

DEQ ACTIONS
UPDATED: March 1, 2021

The following is a summary of actions taken by the Department of Environmental Quality with respect to adoption, amendment, or repeal of proposed rules and of actions taken by the agency with respect to adoptions, increases, or decreases. Included are actions taken January 1, 2020, to March 31, 2021.

Proposed dates are those on which the notice of intended action was published in the Louisiana Register pursuant to La. R.S. 49:953. Public hearing dates are those on which the agency held public hearings pursuant to La. R.S. 49:953. Oversight hearing dates are those on which oversight hearings were conducted pursuant to La. R.S. 49:968. Final dates are those on which the actions were published in the Louisiana Register pursuant to La. R.S. 49:954.

WQ104 – LPDES Application and Program Updates (LAC 33:IX.2501, 2707, 3113, 3705)

The purpose of this Rule is to provide revisions to the Louisiana Pollutant Elimination System (LPDES) permitting regulations. Federal regulations, which became effective June 12, 2019, were updated to promote submission of complete permit applications and clarify regulatory requirements.

Proposed Date: February 20, 2020	Oversight Hearing:
Public Hearing: April 28, 2020	Withdrawn:
Final Date: June 20, 2020	Substantive Changes:

OS098 – Written Notification Procedures (LAC 33:I.3925)

The proposed Rule adds an additional method of submittal of written reports for any unauthorized discharge that requires notification under LAC 33: I.3915.A, 3917, 3919, or 3923. LAC 33:I.3925.A.1 and 2 currently allow written notifications to be delivered via U.S. mail, courier service, or other means. This Rule adds email as an additional submittal method for written notifications to the department.

Proposed Date: March 20, 2020	Oversight Hearing:
Public Hearing: April 28, 2020	Withdrawn:
Final Date: July 20, 2020	Substantive Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]

HW124 – Hazardous Waste Generator Improvements Rule (LAC 33:V.105, 108, 109, 110, 301, 305, 311, 321, 329, 501, 1001, 1003, 1005, 1007, 1009, 1011, 1013, 1015, 1017, 1019, 1021, 1023, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039, 1041, 1043, 1045, 1047, 1049, 1051, 1053, 1055, 1057, 1059, 1061, 1063, 1065, 1067, 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1121, 1127, 1199, 1301, 1305, 1309, 1319, 1501, 1509, 1513, 1516, 1529, 1705, 1709, 1713, 1717, 1802, 1901, 1903, 1905, 1907, 1909, 1915, 2101, 2109, 2117, 2201, 2205, 2245, 2246, 2249, 2317, 2523, 2604, 2723, 2805, 2917, 3001, 3003, 3017, 3121, 3513, 3515, 3801, 3805, 3821, 3829, 3843, 3851, 3867, 3873, 3883, 4003, 4007, 4013, 4035, 4049, 4069, 4105, 4141, 4143, 4145, 4217, 4301, 4317, 4385, 4438, 4501, 4549, 4561, 4901, 4907, 5101, 5121, and 5307)

The proposed Rule adopts the federal Generator Improvements Rule which amends the hazardous waste program as relating to generators. A summary of the revisions are as follows: reorganizes the regulations to make them more user-friendly, provides a better understanding of the program, addresses regulatory gaps to strengthen environmental protection, provides greater flexibility for generators to manage hazardous waste, and makes corrections to address inadvertent errors and remove obsolete references. The proposed Rule will also provide additional clarification and updates specific to the hazardous waste program in Louisiana. Louisiana is authorized by the U.S. Environmental Protection Agency (EPA) to administer the hazardous waste program under Subtitle C of the Resource Conservation and Recovery Act. One requirement for retaining authorization is to maintain state hazardous waste regulations so that they are equivalent to or more stringent than corresponding federal regulations. This includes adoption of the Generator Improvements Rule published on November 28, 2016.

Proposed Date: March 20, 2020
Public Hearing: April 28, 2020
Final Date: July 20, 2020

Oversight Hearing:
Withdrawn:
Substantive
Changes:

HW128 – Repeal of Definition of Treatment (LAC 33:V.2203)

This Rule will repeal the definition of treatment in Section 2203 of the Hazardous Waste Regulations. The U.S. EPA conducts periodic reviews of the Louisiana Hazardous Waste regulations in order to verify that they are as stringent, or more stringent, than the equivalent federal regulations. This equivalency is a requirement of LDEQ maintaining an authorized hazardous waste regulator program under the oversight of EPA. In response to a recent review, LDEQ was notified that the definition of treatment needed to be removed to maintain this equivalency with federal regulations.

Proposed Date: April 20, 2020
Public Hearing: May 29, 2020
Final Date: July 20, 2020

Oversight Hearing:
Withdrawn:
Substantive
Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]

AQ381ft – 2019 Annual Incorporation by Reference of Certain Federal Air Quality Regulations (LAC 33:III.505, 507, 2160, 3003, 5116, 5122, 5311 and 5901)

This rule incorporates by reference (IBR) into the Louisiana Administrative Code (LAC), Title 33, Part III, Air, the following federal regulations included in the July 1, 2019, edition of the Code of Federal Regulations (CFR): 40 CFR Parts 51, Appendix M, 60, 61, 63, 68, 70.6(a) and 96. Any exception to the IBR is explicitly listed in the rule. The rule updates the references to July 1, 2019, for Standard of Performance for New Stationary Sources, 40 CFR Part 60. It also updates the references to July 1, 2019, for the National Emission Standards for Hazardous Air Pollutants (NESHAP) and for NESHAP for Source Categories, 40 CFR Part 61 and 63. In order for Louisiana to maintain equivalency with federal regulations, certain regulations in the most current Code of Federal Regulations, July 1, 2019, must be adopted into the Louisiana Administrative Code (LAC). This rulemaking is also necessary to maintain delegation authority granted to Louisiana by the Environmental Protection Agency.

Proposed Date: April 20, 2020
Public Hearing: May 29, 2020
Final Date: July 20, 2020

Oversight Hearing:
Withdrawn:
Substantive
Changes:

WQ106 – Cross Lake and Cross Bayou Stream Descriptions (LAC 33:IX.1123, Table 3)

The proposed Rule will include a revision to the stream descriptions to include tributaries for Cross Bayou and Cross Lake, Subsegment Codes 100309 and 100310, in Table 3 of LAC 33:IX.1123. The rulemaking is necessary so that tributaries in the Louisiana portion of the Cross Lake watershed have the "drinking water supply" designation applied. Cross Lake is the City of Shreveport's drinking water source. Cross Lake is fed by several very small tributaries within its 256 square mile watershed area. Cross Lake essentially does not have any constant flowing sources into its watershed, so the lake relies almost exclusively upon rainfall events for replenishment. During prolonged dry weather conditions, it is not unusual for there to be virtually no natural flow into the lake from its tributaries. Under the circumstances described here, contaminants discharged into any of Cross Lake's tributaries can potentially have a direct and disproportionately significant impact on the lake, in some cases virtually no different from a direct discharge to the lake itself. Cross Lake and Cross Bayou are designated as "drinking water supply" in Table 3 of LAC 33:IX:1123. LAC 33:IX.111 l(A) states that the drinking water supply designation does not apply to a designated water body's tributaries "unless so specified". Because tributaries are not specified in the stream descriptions for Cross Lake and Cross Bayou, the drinking water supply designation does not currently apply to tributaries in those subsegments.

Proposed Date: May 20, 2020
Public Hearing: June 25, 2020
Final Date: August 20, 2020

Oversight Hearing:
Withdrawn:
Substantive
Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]

AQ387ft – Revisions to the Petition Provisions of the Part 70 Operating Permits Program (LAC 33:III.531 and 533)

On February 5, 2020, the Environmental Protection Agency (EPA) revised its regulations to streamline and clarify processes related to submission and review of Title V petitions. This Rule will incorporate the relevant provisions of the federal rule into LAC 33:III.531 and 533. Most notably, the Rule will require LDEQ to provide EPA with a written response to significant comments received on proposed Title V permit actions in order to commence EPA’s 45-day review period described in LAC 33:III.533.C. LDEQ’s Part 70 operating permits program, which is codified in LAC 33:III.507 and several other sections of LAC 33:III.Chapter 5, must conform to the minimum requirements of 40 CFR Part 70 (State Operating Permit Programs). Per 40 CFR 70.1, “[t]hese regulations define the minimum elements required by the Act for State operating permit programs.” 40 CFR 70.4(i) allows a state with an approved Part 70 operating permits program, like Louisiana, to initiate a program revision when relevant federal regulations are modified or supplemented.

Proposed Date: June 20, 2020
Public Hearing: July 29, 2020
Final Date: October 20, 2020

Oversight Hearing:
Withdrawn:
Substantive
Changes:

AQ389ft – 2020 Annual Incorporation by Reference of Certain Federal Air Quality Regulations (LAC 33:III.505, 507, 2160, 3003, 5116, 122, 5311, and 5901)

In order for Louisiana’s air quality regulations to remain equivalent to federal air quality regulations, certain regulations in the most current Code of Federal Regulations (CFR) must be incorporated in the Louisiana Administrative Code (LAC). This rulemaking is also necessary to maintain LDEQ’s authority to implement, administer, and enforce standards delegated to Louisiana by the Environmental Protection Agency. LAC Title 33, Part III incorporates by reference (IBR) a number of federal regulations in 40 CFR Parts 60, 61, 63, 68, and 72 as well as 40 CFR 70.6(a) and 40 CFR 51, Appendix M – as they existed in the CFR on July 1, 2019. Any exceptions and/or modifications to the IBR are explicitly prescribed in LAC 33:III. This Rule updates the date reference of the federal regulations incorporated to July 1, 2020.

Proposed Date: December 20, 2020
Public Hearing: January 27, 2021
Final Date: March 20, 2021

Oversight Hearing:
Withdrawn:
Substantive
Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]

AQ388 – Recovery Furnaces (LAC 33:III.2301)

Currently, owners or operators of recovery furnaces located at pulp and paper mills are required to conduct annual performance tests to demonstrate compliance with the particulate matter (PM) limitation of LAC 33:III.2301.D.1.a (i.e., 4.0 pounds per equivalent pulp ton). These recovery furnaces are also subject to more stringent federal standards for PM under 40 CFR 63 Subpart MM and the associated performance testing and monitoring requirements set forth therein. In order to reduce compliance costs for owners or operators of recovery furnaces, the frequency of the performance tests required by LAC 33:III.2301.D.4.b.ii will be reduced from annually to once every five years. LAC 33:III.2301.E, promulgated on October 20, 2006, already provides an exemption from the TRS limitations of LAC 33:III.2301.D.3 for recovery furnaces subject to 40 CFR 60 Subpart BB (Standards of Performance for Kraft Pulp Mills). This Rule will expand this exemption to recovery furnaces subject to Subpart BBa, promulgated April 4, 2014. Like Subpart BB, Subpart BBa establishes TRS standards that are equivalent to or more stringent than those set forth in LAC 33:III.2301.D.3. Likewise, 40 CFR 63 Subpart MM establishes opacity standards for recovery furnaces that are more stringent than that provided by LAC 33:III.2301.D.4.a. While the federal standards apply only to recovery furnaces equipped with an electrostatic precipitator (ESP), a determination of opacity from furnaces controlled using a wet scrubber or combination ESP/wet scrubber is generally not possible due the presence of uncombined water in the flue gas discharge.

Proposed Date: June 20, 2020
Public Hearing: July 29, 2020
Final Date: September 20, 2020

Oversight Hearing:
Withdrawn:
Substantive
Changes:

WQ107ft – 2020 Annual Incorporation by Reference of Certain Water Quality Regulations (LAC 33:IX.4901 and 4903)

This Rule updates the reference dates for 40 CFR Part 136, guidelines Establishing Test Procedures for the Analysis of Pollutants, and 40 CFR Chapter I, Subchapter N, Parts 401, 405-471, Effluent Guidelines and Standards in LAC 33:IX.4901 and 4903. This Rule will incorporate the recently updated federal regulations into Louisiana’s water quality regulations. This revision increases the enforceability of Louisiana Pollutant Discharge Elimination System (LPDES) permits that include EPA approved analytical methods and effluent limitation guidelines. The published edition of the 40 CFR is updated on July 1 of every calendar year; therefore, this Rule will incorporate the date of July 1, 2020.

Proposed Date: December 20, 2020
Public Hearing: January 27, 2021
Final Date: March 20, 2021

Oversight Hearing:
Withdrawn:
Substantive
Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]