

~~IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)~~

~~There is no estimated effect on competition or employment by the proposed rule.~~

~~Wilbert F. Jordan, Jr.
Assistant Secretary
0502#050~~

~~Robert E. Hosse
General Government Section Director
Legislative Fiscal Office~~

NOTICE OF INTENT

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

Air Regulations
(LAC 33:III.507, 1509, and 2305)(AQ248)

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.507, 1509, and 2305 (Log #AQ248).

This proposed Rule corrects the unit of measurement for the concentration of hydrogen sulfide that is exempt from the control measures of flaring or combustion, standardizes Part 70 reporting procedures for upset provisions, and removes a reference to Chapter 31, which was repealed and replaced with an incorporation by reference. The basis and rationale for this Rule are to correct errors in the regulations.

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
§507. Part 70 Operating Permits Program**

A. - J.2.c. ...

~~d. the owner or operator notified the permitting authority in accordance with LAC 33:1.Chapter 39.~~

~~S. 5. ...~~

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, 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 Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:~~

**Chapter 15. Emission Standards for Sulfur Dioxide
§1509. Reduced Sulfur Compounds (New and Existing Sources)**

A. All refinery process gas streams or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide shall be controlled by flaring or combustion. Units emitting less than 10 tons per year as hydrogen sulfide, or a concentration less than 400 ppmv

hydrogen sulfide, may be exempted from this Section by the administrative authority unless a more stringent federal or state requirement is applicable.

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 by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:375 (April 1992), LR 24:2241 (December 1998), amended by the Office of Environmental Assessment, LR 31:

Chapter 23. Control of Emissions for Specific Industries¹

Subchapter C. Phosphate Fertilizer Plants

§2305. Fluoride Emission Standards for Phosphate Fertilizer Plants

A. - B. ...

C. Reserved.

D. - E. ...

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 by the Office of Environmental Assessment, LR 31:

Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

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 the proposed regulation. Persons commenting should reference this proposed regulation by AQ248. 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 AQ248. 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: Air Regulations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no expected implementation costs or savings to state or local governmental units by the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units by the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs or significant economic benefits to directly affected persons or non-governmental groups by the proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition or employment by the proposed rule.

Wilbert F. Jordan, Jr.
Assistant Secretary
0502#058

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Crime Victims Reparations Board**

Award Limits (LAC 22:XIII.503)

In accordance with the provisions of R.S. 46:1801 et seq., the Crime Victims Reparations Act, and R.S. 49:950 et seq., the Administrative Procedure Act, the Crime Victims Reparations Board hereby gives notice of its intent to promulgate rules and regulations to the awarding of compensation to applicants. There will be no impact on family earnings and family budget as set forth in R.S. 49:972.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XIII. Crime Victims Reparations Board

Chapter 5. Awards

§503. Limits on Awards

A. - B.3. ...

C. Funeral Expenses

1. The board will reimburse up to a maximum of \$4,000 to cover reasonable expenses actually incurred for the funeral, burial or cremation.

2. Death and/or burial insurance taken out specifically for the purpose of burial must pay first. The amount of life insurance proceeds paid is no longer considered as a collateral source.

D. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February 1998), LR 25:26 (January 1999), LR 26:1019 (May 2000), LR 29:577 (April 2003), LR 31:

Interested persons may submit written comments on this proposed Rule no later than March 27, 2005, at 5 p.m. to Bob Wertz, Deputy Assistant Director, Commission on Law Enforcement and Administration of Criminal Justice, 1885 Wooddale Boulevard, Room 1230, Baton Rouge, LA 70806.

Lamarr Davis
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Award Limits**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is estimated that implementation of the proposed rule will annually increase expenditures by approximately \$19,000 in statutorily dedicated funds from the Crime Victims Reparations Fund which is derived from costs levied in state criminal courts. This figure was based on average awards made for funeral expenses from the last four years. The cost in subsequent years will depend on the number of applicants. This rule will increase current limits for funeral expenses which can be made to eligible victims of violent crimes. Printing costs for publication of these rules have been included in the total expenditure. Sufficient funds are available in the reparations fund to cover any possible expenditure at the state level.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
It is estimated that implementation of the proposed rule will increase revenue collections beginning in FY06 by approximately \$11,000; however, the exact amount is unknown. The dollar amount of federal grant funding allotted annually to the Louisiana Commission on Law Enforcement (LCLE) is contingent upon the dollar amount of state funds which the agency expends for crime victims in the preceding year; therefore, increased state expenditures will generate additional federal funding for the agency in the next fiscal year. Implementation of this rule should increase state expenditures beginning in FY06, thereby increasing federal revenue collections beginning in FY07.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed amendments will result in award increases up to \$4,000 to homicide victims of violent crimes.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no effect on competition or employment in the public or private sector as a result of this proposed amendment.

Michael A. Ranatza
Executive Director
0502#020

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Facility Planning and Control**

Capital Improvement Projects (LAC 34:III, Chapter 1 and 3)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the provisions of RS 39:121, The Division of Administration, Facility Planning and Control hereby gives notice of its intent to amend Title

RECEIVED

CERTIFIED COPY

Publisher of THE ADVOCATE

2/11/05

FEB 25 5 2005

DEQ/O&E/LAD REGULATION DEVELOPMENT SECTION

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment

Miscellaneous Corrections (LAC.33:III.507, 1509, and 2305) (AQ248)

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

Pegeen Singley, Notary Public, #56565 My Commission Expires: Indefinite Baton Rouge, Louisiana

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.507, 1509, and 2305 (Log #AQ248).

This proposed rule corrects the unit of measurement for the concentration of hydrogen sulfide that is exempt from the control measures of flaring or combustion, standardizes Part 70 reporting procedures for upset provisions, and removes a reference to Chapter 31, which was repealed and replaced with an incorporation by reference. The basis and rationale for this rule are to correct errors in the regulations.

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, 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.

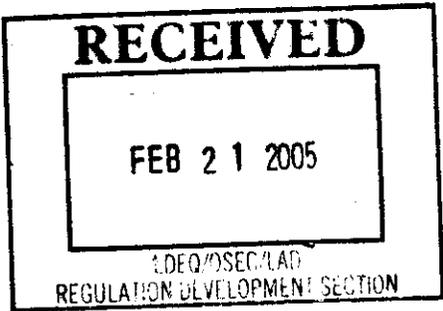
All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ248. Such comments must be received no later than April 5, 2005, at 4:30 p.m. and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental 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 AQ248. This regulation is available on the Internet at http://www.deq.louisiana.gov/planning/regs/index.htm.

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Wilbert F. Jordan, Jr. Assistant Secretary 3019576-feb 15-11

3019576

DEQ - REGULATION PO BOX 4314 BATON ROUGE LA 70821-4314



Handwritten initials and date 2/21/05

Acadiana's Daily Newspaper

THE ADVERTISER

221 JEFFERSON STREET
LAFAYETTE, LA 70501

PHONE: (337) 289-6300
FAX: (337) 289-6466

AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon
Department of Environmental Quality
OEA/EPD/Regulation Development Section
P. O. Box 4314
Baton Rouge, LA 70821-4314

Account No.: L-DEQRDS
Ad Number: 07530105
Ad Total: \$75.00
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**IN ORDER to insure proper credit please refer to your account number and/or ad number when making payment.

I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER, a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT
Department of Environmental Quality
Office of Environmental Assessment
Miscellaneous Corrections
(LAC 33:III.507, 1509, and 2305) (AQ248)

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

NOTICE OF INTENT

Department of
Environmental Quality
Office of
Environmental
Assessment

Miscellaneous
Corrections
(LAC 33:III-507, 1509,
and 2305) (AQ248)

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NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Miscellaneous Corr.
(LAC 33:III.507, 1509, and 2305 (AQ248))

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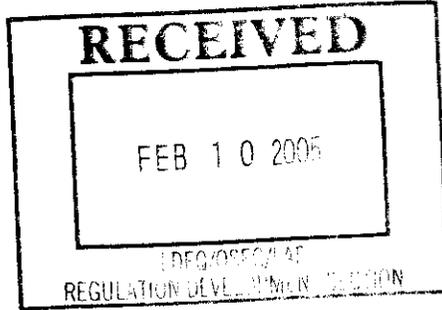
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Wilbert F. Jordan, Jr.
Assistant Secretary

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 Luckaba

NOTARY PUBLIC

Handwritten initials/signature

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 225-3206

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FEB 16 2005

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Miscellaneous Corrections
(LAC 33:III.507, 1509, and 2305)
(AQ248)

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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 Miscellaneous Corrections
(LAC 33:III.507, 1509 & 2305) (AQ248)

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

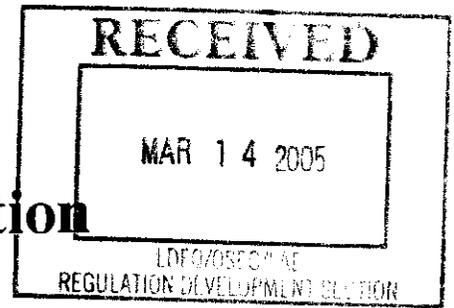
Was published in The Times Picayune

On the following dates February 12, 2005

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

Signature of Notary Public
Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.
Notary identification number 23492



Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Jence R. Boudreaux
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:

00148710 - \$38.00
March 11, 2005

Jence R. Boudreaux
Duly Authorized Agent

Subscribed and sworn to before me on this 11st day of March, 2005 at
Lake Charles, LA

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
Miscellaneous Corrections

(LAC 33:111.507, 1509, and 2305) (AQ248)
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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 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary
March 11 11
00148710

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment

Miscellaneous Corrections
(LAC 33:III.507, 1509, and 2305) (AQ248)

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.507, 1509, and 2305 (Log #AQ248).

This proposed rule corrects the unit of measurement for the concentration of hydrogen sulfide that is exempt from the control measures of flaring or combustion, standardizes Part 70 reporting procedures for upset provisions, and removes a reference to Chapter 31, which was repealed and replaced with an incorporation by reference. The basis and rationale for this rule are to correct errors in the regulations.

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, 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.

CERTIFIED COPY

Ad 2/12/05

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 Miscellaneous Corrections (LAC 33:III.507, 1509, and 2305) (AQ248)

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

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ248. 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 AQ248. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

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Wilbert F. Jordan, Jr.
Assistant Secretary

The Times
February 14, 2005

CERTIFIED COPY

3/1/05

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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

Miscellaneous Corrections
(LAC 33:111.507, 1509, and 2305) (AQ248)

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This proposed rule corrects the unit of measurement for the concentration of hydrogen sulfide that is exempt from the control measures of flaring or combustion, standardizes Part 70 reporting procedures for upset provisions, and removes a reference to Chapter 31, which was repealed and replaced with an incorporation by reference. The basis and rationale for this rule are to correct errors in the regulations.

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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

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 AQ248. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

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WILBERT F. JORDAN,
JR.
Assistant Secretary.

COPY

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:
MISCELLANEOUS CORRECTIONS
LOG #: AQ248
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 1:36 p.m., on March 29, 2005.

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

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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

6

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 next rule amendment is designated
7 by the Log Number AQ248.

8 This proposed rule corrects the unit
9 of measurement for the concentration of
10 hydrogen sulfide that is exempt from the
11 control measures of flaring or combustion,
12 standardizes Part 70 reporting procedures
13 for upset provisions, and removes a
14 reference to Chapter 31, which was
15 previously repealed and replaced with an
16 incorporation by reference.

17 Does anyone care to comment on this
18 regulation?

19 If not, the hearing on AQ248 is
20 closed.

21 I'd like to thank you for your
22 attention and participation.

23 This hearing is closed.

24 **THE HEARING WAS CONCLUDED AT 1:37 P.M.**

25 * * * * *



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: Miscellaneous Corrections to the Air Rules
(Log #AQ248)

Dear Ms. Schuerman:

The Louisiana Mid-Continent Oil and Gas Association appreciates the opportunity to comment on the proposed Miscellaneous Air Rule Corrections (Log # AQ248) 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.

Mid-Continent seeks clarification from the Department regarding a fact situation covered by one of the subsections being amended. Produced natural gas may contain hydrogen sulfide and other contaminants (e.g. carbon dioxide). These contaminants are removed from the natural gas at or near the well site. The 10 ton per year and 400 ppmv exemption thresholds in Subsection 1509.A. may be exceeded in this "waste" gas stream. Mid-Continent's concern is that this waste gas stream is typically not combustible without the addition of significant amounts of natural gas. In such instances, can a facility request a site specific exemption from this requirement assuming there is not public health concerns from the venting of this gas stream? Mid-Continent is not requesting the Department amend the rule to address this concern. A clarification in the response to comments will suffice.

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 – AQ248
Amendments to the Air Regulations
Miscellaneous Corrections
LAC 33:III.507, 1509, and 2305

COMMENT 1: §1509.A — Commenter seeks clarification concerning a site specific exemption when removing contaminants (hydrogen sulfide, carbon dioxide) which may be present in natural gas, at or near the well site. Can a facility request a site specific exemption from this requirement assuming there are no public health concerns from the venting of this gas stream?

No arguments necessary since the provision in question is not part of this rulemaking.

RESPONSE 1: — The department does not plan to specifically address this comment at this time because it is irrelevant to the rulemaking (the rulemaking added “v” to “ppm”). However, the commenter’s letter was sent to the Permits Division for their review.

Comment Summary Response & Concise Statement Key – AQ248
Amendments to the Air Regulations
Miscellaneous Corrections
LAC 33:III.507, 1509, and 2305

COMMENT #

SUGGESTED BY

1

Richard Metcalf / Louisiana Mid-Continent Oil
and Gas Association

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 7. Use of Radionuclides in the Healing Arts

§703. License Amendments and Provisions for Research Involving Human Subjects

A. - A.1. ...

2. before permitting anyone to work as an authorized user, authorized medical physicist, or authorized nuclear pharmacist under the license, except an individual who is:

a. - b. ...

c. identified as an authorized user, an authorized medical physicist, or an authorized nuclear pharmacist on a department, Nuclear Regulatory Commission, licensing state, or agreement state license that authorizes the use of radioactive material in medical use or in the practice of nuclear pharmacy, respectively; or

d. identified as an authorized user, an authorized medical physicist, or an authorized nuclear pharmacist on a permit issued by a department, Nuclear Regulatory Commission, licensing state, or agreement state specific licensee of broad scope that is authorized to permit the use of radioactive material in medical use or in the practice of nuclear pharmacy, respectively;

3. before changing a radiation safety officer, authorized medical physicist, or teletherapy physicist;

A.4. - D. ...

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 the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 24:2101 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2587 (November 2000), LR 30:1173 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005).

§704. Notifications

A. A licensee shall provide to the Office of Environmental Services, Permits Division, a copy of the board certification, the Nuclear Regulatory Commission or agreement state license, or the permit issued by a licensee of broad scope for each individual no later than 30 days after the date that the licensee permits the individual to work as an authorized user, an authorized nuclear pharmacist, or an authorized medical physicist in accordance with LAC 33:XV.703.A.2.

B. A licensee shall notify the Office of Environmental Services, Permits Division, by letter no later than 30 days after:

1. - 2. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2101 (November 1998), amended by the

Office of Environmental Assessment, Environmental Planning Division, LR 26:2587 (November 2000), LR 30:1173 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005).

§763. Training

A. - F.2.b.iii. ...

iv. using administrative controls to prevent a medical event involving the use of radioactive material; and

F.2.b.v. - O. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2106 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2590 (November 2000), LR 30:1186 (June 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005).

Wilbert F. Jordan, Jr.
Assistant Secretary

0505#027

RULE

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

Air Regulations
(LAC 33:III.507, 1509, and 2305)(AQ248)

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 Air regulations, LAC 33:III.507, 1509, and 2305 (Log #AQ248).

This Rule corrects the unit of measurement for the concentration of hydrogen sulfide that is exempt from the control measures of flaring or combustion, standardizes Part 70 reporting procedures for upset provisions, and removes a reference to Chapter 31, which was repealed and replaced with an incorporation by reference. The basis and rationale for this Rule are to correct errors in the regulations.

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 III. Air**

Chapter 5. Permit Procedures

§507. Part 70 Operating Permits Program

A. - J.2.c. ...

d. the owner or operator notified the permitting authority in accordance with LAC 33:I.Chapter 39.

3. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, 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 Office of Air Quality and Radiation Protection, Air Quality

Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005).

Chapter 15. Emission Standards for Sulfur Dioxide
§1509. Reduced Sulfur Compounds (New and Existing Sources)

A. All refinery process gas streams or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide shall be controlled by flaring or combustion. Units emitting less than 10 tons per year as hydrogen sulfide, or a concentration less than 400 ppmv hydrogen sulfide, may be exempted from this Section by the administrative authority unless a more stringent federal or state requirement is applicable.

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 by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:375 (April 1992), LR 24:2241 (December 1998), amended by the Office of Environmental Assessment, LR 31:1062 (May 2005).

Chapter 23. Control of Emissions for Specific Industries¹

Subchapter C. Phosphate Fertilizer Plants

§2305. Fluoride Emission Standards for Phosphate Fertilizer Plants

- A. - B. ...
- C. Reserved.
- D. - E. ...

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 by the Office of Environmental Assessment, LR 31:1062 (May 2005).

¹ Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

Wilbert F. Jordan, Jr.
 Assistant Secretary

0505#025

RULE

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

**Control of Emission of Organic Compounds Exemptions
 (LAC 33:III.2117)(AQ250*)**

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 Air regulations, LAC 33:III.2117 (Log #AQ250*).

This Rule is identical to federal regulations found in 69 FR 69290-69298, No. 228 (November 29, 2004), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (226) 219-3550 or Box 4314, Baton Rouge, LA

70821-4314. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule reorganizes the list of organic compounds that are exempt from control requirements of LAC 33:III.Chapter 21 to make it more practical. The rule also adds four compounds to the exemptions list. The four new compounds are: 1,1,1,2,2,3,3,3-heptafluoro-3-methoxypropane (n-C₃F₇OCH₃, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); and methyl formate (HCOOCH₃). These newly added compounds are considered to make a negligible contribution to tropospheric ozone formation and should not be counted as volatile organic compounds (VOC). This rulemaking is necessary to keep the state list of exempted compounds identical to the federal list of compounds that make a negligible contribution to tropospheric ozone formation. The basis and rationale for this Rule are to mirror the federal regulations.

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 III. Air**

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2117. Exemptions

A. The compounds listed in the following table are exempt from the control requirements of this Chapter.

Exempt Compounds
acetone
1-chloro-1,1-difluoroethane (HCFC-142b)
chlorodifluoromethane (HCFC-22)
1-chloro-1-fluoroethane (HCFC-151a)
chlorofluoromethane (HCFC-31)
chloropentafluoroethane (CFC-115)
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
cyclic, branched, or linear completely fluorinated alkanes
cyclic, branched, or linear completely fluorinated ethers with no unsaturations
cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations
cyclic, branched, or linear completely methylated siloxanes
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee)
dichlorodifluoromethane (CFC-12)
1,1-dichloro-1-fluoroethane (HCFC-141b)
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-difluoroethane (HFC-152a)
difluoromethane (HFC-32)
ethane
3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500)
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅)
ethyl fluoride (HFC-161)
1,1,1,2,2,3,3,3-heptafluoro-3-methoxypropane (n-C ₃ F ₇ OCH ₃ , HFE-7000)
1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane (CF ₃) ₂ CF ₂ OCH ₃)