

AQ 287P
Rulemaking Petition for the Repeal of LA 33.III.510
(LAC 33.III.603,605,607,613,615)

Section 701.N adds a section to publisher requirements that outlines and imposes consequence for policy violations. The language specifies that complaints must be in writing and allows an opportunity for response to a reported violation. Consequences include a formal letter of warning to the company, recommendations from the department to the state Board of Elementary and Secondary Education for removal from the current or future adoption process, and/or the delay/negation of contract negotiations.

**Title 28
EDUCATION**

**Part XXXIII. Bulletin 1794—State Textbook Adoption
Policy and Procedure Manual**

Chapter 5. Local School System Responsibilities

§507. Local Adoption Procedures

A. - E.4. ...

F. Sampling of Textbooks by Publishers; Violation Will Disqualify Publisher.

1. Publishers are to furnish samples only at the written request of the local school system textbook adoption coordinator after the state committee review.

2. Samples are to be limited to one sample pack per grade/subject per school, plus one additional set per district. Supervisors may request up to two additional teacher editions per grade/subject.

3. ...

4. Publishers must notify local school systems, in writing, of the need to have samples returned. If notified by publishers, all samples received by local school systems must be picked up by the publisher within 30 days after the local adoption.

5. Publishers must make all necessary arrangements for sample returns at publisher's expense.

6. The "piloting" of new materials in any school or school system prior to official review by the State Textbook Adoption Committee and final approval by the SBESE is prohibited. Publishers are not to offer school-wide copies or classroom sets of any item or material on a trial or pilot basis.

G. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1443 (August 1999), repromulgated LR 26:998 (May 2000), amended LR 29:124 (February 2003), LR 32:1031 (June 2006), LR 33:2067 (October 2007).

Chapter 7. Publishers' Responsibilities

**§701. Requirements for Publishers' Participation in
State Textbook Adoption**

A. - H. ...

I. Awareness sessions or any similar activities are strictly prohibited. Publishers shall not contact teachers, principals, or other school system employees, provide meals, materials, trips, or any other free items in conjunction with a preview or overview of materials being considered for adoption. This does not prohibit publishers from displaying at conferences materials being considered for adoption.

1. Upon request by school personnel at conferences, publishers may provide examination copies if the materials are to be used for the benefit of Louisiana students.

J. - L.1. ...

M. Publishers are to furnish sample materials only at the written request of the local school system textbook adoption coordinator after the state committee review.

1. Samples are to be limited to one sample pack per grade/subject per school, plus one additional set per district. Supervisors may request up to two additional teacher editions per grade/subject.

N. Consequences for policy violations will be imposed.

1. Complaints of possible policy violations shall be in writing. The party against whom the complaint is made will be afforded an opportunity to respond in writing. After consideration, the agency shall take appropriate action which may include a formal written letter of warning to the publishing company home office, its local representative, the Louisiana Association of Publishers.

2. Repeated violations will be reported to the state Board of Elementary and Secondary Education with department recommendation to dismiss the publisher from current and/or future adoption.

3. Reported violations may also result in delay of or negate contract negotiations.

AUTHORITY NOTE: Promulgated in accordance with Article VIII, Section 13(A) of 1984; R.S. 17:7(4); 8-8.1; 172; 236; 351-353; 361-365; 415.1; 463.46.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:1446 (August 1999), repromulgated LR 26:1002 (May 2000), amended LR 29:125 (February 2003), LR 32:1031 (June 2006), LR 33:2067 (October 2007).

Weegie Peabody
Executive Director

0710#009

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Calcasieu Parish Control of Emissions
(LAC 33:III.510, 603, 605, 607, 613, and 615)(AQ287P)

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.510, 603, 605, 607, 613, and 615 (Log #AQ287P).

This rule repeals and deletes references to LAC 33:III.510, which provides for control technology requirements and emission offsets only in Calcasieu Parish. This Section was promulgated in 2001 following violation of the 1-hour ozone standard in Calcasieu Parish and prior to EPA's designations for the 8-hour ozone standard in 2004. The Lake Area Industry Alliance (LAIA) submitted a petition for rulemaking to the department requesting the repeal of LAC 33:III.510. The membership of LAIA consists of 23 major industrial facilities located in the Lake Charles/Calcasieu Parish area. A public notice and comment period was held prior to this rulemaking seeking comment regarding the requested repeal. A public hearing was held in Lake Charles prior to reaching a decision on this action. Overwhelming support for the repeal was expressed during

the comment period. This "state-only" rule provision was never submitted to EPA for incorporation into Louisiana's State Implementation Plan for air quality. Based on a review of the relevant air quality information for Calcasieu Parish, the department has determined to proceed with the repeal of LAC 33:III.510. The basis and rationale for this rule are to allow air emission sources in Calcasieu Parish to be subject to the same permitting rules as other parishes in Louisiana that are currently in attainment with the National Ambient Air Quality Standard for the air pollutant ozone.

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.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

§510. New Emissions Sources and Major Modifications in Specified Parishes

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), repealed LR 33:2068 (October 2007).

Chapter 6. Regulations on Control of Emissions through the Use of Emission Reduction Credits Banking

§603. Applicability

A. Major stationary sources are subject to the provisions of this Chapter for the purpose of utilizing emission reductions as offsets in accordance with LAC 33:III.504. Minor stationary sources located in ozone nonattainment areas may submit ERC applications for purposes of banking. Sources located in EPA-designated ozone attainment areas may not participate in the emissions banking program. Any stationary point source at an affected facility is eligible to participate.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended LR 24:2239 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2068 (October 2007).

§605. Definitions

A. ...

* * *

Offset—a legally enforceable reduction, approved by the department, in the rate of actual emissions from an existing stationary point source, which is used to compensate for a significant net increase in emissions of NO_x or VOC from a new or modified stationary source in accordance with the requirements of LAC 33:III.504. To be valid, an *offset* must meet the definition of ERC.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), LR 25:1622 (September 1999), LR 26:2448 (November 2000), LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2068 (October 2007).

§607. Determination of Creditable Emission Reductions

A. – C.4.a.ii. ...

b. Reserved.

C.5. – D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:302 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1601 (September 2006), LR 33:2068 (October 2007).

§613. ERC Bank Recordkeeping and Reporting Requirements

A. – B.2. ...

3. Repealed.

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 26:486 (March 2000), LR 26:2449 (November 2000), LR 28:303 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 33:2068, 2068 (October 2007).

§615. Schedule for Submitting Applications

A. – B. ...

C. Applications for banking emission reductions that are to be made as part of a project that includes an increase in emissions for which the reduction will serve to offset the increase may be submitted as part of the permit application for the proposed increase. Such reductions will be reviewed for applicability as ERCs concurrently with the review of the permit application.

D. The applicant shall speciate VOC according to individual compounds when applying to bank VOC reductions. Speciation of toxic air pollutants regulated in LAC 33:III.Chapter 51 is required.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended LR 21:681 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1623 (September 1999), LR 26:486 (March 2000), LR 28:304 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2068 (October 2007).

Herman Robinson, CPM
Executive Counsel

0710#025

**Comment Summary Response & Concise Statement – AQ287P
Amendments to the Air Regulations
Calcasieu Parish Control of Emissions (Repeal of LAC 33:III.510)
LAC 33:III.510, 603, 605, 607, 613, and 615**

Concise Statement arguments:

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

COMMENT 1: — The department is commended for honoring the commenter's request to conduct a public hearing in Lake Charles. This allowed local citizens and community leaders an opportunity to participate in the petitioning process without having to travel to Baton Rouge.

FOR/AGAINST -- No arguments necessary; comment does not suggest amendment or change.

RESPONSE 1: — The department appreciates the support.

COMMENT 2: — The petition to repeal Section 510 has merit and should be granted by the department. The department should act quickly to initiate formal rulemaking and the date of the repeal should be made retroactive to the date the petition is granted by the department or earlier.

FOR/AGAINST -- The department agrees with the comment; no arguments are necessary.

RESPONSE 2: — LAC 33:III.510 will be repealed. The effective date of the repeal will be the date of final publication in the *Louisiana Register*.

COMMENT 3: — Section 510 is specifically for Calcasieu Parish. As such, it places Calcasieu parish at an economic disadvantage with similar areas of the state and region that comply with the 8-hour standard but do not have the environmental restrictions imposed by a rule similar to Section 510. A direct monetary impact relating to Section 510 is impossible to calculate. However, companies

seeking to invest in an area take this and other factors into consideration.

FOR/AGAINST -- No arguments necessary; comment does not suggest amendment or change.

RESPONSE 3: — LAC 33:III.510 will be repealed.

COMMENT 4: — If Calcasieu Parish is designated nonattainment in the future through the imposition of a stricter ozone standard, Section 510 would be irrelevant because Calcasieu Parish would be subject to Section 504, Nonattainment New Source Review procedures. Since Section 504 is more stringent, Section 510 would be superfluous.

FOR/AGAINST -- No arguments necessary; comment does not suggest amendment or change.

RESPONSE 4: — LAC 33:III.510 will be repealed.

COMMENT 5: — Section 510 is unnecessary because Calcasieu Parish is designated attainment and the levels of volatile organic compounds (VOC) and nitrogen oxides (NOx) have decreased. Since offsets are not available, Section 510 is impractical and creates a significant negative economic impact and a negative growth potential for the local industries.

FOR/AGAINST -- The department agrees with the comment; no arguments are necessary.

RESPONSE 5: — LAC 33:III.510 will be repealed

**Comment Summary Response & Concise Statement Key – AQ287P
Amendments to the Air Regulations
Calcasieu Parish Control of Emissions (Repeal of LAC 33:III.510)
LAC 33:III.510, 603, 605, 607, 613, and 615**

COMMENT #

SUGGESTED BY

1 and 5

Larry DeRoussel / Lake Area Industry Alliance

2 – 4

Richard T. Metcalf / LMOGA



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 metcalf@lmoga.com

June 1, 2007

Ms. Soumaya Ghosn
Louisiana Department of Environmental Quality
Public Participation Group
P.O. Box 4313
Baton Rouge, LA 70821-4313

Re: Petition to for Rulemaking to Rescind LAC 33:III.510

Dear Ms. Ghosn:

The Louisiana Mid-Continent Oil and Gas Association appreciates the opportunity to comment on the Lake Area Industry Alliance's (LAIA) Petition for Rulemaking to Rescind LAC 33:III.510 which appeared in a Public Notice on the Department's web site on May 3, 2007. 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 represents several companies that have operations in Calcasieu Parish including three refineries that are affected by the Section 510 rule should it remain in effect.

Mid-Continent believes the LAIA petition to repeal Section 510 has merit and the petition should be granted by the Department. Furthermore, Mid-Continent believes the Department should act quickly to initiate formal rulemaking to repeal the rule in accordance with the Administrative Procedures Act. The proposed effective date of the repeal should be made retroactive to the date the petition is granted by the Department if not earlier.

Mid-Continent staff and member company representatives participated in discussions with other industry groups, including LAIA, and the Department during 2000-2001 when ozone monitoring data indicated that Calcasieu Parish was experiencing exceedances of the 1-hour ozone ambient air standard after having previously having attained that standard. Most participants in those meetings felt the exceedances were being caused primarily by ozone transport from Texas and that modeling studies were needed to confirm this belief. The adoption of the Section 510 rule was a direct outgrowth of those discussions.

Section 510 was intended as a temporary measure to prevent significant increases of NO_x and/or VOC emissions from occurring due to new projects while the cause(s) of the exceedances were being analyzed. It essentially would maintain the status quo from an emissions standpoint while still allowing a mechanism to permit and construct new projects. Since emission reduction credit opportunities were available at this time, industry supported the adoption of Section 510 as a reasonable interim measure while the necessary studies were performed. It is noted that at the same time industry also supported a "tightening" of the VOC rules.

Ms. Soumaya Ghosn
June 1, 2007
Page 2

Calcasieu Parish quickly reached attainment status with the 1-hour standard and to date has always been in attainment with the stricter 8-hour standard. Subsequent to the adoption of the Section 510 rule, however, much has changed in Calcasieu Parish.

The opportunities for self-generated emission credits have greatly diminished for the three Calcasieu Parish refineries. Both the CITGO and ConocoPhillips refineries have entered into consent decrees with the EPA and the Department to reduce air emissions from several sources in their refineries. The Calcasieu Refining Company facility is currently discussing similar reductions with the Department as part of the Small Refinery Initiative. While these agreements and other recently adopted or proposed rules (e.g. Refinery NSPS Subpart Ja) will greatly reduce emissions helping to ensure Calcasieu Parish maintains its ozone compliance status, they remove opportunities for installing voluntary controls that generate the emission credits needed for new projects subject to the Section 510 permitting provisions.

Retention of the Section 510 rule places Calcasieu Parish at a competitive economic disadvantage with similar areas of the state and region that comply with the 8-hour standard but do not have the environmental restrictions imposed by a rule similar to Section 510. While a direct monetary impact of the rule is impossible to calculate, the impact is analogous to those that might be imposed by higher taxes, utility costs, labor costs, etc. Companies seeking to invest in an area take these and other factors, including environmental rules, into account when choosing the location for their investment.

Section 510 is also irrelevant if Calcasieu Parish is designated nonattainment in the future through the imposition of a stricter ozone standard. Should this occur, Calcasieu Parish sources would be subject to the Section 504 Nonattainment New Source Review Procedures. Since the provisions of Section 504 are more stringent than those of Section 510, Section 510 would be superfluous.

Once again, Mid-Continent believes the LAIA petition to repeal Section 510 has merit and the petition should be granted by the Department and Mid-Continent requests the Department act quickly to initiate formal rulemaking to repeal the rule in accordance with the Administrative Procedures Act. The proposed effective date of the repeal should be made retroactive to the date the petition is granted by the Department if not earlier. Mid-Continent would like to be notified when a decision is made on the petition and Mid-Continent is available to meet with the Department on this issue if necessary.

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

Sincerely,

Richard T. Metcalf
Health, Safety and Environmental
Affairs Coordinator



STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:

CALCASIEU PARISH CONTROL OF EMISSIONS (REPEAL OF
LAC 33:III.510)

LOG #: AQ287P

PUBLIC HEARING

The Public Hearing held by the Department of Environmental Quality, Regulation Development Section, at the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, Louisiana, beginning at 1:35 p.m., on August 28, 2007.

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

ASSOCIATED REPORTERS, INC.
(225) 216-2036

RECEIVED
SEP 06 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SEC

A P P E A R A N C E S

**FOR THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL
QUALITY:**

SANDY STEPHENS
Hearing Officer

Department of Environmental Quality
Legal Affairs Division, 8th Floor
Regulation Development
602 N. Fifth Street
Baton Rouge, Louisiana 70802

* * * * *

DEPARTMENT OF ENVIRONMENTAL QUALITY

3

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

11

REPORTER'S CERTIFICATE

12

* * * * *

1 amendments.

2 I'll ask that each person commenting
3 come up and sit at the front table and begin
4 by stating his or her name and affiliation
5 for the record.

6 The next item on the agenda is
7 designated by the Log Number AQ287P.

8 This rule repeals and deletes
9 references to LAC 33:III.510, which provides
10 for control technology requirements and
11 emission offsets only in Calcasieu Parish.
12 This Section was promulgated in 2001
13 following violation of the 1-hour ozone
14 standard in Calcasieu Parish and prior to
15 EPA's designations for the 8-hour ozone
16 standard in 2004. The Lake Area Industry
17 Alliance (LAIA) submitted a petition for
18 rulemaking to the department requesting the
19 repeal of LAC 33:III.510. The membership of
20 LAIA consists of 23 major industrial
21 facilities located in the Lake
22 Charles/Calcasieu Parish area. A public
23 notice and comment period was held prior to
24 this rulemaking seeking comments regarding
25 the requested repeal. A public hearing was

1 held in Lake Charles prior to reaching a
2 decision on this action.

3 Overwhelming support for the repeal
4 was expressed during the comment period.
5 This "state-only" rule provision was never
6 submitted to EPA for incorporation into
7 Louisiana's State Implementation Plan for
8 air quality. Based on a review of the
9 relevant air quality information for
10 Calcasieu Parish, the department has
11 determined to proceed with the repeal of LAC
12 33:III.510.

13 Comments will begin with Mr. Larry
14 DeRoussel.

15 **MR. DeROUSSEL:**

16 Thank you. My name is Larry
17 DeRoussel. I represent the Lake Area
18 Industry Alliance in Lake Charles,
19 Louisiana. The 23 member companies of the
20 local industrial community, who make up the
21 Lake Area Industry Alliance in Calcasieu
22 Parish -- and I won't go through them, since
23 they're part of the record -- collectively
24 petitioned the LDEQ through the LAIA to
25 rescind Section 510 of the Ozone Maintenance

1 Plan, not the entire plan, only Section 510,
2 which has to do with emission offsets for
3 major projects.

4 As part of the petition, we requested
5 that the LDEQ conduct it's first public
6 hearing in Lake Charles to allow local
7 citizens and community leaders an
8 opportunity to participate in the
9 petitioning process without having to drive
10 to Baton Rouge. That was done. On behalf
11 of the member companies of the Lake Area
12 Industry Alliance, I want to thank the LDEQ
13 for honoring our initial request.

14 As stated, during the years of 1998,
15 1999 and 2000, there were six ozone
16 exceedence days in Calcasieu Parish. As you
17 know, four or more exceedence days in any
18 three consecutive years results in an area
19 being designated "nonattainment" for ozone.
20 Rule 510 was initiated by the LDEQ as a way
21 of addressing the "nonattainment" issue.
22 Rule 510, which is only one part of the
23 Ozone Maintenance Plan, requires emission
24 offsets for major projects; offsets which
25 must be in place before the start of the new

1 project. To my knowledge, the rule has not
2 been utilized since its implementation in
3 the year 2001. And, Calcasieu Parish, which
4 is the only parish for which the rule
5 applies, has been in attainment for both the
6 "1-hour standard" and the more stringent "8-
7 hour standard".

8 Many of the local plants have been
9 voluntarily reducing emissions and have made
10 commitments to further reductions over the
11 next several years. To the point that there
12 are no offset opportunities remaining. The
13 effectiveness of these reductions are
14 evidenced by the LDEQ monitoring data, which
15 shows that VOC and NOx levels in Calcasieu
16 Parish are well within the standards and at
17 levels that present no major concerns.

18 The fact that Calcasieu Parish is
19 designated "Attainment" and that VOC and NOx
20 levels are down, makes Rule 510 unnecessary.
21 The fact that there are no offsets
22 available, makes Rule 510 impractical and
23 creates a significant potential for negative
24 economic impact and a negative growth
25 potential for the local industry and as a

1 result, the local community of Calcasieu
2 Parish and the surrounding area.

3 When meaningful projects present
4 themselves at the plants, the window of
5 opportunity to acquire funds for the project
6 is very narrow as plants compete for capital
7 funds with sister plants throughout the
8 company. In comparison, the timeline for
9 rule changing can be very lengthy. So if a
10 rule is unnecessary, one cannot wait until a
11 meaningful project presents itself to start
12 the process of petitioning for change.

13 Consequently, we have chosen to
14 petition the LDEQ, at this time, for
15 recension of Rule 510, while remaining true
16 to our commitment of being good stewards of
17 the environment.

18 I want to thank -- again, thank the
19 LDEQ for conducting their first public
20 meeting in our local community and for
21 processing our request through your system
22 in a timely and effective manner.

23 Thank you very much.

24 **MS. STEPHENS:**

25 Thank you.

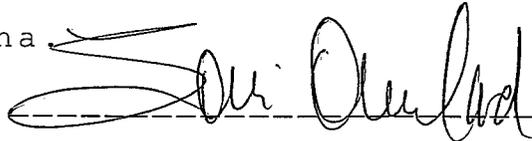
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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.

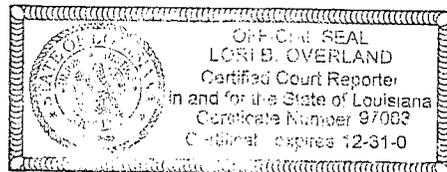
I further certify that the witness was duly sworn by me in my capacity as a Certified Court Reporter pursuant to the provisions of R.S. 37:2551 et seq. in and for the state of Louisiana; that I am not of counsel nor related to any of the counsel of any of the parties, nor in the employ of any of the 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, C.C.R.

97083



7/11/07

JUL 09 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Repeal of LAC 33:III.510 (LAC 33:III.510, 603, 605, 607, 613, and 615) (AQ287P)

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.510, 603, 605, 607, 613, and 615 (Log #AQ287P).

This rule repeals and deletes references to LAC 33:III.510, which provides for control technology requirements and emission offsets only in Calcasieu Parish. This Section was promulgated in 2001 following violation of the 1-hour ozone standard in Calcasieu Parish and prior to EPA's designations for the 8-hour ozone standard in 2004. The Lake Area Industry Alliance (LAIA) submitted a petition for rulemaking to the department requesting the repeal of LAC 33:III.510. The membership of 23 major industrial facilities located in the Lake Charles/Calcasieu Parish area. A public notice and comment period was held prior to this rulemaking seeking comment regarding the requested repeal. A public hearing was held in Lake Charles prior to reaching a decision on this action. Overwhelming support for the repeal was expressed during the comment period. This "state-only" rule provision was never submitted to EPA for incorporation into Louisiana's State Implementation Plan for air quality. Based on a review of the relevant air quality information for Calcasieu Parish, the department has determined to proceed with the repeal of LAC 33:III.510. The basis and rationale for this rule are to allow air emission sources in Calcasieu Parish to be subject to the same permitting rules as other parishes in Louisiana that are currently in attainment with the National Ambient Air Quality Standard for the air pollutant ozone.

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 August 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 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. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ287P. Such comments must be received no later than September 4, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 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 AQ287P. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

I, Harold Constance, Classified Sales Manager of THE TOWN TALK, published at Alexandria, Louisiana do solemnly swear that the Notice of Intent (AQ287P) advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for one insertion(s) commencing with the issue dated July 5, 2007 and ending with the issue dated July 5, 2007.

Harold Constance

Subscribed and sworn to before me

this 5th day of July, 2007

[Signature]
Notary Number 019888

PROOF OF PUBLICATION

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Repeal of LAC
33:111.510
(LAC 33:111.510, 603,
605, 607, 613, and 615)
(AQ287P)

Under the authori-
ty of the Environmen-
tal Quality Act, R.S.
30:2001 et seq., and in
accordance with the
provisions of the Ad-
ministrative Procedure
Act, R.S. 49:950 et seq.,
the secretary gives no-
tice that rulemaking
procedures have been
initiated to amend the
Air regulations, LAC
33:111.510, 603, 605, 607,
613, and 615 (Log
#AQ287P).

This rule repeals
and deletes references
to LAC 33:111.510,
which provides for con-
trol technology re-
quirements and emis-
sion offsets only in
Calcasieu Parish. This
Section was promul-
gated in 2001 fol-
lowing violation of the
1-hour ozone standard
in Calcasieu Parish
and prior to EPA's
designations for the 8-
hour ozone standard in
2004. The Lake Area
Industry Alliance
(LAIA) submitted a
petition for rulemaking
to the department re-
questing the repeal of
LAC 33:111.510. The
membership of LAIA
consists of 23 major in-
dustrial facilities locat-
ed in the Lake
Charles/Calcasieu Par-
ish area. A public no-
tice and comment peri-
od was held prior to
this rulemaking seek-
ing comment regard-
ing the requested re-
peal. A public hearing
was held in Lake
Charles prior to reach-
ing a decision on this
action. Overwhelming
support for the repeal
was expressed during
the comment period.
This "state-only" rule
provision was never
submitted to EPA for
incorporation into Lou-
isiana's State Imple-
mentation Plan for air
quality. Based on a re-
view of the relevant
air quality information
for Calcasieu Parish,
the department has de-
termined to proceed
with the repeal of LAC
33:111.510. The basis
and rationale for this
rule are to allow air
emission sources in
Calcasieu Parish to be
subject to the same
permitting rules as
other parishes in Lou-
isiana that are current-
ly in attainment with
the National Ambient
Air Quality Standard
for the air pollutant
ozone.

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 (AQ287P)

As per copy of advertisement hereto annexed, was published in
The Times on the following dates to wit:

July 3, 2007

(Signed) Altheas Critton

Sworn to and subscribed before me this 3rd day of July, 2007

Althea C Goodwin

ALTHEA C. GOODWIN, NOTARY PUBLIC # 68131
BOSSIER PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE

(Notary)



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 August 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pofflock Conference Room, 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. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ287P. Such comments must be received no later than September 4, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 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 AQ287P. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson,
CPM
Executive Counsel

The Times:
July 3, 2007

CAPITAL CITY PRESS

Publisher of
THE ADVOCATE

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:

July 7, 2007



Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above in Baton Rouge, Louisiana, on

July 7, 2007



Pegeen Singley, Notary Public, #66565
My Commission Expires: Indefinite

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Repeal of LAC 33:III.510
(LAC 33:III.510, 603, 605, 607,
613, and 615) (AQ287P)

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.510, 603, 605, 607, 613, and 615 (Log #AQ287P).

This rule repeals and deletes references to LAC 33:III.510, which provides for control technology requirements and emission offsets only in Calcasieu Parish. This Section was promulgated in 2001 following violation of the 1-hour ozone standard in Calcasieu Parish and prior to EPA's designations for the 8-hour ozone standard in 2004. The Lake Area Industry Alliance (LAIA) submitted a petition for rulemaking to the department requesting the repeal of LAC 33:III.510. The membership of LAIA consists of 23 major industrial facilities located in the Lake Charles/Calcasieu Parish area. A public notice and comment period was held prior to this rulemaking seeking comment regarding the requested repeal. A public hearing was held in Lake Charles prior to reaching a decision on this action. Overwhelming support for the repeal was expressed during the comment period. This "state-only" rule provision was never submitted to EPA for incorporation into Louisiana's State Implementation Plan for air quality. Based on a review of the relevant air quality information for Calcasieu Parish, the department has determined to proceed with the repeal of LAC 33:III.510. The basis and rationale for this rule are to allow air emission sources in Calcasieu Parish to be subject to the same permitting rules as other parishes in Louisiana that are currently in attainment with the National Ambient Air Quality Standard for the air pollutant ozone.

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 August 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 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. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ287P. Such comments must be received no later than September 4, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 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 AQ287P. This regulation is available on the internet at www.deq.louisiana.gov/portals/tabid/1669/default.aspx.

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; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel
3664168-jul 7-1t

RECEIVED

JUL 23 2007

3664168

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

DEQ - OSEC
ATTN REMENDER WEATHERSPOON
PO BOX 4302
BATON ROUGE, LA 70821

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Repeal of LAC 33:III.510 (LAC 33:III.510, 603, 605, 607, 613, and 615) (AQ287P)

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.510, 603, 605, 607, 613, and 615 (Log #AQ287P).

This rule repeals and deletes references to LAC 33:III.510 which provides for control technology requirements and emission offsets only in Calcasieu Parish. This Section was promulgated in 2001 following violation of the 1-hour ozone standard in Calcasieu Parish and prior to EPA's designations for the 8-hour ozone standard in 2004. The Lake Area Industry Alliance (LAI) submitted a petition for rulemaking to the department requesting the repeal of LAC 33:III.510. The membership of LAIA consists of 23 major industrial facilities located in the Lake Charles/Calcasieu Parish area. A public notice and comment period was held prior to this rulemaking seeking comment regarding the requested repeal. A public hearing was held in Lake Charles prior to reaching a decision on this action. Overwhelming support for the repeal was expressed during the comment period. This 'state-only' rule provision was never submitted to EPA for incorporation into Louisiana's State Implementation Plan for air quality. Based on a review of the relevant air quality information for Calcasieu Parish, the department has determined to proceed with the repeal of LAC 33:III.510. The basis and rationale for this rule are to allow air emission sources in Calcasieu Parish to be subject to the same permitting rules as other parishes in Louisiana that are currently in attainment with the National Ambient Air Quality Standard for the air pollutant ozone.

This proposed rule meets an exception listed in R.S. 50:2019(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 August 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 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. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ287P. Such comments must be received no later than September 4, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 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 AQ287P. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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 70605; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

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 Repeal of LAC33:III.510 (LAC33: III.510, 603, 605, 607,613,and 615) (AQ287P)

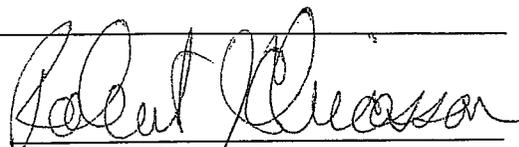
Advertisement of Office Of Environmental Quality

Post Office Box 4302
Baton Rouge, Louisiana 70821

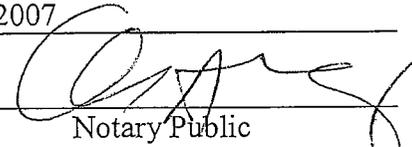
Was published in The Times Picayune

3800 Howard Avenue
New Orleans, Louisiana 70125

On the following dates July 5, 2007



Sworn to and subscribed before me this
10th Day of July, 2007



Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.

Notary identification number 23492

CERTIFIED COPY *8/15/07*

RECEIVED

JUL 12 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SE

Affidavit of Publication

NOTICE OF INTENT
Department of Environmental Quality Office of the Secretary Legal Affairs Division Repeal of LAC 33:111.510 (LAC 33:111.510, 603, 605, 607, 613, and 615) (AQ287P)

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 33:111.510, 603, 605, 607, 613, and 615 (Log #AQ287P).

This rule repeals and deletes references to LAC 33:111.510, which provides for control technology requirements and emission offsets only in Calcasieu Parish. This Section

was promulgated in 2001 following violation of the 1-hour ozone standard in Calcasieu Parish and prior to EPA's designations for the 8-hour ozone standard in 2004. The Lake Area Industry Alliance (LAIA) submitted a petition for rulemaking to the department requesting the repeal of LAC 33:111.510. The membership of LAIA consists of 23 major industrial facilities located in the Lake Charles/Calcasieu Parish area. A public notice and comment period was held prior to this rulemaking seeking comment regarding the requested repeal. A public hearing was held in Lake Charles prior to reaching a decision on this action. Overwhelming support for the repeal was expressed during the comment period. This "state-only" rule provision was never submitted to EPA for incorporation into Louisiana's State Implementation Plan for air quality. Based on a review of the relevant air quality information for Calcasieu Parish, the department has determined to proceed with the repeal of LAC 33:111.510. The basis and rationale for this rule are to allow air emission sources in Calcasieu Parish to be subject to the same permitting rules as other parishes in Louisiana that are currently in attainment with the National Ambient Air Quality Standard for the air pollutant ozone.

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared



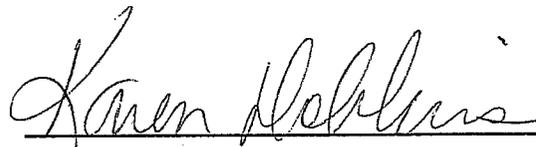
who being duly sworn, deposes and says:

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:

00366446 - \$46.00

July 9, 2007



Duly Authorized Agent

Subscribed and sworn to before me on this 9th day of July, 2007 at Lake Charles, LA



Notary Public

00053262

LDEQ-OSEC-LAD

00053262
LDEQ-OSEC-LAD
REGULATION DEVELOPMENT
REMENDER WEATHERSPOON

Gwendolyn R. Dugas
#056523

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 August 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 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. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ287P. Such comments must be received no later than September 4, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 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 AQ287P. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

July 9 11
00366446

CERTIFIED COPY 8/15/07

RECEIVED

JUL 16 2007

Acadiana's Daily Newspaper

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SEC

THE ADVERTISER

1100 Bertrand Drive
LAFAYETTE, LA 70506

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

AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon
LA Department of Environmental Quality
OSEC/Legal Affairs Division
Regulation Development Section
P. O. Box 4302
Baton Rouge, LA 70821-4302

Account No.: 8DEQRD
Ad Number: 803330
Ad Total: \$89.00
No. of Lines: 200
Reference No.:

**To insure proper credit please refer to your account number and/or ad number when making payment. Remittance address: P.O. Box 3268, Lafayette, LA 70502-3268

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 the Secretary

Legal Affairs Division

Repeal of LAC 33:III.510

(LAC 33:III.510, 603, 605, 607, 613, and 615) (AQ287P)

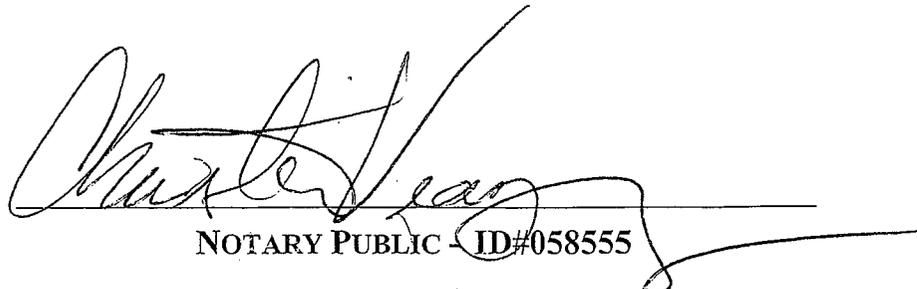
was published in **THE ADVERTISER** on the following dates:

*Friday, July 6, 2007



ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 10th day of July, 2007.


NOTARY PUBLIC - ID#058555

803330
NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Repeal of LAC
33:111.510
(LAC 33:111.510, 603,
605, 607, 613, and 615)
(AQ287P)

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 33:111.510, 603, 605, 607, 613, and 615 (Log #AQ287P).

This rule repeals and deletes references to LAC 33:111.510, which provides for control technology requirements and emission offsets only in Calcasieu Parish. This Section was promulgated in 2001 following violation of the 1-hour ozone standard in Calcasieu Parish and prior to EPA's designations for the 8-hour ozone standard in 2004. The Lake Area Industry Alliance (LAIA) submitted a petition for rulemaking to the department requesting the repeal of LAC 33:111.510. The membership of LAIA consists of 23 major industrial facilities located in the Lake Charles/Calcasieu Parish area. A public notice and comment period was held prior to this rulemaking seeking comment regarding the requested repeal. A public hearing was held in Lake Charles prior to reaching a decision on this action. Overwhelming support for the repeal was expressed during the comment period. This "state-only" rule provision was never submitted to EPA for incorporation into Louisiana's State Implementation Plan for air quality. Based on a review of the relevant air quality information for Calcasieu Parish, the department has determined to proceed with the repeal of LAC 33:111.510. The basis and rationale for this rule are to allow air emission sources in Calcasieu Parish to be subject to the same permitting rules as other parishes in Louisiana that are currently in attainment with the National Ambient Air Quality Standard for the air pollutant ozone.

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 August 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 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. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ287P. Such comments must be received no later than September 4, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Af-

fairs Division, Box 4302, Baton Rouge, LA 70821-4302 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 AQ287P. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson,
CPM
Executive Counsel



DEQ - OES

2007 JUN -8 AM 11:40

June 4, 2007

Ms. Soumaya Ghosn
Public Participation Group
Louisiana Department of Environmental Quality
P. O. Box 4313
Baton Rouge, LA 70821-4313

original to

JOA

copy to

PC/Ghosn

NOA# - Permit Write
Dr. Judith Schaefer

The Board of Directors of the Southwest Louisiana Partnership for Economic Development stands in favor of rescinding LAC 33:III Section 510 in the name of economic growth and development in Calcasieu Parish.

Calcasieu Parish has been in Ozone Attainment since 2001 and consequently Section 510 is not necessary. The rule applies only to Calcasieu Parish and places local industry at a great disadvantage relative to their competitiveness at a national and global level. The plants have done a good job maintaining VOC and NOx levels below standards and at levels that pose no major concerns to the community. Their voluntary initiatives to reduce emissions demonstrate their commitment to being good stewards of the environment.

The economic viability of Southwest Louisiana is dependant on the local industry being competitive at a national and global level. Rule 510 is a hindrance to that objective and brings no significant value to the improvement of the environment. Please assist us in keeping our local industry economically viable by rescinding Section 510.

Sincerely,

A handwritten signature in black ink that reads "George Swift".

George Swift

Executive Director

The Southwest Louisiana Partnership for Economic Development



CHAMBER
SOUTHWEST LOUISIANA

DEQ - OES

2007 JUN -8 AM 11:44

10983

June 4, 2007

Ms. Soumaya Ghosn
Public Participation Group
Louisiana Department of Environmental Quality
P. O. Box 4313
Baton Rouge, LA 70821-4313

original to IOA

copy to PC/Ghosn
MO AI # - Permit Writer
Dr. Judith Schuermans

The Board of Directors of the Chamber SWLA stands in favor of rescinding LAC 33:III Section 510 in the name of economic growth and development in Calcasieu Parish.

Calcasieu Parish has been in Ozone Attainment since 2001 and consequently Section 510 is not necessary. The rule applies only to Calcasieu Parish and places local industry at a great disadvantage relative to their competitiveness at a national and global level. The plants have done a good job maintaining VOC and NOx levels below standards and at levels that pose no major concerns to the community. Their voluntary initiatives to reduce emissions demonstrate their commitment to being good stewards of the environment.

The economic viability of Southwest Louisiana is dependant on the local industry being competitive at a national and global level. Rule 510 is a hindrance to that objective and brings no significant value to the improvement of the environment. Please assist us in keeping our local industry economically viable by rescinding Section 510.

Sincerely,

Clyde Mitchell
Chair, Chamber SWLA





DAN S. BORNÉ
PRESIDENT

LOUISIANA CHEMICAL ASSOCIATION

June 4, 2007

COPY 10976

original to IOA

copy to PC/Ghosn
no AI #

Permit Writer
Dr. Judith Schuerman

Dr. Mike McDaniel, Secretary
Louisiana Department of Environmental Quality
P. O. Box 4301
Baton Rouge, LA 70821-4301

Dear Dr. McDaniel:

The Louisiana Chemical Association (LCA) supports the petition to rescind LAC 33:111.510. This petition was submitted by the Lake Area Industry Alliance (LAIA).

LCA is a trade association of chemical manufacturers representing 63 companies at over 90 plant locations in Louisiana. Some of LCA's members also belong to LAIA and would be impacted by the proposed action.

LCA believes the Calcasieu Parish area has made significant progress in reaching attainment of the Ozone Standard and that there are sufficient control measures in place to assure attainment without the requirements imposed by Section 510. As you are aware, Section 510 was not included in the State Implementation Plan and should no longer be necessary since the Calcasieu area has achieved the Ozone Ambient Air Standard. Subsequent measures, consent decrees and federal rule-making, such as the Clean Air Interstate Rule (CAIR), will provide additional protection to maintain attainment in lieu of the requirements in Section 510. The rescission of Section 510 will allow for future projects to be considered in the Calcasieu area that will provide both environmental and economic benefits to our state and nation.

Your favorable consideration of the LAIA petition for rescission of Section 510 would be greatly appreciated.

Very truly yours,

Dan S. Borné, President
Louisiana Chemical Association

- cc: Ms. Soumaya Ghosn (Louisiana DEQ)
- Mr. Larry DeRoussel (LAIA)
- Mr. Richard Metcalf (LMOGA)
- Mr. Henry Graham (LCA)

2007 JUN -6 PM 1:11
DEQ - DES



Polyolefins

10982

original to IOA

RECEIVED

copy to PC/Ghosn

JUN 08 2007

June 4, 2007

*NO AIT - Permit Walk
Dr. Judith Schellmann*

DEPT. OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES
PERMIT DIVISION

Louisiana Department of Environmental Quality
Public Participation Group
P.O. Box 4313
Baton Rouge, LA 70821-4313

Attention: Ms. Soumaya Ghosn

RE: Comments on Petition for rulemaking to rescind LAC 33:III.510

After review of the petition to rescind LAC 33:III.510 we would like to voice our comments in support of this petition. It is clear that section 510 rule was implemented as an interim plan proposed by the LDEQ to ensure that Calcasieu Parish did not trigger ozone non-attainment status. Calcasieu parish has had six Ozone exceedance days over the 1998 to 2000 time frame, but it was abundantly clear from the meteorological data that most of these exceedance days were due to a transport phenomenon from the Houston / Port Arthur areas. Since that time Calcasieu Parish has been in compliance with the requirements of attainment for both the EPA 1-hour and 8-hour standards. Additionally the fact that we are designated "in attainment" under all the standards make this 510 ruling unnecessary and voids the necessity for Calcasieu to stay under the State Implementation Maintenance Plan.

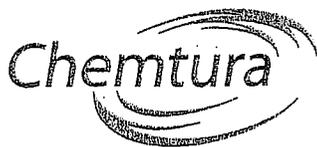
The 510 off set rules will hinder our economic growth as an industry because the plan currently does not include any available offsets. This means that there can be no new additional projects in the area without closure of existing facilities which essentially means negative growth. We believe that this will in turn create an undue burden on the economy of the local community and surrounding area.

It is to be noted that the air quality monitoring data supports the fact that Calcasieu Parish NOX and VOC levels are well within the air quality standards and present no major concerns, so therefore imposing rules that will create severe restrictions on economic development with no real benefit on air quality does not seem to be in the best interest of all our citizens.

Thank you for the opportunity for public comment.

Sincerely,

Larry Maynard
Site Manager
Basell USA Inc.



RECEIVED

JUN 07 2007

DEPT. OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL SERVICES
PERMIT DIVISION

BioLab, Inc.
A Chemtura Company
P.O. Box 520
Westlake, LA 70669

337-433-3030 tel
337-433-0334 fax
www.chemtura.com

May 31, 2007

COPY

Ms. Soumaya Ghosn
LDEQ Public Participation Group
P.O. Box 4313
Baton Rouge, LA 70821-4313

original to JOA

copy to PC/G Ghosn
NOAIE, Permit Unit Dr. Jolita Schuman

Dear Ms. Ghosn,

Pursuant to the petition provisions of LAC 33: Section 9, I am writing to formally request that LAC 33: III Section 510 be rescinded. The potential economic impact of the rule is an impact of considerable concern to BioLab, Inc.

The fact that Calcasieu Parish is designated "attainment" and that VOC and NOx levels are down makes Section 510 unnecessary. The fact that there are no offsets available makes Section 510 impractical and creates a significant potential for negative economic impact and a negative growth potential for BioLab, Inc. and other local plants, and as result the local community of Calcasieu Parish and the surrounding area.

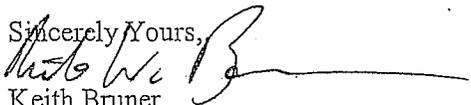
When meaningful projects present themselves at BioLab, our window of opportunity to acquire funding is very narrow, as we compete for capital funds with our sister plants throughout the corporation. In comparison, the timeline for changing rules and regulations can be lengthy. So if a rule or regulation is unnecessary and can have negative impact on a project, BioLab cannot wait until a meaningful project presents itself to start the process of petitioning for change.

A review of various state and federal rules and regulations has shown that there are sufficient other requirements in place to maintain emissions at levels that will not be detrimental to the general environment and the triggering of ozone. In addition, subsequent to the adoption of Section 510 in 2001, other rules and regulations have generated emission reductions to a degree that make it impossible to find offsets to meet the requirements of Section 510.

Air quality data from the LDEQ's monitoring activities as well as air quality data taken from LAIA ambient air monitoring sites have demonstrated that emissions are below state standards and ozone is in compliance with the 1-Hour Ozone Standard as well as the 8-Hour Ozone Standard.

Favorable consideration of this petition to rescind Section 510 will greatly improve the potential for economic development in Calcasieu Parish without having a negative impact on the quality of the environment.

Sincerely Yours,


Keith Bruner
Plant Manager
BioLab Inc., A Chemtura Company

W. R. Grace & Co.
P.O. Box 3247
Lake Charles, LA 70602-3247

T 337.583.3511
F 337.583.8792
E david.rentrop@grace.com
W grace.com

DEQ - OES

2007 JUN -5 PM 3:44

10969

COPY

original to IOA
copy to PC/Ghosn
No AI #
Permit Write -
Judith Schorn

May 31, 2007

Ms. Soumaya Ghosn
LDEQ Public Participation Group
P.O. Box 4313
Baton Rouge, LA 78021-4313

Re: Section 510

Dear Ms. Ghosn:

GRACE Davison is one of the twenty-three member companies of the Lake Area Industry Alliance (LAIA). As you know, LAIA has petitioned LDEQ to rescind Section 510 of the Ozone Maintenance Plan. We are not asking to rescind the entire plan, only Section 510 that has to do with emission offsets for major projects.

The GRACE Davison, Lake Charles site competes within the company for capital investment dollars. Currently, there are three potential projects for the Lake Charles site. I believe that we can continue to be excellent stewards of our natural resources and allow for economic expansion, but I think rescinding Section 510 will help. Most products have a life cycle. It is important that we have opportunities to build new plant processes to expand and to replace processes that have come to the end of the life cycle.

Our environmental performance continues to be excellent. We will continue to seek methods to improve on our performance. Rescinding Section 510 will not put this area in jeopardy of losing ground on our environmental progress.

Please give this careful consideration and support rescinding Section 510.

Regards,



David Rentrop
Operations Director

GRACE

original to IOA
ep
copy to PC/Ghosn
no AL #

Soumaya Ghosn

From: charlieatherton@suddenlink.net
Sent: Tuesday, May 29, 2007 1:56 AM
To: Soumaya Ghosn
Cc: Kimberly Gallo
Subject: Comments on DEQ's petition for rulemaking to rescind LAC33:III.510
Attachments: LAIA DEQ 52207 Public Hearing Clarification.doc

4502

Per000000000

Permit writer
Judith Scherman

2007 MAY 29 AM 9:00
1
2
3

LAIA DEQ 52207 Public Hearing Follow-up Comments

These additional follow-up comments are only intended as clarification relative to our request that Section 510 not be rescinded but rather exceptions be given on a case by case basis as permits for economic development are received. We believe Section 510 to be working.

We ask that Section 510 be modified (rule changes or additions) to allow a company, that has reduced emissions and implemented the latest technology throughout the facility to the point there are no meaningful emissions reductions to be made, to be able to be permitted to expand or improve their processes.

An example, in our opinion, is if ConocoPhillips has, in fact, reduced emissions to the point there are no more reductions to be had, and ConocoPhillips wants to implement the new clean diesel fuels process in their facility, that DEQ modify section 510 to allow such a company to be permitted for their clean diesel fuels project.

If a trading bank needs to be established, then establish a trading bank. Do not rescind Section 510 just because a trading bank was never established.

We see Section 510 as an effective DEQ tool to reduce emission, but since not all industries located in Calcasieu parish are a part of LAIA and not all LAIA industries have reduced their emissions to the maximum reduction possible under Section 510, we ask that Section 510 remain in force. Please do not rely solely on other regulations to take the place of Section 510.

Thank you for your time and consideration.

Charlie Atherton
22 Vine St.
Sulphur, La.
70663

337-625-7613

LAIA DEQ 52207 Public Hearing Follow-up Comments

These additional follow-up comments are only intended as clarification relative to our request that Section 510 not be rescinded but rather exceptions be given on a case by case basis as permits for economic development are received. We believe Section 510 to be working.

We ask that Section 510 be modified (rule changes or additions) to allow a company, that has reduced emissions and implemented the latest technology throughout the facility to the point there are no more meaningful emissions reductions to be made, to be able to be permitted to expand or improve their processes.

An example, in our opinion, is if ConocoPhillips has, in fact, reduced emissions to the point there are no more reductions to be had, and ConocoPhillips wants to implement the new clean diesel fuels process in their facility, that DEQ modify section 510 to allow such a company to be permitted for their clean diesel fuels project.

If a trading bank needs to be established, then establish a trading bank. Do not rescind Section 510 just because a trading bank was never established.

We see Section 510 as an effective DEQ tool to reduce emission, but since not all industries located in Calcasieu parish are a part of LAIA and not all LAIA industries have reduced their emissions to the maximum reduction possible under Section 510, we ask that Section 510 remain in force. Please do not rely solely on other regulations to take the place of Section 510.

Thank you for your time and consideration.

Charlie Atherton
122 Vine St.
Sulphur, La.
70663

337-625-7613

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 33:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., September 8, 2007, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel—VTIE, CTIE, and CTIE-1 Certificates Renewal Guidelines

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed change will allow individuals with a valid Louisiana teaching certificate to use three years of successful teaching experience in lieu of the mandatory three-hour New Instructor Workshop requirement, and thus to renew with only three hours of CTIE coursework. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This policy will have no effect on competition and employment.

Beth Scjoneaux
Deputy Superintendent
0707#038

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Calcasieu Parish Control of Emissions
(LAC 33:III.510, 603, 605, 607, 613, and 615)(AQ287P)

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.510, 603, 605, 607, 613, and 615 (Log #AQ287P).

This rule repeals and deletes references to LAC 33:III.510, which provides for control technology requirements and emission offsets only in Calcasieu Parish. This Section was promulgated in 2001 following violation of the 1-hour ozone standard in Calcasieu Parish and prior to EPA's designations for the 8-hour ozone standard in 2004. The Lake Area Industry Alliance (LAIA) submitted a petition for rulemaking to the department requesting the repeal of LAC 33:III.510. The membership of LAIA consists of 23 major industrial facilities located in the Lake Charles/Calcasieu Parish area. A public notice and comment period was held prior to this rulemaking seeking comment regarding the requested repeal. A public hearing was held in Lake Charles prior to reaching a decision on this action. Overwhelming support for the repeal was expressed during the comment period. This "state-only" rule provision was never submitted to EPA for incorporation into Louisiana's State Implementation Plan for air quality. Based on a review of the relevant air quality information for Calcasieu Parish, the department has determined to proceed with the repeal of LAC 33:III.510. The basis and rationale for this rule are to allow air emission sources in Calcasieu Parish to be subject to the same permitting rules as other parishes in Louisiana that are currently in attainment with the National Ambient Air Quality Standard for the air pollutant ozone.

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
§510. New Emissions Sources and Major
Modifications in Specified Parishes**

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), repealed LR 33:

Chapter 6. Regulations on Control of Emissions through the Use of Emission Reduction Credits Banking

§603. Applicability

A. Major stationary sources are subject to the provisions of this Chapter for the purpose of utilizing emission reductions as offsets in accordance with LAC 33:III.504. Minor stationary sources located in ozone nonattainment areas may submit ERC applications for purposes of banking. Sources located in EPA-designated ozone attainment areas may not participate in the emissions banking program. Any stationary point source at an affected facility is eligible to participate.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended LR 24:2239 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:

§605. Definitions

A. ...

* * *

Offset—a legally enforceable reduction, approved by the department, in the rate of actual emissions from an existing stationary point source, which is used to compensate for a significant net increase in emissions of NO_x or VOC from a new or modified stationary source in accordance with the requirements of LAC 33:III.504. To be valid, an *offset* must meet the definition of ERC.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), LR 25:1622 (September 1999), LR 26:2448 (November 2000), LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:

§607. Determination of Creditable Emission Reductions

A. – C.4.a.ii. ...

b. Reserved.

C.5. – D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:302 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1601 (September 2006), LR 33:

§613. ERC Bank Recordkeeping and Reporting Requirements

A. - B.2. ...

3. Repealed.

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 26:486 (March 2000), LR 26:2449 (November 2000), LR 28:303 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 33:

§615. Schedule for Submitting Applications

A. – B. ...

C. Applications for banking emission reductions that are to be made as part of a project that includes an increase in emissions for which the reduction will serve to offset the increase may be submitted as part of the permit application for the proposed increase. Such reductions will be reviewed for applicability as ERCs concurrently with the review of the permit application.

D. The applicant shall speciate VOC according to individual compounds when applying to bank VOC reductions. Speciation of toxic air pollutants regulated in LAC 33:III.Chapter 51 is required.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended LR 21:681 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1623 (September 1999), LR 26:486 (March 2000), LR 28:304 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:

A public hearing will be held on August 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 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. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ287P. Such comments must be received no later than September 4, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 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 AQ287P. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

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

RULE TITLE: Calcasieu Parish Control of Emissions

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

There are no estimated implementation costs (savings) to state or local governmental units as a result of the proposed rule. This proposed rule repeals LAC 33:III.510, which provides for control technology requirements and emission offsets only in Calcasieu Parish. The original basis for imposing those requirements has been removed.

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 resulting from the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The repeal of LAC 33:III.510 may enhance the potential for economic growth and development in Calcasieu Parish. Future new projects at industrial facilities in southwestern Louisiana will no longer be hindered by the need for emission offsets. The economic benefits are unquantifiable at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment as a result of the proposed rule.

Herman Robinson, CPM
Executive Counsel
0707#018

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary Legal Affairs Division**

Departmental Designations
(LAC 33:I, III, V, VI, VII, IX, XI, and XV)(MM002)

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 Environmental Quality regulations, LAC 33:I, III, V, VI, VII, IX, XI, and XV (Log #MM002). The Sections amended in this Rule are as follows:

LAC 33:I.501, 907, 1109, 1111, 1113, 1117, 1203, 1307, 1505, 1701, 1803, 2005, 2307, 3905, 3917, 3919, 3923, 3925, 4701, 4703, 4705, 4711, 5707, 6905, and 6921;

LAC 33:III.111, 211, 501, 504, 505, 506, 507, 613, 918, 919, 1105, 1107, 1410, 1434, 1507, 2103, 2108, 2113, 2116, 2121, 2122, 2123, 2132, 2153, 2159, 2201, 2301, 2303, 2307, 2511, 2521, 2531, 2701, 2719, 2723, 2735, 2799, 2805, 2807, 2809, 2811, 3003, 5107, 5111, 5113, 5116, 5122, 5151, 5307, 5311, and 5911;

LAC 33:V.105, 109, 303, 309, 321, 323, 501, 520, 537, 565, 590, 708, 1105, 1107, 1109, 1111, 1113, 1123, 1125, 1127, 1199, 1504, 1505, 1513, 1516, 1527, 1529, 1531, 1715, 1737, 1739, 1745, 1747, 1755, 1767, 1802, 1905, 1907, 1913, 2227, 2237, 2239, 2241, 2245, 2246, 2247, 2253, 2271, 2273, 2303, 2306, 2307, 2508, 2521, 2707, 2711, 2719, 2803, 2805, 2903, 2906, 3005, 3007, 3009, 3103, 3115, 3317, 3319, 3321, 3503, 3505, 3513, 3517, 3523, 3525, 3527, 3707, 3711, 3715, 3717, 3719, 3831, 3841, 3853, 3875, 4029, 4043, 4045, 4065, 4083, 4201, 4241, 4301, 4320, 4367, 4373, 4375, 4381, 4383, 4387, 4391, 4393, 4395, 4403, 4407, 4411, 4413, 4437, 4449, 4451, 4462, 4472, 4474, 4489, 4512, 4522, 4534, 4703, and 5309;

LAC 33:VI.103, 117, 201, 303, 403, 501, 502, 505, 507, 509, 515, 521, 607, 705, 709, 711, 801, 803, 911, and 913;

LAC 33:VII.113, 301, 303, 305, 307, 311, 401, 403, 407, 501, 508, 509, 513, 515, 517, 519, 711, 713, 715, 717, 719, 721, 723, 725, 803, 805, 909, 1103, 1301, 1303, 1305, 1403, 1405, 3001, 10307, 10513, 10515, 10517, 10519, 10521, 10523, 10525, 10531, 10533, 10535, and 10536;

LAC 33:IX.301, 303, 307, 309, 311, 315, 708, 905, 1117, 1121, 1507, 2109, 2111, 2115, 2119, 2123, 2125, 2501, 2511, 2515, 2521, 2523, 2525, 2529, 2701, 2703, 2709, 3115, 3117, 4505, 5709, 6113, 6117, 6121, 6123, 6125, 6135, and 6507;

LAC 33:XI.301, 303, 507, 701, 715, 903, 905, 907, 1111, 1113, 1123, 1129, 1131, 1139, 1205, 1209, 1305, and 1309; and

LAC 33:XV.102, 204, 205, 209, 211, 212, 213, 320, 321, 322, 324, 325, 326, 328, 331, 332, 361, 390, 399, 430, 436, 438, 442, 461, 488, 490, 496, 499, 575, 577, 578, 579, 603, 608, 704, 710, 719, 737, 761, 803, 907, 911, 1016, 1017, 1103, 1104, 1303, 1309, 1314, 1325, 1331, 1332, 1333, 1407, 1408, 1410, 1417, 1418, 1420, 1515, 1516, 1707, 1711, 1755, 2014, 2017, 2022, 2506, 2507, and 2508.

This Rule will change references to various DEQ divisions in the regulations to references to the statutory office designations, update some office designations to reflect the current organizational structure of the department, and make miscellaneous format and typographical corrections in the related text. Each division will internally prepare documentation identifying the various reports and other submittals the division may require. This information will be available through the department's website. The names and organizational placement of divisions are sometimes changed during reorganizations within the department, which initiates a need to update the division names in the department's regulations. Changing the departmental regulations through formal rulemaking each time there is a division name change or a change in the organizational placement of a division is an inefficient use of resources. The basis and rationale for this Rule are to decrease the effect that departmental reorganizations have on 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.