

POTPOURRI

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

Clean Air Interstate Rule (CAIR) Sulfur Dioxide (SO₂)
Trading Program and Acid Rain Program SIP Revision

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Quality Assessment Division, is proposing revisions to the Louisiana Air Quality State Implementation Plan (SIP). The proposed revisions to the SIP are necessary to implement the general and specific provisions of the federal CAIR SO₂ Trading Program (40 CFR Part 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH) and the Acid Rain Program (40 CFR Part 72) under Section 110 of the Clean Air Act, as a means of mitigating interstate transport of fine particulate and sulfur dioxide.

Notices of Intent for proposed rules AQ259ft, Incorporation by Reference of the Acid Rain Program, and AQ260ft, Incorporation by Reference of the CAIR SO₂ Trading Program were published on pages 1138-1142 of the June 20, 2006, *Louisiana Register*. AQ259ft was proposed in order to revise LAC 33:III.505 and replace it with an incorporation by reference (IBR) of the recently revised federal regulations concerning the Acid Rain Program. AQ260ft was proposed in order to insert language into LAC 33:III.506 as an IBR of the recently revised federal regulations concerning the CAIR SO₂ Trading Program. Upon final promulgation, the proposed rules will be submitted to the Environmental Protection Agency as revisions to the Louisiana SIP.

The public hearing for the revisions to the SIP will be held on August 24, 2006, 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 SIP revisions. Should individuals with a disability need an accommodation in order to participate, contact Vivian H. Aucoin, at (225) 219-3575 or at the address given below. Parking in the Galvez Garage is free with a validated parking ticket.

Interested persons are invited to submit written comments concerning the CAIR SO₂ Trading Program and the Acid Rain Program SIP revisions no later than 4:30 p.m., August 24, 2006, and should be sent to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to vivian.aucoin@deq.state.la.gov. The proposed SIP revisions are available on the Internet at <http://www.deq.louisiana.gov/portal/tabid/2381/Default.aspx> under Louisiana SIP Revisions.

A copy of the proposed SIP revisions may be viewed at the following DEQ office locations from 8 a.m. to 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 7101; 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

0607#032

POTPOURRI

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

Extension of Comment Period for Incorporation by
Reference of the Acid Rain Program (AQ259ft) and the
CAIR SO₂ Trading Program (AQ260ft)
(LAC 33:III.505 and 506)

The Notices of Intent for AQ259ft, Incorporation by Reference of the Acid Rain Program, and AQ260ft, Incorporation by Reference of the CAIR SO₂ Trading Program were published on pages 1138-1142 of the June 20, 2006, issue of the *Louisiana Register*. This rulemaking is necessary in order for Louisiana to adopt the general and specific provisions for the CAIR SO₂ Trading Program, under Section 110 of the Clean Air Act, as a means of mitigating interstate transport of fine particulate and sulfur dioxide. By adopting the Acid Rain Program, 40 CFR Part 72, in its entirety, and 40 CFR Part 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH, the state is authorizing EPA to assist the state in implementing the CAIR SO₂ Trading Program. These proposed rules constitute a revision to the Louisiana State Implementation Plan (SIP).

The public hearing for these proposed rules will still be held on July 25, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room 602 N. Fifth Street, Baton Rouge, LA 70802. The comment period has been extended until 4:30 p.m., August 24, 2006, for AQ259ft and AQ260ft. Comments should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or FAX (225) 219-3582 or by e-mail to Judith.schuerman@la.gov. Copies of the 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 AQ259ft or AQ260ft. These regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/2279/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 7101; 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

0607#034

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JUL 21 2006

Acadiana's Daily Newspaper

THE ADVERTISER

Louisiana
REGULATION DEVELOPMENT SECTION

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.: LDEQRD
Ad Number: 627183
Ad Total: \$73.46
No. of Lines: 158
Reference No.: Visa Purchase

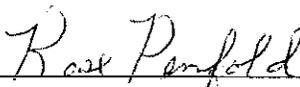
**To insure proper credit please refer to your account number and/or ad number when making payment. Remittance address: P.O. Box 3268, Lafayette, LA 70502-3268

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

POTPOURRI
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Clean Air Interstate Rule (CAIR) Sulfur Dioxide (SO₂) Trading Program and Acid Rain Program SIP Revision
(0607Pot4)

was published in THE ADVERTISER on the following dates:

***Thursday, July 13, 2006**



ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 17 day of July, 2006.



NOTARY PUBLIC - ID#58555

CAPITAL CITY PRESS

Publisher of
THE ADVOCATE

PROOF OF PUBLICATION

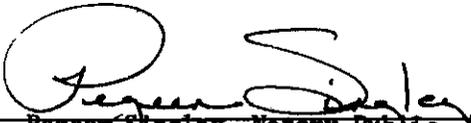
The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the official Journal of the State of Louisiana, the City of Baton Rouge, and the Parish of East Baton Rouge, in the following issues:

07/14/06


Susan A. Bush, Public Notices Clerk

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

July 14, 2006


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

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AUG 03 2006

LEAD DEVELOPMENT AND
REGULATION DEVELOPMENT SECTION

DEQ - OSEC/LARD REGULATION	3366893
REMENDER WEATHERSPOON	
PO BOX 4302	
BATON ROUGE	LA 70821-4314

POTPOURRI

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Clean Air Interstate Rule (CAIR)
Sulfur Dioxide (SO₂) Trading
Program and Acid Rain
Program SIP Revision
(0607Pot4)

The public hearing for the revisions to the SIP will be held on August 24, 2006, at 1:30 p.m. in the Galvez Building, Oliver Potlock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed SIP revisions. Should individuals with a disability need an accommodation in order to participate, contact Vivian H. Aucoin, at (225) 219-3575 or at the address given below. Parking in the Galvez Garage is free with a validated parking ticket.

Interested persons are invited to submit written comments concerning the CAIR SO₂ Trading Program and the Acid Rain Program SIP revisions no later than 4:30 p.m., August 24, 2006, and should be sent to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582, or by e-mail to vivian.aucoin@deq.state.la.gov. The proposed SIP revisions are available on the Internet at <http://www.deq.louisiana.gov/pc/tal/tabid/2381/Default.aspx> under Louisiana SIP Revisions.

A copy of the proposed SIP revisions may be viewed at the following DEQ office locations: front 8 a.m. to 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71011; 1301 Governor Wall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 116 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.
Herman Robinson, CPM
Executive Counsel
3366893-jul 14-11

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Quality Assessment Division, is proposing revisions to the Louisiana Air Quality State Implementation Plan (SIP). The proposed revisions to the SIP are necessary to implement the general and specific provisions of the federal CAIR SO₂ Trading Program (40 CFR Part 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH) and the Acid Rain Program (40 CFR Part 72) under Section 110 of the Clean Air Act as a means of mitigating interstate transport of fine particulate and sulfur dioxide.

Notices of intent for proposed rules AQ259R, Incorporation by Reference of the Acid Rain Program, and AQ260R, Incorporation by Reference of the CAIR SO₂ Trading Program were published on pages 1138-1142 of the June 20, 2006, Louisiana Register. AQ259R was proposed in order to revise LAC 33:III.505 and replace it with an incorporation by reference (IBR) of the recently revised federal regulations concerning the Acid Rain Program. AQ260R was proposed in order to insert language into LAC 33:III.506 as an IBR of the recently revised federal regulations concerning the CAIR SO₂ Trading Program. Upon final promulgation, the proposed rules will be submitted to the Environmental Protection Agency as revisions to the Louisiana SIP.

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JUL 24 2006

DEPARTMENT OF ENVIRONMENTAL QUALITY
REGULATORY DEVELOPMENT SECTION

AFFIDAVIT OF PUBLICATION

(A Correct Copy of Publication)

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

Clean Air Interstate
Rule (CAIR) Sulfur
Dioxide (SO2) Trading
Program and Acid
Rain Program SIP
Revision
(0607Pot4)

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HERMAN ROBINSON,
CPM
Executive Counsel

(7) 19

I, Bill Buschmann, Classified Advertising Manager

of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

Public Notice

advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for one insertions commencing with the issue dated July 19, 2006 and ending with the issue dated July 19, 2006.



Subscribed and sworn to before me
this 19th day of July, 2006

Notary Number 019888

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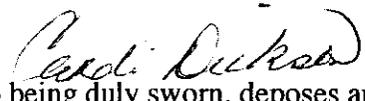
JUL 17 2006

REG. DIVISION OF DEQ

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared



who being duly sworn, deposes and says:

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

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

00272098 - \$36.00 0607Pot4
July 14, 2006

00053262
LA. DEQ OSEC/LARD
REGULATION DEVELOPMENT
REMENDER WEATHERSPOON
P.O. BOX 4302
BATON ROUGE, LA 70821-4302



Duly Authorized Agent

Subscribed and sworn to before me on this 14th day of July, 2006 at Lake
Charles, LA



Notary Public

Gwendolyn R. Dugas
#056523

00053262
LA. DEQ OSEC/LARD

POTPOURRI
Department of Environmental Quality, Office of the Secretary, Legal Affairs Division - Clean Air Interstate Rule (CAIR) Sulfur Dioxide (SO2) Trading Program and Acid Rain Program SIP Revision (0607Pot4).
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Notices of Intent for proposed rules AQ259ff, Incorporation by Reference of the Acid Rain Program, and AQ260ff, Incorporation by Reference of the CAIR SO2 Trading Program were published on pages 1138-1142 of the June 20, 2006, Louisiana Register. AQ259ff was proposed in order to revise LAC 33:111.505 and replace it with an incorporation by reference (IBR) of the recently revised federal regulations concerning the Acid Rain Program. AQ260ff was proposed in order to insert language into LAC 33:111.506 as an IBR of the recently revised federal regulations concerning the CAIR SO2 Trading Program. Upon final promulgation, the proposed rules will be submitted to the Environmental Protection Agency as revisions to the Louisiana SIP.

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A copy of the proposed SIP revisions may be viewed at the following DEQ office locations
from 8 a.m. to 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 Baratavia Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.
Herman Robinson, CPM
Executive Counsel
July 14
00272098

The Times

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JUL 21 2006

LOUISIANA
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Clean Air Interstate Rule (CAIR) Sulfur Dioxide (SO2) Trading Program and Acid Rain Program SIP Revision (0607Pot4)

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tion 110 of the Clean Air Act, as a means of mitigating interstate transport of fine particulate and sulfur dioxide.

Notices of Intent for proposed rules AQ259ft, incorporation by Reference of the Acid Rain Program, and AQ260ft, Incorporation by Reference of the CAIR SO2 Trading Program were published on pages 1138-1142 of the June 20, 2006, Louisiana Register. AQ259ft was proposed in order to revise LAC 33:III.505 and replace it with an incorporation by reference (IBR) of the recently revised federal regulations concerning the Acid Rain Program. AQ260ft was proposed in order to insert language into LAC 33:III.506 as an IBR of the recently revised federal regulations concerning the CAIR SO2 Trading Program. Upon final promulgation, the proposed rules will be submitted to the Environmental Protection Agency as revisions to the Louisiana SIP.

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:

POTPOURRI (0607Pot4)

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

July 15, 2006

(Signed) Altheas Critton

Sworn to and subscribed before me this 17th day of July, 2006

Diana W. Barber
(Notary)

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

The public hearing for the revisions to the SIP will be held on August 24, 2006 at 11:30 a.m. in the Calvez Building, Oliver Pollock Center, one Room, 502 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed SIP revisions. Should individuals with a disability need an accommodation in order to participate, contact Vivian H. Anderson, 225-773-3720, at the Baton Rouge office. Parking is available at the Calvez Building. For more information, visit the website www.deq.state.la.us or call the Baton Rouge office at 225-773-3720. SIP revisions are available at the following locations: Baton Rouge, LA 70802; 4317 Highway 19, 225-773-3720; Shreveport, LA 71205; 2103520th Street, 225-773-3720; and New Orleans, LA 70112; 12381/De Launay Street, 225-773-3720. Approved SIP revisions may be viewed at the following DEQ office locations: Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1801 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Baratania Street, Lockport, LA 70374; 845 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

The Times
July 15, 2006

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JUL 25 2006

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

REGULATORY DEVELOPMENT SECTION

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Clean Air Interstate Rule (CAIR) Sulfur Dioxide (SO2) Trading Program and Acid Rain Program SIP Revision (#0607Pot4)

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Notices of Intent for proposed rules AQ259H, Incorporation by Reference of the Acid Rain Program, and AQ260H, Incorporation by Reference of the CAIR SO2 Trading Program were published on pages 1138-1142 of the June 20, 2006, Louisiana Register. AQ259H was proposed in order to revise LAC 33:111.506 and replace it with an incorporation by reference (IBR) of the recently revised federal regulations concerning the Acid Rain Program. AQ260H was proposed in order to insert language into LAC 33:111.506 as an IBR of the recently revised federal regulations concerning the CAIR SO2 Trading Program. Upon final promulgation, the proposed rules will be submitted to the Environmental Protection Agency as revisions to the Louisiana SIP.

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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 (#0607Pot4)**

Re:Potpourri Clean Air Interstate Rule (CAIR) Sulfur Dioxide (SO2) Trading Program & Acid Rain Program

Dept. Of Environment Quality

Advertisement of

P.O. BOX 4302
Baton Rouge, La. 70821-4302

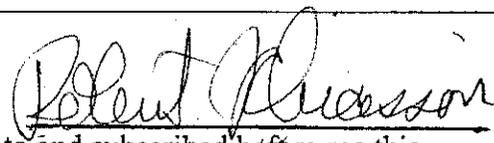
Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates July 20, 2006

20th

Sworn to and subscribed before me this
Day of July, 2006



Notary Public

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

Notary identification number 23492

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 15, 2006
[Signature]

LEGAL AD DEPT.

Sworn and subscribed before me by

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

17 day of August 20 06 AD

RECEIVED

AUG 22 2006

REGULATION AND COMPLIANCE SECTION

[Signature]

Steven L. Turner 43154

NOTARY PUBLIC

POTPOURRI

Department of Environmental
Quality
Office of the Secretary
Legal Affairs Division

Clean Air Interstate Rule (CAIR)
Sulfur Dioxide (SO₂) Trading
Program and Acid Rain Program
SIP Revision
(0607Pot4)

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The public hearing for the revisions to the SIP will be held on August 24, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pol-

lock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed SIP revisions. Should individuals with a disability need an accommodation in order to participate, contact Vivian H. Aucoin, at (225) 219-3575 or at the address given below. Parking in the Galvez Garage is free with a validated parking ticket.

Interested persons are invited to submit written comments concerning the CAIR SO₂ Trading Program and the Acid Rain Program SIP revisions no later than 4:30 p.m., August 24, 2006, and should be sent to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to vivian.aucoin@deq.state.la.gov. The proposed SIP revisions are available on the Internet at <http://www.deq.louisiana.gov/portals/tabid/2381/Default.aspx> under Louisiana SIP Revisions.

A copy of the proposed SIP revisions may be viewed at the following DEQ office locations from 8 a.m. to 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 7101; 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

Monroe, LA
July 15, 2006

0607POT4

RECEIVED

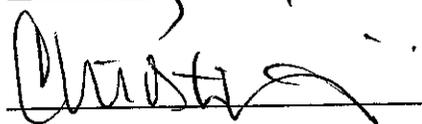
AUG 04 2006

Publisher of

TOLEDO, OHIO AND
REGULATION DEVELOPMENT SECTION

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:

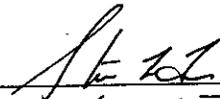
July 15, 2006


LEGAL AD DEPT.

Sworn and subscribed before me by

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

25 day of July 20 06 AD



Steven L. Turner 43154

NOTARY PUBLIC

lock Conference Room, 802 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed SIP revisions. Should individuals with a disability need an accommodation in order to participate, contact Vivian H. Aucoin, at (225) 219-3575 or at the address given below. Parking in the Galvez Garage is free with a validated parking ticket.

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Herman Robinson, CPM
Executive Counsel

Monroe, LA
July 15, 2006

POTPOURRI

Department of Environmental
Quality
Office of the Secretary
Legal Affairs Division

Clean Air Interstate Rule (CAIR)
Sulfur Dioxide (SO2) Trading
Program and Acid Rain Program
SIP Revision
(0607Pot4)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Quality Assessment Division, is proposing revisions to the Louisiana Air Quality State Implementation Plan (SIP). The proposed revisions to the SIP are necessary to implement the general and specific provisions of the federal CAIR SO2 Trading Program (40 CFR Part 98, Subparts AAA, BBB, CCC, FFF, GGG, and HHH) and the Acid Rain Program (40 CFR Part 72) under Section 110 of the Clean Air Act, as a means of mitigating interstate transport of fine particulate and sulfur dioxide.

Notices of Intent for proposed rules AQ259ft, Incorporation by Reference of the Acid Rain Program, and AQ260ft, Incorporation by Reference of the CAIR SO2 Trading Program were published on pages 1138-1142 of the June 20, 2006, Louisiana Register. AQ259ft was proposed in order to revise LAC 33:III.505 and replace it with an incorporation by reference (IBR) of the recently revised federal regulations concerning the Acid Rain Program. AQ260ft was proposed in order to insert language into LAC 33:III.506 as an IBR of the recently revised federal regulations concerning the CAIR SO2 Trading Program. Upon final promulgation, the proposed rules will be submitted to the Environmental Protection Agency as revisions to the Louisiana SIP.

The public hearing for the revisions to the SIP will be held on August 24, 2006, at 1:30 p.m. in the Galvez Building, Oliver Pol-

COPY

DEPARTMENT OF ENVIRONMENTAL QUALITY
REGULATION DEVELOPMENT SECTION

August 24, 2006

1:30 P.M.

Galvez Building, Oliver Pollock Conference Room

602 North Fifth

Baton Rouge, Louisiana

BEFORE: Theresa Thompson
Certified Court Reporter
In and For the State of
Louisiana

ASSOCIATED REPORTERS, INC.

(225) 216-2036

1 **MS. HANO:**

2 Good afternoon. My name is Nicole
3 Hano. I'm employed with the Louisiana
4 Department of Environmental Quality. I'll be
5 serving as hearing officer this afternoon to
6 receive comments regarding amendments to the
7 state implementation plan (SIP) for air quality,
8 and to the Environmental Quality regulations.

9 The comment periods for these
10 proposals began on July 20, 2006, when the
11 notices were published in the "Louisiana
12 Register." The comment periods will close at
13 4:30 p.m. on August 31, 2006, for Potpourri
14 0607Pot2 and rule log number OS070. The comment
15 periods for the other proposals will end at 4:30
16 p.m. today. It would be helpful to us if all
17 oral comments received today were followed up in
18 writing.

19 This public hearing provides a forum
20 for all interested parties to present comments
21 on the proposed changes. I'll ask that each
22 person commenting come up and sit at the front
23 table and begin by stating his or her name and
24 affiliation for the record.

25 The next amendment is for the Clean

1 Air Interstate Rule (CAIR) Sulfur Dioxide (SO₂)
2 Trading Program and Acid Rain Program SIP
3 revisions. Potpourri number 0607Pot4.

4 The proposed revisions to the state
5 implementation plan are necessary to implement
6 the general and specific provisions of the
7 federal CAIR SO₂ Trading Program (40 CFR Part
8 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH)
9 and the Acid Rain Program (40 CFR Part 72),
10 under Section 110 of the Clean Air Act, as a
11 means of mitigating interstate transport of fine
12 particulate and sulfur dioxide. Notices of
13 Intent for proposed rules AQ259ft.
14 Incorporation by Reference of the Acid Rain
15 Program, and AQ260ft, Incorporation by Reference
16 of the CAIR SO₂ Trading Program, were published
17 on pages 1138-1142 of the June 20, 2006,
18 *Louisiana Register*. AQ259ft was proposed in
19 order to revise LAC 33:111.505 and replace it
20 with an incorporation by reference of the
21 recently revised federal regulations concerning
22 the Acid Rain Program. AQ260ft was proposed in
23 order to insert language into LAC 33:111.506 as
24 an incorporation by reference of the recently
25 revised federal regulations concerning the CAIR

1 SO₂ Trading Program. Upon final promulgation,
2 the proposed rules will be submitted to the
3 Environmental Protection Agency as revisions to
4 the Louisiana SIP.

5 Does anyone care to comment on this
6 amendment?

7 If not, the hearing on the Clean Air
8 Interstate Rule Sulfur Dioxide Trading Program
9 and Acid Rain Program SIP Revision is closed.

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

I, Theresa Thompson, 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)."



Theresa Thompson

Theresa Thompson, C.C.R.
#24015

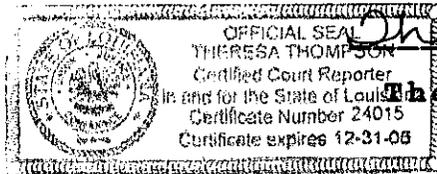
C E R T I F I C A T I O N

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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.



Theresa Thompson
Theresa Thompson, C.C.R.
#24015



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

AUG 23 2006

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

RE: Additional Comments on Louisiana's Proposed Revisions to the State Implementation Plan concerning the Clean Air Interstate Rule (SO₂) Trading Program

Dear Ms. Aucoin:

On August 14, 2006, we submitted a letter to the rulemaking docket providing our support of the proposed revisions to the Louisiana State Implementation Plan (SIP) for the Clean Air Interstate Rule (CAIR) SO₂ Trading Program and revisions to the Acid Rain Program. After further review and consultation with additional offices within the U.S. Environmental Protection Agency (EPA), we have identified several minor errors that need to be corrected to improve rule accuracy and clarity. We continue to support the Louisiana Department of Environmental Quality (LDEQ's) rulemaking and urge you to continue with the adoption process.

The following revisions will improve accuracy and clarity of the proposed SIP revisions:

1. Paragraph two of Section 1.1 incorrectly states that the Acid Rain Program and the CAIR SO₂ Trading Program have merged into one program. While EPA has structured the two trading programs to use a common SO₂ allowance system, each trading program is a separate entity. We recommend that the paragraph in question be revised to read:

"In developing the CAIR SO₂ regulations and the cap and trade program, EPA relied on the successful Acid Rain Program/cap and trade program. The resulting CAIR SO₂ cap and trade program

and the Acid Rain Program use a common SO₂ allowance system. EPA has promulgated changes to the Acid Rain program that provide for this common structure.

These revisions enable the CAIR SO₂ cap and trade program to accept Acid Rain SO₂ allocations for trading, selling, and/or determining compliance with the CAIR SO₂ program.”

Additionally, paragraph one of Section 2.1, the Notice of Intent for AQ259ft, and the Notice of Intent for AQ260ft refer to the Acid Rain Program and CAIR as being a merged program. We recommend that these sections also be revised to reflect the discussion above.

2. The EPA has revised the Acid Rain Program at 40 Code of Federal Regulations (CFR) Parts 72 – 74, and 78 in the 2006 rulemaking. These revisions were published in the Federal Register (FR) at 70 FR 25162 – 25405, on May 12, 2005; and at 71 FR 25328 – 25469. The LDEQ should update the citations to these rulemakings in Section 2.1 of the SIP narrative, the Notice of Intent for AQ259ft, and the regulatory language in Louisiana Administrative Code (LAC) 33:III.505(A)-(L).

The incorporation by reference of 40 CFR Part 72 in AQ259ft, may change the standard permit requirements in 72.9 that LDEQ references in their Acid Rain Permits. We recommend that after adopting AQ259ft, LDEQ review the standard permit requirements listed in the Acid Rain Permits and revise this language upon renewal of the permit if necessary.

3. Section 3.1 incorrectly cites the FR pages of the May 12, 2005 CAIR. Please use the following citation: 70 FR 25162 – 25405. This revision should also be made to the Notice of Intent for AQ260ft and the regulatory language in LAC 33:III.506(C)(1)-(3) and (6)-(8).
4. We are unclear as to the intent of the language in LAC 33:III.505(O) and 506(E), relating to Modifications or Exceptions.

The first sentence of these sections states that whenever the referenced regulations (40 CFR Part 72 and 96) provide authority to the “Administrator” (of EPA), such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by EPA. This appears to have the effect of creating dual or parallel programs. The EPA does not expect that the authorities of the

Administrator under 40 CFR Parts 72 and 96 will be delegated to the State, nor does EPA believe that it is appropriate to establish dual or parallel programs. Therefore, we recommend deleting the first sentences of LAC 33.III.505(O) and 506(E).

The second sentence of these sections provides that reports, notices, or other documentation required by the referenced regulations to be provided to the “Administrator” (of EPA) shall be provided to the Office of Environmental Services, Air Permits Division, where the State is the designated authority by EPA as “the Administrator,” or shall be provided to the Office of Environmental Services, Air Permits Division and EPA, where EPA retains authority as “the Administrator.” As indicated above, EPA does not expect that the authorities of the Administrator under 40 CFR Parts 72 and 96 will be delegated to the State. Therefore, we recommend that this sentence be revised to read, “A copy of each report, notice, or other documentation required by the referenced regulations to be provided to the Administrator shall be provided to the Office of Environmental Services, Air Permits Division by the person required to make the submission to the “Administrator”.”

5. LDEQ’s approach of incorporating by reference provisions of EPA’s SO₂ model trading rule allows LDEQ to use the most recent version of the model rule simply by the updating publication date cited for the model rule.

The first paragraph in LAC 33:III.506(C) states that all of the Federal CAIR SO₂ Model Rule, as promulgated under 40 CFR part 96, is incorporated by reference “except for Subpart III–CAIR SO₂ Opt-in Units and all references to opt-in units.” The EPA believes that this sentence suffices for removal of the opt-in provisions from Louisiana’s regulation and renders unnecessary the efforts to remove specific references to opt-in units currently at LAC 33:III.506(C)(1) and (C)(8). However, if Louisiana prefers to reference specific provisions that address opt-in units at 40 CFR part 96 Subparts AAA-III, the following comments are submitted for the State’s consideration. The EPA is willing to work with Louisiana to help pinpoint what specific language concerning opt-in units should be removed from the incorporation by reference.

- A. In LAC 33:III.506(C)(1), LDEQ should remove the references to opt-in units in the retired unit exemptions discussion at 40 CFR 96.205(a)(1).

- B. The language regarding the definitions of “CAIR NO_x ozone season unit,” “CAIR NO_x unit,” and “commence commercial operations” should be removed from LAC 33:III.506(C)(1). The definitions of “CAIR NO_x ozone season unit” and “CAIR NO_x unit” have been removed from 40 CFR 96.202 by EPA, and the language regarding opt-in units in the definition of “commence commercial operation” at 40 CFR 96.202 has also been removed by EPA.
- C. LDEQ’s incorporation by reference should include 40 CFR 96.215 in LAC 33:III.506(C)(2).
- D. In LAC 33:III.506(C)(8), paragraph (d)(3)(iv)(D) of 40 CFR 96.271 cannot be removed in its entirety, since this paragraph stipulates requirements for CAIR SO₂ units under 40 CFR 96.204 (CAIR SO₂ applicability) as well as opt-in units under Subpart III. Only the language concerning opt-in units should be removed from paragraph (d)(3)(iv)(D).
- E. In LAC 33:III.506(C)(8), paragraph (b) of 40 CFR 96.272 cannot be removed in its entirety, since this paragraph stipulates requirements for CAIR SO₂ units under 40 CFR 96.204 (CAIR SO₂ applicability) as well as opt-in units under Subpart III. Only the language concerning opt-in units should be removed from paragraph (b).
- F. In LAC 33:III.506(C)(8), LDEQ should remove the incorporation by reference of 40 CFR 96.276, since EPA has removed this subsection.
- G. In LAC 33:III.506(C)(8), LDEQ should remove the references to monitoring plans for opt-in units found in 40 CFR 96.274(b).
- H. In LAC 33:III.506(C)(8), LDEQ should remove the references for quarterly emissions data reports for opt-in units at 40 CFR 96.274(d)(1)(iii) and (iv).

Thank you again for the opportunity to provide comments. Please note that our comments do not constitute a final decision on approvability of the SIP and rule language. We look forward to working with LDEQ as you move forward in responding

to these comments and finalizing the Louisiana CAIR SO₂ Trading Program SIP. If you have any questions, please call Mr. Matthew Loesel or Ms. Adina Wiley of my staff at (214) 665-8544 or (214) 665-2115, respectively.

Sincerely yours,

A handwritten signature in black ink, appearing to read "D. Neleigh", written over the typed name.

David Neleigh
Chief
Air Permits Section

Comment Summary
Clean Air Interstate Rule (CAIR) SO₂ Trading Program
State Implementation Plan (SIP)

Comment 1:

EPA recommended revising the language in Section 1.1 of the CAIR SO₂ Trading Program SIP, the Notice of Intent for AQ259ft, and the Notice of Intent for AQ260ft to clarify that the Acid Rain Program and the CAIR SO₂ Trading Program have not been merged and that they are two separate entities.

Response 1:

The language has been revised as per EPA recommendation.

Comment 2:

EPA recommended updating the citations in Section 2.1 of the CAIR SO₂ Trading Program SIP, the Notice of Intent for AQ259ft, and the AQ259ft regulatory language to reflect the revisions of the Acid Rain Program published in the Federal Register (FR) at 70 FR 25162-25405, on May 12, 2005, and 71 FR 25328-245469, on April 28, 2006.

Response 2:

The citations have been updated as per EPA recommendation.

Comment 3:

EPA recommended correcting the citation to the FR in Section 3.1 of the CAIR SO₂ Trading Program SIP, the Notice of Intent for AQ260ft, and in the AQ260ft regulatory language to reflect the revisions to the CAIR SO₂ Trading Program published in the Federal Register at 70 FR 25162-25405, on May 12, 2005.

Response 3:

The citations have been corrected as per EPA recommendation.

Comment 4:

EPA requested clarification on the language relating to Modifications or Exemptions in LAC 33.III.505.O and 506.E.

Response 4:

Technical amendments were made to the proposed rules AQ259ft and AQ260ft to clarify the language relating to Modifications or Exemptions.

Comment 5:

EPA noted that the language in the first paragraph in LAC 33:III.506.C is sufficient for removal of the opt-in provisions from Louisiana's regulations. Additional specific citations located LAC 33:III.506.C.1-C.8 are unnecessary.

Response 5:

Technical amendments were made to the proposed rule AQ260ft to remove specific references to opt-in units.