



**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENVIRONMENTAL SERVICES

February 7, 2011

Dr. Al Armendariz, Regional Administrator  
U. S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202

RE: Parallel processing of revisions to LAC 33:III.2123 Organic Solvents with the CTG  
SIP submittal

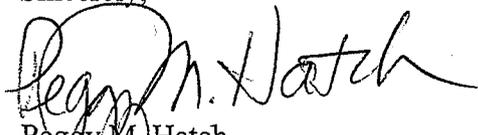
Dear Dr. Armendariz:

The state of Louisiana is submitting the proposed rule revision to Chapter 21, Section 2123, Organic Solvents that is included in the Volatile Organic Compounds (VOC) Reasonably Achievable Control Technology (RACT)/Control Techniques Guidelines (CTG) State Implementation Plan (SIP) submitted to your agency on August 31, 2010. According to 40 CFR 51, Appendix V, Section 2.3 Exceptions, the Environmental Protection Agency (EPA) for purposes of expediting the review of a plan may allow a state to submit a copy of a proposed regulation prior to publication of EPA's final determination of plan approvability.

The Louisiana Department of Environmental Quality (LDEQ) noticed this proposed rule in the January 20, 2011 issue of the Louisiana Register. A public hearing will be held on February 22, 2011. A copy of the rule, rule changes and promulgation schedule are included per the requirements of parallel processing.

Please address any questions regarding this VOC RACT/CTG SIP to Vivian H. Aucoin, Air Permits Division at (225) 219-3419 or by email at [vivian.aucoin@la.gov](mailto:vivian.aucoin@la.gov).

Sincerely,

  
Peggy M. Hatch  
Secretary

cc: Guy Donaldson, Air Chief

## NOTICE OF INTENT

### Department of Environmental Quality Office of the Secretary

Organic Solvents; Emissions  
(LAC 33:III.2123)(AQ320)

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.2123.A (Log #AQ320).

This Rule will amend Subsection A of LAC 33:III.2123 by replacing language that was inadvertently removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. 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 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.

#### Title 33

### ENVIRONMENTAL QUALITY

#### Part III. Air

#### Chapter 21. Control of Emission of Organic Compounds

#### Subchapter B. Surface Coatings

#### §2123. Organic Solvents

A. Except as provided in Subsections B and C of this Section, any emissions source using organic solvents having an emission of volatile organic compounds resulting from the application of surface coatings equal to or more than 15 pounds (6.8 kilograms) per day, or an equivalent level of 2.7 tons per 12-month rolling period, shall control emissions of volatile organic compounds through the use of low solvent coatings, as provided in Subsection C of this Section, or, where feasible, by incorporating one or more of the following control methods:

A.1. - 1. ...

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23

(January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 35:1102 (June 2009), LR 36:1774 (August 2010), repromulgated LR 36:2031 (September 2010), LR 37:

#### Family Impact Statement

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

#### Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ320. Such comments must be received no later than March 1, 2011, 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) 219-4068 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 AQ320. 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).

#### Public Hearing

A public hearing will be held on February 22, 2011, 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.

Herman Robinson, CPM  
Executive Counsel

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Organic Solvents; Emissions

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
There will be no implementation costs or savings to state or local governmental units as a result of the proposed rule. This rule change merely replaces language which was inadvertently removed in a rule change in August 2010.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There is no estimated effect on revenue collections of state or local governmental units resulting from the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There will be no significant costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Herman Robinson, CPM  
Executive Counsel  
1101#058

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Board of Cosmetology**

Exam Ineligibility and Alternative Hair Design  
(LAC 46:XXXI.310 and 1107)

The Board of Cosmetology does hereby give notice of its intent to enact a Rule (LAC 46:XXXI.310) regarding eligibility for examinations administered and to amend the Rule (LAC 46:XXXI.1107.A) regarding the educational requirements for alternative hair design permits.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL STANDARDS**

**Part XXXI. Cosmetologists**

**Chapter 3. Schools and Students**

**§310. Ineligibility for Examination**

A. Ineligibility Period. Any individual who takes a written examination three times without receiving a passing score shall be ineligible to take any additional examinations until such time as the individual provides proof of completion of an additional 250 hours in the applicable curriculum at a cosmetology school approved by the board and provides a clearance from the school attended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 37:

**Chapter 11. Special and Temporary Permits**

**§1107. Alternative Hair Design Curriculum**

A. Curriculum. The alternative hair design curriculum shall consist of at least 500 hours of instruction which shall include but not be limited to the following:

1. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003), amended LR 37:

**Family Impact Statement**

Neither the proposed Rule nor the amended Rule should have any known or foreseeable impact on any family as defined by R.S. 49:972.D, or on family formation, stability and autonomy. There should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; or

6. the ability of the family or a local government to perform the function as contained in the proposed and amended rules.

**Public Comments**

Interested persons may submit written comments to Steven Young, Executive Director, Board of Cosmetology, 11622 Sunbelt Court, Baton Rouge, LA 70809, by facsimile to (225) 756-3410 or by email to DebryBlanchard.Legal@LA.gov by 8 a.m., February 14, 2011.

Steven Young  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Exam Ineligibility and Alternative Hair Design**

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

The proposed rule change will have no impact on state or local government expenditures. The rule change provides for remedial education courses to help students pass the national standard test required to receive a license. All costs of remediation will be paid by students seeking licensure. The rule change will also reduce the number of hours required to receive a permit in the Alternative Hair Design curriculum.

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

The proposed rule change will likely result in an indeterminable increase in the number of students that are licensed annually. Each additional student who becomes licensed as a result of this remediation will increase revenue to the Board of Cosmetology by \$25 per student. Any increase in the number of these permits is not anticipated to be significant.

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

The proposed rule change will result in a decrease in the Alternative Hair Design curriculum of 500 hours (currently 1,000 hours). This will reduce the cost of this permit from \$8,000 to \$4,000. In addition, the rule change will provide remedial education for students seeking licensure. Remediation will be provided for \$8/hr. for 250 hours.

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

This rule could possibly provide 100 citizens per year an opportunity for a career path.

Stephen Young  
Director  
1101#047

H. Gordon Monk  
Legislative Fiscal Officer  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Office of the Governor  
Division of Administration  
Office of State Uniform Payroll**

403(b) Tax Shelter Annuity Program (LAC 4.III.901)

In accordance with the applicable provisions of R.S. 49:950 et seq., and pursuant to the authority granted under R.S. 42:455(A), the Division of Administration through the Office of State Uniform Payroll, finds it necessary to adopt

Title 33  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**  
**Chapter 21. Control of Emission of Organic Compounds**  
**Subchapter B. Surface Coatings**

**§2123. Organic Solvents**

A. Except as provided in Subsections B and C of this Section, any emissions source using organic solvents having an emission of volatile organic compounds resulting from the application of surface coatings equal to or more than 15 pounds (6.8 kilograms) per day, or an equivalent level of 2.7 tons per 12-month rolling period, shall control emissions of volatile organic compounds through the use of low solvent coatings, as provided in Subsection C of this Section, or, where feasible, by incorporating one or more of the following control methods:

A.1. -I. ...

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 35:1102 (June 2009), LR 36:1774 (August 2010), repromulgated LR 36:2031 (September 2010), LR 37:\*\*.

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

LOG #: AQ320

Person Preparing Statement:	<u>Timothy Bergeron</u> <u>timothy.bergeron@la.gov (email address)</u>	Dept.:	<u>Environmental Quality</u>
Phone:	<u>(225) 219-3410</u>	Office:	<u>Environmental Services</u>
Return Address:	<u>602 North Fifth St.</u> <u>Baton Rouge, LA 70802</u>	Rule Title:	<u>Correction to Section 2123</u> <u>(LAC 33:III.2123.A)</u>
		Date Rule Takes Effect:	<u>Upon Promulgation</u>

SUMMARY

(Use complete sentences)

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

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

There will be no implementation costs or savings to state or local governmental units as a result of the proposed rule. This rule change merely replaces language which was inadvertently removed in a rule change in August 2010.

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

There is no estimated effect on revenue collections of state or local governmental units resulting from the proposed rule.

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

There will be no significant costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

\_\_\_\_\_  
Signature of Agency Head or Designee

\_\_\_\_\_  
Legislative Fiscal Officer or Designee

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

\_\_\_\_\_

1. When a component which has a leak that cannot be repaired, as described in Subsection C of this Section, is located, a weatherproof and readily visible tag bearing an identification number and the date the leak is located shall be affixed to the leaking component. After the leak has been repaired the tag identifying the component as a leaking component may be removed.

2. A survey log shall be maintained by the operator and shall include the following:

- a. the name of the process unit where the leaking component is located;
- b. the name of the leaking component;
- c. the stream identification at the leak;
- d. the identification number from the tag required by Paragraph F.1 of this Section;
- e. the date the leak was located;
- f. the date maintenance was performed;
- g. the date(s) the component was rechecked after maintenance, as well as the instrument reading(s) upon recheck (For natural gas processing plants the soap bubble test commonly performed in the industry is satisfactory.);
- h. a record of leak detection device calibration;
- i. a list of leaks not repaired until turnaround;
- j. a list of total number of items checked versus the total found leaking.

3. The operator shall retain the survey log for two years after the latter date specified in Paragraph F.2 of this Section and make said log available to the administrative authority\* upon request.

**G. Reporting Requirements.** The operator of the affected facility shall submit a report semiannually to the Office of Environmental Assessment containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

1. the number of items checked versus the number found leaking;
2. the percent of components leaking for the *test period*, as defined in Paragraph C.4 of this Section;
3. the total percent of leakers, as defined in Paragraph C.5 of this Section;
4. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:
  - a. the name of the unit where the leaking component is located and the date of last unit shutdown;
  - b. the name of the leaking component;

- c. the stream identification at the leak;
  - d. the date the leak was located;
  - e. the date maintenance was attempted;
  - f. the date the leak will be repaired if the component is awaiting a shutdown; and
  - g. the reason repairs failed or were postponed;
5. the list of items awaiting turnaround for repair; and
  6. a signed statement attesting to the fact that all other monitoring has been performed as required by the regulations.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004), repromulgated by the Office of Environmental Assessment, LR 30:2030 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007).

## Subchapter B. Surface Coatings

### §2123. Organic Solvents

**A.** Except as provided in Subsections B and C of this Section, any emissions of volatile organic compounds resulting from the application of surface coatings equal to or more than 15 pounds (6.8 kilograms) per day, or an equivalent level of 2.7 tons per 12-month rolling period, shall control emissions of volatile organic compounds through the use of low solvent coatings, as provided in Subsection C of this Section, or, where feasible, by incorporating one or more of the following control methods:

1. incineration, provided 90 percent of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide (except as provided in Subsection D of this Section);
2. carbon adsorption, with a control efficiency of at least 90 percent, of the organic compounds;
3. any other equivalent means as may be approved by the administrative authority. Once a source exceeds the emission cutoff specified in this Section that source shall be subject and shall remain subject to the requirements of this Subsection regardless of future emission rates.

**B.** Soldering operations, painting and coating operations not listed in Subsection C of this Section, and dry cleaning operations using organic solvents that are not considered photochemically reactive shall be considered for exemption from the requirements of this Section.

TENTATIVE DEADLINES FOR RULEMAKING ACTIVITIES

Log #320

Fiscal Office Dec. 20, 2010; Proposed Jan. 20, 2011; Final May 20, 2011

DESCRIPTION	RULE ORIGINATOR TARGET DATE	RULEMAKING DEADLINE
1. <b>Signed</b> Request to Initiate Rulemaking Activity form, Draft rule, draft FEIS, Family Impact Statement, and Cost/benefit certification or cost/benefit analysis due to RD	Day 1	
2. <b>Draft rule due to Legal (RD responsibility)</b>		
3. Completed FEIS and Fiscal Office Draft rule due to RD. ( <b>MS Word</b> computer files of FEIS and strikeout/underline rule)	Dec 10, 2010	
4. Signed FEIS and Fiscal Office Draft rule due to Fiscal Office		Dec. 20, 2010
5. NOI to State Register, RD web page, & interested persons		Jan. 10, 2011
6. NOI published in <i>Louisiana Register</i> , comment period begins		Jan. 20, 2011
7. DEQ Public Hearing date		Feb. 22, 2011
8. Comment period ends		March 1, 2011
9. RD summarized comments transmitted to rule originator		** March 15, 2011
10. Summary report ( <b>MS Word</b> computer files) due to RD, with: • written authorization to proceed, • comment summaries and responses and comment key, • concise statement, • list of technical amendments, if any, and • proposed rule with technical amendments (strikeout/underline/highlight)	↓* Apr. 5, 2011	
11. Summary report to LOC, RD web page, & commenters		Apr. 10, 2011
12. LOC Hearing window		5-30 days after submittal of summary report
13. Rule to State Register, RD web page, & interested persons		May 10, 2011
14. Rule published in <i>Louisiana Register</i> and is final rule		May 20, 2011
<p>*The RD will submit the comment summary to the rule originator as soon as possible, depending on the number of comments received.</p> <p>*If minor or no comments are received, it may be possible to finalize the rule one month earlier by completing items 9 and 10 immediately after the comment period ends and submitting the summary report before the ninth of the month.</p> <p>↓Up to nine months may be taken to respond to comments in order to complete this cycle within the required one-year period.</p>		

**Sandy Stephens**

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**From:** Susan Ham  
**Sent:** Monday, January 10, 2011 10:39 AM  
**To:** 'marshb@legis.state.la.us'; 'carterd@legis.state.la.us'; 'jacksonb@legis.state.la.us'; 'wileyjw@legis.state.la.us'; 'kingsu@legis.state.la.us'; 'tauzine@legis.state.la.us'; 'mccloudt@legis.state.la.us'; wellsc@legis.state.la.us  
**Cc:** Alex Appeaning; Donald Trahan; Peggy Hatch; Herman Robinson; Susan Ham; Deidra Johnson; Bryan Johnston; Timothy Bergeron  
**Subject:** DEQ January 2011 First Report of Proposed Rules  
**Attachments:** AQ320 NOTICE TO LOC & AG.docx; AQ315 NOTICE TO LOC & AG.docx

January 10, 2011

The Honorable Jody Amedee, Chairman  
c/o Cathy Wells, Committee Senior Researcher  
Senate Committee on Environmental Quality

The Honorable Gordon E. Dove, Sr., Chairman  
c/o Tyler McCloud, Attorney  
House Committee on Natural Resources and Environment

**RE: First Report on Proposed Rules**

AQ315–Necessary Regulatory Revisions Prompted by Greenhouse Gas Regulation (LAC 33:III.111, 211, 223, 501, 503, 523, 537 & 2132)  
AQ320-Correction to Section 2123(LAC 33:III.22123.A)

Pursuant to the Louisiana Administrative Procedure Act, the Louisiana Department of Environmental Quality is submitting the proposed rule that will be noticed in the January 20, 2011, issue of the *Louisiana Register*. The following documents are in the attached file for each rule:

- the Notice of Intent;
- the Proposed Rule; and
- the Fiscal and Economic Impact Statement, if required.

These regulations are also available on the Internet, by the rule log number under the proposed month and year, at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx). Contact Susan Ham at (225) 219-3985 if you have any questions regarding this material.

Sincerely,  
Herman Robinson, CPM  
Executive Counsel

e-mail attachments

cc: The Honorable Joel T. Chaisson, II  
President of the Senate

The Honorable Jim Tucker  
Speaker of the House of Representatives

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Susan Ham, Paralegal  
Department of Environmental Quality  
Legal Division  
225-219-4231

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division

Correction to Section 2123  
(LAC 33:III.2123.A) (AQ320)

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.2123.A (Log #AQ320).

This Rule will amend Subsection A of LAC 33:III.2123 by replacing language that was inadvertently removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. 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 February 22, 2011, 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 AQ320. Such comments must be received no later than March 1, 2011, 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) 219-4068 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 AQ320. 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

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

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

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

This rule will amend Subsection A of LAC 33:III.2123 by replacing language that was inadvertently removed in a previous rulemaking.

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

In a previous rule, language in Subsection A of LAC 33:III.2123 was inadvertently struck. This oversight needs to be corrected for the regulation to read correctly.

The proposed rule will serve as a revision to the Louisiana State Implementation Plan (SIP) for air quality.

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

The proposed rule change will not result in any increase in the expenditure of funds.

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

(a)  Yes. If yes, attach documentation.

(b)  No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

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

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

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

COSTS	FY10-11	FY11-12	FY12-13
PERSONAL SERVICES			

OPERATING EXPENSES			
PROFESSIONAL SERVICES			
OTHER CHARGES			
EQUIPMENT	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR			
POSITIONS (#)	-0-	-0-	-0-

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

This statement is not applicable.

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

SOURCE	FY10-11	FY11-12	FfY12-13
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

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

The department has sufficient funds to implement the proposed action.

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

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

No impact on local governmental units is anticipated resulting from the proposed action.

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

This statement is not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**WORKSHEET**

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

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

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

REVENUE INCREASE/DECREASE	FY10-11	FY11-12	FY12-13
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
RESTRICTED FUNDS*	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
LOCAL FUNDS	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

\*Specify the particular fund being impacted.

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

This statement is not applicable.

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

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

No persons or non-governmental groups will incur significant costs or realize economic benefits from the proposed action.

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

There will be no impact on receipts and/or income from the proposed rule.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

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

There will be no impact on competition or employment in the public or private sector as a result of the proposed rule.