

**Laura Almond**

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**From:** Laura Almond  
**Sent:** Monday, November 13, 2023 1:56 PM  
**To:** apa.h-natr@legis.la.gov; apa.housespeaker@legis.la.gov;  
'apa.senatepresident@legis.la.gov'; apa.s-envq@legis.la.gov  
**Cc:** Roger Gingles; Jonathan McFarland; Courtney Burdette; Jill Clark; Deidra Johnson;  
William Little; Nathan Mills; Bryan Johnston  
**Subject:** Summary Report on AQ392  
**Attachments:** AQ392 Register Publication NOI.pdf

Tracking:	Recipient	Delivery	Read
	apa.h-natr@legis.la.gov		
	apa.housespeaker@legis.la.gov		
	'apa.senatepresident@legis.la.gov'		
	apa.s-envq@legis.la.gov		
	Roger Gingles	Delivered: 11/13/2023 1:56 PM	
	Jonathan McFarland	Delivered: 11/13/2023 1:56 PM	
	Courtney Burdette	Delivered: 11/13/2023 1:56 PM	
	Jill Clark	Delivered: 11/13/2023 1:56 PM	
	Deidra Johnson	Delivered: 11/13/2023 1:56 PM	
	William Little	Delivered: 11/13/2023 1:56 PM	Read: 11/13/2023 2:04 PM
	Nathan Mills	Delivered: 11/13/2023 1:56 PM	
	Bryan Johnston	Delivered: 11/13/2023 1:56 PM	

November 13, 2023

The Honorable Eddie Lambert, Chairman  
c/o Tyler McCloud, Attorney  
Senate Committee on Environmental Quality

The Honorable Jean-Paul Coussan, Chairman  
House Committee on Natural Resources and Environment  
c/o Committee Staff

**RE: Summary Report for Proposed Rule AQ392  
Repeal of LAC 33:III.506  
(LAC 33:III.506)  
Proposed on August 20, 2023**

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting a report regarding the above-referenced proposed rule, which was published in the *Louisiana Register*. Neither oral nor written comments were received. No changes have been made to the proposed rule since the report provided for in R.S. 49:966(B) was submitted. Attached is the Notice of Intent for informational purposes. The original proposed rule was previously provided to you and is not being resubmitted with this report.

***We would appreciate it if you would acknowledge receipt of this message by return email.*** Please contact Laura Almond at (225) 219-3981 if you have any questions regarding this material.

Sincerely yours,

Courtney J. Burdette  
Executive Counsel

Laura Almond  
Environmental Project Specialist  
Louisiana Department of Environmental Quality  
Legal Affairs Division  
(225) 219-3985

**Public Comments**

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on September 10, 2023.

Kathleen M. Allen  
Ethics Administrator

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

**RULE TITLE: Electronic Communication**

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

The proposed rule facilitates procedures for the Board of Ethics to send communications electronically and codifies the Board of Ethics rules in statute. Act 241 of the 2023 Regular Session added R.S. 42:1160, which requires the Board of Ethics to send communications electronically to a filing party who files a report through the Board of Ethics Computerized Data Management System.

The proposed rule will result in increased costs to the Board of Ethics of approximately \$1,570 in FY 24, which includes the cost to acquire software that will provide the electronic notices (\$1,250) and a one-time cost (\$320) to publish the Notice of Intent and the proposed rule in the State Register. Ongoing annual costs are estimated at \$1,250 for the required software.

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

The proposed rule will have no effect on revenue collections of state or local governmental units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

Parties filing reports through the Board of Ethics Computerized Data Management System may benefit from receiving electronic communications in addition to certified mail from the Board of Ethics, as they may be able to respond to such communications in a timelier manner.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule will have no effect on competition and employment.

Kristy Gary  
Deputy Ethics Administrator  
2308#033

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

Clean Air Interstate Rule Requirements  
(LAC 33:III.506)(AQ392)

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.506 (AQ392).

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). The basis and rationale for this Rule are to repeal LAC 33:III.506. 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.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 5. Permit Procedures**

**§506. Clean Air Interstate Rule Requirements**

Repealed.

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:1597 (September 2006), amended LR 33:1622 (August 2007), LR 33:2083 (October 2007), LR 34:978 (June 2008), LR 35:1107 (June 2009), LR 36:2272 (October 2010), repromulgated LR 36:2551 (November 2010), amended LR 37:2989 (October 2011), LR 38:1229 (May 2012), amended by the Office of the Secretary, Legal Division, LR 39:1276 (May 2013), LR 40:1334 (July 2014), LR 42:1085 (July 2016), repealed by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 49:

**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 impact on small business as described in R.S. 49:974.1 - 974.8.

**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 regulation. Persons commenting should reference this proposed regulation by AQ392. Such comments must be received no later than October 5, 2023, 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 or by fax (225) 219-4068 or by e-mail to DEQ.Reg.Dev.

Comments @la.gov. Copies of these proposed regulations 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 AQ392. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

### Public Hearing

A public hearing will be held via Zoom on September 28, 2023, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/86752253289?pwd=YWkwN1J0LzZ6N3NVcnUyTmJFZlplZz0>, password 436469 or by telephone by dialing 636-651-3182 using the conference code 725573. Should individuals with a disability need an accommodation in order to participate, contact William Little at the address given below or at (225) 219-3985.

These proposed regulations are 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; 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; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
Executive Counsel

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Clean Air Interstate Rule Requirements

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

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule. In light of EPA's replacement of the Clean Air Interstate Rule with the Cross-State Air Pollution Rule (CSAPR), the proposed rule repeals LAC 33:III.506, the Clean Air Interstate Requirement (CAIR). 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 current or necessary.

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

There is no estimated increase or decrease in revenues to state or local governmental units as a result of the proposed rule.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Courtney J. Burdette  
Executive Counsel  
2308#027

Patrice Thomas  
Deputy Fiscal Officer  
Legislative Fiscal Office

### NOTICE OF INTENT

#### Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Freshwater Ammonia Aquatic Life Criteria  
(LAC 33:IX.1105, 1109, 1113, 1115, and 1117)(WQ112)

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 Water Quality regulations, LAC 33:IX.1105, 1109, 1113, 1115, and 1117 (WQ112).

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. The basis and rationale for this proposed Rule are to conform to Section 303 of the Clean Water Act and to maintain and protect state waters. In accordance with R.S. 49:963(B)(1), a report regarding the environmental/health benefits and social/economic costs has been prepared and can be found on pages 1521-1523 of the August 20, 2023, *Louisiana Register*.

#### Title 33

#### ENVIRONMENTAL QUALITY

#### Part IX. Water Quality

#### Subpart 1. Water Pollution Control

#### Chapter 11. Surface Water Quality Standards

#### §1105. Definitions

*1Q10 Flow*—the minimum 1-day average stream flow with a recurrence level of once every 10 years.

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*30Q10 Flow*—the minimum 30-day average stream flow with a recurrence level of once every 10 years.

\*\*\*

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2074(B)(1).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2401 (December 1999), LR 26:2545 (November 2000), LR 29:557 (April 2003), LR 30:1473 (July 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:456 (March 2007), LR 33:827 (May 2007), LR 35:445 (March 2009), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), LR 42:736 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Divisions, LR 46:1545 (November 2020), LR 49:

#### §1109. Policy

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception classification, compliance schedules, variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

## Laura Almond

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**From:** Poynter Library <drplibrary@legis.la.gov>  
**To:** Laura Almond  
**Sent:** Monday, November 13, 2023 2:31 PM  
**Subject:** Read: Summary Report on AQ392

Your message

To: Poynter Library  
Subject: Summary Report on AQ392  
Sent: Monday, November 13, 2023 1:56:08 PM (UTC-06:00) Central Time (US & Canada)

was read on Monday, November 13, 2023 2:31:23 PM (UTC-06:00) Central Time (US & Canada).

## Laura Almond

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**From:** Tyler, Tom <tylert@legis.la.gov>  
**To:** Laura Almond  
**Sent:** Monday, November 13, 2023 2:31 PM  
**Subject:** Not read: Summary Report on AQ392

Your message

To: Tyler, Tom  
Subject: Summary Report on AQ392  
Sent: Monday, November 13, 2023 1:56:08 PM (UTC-06:00) Central Time (US & Canada)

was deleted without being read on Monday, November 13, 2023 2:31:21 PM (UTC-06:00) Central Time (US & Canada).

## Laura Almond

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**From:** Stalder, Robin <stalderr@legis.la.gov>  
**To:** Laura Almond  
**Sent:** Monday, November 13, 2023 2:10 PM  
**Subject:** Read: Summary Report on AQ392

Your message

To: Stalder, Robin  
Subject: Summary Report on AQ392  
Sent: Monday, November 13, 2023 1:56:08 PM (UTC-06:00) Central Time (US & Canada)

was read on Monday, November 13, 2023 2:10:00 PM (UTC-06:00) Central Time (US & Canada).

## Laura Almond

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**From:** APA - House Speaker <apa.housespeaker@legis.la.gov>  
**Sent:** Monday, November 13, 2023 1:56 PM  
**To:** Laura Almond  
**Cc:** APA - HOUSE SPEAKER  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*



## Laura Almond

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**From:** APA - Senate Environment <apa.s-envq@legis.la.gov>  
**Sent:** Monday, November 13, 2023 1:56 PM  
**To:** Laura Almond  
**Cc:** APA - Senate Environment  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** APA - House Natural Res <apa.h-natr@legis.la.gov>  
**Sent:** Monday, November 13, 2023 1:56 PM  
**To:** Laura Almond  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** APA - Senate President <APA.senatepresident@legis.la.gov>  
**Sent:** Monday, November 13, 2023 1:56 PM  
**To:** Laura Almond  
**Cc:** APA - Request Senate  
**Subject:** Request received

**EXTERNAL EMAIL:** Please do not click on links or attachments unless you know the content is safe.

### ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

*If your communication is unrelated to an APA required submission, it has been deleted.*

*If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.*

*If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.*

## Laura Almond

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**From:** William Little  
**To:** Laura Almond  
**Sent:** Monday, November 13, 2023 2:04 PM  
**Subject:** Read: Summary Report on AQ392

Your message

To: William Little  
Subject: Summary Report on AQ392  
Sent: Monday, November 13, 2023 1:56:08 PM (UTC-06:00) Central Time (US & Canada)

was read on Monday, November 13, 2023 2:04:13 PM (UTC-06:00) Central Time (US & Canada).

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Roger Gingles  
**Sent:** Monday, November 13, 2023 1:56 PM  
**Subject:** Delivered: Summary Report on AQ392

**Your message has been delivered to the following recipients:**

[Roger Gingles \(Roger.Gingles@la.gov\)](mailto:Roger.Gingles@la.gov)

Subject: Summary Report on AQ392



Summary Report  
on AQ392

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Bryan Johnston  
**Sent:** Monday, November 13, 2023 1:56 PM  
**Subject:** Delivered: Summary Report on AQ392

**Your message has been delivered to the following recipients:**

Bryan Johnston (Bryan.Johnston@LA.GOV)

Subject: Summary Report on AQ392



Summary Report  
on AQ392

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Deidra Johnson  
**Sent:** Monday, November 13, 2023 1:56 PM  
**Subject:** Delivered: Summary Report on AQ392

### Your message has been delivered to the following recipients:

[Deidra Johnson \(Deidra.Johnson@LA.GOV\)](mailto:Deidra.Johnson@LA.GOV)

Subject: Summary Report on AQ392



Summary Report  
on AQ392

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Nathan Mills  
**Sent:** Monday, November 13, 2023 1:56 PM  
**Subject:** Delivered: Summary Report on AQ392

**Your message has been delivered to the following recipients:**

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report on AQ392



Summary Report  
on AQ392



**Laura Almond**

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**From:** Microsoft Outlook  
**To:** Courtney Burdette  
**Sent:** Monday, November 13, 2023 1:56 PM  
**Subject:** Delivered: Summary Report on AQ392

**Your message has been delivered to the following recipients:**

Courtney Burdette (Courtney.Burdette@LA.GOV)

Subject: Summary Report on AQ392



Summary Report  
on AQ392

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Jonathan McFarland  
**Sent:** Monday, November 13, 2023 1:56 PM  
**Subject:** Delivered: Summary Report on AQ392

### Your message has been delivered to the following recipients:

Jonathan McFarland (Jonathan.McFarland@LA.GOV)

Subject: Summary Report on AQ392



Summary Report  
on AQ392

## Laura Almond

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**From:** Microsoft Outlook  
**To:** Jill Clark  
**Sent:** Monday, November 13, 2023 1:56 PM  
**Subject:** Delivered: Summary Report on AQ392

**Your message has been delivered to the following recipients:**

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report on AQ392



Summary Report  
on AQ392

**Laura Almond**

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**From:** Microsoft Outlook  
**To:** William Little  
**Sent:** Monday, November 13, 2023 1:56 PM  
**Subject:** Delivered: Summary Report on AQ392

**Your message has been delivered to the following recipients:**

[William Little \(William.Little@la.gov\)](mailto:William.Little@la.gov)

Subject: Summary Report on AQ392



Summary Report  
on AQ392