NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Major Stationary Source/Major Modification Emission Thresholds for Baton Rouge Ozone Nonattainment Area
(LAC 33:III.111, 504, 509, 607, 709, and 711) (AQ253)

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.111, 504, 509, 607, 709, and 711 (Log #AQ253).

The department promulgated an emergency rule on June 15, 2005, to address rule revisions needed for transition from the 1-hour ozone National Ambient Air Quality Standard (NAAQS) to the 8-hour ozone NAAQS. The 1-hour ozone standard was revoked by the EPA in the federal 8-hour ozone implementation rule. The revocation of the 1-hour ozone standard was effective June 15, 2005. Under the 1-hour ozone standard the five-parish Baton Rouge ozone nonattainment area was classified as severe. Under the 8-hour ozone standard the Baton Rouge area is classified as marginal with an attainment date of June 15, 2007. To continue efforts toward attainment of the 8-hour ozone standard in the Baton Rouge area, the department is proposing to make permanent the revisions in LAC 33:III.Chapters 5 and 6 to the major stationary source threshold values, the major modification significant net increase values, and the minimum offset ratios for the Baton Rouge nonattainment area at values more in line with those listed for a classification of serious than for the marginal classification. These revisions include changing references to the ozone standard from the 1-hour standard to the 8-hour standard; amending text to reflect the NSR requirements applying to large sources in nonattainment areas for the 8-hour standard; including nitrogen oxides as a precursor for ozone; including the current fine particle ($PM_{2.5}$) NAAQS; and amending Tables 1 and 1a in LAC 33:III.711 to reflect the 8-hour ozone standard. Without this action the Baton Rouge nonattainment area, which is classified as marginal under the 8-hour ozone standard, would revert to marginal levels in Table 1 of LAC 33:III.504. This rule will promulgate in LAC 33:III.504.M, the thresholds set forth in Emergency Rule AQ253E that were effective as of June 15, 2005. The proposed rule revisions will constitute a proposed revision to the Louisiana State Implementation Plan (SIP) for air quality. The basis and rationale for this rule are to continue efforts toward attainment of the ozone standard and cleaner air in the five-parish Baton Rouge area.

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 June 28, 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 AQ253. Such comments must be received no later than July 5, 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 AQ253. 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

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 1. General Provisions

§111. Definitions

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

* * *

Ozone Exceedance—a daily maximum 8-hour ~~hourly~~ average ozone measurement that is greater than the value of the standard.

* * *

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

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

Chapter 5. Permit Procedures

§504. Nonattainment New Source Review Procedures

A. …

1. For an area that is designated ~~incomplete data, transitional nonattainment, marginal, moderate, serious, or severe~~ nonattainment for the ozone national ambient air quality standard (NAAQS), VOC and NO_x are the regulated pollutants under this Section. VOC and NO_x emissions shall not be aggregated for purposes of determining major stationary source status and significant net emissions increases.

2. Except as specified in Subsection M of this Section, ~~T~~the potential to emit of a stationary source shall be compared to the major stationary source threshold values listed in Subsection L.Table 1 of this Section to determine whether the source is major.

3. Except as specified in ~~Paragraph A.5~~ Subsection M of this Section, the emissions increase that would result from a proposed modification, without regard to project decreases, shall be compared to the trigger values listed in Subsection L.Table 1 of this Section to determine whether a calculation of the net emissions increase over the contemporaneous period must be performed.

a. - d. …

4. Except as specified in Subsection M of this Section, ~~T~~the net emissions increase shall be compared to the significant net emissions increase values listed in Subsection L. Table 1 of this Section to determine whether a nonattainment new source review must be performed.

5. - 7. …

8. For applications deemed administratively complete in accordance with LAC 33:III.519.A on or after December 20, 2001 and prior to June 23, 2003, and for which the nonattainment new source review (NNSR) permit was issued in accordance with Subsection D of this Section on or before June 14, 2005, the provisions of this Section governing serious ozone nonattainment areas ~~shall apply~~ applied to VOC and NO_x increases. For applications deemed administratively complete in accordance with LAC 33:III.519.A on or after June 23, 2003, and for which the NNSR permit was issued in accordance with Subsection D of this Section on or before June 14, 2005, the provisions of this Section governing severe ozone nonattainment areas ~~shall apply~~ applied to VOC and NO_x increases.

B. - D.4. …

5. Except as specified in Subsection M of this Section, ~~E~~emission offsets shall provide net air quality benefit, in accordance with offset ratios listed in Subsection L.Table 1 of this Section, in the area where the NAAQS ~~national ambient air quality standard~~ for that pollutant is violated.

D.6. - F. …

1. All emission reductions claimed as offset credit shall be from decreases of the same pollutant or pollutant class (e.g., VOC) for which the offset is required. Interpollutant trading, for example using a NO_x credit to offset a VOC emission increase, is not allowed. Except as specified in Subsection M of this Section, ~~O~~offsets shall be required at the ratio specified in Subsection L.Table 1 of this Section.

2. - 7.c. …

8. Emissions reductions achieved by shutting down an existing ~~source~~ emissions unit or curtailing production or operating hours below baseline levels may be generally credited if such reductions are surplus, permanent, quantifiable, and federally enforceable, ~~and in accordance with the State Implementation Plan (SIP).~~ and if:

a. the shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this Subparagraph, the administrative authority may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emissions unit (However, in no event may credit be given for shutdowns that occurred before August 7, 1977.);

b. the shutdown or curtailment occurred on or after the date the permit application or application for emission reduction credits (ERCs) was filed; or

c. the applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit.

F.9. - K.Visibility Impairment. …

L. Table 1—Major Stationary Source/Major Modification Emission Thresholds

Table 1 **Major Stationary Source/Major Modification Emission Thresholds**

Pollutant	Major Stationary Source Threshold Values (tons/year)	Major Modification Significant Net Increase (tons/year)	Offset Ratio Minimum
Ozone VOC/NO_x[1]		Trigger Values	
Marginal[1]	100	40(40)[2]	1.10 to 1
Moderate	100	40(40)[2]	1.15 to 1
Serious	50	25[3](5)[4]	1.20 to 1 w/LAER or 1.40 to 1 internal w/o LAER
Severe	25	25[3](5)[4]	1.30 to 1 w/LAER or 1.50 to 1 internal w/o LAER
Extreme	10	Any increase	1.50 to 1
CO			
Moderate	100	100	>1.00 to 1
Serious	50	50	>1.00 to 1
SO_2	100	40	>1.00 to 1
PM_{10}[1]			
Moderate	100	15	>1.00 to 1
Serious	70	15	>1.00 to 1
Lead	100	0.6	>1.00 to 1

[1]~~For those parishes that are designated incomplete data or transitional nonattainment for ozone, the new source review rules for a marginal classification apply.~~ The requirements of LAC 33:III.504 applicable to major stationary sources and major modifications of PM_{10} shall also apply to major stationary sources and major modifications of PM_{10} precursors, except where the administrator determines that such sources do not contribute significantly to PM_{10} levels that exceed the PM_{10} NAAQS in the area.

[2]Consideration of the net emissions increase will be triggered for any project that would increase emissions by 40 tons or more per year, without regard to any project decreases.

[3]For serious and severe ozone nonattainment areas, the increase in emissions of VOC or NO_x resulting from any physical change or change in the method of operation of a stationary source shall be considered significant for purposes of determining the applicability of permit requirements, if the net emissions increase from the source equals or exceeds 25 tons per year of VOC or NO_x.

[4]Consideration of the net emissions increase will be triggered for any project that would increase VOC or NO_x emissions by five tons or more per year, without regard to any project decreases, or for any project that would result in a 25 ton or more per year cumulative increase in emissions of VOC within the contemporaneous period or of NO_x for a period of five years after the effective date of the rescission of the NO_x waiver, and within the contemporaneous period thereafter.

VOC = volatile organic compounds
NO_x = oxides of nitrogen

CO = carbon monoxide
SO_2 = sulfur dioxide
PM_{10} = particulate matter of less than 10 microns in diameter

M. Notwithstanding the parish's nonattainment status with respect to the 8-hour national ambient air quality standard (NAAQS) for ozone, the provisions of this Subsection shall apply to sources located in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge.

1. For an existing stationary source with a potential to emit of 50 tons per year or more of VOC or NO_x, consideration of the net emissions increase will be triggered for any project that would:

a. increase emissions of VOC or NO_x by 25 tons per year or more, without regard to any project decreases;

b. increase emissions of the highly reactive VOC (HRVOC) listed below by 10 tons per year or more, without regard to any project decreases:

i. 1,3-butadiene;
ii. butenes (all isomers);
iii. ethylene;
iv. propylene.

2. The following sources shall provide offsets for any net emissions increase:

a. a new stationary source with a potential to emit of 50 tons per year or more of VOC or NO_x;

b. an existing stationary source with a potential to emit of 50 tons per year or more of VOC or NO_x with a significant net emissions increase of VOC, including HRVOC, or NO_x of 25 tons per year or more.

3. The minimum offset ratio for an offset required by Paragraph M.2 of this Section shall be 1.2 to 1.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 27:2225 (December 2001), LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 30:2801 (December 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 31:3123, 3155 (December 2005), LR 32:**.

§509. Prevention of Significant Deterioration

A. – A.5.

B. Definitions. For the purpose of this Section, the terms below shall have the meaning specified herein as follows.

***

Major Modification—

a. …

b. Any significant emissions increase from any emissions unit or net emissions increase at a major stationary source that is significant for volatile organic compounds (VOCs) or nitrogen oxides (NO_x) shall be considered significant for ozone.

c. - d. …

Major Stationary Source—

a. - c. …

d. a major source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone;

e. - Table A. …

***

Regulated NSR Pollutant—

a. any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the administrative authority (e.g., volatile organic compounds and nitrogen oxides are precursors for ozone);

b. - d. …

***

Significant—

a. in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emission Rate
Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter	25 tpy of particulate emissions
	15 tpy of PM_{10} emissions
Ozone	40 tpy of volatile organic compounds or nitrogen oxides
Lead	0.6 tpy
Fluorides	3 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H_2S)	10 tpy
Total reduced sulfur (including H_2S)	10 tpy
Reduced sulfur compounds (including H_2S)	10 tpy
Municipal waste combustor organics[1]	0.0000035 tpy

Pollutant	Emission Rate
Municipal waste combustor metals[2]	15 tpy
Municipal waste combustor acid gases[3]	40 tpy
Municipal solid waste landfills emissions[4]	50 tpy

[1]Measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.

[2]Measured as particulate matter.

[3]Measured as sulfur dioxide and hydrogen chloride.

[4]Measured as nonmethane organic compounds.

b. - c. …

***

C. – I.5. …

a. the emissions increase of the pollutant from a new stationary source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than the following amounts:

Carbon monoxide	575 µg/m^3	8-hour average
Nitrogen dioxide	14 µg/m^3	annual average
Particulate matter	10 µg/m^3 of PM_{10}	24-hour average
Sulfur dioxide	13 µg/m^3	24-hour average
Ozone	No *de minimis* air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds <u>or nitrogen oxides</u> subject to PSD would <u>require the performance of</u> ~~be required to perform~~ an ambient impact analysis including the gathering of ambient air quality data.	
Lead	0.1 µg/m^3	3-month average
Fluorides	0.25 µg/m^3	24-hour average
Total reduced sulfur	10 µg/m^3	1-hour average
Hydrogen sulfide	0.2 µg/m^3	1-hour average
Reduced sulfur compounds	10 µg/m^3	1-hour average

I.5.b. – AA.15.b. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR

24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135, 3156 (December 2005), LR 32:**.

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

§607. Determination of Creditable Emission Reductions

A. - C. …

1. If the design value for the nonattainment area is above the ~~1-hour~~ national ambient air quality standard (NAAQS) for ozone, the department shall compare the current total point-source emissions inventory for the modeled parishes to the base case inventory, except that, beginning with the 2005 emissions inventory, this comparison shall be made to the base line inventory.

2. - 4.a. …

i. if the design value for the nonattainment area is above the ~~1-hour~~ NAAQS for ozone and the current total point-source inventory for the modeled parishes exceeds the base case inventory or base line inventory, as appropriate per Paragraph C.1 of this Section, baseline emissions shall be the lower of actual emissions, adjusted allowable emissions determined in accordance with Paragraph C.3 of this Section, or emissions attributed to the stationary point source(s) in question in the base case or base line inventory, as appropriate; or

ii. if the design value for the nonattainment area is not above the ~~1-hour~~ NAAQS for ozone or the current total point-source inventory for the modeled parishes does not exceed the base case inventory or base line inventory, as appropriate per Paragraph C.1 of this Section, baseline emissions shall be the lower of actual emissions or adjusted allowable emissions determined in accordance with Paragraph C.3 of this Section; and

C.4.b. - D. …

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

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

Chapter 7. Ambient Air Quality

§709. Measurement of Concentrations—PM_{10}, $PM_{2.5}$, Sulfur Dioxide, Carbon Monoxide, Atmospheric Oxidants, Nitrogen Oxides, and Lead

A. PM_{10}, $PM_{2.5}$, sulfur dioxide, carbon monoxide, atmospheric oxidants, nitrogen oxides, and lead shall be measured by the methods listed in LAC 33:III.711.C, Table 2 or by such other equivalent methods approved by the department. The publications or their replacements listed in LAC 33:III.711.C, Table 2 are incorporated as part of these regulations by reference.

B. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

§711. Tables 1, 1a, 2—Air Quality

A. Table 1. Primary Ambient Air Quality Standards

Table 1. Primary Ambient Air Quality Standards		
Air Contaminant	**Maximum Permissible Concentration**	
PM_{10}	50 µg/m^3	(Annual ~~geometric~~ arithmetic mean)
	150 µg/m^3	(Maximum 24-hour concentration not to be exceeded more than once per year)
$PM_{2.5}$	15.0 µg/m^3	(Annual arithmetic mean)
	65 µg/m^3	24-hour
Sulfur Dioxide (SO_2)	80 µg/m^3	or 0.03 ppm (Annual arithmetic mean)
	365 µg/m^3	or 0.14 ppm (Maximum 24-hour concentration not to be exceeded more than once per year)
Carbon Monoxide (CO)	10,000 µg/m^3	or 9 ppm (Maximum 8-hour concentration not to be exceeded more than once per year)
	40,000 µg/m^3	or 35 ppm (Maximum 1-hour concentration not to be exceeded more than once per year)

Table 1. Primary Ambient Air Quality Standards		
Air Contaminant	**Maximum Permissible Concentration**	
Ozone	0.08 ppm daily maximum 8-hour average ~~235 µg/m^3~~	The standard is met at an ambient air monitoring site when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm, as determined in accordance with 40 CFR 50, Appendix I. ~~(0.12 ppm) The standard is attained when the expected number of days per calendar year with maximum hourly average concentration above 0.12 ppm [235 micrograms per cubic meter (µg/m^3)] is equal to or less than one as determined by 40 CFR 50 Appendix H.~~
Nitrogen Dioxide (NO_2)	100 µg/m^3	(0.05 ppm) (Annual arithmetic mean)
Lead	1.5 µg/m^3	(Maximum arithmetic mean averaged over a calendar quarter)

1. - 2. …

B. Table 1a. Secondary Ambient Air Quality Standards

Table 1a. Secondary Ambient Air Quality Standards		
Air Contaminant	**Maximum Permissible Concentration**	
PM_{10}	50 µg/m^3	(Annual arithmetic mean)
	150 µg/m^3	(Maximum 24-hour concentration not to be exceeded more than once per year)
$PM_{2.5}$	15.0 µg/m^3	(Annual arithmetic mean)
	65 µg/m^3	24-hour
Sulfur Dioxide (SO_2)	1,300 µg/m^3	(Maximum 3-hour concentration not to be exceeded more than once per year)
Carbon Monoxide (CO)	10,000 µg/m^3	or 9 ppm (Maximum 8-hour concentration not to be exceeded more than once per year)
	40,000 µg/m^3	or 35 ppm (Maximum 1-hour concentration not to be exceeded more than once per year)

Table 1a. Secondary Ambient Air Quality Standards		
Air Contaminant	**Maximum Permissible Concentration**	
Ozone	0.08 ppm daily maximum 8-hour average ~~235 µg/m^3~~	The standard is met at an ambient air monitoring site when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm, as determined in accordance with 40 CFR 50, Appendix I. ~~(0.12 ppm) The standard is attained when the expected number of days per calendar year with maximum hourly average concentration above 0.12 ppm [235 micrograms per cubic meter (µg/m^3)] is equal to or less than one as determined by 40 CFR 50 Appendix H.~~
Nitrogen Dioxide (NO_2)	100 µg/m^3	(0.05 ppm) (Annual arithmetic mean)
Lead	1.5 µg/m^3	(Maximum arithmetic mean averaged over a calendar quarter)

1. - 2. …

C. Table 2. Ambient Air—Methods of Contaminant Measurement

Table 2. Ambient Air—Methods of Contaminant Measurement		
Air Contaminant	**Sampling Interval**	**Analytical Method**
PM_{10}	24 hours	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix J.
$PM_{2.5}$	24 hours	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix L.
Sulfur Dioxide	24 hours	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix A.
	Continuous	Any method complying with reference or equivalent methods in Title 40, Code of Federal Regulations, Part 53, Subpart B.
Total Oxidants	Continuous	Any method complying with reference or equivalent methods in Title 40, Code of Federal Regulations, Part 50, Appendix D, and Part 53, Subpart B.

Table 2. Ambient Air—Methods of Contaminant Measurement		
Air Contaminant	**Sampling Interval**	**Analytical Method**
Carbon Monoxide	Continuous	Any method complying with reference or equivalent methods in Title 40, Code of Federal Regulations, Part 50, Appendix C, and Part 53, Subpart B.
Nitrogen Dioxide	24 hours	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix F.
Lead	24 hours	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix G.
~~Total Suspended~~	~~24 hours~~	~~Any method complying with Particulate (TSP) reference method in Title 40, Code of Federal Regulations, Part 50, Appendix B.~~

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: AQ253

Person Preparing Statement:	Jodie L. Alexis	Dept.:	Environmental Quality
Phone:	225-219-3581	Office:	Environmental Assessment
Return Address:	DEQ P.O. Box 4314 Baton Rouge, LA 70821-4314	Rule Title:	Major Stationary Source/Major Modification Emission Thresholds for Baton Rouge Ozone Nonattainment Area (LAC 33:III. 111, 504, 509, 607, 709 and 711)
		Date Rule Takes Effect:	Upon Promulgation

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

There are no expected implementation costs or savings to state or local governmental units by the proposed rule.

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

There is no estimated effect on revenue collections of state or local governmental units by the proposed rule.

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

There are no estimated costs or significant economic benefits to directly affected persons or non-governmental groups by the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

_____	_____
Signature of Agency Head or Designee	Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel
Typed Name and Title of Agency Head or Designee

_____	_____
Date of Signature	Date of Signature

LFO 03/09/2001

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The department promulgated an emergency rule on June 15, 2005, to address rule revisions needed for transition from the 1-hour ozone National Ambient Air Quality Standard (NAAQS) to the 8-hour ozone NAAQS. The 1-hour ozone standard was revoked by the EPA in the federal 8-hour ozone implementation rule. The revocation of the 1-hour ozone standard was effective June 15, 2005. Under the 1-hour ozone standard the five-parish Baton Rouge ozone nonattainment area was classified as “severe”. Under the 8-hour ozone standard the Baton Rouge area is classified as “marginal” with an attainment date of June 15, 2007. To continue efforts toward attainment of the 8-hour ozone standard in the Baton Rouge area, the department is proposing to make permanent the revisions in LAC 33:III.Chapters 5 and 6 to the major stationary source threshold values, the major modification significant net increase values, and the minimum offset ratios for the Baton Rouge nonattainment area at values more in line with those listed for a classification of “serious,” than for the marginal classification. These revisions include changing references to the ozone standard from the 1-hour standard to the 8-hour standard; amending text to reflect the NSR requirements applying to large sources in nonattainment areas for the 8-hour standard; including nitrogen oxides as a precursor for ozone; including the current fine particle (PM2.5) NAAQS; and amending Tables 1 and 1a in LAC 33:III.711 to reflect the 8-hour ozone standard. Without this action the Baton Rouge nonattainment area, which is classified as “marginal” under the 8-hour ozone standard, would revert to “marginal” levels in Table 1 of LAC 33:III.504. This rule will promulgate in LAC 33:III.504.M, the thresholds set forth in Emergency Rule AQ253E that were effective as of June 15, 2005. The proposed rule revisions will constitute a proposed revision to the Louisiana State Implementation Plan (SIP) for air quality. The basis and rationale for this rule are to continue efforts toward attainment of the ozone standard and cleaner air in the five-parish Baton Rouge area.

B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This proposed rule is necessary to correct an effect of the revocation by the EPA of the 1-hour ozone NAAQS, effective June 15, 2005. Under the 1-hour ozone standard the Baton Rouge nonattainment area was classified as “severe.” Without this rule the Baton Rouge nonattainment area, which is classified as “marginal” under the 8-hour ozone standard, would revert to “marginal” levels in Table 1 of LAC 33:III.504. With this action the Department proposes that the thresholds set forth in LAC 33:III.504.M, and imposed by AQ253E since June 15, 2005, will become permanently effective.

C. Compliance with Act 11 of the 1986 First Extraordinary Session

(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No increase of expenditures is expected.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) ____ Yes. If yes, attach documentation.
(b) ____ No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 05-06	FY 06-07	FY 07-08
PERSONAL SERVICES			
OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT			
TOTAL	0	0	0
MAJOR REPAIR & CONSTR.			
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

   The proposed rule should not result in any increase or decrease in costs to implement the proposed action.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 05-06	FY 06-07	FY 07-08
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

   The agency has sufficient funds to implement the proposed rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

   There should be no impact from the proposed action on the local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

   This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 05-06	FY 06-07	FY 07-08
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This question is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No persons or non-governmental groups will be directly affected by the proposed actions.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

This question is not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There will be no impact from the proposed action on competition or employment in the public or private sector.