Federal Regulations at 40 CFR Part 72, Appendix C, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, are hereby incorporated by reference.

M. Calculation of Potential Electric Output Capacity. The Acid Rain Program regulations, published in the *Code of Federal Regulations* at 40 CFR Part 72, Appendix D, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, are hereby incorporated by reference.

N. Copies of documents incorporated by reference in this Section may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, www.gpoaccess.gov/cfr/index.html; from the Department of Environmental Quality, Office of Environmental Services, Air Permits Division; or from a public library.

O. Modifications or Exceptions. Whenever the referenced regulations (i.e., 40 CFR Part 72) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 72) to be provided to "the Administrator" shall be provided to the Office of Environmental Services, Air Permits Division, where the state is 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."

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 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2446 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2429, 2436 (October 2005), LR 32:

A public hearing will 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. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available 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 AQ259ft. Such comments must be received no later than July 25, 2006, 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. 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 AQ259ft. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

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

0606#025

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference of the
CAIR SO_2 Trading Program
(LAC 33:III.506)(AQ260ft)

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 adopt the Air regulations, LAC 33:III.506 (Log #AQ260ft).

This proposed Rule is identical to federal regulations found in 40 CFR Part 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH (July 1, 2005), and 70 FR 25162-25210 (May 12, 2005) and 71 FR 25328-25469 (April 28, 2006), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule incorporates by reference the federal regulations concerning the Clean Air Interstate Rule (CAIR) SO_2 Trading Program. This action is necessary in order for Louisiana to adopt the general and specific provisions for the CAIR SO_2 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 40 CFR Part 96, Subparts AAA-HHH, the state is authorizing EPA to assist the state in implementing the CAIR SO_2 Trading Program.

On March 10, 2005, EPA announced the Clean Air Interstate Rule (CAIR), a rule that will achieve reduction in air pollution by regulating sulfur dioxide (SO_2) and nitrogen oxides (NO_x) emissions from 23 states and the District of Columbia. These pollutants contribute to levels of fine particles ($PM_{2.5}$) in areas above the air quality standard in downwind states. In addition, NO_x emissions in 25 eastern states and the District of Columbia contribute to levels of ozone in areas above the air quality standard for 8-hour ozone in other downwind states. In developing the CAIR SO_2 regulations and the cap-and-trade program, the

Environmental Protection Agency relied on the successful Acid Rain Program/cap-and-trade program. The resulting CAIR SO_2 cap-and-trade program was merged with the Acid Rain cap-and-trade program when CAIR defined CAIR SO_2 allocations as those allocations made under the Acid Rain Program. EPA has promulgated changes to the Acid Rain Program that reflect the CAIR SO_2 requirements. These actions enable the CAIR SO_2 cap-and-trade program to accept Acid Rain SO_2 allocations for trading, selling, and/or determining compliance with the CAIR SO_2 program. The basis and rationale for this rule are to mirror the federal regulations.

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

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

§506. Clean Air Interstate Rule Requirements

A. Reserved.

B. Reserved.

C. Annual Sulfur Dioxide. Except as specified in this Section, the Federal SO_2 Model Rule, published in the *Code of Federal Regulations* at 40 CFR Part 96, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, is hereby incorporated by reference, except for Subpart III—CAIR SO_2 Opt-in Units and all references to opt-in units.

1. Subpart AAA—CAIR SO_2 Trading Program General Provisions. The Federal SO_2 Model Rule regulations, published in the *Code of Federal Regulations* at 40 CFR 96.201-96.208, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, are hereby incorporated by reference, except for the references to opt-in units found in 40 CFR 96.201, and in the definitions of *CAIR NO_x ozone season unit*, *CAIR NO_x unit*, *CAIR SO_2 unit*, and c*ommence commercial operations* in 40 CFR 96.202.

2. Subpart BBB—CAIR Designated Representative for CAIR SO_2 Sources. The Federal SO_2 Model Rule regulations, published in the *Code of Federal Regulations* at 40 CFR 96.210-96.214, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, are hereby incorporated by reference.

3. Subpart CCC—Permits. The Federal SO_2 Model Rule regulations, published in the *Code of Federal Regulations* at 40 CFR 96.220-96.224, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, are hereby incorporated by reference.

4. Subpart DDD—Reserved.

5. Subpart EEE—Reserved.

6. Subpart FFF—CAIR SO_2 Allowance Tracking System. The Federal SO_2 Model Rule regulations, published in the *Code of Federal Regulations* at 40 CFR 96.250-96.257, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, are hereby incorporated by reference.

7. Subpart GGG—CAIR SO_2 Allowance Transfers. The Federal SO_2 Model Rule regulations, published in the *Code of Federal Regulations* at 40 CFR 96.260-96.262, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, are hereby incorporated by reference.

8. Subpart HHH—Monitoring and Reporting. The Federal SO_2 Model Rule regulations, published in the *Code of Federal Regulations* at 40 CFR 96.270-96.276, July 1, 2005, and as revised at 70 FR 25162-25210, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, are hereby incorporated by reference, except that Paragraphs (b)(4) and (b)(5) shall be deleted from 40 CFR 96.270; Paragraph (d)(3)(iv)(D) shall be deleted from 40 CFR 96.271; and Paragraph (b) shall be deleted from 40 CFR 96.272.

D. Copies of documents incorporated by reference in this Section may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, www.gpoaccess.gov/cfr/index.html; from the Department of Environmental Quality, Office of Environmental Services, Air Permits Division; or from a public library.

E. Modifications or Exceptions. Whenever the referenced regulations (i.e., 40 CFR Part 96) provide authority to "the Administrator," such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 96) to be provided to "the Administrator" shall be provided to the Office of Environmental Services, Air Permits Division, where the state is 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."

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:

A public hearing will 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. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available 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 AQ260ft. Such comments must be received no later than July 25, 2006, 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. 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 AQ260ft. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

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

0606#026

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Public Notice Requirements for General Permits
(LAC 33:III.513)(AQ267)

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.513 (Log #AQ267).

The department is allowed by regulation to issue general permits intended to cover numerous similar sources or activities. General permits are issued in accordance with LAC 33:III.519 and, prior to issuance, must undergo public notice and review by affected states and EPA in accordance with LAC 33:III.531 and 533. Applicants applying for authorization to operate under the general permit must also publish a notice of the application in a newspaper of general circulation in the local area where the source is or would be located. These procedures are appropriate for general permits intended to cover Part 70 sources. However, for general permits intended to cover minor sources, review by affected states and EPA is not necessary, nor is publication of a notice of the application. This rule revision specifies that the aforementioned requirements are only required for general permits intended to cover Part 70 sources. 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 clarify the public notice requirements for general permits.

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

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

§513. General Permits, Temporary Sources, and Relocation of Portable Facilities

A. General Permits

1. The permitting authority may issue a general permit intended to cover numerous similar sources or activities. General permits shall be issued in accordance with LAC 33:III.519 and, prior to issuance, shall undergo public notice and, if the general permit is intended to cover a *Part 70 source* as defined in LAC 33:III.502, review by affected states and EPA in accordance with LAC 33:III.531 and 533. Each general permit shall incorporate terms and conditions applicable to sources that would qualify for the general permit. Any general permit shall identify criteria by which sources may qualify for the general permit, and may provide for applications which deviate from the requirements of LAC 33:III.517.

2. The owner or operator of any source that would qualify for the general permit may apply for authorization to operate under the general permit. The application must include all information necessary to determine qualification for and to assure compliance with the general permit. The owner or operator of a *Part 70 source* as defined in LAC 33:III.502 shall publish a notice of the application in a newspaper of general circulation in the local area where the source is or would be located.

A.3. - C.3. …

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 Environmental Assessment, Environmental Planning Division, LR 26:2448 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:

A public hearing will 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 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) 219-3550. Free parking is available 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 AQ267. Such comments must be received no later than August 1, 2006, 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 AQ267. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

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,

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JUL 05 2006

LINDA SCHEHAD
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:

06/15/06

Susan A. Bush, Public Notices Clerk

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

June 15, 2006

Pegeen 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

Incorporation by Reference of the CAIR SO2 Trading Program (LAC 33:III.506) (AQ260ft)

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 adopt the Air regulations, LAC 33:III.506 (Log #AQ260ft).

This proposed rule is identical to federal regulations found in 40 CFR Part 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH (July 1, 2005), and 70 FR 25162-25210 (May 12, 2005) and 71 FR 25328-25469 (April 28, 2006), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rule incorporates by reference the federal regulations concerning the Clean Air Interstate Rule (CAIR) SO2 Trading Program. This action 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 40 CFR Part 96, Subparts AAA-HHH, the state is authorizing EPA to assist the state in implementing the CAIR SO2 Trading Program.

On March 10, 2005, EPA announced the Clean Air Interstate Rule (CAIR), a rule that will achieve reduction in air pollution by regulating sulfur dioxide (SO2) and nitrogen oxides (NOx) emissions from 23 states and the District of Columbia. These pollutants contribute to levels of fine particles (PM2.5) in areas above the air quality standard in downwind states. In addition, NOx emissions in 25 eastern states and the District of Columbia contribute to levels of ozone in areas above the air quality standard for 8-hour ozone in other downwind states. In developing the CAIR SO2 regulations and the cap-and-trade program, the Environmental Protection Agency relied on the successful Acid Rain Program/cap-and-trade program. The resulting CAIR SO2 cap-and-trade program was merged with the Acid Rain cap-and-trade program when CAIR defined CAIR SO2 allocations as those allocations made under the Acid Rain Program. EPA has promulgated changes to the Acid Rain Program that reflect the CAIR SO2 requirements. These actions 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. The basis and rationale for this rule are to mirror the federal regulations.

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

A public hearing will be held on July 25, 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 amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available 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 AQ260ft. Such comments must be received no later than July 25, 2006, 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. 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 AQ260ft. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

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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REGULATION DEVELOPMENT SECTION

AFFIDAVIT OF PUBLICATION

AQ260ft

(A Correct Copy of Publication)

NOTICE OF INTENT

Department of

Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference of the CAIR SO2 Trading Program (LAC 33:III.506) (AQ260ft)

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 adopt the Air regulations, LAC 33:III.506 (Log #AQ260ft).

This proposed rule is identical to federal regulations found in 40 CFR Part 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH (July 1, 2005), and 70 FR 25162-25210 (May 12, 2005) and 71 FR 25328-25469 (April 28, 2006), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rule incorporates by reference the federal regulations concerning the Clean Air Interstate Rule (CAIR) SO2 Trading Program. This action 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 40 CFR Part 96, Subparts AAA-HHH, the state is authorizing EPA to assist the state in implementing the CAIR SO2 Trading Program.

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

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 June 16, 2006 and ending with the issue dated June 16, 2006.

Bill Buschmann

Subscribed and sworn to before me
this 16th day of June, 2006

Notary Number 019888

A public hearing will 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. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D. at the address given below or at (225) 219-3550. Free parking is available 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 AQ260ft. Such comments must be received no later than July 25, 2006, 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. 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 AQ260ft. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

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HERMAN ROBINSON, CPM
Executive Counsel

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JUN 23 2006

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REGULATION DEVELOPMENT SECTION

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Regulation Development Section
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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
Incorporation by Reference of the CAIR SO2 Trading Program
(LAC 33:III.506) (AQ260ft)

was published in THE ADVERTISER on the following dates:

***Wednesday, June 14, 2006**

Rose Penfold

ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 16 day of June, 2006.

Christie Veazy

NOTARY PUBLIC - ID#58555

612077
NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference of the CAIR SO_2 Trading Program
(LAC 33:III.506)
(AQ260ff)

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 adopt the Air regulations, LAC 33:III.506 (Log #AQ260ff).

This proposed rule is identical to federal regulations found in 40 CFR Part 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH (July 1, 2005), and 70 FR 25162-25210 (May 12, 2005) and 71 FR 25328-25469 (April 28, 2006), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

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

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Herman Robinson, CPM
Executive Counsel

RECEIVED

JUN 23 2006

REGULATION DEVELOPMENT SECTION

Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Candi Dickson

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:

00264877 - $56.00
June 16, 2006

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

Candi Dickson

Duly Authorized Agent

Subscribed and sworn to before me on this 16th day of June, 2006 at Lake Charles, LA

Gwendolyn R. Dugas

Notary Public

00053262

LA. DEQ OSEC/LARD

Gwendolyn R. Dugas
#056523

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Incorporation by Reference of the CAIR SO2 Trading Program
(LAC 33:III.506)
(AQ260ft)

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 adopt the Air regulations, LAC 33:III.506 (Log #AQ260ft).

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the Environmental Protection Agency relied on the successful Acid Rain Program/cap-and-trade program. The resulting CAIR SO2 cap-and-trade program was merged with the Acid Rain cap-and-trade program when CAIR defined CAIR SO2 allocations as those allocations made under the Acid Rain Program. EPA has promulgated changes to the Acid Rain Program that reflect the CAIR SO2 requirements. These actions 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. The basis and rationale for this rule are to mirror the federal regulations.

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Herman Robinson, CPM
Executive Counsel
June 16 11
00264877

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JUN 19 '06
LDEQ/OSEC LAWD
REGULATION DEVELOPMENT SECTION

The Times

PROOF OF PUBLICATION

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Incorporation by Reference of the CAIR SO2 Trading Program (LAC 33:III.506) (AQ260ft)

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00000

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 (AQ260ft)

June 14, 2006

(Signed) Altheas Critton

Sworn to and subscribed before me this 14th day of June, 2006

Diana W. Barber
(Notary)

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

GANNETT

On March 10, 2005, EPA announced the Clean Air Interstate Rule (CAIR), a rule that will achieve reduction in air pollution by regulating sulfur dioxide (SO2) and nitrogen oxides (NOx) emissions from 23 states and the District of Columbia. These pollutants contribute to levels of fine particles (PM2.5) in areas above the air quality standard in downwind states. In addition, NOx emissions in 25 eastern states and the District of Columbia contribute to levels of ozone in areas above the air quality standard for 8-hour ozone in other downwind states. In developing the CAIR SO2 regulations and the cap-and-trade program, the Environmental Protection Agency relied on the successful Acid Rain Program/cap-and-trade program. The resulting CAIR SO2 cap-and-trade program was merged with the Acid Rain cap-and-trade program when CAIR defined CAIR SO2 allocations as those allocations made under the Acid Rain Program. EPA has promulgated changes to the Acid Rain Program that reflect the CAIR SO2 requirements. These actions 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. The basis and rationale for this rule are to mirror the federal regulations.

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Herman Robinson, CPM,
Executive Counsel

The Times
June 14, 2006

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JUN 26 2006

REGULATORY AFFAIRS DIVISION

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3206

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference of the CAIR SO2 Trading Program (LAC 33:III.506) (AQ260ft)

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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:Dept. of Environmental Quality Incorporation by Reference of the Cair S02 Trading Program (AQ260ft)

Advertisement of Dept. Of Enviromental Qualtiy

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 June 17, 2006

Robert J. Chiasson

Sworn to and subscribed before me this 19th Day of June, 2006

Notary Public

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

Notary identification number 23492

ORIGINAL

D

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE: INCORPORATION BY REFERENCE OF THE CAIR SO2 Trading Program LAC 33:III.506

LOG NO.: AQ260ft*

The Hearing Concerning

INCORPORATION BY REFERENCE OF THE CAIR SO2 TRADING PROGRAM LAC 33:III.506

held, at the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, Louisiana, beginning at 1:34 p.m., on July 25, 2006.

BEFORE: Megan B. Welch
Certified Court Reporter
In and For the State of
Louisiana

ASSOCIATED REPORTERS, INC.
(225) 216-2036

RECEIVED
AUG 11 2006
REGULATORY AND
REGULATION DEVELOPMENT SECTION

A P P E A R A N C E S

HEARING OFFICER:
SANDY STEPHENS

1 **MS. STEPHENS:**

2 Good afternoon. My name is Sandy Stephens.
3 I'm employed with the Louisiana Department of
4 Environmental Quality. I'll be serving as the
5 hearing officer this afternoon to receive
6 comments regarding proposed amendments to the
7 Grant parish and St. Mary Parish Ozone
8 Maintenance Plans, and to the Air regulations.
9 The comment period for these amendments
10 began on June 20, 2006, when the potpourri
11 notices and notices of intent were published in
12 the *Louisiana Register*. The comment period will
13 close at 4:30 p.m. on August 24, 2006, for
14 proposed rules AQ25~~6~~9ft and AQ260ft, and at 4:30
15 p.m., August 1, 2006, for the remaining rules
16 and the parish maintenance plan amendments. It
17 would be helpful to us if all oral comments
18 received today were followed up in writing.
19 This public hearing provides a forum for all
20 interested parties to present comments on the
21 proposed changes. I'll ask that each person
22 commenting come up and sit at the front table
23 and begin by stating his or her name and
24 affiliation for the record.
25

1 The next Air rule amendment is designated by
2 the Log Number AQ260ft.
3 This rule incorporates by reference the
4 federal regulations concerning the Clean Air
5 Interstate Rule (CAIR) SO2 Trading Program.
6 This action is necessary in order for Louisiana
7 to adopt the general and specific provisions for
8 the CAIR SO2 Trading Program, under Section 110
9 of the Clean Air Act, as a means of mitigating
10 interstate transport of fine particulate and
11 sulfur dioxide. By adopting 40 CFR Part 96,
12 Subparts AAA-HHH, the State is authorizing EPA
13 to assist the State in implementing the CAIR SO2
14 Trading Program.
15 On March 10, 2005, EPA announced the Clean
16 Air Interstate Rule (CAIR), a rule that will
17 achieve reduction in air pollution by regulating
18 sulfur dioxide (SO2) and nitrogen oxides (NOx)
19 emissions from 23 states and the District of
20 Columbia. These pollutants contribute to levels
21 of fine particles (PM2.5) in areas above the air
22 quality standard in downwind states. In
23 addition, NOx emissions in 25 eastern states and
24 the District of Columbia contribute to levels of
25 ozone in areas above the air quality standard

1 for 8-hour ozone in other downwind states.
2 In developing the CAIR SO2 regulations and
3 the cap-and-trade program, the Environmental
4 Protection Agency relied on the successful Acid
5 Rain Program/cap-and-trade program. The
6 resulting CAIR CO2 cap-and-trade program was
7 merged with the Acid Rain cap-and-trade program
8 when CAIR defined CAIR SO2 allocations as those
9 allocations made under the Acid Rain Program.
10 EPA has promulgated changes to the Acid Rain
11 Program that reflect the CAIR SO2 requirements.
12 These actions enable the CAIR SO2 cap-and-trade
13 program to accept Acid Rain SO2 allocations for
14 trading, selling, and/or determining compliance
15 with the CAIR SO2 program.
16 The recent changes to the Acid Rain Program
17 at the federal level due to CAIR will require
18 the State to modify its Acid Rain rule at LAC
19 33:III.505. The incorporation of the federal
20 Acid Rain Rule will ensure continuity between
21 the Acid Rain Program and the implementation of
22 the CAIR SO2 Program.
23 Does anyone care to comment on this
24 amendment?
25 (Pause)

1 If not, the hearing on AQ260ft is closed.

2

3 **(THE HEARING CONCLUDED AT 1:36 P.M.)**

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7

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

2 I, Megan B. Welch, Certified Court Reporter,
3 in and for the State of Louisiana, the officer,
4 as defined in Rule 28 of the Federal Rules of
5 Civil Procedure and/or Article 1434(b) of the
6 Louisiana code of Civil Procedure, before whom
7 this sworn testimony was taken, do hereby state
8 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 _____
22 Megan B. Welch, C.C.R.
23 # 24027

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

2 I, the undersigned reporter, do hereby
3 certify that the above and foregoing is a true
4 and correct transcription of the stenomask tape
5 of the proceedings had herein, taken down by me
6 and transcribed under my supervision, to the
7 best of my ability and understanding, at the
8 time and place hereinbefore noted, in the above
9 entitled cause.
10 I further certify that my license is
11 in good standing as a court reporter in and for
12 the state of Louisiana.
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19 Megan B. Welch, C.C.R.
20 # 24027

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 (SO_2) 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) SO_2 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 SO_2 Trading Program have merged into one program. While EPA has structured the two trading programs to use a common SO_2 allowance system, each trading program is a separate entity. We recommend that the paragraph in question be revised to read:

   "In developing the CAIR SO_2 regulations and the cap and trade program, EPA relied on the successful Acid Rain Program/cap and trade program. The resulting CAIR SO_2 cap and trade program

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and the Acid Rain Program use a common SO_2 allowance system. EPA has promulgated changes to the Acid Rain program that provide for this common structure.

These revisions enable the CAIR SO_2 cap and trade program to accept Acid Rain SO_2 allocations for trading, selling, and/or determining compliance with the CAIR SO_2 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 SO_2 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 SO_2 Model Rule, as promulgated under 40 CFR part 96, is incorporated by reference "except for Subpart III–CAIR SO_2 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 SO_2 units under 40 CFR 96.204 (CAIR SO_2 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 SO_2 units under 40 CFR 96.204 (CAIR SO_2 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 SO_2 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,

David Neleigh
Chief
Air Permits Section

Comment Summary Response & Concise Statement – AQ260ft
Amendments to the Air Regulations
Incorporation by Reference of the CAIR SO_2 Trading Program
LAC 33:III.506

Concise Statement arguments:

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

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

COMMENT 1: — The commenter is fully supportive of the proposed rule to incorporate by reference the federal Clean Air Interstate Rulemaking (CAIR) SO_2 Trading Program. This will be the most cost-effective approach to achieving the significant SO_2 emission reductions required under CAIR.

No arguments are necessary since the comment does not suggest amendment or change.

RESPONSE 1: — The department appreciates the support.

COMMENT 2: Paragraph two of Section 1.1 of the proposed state implementation plan (SIP) incorrectly states the Acid Rain Program and the CAIR SO_2 Trading Program have merged into one program. Revise the paragraph to read as follows.

"In developing the CAIR SO_2 regulations and the cap and trade program, EPA relied on the successful Acid Rain Program/cap and trade program. The resulting CAIR SO_2 cap and trade program and the Acid Rain Program use a common SO_2 allowance system. EPA has promulgated changes to the Acid Rain program that provide for this common structure.

These revisions enable the CAIR SO_2 cap and trade program to accept Acid Rain SO_2 allocations for trading, selling, and/or determining compliance with the CAIR SO_2 program."

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

RESPONSE 2: — No amendment to the rule is necessary.

COMMENT 3: Paragraph one of Section 2.1 and the Notice of Intent refer to the Acid Rain Program and CAIR as being merged. Revise these sections to reflect that the resulting CAIR SO_2 cap and trade program and the Acid Rain Program use a common SO_2 allowance system.

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

RESPONSE 3: — No amendment to the rule is necessary.

COMMENT 4: §506.C.1-3 and 6-8 — The referenced *Federal Register* pages are incorrectly cited. The citation, 70 FR 25162-25405 of the May 12, 2005 CAIR, should be used. These citations should be updated in the SIP, the Notice of Intent, and the proposed rule.

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

RESPONSE 4: — The department will amend the rule to correct the citation.

COMMENT 5: §506.C — The first paragraph states that all of the CAIR SO_2 Model Rule, as promulgated under 40 CFR Part 96, is incorporated by reference "except for Subpart III—CAIR SO_2 Opt-in Units and all references to Opt-in units." This language suffices for the removal of the opt-in provisions. If the department prefers to reference specific provisions see the following.

§506.C.1 – references to opt-in units in the retired unit exemptions discussion at 40 CFR 96.205(a)(1) should be removed.

§506.C.1 – language regarding the definitions of "CAIR NO_X ozone season unit," "CAIR NO_X unit," and "commence commercial operations" should be removed as they have been removed from 40 CFR 96.202 by EPA.

§506.C.2 – incorporation by reference should include 40 CFR 96.215.

§506.C.8 – only language concerning opt-in units should be removed from paragraph (d)(3)(iv)(D) of 40 CFR 96.271.

§506.C.8.b – only language concerning opt-in units should be removed.

§506.C.8 – the incorporation by reference of 40 CFR 96.276 should be removed since EPA has removed this subsection.

§506.C.8 – the references to monitoring plans for opt-in units found in 40 CFR 96.274.b should be removed.

§506.C.8 – the references to quarterly emissions data reports for opt-in units found in 40 CFR 96.274(d)(1)(iii)and(iv) should be removed.

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

RESPONSE 5: — The department will amend the rule to rely on the statement made in the first paragraph related to the removal of the opt-in provisions from the incorporation by reference.

COMMENT 6: §506.E — Delete the first sentence because the intent of the language is unclear. The first sentence appears to create dual or parallel programs. The EPA does not expect that the administrative authorities, 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.

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

RESPONSE 6: — The department will amend the rule.

COMMENT 7: §506.E — Revise the second sentence as follows because the language is unclear. “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”.”

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

RESPONSE 7: — The department will amend the rule.

Comment Summary Response & Concise Statement Key – AQ260ft
Amendments to the Air Regulations
Incorporation by Reference of the CAIR SO_2 Trading Program
LAC 33:III.506

COMMENT #	SUGGESTED BY
1	T. Brian Bond / AEP Southwestern Electric Power Company
2 — 7	David Neleigh / Chief, Air Permits Section, EPA

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference of the
CAIR SO_2 Trading Program
(LAC 33:III.506)(AQ260ft)

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 adopted the Air regulations, LAC 33:III.506 (Log #AQ260ft).

This Rule is identical to federal regulations found in 40 CFR Part 96, Subparts AAA, BBB, CCC, FFF, GGG, and HHH (July 1, 2005), and 70 FR 25162-25405 (May 12, 2005) and 71 FR 25328-25469 (April 28, 2006), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule incorporates by reference the federal regulations concerning the Clean Air Interstate Rule (CAIR) SO_2 Trading Program. This action is necessary in order for Louisiana to adopt the general and specific provisions for the CAIR SO_2 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 40 CFR Part 96, Subparts AAA-HHH, the state is authorizing EPA to assist the state in implementing the CAIR SO_2 Trading Program.

On March 10, 2005, EPA announced the Clean Air Interstate Rule (CAIR), a rule that will achieve reduction in air pollution by regulating sulfur dioxide (SO_2) and nitrogen oxides (NO_x) emissions from 23 states and the District of Columbia. These pollutants contribute to levels of fine particles ($PM_{2.5}$) in areas above the air quality standard in downwind states. In addition, NO_x emissions in 25 eastern states and the District of Columbia contribute to levels of ozone in areas above the air quality standard for 8-hour ozone in other downwind states. In developing the CAIR SO_2 regulations and the cap-and-trade program, the Environmental Protection Agency relied on the successful Acid Rain Program/cap-and-trade program. The resulting CAIR SO_2 cap-and-trade program and the Acid Rain Program use a common SO_2 allowance system. EPA has promulgated changes to the Acid Rain Program that provide for this common structure. These revisions enable the CAIR SO_2 cap-and-trade program to accept Acid Rain SO_2 allocations for trading, selling, and/or determining compliance with the CAIR SO_2 program. The basis and rationale for this rule are to mirror the federal regulations.

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

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 5. Permit Procedures
§506. Clean Air Interstate Rule Requirements

A. Reserved.

B. Reserved.

C. Annual Sulfur Dioxide. Except as specified in this Section, the Federal SO_2 Model Rule, published in the *Code of Federal Regulations* at 40 CFR Part 96, July 1, 2005, and as revised at 70 FR 25162-25405, May 12, 2005, and 71 FR 25328-25469, April 28, 2006, is hereby incorporated by reference, except for Subpart III—CAIR SO_2 Opt-in Units and all references to opt-in units.

D. Copies of documents incorporated by reference in this Section may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242 or their website, www.gpoaccess.gov/cfr/index.html; from the Department of Environmental Quality, Office of Environmental Services, Air Permits Division; or from a public library.

E. Modifications or Exceptions. A copy of each report or notice or of any other documentation required by the referenced regulations (i.e., 40 CFR Part 96) to be provided to "the Administrator" shall be provided to the Office of Environmental Services, Air Permits Division, by the person required to make submission to "the Administrator."

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:1597 (September 2006).

Herman Robinson, CPM
Executive Counsel

0609#019

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Incorporation by Reference of the Acid Rain Program
(LAC 33:III.505)(AQ259ft)

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.505 (Log #AQ259ft).

This Rule is identical to federal regulations found in 40 CFR Part 72 (July 1, 2005), and 70 FR 25162-25405 (May 12, 2005) and 71 FR 25328-25469 (April 28, 2006), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).