

Louisiana State Implementation Plan Revision

VOC Rules 2008-2010

Submitted to:

EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Proposed January 2012



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STATE IMPLEMENTATION PLAN**

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** This rule includes Parts of the Louisiana Administrative Code that are not applicable to air quality; the sections that are pertinent to this proposed SIP are listed above.*

OVERVIEW

PURPOSE

This proposed State Implementation Plan (SIP) revision incorporates rules promulgated in the Louisiana Administrative Code (LAC) during 2008 - 2010. The submittal includes revisions to regulations in LAC 33:III.Chapters 1, 5, 21, and 22. Submittal of this SIP revision to the Environmental Protection Agency fulfills an air quality planning commitment in the Performance Partnership Grant.

AUTHORITY

Revisions or adoptions to the Air Quality rules and regulations are made in accordance with Louisiana R. S. 30:2019. The SIP revision is submitted in accordance with 40 Code of Federal Regulations (CFR) Part 51 Appendix V and policy established by EPA.

**SUMMARY OF
RULES PROMULGATED**

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VOC Rule SIP

SUMMARY OF RULES PROMULGATED IN 2008-2010

LAC 33:III	<i>Louisiana</i> <i>Register Citation</i>	Description	Comments
§2132	November 2008 LR 34:2397 AQ 291	Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities	The proposed rule would provide an exemption from Stage II vapor recovery requirements for facilities used exclusively for the initial fueling and/or refueling of vehicles equipped with onboard refueling vapor recovery (ORVR) equipment.
§523	September 2008 LR 34:1903 AQ 294	Revisions to Performance Testing Notifications and Report Submittals	This rule will amend the timeframes in the regulations so that all reports are due 60 days after the completion of testing.
§2107	September 2008 LR 34:1903 AQ 294	Revisions to Performance Testing Notifications and Report Submittals	This rule will amend the timeframes in the regulations so that all reports are due 60 days after the completion of testing.
§2108	September 2008 LR 34:1903 AQ 294	Revisions to Performance Testing Notifications and Report Submittals	This rule will amend the timeframes in the regulations so that all reports are due 60 days after the completion of testing.
§2131	July 2010 LR 36: AQ 309	Gasoline Handling	This Rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations. The basis and rationale for this rule are to mirror the federal regulations.
§2103	October 2010 LR 36: AQ 312	Exemption for Tanks Storing Corrosive Materials	This Rule exempts tanks storing corrosive materials at the Rhodia, Inc. Baton Rouge facility from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. Existing tanks are currently operating under Permit No. 0840-00033-V2, issued November 30, 2009.
§111	January 2008 LR 34:70 MM 005	Amendments and Corrections	This rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations.
§2121	January 2008 LR 34:70 MM 005	Amendments and Corrections	This rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations.
§2125	January 2008 LR 34:70 MM 005	Amendments and Corrections	This rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations.
§2145	January 2008 LR 34:70 MM 005	Amendments and Corrections	This rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations.
§2147	January 2008 LR 34:70 MM 005	Amendments and Corrections	This rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations.
§2201	January 2008 LR 34:70 MM 005	Amendments and Corrections	This rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations.

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AQ 291
State II Vapor Recovery Systems for
Control of Vehicle Refueling Emissions at Gasoline
Dispensing Facilities
LAC 33:III.2132

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Herman Robinson, CPM
Executive Counsel

0811#017

RULE

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

**Stage II Vapor Recovery
(LAC 33:III.2132)(AQ291)**

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.2132 (Log #AQ291).

The Rule provides an exemption from Stage II vapor recovery requirements for dispensers used exclusively for the initial fueling and/or refueling of vehicles equipped with onboard refueling vapor recovery (ORVR) equipment. Refueling emissions are captured via vehicle ORVR equipment instead of the dispenser. This Rule enables E85 (85 percent ethanol and 15 percent gasoline) fuel pumps to operate and dispense E85 fuel within the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge. Louisiana's Stage II vapor recovery rule requires California Air Resource Board (CARB) certification or equivalent for gasoline dispensing units in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge. However, at this time there is no CARB certification available for E85 units. These E85 dispensers are used exclusively to dispense fuel to E85-capable vehicles, which are equipped with ORVR equipment. The ORVR systems are considered to be as efficient as Stage II vapor recovery equipment in reducing emissions from fueling and refueling. Since the majority, if not all, of the E85-capable vehicles have ORVR, the EPA via its December 12, 2006, guidance memo to regional air directors allows states flexibility for exempting E85 pumps from Stage II requirements. Additionally, this Rule exempts vehicle manufacturing and rental car facilities where dispensers are used solely for fueling vehicles equipped with ORVR. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to prevent the unnecessary expense of complying with Stage II requirements when emissions that would be vented to the atmosphere are captured via vehicle ORVR instead of the Stage II dispenser. 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 21. Control of Emission of Organic Compounds

Subchapter F. Gasoline Handling

§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities

A. - B.7. ...

8. Exemption. Any segregated motor vehicle fuel dispensing system used exclusively for the fueling and/or refueling of vehicles equipped with onboard refueling vapor recovery equipment (e.g., initial fueling of new vehicles at automobile assembly plants, refueling of rental cars at rental car facilities, and refueling of flexible fuel vehicles at E85 dispensing pumps), located at a facility subject to this regulation, is exempt from the requirements in Paragraphs B.5 and 6 of this Section.

9. Upon request by the Department of Environmental Quality, the owner or operator of a facility that claims to be exempt from the requirements of this Section shall submit supporting records to the Office of Environmental Assessment within 30 calendar days from the date of the request. The Department of Environmental Quality shall make a final determination regarding the exemption status of a facility.

C. - I. ...

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 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:1890 (September 2008), LR 34:2397 (November 2008).

Herman Robinson, CPM
Executive Counsel

0811#016

RULE

**Office of the Governor
Board of Certified Public Accountants**

**Annual Renewals of CPA Certificate,
Inactive Status, and Firm Permits
(LAC 46:XIX.1105 and 1501)**

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and of the Louisiana Accountancy Act, R.S. 37:74, the Board of Certified Public Accountants of Louisiana has amended LAC 46:XIX:1105 and 1501. The objective of this action is to provide for renewal of licenses and registrations of CPAs

AQ291

ORIGINAL^D

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:

STAGE II VAPOR RECOVERY
LAC 33:III.2132

LOG #: AQ291

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 1:40 p.m., on September 25, 2008.

BEFORE:

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

ASSOCIATED REPORTERS, INC.

(225) 216-2036

RECEIVED

OCT 08 2008

A P P E A R A N C E S

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

Efrem Owens
Hearing Officer

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

* * * * *

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

8

REPORTER'S CERTIFICATE

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MR. OWENS:

Good afternoon! My name is Efrem Owens, and I'm employed by the Louisiana Department of Environmental Quality. I'll be serving as hearing officer this afternoon to receive comments regarding proposed amendments to the Environmental Quality regulations.

The comment period for these amendments began on August 20, 2008, when the notice of intent was published in the *Louisiana Register*. The comment period will close at 4:30 p.m., today, September 25, 2008, for the Log Numbers RP048ft and RP050ft, and at 4:30 p.m., October 2, 2008, for the Log Numbers AQ286, AQ291, and OS077. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interested parties to present comments on the proposed changes. This hearing is not being conducted in a question and answer format. Please

1 remember that the purpose of this public
2 hearing is to allow you, the public, an
3 opportunity to express your thoughts
4 concerning today's proposed amendments.

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

9 The second amendment is designated
10 by the Log Number AQ291.

11 The proposed rule will provide an
12 exemption from Stage II vapor recovery
13 requirements for dispensers used
14 exclusively for the initial fueling
15 and/or refueling of vehicles equipped
16 with onboard refueling vapor recovery
17 (ORVR) equipment. Refueling emissions
18 are captured via vehicle ORVR equipment
19 instead of the dispenser.

20 This rule will enable E85 (85
21 percent ethanol and 15 percent gasoline)
22 fuel pumps to operate and dispense E85
23 fuel within the parishes of Ascension,
24 East Baton Rouge, Iberville, Livingston,
25 Pointe Coupee, and West Baton Rouge.

1 Louisiana's Stage II vapor recovery rule
2 requires California Air Resource Board
3 (CARB) certification or equivalent for
4 gasoline dispensing units in the parishes
5 of Ascension, East Baton Rouge,
6 Iberville, Livingston, Pointe Coupee, and
7 West Baton Rouge. However, at this time
8 there is no CARB certification available
9 for E85 units. These E85 dispensers are
10 used exclusively to dispense fuel to E85-
11 capable vehicles, which are equipped with
12 ORVR equipment. The ORVR systems are
13 considered to be as efficient as Stage II
14 vapor recovery equipment in reducing
15 emissions from fueling and refueling.
16 Since the majority, if not all, of the
17 E85-capable vehicles have ORVR, the EPA
18 via its December 12, 2006, guidance memo
19 to regional air directors allows states
20 flexibility for exempting E85 pumps from
21 Stage II requirements. Additionally,
22 this rule will exempt vehicle
23 manufacturing and rental car facilities
24 where dispensers are used solely for
25 fueling vehicles equipped with ORVR.

DEPARTMENT OF ENVIRONMENTAL QUALITY

7

1 We have no one signed up to comment
2 on this regulation, would anyone care to?

3 If not, the hearing on AQ291 is
4 closed.

5 Thank you for your attention and
6 participation.

7 This hearing is closed.

8 **THE HEARING CONCLUDED AT 1:42 P.M.**

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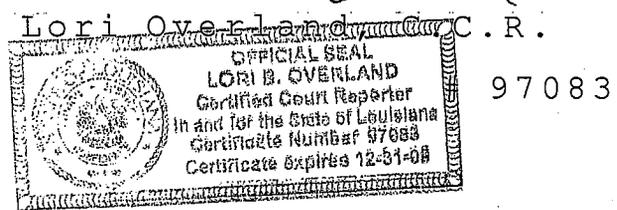
REPORTER'S PAGE

I, Lori B. Overland, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the Record

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporters's transcription of proceeding, and that the dashes (--) do not indicated that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."

Lori Overland



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

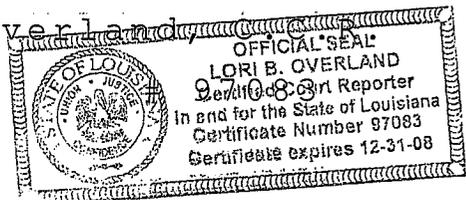
I, the undersigned reporter, do hereby certify that the above and foregoing is a true and correct transcription of the stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted,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

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

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



Lori Overland



AUG 25 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

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

Stage II Vapor Recovery
(LAC 33:III.2132) (AQ291)

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.2132 (Log #AQ291).

The proposed rule will provide an exemption from Stage II vapor recovery requirements for dispensers used exclusively for the initial fueling and/or refueling of vehicles equipped with onboard refueling vapor recovery (ORVR) equipment. Refueling emissions are captured via vehicle ORVR equipment instead of the dispenser. This rule will enable E85 (85 percent ethanol and 15 percent gasoline) fuel pumps to operate and dispense E85 fuel within the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge. Louisiana's Stage II vapor recovery rule requires California Air Resource Board (CARB) certification or equivalent for gasoline dispensing units in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge. However, at this time there is no CARB certification available for E85 units. These E85 dispensers are used exclusively to dispense fuel to E85-capable vehicles, which are equipped with ORVR equipment. The ORVR systems are considered to be as efficient as Stage II vapor recovery equipment in reducing emissions from fueling and refueling. Since the majority, if not all, of the E85-capable vehicles have ORVR, the EPA via its December 12, 2006, guidance memo to regional air directors allows states flexibility for exempting E85 pumps from Stage II requirements. Additionally, this rule will exempt vehicle manufacturing and rental car facilities where dispensers are used solely for fueling vehicles equipped with ORVR. This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to prevent the unnecessary expense of complying with Stage II requirements when emissions that would be vented to the atmosphere are captured via vehicle ORVR instead of the Stage II dispenser. 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 September 25, 2008, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this proposed rule. 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) 219-3471. Two hours of free

parking are allowed in the Galvez Garage 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 AQ291. Such comments must be received no later than October 2, 2008, 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) 219-3398 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 AQ291. This regulation is available on the internet at www.deq.louisiana.gov/portals/abid/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 Galloway 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

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 Department of Environmental Quality
Stage II Vapor Recovery (LAC 33:III.2132) AQ291

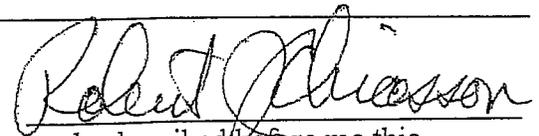
Advertisement of Office of Environmental Quality

P.O. BOX 4333
Baton Rouge, La. 70821

Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates August 20, 2008



Sworn to and subscribed before me this

20th Day of August, 2008



Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times Picayune on these dates.

CERTIFIED COPY

The Times

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AUG 18 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Stage II Vapor
Recovery
(LAC 33:111.2132)
(AQ291)

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-
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the E85-capable vehi-
cles have ORVR, the
EPA via its December
12, 2006, guidance
memo to regional air
directors allows states
flexibility for

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 the
Secretary Legal Affairs Division (AQ291)

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

August 14, 2008

(Signed) Altheas Critton

Sworn to and subscribed before me this 14th day of August, 2008

Diana W. Barber

(Notary)

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

exempting E85 pumps from Stage II requirements. Additionally, this rule will exempt vehicle manufacturing and rental car facilities where dispensers are used solely for fueling vehicles equipped with ORVR. This rule is also being proposed as a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to prevent the unnecessary expense of complying with Stage II requirements when emissions that would be vented to the atmosphere are captured via vehicle ORVR instead of the Stage II dispenser. 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.

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Herman Robinson,
CPM
Executive Counsel

The Times:
August 14, 2008

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RECEIVED

AUG 18 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Karen Doherty
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:

00469375 - \$51.00

August 14, 2008

Karen Doherty

Duly Authorized Agent

Subscribed and sworn to before me on this 14th day of August, 2008 at
Lake Charles, LA

Gwendolyn R. Dugas

Notary Public

00053262

LDEQ-OSEC-LAD

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Stage II Vapor Recovery
(LAC 33:111.2132)
(AQ291)

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Herman Robinson,
CPM
Executive Counsel

Aug. 14, 2008
00469375

AUG 18 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

CERTIFIED COPY

AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Stage II Vapor Recovery
(LAC 33:111.2132)
(AQ291)

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Herman Robinson, CPM
Executive Counsel
(8) 14

I, Harold Constance, Classified Sales Manager
of THE TOWN TALK, published at Alexandria,
Louisiana do solemnly swear that the
Public Notice (AQ291)
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 August 14, 2008 and ending with the
issue dated August 14, 2008.

Harold Constance

Subscribed and sworn to before me
this 14th day of August, 2008.

[Signature]
Notary Number 019887

CAPITAL CITY PRESS

Publisher of
THE ADVOCATE

CERTIFIED COPY

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SEP 08 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

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

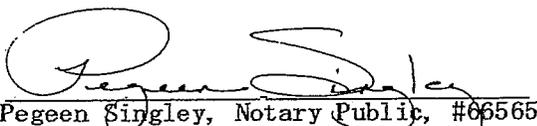
08/14/08



Susan A. Bush, Public Notices Clerk

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

August 14, 2008



Pegen Singley, Notary Public, #066565

My Commission Expires: Indefinite
Baton Rouge, Louisiana

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Stage II Vapor Recovery
(LAC 33:III.2132) (AQ291)

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Herman Robinson, CPM
Executive Counsel
3942076-aug 14-1t

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REGULATION DEVELOPMENT SECTION

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Acadiana's Daily Newspaper

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
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Ad Total: \$97.51
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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
Stage II Vapor Recovery
(LAC 33:III.2132) (AQ291)

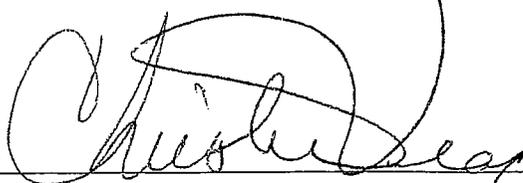
was published in **THE ADVERTISER** on the following dates:

***Friday, August 15, 2008**



ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 19th day of August, 2008.



Notary Public - Christie Veazey ID# 058555

1044013
NOTICE OF INTENT

Department of
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Office of the Secretary
Legal Affairs Division

Stage II Vapor
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AUG 25 2008

LDEQ/GSEC/LAD
REGULATION DEVELOPMENT SECTION

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

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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 Department of Environmental Quality
Stage II Vapor Recovery (LAC 33:III.2132) AQ291

Advertisement of Office of Environmental Quality

P.O. BOX 4333
Baton Rouge, La. 70821

Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates August 20, 2008

Sworn to and subscribed before me this

20th Day of August, 2008

Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times Picayune on these dates.

CERTIFIED COPY

The Times

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AUG 18 2008

LDEW/OSEC/LAD
REGULATION DEVELOPMENT SECTION

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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 the
Secretary Legal Affairs Division (AQ291)

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

August 14, 2008

(Signed) Altheas Critton

Sworn to and subscribed before me this 14th day of August, 2008

Diana W. Barber

(Notary)

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

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REGULATION DEVELOPMENT SECTION

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Karen Dohlers
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:

00469375 - \$51.00

August 14, 2008

Karen Dohlers

Duly Authorized Agent

Subscribed and sworn to before me on this 14th day of August, 2008 at
Lake Charles, LA

Gwendolyn R. Dugas

Notary Public

00053262

LDEQ-OSEC-LAD

Gwendolyn R. Dugas
7/28/2008

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Stage II Vapor Recovery
(LAC 33:111.2132)
(AQ291)

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Herman Robinson, CPM
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Aug 14, 2008
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LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

CERTIFIED COPY *2/9/08/bb*

AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

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Office of the Secretary
Legal Affairs Division

Stage II Vapor Recovery
(LAC 33:III.2132)
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Herman Robinson,
CPM
Executive Counsel
(8) 14

I, Harold Constance, Classified Sales Manager of THE TOWN TALK, published at Alexandria, Louisiana do solemnly swear that the Public Notice (AQ291) 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 August 14, 2008 and ending with the issue dated August 14, 2008.

Harold Constance

Subscribed and sworn to before me
this 14th day of August, 2008.

[Signature]
Notary Number 019887

CAPITAL CITY PRESS

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SEP 08 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

Publisher of
THE ADVOCATE

CERTIFIED COPY

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:

08/14/08



Susan A. Bush, Public Notices Clerk

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

August 14, 2008


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

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Stage II Vapor Recovery
(LAC 33:III.2132) (AQ291)

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Herman Robinson, CPM
Executive Counsel

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3942076

REMENDER WEATHERSPOON

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BATON ROUGE

LA 70821-4314

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AUG 25 2008

Acadiana's Daily Newspaper

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

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: 1044013
Ad Total: \$97.51
No. of Lines: 223
Reference No.:

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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
Stage II Vapor Recovery
(LAC 33:III.2132) (AQ291)

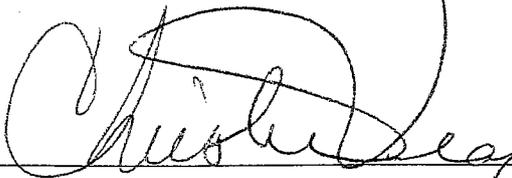
was published in **THE ADVERTISER** on the following dates:

***Friday, August 15, 2008**



ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 19th day of August, 2008.



Notary Public - Christie Veazey ID# 058555

1044013
NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Stage II Vapor
Recovery
(LAC 33:III.2132)
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Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter F. Gasoline Handling

§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities

A. – B.7. ...

8. Exemption. Any segregated motor vehicle fuel dispensing system used exclusively for the fueling and/or refueling of vehicles equipped with onboard refueling vapor recovery equipment (e.g., initial fueling of new vehicles at automobile assembly plants, refueling of rental cars at rental car facilities, and refueling of flexible fuel vehicles at E85 dispensing pumps), located at a facility subject to this regulation, is exempt from the requirements in Paragraphs B.5 and 6 of this Section.

89. Upon request by the Department of Environmental Quality, the owner or operator of a facility that claims to be exempt from the requirements of this Section shall submit supporting records to the Office of Environmental ~~Assessment~~ Compliance within 30 calendar days from the date of the request. The Department of Environmental Quality shall make a final determination regarding the exemption status of a facility.

C. – I. ...

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 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:1890 (September 2008), LR 34:**.

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Stage II Vapor Recovery
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Title 33 ENVIRONMENTAL QUALITY Part III. Air

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Herman Robinson, CPM
Executive Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Stage II Vapor Recovery**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no appreciable costs/savings anticipated to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no appreciable increase or decrease in revenues anticipated to state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There is no appreciable impact anticipated to purchasers of E85 (85 percent ethanol and 15 percent gasoline) fuel. Sellers of this fuel will see the benefit of an additional cost avoided as they will not have to invest in stage II vapor recovery systems.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no appreciable effect anticipated on competition or employment as everyone operating the E85 pumps will incur the same costs and benefits.

Herman Robinson, CPM
Executive Counsel
0808#049

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**Training and Education Requirements for Authorized Users
of Radioactive Materials (LAC 33:XV.763)(RP050ft)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.763 (Log #RP050ft).

This proposed rule is identical to federal regulations found in 10 CFR 35.55(b)(1)(i), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3471 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule. This rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This rule will update the state regulations to be compatible with the changes in the federal regulations relating to the training and education requirements of a physician who is a radiation safety officer overseeing uptake, dilution, or excretion studies, and/or imaging and localization studies. Amendments to the *Code of Federal Regulations* in 10 CFR

Part 35 have been completed regarding the training and education requirements of a radiation safety officer. Louisiana is required to adopt or amend the state radiation regulations pertaining to the training and education requirements of an authorized user of radioactive material in order to maintain an adequate Agreement State program. The basis and rationale for this rule are to mirror the federal regulations and maintain an adequate Agreement State program. 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.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

**Chapter 7. Use of Radionuclides in the Healing Arts
§763. Training**

A. – K.2. ...

a. has completed 700 hours in a structured educational program consisting of both:

i. 200 hours of classroom and laboratory training in the following areas:

K.2.a.i.(a). – M. ...

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), amended by the Office of the Secretary, Legal Affairs Division, LR 32:814 (May 2006), LR 34:983 (June 2008), LR 34:

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 September 25, 2008, 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) 219-3471. Two hours of free parking are allowed in the Galvez Garage 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 RP050ft. Such comments must be received no later than September 25, 2008, 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) 219-3398 or by e-mail to judith.schuerman@la.gov. The comment period for this rule ends on the same date as the public hearing. 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 RP050ft. This regulation is available on the Internet at:

www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

AQ 294
Revisions to Performance Testing
Notifications and Report Submittals
LAC 33:III.523, 2107, 2108

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RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Performance Testing Notifications and Reports
(LAC 33:III.523, 2107, 2108, 2511,
2521, 2531, and 5113)(AQ294)

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.523, 2107, 2108, 2511, 2521, 2531, and 5113 (Log #AQ294).

This rule amends the variety of timeframes in the regulations for submitting reports of results following the completion of performance testing so that all reports are due 60 days after the completion of testing. The 60-day timeframe is consistent with other state policy testing requirements and with the majority of federal testing requirements. This rule also requires submittal of testing notifications to the department at least 30 days prior to testing, where testing is required in the regulations. This requirement is already located in several places in the regulations and is included as a general condition in all air permits issued by the department. These changes will make the regulations more consistent. Requiring all performance testing reports to be submitted within the same timeframe reduces confusion for the regulated community. Currently, the department receives many requests for extensions to submit test results, especially for test results that are due within 30 days of testing. Thirty days can be a difficult timeframe in which to prepare a report or results, especially for testing that involves several methods or scenarios. Increasing the timeframe will reduce the burden to facilities. Clearly stating that notifications are required where testing is required in the regulations also reduces confusion and makes the regulations more consistent throughout and with air permits issued by the department. The basis and rationale for this rule are to make the regulations more consistent and to incorporate into the regulations a requirement of all air permits issued by the department. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33 ENVIRONMENTAL QUALITY Part III. Air

Chapter 5. Permit Procedures §523. Procedures for Incorporating Test Results

A. – B.2. ...

3. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

4. Within 60 days of test completion, the administrative authority shall be given a report detailing the conditions that were found to exist. If there is to be no permanent change in emissions from pretest conditions, that should be stated.

5. If there is to be a permanent change made that increases emissions, all applicable requirements of this Chapter must be met. If emissions are to be reduced by the modification, the requirements of LAC 33:III.511 are 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 Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1903 (September 2008).

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2107. Volatile Organic Compounds—Loading

A. – D.4. ...

E. Test Methods

1. Compliance with Subsection B of this Section shall be determined by applying the following test methods, as appropriate:

a. Test Methods 1-4 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003) for determining flow rates, as necessary;

b. Test Method 18 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003) for determining gaseous organic compounds emissions by gas chromatography;

c. Test Method 25 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003) for determining total gaseous non-methane organic emissions as carbon;

d. Test Method 25A or 25B (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003) for determining total gaseous organic concentration using flame ionization or nondispersive infrared analysis; and

e. flaring devices, which shall be designed and operated according to 40 CFR 60.18.

2. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

3. Within 60 days of test completion, a copy of the test results shall be submitted to the Office of Environmental Assessment for review and approval.

F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:116 (February 1990), amended by the Office of Air Quality and Radiation Protection, LR 17:360 (April 1991), LR 22:1212 (December 1996), LR 24:20 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1442 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:1903 (September 2008).

§2108. Marine Vapor Recovery

A. – E.5....

6. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the

opportunity to conduct a pretest conference and to have an observer present.

F. Reporting and Recordkeeping

1. The results of any testing done in accordance with Subsection E of this Section shall be reported to the Office of Environmental Assessment within 60 days of the test.

F.2. – H.2. ...

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 14:704 (October 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:20 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 30:745 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:2085 (October 2007), LR 34:1903 (September 2008).

Chapter 25. Miscellaneous Incineration Rules

Subchapter B. Biomedical Waste Incinerators

§2511. Standards of Performance for Biomedical Waste Incinerators

A. – E.6.e. ...

7. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

8. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Assessment for review and approval within 60 days of completion of testing.

F. – L. ...

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 20:1098 (October 1994), amended LR 21:1081 (October 1995), LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008).

Subchapter C. Refuse Incinerators

§2521. Refuse Incinerators

A. – F.9.e. ...

10. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

11. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Assessment for review and approval within 60 days of completion of testing.

G. – H. ...

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 20:1100 (October 1994),

amended LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008).

Subchapter D. Crematories

§2531. Standards of Performance for Crematories

A. – I.1.f. ...

2. A copy of all test results shall be submitted to the Office of Environmental Assessment for review and approval within 60 days of completion of testing.

J. – J.2. ...

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 20:1107 (October 1994), amended LR 22:1127 (November 1996), LR 22:1212 (December 1996), LR 23:1509 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:1904 (September 2008).

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5113. Notification of Start-Up, Testing, and Monitoring

A. – A.2. ...

B. Emission Tests and Waiver of Emission Tests

1. The department may require any owner or operator to conduct tests to determine the emission of toxic air pollutants from any source whenever the department has reason to believe that an emission in excess of those allowed by this Subchapter is occurring. The department may specify testing methods to be used in accordance with good professional practice. The department may observe the testing. The Office of Environmental Assessment shall be notified at least 30 days prior to testing to afford the department the opportunity to conduct a pretest conference and to have an observer present. All tests shall be conducted by qualified personnel. The Office of Environmental Assessment shall be given a copy of the test results in writing signed by the person responsible for the tests within 60 days after completion of the test.

2. – 4.e. ...

5. Unless otherwise specified, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the determinations of the emission test to the Office of Environmental Assessment by a certified letter sent before the close of business on the sixtieth day following the completion of the emission test.

B.6. – C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 33:2094 (October 2007), LR 34:1904 (September 2008).

Herman Robinson, CPM
Executive Counsel

0809#093

RULE

**Department of Health and Hospitals
Board of Medical Examiners**

Adjudication (LAC 46:XLV.9905)

Editor's Note: This Rule was printed in error on page 1625 of the August 20, 2008 *Louisiana Register*. The correct effective and promulgation date for this Rule is September 20, 2008.

Pursuant to the authority vested in the Louisiana State Board of Medical Examiners (Board) by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the board has amended LAC 46:XLV, Subpart 5, Chapter 99, §9905, of its rules of adjudication. The amendments are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XLV. Medical Professions
Subpart 5. Rules of Procedure**

**Chapter 99. Adjudication
§9905. Notice of Hearing**

A. Upon the filing of an administrative complaint pursuant to §9903, the board shall docket the complaint and schedule the complaint for hearing before the board not less than 45 days nor more than 180 days thereafter; provided, however, that such time may be lengthened or shortened as the board determines may be necessary or appropriate to protect the public interest or upon motion of the investigating officer or respondent pursuant to a showing of proper grounds. In the event that the respondent's license, permit, certification, or registration has been suspended by the board pending hearing, pursuant to R.S. 49:961(C), evidentiary hearing on the complaint shall be noticed and scheduled not more than 60 days from the date of suspension, unless respondent waives convening a hearing during such period.

B ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:507 (June 1990), amended LR 34:1625 (August 2008), repromulgated LR 34:1905 (September 2008).

Robert L. Marier, M.D.
Executive Director

0809#014

RULE

**Department of Health and Hospitals
Board of Medical Examiners**

Dispensation of Medications
(LAC 46:XLV.6503, 6505, 6506, and 6515)

Editor's Note: This Rule was printed in error on page 1626 of the August 20, 2008 *Louisiana Register*. The correct effective and promulgation date for this Rule is September 20, 2008.

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292 and R.S. 37:1201, has amended its rules governing dispensation of medications, Title 46:XLV, Subpart 3, Chapter 65, §6503, §6505, §6506, and §6515. The amendments are set forth below.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part XLV. Medical Professions
Subpart 3. Practice**

**Chapter 65. Dispensation of Medications
Subchapter A. General Provisions**

§6503. Definitions

A. As used in this Chapter, the following terms and phrases shall have the meanings specified.

* * *

Drugs of Concern—carisoprodol, dezocine, nalbuphine and tramadol and such other non-controlled substances, as defined by rule, which demonstrate a potential for abuse.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292, R.S. 37:1201.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:570 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 30:1193 (June 2004), LR 34:1626 (August 2008), repromulgated LR 34:1905 (September 2008).

**Subchapter B. Prohibitions, Sanctions and Exceptions
§6505. Prohibitions**

A. - D. ...

E. Except as provided in §6506 of this Subchapter, a registrant shall not dispense any controlled substance or drug of concern.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1261-1292 and R.S. 37:1201.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 13:571 (October 1987), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:1626 (August 2008), repromulgated LR 34:1905 (September 2008).

§6506. Exceptions

A. Notwithstanding §6505.E of this Subchapter, a registrant may dispense up to a single 48 hour supply of a single controlled substance or drug of concern to a patient.

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DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC HEARING
REGULATION DEVELOPMENT SECTION

The Public Hearing conducted by the Louisiana Department of Environmental Quality Services taken at the 602 North 5th Street, Baton Rouge, Louisiana 70802 on Tuesday, July 29, 2008 at 1:31 p.m.

Reported by:

Tara Torres
Certified Court Reporter

ORIGINAL

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MS. STEPHENS:

Good afternoon. My name is Sandy Stephens and I'm employed by the Louisiana Department of Environmental Quality. I will be serving as the Hearing Officer this afternoon to receive comments regarding proposed amendments to the Louisiana Environmental Quality regulations, and to the state's air quality state implementation plan.

The comment periods for these amendments began on June 20, 2008, when the notices of intent were published in the Louisiana Register. The comment periods will close at 4:30 p.m., August 5, 2008. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interested parties to present comments on the proposed changes. This hearing is not being

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conducted in a question and answer format. Please remember that the purpose of this public hearing is to allow you, the public, and opportunity to express your thoughts concerning today's proposed amendments.

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

The second amendment is designated by the Log Number AQ294.

This rule will amend a variety of time frames in the regulations for submitting reports of results following the completion of performance testing so that all reports are due 60 days after the completion of testing. The 60-day time frame is consistent with other state policy testing requirements and with the majority of federal testing requirements.

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This rule will also require submittal of testing notifications to the department at least 30 days prior to testing, where testing is required in the regulations. This requirement is already located in several places in the regulations and is included as a general condition in all air permits issued by the department. These changes will make the regulations more consistent requiring all performance testing reports to be submitted within the same time frame reduces confusion for the regulated community.

Currently, the department receives many requests for extensions to submit test results, especially for test results that are due with 30 days of testing. Thirty days can be a difficult time frame in which to prepare a report of results, especially for testing that involves several methods or

1 scenarios. Increasing the time
2 frame will reduce the burden on
3 facilities. Clearly stating the
4 notifications are required where
5 testing is required in the
6 regulations also reduces confusion
7 and make the regulations more
8 consistent throughout and with air
9 permits issued by the department.

10 Does anyone care to comment on
11 this regulation?

12 If not, the hearing on AQ294 is
13 closed.

14 (The hearing was closed.)
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R E P O R T E R ' S P A G E

I, Tara Torres, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the Record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers; that same is the proper method for a Court Reporter's transcription of proceeding, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

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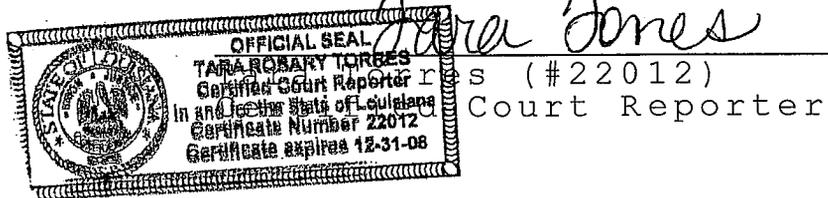
Tara Torres
Tara Torres, CCR
Certified Court Reporter

C E R T I F I C A T E

This certification is valid only for a transcript accompanied by my original signature and original raised seal on this page.

That this testimony was reported by me in the Stenomask method (voice-writing), was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That I am not related to counsel or to the parties herein; am not otherwise interested in the outcome of this matter; and am a valid member in good standing of the Louisiana State Board of Examiners of Certified Shorthand Reporters.



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Acadiana's Daily Newspaper

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

THE ADVERTISER

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LA Department of Environmental Quality
OSEC/Legal Affairs Division
Regulation Development Section
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NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Performance Testing Notifications and Reports
(LAC 33:III.523, 2107, 2108, 2511, 2521, 2531, and 5113) (AQ294)

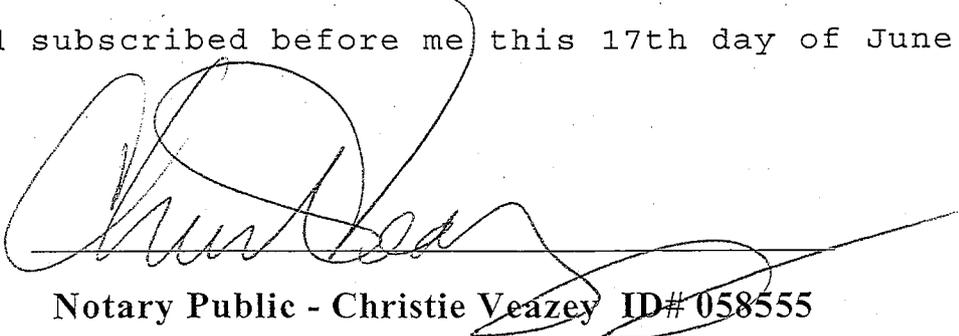
was published in **THE ADVERTISER** on the following dates:

***Saturday, June 14, 2008**



ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 17th day of June, 2008.



Notary Public - Christie Veazey ID# 058555

1008538
NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Performance Testing
Notifications and
Reports
(LAC 33:111.523, 2107,
2108, 2511, 2521, 2531,
and 5113) (AQ294)

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 33:111.523, 2107, 2108, 2511, 2521, 2531, and 5113 (Log #AQ294).

This rule will amend the variety of timeframes in the regulations for submitting reports of results following the completion of performance testing so that all reports are due 60 days after the completion of testing. The 60-day timeframe is consistent with other state policy testing requirements and with the majority of federal testing requirements. This rule will also require submittal of testing notifications to the department at least 30 days prior to testing, where testing is required in the regulations. This requirement is already located in several places in the regulations and is included as a general condition in all air permits issued by the department. These changes will make the regulations more consistent. Requiring all performance testing reports to be submitted within the same timeframe reduces confusion for the regulated community. Currently, the department receives many requests for extensions to submit test results, especially for test results that are due within 30 days of testing. Thirty days can be a difficult timeframe in which to prepare a report or results, especially for testing that involves several methods or scenarios. Increasing the timeframe will reduce the burden to facilities. Clearly stating that notifications are required where testing is required in the regulations also reduces confusion and makes the regulations more consistent throughout and with air permits issued by the department. The basis and rationale for this rule are to make the regulations more consistent and to

incorporate into the regulations a requirement of all air permits issued by the department. This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

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

A public hearing will be held on July 29, 2008, 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. Two hours of free parking are allowed in the Galvez Garage 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 AQ294. Such comments must be received no later than August 5, 2008, 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 AQ294. 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

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JUN 26 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

AQ294

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:

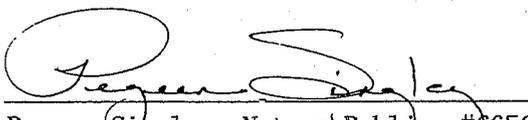
06/14/08



Susan A. Bush, Public Notices Clerk

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

June 14, 2008



Pegeen Singley, Notary Public, #065665
My Commission Expires: Indefinite
Baton Rouge, Louisiana

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Performance Testing
Notifications and Reports
(LAC 33:III.523, 2107, 2108,
2511, 2521, 2531, and 5113)
(AQ294)

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.523, 2107, 2108, 2511, 2521, 2531, and 5113 (Log #AQ294).

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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 July 29, 2008, 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. Two hours of free parking are allowed in the Galvez Garage 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 AQ294. Such comments must be received no later than August 5, 2008, 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 AQ294. 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

3901500-jun 14-1t

DEQ - OSEC/LAD REG

3901500

REMENDER WEATHERSPOON

PO BOX 4302

BATON ROUGE

LA 70821-4314

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7/14/08

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JUN 19 2008

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

Performance Testing
Notifications and
Reports
(LAC 33:III.523, 2107,
2108, 2511, 2521, 2531,
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I, Harold Constance, Classified Sales Manager
of THE TOWN TALK, published at Alexandria,
Louisiana do solemnly swear that the

Public Notice (AQ294)

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 June 16, 2008 and ending with the
issue dated June 16, 2008.

Harold Constance

Subscribed and sworn to before me

this 16th day of June, 2008.

[Signature]

Notary Number 019888

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

(6) 16

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2/17/08

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JUN 23 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division Performance Testing Notifications and Reports (LAC 33:111.523, 2107, 2108, 2511, 2521, 2531, and 5113) (AQ294)

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Affidavit of Publication

STATE OF LOUISIANA

Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Karen Wohlus
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:

00453862 - \$46.00 *AQ294*
June 17, 2008

Karen Wohlus

Duly Authorized Agent

Subscribed and sworn to before me on this 17th day of June, 2008 at
Lake Charles, LA

Winnie P. Gullory



Winnie P. Gullory
Notary #66592
My Commission Is For Life

Notary Public

00053262
LDEQ-OSEC-LAD

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Herman Robinson, CPM
Executive Counsel

June 17
00453862

11

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JUN 19 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

AQ 294

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,
on June 19, 2008

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Performance Testing
Notifications and Reports
(LAC 33:111, 217, 2107,
2108, 2511, 2521, 2531,
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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.: 607 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71272; State Office Building, 325 Fairfield Avenue, Shreveport, LA 71101; 1201 Cadwall Street, Lake Charles, LA 70515; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lakeport, LA 70374; 645 N. Lotus Drive, Sulite C, Mandeville, LA 70401.

Herman Robinson,
CPW

Executive Counsel

Monroe, LA
June 19, 2008

CERTIFIED COPY

The Times

RECEIVED

JUN 30 2008

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

NOTICE OF INTENT

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Office of the Secretary
Legal Affairs Division

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(LAC 33:111.523, 2107,
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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
Legal Affairs Division (AQ294)

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

January 14, 2008

(Signed) Altheas Critton

Sworn to and subscribed before me this 16th day of June, 2008

Diana W. Barber

(Notary)

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



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Herman Robinson
CPM
Executive Counsel

The Times
June 14, 2008

JUN 26 2008

The Times-Picayune

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

NOTICE OF INTENT

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Office of the Secretary
Legal Affairs Division

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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 Department of Environmental Quality
Performance Testing Notifications and Reports (AQ294)

Advertisement of Office of Environmental Quality

P.O. BOX 4303
Baton Rouge, La. 70821

Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates June 20, 2008

Robert Chiasson

Sworn to and subscribed before me this
20th Day of June, 2008

Charles A. Ferguson, Jr.
Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times Picayune on these dates.

Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§523. Procedures for Incorporating Test Results

A. – B.2. ...

3. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

43. Within ~~60~~30 days of test completion, the administrative authority shall be given a report detailing the conditions that were found to exist. If there is to be no permanent change in emissions from pretest conditions, that should be stated.

54. If there is to be a permanent change made ~~which~~that increases emissions, all applicable requirements of this Chapter must be met. If emissions are to be reduced by the modification, the requirements of LAC 33:III.511 are 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 Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2107. Volatile Organic Compounds—Loading

A. – D.4. ...

E. Test Methods-

1. Compliance with Subsection B of this Section shall be determined by applying the following test methods, as appropriate:

~~1.~~ a. Test Methods 1-4 (40 CFR Part 60, Appendix A, as incorporated by reference ~~at~~in LAC 33:III.3003) for determining flow rates, as necessary;

~~2.~~ b. Test Method 18 (40 CFR Part 60, Appendix A, as incorporated by reference ~~at~~in LAC 33:III.3003) for determining gaseous organic compounds emissions by gas chromatography;

~~3.~~ c. Test Method 25 (40 CFR Part 60, Appendix A, as incorporated by reference ~~at~~in LAC 33:III.3003) for determining total gaseous non-methane organic emissions as carbon;

~~4.~~ d. Test Method 25A or 25B (40 CFR Part 60, Appendix A, as incorporated by reference ~~at~~in LAC 33:III.3003) for determining total gaseous organic concentration using flame ionization or nondispersive infrared analysis; and

~~5.~~ e. flaring devices, which shall be designed and operated according to 40 CFR 60.18.

2. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

3. Within 60 days of test completion, a copy of the test results shall be

submitted to the Office of Environmental Assessment for review and approval.

F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:116 (February 1990), amended by the Office of Air Quality and Radiation Protection, LR 17:360 (April 1991), LR 22:1212 (December 1996), LR 24:20 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1442 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§2108. Marine Vapor Recovery

A. – E.5. ...

6. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

F. Reporting and Recordkeeping

1. The results of any testing done in accordance with ~~LAC~~ 33:III.2108.Subsection E of this Section shall be reported to the Office of Environmental Assessment within 6045 days of the test.

F.2. – H.2. ...

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 14:704 (October 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:20 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 30:745 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:2085 (October 2007), LR 34:**.

Chapter 25. Miscellaneous Incineration Rules

Subchapter B. Biomedical Waste Incinerators

§2511. Standards of Performance for Biomedical Waste Incinerators

A. – E.6.e. ...

7. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

87. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Assessment for review and approval within 6045 days of completion of testing.

F. – L. ...

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 20:1098 (October 1994), amended LR 21:1081 (October 1995), LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental

Assessment, Environmental Planning Division, LR 26:2455 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 33:2089 (October 2007), LR 34:**.

Subchapter C. Refuse Incinerators

§2521. Refuse Incinerators

A. – F.9.e. ...

10. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

1140. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Assessment for review and approval within 6045 days of completion of testing.

G. – H....

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 20:1100 (October 1994), amended LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:**.

Subchapter D. Crematories

§2531. Standards of Performance for Crematories

A. – I.1.f. ...

2. A copy of all test results shall be submitted to the Office of Environmental Assessment for review and approval within 6045 days of completion of testing.

J. – J.2. ...

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 20:1107 (October 1994), amended LR 22:1127 (November 1996), LR 22:1212 (December 1996), LR 23:1509 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:**.

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5113. Notification of Start-Up, Testing, and Monitoring

A. – A.2. ...

B. Emission Tests and Waiver of Emission Tests

1. The department may require any owner or operator to conduct tests to determine the emission of toxic air pollutants from any source whenever the department has reason to believe that an emission in excess of those allowed by this Subchapter is occurring. The department may specify testing methods to be used in accordance with good professional practice. The department may observe the testing. The Office of Environmental Assessment shall

be notified at least 30 days prior to testing to afford the department the opportunity to conduct a pretest conference and to have an observer present. All tests shall be conducted by qualified personnel. The Office of Environmental Assessment shall be given a copy of the test results in writing signed by the person responsible for the tests within ~~60~~45 days after completion of the test.

2. – 4.e. ...

5. Unless otherwise specified, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the determinations of the emission test to the Office of Environmental Assessment by a certified letter sent before the close of business on the ~~sixtieth~~forty-fifth day following the completion of the emission test.

B.6. – C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 33:2094 (October 2007), LR 34:**.

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 July 29, 2008, 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. Two hours of free parking are allowed in the Galvez Garage 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 MM008. Such comments must be received no later than August 5, 2008, 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 MM008. 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: Environmental Quality**

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

There will be no significant implementation costs or savings to state or local governmental units because of the proposed rule. The proposed rule makes technical changes to correct miscellaneous typographical, grammatical, punctuation, and numbering errors or omissions; and clarifies terms and definitions consistent with current administrative practice.

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)

There will be no significant costs and/or economic benefits to directly affected persons or non-governmental groups because of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment because of the proposed rule.

Herman Robinson, CPM
Executive Counsel
0806#015

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Performance Testing Notifications and Reports
(LAC 33:III.523, 2107, 2108, 2511,
2521, 2531, and 5113)(AQ294)

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.523, 2107, 2108, 2511, 2521, 2531, and 5113 (Log #AQ294).

This rule will amend the variety of timeframes in the regulations for submitting reports of results following the completion of performance testing so that all reports are due 60 days after the completion of testing. The 60-day timeframe is consistent with other state policy testing requirements and with the majority of federal testing requirements. This rule will also require submittal of testing notifications to the department at least 30 days prior to testing, where testing is required in the regulations. This requirement is already located in several places in the regulations and is included as a general condition in all air permits issued by the department. These changes will make the regulations more consistent. Requiring all performance testing reports to be submitted within the same timeframe reduces confusion for the regulated community. Currently, the department receives many requests for extensions to submit test results, especially for test results that are due within 30 days of testing. Thirty days can be a difficult timeframe in which to prepare a report or results, especially for testing that involves several methods or scenarios. Increasing the timeframe will reduce the burden to facilities. Clearly stating that notifications are required where testing is required in the regulations also reduces confusion and makes the regulations more consistent throughout and with air permits issued by the department. The basis and rationale for this rule are to make the regulations more consistent and to incorporate into the regulations a requirement of all air permits issued by the department. This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

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

Chapter 5. Permit Procedures

§523. Procedures for Incorporating Test Results

A. – B.2. ...

3. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

4. Within 60 days of test completion, the administrative authority shall be given a report detailing the conditions that were found to exist. If there is to be no permanent change in emissions from pretest conditions, that should be stated.

5. If there is to be a permanent change made that increases emissions, all applicable requirements of this Chapter must be met. If emissions are to be reduced by the modification, the requirements of LAC 33:III.511 are 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 Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2107. Volatile Organic Compounds—Loading

A. – D.4. ...

E. Test Methods

1. Compliance with Subsection B of this Section shall be determined by applying the following test methods, as appropriate:

a. Test Methods 1-4 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003) for determining flow rates, as necessary;

b. Test Method 18 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003) for determining gaseous organic compounds emissions by gas chromatography;

c. Test Method 25 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003) for determining total gaseous non-methane organic emissions as carbon;

d. Test Method 25A or 25B (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003) for determining total gaseous organic concentration using flame ionization or nondispersive infrared analysis; and

e. flaring devices, which shall be designed and operated according to 40 CFR 60.18.

2. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

3. Within 60 days of test completion, a copy of the test results shall be submitted to the Office of Environmental Assessment for review and approval.

F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:116 (February 1990), amended by the Office of Air Quality and Radiation Protection, LR 17:360 (April 1991), LR 22:1212 (December 1996), LR 24:20 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1442 (July 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§2108. Marine Vapor Recovery

A. – E.5. ...

6. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

F. Reporting and Recordkeeping

1. The results of any testing done in accordance with Subsection E of this Section shall be reported to the Office of Environmental Assessment within 60 days of the test.

F.2. – H.2. ...

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 14:704 (October 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:20 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 30:745 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:2085 (October 2007), LR 34:

Chapter 25. Miscellaneous Incineration Rules

Subchapter B. Biomedical Waste Incinerators

§2511. Standards of Performance for Biomedical Waste Incinerators

A. – E.6.e. ...

7. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

8. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Assessment for review and approval within 60 days of completion of testing.

F. – L. ...

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 20:1098 (October 1994), amended LR 21:1081 (October 1995), LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2455 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2442 (October 2005), LR 33:2089 (October 2007), LR 34:

Subchapter C. Refuse Incinerators

§2521. Refuse Incinerators

A. – F.9.e. ...

10. At least 30 days prior to performing any emission test, notification of testing shall be made to the Office of Environmental Assessment to afford the department the opportunity to conduct a pretest conference and to have an observer present.

11. A copy of all monitoring and tests results shall be submitted to the Office of Environmental Assessment for review and approval within 60 days of completion of testing.

G. – H. ...

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 20:1100 (October 1994), amended LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:

Subchapter D. Crematories

§2531. Standards of Performance for Crematories

A. – I.1.f. ...

2. A copy of all test results shall be submitted to the Office of Environmental Assessment for review and approval within 60 days of completion of testing.

J. – J.2. ...

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 20:1107 (October 1994), amended LR 22:1127 (November 1996), LR 22:1212 (December 1996), LR 23:1509 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2456 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2443 (October 2005), LR 33:2089 (October 2007), LR 34:

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5113. Notification of Start-Up, Testing, and Monitoring

A. – A.2. ...

B. Emission Tests and Waiver of Emission Tests

1. The department may require any owner or operator to conduct tests to determine the emission of toxic air pollutants from any source whenever the department has reason to believe that an emission in excess of those allowed by this Subchapter is occurring. The department may specify testing methods to be used in accordance with good professional practice. The department may observe the testing. The Office of Environmental Assessment shall be notified at least 30 days prior to testing to afford the department the opportunity to conduct a pretest conference and to have an observer present. All tests shall be conducted by qualified personnel. The Office of Environmental Assessment shall be given a copy of the test results in writing signed by the person responsible for the tests within 60 days after completion of the test.

2. – 4.e. ...

5. Unless otherwise specified, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the determinations of the emission test to the Office of Environmental Assessment by a certified letter sent before the close of business on the sixtieth day following the completion of the emission test.

B.6. – C.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 33:2094 (October 2007), LR 34:

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 July 29, 2008, 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. Two hours of free parking are allowed in the Galvez Garage 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 AQ294. Such comments must be received no later than August 5, 2008, 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 AQ294. 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: Performance Testing Notifications and Reports

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

There is no anticipated cost or savings to state or local governmental units to implement this rule.

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

There is no anticipated effect on revenue collections of state or local governmental units as a result of this rule.

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

There is no estimated cost or economic benefits to directly affected persons or non-governmental groups as a result of this rule. Performance test notifications and reports are already required by regulation and permit. This rule clarifies the requirement for notification where the requirement is not specifically stated. Even when the regulation does not expressly state that a notification of performance testing is required, all

air permits issued by DEQ require notification prior to testing. Additionally, this rule makes the timeframe for submitting test results consistent. The requirement for submittal of performance test results currently varies between 30, 45, and 60 days. This rule will make all performance test results due within 60 days, which is consistent with EPA's requirement under 40 CFR 63.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Herman Robinson, CPM
Executive Counsel
0806#016

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Secondary Containment for UST Systems
(LAC 33:XI.103, 301, 303, 403, 507,
509, 701, 703, and 903)(UT014)

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 Underground Storage Tanks regulations, LAC 33:XI.103, 301, 303, 403, 507, 509, 701, 703, and 903 (Log #UT014).

This proposed rule will require owners and/or operators of UST systems to install secondary containment with new installations or replacements of tanks and/or piping, and also to install under-dispenser containment and submersible pump containment, after December 20, 2008. The rule will also require the installation of secondary containment for certain repairs to tanks or piping made after December 20, 2008. The difference between "replacement" and "repair" is clarified. The federal 2005 Underground Storage Tank Compliance Act, which amends Section 9003 of Subtitle I of the Solid Waste Disposal Act, mandates states authorized to administer the Underground Storage Tank Program to take certain actions to reduce the incidence of leaking USTs. One such action is to require that USTs installed in the state have secondary containment. This action must be implemented to maintain federal funding of the UST program in the state and to maintain federal delegation of the UST program. This will further enhance our effort to maintain protection of human health and the environment. The basis and rationale for this rule are to comply with the federal guidelines required by the 2005 Underground Storage Tank Compliance Act. 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.

Title 33

ENVIRONMENTAL QUALITY

Part XI. Underground Storage Tanks

Chapter 1. Program Applicability and Definitions

§103. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless specifically defined otherwise in LAC 33:XI.1105 or 1303.

* * *

Install or *Installation*—the process of placing a UST system in the ground and preparing it to be put into service.

* * *

Pipe or *Piping*—a hollow cylinder or tubular conduit that is constructed of non-earthen materials and that routinely contains and conveys regulated substances from a UST to a dispenser or other end-use equipment. Such piping includes any elbows, couplings, unions, valves, or other in-line fixtures that contain and convey regulated substances from the UST to the dispenser. This definition does not include vent, vapor recovery, or fill lines.

* * *

Replace or *Replacement*—to remove an existing UST and install a new UST in substantially the same location as the removed tank, or to remove and replace 25 percent or more of piping associated with a single UST.

* * *

Secondary Containment—a containment system that utilizes an outer or secondary container or impervious liner designed to prevent releases of regulated substances from the primary container from reaching the surrounding environment for a time sufficient to allow for detection and control of the released product. Such systems include, but are not limited to, double-wall tanks and piping, jacketed tanks and piping that have an interstitial space that allows for interstitial monitoring, and any other such system approved by the department prior to installation.

* * *

Under-Dispenser Containment—a containment system beneath a dispenser designed to prevent releases of regulated substances from the dispenser or contained piping from reaching the surrounding environment for a time sufficient to allow for detection and control of the released product. Such containment must be liquid-tight on its sides, bottom, and at any penetrations, and must allow for visual inspection and access to the components in the containment system or be regularly monitored.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 27:520 (April 2001), amended by the Office of Environmental Assessment,

AQ 309
Gasoline Handling
LAC 33:III.2137

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~~AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).~~

~~HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:434 (March 2007), amended LR 36:1533 (July 2010).~~

~~Jeanette Vosburg
Executive Director~~

~~1007#044~~

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Gasoline Handling (LAC 33:III.2131)(AQ309)

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.2131 (Log #AQ309).

This Rule will clarify the applicability of Section 2131 of LAC 33:III. Section 2131 regulates control requirements for gasoline handling facilities. Parishes exempt from the gasoline handling requirements of this Section by Subsection A of the Section are nevertheless subject to 40 CFR Part 63, Subpart CCCCC. This will be a revision to the State Implementation Plan (SIP). This Rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations. 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.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds Subchapter F. Gasoline Handling

§2131. Filling of Gasoline Storage Vessels

A. Applicability. This regulation is applicable to each gasoline handling facility in the parishes of Bossier, Caddo, Beauregard, Calcasieu, Livingston, Pointe Coupee, East Baton Rouge, West Baton Rouge, Iberville, Lafayette, St. Mary, Ascension, St. James, St. John the Baptist, St. Charles, Lafourche, Jefferson, Orleans, St. Bernard, and Grant. Any parish to which this regulation does not apply remains subject to the requirements of 40 CFR 63, Subpart CCCCC.

B. Control Requirements. No person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage container unless such container is equipped with a submerged fill pipe and unless the displaced vapor emissions from submerged filling of the container are processed by a vapor recovery system that reduces such emissions by at least 90 percent.

C. Approved Vapor Balance System. When a vapor balance system is used to comply with the above vapor

recovery system control requirement, the balance system will be assumed to meet the specified control requirement if the following conditions are met.

1. A vapor-tight return line having an internal cross-sectional area at least one-half that of the liquid line is connected before gasoline is transferred into the storage container. No gasoline leaks exist anywhere in the liquid transfer system. Inspection for visible liquid leaks, visible fumes, or odors resulting from gasoline dispensing operations shall be conducted by the owner or the operator of the gasoline outlet and the owner or the operator of the tank truck. Gasoline loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

2. The only atmospheric emission during gasoline transfer into the storage container is through the storage container pressure-vacuum valve.

3. The delivery vessel is kept vapor-tight at all times with vapor recovery equipment. The delivery vessel must be in compliance with LAC 33:III.2137. The vapor-laden delivery vessel may only be refilled at bulk gasoline plants complying with LAC 33:III.2133 or bulk gasoline terminals complying with LAC 33:III.2135.

D. Alternate Vapor Balance Systems. Other vapor balance arrangements may be accepted if proof of the emission level required in Subsection B of this Section is provided to the administrative authority. Approval of any alternate vapor balance system shall not be valid unless it is received from the administrative authority in writing.

E. Exemptions. The following are exempt from the requirements of Subsection B of this Section:

1. transfers made to storage tanks with a capacity greater than 40,000 gallons (151,400 liters) and equipped with controls as required by LAC 33:III.2103 of these regulations;

2. any gasoline outlet in the parish of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee or West Baton Rouge whose throughput is less than 120,000 gallons (454,200 liters) per year, or any gasoline outlet in the parish of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, or St. Mary whose throughput is less than 500,000 gallons (1,892,700 liters) per year. Once the rolling 30-day average throughput exceeds 10,000 gallons for a facility in the parish of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, or West Baton Rouge, or 42,000 gallons for a facility in the parish of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, or St. Mary, that facility becomes an affected facility, and does not revert to an exempted facility when the throughput drops back below the throughput exemption level;

3. tanks with a capacity of 2,000 gallons or less installed before January 1, 1979, and new tanks with a capacity of 250 gallons or less installed after December 31, 1978; and

4. tanks having a capacity of less than 550 gallons used exclusively for the fueling of farm implements and having a submerged fill line.

RULE

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

**HW Tanks—Secondary Containment Requirements
and 90 Day Turnover of Hazardous Waste
(LAC 33:V.109, 1109, 1901, 1907,
1909, and 4437)(HW106)**

Editor's Note: This Rule is being repromulgated to correct typographical errors and a citation error. The original Rule may be viewed on pages 1234-1239 of the June 20, 2010 edition of the *Louisiana Register*.

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 Hazardous Waste regulations, LAC 33:V.109, 1109, 1901, 1907, 1909.D and E, and 4437.D (Log #HW106).

This Rule sets standards for the use of concrete as an external secondary containment system for hazardous waste tanks. It provides an approval process for using unlined/uncoated concrete as an external liner system under specific circumstances. The Rule also clarifies and adds an additional subsection to compliment the requirement of LAC 33:V.1909.D relating to the subject "accumulation time" exemption from hazardous waste permitting requirements by using a flow-through calculation in certain situations to provide clear standards in the regulation that will provide protection for the state's environment. 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 V. Hazardous Waste and Hazardous Materials

**Subpart 1. Department of Environmental Quality—
Hazardous Waste**

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Batch Tank—a device meeting the definition of *tank* in this Section that receives a batch (or batches) of hazardous waste on a one-time or intermittent basis.

* * *

Continuous-Flow Tank—a device meeting the definition of *tank* in this Section that receives hazardous waste on an ongoing, continuous basis.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987),

F. Compliance. Compliance with this Section shall be determined by applying the following test methods, as appropriate:

1. test method 27 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determination of vapor tightness of gasoline delivery tanks using pressure-vacuum test;

2. guideline report EPA-450/2-78-051, Appendix B, Gasoline Vapor Leak Detection Procedure by Combustible Gas Detector;

3. test method 21 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determination of volatile organic compound leaks.

G. Recordkeeping. The owner or operator of any operation that is involved with storing gasoline in any stationary container and required to comply with this Section shall maintain records to verify compliance with this Section. The records shall be maintained for at least two years and shall include, but not be limited to, the following:

1. the date of delivery of each shipment of gasoline, and the certificate number and date of certification of each delivery vehicle that delivers a shipment. Any owner or operator subject to this Section shall not accept delivery of gasoline from any gasoline tank truck that does not comply with LAC 33:III.2137.A.2;

NOTE: All gasoline tank trucks must have a sticker displayed on each tank indicating the identification number of the tank and the date each tank last passed the pressure and vacuum test described in LAC 33:III.2137.A.1. Each tank must be certified annually and the sticker must be displayed near the Department of Transportation certification plate. Any repairs necessary to pass the specified requirements must be made within 15 days of failure.

2. the date and a description of any malfunction, repair, replacement or modification of control systems or control equipment required to be used in the transfer of gasoline from the gasoline tank truck to a stationary storage tank. If the problem is with equipment on the tank truck, the name of the owner or operator of the tank truck, the truck identification number, the date the problem occurred, and the driver's name shall be recorded as part of the description; and

3. records of any testing requested by the administrative authority to prove compliance with this Section or any testing done by the owner or operator on a voluntary basis.

H. Implementation Schedule. Facilities must be in compliance with this Section within six months after becoming an affected facility.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:609 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1123 (October 1992), LR 19:1564 (December 1993), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:193 (February 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 36:1535 (July 2010).

Herman Robinson, CPM
Executive Counsel

**Comment Summary Response & Concise Statement – AQ309
Amendments to the Air Regulations
Gasoline Handling
LAC 33:III.2131**

COMMENT 1: — After reviewing the proposed gasoline handling rule, the rule applicability and requirements appear to be comparable to the federal requirements for controlling volatile organic compound emissions from such facilities.

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

RESPONSE 1: — No response necessary.

**Comment Summary Response & Concise Statement Key – AQ309
Amendments to the Air Regulations
Gasoline Handling
LAC 33:III.2131**

COMMENT #

SUGGESTED BY

1

Guy Donaldson, Chief / EPA, Air Planning Section



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

Ms. Vivian Aucoin
Air Quality Assessment Division
Office of Environmental Assessment
Louisiana Department of Environmental Quality
P.O. Box 4314
Baton Rouge, LA 70821-4314

Dear Ms. Aucion,

Thank you for the opportunity to submit comments on the March 20, 2010 proposed version of the Louisiana Department of Environmental Quality State Implementation Plan (SIP) revision titled, "Organic Solvents and Solvent Degreasers". This rule updates emissions limitations and control efficiency requirements for volatile organic compound (VOC) emissions, and is an important element of Louisiana's plan to address ozone air quality problems.

The Clean Air Act and subsequent federal regulations require Louisiana to submit a SIP revision to the Environmental Protection Agency (EPA) that incorporates recent Control Techniques Guidelines (CTGs). These rule revisions include provisions related to CTGs issued by EPA in 2008, and also include revisions made in response to the 2006 and 2007 CTGs. We appreciate the efforts of the State in developing these SIP revisions.

Our detailed comments on the proposed rules are included as an attachment to this letter.

Please contact me or Ms. Ellen Belk of my staff at 214-665-2164 if you have any questions.

Sincerely yours,

Guy Donaldson
Chief
Air Planning Section (6PD-L)

Enclosure: Detailed Comments

Comments on AQ309 Gasoline Handling (LAC 33:III.2131).

We have reviewed the Louisiana proposed rule for gasoline handling facilities (LAC 33:III.2131) (AQ309). The rule applicability and requirements appear to be comparable to the federal requirements for controlling VOC emissions from such facilities. We have no additional comments.

COPY

DEPARTMENT OF ENVIRONMENTAL QUALITY

Gasoline Handling

LAC 33:III.2131

Log Number: AQ309

The public hearing in the above titled matter was taken at the Department of Environmental Quality, 602 North Fifth Street, Galvez Building, Oliver Pollock Conference Room, Baton Rouge, Louisiana, beginning at 1:33 p.m. on April 28, 2010.

BEFORE: Mark LaCour, Certified Stenomask Reporter, in and for the State of Louisiana

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Mark LaCour, C.C.R.
(225) 216-2036

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H E A R I N G

MS. HAM:

Good afternoon! My name is Susan Ham. I'm employed by the Louisiana Department of Environmental Quality. I'll be serving as hearing officer this afternoon to receive comments regarding proposed amendments to the Environmental Quality regulations.

The comment period for these amendments began on March 20, 2010, when the notices of intent were published in the Louisiana Register. The comment period will close at 4:30 p.m., May 5, 2010. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interested parties to present comments on the proposed changes. This hearing is not being conducted in a question and answer format. Please remember that the purpose of this public hearing is to allow you, the public, an opportunity to

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express your thoughts concerning today's proposed amendments.

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

The next amendment is designated by the Log Number AQ309.

This rule will clarify the applicability of LAC 33:III.2131. LAC 33:III.2131 regulates control requirements for gasoline handling facilities. Parishes exempt from the gasoline handling requirements of LAC 33:III.2131.A are nevertheless subject to 40 CFR Part 63, Subpart CCCCCC. This will be a revision to the State Implementation Plan (SIP). This Rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations.

Does anyone care to comment on this regulation? If not, the hearing on AQ309 is closed.

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Mark LaCour, C.C.R.
(225) 216-2036

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THE HEARING ENDED AT 1:34 P.M.

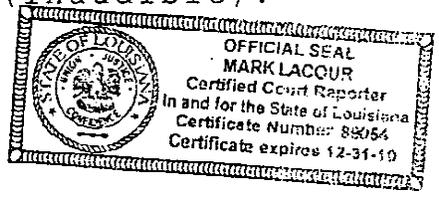
REPORTER'S PAGE

I, Mark LaCour, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporter's transcription of proceeding, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript.

Also, any words and/or names which could not be verified through reference material have been denoted with the phrase

"(inaudible)."



Mark LaCour

Mark LaCour, C.C.R.

89054

ASSOCIATED REPORTERS, INC.

Mark LaCour, C.C.R.

(225) 216-2036

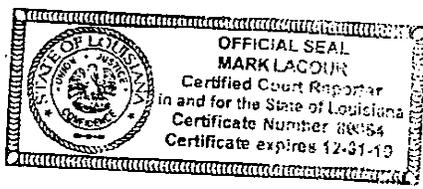
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C E R T I F I C A T I O N

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

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



[Handwritten Signature]

Mark LaCour, C.C.R.

89054

ASSOCIATED REPORTERS, INC.

Mark LaCour, C.C.R.
(225) 216-2036

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MAR 22 2010

LA. DEPT. OF ENVIRONMENTAL QUALITY
LEGAL AFFAIRS DIVISION

CAPITAL CITY PRESS

**Publisher of
THE ADVOCATE**

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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, City of Baton Rouge, and Parish of East Baton Rouge, in the following issues:

03/16/10



Susan A. Bush, Public Notice Clerk

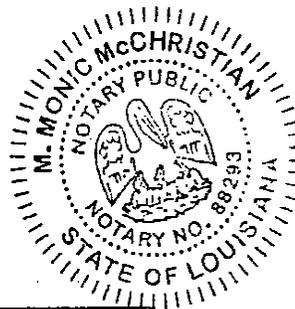
Sworn and subscribed before me by the person whose signature appears above

March 16, 2010



M. Monic McChristian,
Notary Public ID# 88293
State of Louisiana

My Commission Expires: Indefinite



NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Gasoline Handling
(LAC 33 III.2131) (AQ309)

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. 49:550 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33 III.2131 (Log #AQ309).

This rule will clarify the applicability of Section 2131 of LAC 33:III. Section 2131 regulates control requirements for gasoline handling facilities. Parties exempt from the gasoline handling requirements of this section by Subsection A of the section are nevertheless subject to 40 CFR

Part 63, Subpart CCCCC. This will be a revision to the State Implementation Plan (SIP). This rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations. 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. 49:553 (G)(3); therefore, no reports 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.

A public hearing will be held on April 28, 2010, 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 Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage 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 AQ309. Such comments must be received no later than May 5, 2010, at 4:30 p.m. and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX: (225) 219-3398 or by e-mail to donald.trahan@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 AQ309. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx

These proposed regulations are available for inspection at the following DEQ office locations from 9 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1623 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel
4239535-mar 16-1t

DEQ - OSEC/LAD REG 4239535
REMENDER WEATHERSPOON
PO BOX 4302 RM 821-74
BATON ROUGE LA 70821-4314

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MAR 18 2010

LA. DEPT. OF ENVIRONMENTAL QUALITY
LEGAL AFFAIRS DIVISION

State of Louisiana
Parish of Rapides
AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

NOTICE OF INTENT
Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Gasoline Handling
(LAC 33:111.2131)
(AQ309)

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 33:111.2131 (Log #AQ309).

This rule will clarify the applicability of Section 2131 of LAC 33:111. Section 2131 regulates control requirements for gasoline handling facilities. Parishes exempt from the gasoline handling requirements of this section by Subsection A of the section are nevertheless subject to 40 CFR Part 63, Subpart CCCC. This will be a revision to the State Implementation Plan (SIP). This rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations. 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.

A public hearing will be held on April 28, 2010, 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 Donald Trahan at the

address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons referencing this proposed regulation by AQ309. Such comments must be received no later than May 5, 2010, at 4:30 p.m. and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to donald.trahan@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 AQ309. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These proposed regulations are 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 544, 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

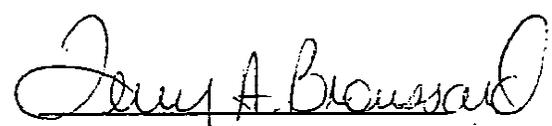
HERMAN ROBINSON,
CPM
Executive Counsel

(3) 13

I, Harold Constance, Classified Sales Manager
of THE TOWN TALK, published at Alexandria,
Louisiana do solemnly swear that the
Notice of Intent (AQ309)
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 March 13, 2010 and ending with the
issue dated March 13, 2010.


Harold Constance

Subscribed and sworn to before me this 15th day
of March, 2010 at Alexandria, Louisiana.



Terry A. Broussard
Notary Number 19477
My commission is for life.

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MAR 22 2010

L.A. DEPT. OF ENVIRONMENTAL QUALITY
LEGAL AFFAIRS DIVISION

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Gasoline Handling
(LAC 33 III.2131)
(AQ309)

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.2131 (Log #AQ309).

This rule will clarify the applicability of Section 2131 of LAC 33:III. Section 2131 regulates control requirements for gasoline handling facilities. Parishes exempt from the gasoline handling requirements of this section by Subsection A of the section are nevertheless subject to 40 CFR Part 63, Subpart CCCCCC. This will be a revision to the State Implementation Plan (SIP). This rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations. 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.

A public hearing will be held on April 28, 2010, at 1:30 p.m. in the Galvez Building, Oliver Paillock 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 Donald Trohan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

Before me the undersigned authority, personally came and appeared

Karen Hablinski

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:

00595633 - \$36.00
March 15, 2010

Karen Hablinski

Duly-Authorized Agent

Subscribed and sworn to before me on this 15th day of March, 2010 at
Lake Charles, LA

Jaqueline M. Fontenot

Jaqueline M. Fontenot Notary Public

00053262
LDEQ-OSEC-LAD #23111

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MAR 25 2010

LA. DEPT. OF ENVIRONMENTAL QUALITY
LEGAL AFFAIRS DIVISION

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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:

March 16, 2010

Jim McMane

LEGAL AD DEPT.

Sworn and subscribed before me by

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

16th day of March 2010 AD



Sarah M. Walker

62422 NOTARY PUBLIC

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Gasoline Handling
(LAC 33 (I), 2131)
(AQ309)

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 (I), 2131 (Log #AQ309).

This rule will clarify

the applicability of Section 2131 of LAC 33(I), Section 2131 regulates control requirements for gasoline handling facilities. Parishes exempt from the gasoline handling requirements of this section by Subsection A of the section are nevertheless subject to 40 CFR Part 63, Subpart CCCC. This will be a revision to the State Implementation Plan (SIP). This rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations. 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 of 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.

A public hearing will be held on April 28, 2010, 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 Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage 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 AQ309. Such comments must be received no later than May 5, 2010, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to donald.trahan@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3148. Check or money order is required in advance for each copy of AQ309. This regulation is available on the

Internet at www.deq.louisiana.gov/portal/fabid/1689/default.aspx.

These proposed regulations are 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; 201 Evans Road,

Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

Monroe, LA
March 16, 2010
0001292075

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The Times

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LA. DEPT. OF ENVIRONMENTAL QUALITY
LEGAL AFFAIRS DIVISION

PROOF OF PUBLICATION

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Gasoline Handling (LAC 33 III.2131) (AQ309)

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.2131 (Log

AQ309).

This rule will clarify the applicability of Section 2131 of LAC 33:III. Section 2131 regulates control requirements for gasoline handling facilities. Parishes exempt from the gasoline handling requirements of this section by Subsection A

of the section are nevertheless subject to 40 CFR Part 63, Subpart CCCCC.

This will be a revision to the State Implementation Plan (SIP). This rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations.

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.

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 the Secretary Legal Affairs Division Gasoline Handling (LAC 33 III.2131) (AQ309)

As per copy of advertisement hereto annexed, was published in

The Times on the following dates to wit:

March 15, 2010

(Signed) Altheas Critton

Sworn to and subscribed before me this 15th day of March, 2010

Diana W. Barber

(Notary)

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



CERTIFIED COPY

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MAR 25 2010

LA. DEPT. OF ENVIRONMENTAL QUALITY
LEGAL AFFAIRS DIVISION

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3201

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Gasoline Handling
(LAC 33 III.2131) (AQ309)

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.2131 (Log #AO309).

This rule will clarify the applicability of Section 2131 of LAC 33:III. Section 2131 regulates control requirements for gasoline handling facilities. Parishes exempt from the gasoline handling requirements of this section by Subsection A of the section are nevertheless subject to 40 CFR Part 63, Subpart CCCCC. This will be a revision to the State Implementation Plan (SIP). This rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations. 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.

A public hearing will be held on April 28, 2010, at 1:30 p.m. in the Calvez 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 Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Calvez Garage 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 AQ309. Such comments must be received no later than May 5, 2010, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to donald.trahan@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 AQ309. This regulation is available on the internet at www.deq.louisiana.gov/portal/1/abId/1669/default.aspx.

These proposed regulations are 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 Galloway Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

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, Elizabeth C. Darcey who deposes and says that she is an Assistant Controller of The Times-Picayune, L.L.C., 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 Gasoline Handling (LAC 33 III.2131) (AQ309)

Advertisement of Louisiana Department of

Environmental Quality

PO Box 4301

Baton Rouge, LA 70821

Was published in The Times Picayune

3800 Howard Ave.

New Orleans, LA 70125

On the following dates March 20, 2010

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times-Picayune on these dates.

23rd

Sworn to and subscribed before me this
Day of March, 2010

Charles A. Ferguson, Jr.
Notary Public

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

Notary identification number 23492

TITLE 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter F. Gasoline Handling

§2131. Filling of Gasoline Storage Vessels

A. Applicability. This regulation is applicable to each gasoline handling facility in the parishes of Bossier, Caddo, Beauregard, Calcasieu, Livingston, Pointe Coupee, East Baton Rouge, West Baton Rouge, Iberville, Lafayette, St. Mary, Ascension, St. James, St. John the Baptist, St. Charles, Lafourche, Jefferson, Orleans, St. Bernard, and Grant. Any parish to which this regulation does not apply remains subject to the requirements of 40 CFR 63, Subpart CCCCCC.

BA. Control Requirements. No person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage container unless such container is equipped with a submerged fill pipe and unless the displaced vapor emissions from submerged filling of the container are processed by a vapor recovery system ~~which~~that reduces such emissions by at least 90 percent.

CB. Approved Vapor Balance System. When a vapor balance system is used to comply with the above vapor recovery system control requirements, the balance system will be assumed to meet the specified control requirements if the following conditions are met.

1. A vapor-tight return line having an internal cross-sectional area at least one-half that of the liquid line is connected before gasoline ~~is~~can be transferred into the storage container. No gasoline leaks exist anywhere in the liquid transfer system. Inspection for visible liquid leaks, visible fumes, or odors resulting from gasoline dispensing operations shall be

conducted by the owner or the operator of the gasoline outlet and the owner or the operator of the tank truck. Gasoline loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

2. The only atmospheric emission during gasoline transfer into the storage container is through the storage container pressure-vacuum valve.

3. The delivery vessel is kept vapor-tight at all times with vapor recovery equipment. The delivery vessel must be in compliance with LAC 33:III.2137. The vapor-laden delivery vessel may only be refilled at bulk gasoline plants complying with LAC 33:III.2133 or bulk gasoline terminals complying with LAC 33:III.2135.

DC. Alternate Vapor Balance Systems. Other vapor balance arrangements may be accepted if proof of the emission level required in Subsection B of this Section~~LAC 33:III.2131.A~~ is provided to the administrative authority. Approval of any alternate vapor balance system shall not be valid unless it is received from the administrative authority in writing.

ED. Exemptions. The following are exempt from the requirements of Subsection B of this Section~~LAC 33:III.2131.A~~:

~~1. affected facilities in attainment or unclassified areas (all parishes except Bossier, Caddo, Beauregard, Calcasieu, Livingston, Pointe Coupee, East Baton Rouge, West Baton Rouge, Iberville, Lafayette, St. Mary, Ascension, St. James, St. John the Baptist, St. Charles, Lafourche, Jefferson, Orleans, St. Bernard and Grant);~~

12. transfers made to storage tanks with a capacity greater than 40,000 gallons (151,400 liters) and equipped with controls as required by LAC 33:III.2103 of these regulations;

23. any gasoline outlet in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee ~~or~~ West Baton Rouge whose throughput is less than 120,000 gallons (454,200 liters) per year, or any gasoline outlet in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, ~~or~~ St. Mary whose throughput is less than 500,000 gallons (1,892,700 liters) per year. Once the rolling 30-day average throughput exceeds 10,000 gallons for a facility in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, ~~or~~ West Baton Rouge, or 42,000 gallons for a facility in the parishes of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, ~~or~~ St. Mary, that facility becomes an affected facility, and does not revert to an exempted facility when the throughput drops back below the throughput exemption level;

34. tanks with a capacity of 2,000 gallons or less installed before January 1, 1979, and new tanks with a capacity of 250 gallons or less installed after December 31, 1978; and

45. tanks having a capacity of less than 550 gallons used exclusively for the fueling of farm implements and having a submerged fill line.

FE. Compliance. Compliance with this Section shall be determined by applying the following test methods, as appropriate:

1. Test Method 27 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determination of vapor tightness of gasoline delivery tanks using pressure-vacuum test;

2. Guideline report EPA-450/2-78-051, Appendix B, Gasoline Vapor Leak

Detection Procedure by Combustible Gas Detector;

3. Test Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determination of volatile organic compound leaks.

GF. Recordkeeping. The owner or operator of any operation that is involved with storing gasoline in any stationary container and required to comply with this Section~~LAC 33:III.2131~~ shall maintain records to verify compliance with this Section. The records ~~shall~~will be maintained for at least two years and ~~shall~~will include, but not be limited to, the following:

1. the date of delivery of each shipment of gasoline, and the certificate number and date of certification of each delivery vehicle that delivers a shipment~~. Any owner or operator subject to this Section shall not accept delivery of gasoline from any gasoline tank truck that does not comply with LAC 33:III.2137.A.2;~~

a. ~~regulation LAC 33:III.2137.A.2 requires a sticker to be displayed on the gasoline tank truck with the identification number of the tank and the date it was tested;~~

b. ~~the owner or operator of any operation involved with storing gasoline in any stationary container and required to comply with LAC 33:III.2131 shall not accept delivery of gasoline from any gasoline tank truck that does not have a sticker indicating that it has been inspected in the last year;~~

c. ~~the sticker should be located near the Department of Transportation certification plate;~~

[NOTE: All gasoline tank trucks must have a sticker displayed on each tank indicating the identification number of the tank and the date each tank last passed the pressure and vacuum test described in LAC 33:III.2137.A.1. Each tank must be certified annually and the sticker must

be displayed near the Department of Transportation certification plate.
Any repairs necessary to pass the specified requirements must be made
within 15 days of failure.]

2. the dates and a descriptions of any malfunction, repair, replacement or modification of control systems or control equipment required to be used in the transfer of gasoline from the gasoline tank truck to a stationary storage tank. If the problem is with equipment on the tank truck, ~~the name of information on~~ the owner or operator of the tank truck, the truck identification number, the date the problem occurred, and the driver's name shall be recorded as part of the descriptions ~~of any malfunction, repair, replacement or modification of control systems required above;~~ and

3. ~~the owner or operator shall maintain~~ records of any testing requested by the administrative authority to prove compliance with this Section~~LAC 33:III.2131~~ or any testing done by the owner or operator on a voluntary basis.

HG. Implementation Schedule. Facilities must be in compliance with this Section within six months after becoming an affected facility.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:609 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1123 (October 1992), LR 19:1564 (December 1993), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:193 (February 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 36:**.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:610 (April 2008), repromulgated LR 34:1388 (July 2008), amended LR 36:

Chapter 13. Personnel Requirements

§1301. Minimum Requirements for Lead School Business Administrator/Chief Financial Officer Business Manager (Local School Districts and Charter Schools)

- A. Repealed.
- B. F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:434 (March 2007), amended LR 36:

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 of 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? Yes.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., May 9, 2010, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette Vosburg
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1929—Louisiana Accounting and Uniform Governmental Handbook

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

The proposed revisions in policy are related to changes in financial reporting by the state Department of Education to the U.S. Department of Education, and changes to allow for financial reporting per Act 310 of the 2009 Regular Legislative Session regarding weighted student funding. There will be no implementation costs to state governmental units. Implementation costs to local school systems are indeterminable, and will vary by district depending on the changes necessary to accounting systems to accommodate the revisions. These should be one-time expenditures.

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

There will be no effect on revenue collections of state or local governmental units.

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

The desired impact is greater fiscal transparency as a result of more accurate and consistent fiscal reporting by school districts. The revisions will provide the Department of Education with the financial data in a manner that allows for accurate reporting in data collections required by the federal government.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
1003#46

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary**

**Gasoline Handling
(LAC 33:III.2131)(AQ309)**

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.2131 (Log #AQ309).

This Rule will clarify the applicability of Section 2131 of LAC 33:III. Section 2131 regulates control requirements for gasoline handling facilities. Parishes exempt from the gasoline handling requirements of this Section by Subsection A of the Section are nevertheless subject to 40 CFR Part 63, Subpart CCCCCC. This will be a revision to the State Implementation Plan (SIP). This Rule will make the Louisiana Administrative Code at least as stringent in the gasoline handling area as the federal regulations. 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.

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

**Chapter 21. Control of Emission of Organic Compounds
Subchapter F. Gasoline Handling**

§2131. Filling of Gasoline Storage Vessels

A. Applicability. This regulation is applicable to each gasoline handling facility in the parishes of Bossier, Caddo, Beauregard, Calcasieu, Livingston, Pointe Coupee, East Baton Rouge, West Baton Rouge, Iberville, Lafayette, St. Mary, Ascension, St. James, St. John the Baptist, St. Charles, Lafourche, Jefferson, Orleans, St. Bernard, and Grant. Any parish to which this regulation does not apply remains subject to the requirements of 40 CFR 63, Subpart CCCCCC.

B. Control Requirements. No person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage container unless such container is equipped with a submerged fill pipe and unless the displaced vapor emissions from submerged filling of the container are processed by a vapor recovery system that reduces such emissions by at least 90 percent.

C. Approved Vapor Balance System. When a vapor balance system is used to comply with the above vapor recovery system control requirement, the balance system will be assumed to meet the specified control requirement if the following conditions are met.

1. A vapor-tight return line having an internal cross-sectional area at least one-half that of the liquid line is connected before gasoline is transferred into the storage container. No gasoline leaks exist anywhere in the liquid transfer system. Inspection for visible liquid leaks, visible fumes, or odors resulting from gasoline dispensing operations shall be conducted by the owner or the operator of the gasoline outlet and the owner or the operator of the tank truck. Gasoline loading or unloading through the affected transfer lines shall be discontinued immediately when a leak is observed and shall not be resumed until the observed leak is repaired.

2. The only atmospheric emission during gasoline transfer into the storage container is through the storage container pressure-vacuum valve.

3. The delivery vessel is kept vapor-tight at all times with vapor recovery equipment. The delivery vessel must be in compliance with LAC 33:III.2137. The vapor-laden delivery vessel may only be refilled at bulk gasoline plants complying with LAC 33:III.2133 or bulk gasoline terminals complying with LAC 33:III.2135.

D. Alternate Vapor Balance Systems. Other vapor balance arrangements may be accepted if proof of the emission level required in Subsection B of this Section is provided to the administrative authority. Approval of any alternate vapor balance system shall not be valid unless it is received from the administrative authority in writing.

E. Exemptions. The following are exempt from the requirements of Subsection B of this Section:

1. transfers made to storage tanks with a capacity greater than 40,000 gallons (151,400 liters) and equipped with controls as required by LAC 33:III.2103 of these regulations;

2. any gasoline outlet in the parish of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee or West Baton Rouge whose throughput is less than 120,000 gallons (454,200 liters) per year, or any gasoline outlet in the parish of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, or St. Mary whose throughput is less than 500,000 gallons (1,892,700 liters) per year. Once the rolling 30-day average throughput exceeds 10,000 gallons for a facility in the parish of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, or West Baton Rouge, or 42,000 gallons for a facility in the parish of Beauregard, Bossier, Caddo, Grant, Jefferson, Lafayette, Lafourche, Orleans, St. Bernard, St.

Charles, St. James, St. John the Baptist, or St. Mary, that facility becomes an affected facility, and does not revert to an exempted facility when the throughput drops back below the throughput exemption level;

3. tanks with a capacity of 2,000 gallons or less installed before January 1, 1979, and new tanks with a capacity of 250 gallons or less installed after December 31, 1978; and

4. tanks having a capacity of less than 550 gallons used exclusively for the fueling of farm implements and having a submerged fill line.

F. Compliance. Compliance with this Section shall be determined by applying the following test methods, as appropriate:

1. Test Method 27 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determination of vapor tightness of gasoline delivery tanks using pressure-vacuum test;

2. Guideline report EPA-450/2-78-051, Appendix B, Gasoline Vapor Leak Detection Procedure by Combustible Gas Detector;

3. Test Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003) for determination of volatile organic compound leaks.

G. Recordkeeping. The owner or operator of any operation that is involved with storing gasoline in any stationary container and required to comply with this Section shall maintain records to verify compliance with this Section. The records shall be maintained for at least two years and shall include, but not be limited to, the following:

1. the date of delivery of each shipment of gasoline, and the certificate number and date of certification of each delivery vehicle that delivers a shipment. Any owner or operator subject to this Section shall not accept delivery of gasoline from any gasoline tank truck that does not comply with LAC 33:III.2137.A.2;

[Note: All gasoline tank trucks must have a sticker displayed on each tank indicating the identification number of the tank and the date each tank last passed the pressure and vacuum test described in LAC 33:III.2137.A.1. Each tank must be certified annually and the sticker must be displayed near the Department of Transportation certification plate. Any repairs necessary to pass the specified requirements must be made within 15 days of failure.]

2. the date and a description of any malfunction, repair, replacement or modification of control systems or control equipment required to be used in the transfer of gasoline from the gasoline tank truck to a stationary storage tank. If the problem is with equipment on the tank truck, the name of the owner or operator of the tank truck, the truck identification number, the date the problem occurred, and the driver's name shall be recorded as part of the description; and

3. records of any testing requested by the administrative authority to prove compliance with this Section or any testing done by the owner or operator on a voluntary basis.

H. Implementation Schedule. Facilities must be in compliance with this Section within six months after becoming an affected facility.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:609 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1123 (October 1992), LR 19:1564 (December 1993), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:193 (February 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 36:

Family Impact Statement

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

Public Comments

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference these proposed regulations by AQ309. Such comments must be received no later than May 5, 2010, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3398 or by e-mail to donald.trahan@la.gov. Copies of these proposed regulations 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 AQ309. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on April 28, 2010, 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 Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

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Herman Robinson, CPM
Executive Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Gasoline Handling**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There are no estimated implementation costs (savings) to state or local governmental units as a result of 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 resulting from the proposed rule.

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

The estimated costs to facilities that do not already have the required control equipment are approximately \$12,000 per facility. This cost will not be incurred until a facility's monthly gasoline throughput exceeds 100,000 gallons per month. There should be no impact to the parishes of Bossier, Caddo, Beauregard, Calcasieu, Livingston, Pointe Coupee, East Baton Rouge, West Baton Rouge, Iberville, Lafayette, St. Mary, Ascension, St. James, St. John the Baptist, St. Charles, Lafourche, Jefferson, Orleans, St. Bernard, and Grant because the required control equipment is already in place in these parishes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition or employment as a result of the proposed rule. The proposed rule results from a federal law that applies nationwide.

Herman Robinson, CPM
Executive Counsel
1003#052

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary

HW Tanks—Secondary Containment Requirements and 90 Day Turnover of Hazardous Waste (LAC 33:V.109, 1109, 1901, 1907, 1909 and 4437)(HW106)

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 Hazardous Waste regulations, LAC 33:V.109, 1109, 1901, 1907, 1909.D and E, and 4437.D (Log #HW106).

This Rule sets standards for the use of concrete as an external secondary containment system for hazardous waste tanks. It provides an approval process for using unlined/uncoated concrete as an external liner system under specific circumstances. The Rule also clarifies and adds an additional subsection to compliment the requirement of LAC 33:V.1909.D relating to the subject "accumulation time" exemption from hazardous waste permitting requirements by using a flow-through calculation in certain situations to provide clear standards in the regulation that will provide protection for the state's environment. 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 V. Hazardous Waste and Hazardous Materials
Subpart A. Department of Environmental Quality—
Hazardous Waste
Chapter 1. General Provisions and Definitions
§109. Definitions
For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

AQ 312
Exemption for Tanks Storing Corrosive Materials
LAC 33:III.2103

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RULE

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

**Exemption for Tanks Storing Corrosive Materials
(LAC 33:III.2103)(AQ312)**

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.2103.G. (AQ312)

This Rule exempts tanks storing corrosive materials at the Rhodia, Inc. Baton Rouge facility from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. Existing tanks are currently operating under Permit No. 0840-00033-V2, issued November 30, 2009, and are identified as follows:

Tank Number	Service	TEMPO ID	Requirement Citation
30D260	Spent Sulfuric Acid	EQT008	LAC 33:III.2103.B
30D070	Spent Sulfuric Acid	EQT161	LAC 33:III.2103.B
30D100	Spent Sulfuric Acid	EQT163	LAC 33:III.2103.B
30D110	Spent Sulfuric Acid	EQT164	LAC 33:III.2103.B
30D120	Spent Sulfuric Acid	EQT165	LAC 33:III.2103.B
30D140	Spent Sulfuric Acid	EQT167	LAC 33:III.2103.B
30D150	Spent Sulfuric Acid	EQT168	LAC 33:III.2103.B
30D160	Spent Sulfuric Acid	EQT169	LAC 33:III.2103.B
30D190	Spent Sulfuric Acid	EQT171	LAC 33:III.2103.B
20D120	Spent Sulfuric Acid	EQT176	LAC 33:III.2103.A
40D200	Treatment Services	EQT180	LAC 33:III.2103.B
40D250	Treatment Services	EQT177	LAC 33:III.2103.B
40D280	Treatment Services	EQT178	LAC 33:III.2103.B
40D210	Treatment Services	EQT181	LAC 33:III.2103.A
40D220	Treatment Services	EQT183	LAC 33:III.2103.A
40D290	Treatment Services	EQT179	LAC 33:III.2103.A
40D300	Treatment Services	EQT182	LAC 33:III.2103.A

The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of submerged fill pipe set forth in LAC 33:III.111, in that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year)." However, the Rhodia facility is required for operational reasons to frequently draw down these tanks to below the fill pipe openings to avoid an excessive accumulation of solids. Solid accumulation results in more frequent tank cleanings, which create increased air emissions and the potential for personnel exposure.

For the twelve tanks listed as subject to LAC 33:III.2103.B, this exception applies only to the "submerged fill pipe" provision of Section 2103.B. Rhodia has equipped

amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:1389 (July 2008), LR 35:228 (February 2009), LR 36:312 (February 2010), LR 36:490 (March 2010), LR 36:2269 (October 2010).

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - A.6.a.iii. ...

b. For students graduating in academic year (high school) 2008-2009 and after, for purposes of satisfying the requirements of §803.A.6.a above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Business English	Senior Applications in English
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Math Essentials

c. for students in graduating classes prior to 2004, core units may be waived upon sworn affidavit by the principal or headmaster or authorized designee that the course was not available to the student at the school attended;

A.7. - B.4.b.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009), LR 36:491 (March 2010), LR 36:2270 (October 2010).

George Badge Eldredge
General Counsel

1010#020

these tanks with vapor loss control devices in accordance with the other requirements of Section 2103.B and their air permit, and shall continue to operate and maintain the control devices. The basis and rationale for this Rule are to provide tanks storing corrosive materials with an exemption from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. 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 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - F. ...

G. Exemptions. The provisions of this Section (e.g., LAC 33:III.2103) do not apply to:

1. - 4. ...

5. with regard to the requirements of Paragraph C.1 of this Section, any storage tank that is used for less than two weeks in the calendar year, provided that the tank is empty and liquid-free when not in use;

6. with regard to the submerged fill pipe provisions of Subsection A of this Section, tanks, drums, or other containers storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company's Baton Rouge Chemical Plant; and

7. with regard to the submerged fill pipe provisions of Subsections A and B of this Section, tanks, drums, or other containers used for the storage of corrosive materials, including but not limited to spent sulfuric acid and hazardous waste, at the Baton Rouge facility of Rhodia Inc.

H. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007), LR 33:2085 (October 2007), LR 36:2271 (October 2010).

Herman Robinson, CPM
Executive Counsel

1010#011

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference—2009
(LAC 33:I.3931; III.506, 507, 2160, 3003, 5116, 5122,
5311, 5901; V.3099; IX.2301, 4901, 4903; and XV.1599)
(MM014ft)

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 Environmental Quality regulations, LAC 33:I.3931; III.506, 507, 2160, 3003, 5116, 5122, 5311 and 5901; V.3099; IX.2301, 4901 and 4903; XV.1599 (Log #MM014ft).

This Rule is identical to federal regulations found in 10 CFR 71, App. A, 1/1/10; 40 CFR 51, App. M, 60-61, 63, 68, 70, 6(a), 117.3, 136, 266, App. I-IX and XI-XIII, 302.4, 302.6(e), 355.40(a)(2)(vii), 401 and 405-471, 7/1/09; and subsequent revisions to 40 CFR 60 and 63 in the *Federal Register* (see rule text), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or Box 4302, Baton Rouge, LA 70821-4302. No Fiscal or Economic Impact will result from the Rule. This Rule was promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule incorporates by reference (IBR) into LAC 33:I, III, V, IX and XV the corresponding federal reportable quantity list of hazardous substances in 40 CFR 117.3 and 302.4, July 1, 2009; administrative reporting exemptions for certain air releases of Nox in 40 CFR 302.6(e) and 355.40(a)(2)(vii), July 1, 2009; Capture Efficiency Test Procedures in 40 CFR Part 51, Appendix M, July 1, 2009; Federal So2 Model Rule in 40 CFR Part 96, July 1, 2009; Standards of Performance for New Stationary Sources in 40 CFR Part 60, July 1, 2009; National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 61, July 1, 2009; NESHAP for Source Categories in 40 CFR Part 63, July 1, 2009; Chemical Accident Prevention and Minimization of Consequences in 40 CFR Part 68, July 1, 2009; Part 70 Operating Permits Program in 40 CFR 70.6(a), July 1, 2009; hazardous waste regulations in 40 CFR Part 266, Appendices I-IX and XI-XIII, July 1, 2009; National Pollutant Discharge Elimination System regulations in 40 CFR Parts 136, 401, 405-471, July 1, 2009; and radiation regulations in 10 CFR Part 71, Appendix A, January 1, 2010. Also incorporated are subsequent revisions to 40 CFR Part 60 and 63 promulgated in the *Federal Register*.

In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted in the LAC. This rulemaking is necessary to maintain delegation, authorization, etc., granted to Louisiana by EPA. This incorporation by reference package was proposed to keep Louisiana's regulations current with their federal counterparts.

ORIGINAL

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
REGULATION DEVELOPMENT SECTION

PUBLIC HEARING IN RE:

EXEMPTION FOR TANKS STORING
CORROSIVE MATERIALS
LAC 33.III.2103.G

LOG # AQ312

* * * * *

The Public Hearing held by the Department of Environmental Quality, Regulation Development Section, at the Galvez Building, 10th Floor, Conference Room No. 1051, 602 N. Fifth Street, Baton Rouge, Louisiana, beginning at 1:33 p.m. on Wednesday, August 25, 2010.

* * * * *

Reported by:

Susan Erkel

Certified Court Reporter

In and for the State of Louisiana

ASSOCIATED REPORTERS, INCORPORATED
(225) 216-2036

A P P E A R A N C E S

FOR THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL
QUALITY:

SUSAN HAM
HEARING OFFICER

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

* * * * *

ASSOCIATED REPORTERS, INCORPORATED
(225) 216-2036

P R O C E E D I N G S

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MS. HAM:

Good afternoon.

My name is Susan Ham and I'm employed by the Louisiana Department of Environmental Quality. I'll be serving as the hearing officer this afternoon to receive comments regarding proposed amendments to the Air, Water and Multi-Media Regulations.

The comment period for these amendments began on July 20, 2010, when the notice of intent was published in the *Louisiana Register*. The comment period will close at 4:30 p.m., today, August 25, 2010, for the Log Number(s) MM014ft and at 4:30 p.m., September 1, 2010 for the Log Number(s) AQ312 and WQ080. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interested parties to present comments on the proposed changes. This hearing is not being conducted in a question and answer format. Please remember that the purpose of this public hearing is to allow you, the public, an opportunity to express your thoughts concerning

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1 today's proposed amendments.

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

5 The first amendment is designated by the Log
6 Number AQ312.

7 This proposed Rule exempts tanks storing
8 corrosive materials at the Rhodia, Incorporated
9 Baton Rouge facility from the "submerged fill
10 pipe" provisions of LAC 33:III.2103.A and B.
11 Existing tanks are currently operated under
12 Permit No. 0840-00033-V2, which was issued
13 November 30, 2009.

14 The tanks in question are used to store
15 spent sulfuric acid and other D001 corrosive
16 materials and are equipped with submerged fill
17 pipes. However, the design specifications for
18 these submerged fill pipes are inconsistent with
19 the definition of submerged fill pipe set forth
20 in LAC 33:III.111, in that the fill pipe
21 openings are greater than six inches from the
22 tank bottoms. Spent sulfuric acid is highly
23 corrosive and the internal specifications of the
24 Rhodia tanks dictate a distance greater than six
25 inches above the tank bottom to allow for

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1 diffusion and a reduction in the force of the
2 incoming fluid to protect the integrity of the
3 bottom of the tank.

4 The definition does allow an exception from
5 the six inch requirement, but only if the fill
6 pipe is submerged "during all normal operations
7 (nozzle shall not be uncovered more than twice
8 per year)." However, the Rhodia facility is
9 required for operational reasons to frequently
10 draw down these tanks to below the fill pipe
11 openings to avoid an excessive accumulation of
12 solids. Solid accumulation results in more
13 frequent tank cleanings, which create increased
14 air emissions and the potential for personnel
15 exposure.

16 For the twelve tanks listed as subject to
17 LAC 33:III.2103.B, this exception applies only
18 to the "submerged fill pipe" provision of
19 Section 2103.B. Rhodia has equipped these tanks
20 with vapor loss control devices in accordance
21 with the other requirements of Section 2103.B
22 and their air permit, and shall continue to
23 operate and maintain the control devices.

24 Does anyone care to comment on this
25 regulation? (No response.)

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1 If not, the hearing on AQ312 is closed.

2 Thank you for your attention and
3 participation.

4 This hearing is closed.

5

6

7 (THE HEARING ADJOURNED AT 1:37 P.M.)

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C E R T I F I C A T E

This certification is valid only for a transcript accompanied by my original signature and official seal on this page.

I, SUSAN ERKEL, Certified Court Reporter, in and for the State of Louisiana, as the officer before whom this hearing was taken, do hereby certify that the foregoing 6 pages were reported by me in the voice-writing method, and was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That I am not related to counsel or to the parties herein; am not otherwise interested in the outcome of this matter; and am a valid member in good standing of the Louisiana State Board of Examiners of Certified Shorthand Reporters.



Susan Erkel

SUSAN ERKEL

CERTIFIED COURT REPORTER

LICENSE NO. 24005

ASSOCIATED REPORTERS, INCORPORATED
(225) 216-2036

R E P O R T E R ' S P A G E

I, SUSAN ERKEL, Certified Court Reporter in and for the State of Louisiana, before whom this sworn testimony was taken, do hereby state on the Record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers;

That same is the proper method for a Court Reporter's transcription of proceedings, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the phrase "(spelled phonetically)."



SUSAN ERKEL

CERTIFIED COURT REPORTER

LICENSE NO. 24005

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(225) 216-2036

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**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, City of Baton Rouge, and Parish of East Baton Rouge, in the following issues:

07/20/10

Susan A. Bush, Public Notice Clerk

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

July 20, 2010

M. Monic McChristian,
Notary Public ID# 88293
State of Louisiana
My Commission Expires: Indefinite



DEQ - OSEC/LAD REG 4307040
NANCY SCOTT
PO BOX 4302 RM 821-74
BATON ROUGE LA 70821-4314

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Exemption for Tanks Storing Corrosive Materials (AQ312)
(LAC 33:III.2103.G.) (AQ312)

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.2103.G. (AQ312).

This proposed Rule exempts tanks storing corrosive materials at the Rhodia, Inc. Baton Rouge facility from the "submerged fill pipe" provision of LAC 33:III.2103.A and B. Existing tanks are currently operating under Permit No. 0840-00033-V2, issued November 30, 2009, and are identified as follows:

Tank Number	Service	TEMPO ID	Requirement Citation
30D260	Spent Sulfuric Acid, EQT008	LAI	33:III.2103.B
30D070	Spent Sulfuric Acid, EQT161	LAI	33:III.2103.B
30D100	Spent Sulfuric Acid, EQT163	LAI	33:III.2103.B
30D110	Spent Sulfuric Acid, EQT164	LAI	33:III.2103.B
30D120	Spent Sulfuric Acid, EQT165	LAI	33:III.2103.B
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40D250	Treatment Services, EQT177	LAI	33:III.2103.B
40D280	Treatment Services, EQT178	LAI	33:III.2103.B
40D210	Treatment Services, EQT181	LAI	33:III.2103.A
40D220	Treatment Services, EQT183	LAI	33:III.2103.A
40D290	Treatment Services, EQT179	LAI	33:III.2103.A
40D300	Treatment Services, EQT182	LAI	33:III.2103.A

The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of submerged fill pipe set forth in LAC 33:III.111, in that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year). However, the Rhodia facility is required for operational reasons to frequently draw down these tanks to below the fill pipe openings to avoid an excessive accumulation of solids. Solid accumulation results in more frequent tank cleanings, which create increased air emissions and the potential for personnel exposure.

For the twelve tanks listed as subject to LAC 33:III.2103.B, this exception applies only to the "submerged fill pipe" provision of Section 2103.B. Rhodia has equipped these tanks with vapor loss control devices in accordance with the other requirements of Section 2103.B and their air permit, and shall continue to operate and maintain the control devices. The basis and rationale for this Rule are to provide tanks storing corrosive materials with an exemption from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. This Rule meets an exception stated 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.

A public hearing will be held on August 25, 2010, at 1:30 p.m. in the Galvez Building, Room 1051, 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 Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage 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 AQ312. Such comments must be received no later than September 1, 2010, at 4:30 p.m., and should be sent to Donald Trahan, Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail donald.trahan@la.gov. Copies of these proposed regulations 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 regulations are available on the Internet at www.deq.louisiana.gov/portals/tabid/1669/default.aspx.

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Office of the Secretary
Legal Affairs Division

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Tank Number, Service, TEMPO ID, Requirement Citation
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30D110, Spent Sulfuric Acid, EQT164, LAC 33:III.2103.B

30D120, Spent Sulfuric Acid, EQT165, LAC 33:III.2103.B

30D140, Spent Sulfuric Acid, EQT167, LAC 33:III.2103.B

30D150, Spent Sulfuric Acid, EQT168, LAC 33:III.2103.B

30D160, Spent Sulfuric Acid, EQT169, LAC 33:III.2103.B

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40D200, Treatment Services, EQT180, LAC 33:III.2103.B

40D250, Treatment Services, EQT177, LAC 33:III.2103.B

40D280, Treatment Services, EQT178, LAC 33:III.2103.B

40D210, Treatment Services, EQT181, LAC 33:III.2103.A

40D220, Treatment Services, EQT183, LAC 33:III.2103.A

40D290, Treatment Services, EQT179, LAC 33:III.2103.A

40D300, Treatment Services, EQT182, LAC 33:III.2103.A

The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of submerged fill pipe set forth in LAC 33:III.111, in that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year)." However, the Rhodia facility is required for operational reasons to frequently draw down these tanks to below the fill pipe openings to avoid an excessive accumulation of solids. Solid accumulation results in more frequent tank cleanings, which create increased air emissions and the potential for personnel exposure.

For the twelve tanks listed as subject to LAC 33:III.2103.B, this exception applies only to the "submerged fill pipe" provision of Section 2103.B. Rhodia has equipped these tanks with vapor loss control devices in accordance with the other requirements of Section 2103.B and their air permit, and shall continue to operate and maintain the control devices. The basis and rationale for this Rule are to provide tanks storing corrosive materials with an exemption from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. 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.

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All interested persons are invited to submit written comments on the proposed regulation by AQ312. Such comments must be received no later than September 1, 2010, at 4:30 p.m. and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Af-

State of Louisiana
Parish of Rapides
AFFIDAVIT OF PUBLICATION

(Publication)

I, Harold Constance, Classified Sales Manager

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Notice of Intent (AQ312)

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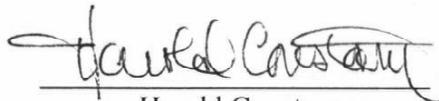
published in the regular and entire issue of said

newspaper, and not in any supplement thereof

for one insertion(s) commencing with the issue

dated July 16, 2010 and ending with the

issue dated July 16, 2010.



Harold Constance

Subscribed and sworn to before me this 16th day

of July, 2010 at Alexandria, Louisiana.



Terry A. Broussard
Notary Number 19477
My commission is for life.

70821-4302 or to FAX (225) 219-3398 or by e-mail to donald.trahan@la.gov. Copies of these proposed regulations 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 AQ312. These proposed regulations are available on the Internet at www.deq.louisiana.gov /portal/tabid/1669/default.aspx.

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HERMAN ROBINSON, CPM
Executive Counsel

(7) 16

NOTICE OF INTENT

Department of Environmental
Quality
Office of the Secretary
Legal Affairs Division

Exemption for Tanks Storing
Corrosive Materials (AQ312)
(LAC 33:III.2103.G.) (AQ312)

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.2103.G. (AQ312).

This proposed Rule exempts tanks storing corrosive materials at the Rhodia, Inc. Baton Rouge facility from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. Existing tanks are currently operating under Permit No. 0840-00033-V2, issued November 30, 2009, and are identified as follows:

Tank Number	Service	TEMPO ID, Requirement Citation
300260	Spent Sulfuric Acid	EQT108, LAC 33:III.2103.B
300070	Spent Sulfuric Acid	EQT161, LAC 33:III.2103.B
300100	Spent Sulfuric Acid	EQT163, LAC 33:III.2103.B
300110	Spent Sulfuric Acid	EQT164, LAC 33:III.2103.B
300120	Spent Sulfuric Acid	EQT165, LAC 33:III.2103.B
300140	Spent Sulfuric Acid	EQT167, LAC 33:III.2103.B
300150	Spent Sulfuric Acid	EQT168, LAC 33:III.2103.B
300160	Spent Sulfuric Acid	EQT169, LAC 33:III.2103.B
300190	Spent Sulfuric Acid	EQT171, LAC 33:III.2103.B
200120	Spent Sulfuric Acid	EQT176, LAC 33:III.2103.A
400200	Treatment Services	EQT180, LAC 33:III.2103.B
400250	Treatment Services	EQT177, LAC 33:III.2103.B
400280	Treatment Services	EQT178, LAC 33:III.2103.B
400210	Treatment Services	EQT181, LAC 33:III.2103.A
400220	Treatment Services	EQT183, LAC 33:III.2103.A
400290	Treatment Services	EQT179, LAC 33:III.2103.A
400300	Treatment Services	EQT182, LAC 33:III.2103.A

The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of submerged fill pipe set forth in LAC 33:III.111. In that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year)." However, the Rhodia facility is required for operational reasons to frequently draw down these tanks to below the fill pipe openings to avoid an excessive accumulation of solids. Solid accumulation results in more frequent tank cleanings, which create increased air emissions and the potential for personnel exposure.

For the twelve tanks listed as subject to LAC 33:III.2103.B, this exemption applies only to the

"submerged fill pipe" provision of Section 2103.B. Rhodia has equipped these tanks with vapor loss control devices in accordance with the other requirements of Section 2103.B and their air permit, and shall continue to operate and maintain the control devices. The basis and rationale for this Rule are to provide tanks storing corrosive materials with an exemption from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. 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.

A public hearing will be held on August 25, 2010, at 1:30 p.m. in the Galvez Building, Room 1051, 502 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 Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage 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 AQ312. Such comments must be received no later than September 1, 2010, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to donald.trahan@la.gov. Copies of these proposed regulations 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 AQ312. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/t/abid/1669/default.aspx.

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Herman Robinson, CPM
Executive Counsel

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3201

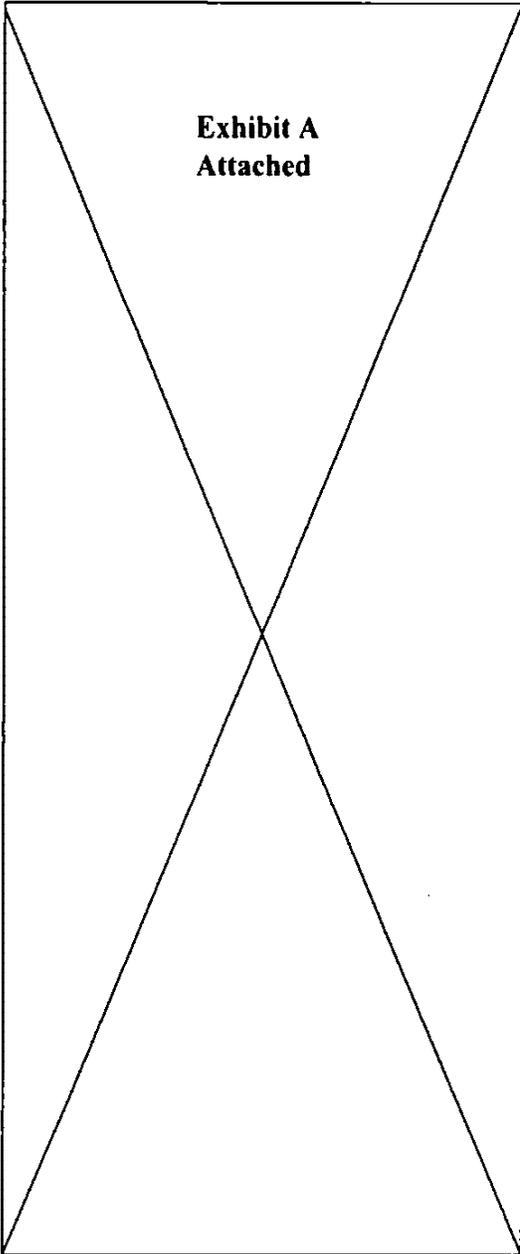


Exhibit A
Attached

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Elizabeth C. Darcey who deposes and says that she is an Assistant Controller of The Times-Picayune, L.L.C., 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: Exemption for Tanks Storing Corrosive Materials (A Q312) (LAC 33:III.2103.G) (AQ312)

Advertisement of Louisiana Department of

Environmental Quality
PO Box 4301
Baton Rouge, LA 70821

Was published in The Times Picayune

3800 Howard Ave
New Orleans, LA 70125

On the following dates July 20, 2010

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times-Picayune on these dates.

Sworn to and subscribed before me this 21st Day of July, 2010

Elizabeth C Darcey

Charles A. Ferguson, Jr.
Notary Public

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

Notary identification number 23492

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Exemption for Tanks Storing Corrosive Materials (AQ312)
(LAC 33:III.2103.G.)
(AQ312)

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This proposed Rule exempts tanks storing corrosive materials at the Rhodia, Inc. Baton Rouge facility from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. Existing tanks are currently operating under Permit No. 0840-00033-V2, issued November 30, 2009, and are identified as follows:

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30D110, Spent Sulfuric Acid, EQT164, LAC 33:III.2103.B
30D120, Spent Sulfuric Acid, EQT165, LAC 33:III.2103.B
30D140, Spent Sulfuric Acid, EQT167, LAC 33:III.2103.B
30D150, Spent Sulfuric Acid, EQT168, LAC 33:III.2103.B
30D160, Spent Sulfuric Acid, EQT169, LAC

33:III.2103.B
30D190, Spent Sulfuric Acid, EQT171, LAC 33:III.2103.B
20D120, Spent Sulfuric Acid, EQT176, LAC 33:III.2103.A
40D200, Treatment Services, EQT180, LAC 33:III.2103.B
40D250, Treatment Services, EQT177, LAC 33:III.2103.B
40D280, Treatment Services, EQT178, LAC 33:III.2103.B
40D210, Treatment Services, EQT181, LAC 33:III.2103.A
40D220, Treatment Services, EQT183, LAC 33:III.2103.A
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40D300, Treatment Services, EQT182, LAC 33:III.2103.A

The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of submerged fill pipe set forth in LAC 33:III.111, in that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year)." However, the Rhodia facility is required for operational reasons to frequently draw down these tanks to below the fill pipe openings to avoid an excessive

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For the twelve tanks listed as subject to LAC 33:III.2103.B, this exception applies only to the "submerged fill pipe" provision of Section 2103.B. Rhodia has equipped these tanks with vapor loss control devices in accordance with the other requirements of Section 2103.B and their air permit, and shall continue to operate and maintain the control devices. The basis and rationale for this Rule are to provide tanks storing corrosive materials with an exemption from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no reporting regarding environmental/health benefits and social/economic costs is required.

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Herman Robinson,
CPM
Executive Counsel

Monroe, LA
July 16, 2010
0001332490

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:**

July 16, 2010
[Signature]

LEGAL AD DEPT.

Sworn and subscribed before me by

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

15th day of July 2010 AD



Sarah M Walker

NOTARY PUBLIC

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Exemption for Tanks Storing Corrosive Materials (AQ312) (LAC 33:111.2103.G.) (AQ312)

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The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of submerged fill pipe set forth in LAC 33:111.111, in that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year)." However, the Rhodia facility

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Herman Robinson, CPM
Executive Counsel

July 15 11
00621296

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Karen Heblkins
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:

00621296 - \$61.00
July 15, 2010

Karen Heblkins
Duly Authorized Agent

Subscribed and sworn to before me on this 16th day of July, 2010 at
Lake Charles, LA

Melba Higginbotham 6782
Notary Public

00053262
LDEQ-OSEC-LAD

1331758

NOTICE OF INTENT

Department of
Environmental Quality
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Legal Affairs Division

Exemption for Tanks
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Herman Robinson,
CPM
Executive Counsel

Acadiana's Daily Newspaper

THE ADVERTISER

1100 Bertrand Drive
LAFAYETTE, LA 70506

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

AFFIDAVIT OF PUBLICATION

Nancy Scott
LA Department of Environmental Quality
OSEC/Legal Affairs Division
Remediation & Regulation Development Section
P. O. Box 4302
Baton Rouge, LA 70821-4302

Account No.: 8DEQRD
Ad Number: 1331758
Ad Total: \$116.75
No. of Lines: 275
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

Exemption for Tanks Storing Corrosive Materials (AQ312)
(LAC 33:111.2103.G.) (AQ312)

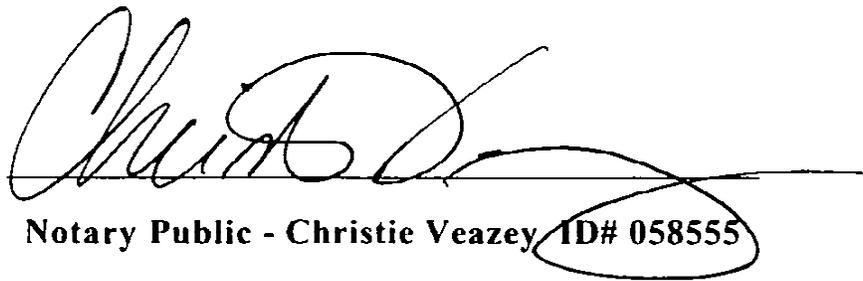
was published in **THE ADVERTISER** on the following dates:

*Sunday, July 11, 2010



ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 12th day of July, 2010.



Notary Public - Christie Veazey ID# 058555

The Times:
July 13, 2010

NOTICE OF INTENT

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Office of the Secretary
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- 40D220, Treatment Services, EQT183, LAC 33:III.2103.A
- 40D290, Treatment Services, EQT179, LAC 33:III.2103.A
- 40D300, Treatment Services, EQT182, LAC 33:III.2103.A

The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of submerged fill pipe set forth in LAC 33:III.2103.B, in that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year)." However, the Rhodia facility is required for operational reasons to frequently draw down these tanks to below the fill pipe openings to avoid an excessive accumulation of solids. Solid accumulation results in more frequent tank cleanings, which create increased air emissions and the potential for personnel exposure.

For the twelve tanks listed as subject to LAC 33:III.2103.B,

this exception applies only to the "submerged fill pipe" provision of Section 2103.B. Rhodia has equipped these tanks with vapor loss control devices in accordance with the other requirements of Section 2103.B and their air permit, and shall continue to operate and maintain the control devices. The basis and rationale for this Rule are to provide tanks storing corrosive materials with an exemption from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. 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.

A public hearing will be held on August 25, 2010, at 1:30 p.m. in the Galvez Building, Room 1051, 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 Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage 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 AQ312. Such comments must be received no later than September 1, 2010, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to donald.trahan@la.gov. Copies of these proposed regulations 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 AQ312. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These proposed regulations are 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson,
CPM
Executive Counsel

The Times

PROOF OF PUBLICATION

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 the Secretary Legal Affairs Division Exemption for Tanks Storing Corrosive Materials (AQ312)

The Times on the following dates to wit:

July 13, 2010

(Signed) Altheas Critton

Sworn to and subscribed before me this 13th day of July, 2010

Diana W. Barber

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

(Notary)



Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. – F. ...

G. Exemptions. The provisions of this Section (e.g., LAC 33:III.2103) do not apply to:

1. – 4. ...

5. with regard to the requirements of Paragraph C.1 of this Section, any storage tank that is used for less than two weeks in the calendar year, provided that the tank is empty and liquid-free when not in use; ~~and~~

6. with regard to the submerged fill pipe provisions of Subsection A of this Section, tanks, drums, or other containers storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company’s Baton Rouge Chemical Plant; and

7. with regard to the submerged fill pipe provisions of Subsections A and B of this Section, tanks, drums, or other containers used for the storage of corrosive materials, including but not limited to spent sulfuric acid and hazardous waste, at the Baton Rouge facility of Rhodia Inc.

H. – J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality,

Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007), LR 33:2085 (October 2007), LR 36:**.

shown in §307.D for account owners who are members of the family of the beneficiary who report an adjusted gross income of \$100,000 and above.

6. Example. An account owner has made deposits in a START account for a beneficiary during calendar year 2010 and desires to receive the highest earnings enhancement rate authorized for those deposits. If the account owner did not file a Louisiana Income Tax Return for the tax year 2009 or is notified by LATTA that the Louisiana Department of Revenue could not validate his federal adjusted gross income, he must submit the tax documents for tax year 2009 required by §307.B.2.b so that they are received by LATTA no later than February 15, 2011, or his earnings enhancement rate will be defaulted to the rate for account owners who are members of the family of the beneficiary who report an adjusted gross income of \$100,000 and above.

C. - J.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1271 (July 1998), LR 25:1794 (October 1999), LR 26:1263 (June 2000), LR 26:2263 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1880 (November 2001), LR 28:779 (April 2002), LR 30:788 (April 2004), LR 30:2302 (October 2004), LR 34:1886 (September 2008), LR 36:

§311. Termination, Refund, and Rollovers of an Education Savings Account

A. - B.2. ...

3. The LATTA may terminate an account if no deposit of at least \$10 has been made within 180 days from the date on the letter of notification of approval of the account.

B.4. - I.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009), LR 36:492 (March 2010), LR 36:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Public Comments

Interested persons may submit written comments on the proposed changes (ST10119NI) until 4:30 p.m., August 10, 2010, to Melanie Amrhein, Executive Director, Office of Student Financial Assistance, P. O. Box 91202, Baton Rouge, LA 70821-9202.

Small Business Statement

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.2 et seq. (ST10119NI)

George Badge Eldredge
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: START Saving Program Account Deposits/Documentations

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

This rulemaking extends the deadline to make an initial deposit into a START Account and extends the deadline to submit tax return documentation. There are no implementation costs or savings to state and local governments because of these proposed changes.

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

Revenue collections of state and local governments will not be affected by the proposed changes.

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

The proposed changes benefit START account owners by extending the deadline to make an initial deposit into a START Account and extending the deadline to submit tax return documentation. This gives account owners more flexibility to meet START Program requirements and make it more likely that account owners will receive the highest state match for which they qualify.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment resulting from these measures.

George Eldredge
General Counsel
1007#019

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

**Exemption for Tanks Storing Corrosive Materials
(LAC 33:III.2103)(AQ312)**

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.2103.G (AQ312).

This proposed Rule exempts tanks storing corrosive materials at the Rhodia, Inc. Baton Rouge facility from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. Existing tanks are currently operating under Permit No. 0840-00033-V2, issued November 30, 2009, and are identified as follows:

Tank Number	Service	TEMPO ID	Requirement Citation
30D260	Spent Sulfuric Acid	EQT008	LAC 33:III.2103.B
30D070	Spent Sulfuric Acid	EQT161	LAC 33:III.2103.B
30D100	Spent Sulfuric Acid	EQT163	LAC 33:III.2103.B
30D110	Spent Sulfuric Acid	EQT164	LAC 33:III.2103.B
30D120	Spent Sulfuric Acid	EQT165	LAC 33:III.2103.B
30D140	Spent Sulfuric Acid	EQT167	LAC 33:III.2103.B
30D150	Spent Sulfuric Acid	EQT168	LAC 33:III.2103.B
30D160	Spent Sulfuric Acid	EQT169	LAC 33:III.2103.B

Tank Number	Service	TEMPO ID	Requirement Citation
30D190	Spent Sulfuric Acid	EQT171	LAC 33:III.2103.B
20D120	Spent Sulfuric Acid	EQT176	LAC 33:III.2103.A
40D200	Treatment Services	EQT180	LAC 33:III.2103.B
40D250	Treatment Services	EQT177	LAC 33:III.2103.B
40D280	Treatment Services	EQT178	LAC 33:III.2103.B
40D210	Treatment Services	EQT181	LAC 33:III.2103.A
40D220	Treatment Services	EQT183	LAC 33:III.2103.A
40D290	Treatment Services	EQT179	LAC 33:III.2103.A
40D300	Treatment Services	EQT182	LAC 33:III.2103.A

The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of submerged fill pipe set forth in LAC 33:III.111, in that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year)." However, the Rhodia facility is required for operational reasons to frequently draw down these tanks to below the fill pipe openings to avoid an excessive accumulation of solids. Solid accumulation results in more frequent tank cleanings, which create increased air emissions and the potential for personnel exposure.

For the twelve tanks listed as subject to LAC 33:III.2103.B, this exception applies only to the "submerged fill pipe" provision of Section 2103.B. Rhodia has equipped these tanks with vapor loss control devices in accordance with the other requirements of Section 2103.B and their air permit, and shall continue to operate and maintain the control devices. The basis and rationale for this Rule are to provide tanks storing corrosive materials with an exemption from the "submerged fill pipe" provisions of LAC 33:III.2103.A and B. 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 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - F. ...

G. Exemptions. The provisions of this Section (e.g., LAC 33:III.2103) do not apply to:

1. - 4. ...

5. with regard to the requirements of Paragraph C.1 of this Section, any storage tank that is used for less than two weeks in the calendar year, provided that the tank is empty and liquid-free when not in use;

6. with regard to the submerged fill pipe provisions of Subsection A of this Section, tanks, drums, or other containers storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company's Baton Rouge Chemical Plant; and

7. with regard to the submerged fill pipe provisions of Subsections A and B of this Section, tanks, drums, or other containers used for the storage of corrosive materials, including but not limited to spent sulfuric acid and hazardous waste, at the Baton Rouge facility of Rhodia Inc.

H. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007), LR 33:2085 (October 2007), LR 36:

Family Impact Statement

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

Public Hearing

A public hearing will be held on August 25, 2010, at 1:30 p.m. in the Galvez Building, Room 1051, 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 Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ312. Such comments must be received no later than September 1, 2010, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3398 or by e-mail to donald.trahan@la.gov. Copies of these proposed regulations 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 AQ312. These proposed regulations are available on the Internet at:

www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These proposed regulations are 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

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

**RULE TITLE: Exemption for Tanks
Storing Corrosive Materials**

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

There will be no costs or savings to state or local governmental units as a result of this proposed rule.

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

There will be no effect on revenue collections of state or local governmental units.

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

This rule is limited in scope, affecting only tanks storing corrosive materials at the Rhodia Inc. Baton Rouge facility. The rule grants an exemption from an environmental quality air rule to prevent premature failure of the affected tanks. Any economic benefits accruing from operation of the tanks in the exempted mode must be weighed against business losses that would be incurred from strict adherence to the rule, and are difficult to quantify.

The tanks in question are used to store spent sulfuric acid and other D001 corrosive materials and are equipped with submerged fill pipes. However, the design specifications for these submerged fill pipes are inconsistent with the definition of *submerged fill pipe* set forth in LAC 33:III.111, in that the fill pipe openings are greater than six inches from the tank bottoms. Spent sulfuric acid is highly corrosive and the internal specifications of the Rhodia tanks dictate a distance greater than six inches above the tank bottom to allow for diffusion and a reduction in the force of the incoming fluid to protect the integrity of the bottom of the tank. The definition does allow an exception from the six inch requirement, but only if the fill pipe is submerged "during all normal operations (nozzle shall not be uncovered more than twice per year)." However, the facility is required for operational reasons to frequently draw down these tanks to below the fill pipe openings to avoid an excessive accumulation of solids. Solids accumulation results in more frequent tank cleanings, which create increased air emissions and the potential for personnel exposure. Rhodia estimates that costs of the more frequent tank cleanings would be roughly \$170,000/year. For the seven "treatment services" tanks in hazardous waste service, Rhodia stated that not having the ability to draw down these tanks below the fill nozzle would cause disruption in their commercial hazardous waste treatment services business, resulting in lost business that would far exceed the excess tank cleaning costs.

For the twelve tanks listed as subject to LAC 33:III.2103.B, this exemption applies only to the "submerged fill pipe" provision of §2103.B. Rhodia has equipped these tanks with vapor loss control devices in accordance with the other requirements of §2103.B and their air permit, and shall continue to operate and maintain the control devices.

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

There will be no effect on competition. No effect on employment in the public or private sector will be realized.

Herman Robinson, CPM
Executive Counsel
1007#056

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Incorporation by Reference—2009

(LAC 33:I.3931; III.506, 507, 2160, 3003, 5116, 5122,
5311, 5901; V.3099; IX.2301, 4901, 4903; and XV.1599)
(MM014ft)

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.3931; III.506, 507, 2160, 3003, 5116, 5122, 5311 & 5901; V.3099; IX.2301, 4901 & 4903; XV.1599 (Log #MM014ft).

This Rule is identical to federal regulations found in 10 CFR 71, App. A, 1/1/10; 40 CFR 51, App. M, 60-61, 63, 68, 70, 6(a), 117.3, 136, 266, App. I-IX and XI-XIII, 302.4, 302.6(e), 355.40(a)(2)(vii), 401 and 405-471, 7/1/09; and subsequent revisions to 40 CFR 60 and 63 in the *Federal Register* (see rule text), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or Box 4302, Baton Rouge, LA 70821-4302. No Fiscal or Economic Impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This proposed Rule incorporates by reference (IBR) into LAC 33:I, III, V, IX and XV the corresponding federal reportable quantity list of hazardous substances in 40 CFR 117.3 and 302.4, July 1, 2009; administrative reporting exemptions for certain air releases of Nox in 40 CFR 302.6(e) and 355.40(a)(2)(vii), July 1, 2009; Capture Efficiency Test Procedures in 40 CFR Part 51, Appendix M, July 1, 2009; Federal So₂ Model Rule in 40 CFR Part 96, July 1, 2009; Standards of Performance for New Stationary Sources in 40 CFR Part 60, July 1, 2009; National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 61, July 1, 2009; NESHAP for Source Categories in 40 CFR Part 63, July 1, 2009; Chemical Accident Prevention and Minimization of Consequences in 40 CFR Part 68, July 1, 2009; Part 70 Operating Permits Program in 40 CFR 70.6(a), July 1, 2009; hazardous waste regulations in 40 CFR Part 266, Appendices I-IX and XI-XIII, July 1, 2009; National Pollutant Discharge Elimination System regulations in 40 CFR Parts 136, 401, 405-471, July 1, 2009; and radiation regulations in 10 CFR Part 71, Appendix A, January 1, 2010. Also incorporated are subsequent revisions to 40 CFR Part 60 and 63 promulgated in the *Federal Register*.

In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted in the LAC. This rulemaking is necessary to maintain delegation, authorization, etc., granted to Louisiana by EPA. This incorporation by reference

MM 005
Amendments and Corrections
LAC 33:III.111, 2121, 2125, 2145, 2147,2201

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applications may be held when deemed beneficial by the department. The basis and rationale for this Rule are to align the hazardous waste regulations with the intent of Act No. 947 of the 1995 Legislature.

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 V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 7. Administrative Procedures for Treatment, Storage, and Disposal Facility Permits

Subchapter B. Hearings

§709. Evidentiary Hearings on Operating Permit Applications for Commercial Hazardous Waste Treatment, Storage, Disposal, or Recycling Facilities

A. ...

B. Applicability

1. An evidentiary hearing shall be held after the technical review of an initial permit application for the operation of a proposed, nonexistent commercial hazardous waste treatment, storage, disposal, or recycling facility.

2. An evidentiary hearing may be held after the technical review of a permit application, other than an initial application for a proposed, nonexistent facility, for the operation of a commercial hazardous waste treatment, storage, disposal, or recycling facility upon a determination by the administrative authority that the hearing would be beneficial in making a permit decision. Considerations by the administrative authority in making this determination include, but are not limited to, fact-finding or clarification of issues.

3. Permit applications for which evidentiary hearings may be held pursuant to Paragraph B.2 of this Section include, but are not limited to:

a. initial permit applications for interim status facilities;

b. renewal permit applications for existing facilities; and

c. major modification (Class 2 or 3) applications for existing facilities (including requests for conversion of noncommercial status to commercial status).

C. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:683 (August 1990), LR 17:362 (April 1991), LR 21:565 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2469 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:69 (January 2008).

Herman Robinson, CPM
Executive Counsel

0801#016

RULE

Department of Environmental Quality Office of the Secretary

Regulation Revisions

(LAC 33:I.3931; III.111, 2121, 2125, 2145, 2147, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999;

IX.2707, 4905, and 6125; and XI.707)(MM005)

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 Environmental Quality regulations, LAC 33:I.3931; III.111, 2121, 2125, 2145, 2147, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707 (Log #MM005).

This Rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations. Language found to be redundant or not required by federal regulations is deleted, and contact information for referenced publications is corrected. The Environmental Quality Act requires the department to promulgate environmental regulations. Maintenance of these regulations is part of that responsibility. The basis and rationale for this Rule are to maintain the regulations that protect the environment and public health of the state, as authorized by the Environmental Quality Act.

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 I. Office of the Secretary

Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. - B. Footnote #. ...

C. Copies of documents incorporated by reference may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401, or by telephone at (866) 512-1800.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005),

amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2006), LR 33:640 (April 2007), LR 33:2628 (December 2007), LR 34:69 (January 2008).

Part III. Air

Chapter 1. General Provisions

§111. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

* * *

Automobile and Light-Duty Truck Assembly Plant—a facility, excluding customizers, body shops, and other repainters, where automobile and/or light-duty truck bodies, frames, and parts are assembled for eventual inclusion into a finished product ready for sale to vehicle dealers, but excluding the following operations:

- a. wheel coatings;
- b. anti-rust coatings;
- c. trunk coatings;
- d. interior coatings;
- e. flexible coatings;
- f. sealers; and
- g. plastic parts coatings.

Bubble Concept—an alternative emission plan whereby a facility with multiple sources of a given pollutant may achieve a required total emission by a different mix of controls from that mandated by regulation. Some sources may be assigned more restrictive limits, while others would meet less restrictive ones, provided the resulting total emissions are equivalent. Such a concept may permit a more expeditious compliance plan.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:808 (May 2006), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:70 (January 2008).

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2121. Fugitive Emission Control

A. Applicability. This regulation is applicable to equipment in petroleum refineries, natural gas processing plants, the synthetic organic chemical manufacturing industry (SOCMI), the methyl tertiary butyl ether (MTBE) manufacturing industry, and the polymer manufacturing industry that contains any of the following components that are intended to operate in VOC service 300 hours or more during the calendar year:

1. pumps;
2. compressors;
3. pressure relief devices;
4. open-ended valves or lines;
5. process drains;
6. valves;

7. agitators;
8. instrumentation systems; and
9. connectors.

B. - G.Liquid Service. ...

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 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:70 (January 2008).

Subchapter C. Solvent Degreasers

§2125. Solvent Degreasers

A. - G. ...

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 16:959 (November 1990), LR 18:1122 (October 1992), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:70 (January 2008).

Subchapter I. Pharmaceutical Manufacturing Facilities

§2145. Pharmaceutical Manufacturing Facilities

A. - A.2. ...

B. Air Dryers and Production Equipment Exhaust Systems. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall reduce the VOC emissions from all air dryers and production equipment exhaust systems:

1. by at least 90 percent if emissions are 330 lb/day (150 kg/day) or more of VOC; or
2. to 33 lb/day (15.0 kg/day) or less if emissions are less than 330 lb/day (150 kg/day) of VOC.

C. Storage and Loading Controls. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall:

1. provide a vapor balance system or equivalent control that is at least 90 percent effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than 2,000 gallons that store VOC with vapor pressures greater than 4.1 psia (28.0 KPA) at 20°C; and
2. install pressure/vacuum conservation vents set at plus or minus 0.03 psi gauge (plus or minus 0.2 KPA) on all storage tanks that store VOC with vapor pressures greater than 1.5 psia (10.3 KPA) at 20°C, unless a more effective control system is used.

D. Centrifuges, Filters, and In-process Tank Requirements. The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall:

1. enclose all centrifuges, rotary vacuum filters, and other filters which have exposed liquid surfaces, where the liquid contains volatile organic compounds and exerts a total

volatile organic compound vapor pressure of 0.5 psia (3.50 KPA) or more at 20°C;

2. install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.

E. - G.4. ...

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 16:964 (November 1990), LR 22:1212 (December 1996), LR 24:25 (January 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:70 (January 2008).

Subchapter J. Limiting Volatile Organic Compound (VOC) Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)

§2147. Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations

A. - C.1.a. ...

b. combust emissions in a flare. Flares used to comply with this Section shall comply with the requirements of 40 CFR 60.18. The flare operation requirement does not apply if a process vents an emergency relief discharge into a common flare header and causes the flare servicing the process to be out of compliance with one or more of the provisions of the flare operation rule.

C.2. - F.4. Figure 1. ...

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 21:380 (April 1995), amended LR 22:1212 (December 1996), LR 23:1508, 1510 (November 1997), LR 23:1679 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:71 (January 2008).

Chapter 22. Control of Emissions of Nitrogen Oxides (NO_x)

§2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence

A. - C.6. ...

7. flares, incinerators, and kilns and ovens, as defined in Subsection B of this Section;

C.8. - J.2. ...

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 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:748 (April 2004), LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR

31:2441 (October 2005), LR 33:2088 (October 2007), LR 34:71 (January 2008).

**Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—
Hazardous Waste**

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

Recovery Operations—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, (available from the Environmental Protection Agency, RCRA Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC 20460 (Docket Number F-94-IEHF-FFFFF), or at the National Archives and Records Administration (NARA) by telephone at (202) 741-6030, or at the Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France), which include the following operations.

Code	Recovery Operations

	[See Prior Text in Table]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008).

Chapter 11. Generators

Subchapter A. General

§1113. Exports of Hazardous Waste

A. - G.1.f.certification. ...

2. Reports shall be sent to the administrative authority of the Louisiana Department of Environmental Quality.

NOTE: This does not relieve the regulated community from the requirement of submitting annual reports in accordance with 40 CFR 262.56 to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Hand-delivered reports should be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW, Washington, DC 20004.

H. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:72 (January 2008).

Subchapter B. Transfrontier Shipments of Hazardous Waste

§1127. Transfrontier Shipments of Hazardous Waste for Recovery within the OECD

A. - C.2. ...

a. Transactions Requiring Specific Consent

i. Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in Paragraph C.5 of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

ii. - iii. ...

b. Shipments to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery

i. The notifier must provide EPA the information identified in Paragraph C.5 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification should indicate that the recovery facility is preapproved, and the notification may apply to a single specific shipment or to multiple shipments as described in Clause C.2.a.i of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "OECD Export Notification-Preapproved Facility" prominently displayed on the envelope.

C.2.b.ii. - D.4. ...

5. Within three working days of the receipt of imports subject to this Subchapter, the owner or operator of the United States recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

E. - F.2. ...

G. Reporting and Recordkeeping

1. Annual Reports. For all waste movements subject to this Subchapter, persons (e.g., notifiers, recognized traders) who meet the definition of *primary exporter* in LAC 33:V.109 shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, no later than March 1 of each year, summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subchapter, he may include all export information in one report provided the information required by this Subsection on exports of waste destined for recovery within the designated OECD member countries is contained in a separate section.) Such reports shall include the following:

G.1.a. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), LR 34:72 (January 2008).

Chapter 13. Transporters

§1315. Spills

A. - E. ...

1. give notice, if required by 49 CFR 171.15, to the National Response Center by telephone at (800) 424-8802 or (202) 267-2675; and

2. report in writing, as required by 49 CFR 171.16, to the Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590-0001, or send an electronic Hazardous Materials Incident Report to the Information System Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001. An electronic Hazardous Materials Incident Report form can be obtained at <http://hazmat.dot.gov>.

F. As required by 33 CFR 153.203 for oil and hazardous substance, a water (bulk shipment) transporter who has discharged hazardous waste must immediately notify the National Response Center (NRC), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593 by telephone at (800) 424-8802 or (202) 267-2675.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:72 (January 2008).

§1319. Use and Reuse of Containers

A. - B.4. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:73 (January 2008).

Chapter 15. Treatment, Storage, and Disposal Facilities

§1517. General Requirements for Ignitable, Reactive, or Incompatible Wastes

A. - D. ...

E. When required to comply with LAC 33:V.1517.A and B, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:73 (January 2008).

Chapter 43. Interim Status

Subchapter G. Financial Requirements

§4397. Applicability

A. ...

B. The requirements of LAC 33:V.4405 and 4407 apply only to owners and operators of:

B.1. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 13:651 (November 1987), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1109 (June 1998), LR 25:486 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:73 (January 2008).

Chapter 49. Lists of Hazardous Wastes

§4999. Appendices—Appendix A, B, C, D, and E

Appendix A. - Appendix D. ...

Appendix E. Wastes Excluded under LAC 33:V.105.M

A. - B.3.b. ...

Table 1 - Wastes Excluded
* * *
[See Prior Text in Dupont Dow Elastomers LLC, Laplace, LA – BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA. (4)]

Table 1 - Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA
Incinerator ash, at a maximum annual generation rate of 3,600 cubic yards per year, and incinerator scrubber water, at a maximum annual generation rate of 420,000 cubic yards per year (approximately 85 million gallons per year), result from incineration at the Syngenta Crop Protection, Inc., facility in St. Gabriel, Louisiana. Syngenta's waste stream includes the United States Environmental Protection Agency (USEPA) hazardous waste codes F001-F005, F024, K157-K159, and all P and U codes. The constituents of concern for these waste codes are listed in LAC 33:V.4901. This exclusion applies only to incinerator ash and incinerator scrubber water resulting from incineration conducted at Syngenta's St. Gabriel facility. Syngenta must implement a testing and management program that meets the following conditions for the exclusion to be valid.
* * *
[See Prior Text in (1) - (3)(A)]
(3)(B). Organic Constituents (all units are milligrams per liter) acetone—26.0; benzene—0.05; carbon tetrachloride—0.18; chloroform—0.14; 1,2-dichlorobenzene—0.77; hexachlorobenzene—0.13; nitrobenzene—0.14; pentachlorobenzene—0.04; pyridine—0.26; toluene—10.0; toxaphene—0.089; and vinyl chloride—0.05.
* * *
[See Prior Text in (4) - (4)(A)]

Table 1 - Wastes Excluded
* * *
[See Prior Text in Murphy Exploration and Production Company, Amelia, LA]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:73 (January 2008).

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:

AMENDMENTS AND CORRECTIONS
WHICH AMENDS LAC 33:I.3931; III.111, 2121, 2125,
2145, 2147, and 2201; V.109, 1113, 1127, 1315,
1319, 1517, 4397, and 4999; IX.2707, 4905, and
6125; and XI.707

LOG #: MM005

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 1:45 p.m., on November 28, 2007.

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

ASSOCIATED REPORTERS, INC.
(225) 216-2036

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DEC 05 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

A P P E A R A N C E S

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

Stan Hazard
Hearing Officer

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

* * * * *

I N D E X

EXAMINATION:

PAGE(S):

None

EXHIBITS:

None

REPORTER'S PAGE

7

REPORTER'S CERTIFICATE

8

* * * * *

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MR. HAZARD:

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9

Good afternoon! My name is Stan Hazard, and I'm employed by the Louisiana Department of Environmental Quality. I'll be serving as hearing officer this afternoon to receive comments regarding proposed amendments to the environmental quality regulations.

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The comment periods for these amendments began on October 20, 2007, when the notices of intent were published in the Louisiana Register. The comment period will close at 4:30 p.m., today, November 28, 2007, for the Log Numbers AQ289ft and AQ290ft, and at 4:30 p.m., December 5, 2007, for the Log Numbers HW101, MM005, and UT012. It would be helpful to us if all oral comments received today were followed up in writing.

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22

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This public hearing provides a forum for all interested parties to present comments on the proposed changes. This hearing is not being conducted in a question and answer format. Please remember that the

1 purpose of this public hearing is to allow
2 you, the public, an opportunity to express
3 your thoughts concerning today's proposed
4 amendments.

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

9 The next amendment is designated by
10 the Log Number MM005.

11 This rule corrects outline numbering
12 and wording errors that have been discovered
13 in the Title 33, Environmental Quality
14 regulations. Language found to be redundant
15 or not required by federal regulations is
16 deleted, and contact information for
17 referenced publications is corrected. The
18 Environmental Quality Act requires the
19 department to promulgate environmental
20 regulations. Maintenance of these
21 regulations is part of that responsibility.

22 Does anyone care to comment on this
23 regulation?

24 If not, the hearing on MM005 is
25 closed.

DEPARTMENT OF ENVIRONMENTAL QUALITY

6

1 Thank you for your attention and
2 participation.

3 This hearing is closed.

4 **THE HEARING CONCLUDED AT 1:46 P.M.**

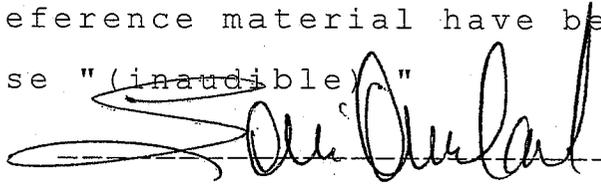
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REPORTER'S PAGE

1
2 I, Lori B. Overland, Certified Court
3 Reporter, in and for the State of Louisiana, the
4 officer, as defined in Rule 28 of the Federal
5 Rules of Civil Procedure and/or Article 1434(b)
6 of the Louisiana code of Civil Procedure, before
7 whom this sworn testimony was taken, do hereby
8 state on the Record

9 That due to the interaction in the
10 spontaneous discourse of this proceeding, dashes
11 (--) have been used to indicate pauses, changes
12 in thought, and/or talk overs; that same is the
13 proper method for a Court Reporters's
14 transcription of proceeding, and that the dashes
15 (--) do not indicated that words or phrases have
16 been left out of this transcript;

17 That any words and/or names which could not
18 be verified through reference material have been
19 denoted with the phrase "(inaudible)"

20
21 
Lori Overland, C.C.R.

22 # 97083



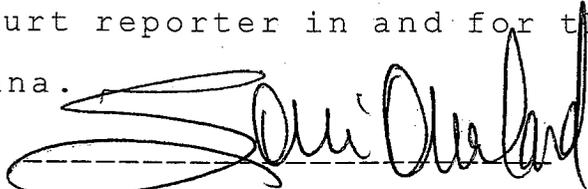
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C E R T I F I C A T I O N

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

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

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


Lori Overland, C.C.R.

97083



AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Amendments and Corrections
(LAC 33:1.3931; III.111, 2121, 2125, 2145, 2147, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707) (MM005)

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 33:1.3931; III.111, 2121, 2125, 2145, 2147, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707 (Log #MM005).

This rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations. Language found to be redundant or not required by federal regulations is deleted, and contact information for referenced publications is corrected. The Environmental Quality Act requires the department to promulgate environmental regulations. Maintenance of these regulations is part of that responsibility. The basis and rationale for this proposed rule are to maintain the regulations that protect the environment and public health of the state, as authorized by the Environmental Quality Act.

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 November 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.

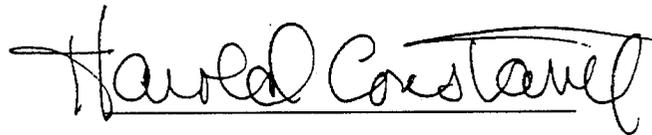
All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by MM005. Such comments must be received no later than December 5, 2007, at 4:30 p.m. and should be sent to Judith A. Schuerman, Ph.D., Office of the 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 MM005. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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HERMAN ROBINSON,
CPM
Executive Counsel

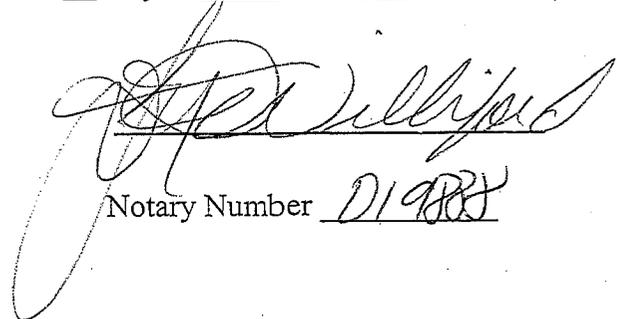
(10)-12

I, Harold Constance, Classified Sales Manager
of THE TOWN TALK, published at Alexandria,
Louisiana do solemnly swear that the
Notice of Intent (MM005)
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 October 12, 2007 and ending with the
issue dated October 12, 2007.



Subscribed and sworn to before me

this 12th day of October, 2007.



Notary Number D1988

RECEIVED

OCT 18 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Amendments and Corrections
(LAC 33:1.3931;
III.111, 2121, 2125, 2145,
2147, and 2201; V.109,
1113, 1127, 1315, 1319,
1517, 4397, and 4999;
IX.2707, 4905, and 6125;
and XI.707) (MM005)
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 33:1.3931; III.111, 2121, 2125, 2145, 2147, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707 (Log #MM005).
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A public hearing will be held on November 28, 2007, at 1:30 p.m. in the

Before me the undersigned authority, personally came and appeared

Karen Wohlschlag

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:

00391717 - \$41.00

October 16, 2007

Karen Wohlschlag

Duly Authorized Agent

Subscribed and sworn to before me on this 16th day of October, 2007 at
Lake Charles, LA

Winnie P. Guillory



Winnie P. Guillory
Notary #66592
My Commission Expires At De

00053262

Notary Public

LDEQ-OSEC-LAD

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.

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Herman Robinson,
CPM
Executive Counsel

Oct 16 11
00391717

RECEIVED

OCT 19 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

Acadiana's Daily Newspaper

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: 865804
Ad Total: \$78.27
No. of Lines: 171
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

Amendments and Corrections

(LAC 33:I.3931; III.111, 2121, 2125, 2145, 2147, and 2201; V.109, 1113; 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707) (MM005)

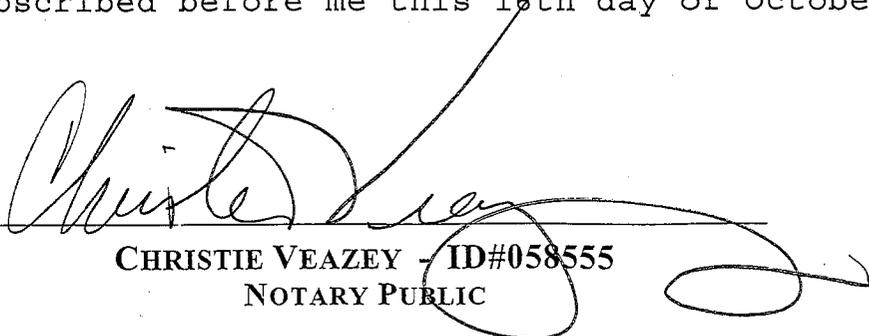
was published in **THE ADVERTISER** on the following dates:

*Thursday, October 11, 2007



ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 16th day of October, 2007.



CHRISTIE VEAZEY - ID#058555
NOTARY PUBLIC

865804

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Amendments and
Corrections
(LAC 33:1.3931; III.111,
2121, 2125, 2145, 2147,
and 2201; V.109, 1113,
1127, 1315, 1319, 1517,
4397, and 4999; IX.2707,
4905, and 6125; and
XI.707) (MM005)

Under the authority
of the Environmental
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 notice
that rulemaking
procedures have been
initiated to amend the
Environmental Quality
regulations, LAC
33:1.3931; III.111, 2121,
2125, 2145, 2147, and
2201; V.109, 1113, 1127,
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and 4999; IX.2707, 4905,
and 6125; and XI.707
(Log #MM005).

This rule corrects
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wording errors that
have been discovered
in the Title 33, Envi-
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lations. Language
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or not required by fed-
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corrected. The Envi-
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requires the depart-
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part of that responsi-
bility. The basis and
rationale for this pro-
posed rule are to main-
tain the regulations
that protect the envi-
ronment and public
health of the state, as

authorized by the En-
vironmental Quality
Act.

This proposed rule
meets an exception
listed in R.S.
30:2019(D)(2) and R.S.
49:953(G)(3); there-
fore, no report regard-
ing
environmental/health
benefits and
social/economic costs
is required. This pro-
posed rule has no
known impact on fam-
ily formation, stability,
and autonomy as de-
scribed in R.S. 49:972.

A public hearing will
be held on November
28, 2007, at 1:30 p.m. in
the Galvez Building,
Oliver Pollock Confer-
ence Room, 602 N.
Fifth Street, Baton
Rouge, LA 70802. Inter-
ested persons are
invited to attend and
submit oral comments
on the proposed
amendments. Should
individuals with a disa-
bility need an accom-
modation in order to
participate, contact Ju-
dith 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 per-
sons are invited to sub-
mit written comments
on the proposed regu-
lation. Persons com-
menting should refer-
ence this proposed regu-
lation by MM005.
Such comments must
be received no later
than December 5, 2007,
at 4:30 p.m., and
should be sent to Ju-
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Ph.D., Office of the
Secretary, Legal Af-
airs Division, Box
4302, Baton Rouge, LA
70821-4302 or to FAX
(225) 219-3582 or by e-
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This regulation is
available on the Inter-
net at
www.deq.louisiana.gov
/portal/tabid/1669/defa
ult.aspx.

This proposed regula-
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spection at the follow-
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tions from 8 a.m. until
4:30 p.m.: 602 N. Fifth
Street, Baton Rouge,
LA 70802; 1823 High-
way 546, West Monroe,
LA 71292; State Office
Building, 1525 Fairfield
Avenue, Shreveport,
LA 71101; 1301 Gadwall
Street, Lake Charles,
LA 70615; 111 New Cen-
ter Drive, Lafayette,
LA 70508; 110
Barataria Street, Lock-
port, LA 70374; 645 N.
Lotus Drive, Suite C,
Mandeville, LA 70471.
Herman Robinson,
CPM
Executive Counsel

The Times

RECEIVED

OCT 11 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Amendments and
Corrections
(LAC 33:1.3931; III.111,
2121, 2125, 2145, 2147,
and 2201; V.109, 1113,
1127, 1315, 1319, 1517,
4397, and 4999; IX.2707,
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procedures have been
initiated to amend the
Environmental Quality
regulations, LAC
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and 4999; IX.2707, 4905,
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(Log #MM005).

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that protect the envi-
ronment and public
health of the state, as
authorized by the En-
vironmental Quality
Act.

This proposed
rule meets an excep-
tion listed in R.S.
30:2019(P)(2), and R.S.

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 (MM005)

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

October 9, 2007

(Signed)

Altheas Critton

Sworn to and subscribed before me this 9th day of October, 2007

Diana W. Barber

(Notary)

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



143 GANNETT

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 November 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.

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Herman Robinson, CPM
Executive Counsel

The Times:
October 9, 2007

NOV 01 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

2007 OCT 29 PM 12:09

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Amendments and Corrections
(LAC 33:1.3931; III.111, 2121, 2125, 2145, 2147, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707) (MM005)

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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:

October 12, 2007

Kim Draugh

LEGAL AD DEPT.

Sworn and subscribed before me by

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

19 day of October 20 07 AD

Steven L. Turner

Steven L. Turner # 43154

NOTARY PUBLIC

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 MM005. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

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Herman Robinson,
CPM Executive
Counsel

Monroe, LA
October 12, 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:

10/20/07



Susan A. Bush, Public Notices Clerk

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

October 20, 2007



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

RECEIVED

OCT 29 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

DEQ - OSEC/LAD REG 3739026
REMEMBER WEATHERSPOON
PO BOX 4302
BATON ROUGE LA 70821-4314

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Amendments
and Corrections
(LAC 33:13931; III.111, 2121,
2125, 2145, 2147, and 2201;
V.109, 1113, 1127, 1315,
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Herman Robinson, CPM
Executive Counsel
3739026-oct 20-1t

RECEIVED

OCT 18 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

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 Amendments & Corrections LAC 33:1 3931, III.111, 2121, 2125, 2145, 21, 47, & 2201 (MM005)

Advertisement of Office of Environmental Services

P.O. 4302
Baton Rouge, La. 70821

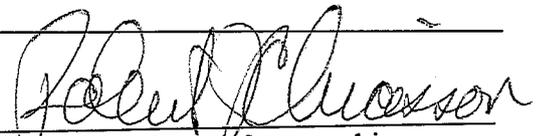
Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates October 11, 2007

Sworn to and subscribed before me this

16th Day of October 2007



Notary Public

My commission expires at my death.

Charles A. Ferguson, Jr.

Notary identification number 23492

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Amendments and Corrections (LAC 33:1 3931, III.111, 2121, 2125, 2145, 21, 47, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707) (MM005)

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 33:1 3931, III.111, 2121, 2125, 2145, 21, 47, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707 (Log #MM005).

This rule corrects outline numbering and wording errors that have been discovered in Title 33, Environmental Quality regulations.

Language found to be redundant or not required by federal regulations is deleted and contact information for referenced publications is corrected. The Environmental Quality Act requires the department to promulgate environmental regulations. Maintenance of these regulations is part of that responsibility. The basis and rationale for this proposed rule are to maintain the regulations that protect the environment and public health of the state, as authorized by the Environmental Quality Act.

This proposed rule meets an exception listed in R.S. 49:953(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 November 28, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North 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 MM005. Such comments must be received no later than December 5, 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) 219-3552, 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 MM005. This regulation is available on the Internet at www.deq.louisiana.gov/portals/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 71103; 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

**Title 33
ENVIRONMENTAL QUALITY**

Part I. Office of the Secretary

Subpart 2. Notification

Chapter 9. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. - B. Footnote #. ...

C. Copies of documents incorporated by reference may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401, or by telephone at (866) 512-1800.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2006), LR 33:640 (April 2007), LR 33:2628 (December 2007), LR 34:**.

Part III. Air

Chapter 1. General Provisions

§111. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

* * *

Automobile and Light-Duty Truck Assembly Plant—a facility, excluding customizers, body shops, and other repainters, where automobile and/or light-duty truck bodies, frames, and parts are assembled for eventual inclusion into a finished product ready for sale to vehicle dealers, but excluding the following operations:

- a.(1) wheel coatings;
- b.(2) anti-rust coatings;
- c.(3) trunk coatings;

- ~~d.(4)~~ interior coatings;
- ~~e.(5)~~ flexible coatings;
- ~~f.(6)~~ sealers; and
- ~~g.(7)~~ plastic parts coatings.

~~Excluded from this definition are customizers, body shops, and other repainters.~~

Bubble Concept—an alternative emission plan whereby a facility with multiple sources of a given pollutant may achieve a required total emission by a different mix of controls from that mandated by regulation. Some sources may be assigned more restrictive limits, while others would meet less restrictive ones, provided the resulting total emissions are equivalent. Such a concept may permit a more expeditious compliance plan.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:808 (May 2006), LR 32:1599 (September 2006), LR 33:2082 (October 2007), LR 34:**.

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2121. Fugitive Emission Control

A. Applicability. This regulation is applicable to equipment in petroleum refineries, natural gas processing plants, the synthetic organic chemical manufacturing industry (SOCMI), the methyl tertiary butyl ether (MTBE) manufacturing industry, and the polymer manufacturing industry that contains any of the following components that are intended to operate in VOC service 300 hours or more during the calendar year:

- 1. ~~a.~~ pumps;
- 2. ~~b.~~ compressors;
- 3. ~~c.~~ pressure relief devices;
- 4. ~~d.~~ open-ended valves or lines;
- 5. ~~e.~~ process drains;
- 6. ~~f.~~ valves;
- 7. ~~g.~~ agitators;
- 8. ~~h.~~ instrumentation systems; and
- 9. ~~i.~~ connectors.

B. - G.Liquid Service. ...

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 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:**.

Subchapter C. ~~Vapor~~Solvent Degreasers

§2125. ~~Vapor~~Solvent Degreasers

A. - G....

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 16:959 (November 1990), LR 18:1122 (October 1992), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Subchapter I. Pharmaceutical Manufacturing Facilities

§2145. Pharmaceutical Manufacturing Facilities

A. - A.2. ...

B. Air Dryers and Production Equipment Exhaust Systems.

1.—The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall reduce the VOC emissions from all air dryers and production equipment exhaust systems:

1. a.—by at least 90 percent if emissions are 330 lb/day (150 kg/day) or more of VOC; or

2. b.—to 33 lb/day (15.0 kg/day) or less if emissions are less than 330 lb/day (150 kg/day) of VOC.

C. Storage and Loading Controls.

1.—The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall:

1. a.—provide a vapor balance system or equivalent control that is at least 90 percent effective in reducing emissions from truck or railcar deliveries to storage tanks with

capacities greater than 2,000 gallons that store VOC with vapor pressures greater than 4.1 psia (28.0 KPA) at 20°C; and

2. ~~b.~~—install pressure/vacuum conservation vents set at plus or minus 0.03 psi gauge (plus or minus 0.2 KPA) on all storage tanks that store VOC with vapor pressures greater than 1.5 psia (10.3 KPA) at 20°C, unless a more effective control system is used.

D. Centrifuges, Filters, and In-process Tank Requirements.

1.—The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall:

1. ~~a.~~—enclose all centrifuges, rotary vacuum filters, and other filters which have exposed liquid surfaces, where the liquid contains volatile organic compounds and exerts a total volatile organic compound vapor pressure of 0.5 psia (3.50 KPA) or more at 20°C;

2. ~~b.~~—install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.

E. - G.4. ...

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 16:964 (November 1990), LR 22:1212 (December 1996), LR 24:25 (January 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Subchapter J. Limiting Volatile Organic Compound (VOC) Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)

§2147. Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations

A. - C.1.a. ...

b. combust emissions in a flare. Flares used to comply with this Section shall comply with the requirements of ~~LAC 33:III.313140~~ CFR 60.18. The flare operation requirement does not apply if a process vents an emergency relief discharge into a common flare header and causes the flare servicing the process to be out of compliance with one or more of the provisions of the flare operation rule.

C.2. - F.4, Figure 1. ...

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 21:380 (April 1995), amended LR 22:1212 (December 1996), LR 23:1508, 1510 (November 1997), LR 23:1679 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 22. Control of Emissions of Nitrogen Oxides (NO_x)

§2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence

A. - C.6. ...
 7. *flares, incinerators, and kilns and ovens*, as defined in Subsection B of this Section;

C.8. - J.2. ...

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 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:748 (April 2004), LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2088 (October 2007), LR 34:**.

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Recovery Operations—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, (available from the Environmental Protection Agency, RCRA Information Center (RIC), 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22203 Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC 20460 (Docket Number F-94-IEHF-FFFFF), or at the National Archives and Records Administration (NARA) by telephone at (202) 741-6030, and/or at the Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France), which include the following operations.

Code	Recovery Operations
* * *	
[See Prior Text in Table]	

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984),

amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:**.

Chapter 11. Generators

Subchapter A. General

§1113. Exports of Hazardous Waste

A. - G.1.f, certification. ...

2. Reports shall be sent to the administrative authority of the Louisiana Department of Environmental Quality.

[NOTE: This does not relieve the regulated community from the requirement of submitting annual reports in accordance with 40 CFR 262.56 to the Office of Enforcement and Compliance Assurance, ~~Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A)~~ Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Hand-delivered reports should be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW, Washington, DC 20004.]

H. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:**.

Subchapter B. Transfrontier Shipments of Hazardous Waste

§1127. Transfrontier Shipments of Hazardous Waste for Recovery within the OECD

A. - C.2. ...

a. Transactions Requiring Specific Consent

i. Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, ~~Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A)~~ Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in Paragraph C.5 of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

ii. - iii. ...

b. Shipments to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery

i. The notifier must provide EPA the information identified in Paragraph C.5 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification should indicate that the recovery facility is preapproved, and the notification may apply to a single specific shipment or to multiple shipments as described in Clause C.2.a.i of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, ~~Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A)~~ Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "OECD Export Notification-Preapproved Facility" prominently displayed on the envelope.

C.2.b.ii.-D.4. ...

5. Within three working days of the receipt of imports subject to this Subchapter, the owner or operator of the United States recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, ~~Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A)~~ Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

E. - F.2. ...

G. Reporting and Record~~K~~keeping

1. Annual Reports. For all waste movements subject to this Subchapter, persons (e.g., notifiers, recognized traders) who meet the definition of *primary exporter* in LAC

33:V.109 shall file an annual report with the Office of Enforcement and Compliance Assurance, ~~Office of Compliance, Enforcement Planning, Targeting, and Data Division (2222A)~~ Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, no later than March 1 of each year, summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subchapter, he may include all export information in one report provided the information required by this Subsection on exports of waste destined for recovery within the designated OECD member countries is contained in a separate section.) Such reports shall include the following:

G.1.a. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2103 (October 2007), LR 34:**.

Chapter 13. Transporters

§1315. Spills

A. - E. ...

1. give notice, if required by 49 CFR 171.15, to the National Response Center ~~(by telephone at (800) 424-8802 or (202) 426-2675);~~ and

2. report in writing, as required by 49 CFR 171.16, to the ~~Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau~~ Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590-0001, or send an electronic Hazardous Materials Incident Report to the Information System Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001. An electronic Hazardous Materials Incident Report form can be obtained at <http://hazmat.dot.gov>.

F. As required by 33 CFR 153.203 for oil and hazardous substance, a water (bulk shipment) transporter who has discharged hazardous waste must immediately notify the National Response Center (NRC), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593 by telephone at (800) 424-8802 or (202) 267-2675 ~~give the same notice as required by 33 CFR 153.203 for oil and hazardous substance.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

§1319. Use and Reuse of Containers

A. - B.4. ...

C. ~~Repealed. Any container, including tank trucks, used to transport waste shall be cleaned before leaving the disposal site. Such cleaning should be by a method or methods necessary to remove the hazardous constituents to a level which will not cause an incompatibility with any subsequent shipment and/or render any future load hazardous. All material resulting from such cleaning shall be considered a hazardous waste unless otherwise approved by the administrative authority.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 15. Treatment, Storage, and Disposal Facilities

§1517. General Requirements for Ignitable, Reactive, or Incompatible Wastes

A. - D. ...

E. ~~Any container, including tank trucks, used to transport waste shall be cleaned before leaving the disposal site. Such cleaning should be by a method or methods necessary to remove the hazardous constituents to a level which will not cause an incompatibility with any subsequent shipment and/or of itself render any future load hazardous. All material resulting from such cleaning shall be considered a hazardous waste unless otherwise approved by the administrative authority.~~

EF. When required to comply with LAC 33:V.1517.A and B, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 43. Interim Status

Subchapter G. Financial Requirements

§4397. Applicability

A. ...

B. The requirements of LAC 33:V.4405 and 44097 apply only to owners and operators of:

B.1. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 13:651 (November 1987), LR 21:266 (March 1995),

amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1109 (June 1998), LR 25:486 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 49. Lists of Hazardous Wastes

§4999. Appendices—Appendix A, B, C, D, and E

Appendix A. - Appendix D. ...

Appendix E. Wastes Excluded under LAC 33:V.105.M

A. - B.3.b. ...

Table 1 - Wastes Excluded
* * *
[See Prior Text in Dupont Dow Elastomers LLC, Laplace, LA – BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA, (4)]

Table 1 - Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA
Incinerator ash, at a maximum annual generation rate of 3,600 cubic yards per year, and incinerator scrubber water, at a maximum annual generation rate of 420,000 cubic yards per year (approximately 85 million gallons per year), result from incineration at the Syngenta Crop Protection, Inc., facility in St. Gabriel, Louisiana. Syngenta’s waste stream includes the United States Environmental Protection Agency (USEPA) hazardous waste codes F001-F005, F024, K157-K159, and all P and U codes. The constituents of concern for these waste codes are listed in LAC 33:V.4901. This exclusion applies only to incinerator ash and incinerator scrubber water resulting from incineration conducted at Syngenta’s St. Gabriel facility. Syngenta must implement a testing and management program that meets the following conditions for the exclusion to be valid.
* * *
[See Prior Text in (1) - (3)(A)]
(3)(B). Organic Constituents (all units are milligrams per liter) acetone—26.0; benzene—0.05; carbon tetrachloride—0.18; chloroform—0.14; 1,2-dichlorobenzene—0.77; hexachlorobenzene—0.13; nitrobenzene—0.14; pentachlorobenzene—0.04; pyridine—0.26; toluene—10.0; toxaphene— <u>0.089</u> ; and vinyl chloride—0.05.
* * *
[See Prior Text in (4) - (4)(A)]

Table 1 - Wastes Excluded

* * *

[See Prior Text in Murphy Exploration and Production Company,
Amelia, LA]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:***.

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 27. LPDES Permit Conditions

§2707. Establishing Limitations, Standards, and Other Permit Conditions

A.1. - K.3. ...

4. the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA and the LEQA.

[NOTE: Additional technical information on BMPs and the elements of BMPs is contained in the following documents: Guidance Manual for Developing Best Management Practices (BMPs), October 1993, EPA No. 833/B-93-004, NTIS No. PB 94-178324, ERIC No. W498; Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, September 1992, EPA No. 832/R-92-005, NTIS No. PB 92-235951, ERIC No. N482; Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices: Summary Guidance, EPA No. 833/R-92-001, NTIS No. PB 93-223550, ERIC No. W139; Storm Water Management for Industrial Activities; Developing Pollution Prevention Plans and Best Management Practices, September 1992; EPA No. 832/R-92-006, NTIS No. PB 92-235969, ERIC No. N477; Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices: Summary Guidance, EPA No. 833/R-92-002, NTIS No. PB 94-133782, ERIC No. W492. Copies of these documents (or directions on how to obtain them) can be obtained by contacting either the Office of Water Resource Center (using the EPA document number as a reference) at (202) ~~260-7786~~566-1729 or the Educational Resources Information Center (ERIC) (using the ERIC number as a reference) at (800) ~~276-0462~~538-3742. Updates of these documents or additional BMP documents may also be available. A list of EPA BMP guidance documents is available on the Office of Water Management Home Page at <http://www.epa.gov/owm>. In addition, states may have BMP guidance documents. These EPA guidance documents are listed here only for informational purposes;

they are not binding and EPA does not intend that these guidance documents have any mandatory regulatory effect by virtue of their listing in this note.]

L. - S. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1523 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2282 (October 2000), LR 26:2764 (December 2000), LR 28:469 (March 2002), LR 28:1767 (August 2002), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:426 (February 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2070 (October 2007), LR 34:**.

Chapter 49. Incorporation by Reference

§4905. Availability

A. Copies of ~~these~~ documents incorporated by reference may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401, or by telephone at (866) 512-1800.÷

~~Government Institutes, Inc.
4 Research Place, Suite 200
Rockville, Maryland 20850
(301) 921-2355~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

Chapter 61. General Pretreatment Regulations for Existing and New Sources of Pollution

§6125. Variances from Categorical Pretreatment Standards for Fundamentally Different Factors

A. - H.9. ...

I. _____ a. _____ Deficient Requests. The administrator (or his delegate) or the state administrative authority will only act on written requests for variances that contain all of the information required. Persons who have made incomplete submissions will be notified by the administrator (or his delegate) or the state administrative authority that their requests are deficient and unless the time period is extended, will be given up to thirty days to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the administrator (or his delegate) or the state administrative authority, the request for a variance shall be denied.

J. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2556 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2515 (October 2005), LR 33:2170 (October 2007), LR 34:**.

Part XI. Underground Storage Tanks

Chapter 7. Methods of Release Detection and Release Reporting, Investigation, Confirmation, and Response

§707. Reporting of Suspected Releases

A. - A.4.a. ...

b. a UST system analysis report result of “inconclusive.”

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:1677 (August 2004), amended by the Office of Environmental Assessment, LR 31:1073 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:**.

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

0710#020

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary

Regulation Revisions

(LAC 33:I.3931; III.111, 2121, 2125, 2145, 2147, and 2201;
V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999;
IX.2707, 4905, and 6125; and XI.707)(MM005)

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.3931; III.111, 2121, 2125, 2145, 2147, and 2201; V.109, 1113, 1127, 1315, 1319, 1517, 4397, and 4999; IX.2707, 4905, and 6125; and XI.707 (Log #MM005).

This proposed rule corrects outline numbering and wording errors that have been discovered in the Title 33, Environmental Quality regulations. Language found to be redundant or not required by federal regulations is deleted, and contact information for referenced publications is corrected. The Environmental Quality Act requires the department to promulgate environmental regulations. Maintenance of these regulations is part of that responsibility. The basis and rationale for this proposed rule are to maintain the regulations that protect the environment and public health of the state, as authorized by the Environmental Quality Act.

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 I. Office of the Secretary

Subpart 2. Notification

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. - B. Footnote #. ...

C. Copies of documents incorporated by reference may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401, or by telephone at (866) 512-1800.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 32:2248 (December 2006), LR 33:640 (April 2007), LR 34:

Part III. Air

Chapter 1. General Provisions

§111. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

* * *

Automobile and Light-Duty Truck Assembly Plant—a facility, excluding customizers, body shops, and other repainters, where automobile and/or light-duty truck bodies, frames, and parts are assembled for eventual inclusion into a finished product ready for sale to vehicle dealers, but excluding the following operations:

- a. wheel coatings;
- b. anti-rust coatings;
- c. trunk coatings;
- d. interior coatings;
- e. flexible coatings;
- f. sealers; and
- g. plastic parts coatings.

Bubble Concept—an alternative emission plan whereby a facility with multiple sources of a given pollutant may achieve a required total emission by a different mix of controls from that mandated by regulation. Some sources may be assigned more restrictive limits, while others would meet less restrictive ones, provided the resulting total emissions are equivalent. Such a concept may permit a more expeditious compliance plan.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2444 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:808 (May 2006), LR 32:1599 (September 2006), LR 33:808 (October 2007), LR 34:

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2121. Fugitive Emission Control

A. Applicability. This regulation is applicable to equipment in petroleum refineries, natural gas processing plants, the synthetic organic chemical manufacturing industry (SOCMI), the methyl tertiary butyl ether (MTBE)

manufacturing industry, and the polymer manufacturing industry that contains any of the following components that are intended to operate in VOC service 300 hours or more during the calendar year:

1. pumps;
2. compressors;
3. pressure relief devices;
4. open-ended valves or lines;
5. process drains;
6. valves;
7. agitators;
8. instrumentation systems; and
9. connectors.

B. - G.Liquid Service. ...

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 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 34:

Subchapter C. Solvent Degreasers

§2125. Solvent Degreasers

A. - G. ...

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 16:959 (November 1990), LR 18:1122 (October 1992), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter I. Pharmaceutical Manufacturing Facilities

§2145. Pharmaceutical Manufacturing Facilities

A. - A.2. ...

B. Air Dryers and Production Equipment Exhaust Systems. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall reduce the VOC emissions from all air dryers and production equipment exhaust systems:

1. by at least 90 percent if emissions are 330 lb/day (150 kg/day) or more of VOC; or
2. to 33 lb/day (15.0 kg/day) or less if emissions are less than 330 lb/day (150 kg/day) of VOC.

C. Storage and Loading Controls. The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall:

1. provide a vapor balance system or equivalent control that is at least 90 percent effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than 2,000 gallons that store VOC with vapor pressures greater than 4.1 psia (28.0 KPA) at 20°C; and

2. install pressure/vacuum conservation vents set at plus or minus 0.03 psi gauge (plus or minus 0.2 KPA) on all

storage tanks that store VOC with vapor pressures greater than 1.5 psia (10.3 KPA) at 20°C, unless a more effective control system is used.

D. Centrifuges, Filters, and In-process Tank Requirements. The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall:

1. enclose all centrifuges, rotary vacuum filters, and other filters which have exposed liquid surfaces, where the liquid contains volatile organic compounds and exerts a total volatile organic compound vapor pressure of 0.5 psia (3.50 KPA) or more at 20°C;

2. install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.

E. - G.4. ...

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 16:964 (November 1990), LR 22:1212 (December 1996), LR 24:25 (January 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter J. Limiting Volatile Organic Compound (VOC) Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)

§2147. Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations

A. - C.1.a. ...

- b. combust emissions in a flare. Flares used to comply with this Section shall comply with the requirements of 40 CFR 60.18. The flare operation requirement does not apply if a process vents an emergency relief discharge into a common flare header and causes the flare servicing the process to be out of compliance with one or more of the provisions of the flare operation rule.

C.2. - F.4, Figure 1. ...

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 21:380 (April 1995), amended LR 22:1212 (December 1996), LR 23:1508, 1510 (November 1997), LR 23:1679 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 22. Control of Emissions of Nitrogen Oxides (NO_x)

§2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence

A. - C.6. ...

7. flares, incinerators, and kilns and ovens, as defined in Subsection B of this Section;

C.8. - J.2. ...

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 28:290 (February 2002),

repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:748 (April 2004), LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 34:

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

Recovery Operations—activities leading to resource recovery, recycling, reclamation, direct reuse or alternative uses as listed in Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988, (available from the Environmental Protection Agency, RCRA Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC 20460 (Docket Number F-94-IEHF-FFFFF), or at the National Archives and Records Administration (NARA) by telephone at (202) 741-6030, or at the Organisation for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France), which include the following operations.

Code	Recovery Operations

[See Prior Text in Table]	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:822 (October 2007), LR 34:

Chapter 11. Generators

Subchapter A. General

§1113. Exports of Hazardous Waste

A. - G.1.f, certification. ...

2. Reports shall be sent to the administrative authority of the Louisiana Department of Environmental Quality.

NOTE: This does not relieve the regulated community from the requirement of submitting annual reports in accordance with 40 CFR 262.56 to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Hand-delivered reports should be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW, Washington, DC 20004.

H. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:824 (October 2007), LR 34:

Subchapter B. Transfrontier Shipments of Hazardous Waste

§1127. Transfrontier Shipments of Hazardous Waste for Recovery within the OECD

A. - C.2. ...

a. Transactions Requiring Specific Consent

i. Notification. At least 45 days prior to commencement of the transfrontier movement, the notifier must provide written notification in English of the proposed transfrontier movement to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in Paragraph C.5 of this Section. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, and the same RCRA waste codes are to be sent periodically to the same recovery facility by the same notifier, the notifier may submit one notification of intent to export these wastes in multiple shipments during a period of up to one year.

ii. - iii. ...

b. Shipments to Facilities Preapproved by the Competent Authorities of the Importing Countries to Accept Specific Wastes for Recovery

i. The notifier must provide EPA the information identified in Paragraph C.5 of this Section, in English, at least 10 days in advance of commencing shipment to a preapproved facility. The notification should indicate that the recovery facility is preapproved, and the notification may apply to a single specific shipment or to multiple shipments as described in Clause C.2.a.i of this Section. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave.,

NW, Washington, DC 20460, with the words "OECD Export Notification-Preapproved Facility" prominently displayed on the envelope.

C.2.b.ii. - D.4. ...

5. Within three working days of the receipt of imports subject to this Subchapter, the owner or operator of the United States recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

E. - F.2. ...

G. Reporting and Recordkeeping

1. Annual Reports. For all waste movements subject to this Subchapter, persons (e.g., notifiers, recognized traders) who meet the definition of *primary exporter* in LAC 33:V.109 shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, no later than March 1 of each year, summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subchapter, he may include all export information in one report provided the information required by this Subsection on exports of waste destined for recovery within the designated OECD member countries is contained in a separate section.) Such reports shall include the following:

G.1.a. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:293 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 13. Transporters

§1315. Spills

A. - E. ...

1. give notice, if required by 49 CFR 171.15, to the National Response Center by telephone at (800) 424-8802 or (202) 267-2675; and

2. report in writing, as required by 49 CFR 171.16, to the Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590-0001, or send an electronic Hazardous Materials Incident Report to the Information System Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001. An electronic Hazardous Materials Incident Report form can be obtained at <http://hazmat.dot.gov>.

F. As required by 33 CFR 153.203 for oil and hazardous substance, a water (bulk shipment) transporter who has discharged hazardous waste must immediately notify the

National Response Center (NRC), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593 by telephone at (800) 424-8802 or (202) 267-2675.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§1319. Use and Reuse of Containers

A. - B.4. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1517. General Requirements for Ignitable, Reactive, or Incompatible Wastes

A. - D. ...

E. When required to comply with LAC 33:V.1517.A and B, the owner or operator must document that compliance. This documentation may be based on references to published scientific or engineering literature, data from trial tests (e.g., bench scale or pilot scale tests), waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 43. Interim Status

Subchapter G. Financial Requirements

§4397. Applicability

A. ...

B. The requirements of LAC 33:V.4405 and 4407 apply only to owners and operators of:

B.1. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 13:651 (November 1987), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1109 (June 1998), LR 25:486 (March 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 49. Lists of Hazardous Wastes

§4999. Appendices—Appendix A, B, C, D, and E

Appendix A. - Appendix D. ...

Appendix E. Wastes Excluded under LAC 33:V.105.M

A. - B.3.b. ...

Table 1 - Wastes Excluded

[See Prior Text in Dupont Dow Elastomers LLC, Laplace, LA – BFI Waste Systems of Louisiana LLC, Colonial Landfill, Sorrento, LA, (4)]

Table 1 - Wastes Excluded
Syngenta Crop Protection, Inc., St. Gabriel, LA
Incinerator ash, at a maximum annual generation rate of 3,600 cubic yards per year, and incinerator scrubber water, at a maximum annual generation rate of 420,000 cubic yards per year (approximately 85 million gallons per year), result from incineration at the Syngenta Crop Protection, Inc., facility in St. Gabriel, Louisiana. Syngenta's waste stream includes the United States Environmental Protection Agency (USEPA) hazardous waste codes F001-F005, F024, K157-K159, and all P and U codes. The constituents of concern for these waste codes are listed in LAC 33:V.4901. This exclusion applies only to incinerator ash and incinerator scrubber water resulting from incineration conducted at Syngenta's St. Gabriel facility. Syngenta must implement a testing and management program that meets the following conditions for the exclusion to be valid.
* * *
[See Prior Text in (1) - (3)(A)]
(3)(B). Organic Constituents (all units are milligrams per liter) acetone—26.0; benzene—0.05; carbon tetrachloride—0.18; chloroform—0.14; 1,2-dichlorobenzene—0.77; hexachlorobenzene—0.13; nitrobenzene—0.14; pentachlorobenzene—0.04; pyridine—0.26; toluene—10.0; toxaphene—0.089; and vinyl chloride—0.05.
* * *
[See Prior Text in (4) - (4)(A)]

Table 1 - Wastes Excluded
* * *
[See Prior Text in Murphy Exploration and Production Company, Amelia, LA]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR 29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007), LR 33:825 (May 2007), LR 33:1016 (June 2007), LR 34:

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program

Chapter 27. LPDES Permit Conditions

§2707. Establishing Limitations, Standards, and Other Permit Conditions

A.1. - K.3. ...

4. the practices are reasonably necessary to achieve effluent limitations and standards or to carry out the purposes and intent of the CWA and the LEQA.

NOTE: Additional technical information on BMPs and the elements of BMPs is contained in the following documents: Guidance Manual for Developing Best Management Practices (BMPs), October 1993, EPA No. 833/B-93-004, NTIS No. PB 94-178324, ERIC No. W498; Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, September 1992, EPA No. 832/R-92-005, NTIS No. PB 92-235951, ERIC No. N482; Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices: Summary Guidance, EPA No. 833/R-92-001, NTIS

No. PB 93-223550, ERIC No. W139; Storm Water Management for Industrial Activities; Developing Pollution Prevention Plans and Best Management Practices, September 1992; EPA No. 832/R-92-006, NTIS No. PB 92-235969, ERIC No. N477; Storm Water Management for Industrial Activities, Developing Pollution Prevention Plans and Best Management Practices: Summary Guidance, EPA No. 833/R-92-002, NTIS No. PB 94-133782, ERIC No. W492. Copies of these documents (or directions on how to obtain them) can be obtained by contacting either the Office of Water Resource Center (using the EPA document number as a reference) at (202) 566-1729 or the Educational Resources Information Center (ERIC) (using the ERIC number as a reference) at (800) 538-3742. Updates of these documents or additional BMP documents may also be available. A list of EPA BMP guidance documents is available on the Office of Water Management Home Page at <http://www.epa.gov/owm>. In addition, states may have BMP guidance documents. These EPA guidance documents are listed here only for informational purposes; they are not binding and EPA does not intend that these guidance documents have any mandatory regulatory effect by virtue of their listing in this note.

L. - S. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1523 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2282 (October 2000), LR 26:2764 (December 2000), LR 28:469 (March 2002), LR 28:1767 (August 2002), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:426 (February 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 49. Incorporation by Reference

§4905. Availability

A. Copies of documents incorporated by reference may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20401, or by telephone at (866) 512-1800.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), repromulgated by the Office of Environmental Assessment, Environmental Planning Division, LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 61. General Pretreatment Regulations for Existing and New Sources of Pollution

§6125. Variances from Categorical Pretreatment Standards for Fundamentally Different Factors

A. - H.9. ...

I. Deficient Requests. The administrator (or his delegate) or the state administrative authority will only act on written requests for variances that contain all of the information required. Persons who have made incomplete submissions will be notified by the administrator (or his delegate) or the state administrative authority that their requests are deficient and unless the time period is extended, will be given up to thirty days to remedy the deficiency. If the deficiency is not corrected within the time period allowed by the administrator (or his delegate) or the state administrative authority, the request for a variance shall be denied.

J. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2556 (November 2000), repromulgated LR 30:232 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2515 (October 2005), LR 34:

Part XI. Underground Storage Tanks

Chapter 7. Methods of Release Detection and Release

Reporting, Investigation, Confirmation, and Response

§707. Reporting of Suspected Releases

A. - A.4.a. ...

b. a UST system analysis report result of "inconclusive."

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2559 (November 2000), LR 30:1677 (August 2004), amended by the Office of Environmental Assessment, LR 31:1073 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

A public hearing will be held on November 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 MM005. Such comments must be received no later than December 5, 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 MM005. 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: Regulation Revisions

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.

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)

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)

There is no estimated effect on competition or employment.

Herman Robinson, CPM
Executive Counsel
0710#023

Robert E. Hosse
Staff Director
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals Board of Medical Examiners

Midwives—Licensure and Practice
(LAC 46:XLV.Chapters 23 and 53)

Notice is hereby given in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, the Louisiana Midwife Practitioners Act, R.S. 37:3240-3257, and the applicable provisions of the Louisiana Administrative Procedure Act, R.S. 49:951 et seq., intends to amend its administrative rules governing licensure and practice of licensed midwives, LAC 46:XLV, Subpart 2, Chapter 23, Subchapters A-D, F-G, §§2303, 2307, 2313, 2317, 2321, 2325, 2345, 2349, 2357, 2359, 2361; and Subpart 3, Chapter 53, Subchapters A-C, §§5301, 5303, 5305, 5307, 5309, 5313, 5315, 5319, 5321, 5327, 5329, 5331, 5333, 5337, 5339, 5343, 5347, 5353, 5355, 5357, 5359, 5361, and 5363. The proposed Rules update a number of provisions generally, incorporate certain revised definitions, and make other substantive modifications consistent with the controlling law.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Examiners

Subpart 2. Licensure and Certification

Chapter 23. Licensed Midwives

Subchapter A. General Provisions

§2303. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.