

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Emissions Inventory
(LAC 33:III.919) (AQ255)

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.919 (Log #AQ255).

The 1-hour National Ambient Air Quality Standard (NAAQS) was revoked effective June 15, 2005 (69 FR 23858). The proposed rule deletes the term "1-hour" and replaces it with the term "8-hour" to refer to the currently applicable 8-hour ozone NAAQS. The rule also addresses the need for facilities to submit annual emissions inventories under LAC 33:III.5107.A, enumerates the required number of copies of the annual Certification Statement to be submitted to the department, and revises the requirements for calculations.

The 1-hour ozone standard was established by the Environmental Protection Agency (EPA) following the passage of the Clean Air Act. The 1-hour ozone standard was reviewed and revised by the EPA as per Section 109 of the Clean Air Act Amendments. The 1-hour ozone standard was replaced with a more stringent, more protective 8-hour ozone standard, which was effective June 15, 2004. The 1-hour ozone standard was revoked effective one year after the effective date of the 8-hour ozone standard, or June 15, 2005. This proposed rule deletes reference to the 1-hour ozone standard that has been revoked and refers to the current 8-hour ozone standard that is in effect. There are no new Clean Air Act requirements to comply with as a result of the transition from the 1-hour to the 8-hour standard. The basis and rationale for this rule are to continue efforts toward attainment of the ozone standard statewide and attainment of the PM_{2.5} standard.

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

A public hearing will be held on November 29, 2005, 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 when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ255. Such comments must be received no later than December 6, 2005, 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 AQ255. 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; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Herman Robinson, CPM
Executive Counsel

TITLE 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 9. General Regulations on Control of Emissions and Emission Standards

§919. Emissions Inventory

Emissions inventory data shall be submitted to the department on magnetic media in the format specified by the Office of Environmental Assessment, ~~Environmental Evaluation~~ Air Quality Assessment Division. *Facilities* are defined as all emissions points under common control on contiguous property. *Emissions point* is defined as the source of emissions that should have a Source Classification Code (SCC). Detailed instructions are provided, on an annual basis, for completing and submitting emissions inventories. The state point source emissions inventory will be compiled from the emissions inventories submitted in accordance with this Section from the facilities that meet the criteria for applicability in Subsection A of this Section. The state area source, non-road and on-road mobile source, and biogenic emissions inventories are compiled by the department from data that may be requested from other federal, state, or local agencies or other private entities.

A. ...

1. Any facility located in an 18-hour ozone nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

a. - d. ...

2. Any facility located in a parish that adjoins an 18-hour ozone nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

2.a. - 5. ...

6. Any facility in Louisiana subject to the requirements of LAC 33:III.5107.A is required to report.

67. No facility classes or categories are exempted.

B. Types of Inventories

1. Annual Emissions Statement. Facilities as identified in Subsection A of this Section, shall submit an original Annual Emissions Statement (AES) and a duplicate for all criteria pollutants for which a NAAQS has been issued and for NAAQS precursor pollutants. Except as provided in Subparagraph B.2.d of this Section, the AES shall consist of an inventory of actual emissions and the allowable (permitted) emissions limits of VOC, NO_x, CO, SO₂, Pb, PM₁₀, PM_{2.5}, and ammonia, and an annual Certification Statement in accordance with Subparagraph B.5.a of this Section. The emissions inventory may be an initial emissions inventory for facilities submitting their first emissions inventory, or an annual emissions inventory update for facilities ~~which~~ that have previously submitted an emissions inventory. Actual emissions shall be reported for all sources of emissions at a facility, including fugitive emissions, flash gas emissions,

insignificant sources (as defined in LAC 33:III.501.B.5, Insignificant Activities List, Table Part A), and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime. For purposes of this Section, the term *actual emissions* is the calculation or estimate of the actual emissions of a pollutant, in accordance with Subsection C of this Section, for the calendar year or other period of time if requested by the department. *Excess emissions* are defined as emissions quantities greater than normal operations. Where there is an enforceable document, such as a permit, that establishes allowable levels, the AES shall include the allowable emissions level as identified in the permit Maximum Allowable Emissions Rate Table and the allowable tons per year.

2. - 5.g.v. ...

C. Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) or approved stack testing shall be used for reporting of emissions from an emissions point when such data exists ~~is the desired method of calculating emissions from an emissions point.~~ In ~~lieu~~ the absence of CEMS or stack test data, emissions shall be calculated using methods found in the most recent edition of, or update to, the best available information. ~~Sources of emissions factors include the~~ Compilation of Air Pollution Emission Factors (AP-42), and/or calculations published in ~~E~~ engineering journals, and/or other EPA or department-approved estimation methodologies.

D. - F. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:** (October 2005), LR 31:**

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

Person Preparing Statement: Jodie L. Alexis Dept.: Environmental Quality
 Phone: 225-219-3581 Office: Environmental Assessment
 Return Address: DEQ Rule Title: Emissions Inventory
P.O. Box 4314
Baton Rouge, LA 70821-4314 (LAC 33:III.919)
 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)

The requirement to submit an additional copy of the Annual Emissions Statement will result in a small increase in administrative costs for the over 1,000 facilities that report emissions inventories.

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).

This rulemaking deletes the term "1-hour" in Section 919 and replaces it with the term "8-hour", addresses the need for facilities to submit annual emissions inventories under LAC 33:III.5107.A, enumerates the required number of copies of the annual Certification Statement to be submitted to the department, and corrects the Subsection on calculations.

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

The 1-hour ozone standard was established by the Environmental Protection Agency (EPA) following the passage of the Clean Air Act. The 1-hour ozone standard was reviewed and revised by the EPA as per Section 109 of the Clean Air Act Amendments. The 1-hour ozone standard was replaced with a more stringent, more protective 8-hour ozone standard, which was effective June 15, 2004. The 1-hour ozone standard was revoked effective one year after the effective date of the 8-hour ozone standard, or June 15, 2005.

This proposed rule deletes reference to the 1-hour ozone standard that has been revoked and refers to the current 8-hour ozone standard that is in effect. There are no new Clean Air Act requirements to comply with as a result of the transition from the 1-hour to the 8-hour standard.

With the revocation of the 1-hour NAAQS for ozone, revision to the existing rule that refers to the 1-hour ozone standard is needed. The proposed rule deletes the term "1-hour" in Section 919 and replaces it with "8-hour," addresses the required submission of annual emissions inventories, addresses the required number of copies of the annual Certification Statement that are to be submitted, and updates the calculation Subsection.

- 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?

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

*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.

The requirement to submit an additional copy of the Annual Emissions Statement will result in a small increase in administrative costs for the over 1,000 facilities that report emissions inventories.

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.