTf)
1,1,1,3,3-pentafluorobutane (HFC-365mfc)
pentafluoroethane (HFC-125)
1,1,1,2,3-pentafluoropropane (HFC-245eb)
1,1,1,3,3-pentafluoropropane (HFC-245fa)
1,1,2,2,3-pentafluoropropane (HFC-245ca)
1,1,2,3,3-pentafluoropropane (HFC-245ea)
perchloroethylene (tetrachloroethylene)
sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
1,1,1,2-tetrafluoroethane (HFC-134a)
1,1,2,2-tetrafluoroethane (HFC-134)
1,1,1-trichloroethane (methyl chloroform)
trichlorofluoromethane (CFC-11)
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123)
1,1,1-trifluoroethane (HFC-143a)
trifluoromethane (HFC-23)

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:189 (March 1994), LR 21:681 (July 1995), LR 21:1330 (December 1995), repromulgated LR 22:14 (January 1996), amended LR 22:703 (August 1996), LR 23:1661 (December 1997), LR 24:22 (January 1998), LR 25:258 (February 1999), amended by the Office of Environmental Assessment, LR 31:1062 (May 2005).

Wilbert F. Jordan, Jr.
Assistant Secretary

0505#023

RULE

Department of Environmental Quality Office of Environmental Assessment

Insignificant Activities List (LAC 33:III.501)(AQ244)

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This Rule revision corrects contradictory language regarding "insignificant activities" that do not need a permit. LAC 33:III.501.B.5 states in part, "Any activity for which a state or federal applicable requirement applies is not insignificant, even if the activity meets the criteria below." However, Part D of the Insignificant Activities List table allows for an exemption if "no enforceable permit conditions

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This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 5. Permit Procedures

§501. Scope and Applicability

A. - B.4.b. ...

5. Insignificant Activities List. Those activities listed in the following table are approved by the permitting authority as insignificant on the basis of size, emission or production rate, or type of pollutant. By such listing, the permitting authority exempts certain sources or types of sources from the requirement to obtain a permit under this Chapter unless it is determined by the permitting authority on a site-specific basis that any such exemption is not appropriate. The listing of any activity or emission unit as insignificant does not authorize the maintenance of a nuisance or a danger to public health or safety. Any activity for which a federal applicable requirement applies is not insignificant, even if the activity meets the criteria below. For the purpose of permitting requirements under LAC 33:III.507, no exemption listed in the following table shall become effective until approved by the administrator in accordance with 40 CFR Part 70. For purposes of the insignificant activities listed in this Paragraph, *aggregate emissions* shall mean the total emissions from a particular insignificant activity or group of similar insignificant activities (e.g., A.1, A.2, etc.) within a permit per year.

Insignificant Activities List	

[See Prior Text in A. - B.31]	
32.	generators, boilers, or other fuel burning equipment that is of equal or smaller capacity than the primary operating unit, that cannot be used in conjunction with the primary operating unit [except for short durations when shutting down the primary operating unit (maximum of 24 hours) and when starting up the primary operating unit until it reaches steady-state operation (maximum of 72 hours)], and that does not increase emissions of or the potential to emit any regulated air pollutant.

[See Prior Text in B.33 - C.5]	

Insignificant Activities List

D. Exemptions Based on Emissions Levels

The owner or operator of any source may apply for an exemption from the permitting requirements of this Chapter for any emissions unit provided each of the following criteria are met. Activities or emissions units exempt as insignificant based on these criteria shall be included in the permit at the next renewal or permit modification, as appropriate.

- a. The emissions unit emits and has the potential to emit no more than five tons per year of any regulated pollutant.
- b. The emissions unit emits and has the potential to emit less than the minimum emission rate listed in LAC 33:III.5112, Table 51.1, for each Louisiana toxic air pollutant.
- c. The emissions unit emits and has the potential to emit less than the de minimis rate established pursuant to Section 112(g) of the federal Clean Air Act for each hazardous air pollutant.
- d. No new federally enforceable limitations or permit conditions are necessary to ensure compliance with any applicable requirement.

¹ State or federal regulations may apply.

B.6 - C.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002), amended by the Office of Environmental Assessment, LR 31:1063 (May 2005).

Wilbert F. Jordan, Jr.
Assistant Secretary

0505#824

RULE

**Department of Environmental Quality
Office of Environmental Assessment**

**Medical Events Occurring from X-Rays
(LAC 33:XV.102, 613, 615, 915, and 917)(RP038)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Radiation Protection regulations, LAC 33:XV.102, 613, 615, 915, and 917 (Log #RP038).

This Rule adds new sections to the radiation regulations for medical events occurring as a result of the misadministration of X-rays to human beings in the healing arts. LAC 33:XV.613 and 915 are being added to mirror the changes adopted for radioactive materials in LAC 33:XV.712, for notifications of medical events involving the use of X-rays. LAC 33:XV.615 and 917 are being added to mirror the changes adopted for radioactive materials in LAC 33:XV.710, for notifications for embryos/fetuses of medical events involving the use of X-rays. In June 2004, the department adopted new regulations for medical use of radioactive materials in order to mirror the new federal regulations. The definition for misadministration was eliminated and a new definition for medical event was

adopted. The new definition was taken verbatim from the NRC rule, which does not include misadministrations occurring from X-rays. The department regulates diagnostic X-ray energies and linear accelerators in LAC 33:XV.Chapters 6 and 9, while the NRC does not. Additionally, new federal reporting requirements were also adopted regarding dose to an embryo/fetus. These new requirements need to be adopted with regard to X-rays as well, for both diagnostic and therapeutic X-ray energies. The basis and rationale for this rule are to modify the adopted federal regulation definition of medical event for misadministrations of radioactive material and reporting requirements for a dose to an embryo/fetus to include not only radioactive material but also X-ray radiation, which is not regulated by the NRC but is regulated by the department.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

**ENVIRONMENTAL QUALITY
Part XV. Radiation Protection**

Chapter 1. General Provisions

§102. Definitions and Abbreviations

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain chapter may be found in that chapter.

Medical Event an event that meets the criteria in LAC 33:XV.613.A, 712.A, or 915.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2563 (November 2000), LR 26:2767 (December 2000), LR 30:1171, 1188 (June 2004), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1064 (May 2005).

Chapter 6. X-Rays in the Healing Arts

§613. Notifications, Reports, and Records of Medical Events

A. A registrant shall report any medical event, except for an event that results from patient intervention, in which the administration of radiation involves the wrong patient, a procedure different than that which was authorized by the licensed practitioner of the healing arts, or a body site different from that which was authorized and intended to be exposed by the authorized X-ray procedure.

B. A registrant shall report any event resulting from intervention of a patient or human research subject in which the administration of radiation results or will result in unintended permanent functional damage to an organ or a physiological system, as determined by a physician.