NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Termination of Stage II Program

(LAC 33:III.2132.J.3)

Under the authority of the Louisiana 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.2132.J.3 (AQ404).

The proposed Rule modifies the wording of LAC 33:III.2132.J.3 for existing facilities that have Stage II vapor recovery equipment. It further clarifies that failure to properly decommission Stage II vapor recovery systems may subject affected facilities to enforcement action. The proposed Rule also replaces the stated enforcement actions of "requiring decommissioning of the stage II vapor recovery system" and "prohibition of the sale/dispensing of gasoline" with a reference to the penalties listed in LAC 33:III.2132.H.1. The basis and rationale for this proposed Rule are to reduce the financial impact on the regulated community by providing more time to comply ahead of enforcement actions. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known adverse impact on small business as described in R.S. 49:974.1 - 974.8. This Rule reduces the number of small businesses that will be subject to costly enforcement actions.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by AQ404. Such comments must be received no later than November 6, 2025, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed Rule can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ404. The proposed Rule is available on the Internet at https://deq.louisiana.gov/page/monthly-regulation-changes-2025%20.

**Public Hearing**

A public hearing will be held on October 30, 2025, 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 in person or online via Zoom at https://deqlouisiana.zoom.us/j/6836133613?omn=96029909881or by phone at (646) 255-1997 Meeting ID 683 613 3613. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

The proposed Rule is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Jill C. Clark

General Counsel

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter F. Gasoline Handling

§2132. Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities

A. — J.2. …

3. An existing facility with stage II vapor recovery equipment ~~shall~~may complete decommissioning of the stage II equipment ~~no later than 18 months from~~ at any time after EPA approval of the SIP revision in Paragraph 1 of this Subsection. The failure to properly and timely decommission a stage II vapor recovery system in accordance with this Subsection ~~shall be~~is a violation of the Act and these regulations and may be subject to an enforcement action, which may include ~~requiring decommissioning of the stage II vapor recovery system and/or the prohibition of the sale/dispensing of gasoline at the facility~~penalties as indicated in LAC 33:III.2132.H.1. Once the decommission of the stage II vapor recovery system has been completed in accordance with this Subsection, the facility is no longer subject to the requirements of this Section, except to comply with notifications, procedures, and recordkeeping associated with decommissioning.

J.4. — J.4.e.ii. …

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 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 29:558 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:1890 (September 2008), LR 34:2397 (November 2008), LR 37:1147 (April 2011), amended by the Office of the Secretary, Legal Division, LR 38:2752 (November 2012), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2138 (November 2017), LR 44:1242 (July 2018), amended by the Office of the Secretary, Legal Affairs Division, LR 51: