

Laura Almond

From: Laura Almond
Sent: Thursday, July 3, 2025 12:58 PM
To: 'apa.housespeaker@legis.la.gov'; 'apa.senatepresident@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.s-envq@legis.la.gov'
Cc: Courtney Burdette (DEQ); Jill Clark; Deidra Johnson; William Little; Nathan Mills
Subject: Summary Report for Proposed Rule AQ402
Attachments: AQ402noi.pdf; AQ402_Sum Resp Concise.pdf

July 3, 2025

The Honorable Eddie J. Lambert, Chairman
c/o Committee Staff
Senate Committee on Environmental Quality

The Honorable Brett F. Geymann, Chairman
House Committee on Natural Resources and Environment
c/o Committee Staff

**RE: Summary Report for Proposed Rule AQ402
Storage of Volatile Organic Compounds
(LAC 33:III.2103)
Proposed on April 20, 2025**

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*. 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 are computer files comprising the summary report along with a copy of the notice of intent. 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,

Jill C. Clark
General Counsel

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This concludes this transmission.

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

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.

Aurelia S. Giacometto
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Standards for the Use or Disposal of Sewage Sludge and Biosolids

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

There are no anticipated implementation costs (savings) to state or local governmental units. Changes will be implemented by existing staff.

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

There will be a decrease of approximately \$139,800 in the state general fund since the Sewage Sludge and Biosolids Use or Disposal Permits for LAJ650000 and out-of-state land applications will no longer be required.

Currently 143 LAJ650000 permits issued x \$600/year =
\$85,800

Currently 27 out-of-state permits issued x \$2,000 /year =
\$54,000

Total=\$139,800

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

There will be a benefit to directly affected persons, small business, and non-governmental groups with the promulgation of this rule. Any person, small business, or non-governmental groups currently permitted under the Sewage Sludge and Biosolids Use or Disposal Permit LAJ650000 or the Sewage Sludge and Biosolids Use or Disposal Permit for out-of-state land application will have an annual savings of \$600 and \$2,000, respectively. The LAJ650000 and out-of-state land application permits will no longer be required after the promulgation of this rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment.

Aurelia S. Giacometto
Secretary
2504#031

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Storage of Volatile Organic Compounds (LAC 33:III.2103) (AQ402)

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.2103.G (AQ402).

This Rule will clarify that storage vessels subject to recordkeeping requirements of New Source Performance Standards (NSPS) can meet the criteria for exemption from LAC 33:III.2103 under LAC 33:III.2103.G. On March 8, 2024, the U.S. Environmental Protection Agency promulgated new regulations for sources in the oil and natural gas sector (i.e., 40 CFR 60 Subpart OOOOb – Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022). 40 CFR 60.5365b(e) requires owners/operators of certain storage vessels that are not subject to the control requirements of Subpart OOOOb to keep “records of the potential for emissions calculation for the life of the storage vessel.”

Currently, storage vessels cannot be exempt from LAC 33:III.2103 if they are subject to NSPS. Because all new storage vessels storing crude oil or condensate and located at facilities in the crude oil and natural gas source category will now be subject to NSPS, the Rule will clarify that storage vessels cannot be exempt from LAC 33:III.2103 if they are subject to the control requirements of NSPS. The basis and rationale for this Rule are to clarify that storage vessels subject to recordkeeping requirements of NSPS such as 40 CFR 60 Subpart OOOOb can be exempt from LAC 33:III.2103. 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 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - F. ...

G. Exemptions. The provisions of this Section do not apply to:

1. existing and new storage tanks, located in any parish other than the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, used for crude oil or condensate and having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to the control requirements of New Source Performance Standards;

2. tanks 420,000 gallons (1,589,900 liters) or greater, located in any parish other than the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge, used to store produced crude oil or condensate prior to lease custody transfer unless such tanks are subject to the control requirements of New Source Performance Standards;

3. existing and new storage tanks in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge that are used for crude oil or condensate prior to lease custody transfer and that have a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to the control requirements of New Source Performance Standards;

G4. - J. ...

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), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007), LR 33:2085 (October 2007), LR 36:2271 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2751 (November 2012), amended by the Office of the Secretary, Legal Affairs Division, LR 51:

Family Impact Statement

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

Poverty Impact Statement

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

Small Business Analysis

This proposed Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

Provider Impact Statement

This proposed 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 AQ402. Such comments must be received no later than June 10, 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 AQ402. The proposed Rule is available on the Internet at <https://deq.louisiana.gov/page/rules-regulations>.

Public Hearing

A public hearing will be held on June 3, 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 via Zoom at <https://deqlouisiana.zoom.us/j/6836133613?omn=94258719092> or by telephone by dialing (646) 255-1997 using the 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.

Aurelia S. Giacometto
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Storage of Volatile Organic Compounds

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

There are no anticipated implementation costs or savings to state or local governmental units as a result of the proposed rule change.

The current rule (LAC 33:III.2103) outlines the protocol for the storage of volatile organic compounds. Owners of crude oil and condensate storage vessels that are not subject to New Source Performance Standards (NSPS) are exempt from LAC 33:III.2103. The U.S. Environmental Protection Agency (EPA) promulgated new regulations for sources in the oil and natural gas sector that require owners/operators of certain storage vessels not subject to the control requirements to keep "records of the potential for emissions calculation for the life of the storage vessel."

The proposed rule clarifies that owners of crude oil and condensate storage vessels will maintain exemption status from LAC 33:III.2103 unless the storage vessel is subject to New Source Performance Standards (NSPS) control requirements. New crude oil and condensate storage vessels (installed after December 6, 2022) that are subject to only record-keeping requirements of NSPS, will continue to be exempt from LAC 33:III.2103.

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

There are no changes in revenues to the state and local governmental units as a result of the proposed rule change.

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

There are no costs or economic benefits to DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR non-governmental groups as a result of the proposed rule change. Since these entities are already required to calculate their emissions and maintain their records, no new costs are anticipated.

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 change.

Aurelia S. Giacometto
Secretary
2504#041

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

**Comment Summary Response & Concise Statement –
Exemptions from LAC 33:III.2103 (Storage of Volatile Organic Compounds)
LAC 33:III.2103.G
Log Number AQ402**

COMMENT 1: The Proposed Rule maintains consistency with the federal regulations by exempting certain storage vessels from control requirements under the state requirements if not subject to NSPS control requirements.

NSPS OOOOb subjects certain storage vessels to recordkeeping only requirements. Based on NSPS applicability, these storage vessels would no longer qualify for exemption from LAC 33:III.2103 and would be subject to the control requirements of LAC 33:III.2103 at the state level despite not being subject to NSPS control requirements at the federal level. Under the Proposed Rule, the exemption under LAC 33:III.2103 is available to storage vessels that are not subject control requirements under NSPS. This aligns the state requirements with the federal rule. The Associations support this proposal.

FOR/AGAINST No arguments necessary; comment does not suggest amendment or change.

RESPONSE 1: LDEQ appreciates the support.

**Comment Summary Response & Concise Statement –
Exemptions from LAC 33:III.2103 (Storage of Volatile Organic Compounds)
LAC 33:III.2103.G
Log Number AQ402**

COMMENT #

SUGGESTED BY

1

Lauren J. Rucinski, Kean Miller LLP, on behalf of the
Louisiana Chemical Association (LCA) and the
Louisiana Mid-Continent Oil and Gas Association
(LMOGA)

Comments reflected in this document are repeated verbatim from the written
submittals.

Total Commenters: 1

Total Comments: 1

* indicates a fast-track regulation

Laura Almond

From: APA - House Speaker <apa.housespeaker@legis.la.gov>
Sent: Thursday, July 3, 2025 12:59 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 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

From: Watson, Dawn <watsond@legis.la.gov>
To: Laura Almond
Sent: Thursday, July 3, 2025 12:59 PM
Subject: Read: Summary Report for Proposed Rule AQ402

Your message

To: Watson, Dawn
Subject: Summary Report for Proposed Rule AQ402
Sent: Thursday, July 3, 2025 12:59:00 PM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, July 3, 2025 12:59:11 PM (UTC-06:00) Central Time (US & Canada).

Laura Almond

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Thursday, July 3, 2025 12:59 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

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Thursday, July 3, 2025 12:59 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 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

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Thursday, July 3, 2025 12:59 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

From: Microsoft Outlook
To: 'apa.housespeaker@legis.la.gov'; 'apa.senatepresident@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'apa.s-envq@legis.la.gov'
Sent: Thursday, July 3, 2025 12:59 PM
Subject: Relayed: Summary Report for Proposed Rule AQ402

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'apa.housespeaker@legis.la.gov' (apa.housespeaker@legis.la.gov)

'apa.senatepresident@legis.la.gov' (apa.senatepresident@legis.la.gov)

'apa.h-natr@legis.la.gov' (apa.h-natr@legis.la.gov)

'apa.s-envq@legis.la.gov' (apa.s-envq@legis.la.gov)

Subject: Summary Report for Proposed Rule AQ402



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Jill Clark
Sent: Thursday, July 3, 2025 12:59 PM
Subject: Delivered: Summary Report for Proposed Rule AQ402

Your message has been delivered to the following recipients:

Jill Clark (Jill.Clark@la.gov)

Subject: Summary Report for Proposed Rule AQ402



Summary Report
for Proposed Rule...

Laura Almond

From: Microsoft Outlook
To: Courtney Burdette (DEQ)
Sent: Thursday, July 3, 2025 12:59 PM
Subject: Delivered: Summary Report for Proposed Rule AQ402

Your message has been delivered to the following recipients:

Courtney Burdette (DEQ) (Courtney.Burdette@LA.GOV)

Subject: Summary Report for Proposed Rule AQ402



Summary Report
for Proposed Rule...

Laura Almond

From: Microsoft Outlook
To: William Little
Sent: Thursday, July 3, 2025 12:59 PM
Subject: Delivered: Summary Report for Proposed Rule AQ402

Your message has been delivered to the following recipients:

William Little (William.Little@la.gov)

Subject: Summary Report for Proposed Rule AQ402



Summary Report
for Proposed Ru...

Laura Almond

From: Microsoft Outlook
To: Deidra Johnson
Sent: Thursday, July 3, 2025 12:59 PM
Subject: Delivered: Summary Report for Proposed Rule AQ402

Your message has been delivered to the following recipients:

Deidra Johnson (Deidra.Johnson@LA.GOV)

Subject: Summary Report for Proposed Rule AQ402



Summary Report
for Proposed Rule...

Laura Almond

From: Microsoft Outlook
To: Nathan Mills
Sent: Thursday, July 3, 2025 12:59 PM
Subject: Delivered: Summary Report for Proposed Rule AQ402

Your message has been delivered to the following recipients:

Nathan Mills (Nathan.Mills@LA.GOV)

Subject: Summary Report for Proposed Rule AQ402

