

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

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 Quality regulations, LAC 33:III.3003, 5116, and 5122 (Log #AQ194*).

This proposed rule is identical to a federal regulation found in 64 FR 7463-7468, February 12, 1999, No. 29, which is applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 765-0399 or Box 82178, Baton Rouge, LA 70884-2178. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This rule incorporates revisions to 40 CFR Part 60, Subparts A, D, Da, Db, Dc, Ea, J, CC, NN, XX, AAA, and SSS; Part 61, Subparts A, L, and N; and Part 63, Subpart A as published in the Federal Register, February 12, 1999, volume 64, number 29, pages 7457 and 7463-7467. Also, revisions are made to clarify the date of the revised standards incorporated by reference in Chapters 30 and 51. The Department of Environmental Quality has program delegation authority from the US Environmental Protection Agency for 40 CFR Parts 60, 61, and 63. To obtain delegated authority for individual federal standards, the state must adopt the federal regulations into the Louisiana Administrative Code. Such action is taken at this time so that existing state and federal standards will reflect the same recordkeeping requirements. The basis and rationale for this proposed rule are to mirror the federal regulations.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on September 27, 1999, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. 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 Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ194*. Such comments must be received no later than September 27, 1999, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to FAX (225) 765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. Contact the

Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ194*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

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

**Chapter 30. Standards of Performance for New Stationary Sources (NSPS)
Subchapter A. Incorporation by Reference (IBR)**

§3003. IBR 40 Code of Federal Regulations (CFR) Part 60

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[See Prior Text in A-Table 1.A]

B. ~~Reserved~~Final regulations published in the *Federal Register* on February 12, 1999, and specified below in Table 2 are hereby incorporated by reference as they apply to the State of Louisiana.

Table 2. 40 CFR Part 60			
<u>40 CFR Part 60 Subpart/Appendix</u>	<u>Subpart Heading/Appendix</u>	<u>Federal Register Citation</u>	<u>Date Promulgated</u>
<u>Subpart A</u>	<u>General Provisions</u>	<u>64 FR 7463</u>	<u>February 12, 1999</u>
<u>Subpart D</u>	<u>Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971</u>	<u>64 FR 7464</u>	<u>February 12, 1999</u>
<u>Subpart Da</u>	<u>Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978</u>	<u>64 FR 7464</u>	<u>February 12, 1999</u>
<u>Subpart Db</u>	<u>Standards of Performance for Industrial-Commercial- Institutional Steam Generating Units</u>	<u>64 FR 7464</u>	<u>February 12, 1999</u>
<u>Subpart Dc</u>	<u>Standards of Performance for Small Industrial - Commercial-Institutional Steam Generating Units</u>	<u>64 FR 7465</u>	<u>February 12, 1999</u>
<u>Subpart Ea</u>	<u>Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and on or Before September 20, 1994</u>	<u>64 FR 7465</u>	<u>February 12, 1999</u>
<u>Subpart J</u>	<u>Standards of Performance for Petroleum Refineries</u>	<u>64 FR 7465</u>	<u>February 12, 1999</u>

Table 2. 40 CFR Part 60			
40 CFR Part 60 Subpart/Appendix	Subpart Heading/Appendix	Federal Register Citation	Date Promulgated
Subpart CC	<u>Standards of Performance for Glass Manufacturing Plants</u>	64 FR 7466	February 12, 1999
Subpart NN	<u>Standards of Performance for Phosphate Rock Plants</u>	64 FR 7466	February 12, 1999
Subpart XX	<u>Standards of Performance for Bulk Gasoline Terminals</u>	64 FR 7466	February 12, 1999
Subpart AAA	<u>Standards of Performance for New Residential Wood Heaters</u>	64 FR 7466	February 12, 1999
Subpart SSS	<u>Standards of Performance for Magnetic Tape Coating Facilities</u>	64 FR 7467	February 12, 1999

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[See Prior Text in C-D]

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 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25 ****.

Title 33
ENVIRONMENTAL QUALITY
Part III.Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

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[See Prior Text in A]

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the *Federal Register* as promulgated February 12, 1999, and specifically listed in the following table are hereby incorporated by reference as they apply to sources in the State of Louisiana.

<u>40 CFR 61</u>	<u><i>Federal Register</i> Citation</u>	<u>Date Promulgated</u>	<u>Subpart/Appendix Heading</u>
Subpart A	<u>64 FR 7457</u>	<u>February 12, 1999</u>	<u>General Provisions</u>
Subpart L	<u>64 FR 7457</u>	<u>February 12, 1999</u>	<u>National Emission Standard for Benzene Emissions from Coke By-Products Recovery Plants</u>
Subpart N	<u>64 FR 7457</u>	<u>February 12, 1999</u>	<u>National Emission Standards for Inorganic Arsenic Emissions From Glass Manufacturing Plants</u>

C. Corrective changes are made to 40 CFR part 61 subpart A, section 61.04(b)(T), to read as follows: State of Louisiana: ~~Air Toxics~~Technical Support Section Program Manager, ~~Air Quality Regulatory~~Permits Division, ~~Office of Environmental Services~~, Louisiana Department of Environmental Quality, Box 82135, Baton Rouge, LA 70884-2135.

€D. Copies of documents incorporated by reference in this Chapter are available for review at the ~~Air Quality~~Office of Environmental Services, Environmental Assistance Division Information Center, Louisiana Department of Environmental Quality, or may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242.

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 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:**** (August 1999), LR 25:****

Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources

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[See Prior Text in A]

B. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories published in the *Federal Register* as promulgated February 12, 1999, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

<u>40 CFR 63</u>	<u>FEDERAL REGISTER CITATION</u>	<u>DATE PROMULGATED</u>	<u>SUBPART/APPENDIX HEADING</u>
<u>Subpart A</u>	<u>64 FR 7457</u>	<u>February 12, 1999</u>	<u>General Provisions</u>

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 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:**** (August 1999), LR 25:****