

Laura Almond

From: Laura Almond
Sent: Thursday, November 4, 2021 3:12 PM
To: 'apa.housespeaker@legis.la.gov'; 'apa.h-natr@legis.la.gov';
'apa.senatepresident@legis.la.gov'; 'apa.s-envq@legis.la.gov'
Cc: Chuck Brown; Bijan Sharafkhani; Courtney Burdette; Deidra Johnson; Daniel Cheatham;
Mike Hahn; Amy Troxler
Subject: Summary Report for HW128ft
Attachments: HW128ft Notice of Intent.docx

Tracking:	Recipient	Delivery
	'apa.housespeaker@legis.la.gov'	
	'apa.h-natr@legis.la.gov'	
	'apa.senatepresident@legis.la.gov'	
	'apa.s-envq@legis.la.gov'	
	Chuck Brown	Delivered: 11/4/2021 3:12 PM
	Bijan Sharafkhani	Delivered: 11/4/2021 3:12 PM
	Courtney Burdette	Delivered: 11/4/2021 3:12 PM
	Deidra Johnson	Delivered: 11/4/2021 3:12 PM
	Daniel Cheatham	Delivered: 11/4/2021 3:12 PM
	Mike Hahn	Delivered: 11/4/2021 3:12 PM
	Amy Troxler	Delivered: 11/4/2021 3:12 PM

November 4, 2021

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 HW128ft
Conditional Exclusion for Carbon Dioxide (CO2) Streams in Geologic Sequestration
Activities
(LAC 33:V.105 and 109)
Proposed on September 20, 2021**

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. 49:968(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
General Counsel

This concludes this transmission.

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

NOTICE OF INTENT

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

Conditional Exclusion for Carbon Dioxide (CO₂) Streams in Geologic Sequestration Activities (LAC 33:V.105 and 109) (HW128ft)

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 Hazardous Waste regulations, LAC 33:V.105 and 109 (Log #HW128ft).

This Rule is identical to federal regulations found in 40 CFR Part 260.10 and 261.4(h), which are applicable in Louisiana. For more information regarding the federal requirement, contact Deidra Johnson at (225) 219-3985. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This rulemaking adopts the federal Rule published by the U.S. Environmental Protection Agency on January 3, 2014. The proposed Rule revises the regulations for hazardous waste management under the Resource Conservation and Recovery Act (RCRA) to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control Class VI wells regulated under the Safe Drinking Water Act for purposes of geologic sequestration, and meet certain other conditions. The management of these CO₂ streams, when meeting certain conditions, does not present a substantial risk to human health or the environment, and therefore additional regulation pursuant to hazardous waste regulations is unnecessary.

Geologic sequestration is the process of injecting CO₂ captured from an emission source into deep subsurface rock formations in order to isolate the CO₂ permanently. Geologic sequestration is a key component of carbon capture and storage, which is a set of climate change mitigation technologies. This Rule will substantially reduce the uncertainty associated with identifying these CO₂ streams under RCRA subtitle C, and will also facilitate the deployment of geologic sequestration by providing additional regulatory certainty. The basis and rationale for this Rule are to mirror the federal regulations. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(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 impact on small business as described in R.S. 49:978.1 - 978.8.

Provider Impact Statement

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

Public Hearing

A public hearing will be held via Zoom on October 27, 2021, at 1:30 p.m. Interested persons are invited to attend and submit oral comments PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/9373792954> 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 Deidra Johnson at the address given below or at (225) 219-3985.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW128ft. Such comments must be received no later than October 27, 2021, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations 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. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW128ft. This regulation is available on the Internet at <https://www.deq.louisiana.gov/page/monthly-regulation-changes-2021%20>.

This proposed regulation is available for inspection at the following DEQ 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
General Counsel

Laura Almond

From: APA - House Speaker <apa.housespeaker@legis.la.gov>
Sent: Thursday, November 4, 2021 3:13 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

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Thursday, November 4, 2021 3:13 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.

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Laura Almond

From: APA - Senate President <APA.senatepresident@legis.la.gov>
Sent: Thursday, November 4, 2021 3:13 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

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Thursday, November 4, 2021 3:13 PM
To: Laura Almond
Cc: APA - Senate Environment
Subject: Request received

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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.