

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Subpart 2. Notification**

**Chapter 39. Notification Regulations and Procedures for  
Unauthorized Discharges**

**Subchapter E. Reportable Quantities for Notification of Unauthorized  
Discharges**

**§3931. Reportable Quantity List for Pollutants**

\* \* \*

[See Prior Text in A]

1. 40 CFR 117.3 (7-1-9700 Edition) Table 117.3—Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act; and
2. 40 CFR 302.4 (7-1-9700 Edition) Table 302.4—List of Hazardous Substances and Reportable Quantities; Appendix A to §302.4—Sequential CAS Registry Number List of CERCLA Hazardous Substances.

\* \* \*

[See Prior Text in B – Note @]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), R.S. 30:2060(H), R.S. 30:2076(D), R.S. 30:2183(I), R.S. 30:2194(C), R.S. 30:2204(A), and R.S. 30:2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:\*\*.

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

**Chapter 5. Permit Procedures**

**§507. Part 70 Operating Permits Program**

\* \* \*

[See Prior Text in A-B.1]

2. No Part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No Part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the Part 70 source under this Section shall include the elements required by 40 CFR 70.6. The Louisiana Department of Environmental Quality hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), as in effect on ~~July 21, 1992~~ ~~October 22, 1997~~ July 1, 2000. Upon issuance of the permit, the Part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

\* \* \*

[See Prior Text in C-J.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024 and 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 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:\*\*.

**Chapter 14. Conformity**

**Subchapter B. Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved Under Title 23 U.S.C. or the Federal Transit Act**

**§1432. Incorporation by Reference**

A. 40 CFR part 93, subpart A, sections ~~101-128 found in the *Federal Register*, volume 62, No. 158, August 15, 1997, pages 43802-43818 July 1, 2000, are~~is hereby incorporated by reference with the exclusion of sections ~~102(d) and~~ 105.

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 24:1280 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:\*\*.

**Chapter 30. Standards of Performance for New Stationary Sources (NSPS)**

**Subchapter A. Incorporation by Reference (IBR)**

**§3003. IBR 40 Code of Federal Regulations (CFR) Part 60**

A. Except as modified in this Section, regulations at 40 CFR part 60, as revised July 1, ~~1999-2000~~, and specified below in Tables 1 and 1.A are hereby incorporated by reference as they apply to the State of Louisiana.

<b>Table 1 40 CFR Part 60</b>	
<b>40 CFR Part 60 Subpart</b>	<b>Subpart Heading</b>
* * *	
[See Prior Text in A – Cb]	
Cc	<del>Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994</del> <u>Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills</u>
* * *	
[See Prior Text in Cd - WWW]	

\* \* \*

[See Prior Text in Table 1.A]

B. ~~Reserved. Final regulations published in the Federal Register on the following dates: July 9, 1999, July 15, 1999, September 30, 1999, March 13, 2000 and April 10, 2000 and specified below in Table 2 are hereby incorporated by reference as they apply to the State of Louisiana.~~

<b>Table 2. 40 CFR Part 60</b>			
<b>40 CFR Part 60 Subpart/Appendix</b>	<b>Subpart Heading/Appendix</b>	<b>Federal Register Citation</b>	<b>Date Promulgated</b>
Appendix A	Test Methods: <del>Three New Methods for Velocity and Volumetric Flow Rate Determination in Stacks or Ducts</del>	65 FR 37196	July 9, 1999
Appendix A	Test Methods: <del>Three New Methods for Velocity and Volumetric Flow Rate Determination in Stacks or Ducts</del>	65 FR 38240	July 15, 1999
Appendix A	Test Methods: <del>Method 5I – Determination of Low Level Particulate Matter Emissions From Stationary Sources</del>	64 FR 53027	September 30, 1999
Subpart Db	Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units	65 FR 13243	March 13, 2000
Subpart WWW	Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills	65 FR 18908	April 10, 2000

\* \* \*

[See Prior Text in C – 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 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), LR 25:1239 (July 1999), LR 25:1797 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1607 (August 2000), LR 26:2460 (November 2000), LR 26:2608 (November 2000), LR 27:\*\*.

## **Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program**

### **Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)**

#### **5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Code of Federal Regulations* at 40 CFR part 61, revised as of July 1, ~~1999~~2000, and specifically listed in the following

table are hereby incorporated by reference as they apply to sources in the State of Louisiana.

40 CFR 61	Subpart/Appendix Heading
Subpart A	General Provisions
Subpart C	National Emission Standard for Beryllium
Subpart D	National Emission Standard for Beryllium Rocket Motor Firing
Subpart E	National Emission Standard for Mercury
Subpart F	National Emission Standard for Vinyl Chloride
Subpart J	National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
Subpart L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
Subpart N	National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants
Subpart O	National Emission Standard for Inorganic Arsenic Emissions for Primary Copper Smelters
Subpart P	National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities
Subpart V	National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
Subpart Y	National Emission Standard for Benzene Emissions from Benzene Storage Vessels
Subpart BB	National Emission Standard for Benzene Emissions from Benzene Transfer Operations
Subpart FF	National Emission Standard for Benzene Waste Operations
Appendix A	National Emission Standards for Hazardous Air Pollutants, Compliance Status Information
Appendix B	Test Methods
Appendix C	Quality Assurance Procedures

\* \* \*

[See Prior Text in B - C]

**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 23:61 (January 1997), LR 23:1658 (December 1997), amended LR 24:1278 (July 1998), LR 25:1464 (August 1999), LR 25:1797 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2271 (October 2000), LR 27:\*\*.

**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**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR Part 63, revised as of July 1, ~~1999~~ 2000, 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	Subpart/Appendix Heading
	* * *
	[See Prior Test in Subpart A – Subpart NNN]
<u>Subpart OOO</u>	<u>National Emission Standards for Hazardous Air Pollutant Emission: Manufacture of Amino/Phenolic Resins</u>
	* * *
	[See Prior Text in Subpart PPP]
<u>Subpart RRR</u>	<u>National Emission Standard for Hazardous Air Pollutants for Secondary Aluminum Production</u>
	* * *
	[See Prior Text in Subpart TTT]
<u>Subpart VVV</u>	<u>National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works</u>
	* * *
	[See Prior Text in Subpart XXX – Appendix 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 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), LR 25:1464 (August 1999), LR 25:1798 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:\*\*.

**Chapter 53. Area Sources of Toxic Air Pollutants**

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

**§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Code of Federal Regulations* at 40 CFR part 63, revised as of July 1, ~~1998~~ 2000, and specifically

listed in the following table are hereby incorporated by reference as they apply to area sources in the State of Louisiana.

40 CFR 63	Subpart/Appendix Heading
Subpart A	General Provisions
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
Subpart X	National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

**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 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), LR 25:1464 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:\*\*.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part V. Hazardous Waste and Hazardous Materials**  
**Subpart 1. Department of Environmental Quality—Hazardous Waste**

**Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces**

**Appendices**

**Appendix A. Tier I and Tier II Feed Rate and Emissions Screening Limits For Metals**

40 CFR 266, appendix I, as amended by 56 FR 7228 (February 21, 1991) and 56 FR 32690 (July 17, 1991), July 1, 2000, is hereby incorporated by reference.

**Appendix B. Tier I Feed Rate Screening Limits for Total Chlorine**

40 CFR 266, appendix II, as amended by 56 FR 32690 (July 17, 1991), July 1, 2000, is hereby incorporated by reference.

**Appendix C. Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride**

40 CFR 266, appendix III, as amended by 56 FR 32691 (July 17, 1991), July 1, 2000, is hereby incorporated by reference.

**Appendix D. Reference Air Concentrations**

40 CFR 266, appendix IV, as amended by 56 FR 7232 (February 21, 1991) and 56 FR 32691 (July 17, 1991), July 1, 2000, is hereby incorporated by reference, except that in regulations incorporated thereby, references to 40 CFR 261, appendix VIII and 266, appendix V shall mean LAC 33:V.3105.Table 1 and Appendix E of this Chapter, respectively.

**Appendix E. Risk Specific Doses ( $10^{-5}$ )**

40 CFR 266, appendix V, as amended by 56 FR 7232 (February 21, 1991), July 1, 2000, is hereby incorporated by reference.

**Appendix F. Stack Plume Rise [Estimated Plume Rise (in Meters) Based on Stack Exit Flow Rate and Gas Temperature]**

40 CFR 266, appendix VI, as amended by 56 FR 7233 (February 21, 1991), July 1, 2000, is hereby incorporated by reference.

**Appendix G. Health-Based Limits for Exclusion of Waste-Derived Residues**

40 CFR 266, appendix VII, as amended by 56 FR 7234 (February 21, 1991), 56 FR 32691 (July 17, 1991), and 58 FR 59603 (November 9, 1993), July 1, 2000, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, appendix VIII, 266.112(b)(1) and (b)(2)(i), and 268.43 shall mean LAC 33:V.3105.Table 1, 3025.B.1 and B.2.a, and Chapter 22.Table 2, respectively.

**Appendix H. Organic Compounds for Which Residues Must be Analyzed**

40 CFR 266, appendix VIII, as amended by ~~56 FR 7235 (February 21, 1991), 56 FR 32691 (July 17, 1991), 64 FR 52827 (September 30, 1999), and 64 FR 63209 (November 19, 1999),~~ July 1, 2000, is hereby incorporated by reference.

**Appendix I. Methods Manual for Compliance with the BIF Regulations**

A. 40 CFR 266, appendix IX, as amended by ~~56 FR 32692 (July 17, 1991), 56 FR 42512, 42516 (August 27, 1991), 57 FR 38566 (August 25, 1992), 57 FR 44999 (September 30, 1992), and 62 FR 32463 (June 13, 1997),~~ July 1, 2000, is hereby incorporated by reference, except ~~that the citations~~ as follows:

1. 40 CFR 261, appendix VIII, 266.103, 266.103(b), 266.103(b)(3), 266.103(c), 266.103(c)(1), 266.103(c)(3)(ii), 266.103(c)(7), 266.103(d), 266.106, 266.112, 266.112(b)(1) and (b)(2)(i), 268.43, and 266. ~~S~~subpart H shall mean LAC 33:V.3105.Table 1, 3007, 3007.B, 3007.B.3, 3007.C, 3007.C.1, 3007.C.3.b, 3007.C.7, 3007.D, 3013, 3025, 3025.B.1 and B.2.a, Chapter 22.Table 2, and Chapter 30, respectively.

2. Terms within the incorporated Appendix shall be the terms adopted by reference except that "director," "administrator," "EPA regional office," and "EPA regional office or the appropriate enforcement agency" shall mean "administrative authority."

3. "Environmental Protection Agency" and "EPA" shall mean "administrative authority," except when referring to an EPA method, protocol, file, performance audit sample, handbook, manual, document, program, default value, or default assumption.

4. Equation (7) of appendix A to 40 CFR 266, appendix IX shall be corrected to read:

$$\sigma_t = \left( \frac{(n_1 - 1)S_1^2 + (n_2 - 1)S_2^2}{n_1 + n_2 - 2} \right)^{1/2}$$

B. Federal statutes and regulations that are cited in 40 CFR 266, appendix IX that are not specifically adopted by reference shall be used as guidance in interpreting the federal regulations in 40 CFR 266, appendix IX.

**Appendix J. Reserved****Appendix K. Lead-bearing Materials That May Be Processed in Exempt Lead Smelters**

40 CFR 266, appendix XI, as amended by ~~56 FR 42517 (August 27, 1991),~~ July 1, 2000, is hereby incorporated by reference.

**Appendix L. Nickel or Chromium-Bearing Materials That May Be Processed in Exempt Nickel-Chromium Recovery Furnaces**

40 CFR 266, appendix XII, as amended by ~~56 FR 42517 (August 27, 1991),~~ July 1, 2000, is hereby incorporated by reference, except that the footnote should be deleted.

**Appendix M. Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units**

40 CFR 266, appendix XIII, as ~~amended by 59 FR 48042 (September 19, 1994),~~ July 1, 2000, is hereby incorporated by reference, except that in regulations incorporated thereby, 40 CFR 261, appendix VIII shall mean LAC 33:V.3105.Table 1.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part IX. Water Quality**

**Chapter 23. The LPDES Program**

**Subchapter A. Definitions and General Program Requirements**

**§2301. General Conditions**

\* \* \*

[See Prior Text in A – E]

F. All references to the *Code of Federal Regulations* (CFR) contained in this Chapter (e.g., 40 CFR 122.29) shall refer to those regulations published in the July 1, ~~1999~~2000 *Code of Federal Regulations*, unless otherwise noted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:199 (February 1997), LR 23:722 (June 1997), LR 25:1467 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1609 (August 2000), LR 27:\*\*.

**§2531. 40 CFR Part 136**

A. Title 40 (Protection of the Environment) *Code of Federal Regulations* (CFR) part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, revised July 1, ~~1999~~2000, in its entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), LR 25:1467 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1609 (August 2000), LR 27:\*\*.

**§2533. 40 CFR Chapter I, Subchapter N**

A. Title 40 (Protection of the Environment) CFR, chapter I, subchapter N (Effluent Guidelines and Standards), revised July 1, ~~1999~~2000, parts 401 ~~and 402~~, and parts 405 - 471 in their entirety. (Note: General Pretreatment Regulations for Existing and New Sources of Pollution found in part 403 of ~~S~~subchapter N have been included in these regulations as Subchapter T.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), LR 25:1467 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1609 (August 2000), LR 27:\*\*.

**Subchapter T. General Pretreatment Regulations for Existing and New Sources of Pollution**  
**§2709. National Pretreatment Standards: Prohibited Discharges**

\* \* \*

[See Prior Text in A.1 – C]

1. Each POTW developing a POTW pretreatment program pursuant to LAC 33:IX.2715 shall develop and enforce specific limits to implement the prohibitions listed in Subsections A.1 and B of this Section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits. In addition, the POTW may establish such limits as necessary to address the land disposal restrictions at 40 CFR 268.40 (~~40 CFR, July 1, 1996, as amended in 61 FR 36419, July 9, 1996, and 61 FR 43927, August 26, 1996~~).

\* \* \*

[See Prior Text in C.2 – 3]

D. Local Limits. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with Subsection C of this Section, including those standards established to address land disposal restrictions at 40 CFR 268.40 (~~40 CFR, July 1, 1996, as amended in 61 FR 36419, July 9, 1996, and 61 FR 43927, August 26, 1996~~), such limits shall be deemed pretreatment standards for the purposes of Section 307(d) of the Act.

\* \* \*

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:\*\*.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part XI. Underground Storage Tanks**

**Chapter 11. Financial Responsibility**

**§1111. Financial Test of Self-Insurance**

\* \* \*

[See Prior Text in A – B.2.a.ii]

iii. the sum of current plugging and abandonment cost estimates for which a financial test is used to demonstrate financial responsibility to EPA under 40 CFR 144.63, 1988, pp. 644—653;

\* \* \*

[See Prior Text in B.2.b – C.5.b]

D. To demonstrate that it meets the financial test under Subsection B or C of this Section, the chief financial officer of the owner or operator, or guarantor, must sign, within 120 days of the close of each financial reporting year, as defined by the 12-month period for which financial statements used to support the financial test are prepared, a letter worded exactly as follows, except that the instructions in brackets are to be replaced by the relevant information and the brackets deleted. To prepare this letter, the owner or operator must use the form required by the department. This form may be obtained from the department's Office of Management and Finance, Financial Services Division.

**Letter from Chief Financial Officer**

I am the chief financial officer of [insert: name and address of the owner or operator, or guarantor]. This letter is in support of the use of [insert: "the financial test of self-insurance," and/or "guarantee"] to demonstrate financial responsibility for [insert: "taking corrective action" and/or "compensating third parties for bodily injury and property damage"] caused by [insert: "sudden accidental releases" and/or "nonsudden accidental releases"] in the amount of at least [insert: dollar amount] per occurrence and [insert: dollar amount] annual aggregate arising from operating (an) underground storage tank(s).

Underground tanks at the following facilities are assured by this financial test by this [insert: "owner or operator," and/or "guarantor"]: [List for each facility: the name and address of the facility where tanks assured by this financial test are located. If separate mechanisms or combinations of mechanisms, other than the combination of this letter and the owner's or operator's status as an eligible participant in the Underground Motor Fuels Storage Tank Trust, are being used to assure any of the tanks at any one facility, list each tank assured by this financial test by the tank identification number provided in the registration submitted pursuant to LAC 33:XI.301.]

A [insert: "financial test," and/or "guarantee"] is also used by this [insert: "owner or operator," or "guarantor"] to demonstrate evidence of financial responsibility in the following amounts under the following regulations:

<b>Regulations</b>	<b>Amount</b>
Closure (LAC 33:V.3707 and 4403)	\$ _____
Post-Closure Care (LAC 33:V.3711 and 4407)	\$ _____
Liability Coverage (LAC 33:V.3715 and 4411)	\$ _____
Corrective Action (LAC 33:V.3322)	\$ _____
Plugging and Abandonment (40 CFR 144.63; 1988, pp. 644—653)	\$ _____
Closure	\$ _____
Post-Closure Care	\$ _____
Liability Coverage	\$ _____
Corrective Action	\$ _____
Plugging and Abandonment	\$ _____
<b>Total</b>	<b>\$ _____</b>

This [insert: "owner or operator," or "guarantor"] has not received an adverse opinion, a disclaimer of opinion, or a "going concern" qualification from an independent auditor on his financial statements for the latest completed fiscal year.

[Fill in the information for Alternative I if the criteria of LAC 33:XI.1111.B.1 are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative II if the criteria of LAC 33:XI.1111.B.2 are being used to demonstrate compliance with the financial test requirements. Fill in the information for Alternative III if the criteria of LAC 33:XI.1111.C are being used to demonstrate compliance with the financial test requirements.]

**Alternative I**

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee \$ \_\_\_\_\_
2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee \$ \_\_\_\_\_
3. Sum of lines 1 and 2 \$ \_\_\_\_\_
4. Total tangible assets \$ \_\_\_\_\_

5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6] \$ \_\_\_\_\_

6. Tangible net worth [subtract line 5 from line 4] \$ \_\_\_\_\_

- |   | Yes   | No    |
|---|-------|-------|
| 7. Is line 6 at least \$90,000?   | _____ | _____ |
| 8. Is line 6 at least 3 times line 3?   | _____ | _____ |
| 9. Have financial statements for the latest fiscal year been filed with the Securities and Exchange Commission?   | _____ | _____ |
| 10. Have financial statements for the latest fiscal year been filed with the Energy Information Administration?   | _____ | _____ |
| 11. Have financial statements for the latest fiscal year been filed with the Rural Electrification Administration?  | _____ | _____ |
| 12. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A or 5A? [Answer "Yes" only if both criteria have been met.] | _____ | _____ |

**Alternative II**

1. Amount of annual UST aggregate coverage being assured by a financial test, and/or guarantee \$ \_\_\_\_\_
2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee \$ \_\_\_\_\_
3. Sum of lines 1 and 2 \$ \_\_\_\_\_
4. Total tangible assets \$ \_\_\_\_\_

- 5. Total liabilities [if any of the amount reported on line 3 is included in total liabilities, you may deduct that amount from this line and add that amount to line 6] \$ \_\_\_\_\_
- 6. Tangible net worth [subtract line 5 from line 4] \$ \_\_\_\_\_  
 Yes No
- 7. Is line 6 at least \$10 million? \_\_\_\_\_
- 8. Is line 6 at least 10 times line 3? \_\_\_\_\_
- 9. Have financial statements for the latest fiscal year been filed with the Securities and Exchange Commission? \_\_\_\_\_
- 10. Have financial statements for the latest fiscal year been filed with the Energy Information Administration? \_\_\_\_\_
- 11. Have financial statements for the latest fiscal year been filed with the Rural Electrification Administration? \_\_\_\_\_
- 12. Has financial information been provided to Dun and Bradstreet, and has Dun and Bradstreet provided a financial strength rating of 4A or 5A? [Answer "Yes" only if both criteria have been met.] \_\_\_\_\_

**Alternative III**

- 1. Amount of annual UST aggregate coverage being assured by a test, and/or guarantee \$ \_\_\_\_\_
- 2. Amount of corrective action, closure and post-closure care costs, liability coverage, and plugging and abandonment costs covered by a financial test, and/or guarantee \$ \_\_\_\_\_
- 3. Sum of lines 1 and 2 \$ \_\_\_\_\_
- 4. Total tangible assets \$ \_\_\_\_\_
- 5. Total liabilities [if any of the amount reported on line 3 is included in total

- liabilities, you may deduct that amount  
from this line and add that amount to  
line 6] \$ \_\_\_\_\_
6. Tangible net worth [subtract line 5 from  
line 4] \$ \_\_\_\_\_
7. Total assets in the U.S. [required only if  
less than 90 percent of assets are located  
in the U.S.] \$ \_\_\_\_\_
- Yes No
8. Is line 6 at least \$10 million? \_\_\_\_\_
9. Is line 6 at least 6 times line 3? \_\_\_\_\_
10. Are at least 90 percent of assets located in  
the U.S.? [If "No," complete line 11.] \_\_\_\_\_
11. Is line 7 at least 6 times line 3? \_\_\_\_\_  
[Fill in either lines 12—15 or lines 16—18:]
12. Current assets \$ \_\_\_\_\_
13. Current liabilities \$ \_\_\_\_\_
14. Net working capital [subtract line 13 from  
line 12] \$ \_\_\_\_\_
- Yes No
15. Is line 14 at least 6 times line 3? \_\_\_\_\_
16. Current bond rating of most recent bond  
issue \_\_\_\_\_
17. Name of rating service \_\_\_\_\_
18. Date of maturity of bond \_\_\_\_\_
- Yes No
19. Have financial statements for the latest  
fiscal year been filed with the SEC, the  
Energy Information Administration, or the  
Rural Electrification Administration? \_\_\_\_\_

[If "No," please attach a report from an independent certified public accountant certifying that there are no material differences between the data as reported in lines 4—18 above and the financial statements for the latest fiscal year.]

[For both Alternative I and Alternative II complete the certification with this statement.]

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:XI.1111.D as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

\* \* \*

[See Prior Text in E – G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2560 (November 2000), amended, LR 27:\*\* .

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part XV. Radiation Protection**  
**Chapter 15. Transportation of Radioactive Material**

**§1517. Incorporation by Reference**

A. The department incorporates by reference 10 CFR part 71, appendix A (July 1, ~~1999~~2000).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), LR 27:\*\*.