

## SECTION 4

# CONTINGENCY PLAN



## SECTION 4

### Contingency Plan

#### Contingency Implementation

Maintenance plans, under Section 175A of the CAA (Clean Air Act), include contingency measures to promptly address any violation of the national ambient air quality standards (NAAQS) that occurs. The contingency plan ensures that the contingency measures are adopted expeditiously once they are triggered.

The contingency plan for the ozone maintenance area is triggered upon monitoring a violation of the 8-hour ozone standard. Implementation of contingency measures will occur within 24 months of the triggering event.

Implementation of the contingency plan involves analysis of data to determine the cause of the violation. If, after this analysis is complete, the state determines that the violation was caused by events that can be controlled within the state's jurisdiction through regulatory actions, the state will determine the appropriate measures for implementation in the area and implement such measures within the 24 month period suggested by EPA guidance.

Determination of the appropriate contingency measure(s) for implementation will involve the following actions:

- Identification of potential sources for emission reductions;
- Identification/evaluation of prospective control measures;
- Initiation of stakeholder process; and
- Implementation of contingency measures through promulgation of appropriate control rules adhering to public notice and comment requirement

#### Contingency Measures Plan

In this state implementation plan (SIP) revision, LDEQ is submitting a contingency measures plan as part of the maintenance plan for the Baton Rouge nonattainment area (BRNA). The contingency requirement is three percent of the 2002 adjusted base year inventory. Since EPA guidance allows the use of either reductions of volatile organic compounds (VOC), or oxides of nitrogen (NO<sub>x</sub>) to satisfy the contingency requirement, LDEQ has chosen to rely on NO<sub>x</sub> reductions to meet the contingency measures requirement. **For satisfying the contingency measures requirement LDEQ will extend the applicability of the state's NO<sub>x</sub> control rule to include the months of April and October of each year.**

Chapter 22 in LAC 33:III, *Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>)*, that was promulgated in February 2002 (LR 28:290), sets emission factors for various categories of equipment in the BRNA. The regulation requires controls on boilers, heaters, furnaces, turbines, and internal combustion engines. In order to bring the area into attainment, the control requirements were selected to be more stringent than reasonably available control technology (RACT) requirements. The following table shows the requirements of the rule.

**Table 1: Chapter 22 Emission Factors**

<b>Equipment Category</b>	<b>Maximum Rated Capacity</b>	<b>Chapter 22 Requirement</b>
<b><u>Utility Boilers</u></b>		
Coal-Fired	<b><u>MMBtu/Hour</u></b> >/= 40 to <80	<b><u>Pound/MMBtu</u></b> 0.50
	>/=80	0.21
Oil-Fired	>/= 40 to <80	0.30
	>/=80	0.18
All Others (gas or liquid)	>/= 40 to <80	0.20
	>/=80	0.10
<b><u>Industrial Boilers</u></b>		
	>/= 40 to <80	0.20
	>/=80	0.10
<b><u>Process Heaters/Furnaces</u></b>		
Ammonia Reformers	>/=40 to <80	0.30
	>/=80	0.23
All Others	>/= 40 to <80	0.18
	>/=80	0.08
<b><u>Stationary Gas Turbines</u></b>		
Peaking Service, Oil-Fired	<b><u>MW</u></b> >/= 5 to <10	<b><u>Pound/MMBtu</u></b> 0.37
	>/=10	0.30
Peaking Service, Gas-Fired	>/= 5 to <10	0.27
	>/=10	0.20
All Others	>/= 5 to <10	0.24
	>/=10	0.16
<b><u>Stationary Internal Combustion Engines</u></b>		
Lean-Burn	<b><u>Hp</u></b> >/=150 to <320	<b><u>Grams/Hp-Hour</u></b> 10
	>/=320	4
Rich-Burn	>/=150 to <300	2
	>/=300	2

Currently, the provisions of Chapter 22 apply during the ozone season (May 1 to September 30) of each year. Approximately 200 facilities in the BRNA are affected. All affected facilities were required to be in compliance by no later than May 1, 2005.

The impact of Chapter 22 provisions on NOx emissions in the BRNA can be estimated by comparing the 2002 and 2006 point source inventories and adjusting for new and shutdown facilities. The 2002 and 2006 NOx point source inventories along with new and shutdown facilities information are detailed in the appendix. Table 2 below provides a summary.

**Table 2: Summary of Chapter 22 Estimated NOx Reductions**

Description	NOx Emissions, TPD
1. Certified 2002 Point Source Emissions	116.4
2. Facilities Shutdown by 2006	0.7
3. Adjusted 2002 Inventory Relative to 2006 (1 – 2)	115.7
4. Certified 2006 Point Source Emissions	71.5
5. New Facilities by 2006	0.8
6. Adjusted 2006 Inventory (4 - 5)	70.7
7. Reductions Due to Chapter 22 (3 – 6)	45.0

### Contingency Measures Calculation

As stated above, LDEQ will extend the applicability of Chapter 22 to include the months of April and October of each year. This is appropriate since in the years 2003 to 2008, there were 17 ozone exceedance days during April and October. In the same six-year period, there were only three ozone exceedance days in the other five months – January, February, March, November, and December. Reducing NOx emissions during April and October will further reduce the incidence of high ozone days in BRNA.

The ratio of the number of days in the new, 7-month ozone season to the number of days in the current, 5-month ozone season can be used to provide a reasonable estimate of the amount of NOx emission reductions that can be expected if the contingency measures are triggered. The calculation follows:

May – September Days	153
April – October Days	214
Additional Controlled Days	61
Reductions from Chapter 22	40 TPD (*)
<b>Estimated Contingency Reductions</b>	<b>15.9 TPD</b> ((61/153)*40)

(\*) Actual is 45 TPD; used 40 TPD as a conservative measure.

EPA guidance states that the contingency measures must be equal to three percent of the 2002 adjusted base year inventory. From Section B.4 of the SIP RFP document, this inventory is 193.3 TPD. Three percent times this inventory is equal to 5.8 TPD. Table 3 below summarizes the calculation.

**Table 3: Maintenance Plan Contingency Demonstration**

Description	NOx, TPD
2002 Adjusted NOx Base Year Inventory Relative to 2008 (RFP – Section B.4)	193.3
Maintenance Plan Contingency Requirement, 3%	5.8
Estimated Reduction from Contingency Measure	15.9
Are Estimated Reductions Greater than the Contingency Requirement?	Yes
<b>Contingency Excess</b>	<b>10.1</b>

The contingency requirement is met and there is an excess in estimated reductions of 10.1 TPD.

## **Section 4 Appendix**

### **Certified NOx Pollutant Emissions (tpy) by Facility**

**Appendix - Certified NOx Pollutant Emissions (in tons per year) by Facility**

Parish	AI #	2002 Company/Facility Name	2006 Company/Facility Name	2002 NOx	2006 NOx
ASCENSION	529	UNIVAR USA, INC/GEISMAR	Univar USA - Geismar Facility	0.0	0.0
ASCENSION	1093	MONOCHEM INC/GEISMAR FACILITY	LC Geismar Services LLC - Geismar Facility	392.0	203.9
ASCENSION	1136	SHELL CHEMICAL LP/GEISMAR PLANT	Shell Chemical Co - Geismar Plant	739.0	626.9
ASCENSION	1138	WESTLAKE VINYLs COMPANY LP/GEISMAR SITE	Westlake Vinyls Co LP	130.0	107.0
ASCENSION	1433	CHEMTURA CORP/GEISMAR PLANT	Lion Copolymer Geismar LLC - Geismar Facility	100.0	30.9
ASCENSION	1468	RUBICON, LLC	Rubicon LLC - Geismar Plant	588.0	472.9
ASCENSION	2049	BASF CORPORATION/GEISMAR SITE	BASF Corp - Geismar Site	671.0	796.2
ASCENSION	2082	HONEYWELL INTERNATIONAL INC/GEISMAR PLANT	Honeywell International Inc - Geismar Complex	49.0	70.0
ASCENSION	2218	PRAXAIR INC/GEISMAR HYCO FACILITY	Praxair Inc - Geismar HYCO Facility	199.0	167.8
ASCENSION	2245	TERRA MISSISSIPPI NITROGEN/TMNI DONALDSONVILLE	Terra Mississippi Nitrogen Inc - Donaldsonville Facility	2368.0	23.1
ASCENSION	2398	TERRA MISSISSIPPI NITROGEN INC/DONALDSONVILLE FAC	shutdown or below reporting limit	2.0	
ASCENSION	2416	CF INDUSTRIES INC/DONALDSONVILLE NITROGEN COMPLEX	CF Industries Inc - Donaldsonville Nitrogen Complex	3429.0	2637.6
ASCENSION	2679	AIR PRODUCTS & CHEMICALS INC/GEISMAR SMR FACILITY	Air Products & Chemicals Inc - Syngas Plant	56.0	56.7
ASCENSION	3302	CROSSTEX PROCESSING SERVICES/RIVERSIDE FRACTIONATION	Crosstex Processing Services LLC - Riverside Fractionation	288.0	150.8
ASCENSION	3400	OCCIDENTAL CHEMICAL CORP/GEISMAR PLANT	Occidental Chemical Corp - Geismar Plant	1286.0	150.7
ASCENSION	3420	ORMET CORP/BURNSIDE ALUMINA PLANT	Ormet Primary Aluminum Corp - Burnside Alumina Plant	6.0	679.4
ASCENSION	3732	PCS NITROGEN FERTILIZER LP/GEISMAR	PCS Nitrogen Fertilizer LP - Nitrate Group - Geismar Agricultural Nitrogen & Phosphate Plant	1329.0	269.9
ASCENSION	3990	WAGNER OIL CO/DARROW COMM LEASE	shutdown or below reporting limit	0.0	
ASCENSION	4762	ENTERPRISE GAS PROC LLC/TEBONE FRAC PLANT	Enterprise Gas Processing LLC - Tebone Fractionation Plant	49.0	44.2
ASCENSION	4803	BFI WASTE SYSTEMS OF LA INC/COLONIAL LANDFILL	BFI - Colonial Landfill	11.0	5.7
ASCENSION	5565	WILLIAMS OLEFINS LLC/GEISMAR ETHYLENE PLANT	Williams Olefins LLC - Geismar Ethylene Plant	703.0	724.9
ASCENSION	8142	WAGNER OIL CO/DARROW GRC BATTERY	Darrow Field Facility - Darrow Field	41.0	5.5
ASCENSION	11416	BRIDGELINE HOLDINGS LP/SORRENTO UNDERGROUND GAS STORAGE FACILITY	Sorrento Underground Gas Storage Facility	44.0	11.4
ASCENSION	17771	T. T. BARGE CLEANING MILE 183 INC	T T Barge Cleaning Mile 183 Inc	1.8	2.8
ASCENSION	20506	ENTERPRISE PRODUCTS CO/SORRENTO PHT	Enterprise Products Operating LP - Sorrento Products Handling Terminal	3.0	2.9
ASCENSION	26272	DSI TRANSPORTS INC/GEISMAR LA TERMINAL	Trimac - Geismar Terminal	1.0	0.9
ASCENSION	27834	EXXONMOBIL PIPELINE CO/SORRENTO STORAGE	ExxonMobil Pipeline Co - Sorrento Storage Facility	2.0	1.2
ASCENSION	30073	BASF CORPORATION/DINITROTOLUENE PLANT	Air Products & Chemicals Inc	25.0	35.1
ASCENSION	31513	AIR LIQUIDE LARGE INDUSTRIES US/GEISMAR FACILITY	Air Liquide Large Industries US LP - Geismar	269.0	112.3
ASCENSION	31514	GABRIEL CHEMICALS LLC/CHLOROSULFONIC ACID PLANT	Gabriel Chemicals LLC - CSA Plant	0.0	
ASCENSION	33564	did not exist or below reporting limit	Cooper T Smith Stevedoring Co - America Weigh Rig Loading & Transfer Facility		24.7
ASCENSION	33579	did not exist or below reporting limit	Cooper T Smith Stevedoring Co - Floating Grain Elevator Rig #1		0.0
ASCENSION	39945	ORMET CORP/BURNSIDE BULK MARINE TERMINAL	Ormet Corp - Burnside Bulk Marine Terminal - Division of Ormet Primary Aluminum Corp	89.0	12.1
ASCENSION	41417	SHELL PIPELINE CO LP/SORRENTO DOME STORAGE	Shell Pipeline Co LP - Dome Storage Facility	2.0	1.9
ASCENSION	46968	MID-AMERICA RESOURCES CORPORATION/SORRENTO FIELD PRODUCTION FACILITY	Mid-America Resources Corp - Sorrento Field Production Facility	0.0	0.2
ASCENSION	67572	EI DUPONT DE NEMOURS & CO INC/BURNSIDE PLANT	E I Dupont de Nemours & Co Inc - Burnside Plant A H2SO4 Contact Facility	55.0	54.4
ASCENSION	83718	LOUIS DREYFUS OLEFINS LLC/GEISMAR FRAC PLANT	LDH Energy Olefins LLC	44.0	59.4
ASCENSION	86181	TEXACO PIPELINES LLC/SORRENTO TENDS PUMP STATION	Sorrento TENDS Pumping Station	0.0	
ASCENSION	88164	ENTERPRISE PROD OPER LP/SORRENTO RAIL RACK	Enterprise Products Operating LLC - Sorrento Loading Facility	0.0	0.1

**Appendix - Certified NOx Pollutant Emissions (in tons per year) by Facility**

ASCENSION	90203	PLAINS MARKETING LP/DARROW CRUDE OIL TERM	Plains Marketing LP - Darrow Crude Oil Terminal	0.0	
ASCENSION	92534	HEXION SPECIALTY/FORMALDEHYDE PLANT	Hexion Specialty Chemicals Inc - Formaldehyde Plant	3.0	0.7
ASCENSION	97675	CHEMTECH CHEMICAL SERVICES LLC/GEISMAR BLENDING FACILITY	ChemTech Chemical Services LLC - Blending Facility	0.0	
ASCENSION	99129	MEDCO ENERGI US LLC/UNITED LANDS #1	United Lands #1 Facility	1.0	2.0
ASCENSION	100581	WILLIAMS OLEFINS LLC/HC BARGE LOAD	shutdown or below reporting limit	0.0	
ASCENSION	100651	LOUIS DREYFUL OLEFINS LLC/SORRENTO GAS PROCESSING PLANT	LDH Energy Olefins LLC - Convent Gas Plant	0.2	1.4
ASCENSION	122402	did not exist or below reporting limit	International Matex Tank Terminals - Geismar Logistics Center		
ASCENSION	143528	did not exist or below reporting limit	State Lease 17446 Tank Battery - Darrow Field		
ASCENSION	143529	did not exist or below reporting limit	SL 17446 Well - Darrow Field		0.3
ASCENSION	145270	did not exist or below reporting limit	Sorrento Production Facility		0.0
E BATON ROUGE	248	DELTECH CORPORATION/BATON ROUGE FACILITY	Deltech Corp - Baton Rouge Facility	256.0	77.0
E BATON ROUGE	285	EXXONMOBIL CHEMICAL CO/BATON ROUGE PLASTICS PLANT	ExxonMobil Chemical Co - Baton Rouge Plastics Plant	108.0	123.8
E BATON ROUGE	286	EXXONMOBIL CHEM CO/BATON ROUGE CHEMICAL PLANT	ExxonMobil Chemical Co - Baton Rouge Chemical Plant	2560.0	2175.5
E BATON ROUGE	288	FORMOSA PLASTICS CORPORATION, LA	Formosa Plastics Corp Louisiana - Baton Rouge Plant	570.0	367.8
E BATON ROUGE	289	HONEYWELL/BATON ROUGE PLANT	Honeywell International Inc - Baton Rouge South Works	21.0	15.3
E BATON ROUGE	332	EXXONMOBIL CORP/BATON ROUGE MARKETING TERMINAL	ExxonMobil Corp - Baton Rouge Terminal #5005	0.0	
E BATON ROUGE	582	PLANTATION PIPE LINE CO/BATON ROUGE BREAKOUT TANK FARM	Plantation Pipe Line Co - Baton Rouge Breakout Tank Farm	0.0	
E BATON ROUGE	669	ALBEMARLE CORP/PROCESS DEVELOPMENT CENTER	Albemarle Corp - Process Development Center	11.0	14.3
E BATON ROUGE	1000	ASHLAND CHEM CO/BATON ROUGE DISTRIBUTION	Ashland Chemical Co	0.0	
E BATON ROUGE	1157	STUPP CORP/BAKER	shutdown or below reporting limit	0.0	
E BATON ROUGE	1186	ENTERGY GSI/LA STATION 2 GENERATING PLANT	Entergy Louisiana Station Electrical Generating Plant	0.0	1694.0
E BATON ROUGE	1186	ENTERGY GSI/LA STATION 1 GENERATING PLANT	(consolidated with Station 2)	1833.0	
E BATON ROUGE	1314	RHODIA INC/BATON ROUGE FACILITY	Rhodia Inc	74.0	58.8
E BATON ROUGE	1395	LION COPOLYMER/BATON ROUGE PLANT	Lion Copolymer LLC - Baton Rouge Plant	127.0	246.8
E BATON ROUGE	1396	EXIDE TECHNOLOGIES/BATON ROUGE SMELTER	Exide Technologies - Baton Rouge Smelter	9.0	16.2
E BATON ROUGE	1413	UOP LLC/BR PLANT	UOP LLC - Baton Rouge Plant	46.0	34.5
E BATON ROUGE	1516	CLEAN HARBORS BATON ROUGE, LLC	Clean Harbors Baton Rouge LLC	0.0	0.0
E BATON ROUGE	2617	GEORGIA PACIFIC/PORT HUDSON OPERATIONS	Georgia-Pacific Consumer Operations LLC - Port Hudson Operations	1916.0	1653.1
E BATON ROUGE	2638	EXXONMOBIL REF & SUPPLY CO/BATON ROUGE REFINERY	ExxonMobil Refining & Supply Co - Baton Rouge Refinery	3583.0	2245.3
E BATON ROUGE	3085	ETHYL CORPORATION/BATON ROUGE PLANT	Ethyl Corp - Baton Rouge Plant	0.0	
E BATON ROUGE	3230	EXXONMOBIL CHEM CO/BATON ROUGE RESIN FINISHING PLANT	ExxonMobil Chemical Co - Baton Rouge Resin Finishing Plant	16.0	15.2
E BATON ROUGE	3387	FERRO CORPORATION/BATON ROUGE SITE	Ferro Corp - Baton Rouge Site	8.0	12.2
E BATON ROUGE	3519	EXXONMOBIL CHEM CO/BATON ROUGE POLYOLEFINS	ExxonMobil Chemical Co - Baton Rouge Polyolefins Plant	105.0	115.9
E BATON ROUGE	3587	PPG INDUSTRIES INC/BATON ROUGE SOLVENT PLANT - GROW AUTOMOTIVE	PPG Industries Inc - Grow Automotive	0.0	
E BATON ROUGE	3991	did not exist or below reporting limit	Genesis Crude Oil LP - Truck Loading Facility		
E BATON ROUGE	4407	did not exist or below reporting limit	EBR Parish Renewable Energy Center		1.0
E BATON ROUGE	4993	BP AMERICA PROD/PORT HUDSON GAS PLANT	Port Hudson Gas Plant	20.0	1.4
E BATON ROUGE	5190	ALLWASTE CONTAINER SVCS/BATON ROUGE PLANT	Allwaste Tank Cleaning Inc	2.0	2.0

**Appendix - Certified NOx Pollutant Emissions (in tons per year) by Facility**

E BATON ROUGE	5540	LOUISIANA STATE UNIVERSITY/BATON ROUGE CAMPUS	Louisiana State University - LSU	133.4	94.3
E BATON ROUGE	8007	FLORIDA GAS TRANSMISSION CO/ZACHARY COMPRESSOR STATION	Florida Gas Transmission Co - Zachary Compressor Station #8	940.0	331.8
E BATON ROUGE	11595	FLOWERS BAKING CO OF BATON ROUGE LLC	Flowers Baking Co of Baton Rouge LLC - Baton Rouge Facility	1.5	1.6
E BATON ROUGE	17129	HILCORP ENERGY CO/COMITE FIELD FACILITY	Comite Field Facility	9.0	15.0
E BATON ROUGE	22750	EDO SPECIALTY PLASTICS	EDO Specialty Plastics - Perkins Rd Fac	0.0	
E BATON ROUGE	25383	LAMAR CORP/LAMAR GRAPHICS	Lamar Graphics	0.0	
E BATON ROUGE	27559	BAYOU COATING LLC	Bayou Coating LLC	2.0	2.5
E BATON ROUGE	29884	GREAT LAKES CARBON LLC/BATON ROUGE CALCINED COKE PLANT	Oxbow Calcining LLC - Baton Rouge Calcined Coke Plant	380.0	182.7
E BATON ROUGE	31128	did not exist or below reporting limit	East Baton Rouge Parish Landfill (BFI North)		4.5
E BATON ROUGE	32045	HILCORP ENERGY CO/MANCHAC POINT	Manchac Point Oil & Gas Field Facility	19.0	22.7
E BATON ROUGE	32050	SCHERING-PLOUGH ANIMAL HEALTH CORP/VET OPERATIONS	shutdown or below reporting limit	0.7	
E BATON ROUGE	32056	EXXON MOBIL CORP/PROCESS RESEARCH (EMPR)	ExxonMobil Refining & Supply Co - Process Research Laboratories	4.0	1.2
E BATON ROUGE	88139	BP AMERICA PROD/PORT HUDSON CENTRAL TANK BATTERY	Port Hudson Central Tank Battery	14.0	23.1
E BATON ROUGE	90176	BP PIPELINES NORTH AMERICA/PORT HUDSON TERMINAL	Genesis Crude Oil LP - Port Hudson Terminal	0.0	0.0
E BATON ROUGE	95859	BRECHTEL ENERGY CORP/UNIVERSITY FIELD PF	University Field Production Facility	10.0	9.6
E BATON ROUGE	98136	GOLDKING OPERATING CO/COBB #1 COMITE FIELD	shutdown or below reporting limit	35.0	
E BATON ROUGE	96336	did not exist or below reporting limit	US Composite Pipe South LLC - Baton Rouge Plant		4.7
E BATON ROUGE	114658	did not exist or below reporting limit	Siegen Production Facility - Siegen Field		5.8
E BATON ROUGE	114659	did not exist or below reporting limit	Port Hudson Field Production Facility		0.2
E BATON ROUGE	119007	did not exist or below reporting limit	Duplantier Tank Battery - University Field		24.0
E BATON ROUGE	119008	did not exist or below reporting limit	Nelson Tank Battery - University Field		18.0
E BATON ROUGE	138716	did not exist or below reporting limit	North Burtville Field Facility - North Burtville Field		0.0
E BATON ROUGE	144826	did not exist or below reporting limit	Crown Paper #1 Production Facility - Profit Island Field		
E BATON ROUGE	146877	did not exist or below reporting limit	Crown Paper #1 Treating Facility - Profit Island Field		
IBERVILLE	1306	CORA TEXAS MFG INC/SUGAR MILL	Cora Texas Manufacturing Co	215.0	201.0
IBERVILLE	1409	DOW CHEMICAL CO/LA OPERATIONS	The Dow Chemical Co - Louisiana Operations	8611.0	4337.7
IBERVILLE	1607	TOTAL PETROCHEMICALS USA INC/COSMAR COMPANY STYRENE PLANT	TOTAL Petrochemicals USA Inc - Cos-Mar Co	682.0	284.4
IBERVILLE	2043	PETROLOGISTICS OLEFINS LLC/CHOCTAW TERMINAL	PetroLogistics Olefins LLC - Choctaw Terminal	12.0	10.8
IBERVILLE	2367	SYNGENTA CROP PROTECTION INC/ST. GABRIEL PLANT	Syngenta Crop Protection Inc - St Gabriel Plant	215.0	175.2
IBERVILLE	2455	GEORGIA GULF CHEM & VINYLs LLC/PLAQUEMINE FACILITY	Georgia Gulf Chemicals & Vinyls LLC - Plaquemine Division	1265.0	1182.9
IBERVILLE	2625	ENTERGY GSI/WILLOW GLEN GENERATING PLANT	Entergy Gulf States Utilities Inc - Willow Glen Plant	2437.0	36.0
IBERVILLE	2644	PIONEER AMERICAS LLC/CHLOR-ALKALI PLANT	Pioneer Americas LLC - St Gabriel Facility	16.7	23.4
IBERVILLE	3129	ASHLAND CHEMICAL CO/PLAQUEMINE METHANOL PLNT	shutdown or below reporting limit	0.3	
IBERVILLE	3263	TAMINCO HIGHER AMINES INC/ST. GABRIEL	Taminco Higher Amines Inc	64.0	73.5
IBERVILLE	3492	LBC BATON ROUGE LLC/SUNSHINE TERMINAL	LBC Baton Rouge LLC - Sunshine Terminal	1.0	2.6
IBERVILLE	4197	SOUTHERN NATURAL GAS/WHITE CASTLE CS	Southern Natural Gas Co - White Castle Compressor Station	404.0	160.9
IBERVILLE	5176	TOTAL PETROCHEMICALS USA INC/CARVILLE POLYSTYRENE	TOTAL Petrochemicals USA Inc - Carville Polystyrene Plant	33.0	22.5
IBERVILLE	7359	TEXAS EASTERN TRANSMISSION LP/WHITE CASTLE COMPRESSOR STATION	Texas Eastern Transmission LP - White Castle Compressor Station	180.0	0.0
IBERVILLE	8055	did not exist or below reporting limit	State of Louisiana Military - Gillis W Long Center		32.2

**Appendix - Certified NOx Pollutant Emissions (in tons per year) by Facility**

IBERVILLE	8072	HILCORP ENERGY CO/BAYOU BOUILLON PF	Bayou Bouillon Facility	60.0	5.0
IBERVILLE	14139	PLAINS MARKETING LP/ST GABRIEL TERMINAL	Plains Marketing LP - St Gabriel Terminal	0.0	
IBERVILLE	14535	INEOS FLUOR AMERICAS LLC/KLEA-134A PLANT	INEOS Fluor Americas LLC - KLEA Plant	15.6	8.1
IBERVILLE	17383	CROSTEX LIG LLC/MYRTLE GROVE COMPRESSOR STATION	Crosstex LIG - Myrtle Grove Station	19.0	5.1
IBERVILLE	19184	CROSTEX LIG LIQUIDS CO LLC/PLAQUEMINE GAS PROCESSING PLANT	Crosstex LIG Liquids LLC - Plaquemine Gas Plant	151.0	122.8
IBERVILLE	20411	TEXAS PETRO INVESTMENT CO/BAYOU BLEU CENTRAL FAC #2	Bayou Bleu Central Facility #2	113.0	69.7
IBERVILLE	24479	SCS IBERVILLE COATINGS INC	SCS Iberville Coatings Inc	0.0	0.2
IBERVILLE	26034	LA ENERGY & POWER AUTHORITY/PLAQUEMINE STEAM & DIESEL POWER PLANT	Louisiana Energy & Power Authority (LEPA) - Plaquemine Steam Electric Power Plant	1.1	0.7
IBERVILLE	26984	HUNTSMAN INTERNATIONAL LLC/ST. GABRIEL FACILITY	Huntsman International LLC - St Gabriel Facility	4.0	2.1
IBERVILLE	27495	BCP INGREDIENTS INC.	BCP Ingredients Inc	1.7	0.1
IBERVILLE	32133	BAYOU SORREL OIL/BAYOU SORREL CF	Bayou Sorrel Commingling Facility	43.0	19.4
IBERVILLE	32135	JP OIL CO/WHITE CASTLE PRODUCTION FACILITY	White Castle Field Production Facility	37.0	12.4
IBERVILLE	32141	BRIDGELINE HOLDINGS LP/TALLY HO COMPRESSOR STATION	Tally Ho Compressor Station	1.0	0.1
IBERVILLE	32145	GOLDKING OPERATING CO/NW BAYOU CHOCTAW	Northwest Bayou Choctaw Production Facility	16.0	6.8
IBERVILLE	32146	CLK ENERGY PARTNERS INC/BAYOU CHOCTAW FIELD PRODUCTION FACILITY	shutdown or below reporting limit	32.8	
IBERVILLE	32154	JP OIL CO/GRAND RIVER	shutdown or below reporting limit	0.0	
IBERVILLE	32160	did not exist or below reporting limit	Bayou Bleu Field Production Facility		25.7
IBERVILLE	32161	OLEUM OPERATING CO LC/BAYOU HENRY FIELD PRODUCTIN FACILITIES	Bayou Henry Field Production Facility	14.6	14.5
IBERVILLE	33667	did not exist or below reporting limit	Basic Industries Inc - Sandblast & Spray Paint Yard		7.0
IBERVILLE	39633	did not exist or below reporting limit	Command Services Inc		13.4
IBERVILLE	39978	KINDER MORGAN LIQUIDS TERMINALS ST. GABRIEL LLC	Kinder Morgan Liquids Terminals St Gabriel LLC	0.0	0.6
IBERVILLE	40037	SOMERVILLE PARTNERS LP/STATE LEASE 14371	State Lease 14371 Production Facility	0.0	0.5
IBERVILLE	51854	CARVILLE ENERGY LLC/CARVILLE ENERGY CENTER	Carville Energy LLC - Carville Energy Center	18.0	275.5
IBERVILLE	84377	OLEUM OPERATING CO, LC/BAYOU DES GLAISES-WILBERT MINERAL B LEASE	shutdown or below reporting limit	30.0	
IBERVILLE	84483	SOUTHERN BAY OPERATING LLC/FROG LAKE FACILITY	shutdown or below reporting limit	29.0	
IBERVILLE	85393	PETRO HUNT LLC/BAYOU HENRY CENTRAL FACILITY	Bayou Henry Central Facility	48.0	
IBERVILLE	85652	DOW CHEMICAL CO/PLAQUEMINE COGEN FACILITY	The Dow Chemical Co - Plaquemine Cogeneration Plant	0.0	340.0
IBERVILLE	86585	SHELL PIPELINE CO LP/GRAND RIVER BARGE LOADING	shutdown or below reporting limit	0.0	
IBERVILLE	89237	INEOS LLC/INEOS OXIDE	shutdown or below reporting limit	0.0	
IBERVILLE	89512	LIBERTY RESOURCES INC/DUGAS & LEBLANC LTD ET AL #1	Dugas & LeBlanc Ltd et al #1 Production Facility	0.0	5.0
IBERVILLE	90197	EOTT ENERGY PIPELINE LP/BAYOU BLUE CRUDE OIL TERM	shutdown or below reporting limit	0.0	
IBERVILLE	101588	PETROQUEST ENERGY LLC/EEX CORP PF #1	EEX Corp Production Facility #1	11.0	23.6
IBERVILLE	113166	did not exist or below reporting limit	Bayou Bouillon Production Facility		7.9
IBERVILLE	118389	did not exist or below reporting limit	Bayou Bleu - Central Facility #1		10.4
IBERVILLE	119219	did not exist or below reporting limit	White Castle Deep Production Facility		3.3
IBERVILLE	125240	did not exist or below reporting limit	Chatham Farms #1 Production Facility		
IBERVILLE	126487	did not exist or below reporting limit	Dent et al #1 Production Facility - Musson Field		1.1
IBERVILLE	126578	did not exist or below reporting limit	Shintech Louisiana LLC - Plaquemine PVC Plant		
IBERVILLE	126748	did not exist or below reporting limit	Schwing 10 Production Facility - Frog Lake Field		1.5
IBERVILLE	126750	did not exist or below reporting limit	Dow Chemical Co Production Facility - Frog Lake Field		4.3
IBERVILLE	128638	did not exist or below reporting limit	Forest Home Partnership Facility		1.1
IBERVILLE	132984	did not exist or below reporting limit	Schwing #1 Production Facility - Sullivan Lake Field		0.2
IBERVILLE	134264	did not exist or below reporting limit	Gueymard Production Facility - St Gabriel Field		0.5
IBERVILLE	135484	did not exist or below reporting limit	Kessler #1 & Kessler #2 Production Facility		22.5
IBERVILLE	138856	did not exist or below reporting limit	St Gabriel Dehy & NGL Production Facility		0.0
IBERVILLE	139760	did not exist or below reporting limit	Bayou Bouillion etal #1 Production Facility		
LIVINGSTON	1467	EAST JORDAN IRON WORKS	East Jordan Iron Works	14.0	7.7
LIVINGSTON	4990	BP AMERICA PROD/LOCKHART CROSSING CF # 1	Lockhart Crossing CF #1	38.0	15.9

**Appendix - Certified NOx Pollutant Emissions (in tons per year) by Facility**

LIVINGSTON	6858	GRIFFIN INDUSTRIES, INC	Griffin Industries Inc	1.0	0.6
LIVINGSTON	9154	THE SHAW GROUP/SUNLAND FABRICATORS	Shaw Sunland Fabricators Inc	0.0	3.3
LIVINGSTON	11767	WASTE MANAGEMENT OF LA, LLC/WOODSIDE LANDFILL	Waste Management of LA LLC - Woodside Sanitary Landfill & Recycling Center	12.0	8.2
LIVINGSTON	17042	DENBURY RESOURCES INC/LOCKHART CROSS WILCOX CF3	Lockhart Crossing Central Facility #3	125.0	5.1
LIVINGSTON	19875	WEYERHAEUSER CO/HOLDEN SAWMILL & LOG PROCESS	Weyerhaeuser Co - Holden Wood Products	22.0	28.3
LIVINGSTON	26884	PLAINS MARKETING LP/LOCKHART CROSSING STATION	shutdown or below reporting limit	0.0	
LIVINGSTON	32465	TMR EXPLORATION INC/LVG WXI RA SU LB	LVG WX1 RA SU LB Facility	0.2	1.1
LIVINGSTON	32466	TUCKER OPER CO INC/ERVA S. MAYERS #1/1D PRODUCTION FACILITY	Erva S Mayers # 1	0.0	
LIVINGSTON	80537	DELTA ENVIRONMENTAL PRODUCTS INC/DENHAM SPRINGS FACILITY	Pentair Pump Group Inc - Delta Environmental Products Inc - Denham Springs Operations	0.0	1.5
LIVINGSTON	99952	did not exist or below reporting limit	O M Barnett #2 Facility - Lockhart Crossing Field		17.1
LIVINGSTON	120886	did not exist or below reporting limit	SL 7729 #2 Wellsite - Lockhart Crossing Field		
LIVINGSTON	130526	did not exist or below reporting limit	Blind River Facility (SL 18562 #1 Well) - Blind River Field Block 16		
LIVINGSTON	146741	did not exist or below reporting limit	Lockhart Crossing Central Processing Facility		
W BATON ROUGE	302	T.T. BARGE SERVICE MILE 237, LLC/BR SHIPYARD	TT Barge Services Mile 237	7.8	3.4
W BATON ROUGE	858	EXXONMOBIL REF & SUPPLY CO/ANCHORAGE TANK FARM	ExxonMobil Refining & Supply Co - Anchorage Tank Farm	0.0	4.7
W BATON ROUGE	1648	BP LUBRICANTS USA INC/PORT ALLEN FACILITY	BP Lubricants USA Inc - Port Allen Facility	3.3	6.9
W BATON ROUGE	2366	PLACID REFINING CO LLC/PORT ALLEN REFINERY	Placid Refining Co LLC - Port Allen Refinery	967.0	702.1
W BATON ROUGE	2519	DSM COPOLYMER/ADDIS PLANT	shutdown or below reporting limit	163.0	
W BATON ROUGE	3473	SHINTECH LOUISIANA LLC/ADDIS PLANT B	shutdown or below reporting limit	5.0	
W BATON ROUGE	4056	ALMA PLANTATION LLC/CINCLARE CENTRAL FACTORY	Harry L Laws & Co Inc - Cinclare Central Sugar Factory	121.0	
W BATON ROUGE	4174	SID RICHARDSON CARBON CO/ADDIS PLANT	Sid Richardson Carbon & Gasoline Co	220.0	307.9
W BATON ROUGE	9495	BASF CATALYSTS LLC/PORT ALLEN WORKS	BASF Catalyst LLC - Port Allen Works	30.0	26.5
W BATON ROUGE	11059	did not exist or below reporting limit	Specialty Application Services Inc - Port Allen Facility		5.6
W BATON ROUGE	12096	did not exist or below reporting limit	Westway Terminal Co Inc		0.3
W BATON ROUGE	17161	EXXONMOBIL PROD CO/BATON ROUGE GAS PLANT	ExxonMobil Production Corp - Baton Rouge Gas Plant	114.0	153.5
W BATON ROUGE	19338	PETROLEUM FUEL & TERM/PORT ALLEN	shutdown or below reporting limit	2.0	
W BATON ROUGE	19556	INTERCONTINENTAL TERMINALS CO/ANCHORAGE CHEM TERM	Intercontinental Terminals Co	0.3	
W BATON ROUGE	25344	did not exist or below reporting limit	Criterion Catalysts & Technologies LP - HPA Port Allen Plant		4.3
W BATON ROUGE	25344	did not exist or below reporting limit	Criterion Catalysts & Technologies LP - HPA Port Allen Plant		2.2
W BATON ROUGE	26217	TURNER INDUSTRIES GROUP/INTL PAINTING CORP	Turner Industries Group LLC	0.0	
W BATON ROUGE	40198	BATON ROUGE FRACTIONATORS/BATON ROUGE COMPLEX	Enterprise Products Operating LLC - Baton Rouge Act Frac/PCU	42.0	37.3
W BATON ROUGE	43634	TRINITY MARINE PRODUCTS INC/PLANT 48	Trinity Marine Products Inc - Plant #48 (Trinity Brusly)	4.0	0.2
W BATON ROUGE	83425	SHINTECH LOUISIANA, LLC/ADDIS PLANT A	Shintech Louisiana LLC - Addis Plant A	34.0	31.5
W BATON ROUGE	98796	EXXONMOBIL PIPELINE CO/ANCHORAGE TERMINAL	ExxonMobil Pipeline Co - Anchorage Terminal	0.0	0.2
W BATON ROUGE	126510	did not exist or below reporting limit	Bueche Heirs Well #1 Facility SN 228905 - Profit Island Oil Field		5.3
W BATON ROUGE	139063	did not exist or below reporting limit	Oliver #1 Tank Battery - Profit Island Field		0.8
				<b>42497.0</b>	<b>26094.6</b>

**Notes:**

id were either shutdown or below reporting limit by 2006.  
or were below the reporting limit in 2002 and new by 2006.

299.8 TPY  
249.5 TPY

# Notices of Intent

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Control of Emissions of Nitrogen Oxides  
(LAC 33:III.2201 and 2202)(AQ305)

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.2201 and 2202 (Log #AQ305).

This rule provides a new contingency plan to further control emissions of nitrogen oxides (NO<sub>x</sub>) from facilities located in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) and the Region of Influence (i.e., the parishes of East Feliciana, Pointe Coupee, St. Helena, and West Feliciana) in the event that EPA notifies the department that the Baton Rouge area has exceeded the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency has been triggered. This rule amends the contingency plan to extend the applicability of the regulations by two months. There is evidence that many of the past violations of the ozone standard have occurred outside the ozone season defined in LAC 33:III.Chapter 22 (i.e., before May 1 and after September 31). It is expected that extending the use of NO<sub>x</sub> controls beyond the ozone season may prevent some of these violations. This rule also modifies definitions and makes revisions to clarify the regulations. This rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to provide a necessary element in the State Implementation Plan revisions that will occur when the Baton Rouge Nonattainment Area is redesignated to attainment and to continue to provide protection of human health and welfare. 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.

### Title 33

## ENVIRONMENTAL QUALITY

### Part III. Air

#### Chapter 22. Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>)

##### §2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence

A. – A.1. ...

2. The provisions of this Chapter shall apply during the *ozone season*, as defined in Subsection B of this Section, of each year.

3. ...

B. Definitions. Unless specifically defined in this Subsection or in LAC 33:III.111 or 502, the words, terms, and abbreviations in this Chapter shall have the meanings commonly used in the field of air pollution control. For purposes of this Chapter only, the following definitions shall supersede any definitions in LAC 33:III.111 or 502.

\* \* \*

*Affected Facility*—any facility within the Baton Rouge Nonattainment Area with one or more affected point sources that collectively emit or have the potential to emit 25 tons or more per year of NO<sub>x</sub>, unless exempted in Subsection C of this Section, or any facility within the Region of Influence with one or more affected point sources that collectively emit or have the potential to emit 50 tons or more per year of NO<sub>x</sub>, unless exempted in Subsection C of this Section. Exempt sources in a facility shall not be included in the determination of whether it is an affected facility.

\* \* \*

*Low Ozone Season Capacity Factor Boiler or Process Heater/Furnace*—a boiler or process heater/furnace in the Baton Rouge Nonattainment Area with a maximum rated capacity greater than or equal to 40 MMBtu/hour and an ozone season average heat input less than or equal to 12.5 MMBtu/hour, using a 30-day rolling average; or in the Region of Influence with a maximum rated capacity greater than or equal to 80 MMBtu/hour and an ozone season average heat input less than or equal to 25 MMBtu/hour, using a 30-day rolling average.

\* \* \*

*Ozone Season*—except as provided in LAC 33:III.2202, the period May 1 to September 30, inclusive, of each year.

\* \* \*

*Thirty-Day (30-Day) Rolling Average*—an average, calculated daily, of all hourly data for the last 30 days for an affected point source. At the beginning of each ozone season, use one of the following methods to calculate the initial 30-day averages:

a. calculate and record the average of all hourly readings taken during the first day of the ozone season for day one, then the average of all hourly readings taken during the first and second days for day two, and so on until the first full 30-day average falling entirely within the ozone season is reached;

b. calculate and record a 30-day rolling average for day one of the ozone season using the hourly readings from that day and the previous 29 calendar days, for the second day of the ozone season using the readings from the first two ozone season days and the preceding 28 calendar days, and so on until the first full 30-day average falling entirely within the current ozone season is reached; or

c. calculate and record a 30-day rolling average for day one of the ozone season using the hourly readings from that day and the last 29 days of the previous ozone season, for the second day of the ozone season using the readings

from the first two current ozone season days and the last 28 days of the previous ozone season, and so on until the first full 30-day average falling entirely within the current ozone season is reached.

\* \* \*

C. Exemptions. The following categories of equipment or processes located at an affected facility within the Baton Rouge Nonattainment Area or the Region of Influence are exempted from the provisions of this Chapter:

1. - 3.b. ...
4. *low ozone season capacity factor boilers and process heater/furnaces*, as defined in Subsection B of this Section, in accordance with Paragraph H.11 of this Section;
5. - 5.g. ...
6. any point source, in accordance with Paragraph H.12 of this Section, that operates less than 3 hours per day, using a 30-day rolling average, during the ozone season;
7. - 14. ...
15. any affected point source that is required to meet a more stringent state or federal NO<sub>x</sub> emission limitation, whether by regulation or permit. In this case, the monitoring, reporting, and recordkeeping requirements shall be in accordance with the more stringent regulation or permit and not this Chapter. If the applicable regulation or permit does not specify monitoring requirements, the provisions of Subsection H of this Section shall apply;
16. - 17. ...
18. any affected point source firing fuel oil during a period of emergency and approved by the administrative authority;
19. - 20. ...

D. Emission Factors

1. The following tables list NO<sub>x</sub> emission factors that shall apply to affected point sources located at affected facilities in the Baton Rouge Nonattainment Area or the Region of Influence.

Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
<b>Electric Power Generating System Boilers:</b>		
Coal-fired	>= 40 to <80 MMBtu/Hour	0.50 pound/MMBtu
	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 40 to <80 MMBtu/Hour	0.30 pound/MMBtu
	>= 80 MMBtu/Hour	0.18 pound/MMBtu
All Others (gaseous or liquid)	>= 40 to <80 MMBtu/Hour	0.20 pound/MMBtu
	>= 80 MMBtu/Hour	0.10 pound/MMBtu
<b>Industrial Boilers:</b>		

Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
All Fuels	>= 40 to <80 MMBtu/Hour	0.20 pound/MMBtu
	>= 80 MMBtu/Hour	0.10 pound/MMBtu
<b>Process Heater/Furnaces:</b>		
Ammonia Reformers	>= 40 to <80 MMBtu/Hour	0.30 pound/MMBtu
	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 40 to <80 MMBtu/Hour	0.18 pound/MMBtu
	>= 80 MMBtu/Hour	0.08 pound/MMBtu
<b>Stationary Gas Turbines:</b>		
Peaking Service, Fuel Oil-fired	>= 5 to <10 MW	0.37 pound/MMBtu
	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 5 to <10 MW	0.27 pound/MMBtu
	>= 10 MW	0.20 pound/MMBtu
All Others	>= 5 to <10 MW	0.24 pound/MMBtu <sup>b</sup>
	>= 10 MW	0.16 pound/MMBtu <sup>c</sup>
<b>Stationary Internal Combustion Engines:</b>		
Lean-burn	>= 150 to <320 Hp	10 g/Hp-hour
	>= 320 Hp	4 g/Hp-hour
Rich-burn	>= 150 to <300 Hp	2 g/Hp-hour
	>= 300 Hp	2 g/Hp-hour

<sup>a</sup> based on the higher heating value of the fuel

<sup>b</sup> equivalent to 65 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

<sup>c</sup> equivalent to 43 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
<b>Electric Power Generating System Boilers:</b>		
Coal-fired	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 80 MMBtu/Hour	0.18 pound/MMBtu
All Others (gaseous or liquid)	>= 80 MMBtu/Hour	0.10 pound/MMBtu
<b>Industrial Boilers:</b>		
All Fuels	>= 80 MMBtu/Hour	0.10 pound/MMBtu
<b>Process Heater/Furnaces:</b>		
Ammonia Reformers	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 80 MMBtu/Hour	0.08 pound/MMBtu
<b>Stationary Gas Turbines:</b>		
Peaking Service, Fuel Oil-fired	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 10 MW	0.20 pound/MMBtu
All Others	>= 10 MW	0.16 pound/MMBtu <sup>b</sup>
<b>Stationary Internal Combustion Engines:</b>		
Lean-burn	>= 1500 Hp	4 g/Hp-hour
Rich-burn	>= 300 Hp	2 g/Hp-hour

<sup>a</sup> all factors are based on the higher heating value of the fuel

<sup>b</sup> equivalent to 43 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

2. - 8. ...

9. On a day that is designated as an Ozone Action Day by the department, a facility shall not fire an affected point source with Number 6 fuel oil or perform testing of emergency and training combustion units without prior approval of the administrative authority. If a facility has received approval from the administrative authority for a plan to use Number 6 fuel oil, this is considered prior approval for purposes of this Paragraph.

E. - E.1.c.ii. ...

d. An owner or operator that chooses to use the provisions of Clause E.1.b.i or E.1.c.i of this Section to demonstrate compliance in an averaging plan shall include in the submitted plan a description of the actions that will be taken if any under-controlled unit is operated at more than 10 percent above its averaging capacity (HI, in Subparagraph E.1.a of this Section). Such actions may include a comparison of the total current emissions from all units in the averaging plan to the total emissions that would result if the units in the plan were operated in accordance with Subsection D of this Section, other reviews, reporting, and/or mitigation actions. If the department determines that the actions are not adequate to prevent an increase of emissions over the total emissions that would result if the units were operated in accordance with Subsection D of this Section, the department shall require that the averaging plan and/or the action plan be revised or shall disallow the use of the averaging plan.

e. ...

f. NO<sub>x</sub> reductions accomplished after 1997 through curtailments in capacity of a point source with a permit revision or by permanently shutting down the point source may be included in the averaging plan. In order to include a unit with curtailed capacity or that has been permanently shut down in the averaging plan, the old averaging capacity, determined from the average of the two ozone seasons prior to the capacity curtailment or shutdown, or such other two-year period as the department may approve, shall be used to calculate the unit's contribution to the term FL. The new averaging capacity, determined from the enforceable permit revision, shall be multiplied by the owner-assigned limit to calculate the contribution of the curtailed unit to the cumulative emission factor for the averaging group. For a shut down source, the contribution to the cumulative emission factor shall be zero.

g. NO<sub>x</sub> reductions from post 1997 modifications to exempted point sources, as defined in Subsection C of this Section, may be used in a facility-wide averaging plan. If a unit exempted in Subsection C of this Section is included in an averaging plan, the term R<sub>ij</sub> in Equation E-1 shall be established, in accordance with Subsection G of this Section, from a stack test or other determination of emissions approved by the department that was performed before the NO<sub>x</sub> reduction project was implemented, and the term R<sub>ai</sub> shall be established from the owner-assigned emission factor in accordance with Subparagraph E.1.a of this Section. For the case of a point source exempted by Paragraph C.15 of this Section, if the permit limits were established after 1997 and were not required by a state or federal regulation, the source may be included in an averaging plan, with the term R<sub>ij</sub> taken from Table D-1A or D-1B in Paragraph D.1 of this Section.

E.1.h. - G.4. ...

5. Compliance with the emission specifications of Subsection D or E of this Section for affected point sources operating without CEMS or PEMS shall be demonstrated while operating at the maximum rated capacity, or as near thereto as practicable. The stack tests shall be performed according to emissions testing guidelines located on the department website under Air Quality Assessment/Emission Testing Program. Three minimum 1-hour tests, or three minimum 20-minute tests for turbines, shall be performed and the following methods from 40 CFR Part 60, Appendix A shall be used:

G.5.a. - H.1.b.v. ...

vi. alternatively to Clauses H.1.b.ii-iv of this Section, the owner or operator may request approval from the administrator for an alternative monitoring plan that uses a fuel-oxygen operating window to demonstrate continuous compliance of NO<sub>x</sub> and CO. In order to continuously demonstrate compliance with the NO<sub>x</sub> limits of Subsection D or E of this Section, the owner or operator shall implement procedures to operate the boiler on or inside the fuel and oxygen lines that define the operating window. The corners of the window shall be established during the initial compliance test required by Subsection G of this Section or similar testing at another time. The details for use of an alternative monitoring plan shall be submitted in the permit application or in the optional compliance plan described in Paragraph F.7 of this Section. The plan shall become part of the facility permit and shall be federally enforceable.

2. - 2.b.v. ...

vi. alternatively to Clauses H.2.b.ii-iv of this Section, the owner or operator may request approval from the department for an alternative monitoring plan that uses a fuel-oxygen operating window, or other system, to demonstrate continuous compliance of NO<sub>x</sub> and CO. In order to continuously demonstrate compliance with the NO<sub>x</sub> limits of Subsection D or E of this Section, the owner or operator shall implement procedures to operate the process heater/furnace on or inside the fuel and oxygen lines that define the operating window. The corners of the window shall be established during the initial compliance test required by Subsection G of this Section or similar testing at another time. The details for use of an alternative monitoring plan shall be submitted in the permit application or in the optional compliance plan described in Paragraph F.7 of this Section. The plan shall become part of the facility permit and shall be federally enforceable.

3. - 9.b. ...

10. All affected point sources that rely on periodic stack testing to demonstrate continuous compliance and use a catalyst to control NO<sub>x</sub> emissions shall be tested to show compliance with the emission factors of Subsection D or E or this Section after each occurrence of catalyst replacement. Portable analyzers shall be acceptable for this check. Documentation shall be maintained on-site, if practical, of the date, the person doing the test, and the test results. Documentation shall be made available for inspection upon request.

11. The owner or operator of any *low ozone season capacity factor boiler or process heater/furnace*, as defined in Subsection B of this Section, for which an exemption is granted shall install, calibrate, and maintain a totalizing fuel

meter, with instrumentation approved by the department, and keep a record of the fuel input for each affected point source during each ozone season. If the average Btu-per-ozone season-hour limit is exceeded, the owner or operator of any boiler or process heater/furnace covered under this exemption shall include the noncompliance in the written report that is due in accordance with Paragraph I.2 of this Section. If the average Btu-per-ozone season-hour limit is exceeded, the exemption shall be permanently withdrawn. Within 90 days after receipt of notification from the administrative authority of the loss of the exemption, the owner or operator shall submit a permit modification detailing how the facility will meet the applicable emission factor as soon as possible, but no later than 24 months, after exceeding the ozone season limit. Included with this permit modification, the owner or operator shall submit a schedule of increments of progress for the installation of the required control equipment. This schedule shall be subject to the review and approval of the department.

12. The owner or operator of any affected point source that is granted an exemption in accordance with Paragraph C.6 of this Section shall install, calibrate, and maintain a nonresettable, elapsed run-time meter to record the operating time in order to demonstrate compliance during the ozone season. If the average operating hours-per-day limit is exceeded the owner or operator shall include the noncompliance in the written report that is due in accordance with Paragraph I.2 of this Section. If the average operating hours-per-day limit is exceeded, the exemption shall be permanently withdrawn. Within 90 days after receipt of notification from the administrative authority of the loss of the exemption, the owner or operator shall submit a permit modification detailing how the facility will meet the applicable emission factor as soon as possible, but no later than 24 months, after exceeding the limit. Included with this permit modification, the owner or operator shall submit a schedule of increments of progress for the installation and operation of the required control equipment. This schedule shall be subject to the review and approval of the department.

13. Elapsed run-time and fuel meters, oxygen, diluents, and CO monitors, and other such instrumentation required by this Section shall be performance tested according to the vendor's recommendations, but not less frequently than once per year. Testing records shall be maintained according to Paragraph I.3 of this Section.

14. Any unit with a permit that requires more stringent testing than this Chapter requires shall comply with the permit requirements rather than this Chapter.

15. Continuous demonstration of compliance with fuel, oxygen concentration, and other parameter limits shall be on a 30-day rolling average basis.

#### I. Notification, Recordkeeping, and Reporting Requirements

1. ...

2. The owner or operator of an affected point source granted an exemption in accordance with any part of Subsection C of this Section or required to demonstrate continuous compliance in accordance with Subsection H of this Section shall submit a written report within 90 days of the end of each ozone season to the administrative authority of any noncompliance of the applicable limitations of

Subsection D or E of this Section. The required information may be included in reports provided to the administrative authority to meet other requirements, so long as the report meets the deadlines and content requirements of this Paragraph. The report shall include the following information:

- a. a description of the noncompliance;
- b. a statement of the cause of the noncompliance;
- c. the anticipated time that the noncompliance is expected to continue or, if it has been corrected, the duration of the period of noncompliance; and
- d. the steps taken to prevent recurrence of the noncompliance.

I.3. - J.1. ...

2. The owner or operator shall complete all initial compliance testing, specified by Subsection G of this Section, for equipment modified with NO<sub>x</sub> reduction controls or a NO<sub>x</sub> monitoring system to meet the provisions of this Chapter within 60 days of achieving normal production rate or after the end of the shake down period, but in no event later than 180 days after initial start-up. Required testing to demonstrate the performance of existing, unmodified equipment shall be completed in a timely manner, but by no later than November 1, 2005.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:748 (April 2004), LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2088 (October 2007), LR 34:71 (January 2008), LR 35:

#### §2202. Contingency Plan

A. This Section shall become effective only in the event that the United States Environmental Protection Agency (EPA) determines and notifies the department in accordance with Section 175A(d) of the Clean Air Act as amended [42 USC 7511(b)(2)] that the Baton Rouge area has violated the 8-hour ozone National Ambient Air Quality Standard (NAAQS), and that the department must put this contingency plan into effect.

B. Definition of *Ozone Season*. In the event of notification from EPA in accordance with Subsection A of this Section, the definition of *ozone season* in LAC 33:III.2201.B will be the period April 1 to October 31, inclusive, of each year.

C. Effective Dates. An owner or operator of a source subject to this Chapter shall comply with this Section as expeditiously as possible, but not later than the first day of the next ozone season after determination and notification by the EPA in accordance with Subsection A of this Section.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

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 July 28, 2009, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference

Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. 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 Donald Trahan 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 AQ305. Such comments must be received no later than August 4, 2009, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3398 or by e-mail to donald.trahan@la.gov. 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 AQ305. This regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

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.

Herman Robinson, CPM  
Executive Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Control of Emissions of Nitrogen Oxides**

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

There are no expected implementation costs or savings to state or local governmental units from the proposed rule.

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

No effect on revenue collections of state or local governmental units is expected as a result of the proposed rule.

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

There will be no immediate costs or benefits from this rule revision. The provision in LAC 33:III.2202 will be enforced only upon notification from the EPA that the attainment area in which the facility is located violated the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency measures are therefore triggered. If contingency measures are triggered the only cost to the facility would be to continue NOx reduction measures for the extended period of time. These NOx reduction control measures are work practices which reduce emissions of NOx and are only currently required during ozone season. This rule revision simply extends the time the control measures will be in place based on the triggering of

the contingency measures. Therefore, the cost of extending the time they are required would be minimal.

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

There will be no impact from the proposed action on competition or employment in the public or private sector.

Herman Robinson, CPM  
Executive Counsel  
0906#037

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

Miscellaneous Corrections  
(LAC 33:V.105, 321, 1513, 1529, 3005, and 3105;  
VII.715 and 1101; IX.5903; and XI.1121)(MM010)

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 Environmental Quality regulations, LAC 33:V.105, 321, 1513, 1529, 3005, and 3105; VII.715 and 1101; IX.5903; and XI.1121 (Log #MM010).

This rule corrects errors that have been found in the Environmental Quality regulations. Language found to be redundant or not required by federal regulations has been deleted, some wording has been restructured, and instances of improper regulation citations have been corrected. The rule also deletes information in LAC 33:V.3015, Table 2, to reflect a change in 40 CFR 261, Appendix VIII. Maintenance of the regulations is part of the responsibility of the department. An aspect of maintenance is for the department to correct errors when they are found. The basis and rationale for this rule are to maintain the regulations that protect the environment and public health of the state, as authorized by the Environmental Quality Act. 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.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and Hazardous Materials**

**Subpart 1. Department of Environmental  
Quality—Hazardous Waste**

**Chapter 1. General Provisions and Definitions**

**§105. Program Scope**

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

RECEIVED

JUN 17 2009

LA. DEPT. OF ENVIRONMENTAL QUALITY  
LEGAL AFFAIRS DIVISION

# The Times

## PROOF OF PUBLICATION

### NOTICE OF INTENT

Department of  
Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Control of Emissions of  
Nitrogen Oxides  
(LAC 33:III.2201 and  
2202) (AQ305)

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.2201 and 2202 (Log #AQ305).

This rule provides a new contingency plan to further control emissions of nitrogen oxides (NOx) from facilities located in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) and the region of influence (i.e., the parishes of East Feliciana, Pointe Coupee, St. Helena, and West Feliciana) in the event that EPA notifies the department that the Baton Rouge

area has exceeded the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency has been triggered. This rule amends the contingency plan to extend the applicability of the regulations by two months. There is evidence that many of the past violations of the ozone standard have occurred outside the ozone season defined in LAC 33:III.Chapter 22 (i.e., before May 1 and after September 31). It is expected that extending the use of NOx controls beyond the ozone season may prevent some of these violations. This rule also modifies definitions and makes revisions to clarify the regulations. This rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to provide a necessary element in the State Implementation Plan revisions that will occur when the Baton Rouge Nonattainment Area is redesignated to attainment and to continue to provide protection of human health and welfare. 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.

STATE OF LOUISIANA

PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT Department of Environmental Quality Office of the Secretary Legal Affairs Division Control of Emissions of Nitrogen Oxides (LAC 33:III.2201 and 2202) (AQ305)

As per copy of advertisement hereto annexed, was published in The Times on the following dates to wit:

June 12, 2009

(Signed) Altheas Critton

Sworn to and subscribed before me this 12<sup>th</sup> day of June, 2009

Diana W. Barber

(Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491  
CADDO PARISH, LOUISIANA  
MY COMMISSION IS FOR LIFE

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 July 28, 2009, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. 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 Donald Trahan at the address given below or at (225) 219-3398. 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 A.Q305. Such comments must be received no later than August 4, 2009, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to [donald.trahan@la.gov](mailto:donald.trahan@la.gov). 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 A.Q305. This regulation is available on the internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

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;

Heraman Robinson, CPM, Executive Counsel

The Times  
June 12, 2009

#  
RECEIVED

JUN 22 2009

LA. DEPT. OF ENVIRONMENTAL QUALITY  
LEGAL AFFAIRS DIVISION

# Affidavit of Publication

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Control of Emissions  
of Nitrogen Oxides  
(LAC 33:111-2201 and  
2202) (AQ305)

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 33:111-2201 and 2202 (Loo #AQ305).

This rule provides a new contingency plan to further control emissions of nitrogen oxides (NOx) from facilities located in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) and the Region of Influence (i.e., the parishes of East Feliciana, Pointe Coupee, St. Helena, and West Feliciana). In the event that EPA notifies the department that the Baton Rouge area has exceeded the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency has been triggered, this rule amends the contingency plan to extend the applicability of the regulations by two months. There is evidence that many of the past violations of the ozone standard have occurred outside the ozone season defined in LAC 33:111-Chapter 22 (i.e., before May 1 and after September 31). It is expected that extending the use of NOx controls beyond the ozone season may prevent some of these violations. This rule also modifies definitions and makes revisions to clarify the regulations. This rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to provide necessary relief in the State Implementation Plan revisions that will occur when the Baton Rouge Nonattainment Area is redesignated to attainment and to continue to provide protection of human health and welfare. 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. 49:977.

STATE OF LOUISIANA  
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

*Donna McCann*

who being duly sworn, deposes and says:

He/She is a duly authorized agent of  
**LAKE CHARLES AMERICAN PRESS**  
a newspaper published daily at 4900 Highway 90 East,  
Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893  
Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s)  
dated:

00537247 - \$46.00  
June 17, 2009

00053262  
LDEQ-OSEC-LAD  
REGULATION DEVELOPMENT  
REMENDER WEATHERSPOON  
P.O. BOX 4302  
BATON ROUGE, LA 70821-4302

*Donna McCann*

Duly Authorized Agent

Subscribed and sworn to before me on this 17th day of June, 2009 at  
Lake Charles, LA

*Gwendolyn R. Dugas*

00053262

Notary Public

LDEQ-OSEC-LAD

Gwendolyn R. Dugas  
#056523

CONFIDENTIAL

7061 1000

A public hearing will be held on July 28, 2009, at 1:30 p.m. in the Calvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. 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 Donald Jordan at the address given below for a (225) 219-3985. Two hours of free parking are allowed in the Calvez 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 AQ305. Such comments must be received no later than August 24, 2009, at 4:30 p.m., and should be sent to Donald Jordan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3988 or by e-mail to donald.jordan@dca.gov. 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 AQ305. This regulation is available on the internet at [www.deq.louisiana.gov/portal/ra/ra/1669/default.aspx](http://www.deq.louisiana.gov/portal/ra/ra/1669/default.aspx).

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 540 West, Monroe, LA 70292; State Office Building, 1525 Airfield Avenue, Shreveport, LA 71101; 301 Cadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Blaquiere, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM  
Executive Counsel

June 17, 2009 11  
00537247

H

RECEIVED

JUN 15 2009

LA. DEPT. OF ENVIRONMENTAL QUALITY  
LEGAL AFFAIRS DIVISION

State of Louisiana  
Parish of Rapides  
**AFFIDAVIT OF PUBLICATION**

( A Correct Copy of Publication )

**NOTICE OF INTENT**  
Department of  
Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Control of Emissions of  
Nitrogen Oxides  
(LAC 33:1119(2)(1) and  
2202) (AQ305)

Under the authority of  
the Environmental  
Quality Act, R.S.  
30:2001 et seq. and in  
accordance with the  
provisions of the Ad-  
ministrative Procedure  
Act, R.S. 49:150 et seq.,  
the secretary gives notice  
that rulemaking  
procedures have been  
initiated to amend the  
Air Regulations, LAC  
33:1119(2)(1) and 2202  
(AQ305).

This rule provides a  
new contingency plan  
for the control emis-  
sions of nitrogen ox-  
ides (NOx) from facil-  
ties located in the Pa-  
ris of Rapides area. The  
parties of a cen-  
sused area in the Pa-  
ris of Rapides area are  
the parishes of East  
Baton Rouge and West  
Baton Rouge and the Re-  
gion of the United States  
in the parishes of East  
Baton Rouge, Iberville,  
and West Baton Rouge  
in the event that the Pa-  
ris of Rapides area has  
exceeded the 1997 8-hour  
National Ambient Air  
Quality Standard (NAAQS)  
for ozone and a contingency  
has been triggered.  
This rule amends the  
contingency plan to ex-  
tend the applicability  
of the regulations by  
two months. There is  
evidence that many of  
the past violations of  
the ozone standard  
have occurred outside  
the ozone season de-  
fined in LAC  
33:1119(2)(1) before  
September 31. It is ex-  
pected that extending  
the use of NOx controls  
beyond the ozone sea-  
son may prevent some  
of these violations.

This rule also modifies  
definitions and makes  
revisions to clarify the  
regulations. This rule  
is also a revision to the  
Louisiana State Imple-  
mentation Plan for air  
quality. The basis and  
rationale for this rule  
are to provide a neces-  
sary element in the  
State Implementation  
Plan revisions that will  
occur when the Baton  
Rouge Nonattainment  
Area is redesignated to  
attainment and to con-  
tinue to provide protec-  
tion for human health  
and welfare. This rule  
meets an exception  
listed in R.S.  
30:2019(D)(2) and R.S.  
49:153(C)(3); there-  
fore, no report regard-  
ing environmental  
health benefits and  
social/economic costs  
is required.

This rule has no known  
impact on family, for-  
mation, stability, and  
autonomy as described  
in R.S. 49:177.

A public hearing will  
be held on July 28,  
2009, at 1:30 p.m. in the  
Galvez Building, Oliver  
Pollock Conference  
Room, 602 North Fifth  
Street, Baton Rouge,  
LA 70802. The hearing  
will also be for the re-  
vision to the State Im-  
plementation Plan  
(SIP) to incorporate  
this rule. Interested  
persons are invited to  
attend and submit oral  
comments on the pro-  
posed amendments.  
Should individuals with  
a disability need an ac-  
commodation in order  
to participate, contact  
Donald Trahan at the  
address given below or  
at (225) 219-3398. Two  
hours of free parking  
are allowed in the  
Galvez Garage with a  
validated parking tick-  
et.

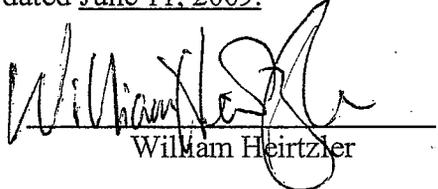
All interested persons  
are invited to submit  
written comments on  
the proposed regula-  
tion. Persons com-  
menting should refer-  
ence this proposed reg-  
ulation by AQ305.  
Such comments must  
be received no later  
than August 4, 2009, at  
4:30 p.m. and should  
be sent to Donald  
Trahan, Attorney Su-  
pervisor, Office of the  
Secretary, Legal Af-  
fairs Division, Box  
4302, Baton Rouge, LA  
70821-4302 or to FAX  
(225) 219-3398 or by e-  
mail to  
donald.trahan@la.gov.  
Copies of this proposed  
regulation can be pur-  
chased by contacting  
the DEQ Public Re-  
cords Center at (225)  
219-3168. Check or  
money order is re-  
quired in advance for  
each copy of AQ305.  
This regulation is  
available on the Inter-  
net at  
www.deq.louisiana.gov  
portal/labid/7669/defa-  
ult.aspx.

This proposed regula-  
tion is available for in-  
spection at the follow-  
ing DEQ office loca-  
tions from 8 a.m. until  
4:30 p.m.: 602 N. Fifth  
Street, Baton Rouge,  
LA 70802; 1826 High-  
way 346, West Monroe,  
LA 70092; State Office  
Building, 1325 Airfield  
Avenue, Lake Charles,  
LA 70601; 1301 Gadyall  
Street, Lake Charles,  
LA 70615; 111 New Cen-  
ter Drive, Lafayette,  
LA 70508; 110  
Barataria Street, Lake-  
port, LA 70374; 201  
Evans Road, Bldg. 4,  
Suite 420, New Or-  
leans, LA 70123.

HERMAN ROBINSON,  
CPM  
Executive Counsel

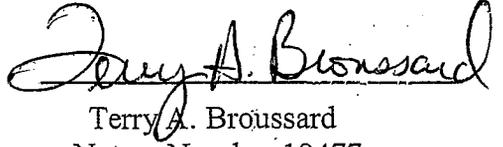
I, William Heitzler, Advertising Director  
of THE TOWN TALK, published at Alexandria,  
Louisiana do solemnly swear that the  
Notice of Intent (AQ305)

advertisement, as per clipping attached, was  
published in the regular and entire issue of said  
newspaper, and not in any supplement thereof  
for one insertion(s) commencing with the issue  
dated June 11, 2009 and ending with the  
issue dated June 11, 2009.



William Heitzler

Subscribed and sworn to before me this 11th day  
of June, 2009 at Alexandria, Louisiana.



Terry A. Broussard  
Notary Number 19477  
My commission is for life.

RECEIVED

JUN 18 2009

LA. DEPT. OF ENVIRONMENTAL QUALITY  
LEGAL AFFAIRS DIVISION

# The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3201

### NOTICE OF INTENT

Department of  
Environmental Quality  
Office of the Secretary  
Legal Affairs Division  
Control of Emissions of  
Nitrogen Oxides  
(LAC 33:III.2201 and 2202)  
(AQ305)

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.2201 and 2202 (Log #AQ305).

This rule provides a new contingency plan to further control emissions of nitrogen oxides (NOx) from facilities located in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) and the Region of Influence (i.e., the parishes of East Feliciana, Pointe Coupee, St. Helena, and West Feliciana) in the event that EPA notifies the department that the Baton Rouge area has exceeded the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency has been triggered.

This rule amends the contingency plan to extend the applicability of the regulations by two months. There is evidence that many of the past violations of the ozone standard have occurred outside the ozone season defined in LAC 33:III.Chapter 22 (i.e., before May 1 and after September 31). It is expected that extending the use of NOx controls beyond the ozone season may prevent some of these violations. This rule also modifies definitions and makes revisions to clarify the regulations. This rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to provide a necessary element in the State Implementation Plan revisions that will occur when the Baton Rouge Nonattainment Area is redesignated to attainment and to continue to provide protection of human health and welfare. 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 July 28, 2009, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. 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 Donald Trahan 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 AQ305. Such comments must be received no later than August 4, 2009, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to donald.trahan@la.gov. 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 AQ305. This regulation is available on the Internet at [www.deq.louisiana.gov/portals/abid/1669/default.aspx](http://www.deq.louisiana.gov/portals/abid/1669/default.aspx).

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.

Herman Robinson, CPM  
Executive Counsel

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Elizabeth C. Darcey who deposes and says that she is an Assistant Controller of The Times-Picayune, L.L.C., a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached

### LEGAL NOTICE/AQ305

Re: Notice of Intent Department of Environmental Quality  
Control of Emissions of Nitrogen Oxides Lac 33:III.2001

Advertisement of Louisiana Department of

Environmental Quality/P.O. BOX 4302  
Baton Rouge, La. 70821

Was published in The Times Picayune

3800 Howard Ave.  
New Orleans, La. 70125

On the following dates June 15, 2009

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times-Picayune on these dates.

16th

Sworn to and subscribed before me this  
Day of June, 2009

*Elizabeth C. Darcey*

*[Signature]*  
Notary Public

My commission expires at my death.  
Charles A. Ferguson, Jr.

Notary identification number 23492

JUL 13 2009

LA. DEPT. OF ENVIRONMENTAL QUALITY  
LEGAL AFFAIRS DIVISION

Publisher of

**THE NEWS-STAR  
MONROE, LOUISIANA  
PROOF OF PUBLICATION**

The hereto attached advertisement  
was published in the NEWS-STAR.  
Wednesday, June 17, 2009.

A daily newspaper of general circulation.  
**LEGAL AD DEPT.**

**NOTICE OF INTENT**

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Control of Emissions of Nitrogen Oxides (LAC 33:111.2201 and 2202) (AQ305)

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 33:111.2201 and 2202 (Log #AQ305).

This rule provides a new contingency plan to further control emissions of nitrogen oxides (NOx) from facilities located in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) and the Region of Influence (i.e., the parishes of East Feliciana, Pointe Coupee, St. Helena, and West Feliciana) in the event that EPA notifies the department that the Baton Rouge area has exceeded the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency has been triggered. This rule amends the contingency plan to extend the applicability of the regulations by two months. There is evidence that many of the past violations of the ozone standard have occurred outside the ozone season defined in LAC 33:111. Chapter 22 (i.e., before May 1 and after September 31). It is expected that extending the use of NOx controls beyond the ozone season may prevent some of these violations. This rule also modifies definitions and makes revisions to clarify the regulations. This rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to provide a necessary element in the State Implementation Plan revisions that will occur when the Baton Rouge Nonattainment Area is redesignated to attainment and to continue to provide protection of human health and welfare. 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 July 28, 2009, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. 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 Donald Trahan at the address given below or at (225) 219-2985. 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 AQ305. Such comments must be received no later than August 4, 2009, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to [donald.trahan@la.gov](mailto:donald.trahan@la.gov). 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 AQ305. This regulation is available on the internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

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.

Herman Robinson,  
CPA  
Executive Counsel  
MONROE, LA  
JUNE 17, 2009  
0001202094

RECEIVED

JUL 13 2009

L.A. DEPT. OF ENVIRONMENTAL QUALITY  
LEGAL AFFAIRS DIVISION



# THE DAILY ADVERTISER

www.theadvertiser.com

1100 Bertrand Dr./ P.O. Box 3268

Lafayette, LA 70502

## 1202799 NOTICE OF INTENT

Department of  
Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Control of Emissions of  
Nitrogen Oxides  
(LAC 33:111.2201 and  
2202) (AQ305)

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 33:111.2201 and 2202 (Log #AQ305).

This rule provides a new contingency plan to further control emissions of nitrogen oxides (NOx) from facilities located in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) and the Region of Influence (i.e., the parishes of East Feliciana, Pointe Coupee, St. Helena, and West Feliciana) in the event that EPA notifies the department that the Baton Rouge area has exceeded the

1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency has been triggered. This rule amends the contingency plan to extend the applicability of the regulations by two months. There is evidence that many of the past violations of the ozone standard have occurred outside the ozone season defined in LAC 33:111. Chapter 22 (i.e., before May 1 and after September 31). It is expected that extending the use of NOx controls beyond the ozone season may prevent some of these violations. This rule also modifies definitions and makes revisions to clarify the regulations. This rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to provide a necessary element in the State Implementation Plan revisions that will occur when the Baton Rouge Nonattainment Area is redesignated to attainment and to continue to provide protection of human health and welfare. This rule meets an exception listed in R.S. 30:2019(D)(2) and 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 July 28, 2009, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. 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 Donald Trahan 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 AQ305. Such comments must be received no later than August 4, 2009, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3398 or by e-mail to donald.trahan@la.gov. 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 AQ305. This regulation is available on the internet at [www.deq.louisiana.gov/portal/label/1669/default.aspx](http://www.deq.louisiana.gov/portal/label/1669/default.aspx).

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.

Herman Robinson,  
CPM  
Executive Counsel

# CAPITAL CITY PRESS

Publisher of  
**THE ADVOCATE**

## PROOF OF PUBLICATION

The hereto attached notice was published in **THE ADVOCATE**, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the Official Journal of the State of Louisiana, City of Baton Rouge, and Parish of East Baton Rouge, in the following issues:

06/16/09



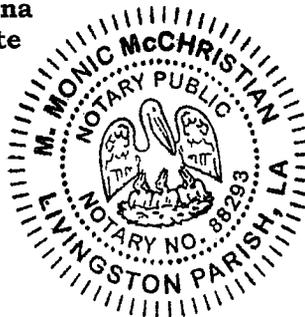
Susan A. Bush, Public Notice Clerk

Sworn and subscribed before me by the person whose signature appears above

June 16, 2009



M. Monic McChristian,  
Notary Public ID# 88293  
Livingston Parish, State of Louisiana  
My Commission Expires: Indefinite



DEQ - OSEC/LAD REG  
REMENDER WEATHERSPOON  
PO BOX 4302 RM 821-74  
BATON ROUGE LA 70821-4314

4105906

RECEIVED

JUL 01 2009

LA. DEPT. OF ENVIRONMENTAL QUALITY  
LEGAL AFFAIRS DIVISION

**NOTICE OF INTENT**  
Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division  
Control of Emissions of Nitrogen Oxides (LAC 33:112201 and 2202) (AQ305)  
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 33:112201 and 2202) (Log #AQ305).  
This rule provides a new contingency plan to further control emissions of nitrogen oxides (NOx) from facilities located in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) and the Region of Influence (i.e., the parishes of East Feliciana, Iberville, Coupee, St. Helena, and West Feliciana) in the event that EPA notifies the department that the Baton Rouge area has exceeded the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency has been triggered. This rule amends the contingency plan to extend the applicability of the regulations by two months, where its evidence that many of the past violations of the ozone standard have occurred outside the ozone season defined in LAC 33:112201(2)(c), before May 1 and after September 31. It is expected that extending the use of NOx controls beyond the ozone season may prevent some of these violations. This rule also modifies definitions and makes revisions to clarify the regulations. This rule is also a revision to the Louisiana State Implementation Plan for air quality. The revisions and rationale for this rule are to provide a necessary element in the State Implementation Plan for air quality that will be in place when the Baton Rouge Nonattainment Area is redesignated to attainment and to provide protection for the health and welfare. 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 information stability and autonomy as described in R.S. 47:772.  
A public hearing will be held on July 28, 2009, at 4:30 p.m. in the Galvez Building, Room 602, 602 North Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Individuals with a disability need an accommodation to participate. Contact Donald Trahan at the address given below or at (225) 219-3365. 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 AQ305. Such comments must be received no later than August 4, 2009, at 4:30 p.m. and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302, or to FAX (225) 219-3368 or by e-mail to donald.trahan@la.gov. 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 AQ305. This regulation is available on the Internet at www.deq.louisiana.gov/portals/abid/169/default.aspx.  
This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North 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; 1117 New Center Drive, Lafayette, LA 70508; 1100 Barataria Street, Lakeport, LA 70374; 201 Evans Road, Bldg. A, Suite 420, New Orleans, LA 70123.  
Herman Robinson, OPM  
Executive Counsel  
4105906-jun 16 2009

DEPARTMENT OF ENVIRONMENTAL QUALITY  
ATTENDANT SIGN-IN SHEET  
Rulemaking Hearing, 1:30 p.m.

D

July 28, 2009

- AQ305 — Control of Emissions of Nitrogen Oxides
- MM010 — Miscellaneous Corrections

NAME	AFFILIATION	ADDRESS	CITY, STATE ZIP	PHONE	COMMENT (Y/N)
Henry Graham	LCA	One Amy Place	BR La 70825		
Michelle Morgan	DEQ	Headquarters	BR, LA		
Sandy Stephens	LDEQ	HQ	BR, LA		
MARK LACOUR	LRI	2431 S. BROADWAY	LA LA		

PRESENTING ORAL COMMENTS

NAME: Henry Graham Jr

ON LOG #: <sup>AIR</sup> 305

DEPARTMENT OF ENVIRONMENTAL QUALITY

**RECEIVED**

AUG 04 2009

DEPT. OF ENVIRONMENTAL QUALITY  
LEGAL AFFAIRS DIVISION

Control of Emissions of Nitrogen Oxides

Log Number: AQ305

The public hearing in the above titled matter was taken at the Department of Environmental Quality, 602 North Fifth Street, Galvez Building, Oliver Pollock Conference Room, Baton Rouge, Louisiana, beginning at 1:30 p.m. on July 28, 2009.

**BEFORE:** Mark LaCour, Certified Stenomask Reporter, in and for the State of Louisiana

***ASSOCIATED REPORTERS, INC.***

***Mark LaCour, C.C.R.***

***(225) 216-2036***

H E A R I N G

MS. SONIAT:

Good afternoon! My name is Gretchen Soniat. I'm employed by the Louisiana Department of Environmental Quality. I'll be serving as hearing officer this afternoon to receive comments regarding proposed amendments to the Environmental Quality regulations.

The comment period for these amendments began on June 20, 2009, when the notices of intent were published in the Louisiana Register. The comment period will close at 4:30 p.m., August 4, 2009. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interested parties to present comments on the proposed changes. This hearing is not being conducted in a question and answer format. Please remember that the purpose of this public hearing is to

**ASSOCIATED REPORTERS, INC.**

Mark LaCour, C.C.R.

(225) 216-2036

1 allow you, the public, an opportunity to  
2 express your thoughts concerning today's  
3 proposed amendments.

4 I'll ask that each person  
5 commenting please come up and sit at the  
6 front table and begin by stating his or  
7 her name and affiliation for the record.

8 The first amendment is designated  
9 by the Log Number AQ305. This rule  
10 provides a new contingency plan to  
11 further control emissions of nitrogen  
12 oxides (NOx) from facilities located in  
13 the Baton Rouge area, that is the  
14 parishes of Ascension, East Baton Rouge,  
15 Iberville, Livingston, and West Baton  
16 Rouge and the region of influence, that  
17 is the parishes of East Feliciana,  
18 Pointe Coupee, St. Helena, and West  
19 Feliciana in the event that EPA notifies  
20 the department that the Baton Rouge area  
21 has exceeded the 1997 eight hour  
22 National Ambient Air Quality Standard,  
23 NAAQS, for ozone, and contingency has  
24 been triggered.

25 This rule amends the contingency

**ASSOCIATED REPORTERS, INC.**

Mark LaCour, C.C.R.

(225) 216-2036

1 plan too extend the applicability of the  
2 regulations by two months. There is  
3 evidence that many of the past  
4 violations of the ozone standard have  
5 occurred outside the ozone season  
6 defined in LAC 33:III.Chapter 22, that  
7 is before May 1 and after September 31.  
8 It is expected that extending the use of  
9 NOx controls beyond the ozone season may  
10 prevent some of these violations. This  
11 rule also modifies definitions and makes  
12 revisions to clarify the regulations.  
13 This rule is also a revision to the  
14 Louisiana State Implementation Plan for  
15 air quality.

16 Comments will begin with Mr. Henry  
17 Graham.

18 **MR. GRAHAM:**

19 Good afternoon. My name is Henry  
20 Graham, Environmental and Legal Affairs  
21 Director for the Louisiana Chemical  
22 Association. LCA is a trade association  
23 of chemical manufacturers in the state  
24 of Louisiana and some of our members are  
25 located within the areas that are

**ASSOCIATED REPORTERS, INC.**

Mark LaCour, C.C.R.

(225) 216-2036

1           impacted by the proposed rule. We  
2           basically are in support of the  
3           department's effort to revise the rule  
4           and provide a contingency plan that  
5           includes control of NOx facilities. We  
6           support the department's efforts to  
7           extend the ozone season by two months  
8           based on the information that's  
9           provided. And we are encouraging the  
10          department of course to maintain and  
11          submit promptly to EPA any information  
12          that's needed to -- in the state  
13          implementation plan or any revisions  
14          that are needed. Thank you.

15          **MS. SONIAT:**

16                 Does anyone care to comment on  
17                 this regulation?

18                 If not, the hearing on AQ305 is  
19                 closed.

20

21                         **THE HEARING ENDED AT 1:34 P.M.**

22

\* \* \* \* \*

**ASSOCIATED REPORTERS, INC.**

Mark LaCour, C.C.R.

(225) 216-2036

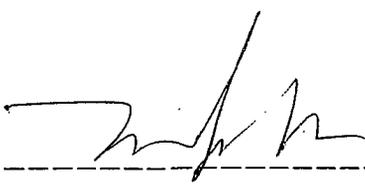
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

R E P O R T E R ' S P A G E

I, Mark LaCour, Certified Court Reporter, in and for the State of Louisiana, the officer, as defined in Rule 28 of the Federal Rules of Civil Procedure and/or Article 1434(b) of the Louisiana Code of Civil Procedure, before whom this sworn testimony was taken, do hereby state on the record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporter's transcription of proceeding, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript.

Also, any words and/or names which could not be verified through reference material have been denoted with the phrase "(inaudible)."



---

Mark LaCour, C.C.R.

# 89054

**ASSOCIATED REPORTERS, INC.**

Mark LaCour, C.C.R.  
(225) 216-2036

C E R T I F I C A T I O N

1  
2 I, the undersigned reporter, do hereby  
3 certify that the above and foregoing is a true  
4 and correct transcription of the stenomask  
5 tape of the proceedings had herein, taken down  
6 by me and transcribed under my supervision, to  
7 the best of my ability and understanding, at  
8 the time and place hereinbefore noted, in the  
9 above-entitled cause.

10 I further certify that the witness was  
11 duly sworn by me in my capacity as a Certified  
12 Court Reporter pursuant to the provisions of  
13 R.S. 37:2551 et seq. in and for the state of  
14 Louisiana; that I am not of counsel nor  
15 related to any of the counsel of any of the  
16 parties, nor in the employ of any of parties,  
17 and that I have no interest in the outcome of  
18 this action.

19 I further certify that my license is in  
20 good standing as a court reporter in and for  
21 the state of Louisiana.



Mark LaCour, C.C.R.

# 89054

**ASSOCIATED REPORTERS, INC.**

Mark LaCour, C.C.R.

(225) 216-2036

**In The Matter Of:**  
*Control of Emissions of Nitrogen Oxides*  
*Log Number: AQ305*

---

*DEPARTMENT OF ENVIRONMENTAL QUALITY*  
*July 28, 2009*

---

*Associated Reporters Inc.*  
*2431 South Acadian Thruway*  
*Suite 550*  
*Baton Rouge, LA 70808*  
*(225) 216-2036 Fax (225) 216-2220*

Original File DEQ7281A.TXT  
Min-U-Script® with Word Index

<p><b>1</b></p> <p>1 (1) 4:7 1:34 (1) 5:21 1434b (1) 6:6 1997 (1) 3:21</p>	<p>3:25 and/or (3) 6:5,12,18 applicability (1) 4:1 AQ305 (2) 3:9;5:18 area (2) 3:13,20 areas (1) 4:25 Article (1) 6:6</p>	<p>concerning (1) 3:2 conducted (1) 2:23 contingency (4) 3:10,23,25;5:4 control (2) 3:11;5:5 controls (1) 4:9 Coupee (1) 3:18 course (1) 5:10 Court (2) 6:2,13</p>	<p>3:19 evidence (1) 4:3 exceeded (1) 3:21 expected (1) 4:8 express (1) 3:2 extend (2) 4:1;5:7 extending (1) 4:8</p>	<p>3:15 impacted (1) 5:1 Implementation (2) 4:14;5:13 inaudible (1) 6:21 includes (1) 5:5 indicate (2) 6:11,15 influence (1) 3:16</p>
<p><b>2</b></p> <p>20 (1) 2:12 2009 (2) 2:12,16 22 (1) 4:6 28 (1) 6:4</p>	<p>Ascension (1) 3:14 Association (2) 4:22,22 August (1) 2:15</p>	<p><b>D</b></p> <p>dashes (2) 6:11,15 defined (2) 4:6;6:4 definitions (1) 4:11 denoted (1) 6:20 Department (3) 2:5;3:20;5:10 department's (2) 5:3,6 designated (1) 3:8 Director (1) 4:21 discourse (1) 6:10 due (1) 6:9</p>	<p><b>F</b></p> <p>facilities (2) 3:12;5:5 Federal (1) 6:5 Feliciano (2) 3:17,19 first (1) 3:8 followed (1) 2:18 format (1) 2:24 forum (1) 2:20 front (1) 3:6 further (1) 3:11</p>	<p>information (2) 5:8,11 intent (1) 2:13 interaction (1) 6:9 interested (1) 2:20</p>
<p><b>3</b></p> <p>31 (1) 4:7 33IIIChapter (1) 4:6</p>	<p><b>B</b></p> <p>based (1) 5:8 basically (1) 5:2 Baton (4) 3:13,14,15,20 began (1) 2:12 begin (2) 3:6;4:16 beyond (1) 4:9</p>	<p><b>E</b></p> <p>East (2) 3:14,17 effort (1) 5:3 efforts (1) 5:6 eight (1) 3:21 emissions (1) 3:11 employed (1) 2:4 encouraging (1) 5:9 ENDED (1) 5:21 Environmental (3) 2:5,9;4:20 EPA (2) 3:19;5:11 event (1)</p>	<p><b>G</b></p> <p>Good (2) 2:3;4:19 Graham (3) 4:17,18,20 Gretchen (1) 2:4</p>	<p><b>J</b></p> <p>June (1) 2:12</p>
<p><b>4</b></p> <p>4 (1) 2:16 4:30 (1) 2:15</p>	<p><b>C</b></p> <p>care (1) 5:16 CCR (1) 6:24 Certified (1) 6:2 changes (2) 2:22;6:12 Chemical (2) 4:21,23 Civil (2) 6:5,6 clarify (1) 4:12 close (1) 2:15 closed (1) 5:19 Code (1) 6:6 comment (3) 2:11,14;5:16 commenting (1) 3:5 comments (4) 2:8,17,21;4:16</p>	<p><b>H</b></p> <p>hearing (6) 2:6,19,22,25;5:18, 21 Helena (1) 3:18 helpful (1) 2:16 Henry (2) 4:16,19 hereby (1) 6:8 hour (1) 3:21</p>	<p><b>I</b></p> <p>Iberville (1)</p>	<p><b>L</b></p> <p>LAC (1) 4:6 LaCour (2) 6:2,24 LCA (1) 4:22 left (1) 6:16 Legal (1) 4:20 Livingston (1) 3:15 located (2) 3:12;4:25 Log (1) 3:9 Louisiana (7) 2:5,14;4:14,21,24; 6:3,6</p>
<p><b>8</b></p> <p>89054 (1) 6:25</p>	<p><b>A</b></p> <p>Affairs (1) 4:20 affiliation (1) 3:7 afternoon (2) 2:7;4:19 afternoon! (1) 2:3 Air (2) 3:22;4:15 allow (1) 3:1 Ambient (1) 3:22 amendment (1) 3:8 amendments (3) 2:8,12;3:3 amends (1)</p>	<p><b>M</b></p> <p>maintain (1) 5:10 makes (1) 4:11 manufacturers (1) 4:23 many (1) 4:3 Mark (2) 6:2,24 material (1) 6:19</p>	<p><b>H</b></p>	<p><b>M</b></p>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

AUG 05 2009

Donald Trahan  
Attorney Supervisor  
Office of the Secretary  
Legal Affairs Division  
Box 4302  
Baton Rouge, LA 70821-4302

RE: AQ305

Dear Mr. Trahan:

Thank you for the opportunity to review and comment on the proposed revision to LAC 33:III:2201 and 2202 concerning Control of Emissions of Nitrogen Oxides identified as rule project number AQ305. Our comments on the proposed revisions follow. We will review the proposal against the latest EPA-approved SIP as reflected in the 67 FR 60877 rulemaking action.

EPA understands the proposed rule change revises the definition of "ozone season" in the rule for the Baton Rouge area and the Region of Influence beyond the current May 1 through September 30 to April 1 through October 31, inclusive, if the need for a contingency plan is triggered by an EPA finding that the area has violated the 8 hour NAAQS. This revision would replace a contingency measure, currently in place in the State rules, (but apparently not submitted to EPA), that would have tightened the NOx requirements for industrial boilers and Stationary Gas Turbines in the event of a violation of the 1-hour standard.

It appears that Louisiana is developing this contingency measure to be a part of a maintenance plan for the 1997 8-hour standard. As such, the contingency measure must meet the requirements of Section 175 of the Act.

We note, however, that Louisiana is obligated to provide contingency measures under 172(c)(9) that would be triggered if the area fails to attain the 1-hour standard or the 8-hour standard. EPA has proposed to suspend the 1-hour contingency requirement under our Clean Data Policy but the suspension has not been finalized. Thus, these obligations remain in place (although they can potentially be suspended under the Clean Data Policy) until the area is redesignated to attainment.

It does not appear that the measure proposed in 2202 will satisfy the requirement for a contingency measure under Section 172(c)(9) of the Act addressing contingency measures which requires that a plan provide for the implementation of specific measures to be undertaken if an area fails to make reasonable further progress, or to attain the national primary ambient air quality standard by its applicable attainment date. The

measures adopted as contingency measures must be part of the state implementation plan and take effect, in any such case, without further action by the State or EPA. EPA has interpreted the 172 requirement such that the contingency plan should result in a 3% reduction in emissions from the baseline. It is not clear that the proposed contingency measure of extending the time period of required controls will result in a 3% reduction from the baseline on a typical ozone season day.

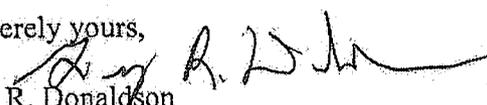
It is possible that the contingency measure that is proposed can meet the requirements of 175 for maintenance plans. Louisiana should explain how this measure will be effective in promptly correcting any violation of the NAAQS.

Under the 1-hour ozone NAAQS, a severe nonattainment area such as Baton Rouge must have RACT in place for all NO<sub>x</sub> or VOC emitting sources with a potential to emit 25 TPY or higher of VOC or NO<sub>x</sub>. Before EPA can approve a redesignation to attainment, Louisiana will need to demonstrate that revisions to Chapter 22 can fulfill the State's RACT obligations for a severe 1-hour ozone nonattainment area; therefore, AQ305 including revisions affecting section 2201(C) Exemptions can not include units that might have a potential to emit of 25 TPY or higher. According to proposed AQ305 Section 2201(B) Definitions, "*Affected Facility*" is being revised by adding "Exempt sources in a facility shall not be included in the determination of whether it is an affected facility." If the proposed revisions to Chapter 22 are adopted, the State's submittal to EPA will clearly need to show that *none* of the exempt sources listed under section 2201(C) Exemptions will have the potential to emit 25 TPY or higher. Further, by removing the exempt sources from the applicability definition, it is less clear that all sources 25 TPY or greater are covered by RACT rules. EPA can not approve any revision to Chapter 22 that does not meet the RACT requirements of the 1-hour ozone NAAQS for a severe nonattainment area such as Baton Rouge.

The proposed revisions to section 2201(C)(6) change the exemption level from 400 hours per ozone season to 3 hours per day during ozone season on a 30-day rolling average. This potentially allows more engines to be exempt, which would appear to allow more emissions than the approved SIP. In your submittal package to EPA please show that this change would comply with section 110(I) of the Act and not interfere with attainment or maintenance of any NAAQS.

If you have questions about Chapter 22-related comments you may contact Mr. Alan Shar at (214) 665-6691, or Ms. Sandra Rennie at (214) 665-7367.

Sincerely yours,

  
Guy R. Donaldson

Chief

Air Planning Section

# KEANMILLER

KEAN MILLER HAWTHORNE D'ARMOND McCOWAN & JARMAN LLP  
ATTORNEYS AT LAW

8/5/09  
Jim Bergeron  
✓ Sandra Hilton  
Susan Ham

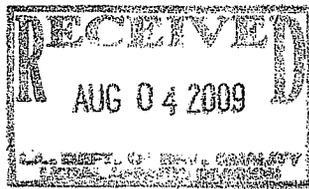
LDEQ RECEIVED PH 225 382 3493 DIRECT FAX 225 215 4093  
KYLE.BEALL@KEANMILLER.COM

2009 AUG 4 PM 2 50  
August 4, 2009

Mr. Donald Trahan  
Louisiana Department of Environmental Quality  
Legal Affairs Division  
P.O. Box 4302  
Baton Rouge, Louisiana 70821-4302

HAND-DELIVERED

Re: Comments on Advanced Notice of Rulemaking – AQ305  
LAC 33:III.2201 and 2202



Dear Mr. Trahan:

The following comments are submitted on behalf of the Louisiana Chemical Association, the Louisiana Mid-Continent Oil & Gas Association, the Louisiana Pulp & Paper Association, and the Louisiana Oil & Gas Association (collectively referred to as the "Associations"). A large number of member companies of each Association operate one or more facilities that are affected by the proposed revisions to the Department's regulation concerning the control of nitrogen oxides (NO<sub>x</sub>) emissions, promulgated as part of the new contingency plan for the Baton Rouge area and the region of influence.

The following specific comments are provided for your consideration. The Association representatives are willing to meet with the LDEQ staff to review these comments and the overall NO<sub>x</sub> control strategy in more detail. The Associations request that the Department include these comments in the administrative record.

Comment 1: Definition of 30-Day Rolling Average (LAC 33:III.2201.B)

The Associations support the Department's proposal to define "30-day rolling average" in the proposed rule. The definition will provide clarity in how this term should be applied for this rule and similar air quality regulations.

Comment 2: Exemption for More Stringent Limitations (LAC 33:III.2201.C.15)

The Associations request that the Department retain the entire phrase "monitoring, reporting, and recordkeeping" in both sentences of proposed Section 2201.C.15 as suggested below. For consistency, the Department should also add a reference to Subsection I to reference the reporting and recordkeeping requirements in that section. The Associations suggest the following language:

15. ... In this case, the monitoring, reporting and recordkeeping requirements shall be in accordance with the more stringent regulation or permit and not this Chapter. If the applicable regulation or permit does not specify monitoring, reporting or recordkeeping requirements, the provisions of Subsection H and I of this Section shall apply.

Comment 3: Ozone Action Day (LAC 33:III.2201.D.9)

The Associations request clarification concerning the declaration of an Ozone Action Day by the Department. First, this term is not defined by Section 2201.B (although capitalized in the regulation). More flexibility should also be provided concerning when an Ozone Action Day is declared. For example, if an Ozone Action Day is declared late in the day when units have already been operated, facilities should not be considered in violation of Section 2201.D.9. In addition, some facilities will need a reasonable time to switch from combusting Number 6 fuel oil. For these reasons, we request that Section 2201.D.9 be revised to read:

~~9. On a day that is designated as an Ozone Action Day by the department~~ Within a reasonable time after the administrative authority designates an Ozone Action Day, a facility shall not fire an affected point source ...

Comment 4: Operating Procedures (LAC 33:III.2201.H.1.b.vi and H.2.b.vi)

The Associations request that the Department revise proposed Sections 2201.H.1.b.vi and 2201.H.2.b.vi to delete the requirement that affected facilities implement operational procedures to "continuously demonstrate compliance with the NO<sub>x</sub> limits of Subsection D or E." Flexibility should be provided to determine the appropriate level and type of procedures for the operation of boiler systems. For this reason, we request that the Department change the proposed language in these sections as follows:

~~vi. ... In order to continuously demonstrate compliance with the NO<sub>x</sub> limits in Subsection D or E of this Section, the owner or operator shall implement procedures to operate the boiler on or inside the fuel and oxygen lines that define the operating system.~~ Except for allowable excursions, the owner or operator shall operate the affected unit on or within the fuel and oxygen lines that define the operating window.

Comment 5: Calibration Requirements (LAC 33:III.2201.H.13)

The Associations request that the Department revise proposed Sections 2201.H.13 and 2201.H.14 to clarify that an annual performance test is not required for instrumentation required by the NO<sub>x</sub> control regulation. The term "calibration" may have been intended by the Department, and therefore, request that the proposed rule be revised as follows:

13. Elapsed run-time and fuel meters, oxygen, diluents, and CO monitors, and other such instrumentation required by this Section shall be ~~performance-tested~~ calibrated according to the ~~vendor's~~ manufacturer's recommendations, but not less frequently than once per year. ~~Testing r~~Records shall be maintained according to Paragraph 1.3 of this Section.

14. Any unit with a permit requirement or applicable regulation that requires more ~~stringent testing~~ frequent calibration than ~~this Chapter~~ requires by Paragraph H.13 of this Section shall comply with the permit requirement or applicable regulation rather than Paragraph H13 of this Section Chapter.

The above changes reflect the intent to require proper calibration for facilities subject to the NO<sub>x</sub> control regulation set forth in LAC 33:III.Chapter 22. The term "performance test" has a specific connotation in an air quality context and we believe it to be misused in these sections. If this is not the Department's intent, then we request that the Department justify the requirement prior to issuing a final rule. The costs associated with requiring an official performance test (which we do not believe was intended) could trigger the Department's statutory duty to conduct a cost-benefit analysis and risk-benefit report.

Comment 6: Contingency Plan (LAC 33:III.2202)

The Associations request that the Department retain the phrase "failed to attain" in proposed Section 2202.A rather than "violated" in relation to the 8-hour ozone standard. We believe this language is more appropriate and suitable should such a determination be made by the EPA in the future.

The Associations appreciate the opportunity to comment on this advanced notice of proposed rulemaking and look forward to working with the LDEQ on this and other regulations concerning the Baton Rouge nonattainment area and the region of influence.

Mr. Donald Trahan  
August 4, 2009  
Page 4

If you have any questions, feel free to contact the Association representatives copied on this letter, or I can be reached at (225)382-3493 or [kyle.beall@keanmiller.com](mailto:kyle.beall@keanmiller.com).

Very truly yours,



Kyle B. Beall

cc: Tim Bergeron, LDEQ  
Henry Graham, LCA  
Richard Metcalf, LMOGA  
Don Briggs, LOGA  
Will Perkins, LPPA

**Comment Summary Response & Concise Statement – AQ305  
Amendments to the Air Regulations  
Control of Emissions of Nitrogen Oxides  
LAC 33:III.2201 and 2202**

COMMENT 1: — The commenter supports the department's efforts to revise the rule and provide a contingency plan that includes control of NO<sub>x</sub> facilities. The commenter also supports the department's efforts to extend the ozone season by 2 months based on the information provided.

FOR/AGAINST -- The department agrees with the comment; no arguments are necessary.

RESPONSE 1: — The department appreciates the support.

COMMENT 2: — The department is encouraged to maintain and submit promptly to EPA any information or revisions that are needed in the state implementation plan.

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

RESPONSE 2: — It is the department's goal to promptly submit information and revisions needed for the state implementation plan.

COMMENT 3: — Louisiana appears to be developing this proposed rule as a contingency measure for a part of the maintenance plan for the 1997 8-hour standard. The contingency measure must meet the requirements of Section 175 of the Clean Air Act (CAA). Louisiana is obligated to provide contingency measures under Section 172(c)(9) of the CAA that would be triggered if the area fails to attain the 1-hour or the 8-hour standard. EPA has proposed to suspend the 1-hour contingency measure under the Clean Data Policy but the suspension has not been finalized. Therefore, the obligations remain in place until the area is redesignated to attainment.

This proposed measure does not appear to satisfy Section 172(c)(9) of the CAA, which requires contingency measures provide for a plan to implement specific measures to be

undertaken if an area fails to make reasonable further progress (RFP), or fails to attain the national primary ambient air quality standard by its applicable attainment date. The adopted measures must be part of the state implementation plan (SIP) and take effect, in any such case, without further action by the state or EPA. Also the contingency plan should result in a 3% reduction in emissions from the baseline. It is unclear if the proposed rule will result in a 3% reduction from the baseline on a typical ozone day.

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

RESPONSE 3: — EPA guidance states that the contingency measures must be equal to 3% of the 2002 Adjusted Base Year Inventory. From Section B.4 of the SIP RFP document, this inventory is 193.3 TPD. Three-percent times this inventory is equal to 5.8 TPD. Therefore the contingency requirement is met and there is an excess in estimated reductions of 10.1 TPD. The following table summarizes the calculation.

**Table 3: Maintenance Plan Contingency Demonstration**

Description	NO <sub>x</sub> , TPD
2002 Adjusted NO <sub>x</sub> Base Year Inventory Relative to 2008 (RFP – Section B.4)	193.3
Maintenance Plan Contingency Requirement, 3%	5.8
Estimated Reduction from Contingency Measure	15.9
Are Estimated Reductions Greater than the Contingency Requirement?	Yes
<b>Contingency Excess</b>	<b>10.1</b>

The contingency plan implementation is described in Section 8.1 of the Baton Rouge Ozone Redesignation Request and Maintenance SIP. The contingency measures would be implemented within 24 months of a violation of the ozone standard.

COMMENT 4: — The proposed measure may meet the requirements of Section 175 of the CAA for maintenance plans. An explanation on how this proposed measure will be effective in promptly correcting any violation of the national ambient air quality standard (NAAQS) is necessary.

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

RESPONSE 4: — See Response to Comment 3. As shown in the table in RESPONSE 3, the proposed measure will meet and exceed the maintenance plan contingency requirement of 3% reductions in

emissions. The NO<sub>x</sub> emissions reductions from the proposed measure will reduce NO<sub>x</sub> emissions by approximately 8% or 15.9 tpd.

COMMENT 5: — The department needs to demonstrate that revisions to Chapter 22 can fulfill the state's reasonably available control technology (RACT) obligations. This means that Paragraph C of LAC 33:III.2201 can not include units that might have a potential to emit 25 tons per year (tpy) or higher. The submittal to EPA will clearly need to show that none of the exempt sources listed under Paragraph C of LAC 33:III.2201 will have the potential to emit 25 tpy or higher. Removing the exempt sources from the applicability definition makes it less clear that all sources, 25 tpy or greater, are covered by RACT. EPA can not approve any revision to Chapter 22 that does not meet the RACT requirements of the 1-hour ozone NAAQS for a severe nonattainment area.

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

RESPONSE 5 — There have not been any new exempt sources added to Paragraph C of LAC 33:III.2201 since it was approved by EPA in 67 FR 60877 on September 27, 2002. The rule still meets the EPA approved RACT requirements since no other changes in applicability or controls have been made. The only changes to Paragraph C are:

§2201.C.4 – added reference to definition of *low ozone season capacity factor boilers and process heater/furnaces*

§2201.C.6 – addressed in Response to Comment 6

§2201.C.15 – added reference to Subsections H and I

§2201.C.18 – exempts any affected point source firing fuel oil during a period of emergency and approved by the administrative authority instead of limiting the exemption to only point sources firing No. 6 fuel oil

COMMENT 6: — The proposed revision in LAC 33:III.2201.C.6 that changes the exemption level from 400 hours per ozone season to 3 hours per day during ozone season on a 30-day rolling average has the

potential to allow more engines to be exempt, which would appear to allow more emissions than the approved SIP. An explanation is needed to show that this change would comply with Section 110(I) of the CAA and not interfere with attainment or maintenance of any NAAQS.

FOR: This change may allow slightly higher emissions from engines over the course of the entire ozone season by allowing more total hours of operation.

AGAINST: The impact of the possible increase in emissions is negligible.

RESPONSE 6: — No new sources are expected to become exempt due to this rule. The original exemption of 400 hours per ozone season could potentially exempt a point source that operated continuously for up to 16 days. The 400 hours equated to 2.614 hours per day. For simplification, the new language uses 3 hours per day on a 30-day rolling average. The new language only allows a point source to operate 90 hours in any 30-day period.

COMMENT 7: §2201.B — The proposed definition of *30-day rolling average* is supported. It will provide clarity in how this term should be applied for this rule and similar air quality regulations.

FOR/AGAINST -- The department agrees with the comment; no arguments are necessary.

RESPONSE 7: §2201.B — The department appreciates the support.

COMMENT 8: §2201.C.15 — Retain the phrase "monitoring, reporting, and recordkeeping" in both sentences of Paragraph 15 of LAC 33:III.2201.C, as suggested below. Add a reference to Subsection I to reference the reporting and recordkeeping requirements in that Section.

15. ... In this case, the monitoring, reporting, and recordkeeping requirements shall be in accordance with the more stringent regulation or permit and not this Chapter. If the applicable regulation or permit does not specify monitoring, reporting and recordkeeping requirements, the provisions of Subsection H and I of this Section shall apply.

FOR/AGAINST -- The department agrees with the comment; no arguments are necessary.

RESPONSE 8: §2201.C.15 — The suggested language change has been made.

COMMENT 9: §2201.D.9 — Revise Paragraph 9 of LAC 33:III.2201.D to read as shown below. Clarification is needed on the declaration of an Ozone Action Day. The term is not defined in Subsection B of LAC 33:III.2201. Flexibility should be provided concerning when an Ozone Action Day is declared. Also, some facilities will need a reasonable amount of time to switch from combusting Number 6 Fuel Oil.

9. ~~On a day that is designated as an Ozone Action Day by the department~~Within a reasonable time after the administrative authority designates an Ozone Action Day, a facility shall not fire an affected point source . . . .

FOR: Paragraph 9 of LAC 33:III.2201.D needs to be changed because the declaration of an Ozone Action Day will affect the operations of a facility.

AGAINST: The language states that if the facility has an approved plan, the plan is considered as having prior approval and the operations may continue without changes.

RESPONSE 9: §2201.D.9 — The language will remain as is. Performing testing of emergency and training combustion units should be able to be changed without a significant amount of notice. Also, as stated in the proposed language, if the administrative authority has approved a plan for using number 6 fuel oil, this constitutes prior approval.

COMMENT 10: §2201.H.1.b.vi and H.2.b.vi — Delete the requirement that affected facilities implement operational procedures to "continuously demonstrate compliance with the NO<sub>x</sub> limits of Subsection D or E." Flexibility should be provided to determine the appropriate level and type of procedures for the operation of boiler systems. Suggested language is below.

vi. ~~... In order to continuously demonstrate compliance with the NO<sub>x</sub> limits of Subsection D or E of this Section, the owner or operator shall implement procedures to operate the boiler on or inside the fuel and oxygen lines that define the operating system.~~ Except for allowable excursions, the owner or operator shall operate the affected unit on or within the fuel and oxygen lines that define the operating window.

FOR: Excursions from the established operating window occasionally happen and facilities need the flexibility to operate during these excursions.

AGAINST: Procedures to operate within the operating window where compliance was demonstrated are necessary to ensure that compliance with the emission limits is maintained.

RESPONSE 10: §2201.H.1.b.vi and H.2.b.vi — No changes will be made. Excursions such as start-up, shutdown, or malfunction are addressed in the exemptions of §2201.C.8. Any other excursion should be addressed on a case-by-case basis with the department.

COMMENT 11: §2201.H.13 and 14 — Revise these proposed Paragraphs to clarify that an annual performance test is not required for instrumentation required by the NO<sub>x</sub> control regulation. The term "calibration" may have been intended. The suggested changes reflect the intent to require proper calibration for facilities subject to the NO<sub>x</sub> control regulation in LAC 33:III.Chapter 22. The term "performance test" has a specific connotation in an air quality context and it is misused in this Section. If this was not the department's intent, the department needs to justify the requirement prior to issuing a final rule. The costs associated with requiring an official performance test could trigger the statutory duty of the department to conduct a cost-benefit analysis and risk-benefit report. See the suggested language below.

13. Elapsed run-time and fuel meters, oxygen, diluents, and CO monitors, and other such instrumentation required by this Section shall be ~~performance tested~~ calibrated according to the ~~vendor's~~ manufacturer's recommendations, but not less frequently than once per year. ~~Testing r~~Records shall be maintained according to Paragraph I.3 of this Section.

14. Any unit with a permit requirement or applicable regulation that requires more ~~stringent testing~~ frequent calibration than ~~this Chapter~~ requires by Paragraph H.13 of this Section shall comply with the permit requirements or applicable regulation rather than Paragraph H.13 of this SectionChapter.

FOR: The term "calibration" should be used when referring to instrumentation. In air quality terms "performance test" has a specific meaning and is not appropriate for this usage.

AGAINST: Paragraph 14 is referring to the testing of emissions, not the

testing of instrumentation.

RESPONSE 11: §2201.H.13 and 14 — Paragraph 13 has been changed as suggested. Paragraph 14 refers to a unit, not to instrumentation. Changes have been made to Paragraph 14 to clarify that a unit must comply with applicable regulations or permit requirements.

COMMENT 12: §2202.A — Retain the phrase "failed to attain" instead of "violated" in relation to the 8-hour ozone standard. This language is more appropriate and suitable should such a determination be made by EPA in the future.

FOR: The phrase "failed to attain" would be consistent with the previous language in §2202.A.

AGAINST: The word "violated" is consistent with the contingency provisions of the Clean Air Act, Section 175A(d).

RESPONSE 12: §2202.A — The suggested phrase will not be retained. Section 175A(d) of the Clean Air Act states "Each plan revision submitted under this section shall contain such contingency provisions as the Administrator deems necessary to assure that the State will promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area."

**Comment Summary Response & Concise Statement Key – AQ305  
Amendments to the Air Regulations  
Control of Emissions of Nitrogen Oxides  
LAC 33:III.2201 and 2202**

COMMENT #

SUGGESTED BY

1 – 2	Henry Graham / Louisiana Chemical Association
3 – 6	Guy R. Donaldson, Chief / EPA, Air Planning Section
7 – 12	Kyle B. Beall of Kean Miller for LCA, LMOGA, LPPA, and LOGA

if the investor tax credits are otherwise transferred or claimed in accordance with R.S. 47: 6007 and these rules; or c. result in any recapture, forfeiture or other disallowance of investor tax credits under R.S. 47:6007(E) or (F) or otherwise.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:6007.

**HISTORICAL NOTE:** Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:57 (January 2010).

Kristy Mc Kearn  
Undersecretary

1001#037

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 741—Louisiana Handbook for School Administrators—Carnegie Credit for Middle School Students (LAC 28: CXV, 2321)

Editor's Note: This Rule is being repromulgated to correct a citation. The original Rule may be viewed on page 2319 in the November 20, 2009 issue of the *Louisiana Register*.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 741—Louisiana Handbook for School Administrators*: §2321. Carnegie Credit for Middle School Students. This policy revision adds Introduction to Business Computer Applications to the list of courses which middle school students may take for high school Carnegie credit. This policy revision is being revised so that middle school students can take this course for high school credit. This course is a prerequisite for many career/tech courses.

**Title 28  
EDUCATION**

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 23. Curriculum and Instruction  
§2321. Carnegie Credit for Middle School Students**

A. Students in grades five through eight are eligible to receive Carnegie credit for courses in the high school program of studies in mathematics, science, social studies, English, foreign language, keyboarding/keyboarding applications, introduction to business computer applications, or computer/technology literacy.

B. - F. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 31:1293 (June 2005), amended LR 33:430 (March 2007), LR 33:2601 (December 2007), LR 34:609 (April 2008), LR 34:2031 (October 2008), LR 35:443 (March 2009), LR 35:2319 (November 2009), repromulgated LR 36:59 (January 2010).

Jeanette B. Vosburg  
Executive Director

1001#078

**RULE**

**Board of Elementary and Secondary Education**

Public Comments (LAC 28:I.713)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended the *Louisiana Administrative Code*, Title 28, Part I, §713. Public Comments. BESE is removing the following notation in Section 713: "NOTE: It should be noted that BESE meetings, while open to the public, are not public hearing forums; therefore, public comments shall be allowed at the discretion of the presiding officer or chair, subject to the provisions provided herein".

**Title 28  
EDUCATION**

**Chapter 7. Operations**

**Part I. Board of Elementary and Secondary Education**

**§713. Public Comments**

NOTE: Repealed.

A. - A.9. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 42:5(D).

**HISTORICAL NOTE:** Promulgated by the Board of Elementary and Secondary Education, LR 34:422 (March 2008), amended LR 36:59 (January 2010).

Jeanette B. Vosburg  
Executive Director

1001#056

**RULE**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

Control of Emissions of Nitrogen Oxides  
(LAC 33:III.2201 and 2202)(AQ305)

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 has amended the Air regulations, LAC 33:III.2201 and 2202 (Log #AQ305).

This Rule provides a new contingency plan to further control emissions of nitrogen oxides (NO<sub>x</sub>) from facilities located in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) and the Region of Influence (i.e., the parishes of East Feliciana, Pointe Coupee, St. Helena, and West Feliciana) in the event that EPA notifies the department that the Baton Rouge area has exceeded the 1997 8-hour National Ambient Air Quality Standard (NAAQS) for ozone and contingency has been triggered. This Rule amends the contingency plan to extend the applicability of the regulations by two months. There is evidence that many of the past violations of the ozone standard have occurred outside the ozone season defined in LAC 33:III.Chapter 22 (i.e., before May 1 and after September 31). It is expected that extending the use of NO<sub>x</sub> controls beyond the ozone season may prevent some of these violations. This Rule also modifies definitions and makes revisions to clarify the

regulations. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to provide a necessary element in the State Implementation Plan revisions that will occur when the Baton Rouge Nonattainment Area is redesignated to attainment and to continue to provide protection of human health and welfare. 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.

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 22. Control of Emissions of Nitrogen Oxides (NO<sub>x</sub>)**

**§2201. Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence.**

A. - A.1. ...

2. The provisions of this Chapter shall apply during the *ozone season*, as defined in Subsection B of this Section, of each year.

3. ...

B. Definitions. Unless specifically defined in this Subsection or in LAC 33:III.111 or 502, the words, terms, and abbreviations in this Chapter shall have the meanings commonly used in the field of air pollution control. For purposes of this Chapter only, the following definitions shall supersede any definitions in LAC 33:III.111 or 502.

\* \* \*

*Affected Facility*—any facility within the Baton Rouge Nonattainment Area with one or more affected point sources that collectively emit or have the potential to emit 25 tons or more per year of NO<sub>x</sub>, unless exempted in Subsection C of this Section, or any facility within the Region of Influence with one or more affected point sources that collectively emit or have the potential to emit 50 tons or more per year of NO<sub>x</sub>, unless exempted in Subsection C of this Section. Exempt sources in a facility shall not be included in the determination of whether it is an affected facility.

\* \* \*

*Low Ozone Season Capacity Factor Boiler or Process Heater/Furnace*—a boiler or process heater/furnace in the Baton Rouge Nonattainment Area with a maximum rated capacity greater than or equal to 40 MMBtu/hour and an ozone season average heat input less than or equal to 12.5 MMBtu/hour, using a 30-day rolling average; or in the Region of Influence with a maximum rated capacity greater than or equal to 80 MMBtu/hour and an ozone season average heat input less than or equal to 25 MMBtu/hour, using a 30-day rolling average.

\* \* \*

*Ozone Season*—except as provided in LAC 33:III.2202, the period May 1 to September 30, inclusive, of each year.

\* \* \*

*Thirty-Day (30-Day) Rolling Average*—an average, calculated daily, of all hourly data for the last 30 days for an affected point source. At the beginning of each ozone season, use one of the following methods to calculate the initial 30-day averages:

a. calculate and record the average of all hourly readings taken during the first day of the ozone season for day one, then the average of all hourly readings taken during

the first and second days for day two, and so on until the first full 30-day average falling entirely within the ozone season is reached;

b. calculate and record a 30-day rolling average for day one of the ozone season using the hourly readings from that day and the previous 29 calendar days, for the second day of the ozone season using the readings from the first two ozone season days and the preceding 28 calendar days, and so on until the first full 30-day average falling entirely within the current ozone season is reached; or

c. calculate and record a 30-day rolling average for day one of the ozone season using the hourly readings from that day and the last 29 days of the previous ozone season, for the second day of the ozone season using the readings from the first two current ozone season days and the last 28 days of the previous ozone season, and so on until the first full 30-day average falling entirely within the current ozone season is reached.

\* \* \*

C. Exemptions. The following categories of equipment or processes located at an affected facility within the Baton Rouge Nonattainment Area or the Region of Influence are exempted from the provisions of this Chapter:

1. - 3.b. ...

4. *low ozone season capacity factor boilers and process heater/furnaces*, as defined in Subsection B of this Section, in accordance with Paragraph H.11 of this Section;

5. - 5.g. ...

6. any point source, in accordance with Paragraph H.12 of this Section, that operates less than 3 hours per day, using a 30-day rolling average, during the ozone season;

7. - 14. ...

15. any affected point source that is required to meet a more stringent state or federal NO<sub>x</sub> emission limitation, whether by regulation or permit. In this case, the monitoring, reporting, and recordkeeping requirements shall be in accordance with the more stringent regulation or permit and not this Chapter. If the applicable regulation or permit does not specify monitoring, reporting and recordkeeping requirements, the provisions of Subsections H and I of this Section shall apply;

16. - 17. ...

18. any affected point source firing fuel oil during a period of emergency and approved by the administrative authority;

19. - 20. ...

D. Emission Factors

1. The following tables list NO<sub>x</sub> emission factors that shall apply to affected point sources located at affected facilities in the Baton Rouge Nonattainment Area or the Region of Influence.

Table D-1A NO <sub>x</sub> Emission Factors for Sources in the Baton Rouge Nonattainment Area		
Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
<i>Electric Power Generating System Boilers:</i>		
Coal-fired	>= 40 to <80 MMBtu/Hour	0.50 pound/MMBtu
	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 40 to <80 MMBtu/Hour	0.30 pound/MMBtu
	>= 80 MMBtu/Hour	0.18 pound/MMBtu

Table D-1A NO <sub>x</sub> Emission Factors for Sources in the Baton Rouge Nonattainment Area		
Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
All Others (gaseous or liquid)	>= 40 to <80 MMBtu/Hour	0.20 pound/MMBtu
	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Industrial Boilers:		
All Fuels	>= 40 to <80 MMBtu/Hour	0.20 pound/MMBtu
	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Process Heater/Furnaces:		
Ammonia Reformers	>= 40 to <80 MMBtu/Hour	0.30 pound/MMBtu
	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 40 to <80 MMBtu/Hour	0.18 pound/MMBtu
	>= 80 MMBtu/Hour	0.08 pound/MMBtu
Stationary Gas Turbines:		
Peaking Service, Fuel Oil-fired	>= 5 to <10 MW	0.37 pound/MMBtu
	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 5 to <10 MW	0.27 pound/MMBtu
	>= 10 MW	0.20 pound/MMBtu
All Others	>= 5 to <10 MW	0.24 pound/MMBtu <sup>b</sup>
	>= 10 MW	0.16 pound/MMBtu <sup>c</sup>
Stationary Internal Combustion Engines:		
Lean-burn	>= 150 to <320 Hp	10 g/Hp-hour
	>= 320 Hp	4 g/Hp-hour
Rich-burn	>= 150 to <300 Hp	2 g/Hp-hour
	>= 300 Hp	2 g/Hp-hour

<sup>a</sup> based on the higher heating value of the fuel

<sup>b</sup> equivalent to 65 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

<sup>c</sup> equivalent to 43 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

Table D-1B NO <sub>x</sub> Emission Factors for Sources in the Region of Influence		
Category	Maximum Rated Capacity	NO <sub>x</sub> Emission Factor <sup>a</sup>
Electric Power Generating System Boilers:		
Coal-fired	>= 80 MMBtu/Hour	0.21 pound/MMBtu
Number 6 Fuel Oil-fired	>= 80 MMBtu/Hour	0.18 pound/MMBtu
All Others (gaseous or liquid)	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Industrial Boilers:		
All Fuels	>= 80 MMBtu/Hour	0.10 pound/MMBtu
Process Heater/Furnaces:		
Ammonia Reformers	>= 80 MMBtu/Hour	0.23 pound/MMBtu
All Others	>= 80 MMBtu/Hour	0.08 pound/MMBtu
Stationary Gas Turbines:		
Peaking Service, Fuel Oil-fired	>= 10 MW	0.30 pound/MMBtu
Peaking Service, Gas-fired	>= 10 MW	0.20 pound/MMBtu
All Others	>= 10 MW	0.16 pound/MMBtu <sup>b</sup>
Stationary Internal Combustion Engines:		
Lean-burn	>= 1500 Hp	4 g/Hp-hour
Rich-burn	>= 300 Hp	2 g/Hp-hour

<sup>a</sup> all factors are based on the higher heating value of the fuel

<sup>b</sup> equivalent to 43 ppmv (15 percent O<sub>2</sub>, dry basis) with an F factor of 8710 dscf/MMBtu

2. - 8. ...

9. On a day that is designated as an Ozone Action Day by the department, a facility shall not fire an affected point source with Number 6 fuel oil or perform testing of emergency and training combustion units without prior

approval of the administrative authority. If a facility has received approval from the administrative authority for a plan to use Number 6 fuel oil, this is considered prior approval for purposes of this Paragraph.

E. - E.1.c.ii. ...

d. An owner or operator that chooses to use the provisions of Clause E.1.b.i or E.1.c.i of this Section to demonstrate compliance in an averaging plan shall include in the submitted plan a description of the actions that will be taken if any under-controlled unit is operated at more than 10 percent above its averaging capacity (HI<sub>i</sub> in Subparagraph E.1.a of this Section). Such actions may include a comparison of the total current emissions from all units in the averaging plan to the total emissions that would result if the units in the plan were operated in accordance with Subsection D of this Section, other reviews, reporting, and/or mitigation actions. If the department determines that the actions are not adequate to prevent an increase of emissions over the total emissions that would result if the units were operated in accordance with Subsection D of this Section, the department shall require that the averaging plan and/or the action plan be revised or shall disallow the use of the averaging plan.

e. ...

f. NO<sub>x</sub> reductions accomplished after 1997 through curtailments in capacity of a point source with a permit revision or by permanently shutting down the point source may be included in the averaging plan. In order to include a unit with curtailed capacity or that has been permanently shut down in the averaging plan, the old averaging capacity, determined from the average of the two ozone seasons prior to the capacity curtailment or shutdown, or such other two-year period as the department may approve, shall be used to calculate the unit's contribution to the term FL. The new averaging capacity, determined from the enforceable permit revision, shall be multiplied by the owner-assigned limit to calculate the contribution of the curtailed unit to the cumulative emission factor for the averaging group. For a shut down source, the contribution to the cumulative emission factor shall be zero.

g. NO<sub>x</sub> reductions from post 1997 modifications to exempted point sources, as defined in Subsection C of this Section, may be used in a facility-wide averaging plan. If a unit exempted in Subsection C of this Section is included in an averaging plan, the term R<sub>ii</sub> in Equation E-1 shall be established, in accordance with Subsection G of this Section, from a stack test or other determination of emissions approved by the department that was performed before the NO<sub>x</sub> reduction project was implemented, and the term R<sub>ai</sub> shall be established from the owner-assigned emission factor in accordance with Subparagraph E.1.a of this Section. For the case of a point source exempted by Paragraph C.15 of this Section, if the permit limits were established after 1997 and were not required by a state or federal regulation, the source may be included in an averaging plan, with the term R<sub>ii</sub> taken from Table D-1A or D-1B in Paragraph D.1 of this Section.

E.1.h. - G.4. ...

5. Compliance with the emission specifications of Subsection D or E of this Section for affected point sources operating without CEMS or PEMS shall be demonstrated while operating at the maximum rated capacity, or as near

thereto as practicable. The stack tests shall be performed according to emissions testing guidelines located on the department website under Air Quality Assessment/Emission Testing Program. Three minimum 1-hour tests, or three minimum 20-minute tests for turbines, shall be performed and the following methods from 40 CFR Part 60, Appendix A shall be used:

G.5.a. - H.1.b.v. ...

vi. alternatively to Clauses H.1.b.ii-iv of this Section, the owner or operator may request approval from the administrator for an alternative monitoring plan that uses a fuel-oxygen operating window to demonstrate continuous compliance of NO<sub>x</sub> and CO. In order to continuously demonstrate compliance with the NO<sub>x</sub> limits of Subsection D or E of this Section, the owner or operator shall implement procedures to operate the boiler on or inside the fuel and oxygen lines that define the operating window. The corners of the window shall be established during the initial compliance test required by Subsection G of this Section or similar testing at another time. The details for use of an alternative monitoring plan shall be submitted in the permit application or in the optional compliance plan described in Paragraph F.7 of this Section. The plan shall become part of the facility permit and shall be federally enforceable.

H.2. - 2.b.v. ...

vi. alternatively to Clauses H.2.b.ii-iv of this Section, the owner or operator may request approval from the department for an alternative monitoring plan that uses a fuel-oxygen operating window, or other system, to demonstrate continuous compliance of NO<sub>x</sub> and CO. In order to continuously demonstrate compliance with the NO<sub>x</sub> limits of Subsection D or E of this Section, the owner or operator shall implement procedures to operate the process heater/furnace on or inside the fuel and oxygen lines that define the operating window. The corners of the window shall be established during the initial compliance test required by Subsection G of this Section or similar testing at another time. The details for use of an alternative monitoring plan shall be submitted in the permit application or in the optional compliance plan described in Paragraph F.7 of this Section. The plan shall become part of the facility permit and shall be federally enforceable.

H.3. - 9.b. ...

10. All affected point sources that rely on periodic stack testing to demonstrate continuous compliance and use a catalyst to control NO<sub>x</sub> emissions shall be tested to show compliance with the emission factors of Subsection D or E of this Section after each occurrence of catalyst replacement. Portable analyzers shall be acceptable for this check. Documentation shall be maintained on-site, if practical, of the date, the person doing the test, and the test results. Documentation shall be made available for inspection upon request.

11. The owner or operator of any *low ozone season capacity factor boiler or process heater/furnace*, as defined in Subsection B of this Section, for which an exemption is granted shall install, calibrate, and maintain a totalizing fuel meter, with instrumentation approved by the department, and keep a record of the fuel input for each affected point source during each ozone season. If the average Btu-per-ozone

season-hour limit is exceeded, the owner or operator of any boiler or process heater/furnace covered under this exemption shall include the noncompliance in the written report that is due in accordance with Paragraph I.2 of this Section. If the average Btu-per-ozone season-hour limit is exceeded, the exemption shall be permanently withdrawn. Within 90 days after receipt of notification from the administrative authority of the loss of the exemption, the owner or operator shall submit a permit modification detailing how the facility will meet the applicable emission factor as soon as possible, but no later than 24 months, after exceeding the ozone season limit. Included with this permit modification, the owner or operator shall submit a schedule of increments of progress for the installation of the required control equipment. This schedule shall be subject to the review and approval of the department.

12. The owner or operator of any affected point source that is granted an exemption in accordance with Paragraph C.6 of this Section shall install, calibrate, and maintain a nonresettable, elapsed run-time meter to record the operating time in order to demonstrate compliance during the ozone season. If the average operating hours-per-day limit is exceeded the owner or operator shall include the noncompliance in the written report that is due in accordance with Paragraph I.2 of this Section. If the average operating hours-per-day limit is exceeded, the exemption shall be permanently withdrawn. Within 90 days after receipt of notification from the administrative authority of the loss of the exemption, the owner or operator shall submit a permit modification detailing how the facility will meet the applicable emission factor as soon as possible, but no later than 24 months, after exceeding the limit. Included with this permit modification, the owner or operator shall submit a schedule of increments of progress for the installation and operation of the required control equipment. This schedule shall be subject to the review and approval of the department.

13. Elapsed run-time and fuel meters, oxygen, diluents, and CO monitors, and other such instrumentation required by this Section shall be calibrated according to the manufacturer's recommendations, but not less frequently than once per year. Records shall be maintained according to Paragraph I.3 of this Section.

14. Any unit with a permit requirement or applicable regulation that requires more stringent testing than this Chapter requires shall comply with the permit requirements or applicable regulation rather than this Chapter.

15. Continuous demonstration of compliance with fuel, oxygen concentration, and other parameter limits shall be on a 30-day rolling average basis.

I. Notification, Recordkeeping, and Reporting Requirements

1. ...

2. The owner or operator of an affected point source granted an exemption in accordance with any part of Subsection C of this Section or required to demonstrate continuous compliance in accordance with Subsection H of this Section shall submit a written report within 90 days of the end of each ozone season to the administrative authority of any noncompliance of the applicable limitations of

Subsection D or E of this Section. The required information may be included in reports provided to the administrative authority to meet other requirements, so long as the report meets the deadlines and content requirements of this Paragraph. The report shall include the following information:

- a. a description of the noncompliance;
- b. a statement of the cause of the noncompliance;
- c. the anticipated time that the noncompliance is expected to continue or, if it has been corrected, the duration of the period of noncompliance; and
- d. the steps taken to prevent recurrence of the noncompliance.

1.3. - J.1. ...

2. The owner or operator shall complete all initial compliance testing, specified by Subsection G of this Section, for equipment modified with NO<sub>x</sub> reduction controls or a NO<sub>x</sub> monitoring system to meet the provisions of this Chapter within 60 days of achieving normal production rate or after the end of the shake down period, but in no event later than 180 days after initial start-up. Required testing to demonstrate the performance of existing, unmodified equipment shall be completed in a timely manner, but by no later than November 1, 2005.

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:290 (February 2002), repromulgated LR 28:451 (March 2002), amended LR 28:1578 (July 2002), LR 30:748 (April 2004), LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2441 (October 2005), LR 33:2088 (October 2007), LR 34:71 (January 2008), LR 36:60 (January 2010).

#### **§2202. Contingency Plan**

A. This Section shall become effective only in the event that the United States Environmental Protection Agency (EPA) determines and notifies the department in accordance with Section 175A(d) of the Clean Air Act as amended [42 USC 7511(b)(2)] that the Baton Rouge area has violated the 8-hour ozone National Ambient Air Quality Standard (NAAQS), and that the department must put this contingency plan into effect.

B. Definition of *Ozone Season*. In the event of notification from EPA in accordance with Subsection A of this Section, the definition of *ozone season* in LAC 33:III.2201.B will be the period April 1 to October 31, inclusive, of each year.

C. Effective Dates. An owner or operator of a source subject to this Chapter shall comply with this Section as expeditiously as possible, but not later than the first day of the next ozone season after determination and notification by the EPA in accordance with Subsection A of this Section.

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 30:1170 (June 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 36:63 (January 2010).

Herman Robinson, CPM  
Executive Counsel

1001#017

## **RULE**

### **Department of Health and Hospitals Board of Dentistry**

General Provisions  
(LAC 46:XXXIII.116 and 1713)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry hereby amends LAC 46:XXXIII.116 and 1713. No preamble has been prepared.

#### **Title 46**

### **PROFESSIONAL AND OCCUPATIONAL STANDARDS**

#### **Part XXXIII. Dental Health Profession**

##### **Chapter 1. General Provisions**

##### **§116. Reconsideration of Adverse Sanctions**

A. - H. ...

I. A licensee may request a reconsideration of adverse sanctions a maximum of three times for the same disciplinary matter. Any applications beyond this limit will be considered at the discretion of the board.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:760(8).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:1113 (June 1998), amended LR 26:1612 (August 2000), repromulgated LR 27:1890 (November 2001), amended LR 27:1893 (November 2001), LR 36:63 (January 2010).

##### **Chapter 17. Licensure Examinations**

##### **§1713. Board Approved Regional or National**

##### **Independent Third Party Clinical Examinations**

A. The board shall accept passing scores from board approved testing agencies which administer reliable, accurate, and valid examinations and in which the board has the option of representation on both the board of directors and the examination review committee or equivalent committees and allow for the board's input into the examination development and administration.

B.1. The clinical examination shall be substantially equivalent to the clinical licensure examination most recently administered by the board and include procedures performed on human subjects as part of the assessment of restorative and periodontal clinical competencies and shall have included evaluations in at least four of the following subject matter areas:

- a. periodontics, clinical abilities testing;
- b. endodontics, clinical abilities testing;
- c. amalgam preparation and restoration;
- d. anterior composite preparation and restoration;
- e. posterior ceramic or composite preparation and restoration;
- f. cast gold, clinical abilities testing;
- g. prosthetics, written or clinical abilities testing;
- h. oral diagnosis, written or clinical abilities testing;

or