

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Division

Toxic Emissions Reporting Requirements
(LAC 33:III.5301, 5303 and 5307) (AQ333)

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.5301, 5303 and 5307. (AQ333).

This Rule eliminates reporting requirements for several hundred dry cleaning operators, electroplaters and solvent users. The regulation is outdated. There is no longer a need for dry cleaning operators, electroplaters and solvent users to continue to make the reports in the regulation which originally was in place to collect information for the Periodic Emissions Inventory DEQ sends to EPA. There are now newer, better emissions estimation tools that are used, therefore there is no longer a need for these businesses to continue to report.. The basis and rationale for this Rule is to update reporting requirements. 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.

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

A public hearing will be held on September 26, 2012, 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 and submit oral comments on the proposed amendments. 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. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ333. Such comments must be received no later than October 3, 2012, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations 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 AQ333. These proposed regulations are available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These proposed regulations are 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.

Herman Robinson, CPM
Executive Counsel

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter A. Toxic Emissions Reporting Requirements

§5301. Applicability

A. ~~The provisions of this Subchapter apply to *area sources* as defined in LAC 33:III.5103 which belong to the following categories of facilities and which use the chemicals listed for that category:~~

- ~~1. chromic acid anodizing processes using chromium and chromium compounds;~~
- ~~2. commercial dry cleaning, transfer machines using perchloroethylene;~~
- ~~3. commercial dry cleaning, dry to dry machines using perchloroethylene;~~
- ~~4. commercial sterilization facilities using ethylene oxide, including but not limited to medical equipment suppliers, pharmaceutical manufacturers, health related industry facilities, spice manufacturers/processors, contract sterilizers, libraries, museums and archives, laboratories, and state agricultural offices;~~
- ~~5. decorative chromium electroplating using chromium and chromium compounds;~~
- ~~6. halogenated solvent cleaners using 1,1,1 trichloroethane, perchloroethylene, methylene chloride, and trichloroethylene; or~~
- ~~7. hard chrome electroplating using chromium and chromium compounds.~~

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 20:430 (April 1994), amended LR 23:63 (January 1997), repealed by the Office of the Secretary, Legal Affairs Division, LR 38:**.

§5303. Exemptions

A. ~~Facilities that belong to a listed category but are classified as major sources or are located at *major sources* as defined in LAC 33:III Chapter 51 are exempt from this Chapter.~~

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 20:431 (April 1994), repealed by the Office of the Secretary, Legal Affairs Division, LR 38:**.

§5307. Reporting Requirements

A. ~~An initial emissions inventory report is due on or before October 1, 1994, from the facilities within the specified categories that use the listed chemical(s) pursuant to LAC 33:III.5301. The report shall be submitted on a form or in an electronic format specified by the department to the Department of Environmental Quality, and include the following information:~~

- ~~1. the company's name, physical address, mailing address, city and parish location, zip code, and site phone number;~~
 - ~~2. the company's main or corporate office if other than the site location, street address, mailing address, city and parish, zip code, and office phone number;~~
 - ~~3. the name of the contact who will be responsible for liaison with the department;~~
 - ~~4. the category of the facility and the toxic air pollutant(s) emitted as listed in LAC 33:III.5112, Table 51.1 or 51.3 and chemical(s) listed in LAC 33:III.5301 that are used at the facility;~~
 - ~~5. the emissions of toxic air pollutants for the previous calendar year from operations, accidents, and any other event(s) where emissions are generated;~~
 - ~~6. the quantity of the listed chemical(s) consumed at the facility for the previous calendar year;~~
- ~~and~~
- ~~7. a statement clarifying the extent and accuracy of the submitted report.~~

B. ~~Subsequent reports will be due on or before July 1 of each year. The report shall be submitted to the Office of Environmental Assessment and include the information requested in Subsection A of this Section for the preceding calendar year.~~

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 20:431 (April 1994), amended by the Office of Environmental

PROPOSED/AUGUST 20, 2012

AQ333

Assessment, Environmental Planning Division, LR 26:2464 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2450 (October 2005), LR 33:2096 (October 2007), repealed, LR 38:**.

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

LOG #: AQ333

Person

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Return

Address: Department of Environmental Quality
602 North 5th Street
Baton Rouge, LA 70802

Rule

Title: Toxics Emissions Reporting
Requirements (LAC:33, III 5301, 5303 and
5307

Date Rule

Takes Effect: Upon Promulgation

SUMMARY

(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

The proposed rule change may result in a minor indeterminable cost savings to the Department of Environmental Quality (DEQ). The proposed administrative rule eliminates the Toxic Emissions Reporting Requirements that will impact dry cleaning operators, electroplaters and solvent users.

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

There is no anticipated direct material effect on state and local governmental revenues as a result of the proposed rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change will likely result in an indeterminable economic benefit to approximately 100 dry cleaning operators, electroplaters and solvent users as these facilities will no longer be required to submit the Toxic Emissions Report to the department.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment as a result of the proposed rule change.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule eliminates reporting requirements for several hundred dry cleaning operators, electroplaters, and solvent users.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

The existing rule was put in place to gather solvent usage information that the DEQ used to compile required emissions reports to the EPA. Advances in data collection and estimation tools no longer rely on this self reported information; therefore the DEQ no longer needs to collect information from these businesses.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

There is no expenditure increase as a result of this proposed rule.

(2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) ___ Yes. If yes, attach documentation.
(b) ___ No. If no, provide justification as to why this rule change should be published at this time.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

There is no anticipated increase or decrease in costs to implement this proposed action.

COSTS	FY12-13	FY13-14	FY14-15
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
<u>TOTAL</u>	0	0	0
<u>MAJOR REPAIR & CONSTR</u>	0	0	0
<u>POSITIONS (#)</u>	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There are negligible reductions in paperwork management by DEQ staff as a result of this proposed rule.

3. Sources of funding for implementing the proposed rule or rule change.

There is no funding required to implement this proposed rule.

SOURCE	FY12-13	FY13-14	FY14-15
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
DEDICATED			
FEDERAL FUNDS			
OTHER (Specify)			
<u>TOTAL</u>	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The proposed rule will not require additional funds to implement.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data,

assumptions and methods used in calculating this impact.

There are negligible reductions in paperwork management by DEQ staff as a result of this proposed rule. No impacts are expected to local governments.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

No impacts are expected to local governments.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

There is no increase or decrease in revenues anticipated from the proposed action.

REVENUE INCREASE/DECREASE	FY12-13	FY13-14	FY14-15
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS			
LOCAL FUNDS			
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule will not impact revenues for any state or local government.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule change has positive impacts on several hundred dry cleaning operators, electroplaters, and solvent users by removing reporting requirements.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule will have a positive impact on expenses incurred by these small businesses as a result of removing the DEQ reporting requirements.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule change has positive impacts on up to several hundred dry cleaning operators,

electroplaters, and solvent users by removing reporting requirements. No effects on competition or employment are expected.