

NOTICE OF INTENT

Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division

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 Quality Division Regulations, LAC 33:III.Chapter 51.Subchapter C (Log #AQ160*).

This proposed rule is identical to a federal law or regulation, 40 CFR Part 63, Subpart S, which is applicable in Louisiana. For more information regarding the federal requirement, you may contact the Investigations and Regulation Development Division at the address or phone number given below. 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 proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S. 49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This proposed rule establishes Maximum Achievable Control Technology (MACT) for the pulp and paper industry and is identical to the federal rule 40 CFR Part 63, Subpart S adopted November 14, 1997. The federal rule is expected to be published in the *Federal Register* as a final regulation in January 1998. The *Federal Register* citation and date promulgated will be added to the proposed rule upon promulgation. Per LAC 33:III.5105.B.8, a MACT determination for the pulp and paper industry source category was required to be established and proposed by December 20, 1997. The basis and rationale for this proposed rule is to mirror the federal regulation 40 CFR Part 63, Subpart S, with the exception of 63.440(d)(1). Rulemaking to add this paragraph with a statutorily required compliance date will be initiated at a later date.

A public hearing will be held on January 26, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. 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 Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ160*. Such comments must be received no later than January 26, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation and the federal regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ160*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>. Subpart S of 40 CFR Part 63 can be accessed through DEQ's Internet site.

Gus Von Bodungen
Assistant Secretary

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

Chapter 51. Comprehensive Toxic Air Pollution Emission Control Program

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

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[See Prior Text in A]

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated from July 2, 1996, through July 1, 1997, and on [To be inserted], and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

40 CFR 63	FEDERAL REGISTER CITATION	DATE PROMULGATED	SUBPART/APPENDIX HEADING
* * * [See Prior Text in Subpart B-R]			
<u>Subpart S</u>	<u>[To be inserted upon promulgation]</u>	<u>[To be inserted]</u>	<u>National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry [exclusive of paragraph 63.440(d)(1)]</u>
* * * [See Prior Text in Subpart U-JJJ]			
Appendix A	62 FR 2793	January 17, 1997	Test Methods
	62 FR 12546	March 17, 1997	
	<u>[To be inserted upon promulgation]</u>	<u>[To be inserted]</u>	
* * * [See Prior Text in Appendix C]			

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

PROPOSED/DECEMBER 20, 1997

AQ160*

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR