

## Louisiana Department of Environmental Quality

UPDATED: January 30, 2024

The following is a summary of actions taken by the Department of Environmental Quality with adoption, amendment, or repeal of proposed rules and of actions taken by the agency with respect to adoptions, increases, or decreases. Included are actions January 1, 2023, to January 31, 2024.

Proposed dates are those on which the notice of intended action was published in the Louisiana Register pursuant to La. R.S. 49:961. Public hearing dates are those on which the agency held public hearings pursuant to La. R.S. 49:961. Oversight hearing dates are those on which oversight hearings were conducted pursuant to La. R.S. 49:966. Final dates are those on which the actions were published in the Louisiana Register pursuant to La. R.S. 49:965.

### **WQ111S - Water Quality Standards Triennial Revision LAC 33:IX.1109, 1113, and 1123**

The proposed Rule will revise Chapter 11 of the Water Quality regulations for clarification. The 2021 Triennial Review Report of Findings document identified several sections in Chapter 11 with errors. Throughout Chapter 11, units expressed in terms of milligrams per liter use the abbreviation (mg/L). An abbreviation was found having (mg/l) in Section 1109. Section 1113 incorrectly implies numeric criteria may be adopted based on the absence of data. Table 1 of Section 1113 has the endrin freshwater chronic criterion listed with a missing digit. Table 3 of Section 1123 has a missing designated use, an extraneous designated use, and incorrectly listed temperature criterion. These errors will be corrected with this Rule. The Water Quality Management Plan, Volume 3 was updated in July 2022, resulting in the need to update verbiage in Sections 1109 and 1113. This action is required in order to fulfill the department's obligation to review and revise the state's water quality standards, pursuant to 40 CFR 131.20, as necessary, at least once every three years.

Proposed Date: January 20, 2023

Oversight Hearing:

Public Hearing: February 28, 2023

Withdrawn:

Final Date: September 20, 2023

Substantive Changes: June 20, 2023

### **AQ393 - Act No. 405 2021 RLS Criteria Pollutant Fee Increase LAC 33:III.223**

This rule provides for the fee changes authorized in Act 405 of the 2021 Regular Legislative Session, which authorizes a two-step increase to fees for Criteria Pollutants.

Proposed Date: February 20, 2023

Oversight Hearing:

Public Hearing: March 28, 2023

Withdrawn:

Final Date: May 20, 2023

Substantive Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:963.A.(2).]

**OS100 - Voluntary Environmental Self-Audit Regulations  
LAC 33:I.Chapter 70**

The proposed Rule will establish regulations for the voluntary environmental self-audit program in accordance with La. R.S. 30:2044. On August 1, 2021, La. R.S. 30:2044 became effective mandating the secretary promulgate regulations to establish a program for voluntary environmental self-audits. The regulations shall provide for establishment of the program, identification of violations not eligible for relief under the program, a fee for reviewing the environmental self-audits and corrective actions, and suspension of prescription.

Proposed Date: April 20, 2023	Oversight Hearing:
Public Hearing: Not Applicable	Withdrawn: April 26, 2023
Final Date: Not Applicable	Substantive Changes:

**AQ394ft - Incorporation by Reference of Certain Federal Air Quality Regulations  
LAC 33:III.3103**

The proposed Rule incorporates by reference (IBR) the corresponding federal regulations included in 40 CFR Part 62, Subpart OOO, May 21, 2021, into the Louisiana Administrative Code (LAC), Title 33, Part III, Air. Exceptions to the IBR are explicitly listed in the proposed Rule. On May 21, 2021, the Environmental Protection Agency (EPA) issued 40 CFR Part 62, Subpart OOO - Federal Plan Requirements for Municipal Solid Waste Landfills that Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014. In order for Louisiana to maintain equivalency with federal regulations, the most current Code of Federal Regulations must be adopted into the Louisiana Administrative Code. This rulemaking is necessary to maintain delegation, authorization, etc. granted to Louisiana by the EPA.

Proposed Date: May 20, 2023	Oversight Hearing:
Public Hearing: June 27, 2023	Withdrawn:
Final Date: August 20, 2023	Substantive Changes:

**SW071 - Standards Governing Landfills (Type I and II)  
LAC 33:VII.711**

This Rule updates regulations governing leachate collection and removal systems for industrial and municipal landfills. These proposed regulations establish and clarify procedures, standards, requirements, and records for the measurement, collection, and control of leachate. This Rule requires record keeping of leachate systems and provides timelines to repair leachate collection systems and components in accordance with applicable regulations.

Proposed Date: May 20, 2023	Oversight Hearing:
Public Hearing: June 27, 2023	Withdrawn:
Final Date: December 20, 2023	Substantive Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:963.A.(2).]

**OS101 - Voluntary Environmental Self-Audit Regulations  
LAC 33:I.Chapter 70**

The proposed Rule will establish regulations for the voluntary environmental self-audit program in accordance with R.S. 30:2044. On August 1, 2021, R.S. 30:2044 became effective mandating the department to promulgate regulations establishing a program for voluntary environmental self-audits. The regulations shall provide procedures for the establishment of the program, identification of violations not eligible for relief under the program, a fee for reviewing the environmental self-audits and corrective actions submitted to the department, and suspension of prescription upon participation in the program.

Proposed Date: June 20, 2023  
Public Hearing: July 27, 2023  
Final Date: December 20, 2023

Oversight Hearing:  
Withdrawn:  
Substantive Changes:

**SW069 – Revision to Update Solid Waste Regulations  
LAC 33:VII.115, 721, 10509, 10511, 10523, and 10529**

This Rule provides updates to facilitate implementation of the legislative mandate of remediating environmental and public health problems caused by improper disposal of waste tires. These proposed regulations establish procedures, standards, and requirements for Solid Waste Type III landfills to collect, transport, process, properly dispose of waste tires, and provides for the updates authorized in Act 291 of the 2021 Regular Legislative Session.

Proposed Date: June 20, 2023  
Public Hearing: Not Applicable  
Final Date: Not Applicable

Oversight Hearing:  
Withdrawn: July 20, 2023  
Substantive Changes:

**SW075 - Revision to Update Solid Waste Regulations  
LAC 33:VII.115, 721, 10505, 10509, 10519, 10523 and 10529**

This Rule provides updates to facilitate implementation of the legislative mandate of remediating environmental and public health problems caused by improper disposal of waste tires. These proposed regulations establish procedures, standards, and requirements for Solid Waste Type III landfills to collect, transport, prepare for disposal, and properly dispose of waste tires. The adoption of these regulations would assist in addressing the increasing problem of promiscuous tire dumping in the state of Louisiana.

Proposed Date: July 20, 2023  
Public Hearing: August 29, 2023  
Final Date:

Oversight Hearing:  
Withdrawn:  
Substantive Changes:

**WQ112 - Freshwater Ammonia Aquatic Life Criteria  
LAC 33:IX.1105, 1109, 1113, and 1115**

This proposed Rule will revise Chapter 11 of the Water Quality regulations to add freshwater ammonia criteria. LDEQ has the regulatory obligation to evaluate and adopt, where appropriate, federally recommended water quality criteria. This revision will adopt and clarify the applicability of freshwater ammonia criteria.

Proposed Date: August 20, 2023	Oversight Hearing:
Public Hearing: September 28, 2023 October 26, 2023	Withdrawn:
Final Date:	Substantive Changes:

**AQ392 - Repeal of LAC 33:III.506  
LAC 33:III.506**

On August 8, 2011, the United States Environmental Protection Agency (EPA) issued the Cross-State Air Pollution Rule (CSAPR) to address Clean Air Act requirements concerning interstate transport of air pollution and to replace the previous Clean Air Interstate Rule (CAIR), which the D.C. Circuit remanded to EPA for replacement. Per EPA's "Rulemaking to Amend Dates in Federal Implementation Plans Addressing Interstate Transport of Ozone and Fine Particulate Matter" promulgated on December 3, 2014, when CSAPR was implemented in 2015, CAIR sunset in compliance with the terms of the 2008 remand, effective December 31, 2014. Accordingly, LAC 33:III.506, which prescribes how CAIR annual NO<sub>x</sub> and ozone season NO<sub>x</sub> allowances are to be allocated and incorporates the federal SO<sub>2</sub> model Rule under 40 CFR 96 by reference, is no longer necessary. This Rule will repeal LAC 33:III.506 (Clean Air Interstate Rule Requirements).

Proposed Date: August 20, 2023	Oversight Hearing:
Public Hearing: September 28, 2023 October 26, 2023	Withdrawn:
Final Date: January 20, 2024	Substantive Changes:

**AQ395 - Part 70 State Revisions  
LAC 33:III.507 and 535**

The Part 70 state revision will affect two sections in LAC 33:III.Chapter 5. This Rule will grant permittees the option to use a statement of negative declaration. The negative declaration statement would certify continuous compliance with the requirements of the effective permit(s) during the reporting periods for the emission source(s) not listed in the table for the Title V Annual Compliance Certification form. A permittee's responsible official would certify the statement of negative declaration. LAC 33:III.535 Part 70 General Conditions K, M, and R will be revised to require use of an approved department form for submitting the Title V Semiannual Monitoring and the Title V Annual Compliance Certification forms and limit referencing of previously reported permit deviations. The LDEQ Air Enforcement Section of the Office of Environmental Compliance currently has Title V Semiannual Monitoring and Title V Annual Compliance Certification forms for optional use by a permittee. Permittees are not required by Rule or regulation to use the form. Currently, the Air Enforcement Section receives semiannual and annual compliance certification forms in multiple formats making compliance reviews burdensome. The proposed Rule change would require all permittees to use a standard form in an effort to expedite the compliance review process and grant the option of negative declaration for annual compliance certifications.

Proposed Date: September 20, 2023

Oversight Hearing:

Public Hearing: October 26, 2023

Withdrawn:

Final Date:

Substantive Changes:

**OS102 - Procedures  
LAC 33:I.2105.B**

The proposed changes to LAC 33:I.2105.B are intended to clarify the approval procedure for subscriber agreements as defined in LAC 33:I.2103.A. Previously, the approval procedure for subscriber agreements, as found in LAC 33:I.2105.B, differed from the definition of subscriber agreement, as found in LAC 33:I.2103.A. The proposed changes to LAC 33:I.2105.B are intended to bring such language into conformity.

Proposed Date: October 20, 2023

Oversight Hearing:

Public Hearing: November 28, 2023

Withdrawn:

Final Date: January 20, 2024

Substantive Changes:

**UT20 - UST Grant Program**  
**LAC 33:XI.Chapter 14**

This Rule provides financial assistance in the form of reimbursement grants to eligible private persons or entities with the costs necessary in upgrading and/or improving single wall underground storage tank systems to the standards outlined in LAC 33:XI.303. These proposed regulations establish requirements, procedures, and processes for owners of single wall underground storage tank systems registered with the department to be eligible for the grants. The adoption of the proposed regulations would assist in upgrading and/or improving single wall underground storage tank systems to a system that is more protective of the state's environment. During the 2022 Regular Session, House Bill 1035 was introduced to require the Louisiana Department of Environmental Quality to establish procedures to provide for reimbursement grants for upgrades and/or improvements to single wall underground storage tank (UST) systems. The department has documented numerous releases from single wall UST and upgrading these type of systems to the standards outlined in LAC 33:XI.303 will likely result in fewer releases and be more protective of the state's environment. House Bill 1035 was signed into law as Act No. 277.

Proposed Date: September 20, 2023

Oversight Hearing:

Public Hearing: October 26, 2023

Withdrawn:

Final Date: December 20, 2023

Substantive Changes:

**SW068 - Disposal of Coal Combustion Residuals**  
**LAC 33:VII.Chapter 10**

This Rule creates a new chapter in the regulations in order to combine existing state and federal requirements for coal combustion residual (CCR) landfills and/or surface impoundments in Louisiana. This new chapter will adopt by reference the federal CCR Rule promulgated by the Environmental Protection Agency (EPA) at 40 CFR 257 Subpart D, and will include existing state requirements for permitting and other existing state requirements for CCR units, including monitoring and financial assurance. Adoption of the federal Rule will allow LDEQ to obtain delegated authority from EPA for implementing the federal requirements and issuing required permits. Once the Rule is adopted and EPA has delegated authority, regulated CCR units will be able to receive a single permit from LDEQ to meet both programs. The Environmental Protection Agency (EPA) promulgated the Federal CCR Rule in April 2015, requiring federal regulations for facilities that operate CCR landfill and surface impoundments. In 2016, Congress passed the WIIN Act allowing states to manage CCR units under state permitting programs. In order to regulate the CCR units in Louisiana, new regulations are required for operating CCR units in the state.

Proposed Date: October 20, 2023

Oversight Hearing:

Public Hearing: November 28, 2023

Withdrawn:

Final Date:

Substantive Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:963.A.(2).]

**OS103 - Open Meetings via Electronic Means Policy  
LAC 33:I.Chapter 22**

This rule summarizes the LDEQ's obligations and limitations for announcing and holding public meetings and the process by which the LDEQ shall provide eligible requestors with accommodations in order to attend and participate in said meetings in person or remotely (via electronic means). Act 393 of the 2023 Regular Session requires the LDEQ, upon request, to provide accommodations to people with disabilities to enable them to participate in open meetings or open meetings delivered by electronic access.

Proposed Date: January 20, 2024  
Public Hearing: February 27, 2024  
Final Date:

Oversight Hearing:  
Withdrawn:  
Substantive Changes:

**HW125 - Delisting Exclusion of Solvents/EDC Process Wastewater Effluent and Solvents  
East Ditch Sediment from Hazardous Waste for the Dow Chemical Company,  
Plaquemine  
LAC 33:V.4999.Appendix E**

The proposed Rule will delist solvents/EDC process wastewater effluent and solvents east ditch sediment from certain EPA hazardous waste number categories and will establish monitoring conditions to maintain the delisting status. The proposed rulemaking will acknowledge LDEQ's acceptance of Dow's delisting exclusion petition submitted to fulfill a requirement in a Consent Agreement and Final Order (CAFO) with EPA issued per Docket No. RCRA-06-2010-0933. Prior to October 5, 2015, The Dow Chemical Company owned and operated the hazardous waste incinerator (F-700) in the solvents/EDC production unit, now owned and operated by Olin Corporation (Blue Cube Operations, LLC). A wet scrubber system treats incinerator combustion gas and generates an aqueous effluent waste that carries the same hazardous waste category numbers as the waste treated in the incinerator. The scrubber effluent waste discharges to a lined ditch and then to an unlined ditch (solvents east ditch) through an LPDES permitted point (Outfall 201). In accordance with the CAFO, Dow chose to pursue a waste delisting option under LDEQ oversight for both the solvents/EDC process wastewater effluent. and solvents east ditch sediment (in situ).

Proposed Date: January 20, 2024  
Public Hearing: February 27, 2024  
Final Date:

Oversight Hearing:  
Withdrawn:  
Substantive Changes: