Please acknowledge receipt of the DEQ Annual Report on Rules for 2015 Regular Session by a return e-mail message.

March 11, 2015

The Honorable Mike Walsworth, Chairman
c/o J.W. Wiley, Committee Counsel
Senate Committee on Environmental Quality

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

The Honorable Jack Donahue, Chairman
Senate Finance Committee

The Honorable James R. “Jim” Fannin, Chairman
House Appropriations Committee

RE: Annual Report on Rules for 2015 Regular Session

Pursuant to La.R.S. 49:968(K), the Department of Environmental Quality is submitting the report of action taken by the Department with respect to adoption, amendment, or repeal of rules and proposed fee adoptions, increases, or decreases.

The attached report includes actions taken on rules that were proposed between January 1, 2014 and March 31, 2015.

Should you have any questions regarding this material, please contact Deidra Johnson, Attorney Supervisor, at (225) 219-3985. Please acknowledge receipt of this message by return e-mail.

Sincerely,
Herman Robinson, CPM
Executive Counsel

email attachment

c: The Honorable John A. Alario, Jr.
President of the Senate

The Honorable Charles E. "Chuck" Kleckley
Speaker of the House of Representatives

By: Susan Ham
The following is a summary of actions taken by the Department of Environmental Quality with adoption, amendment, or repeal of proposed rules and of actions taken by the agency with respect to adoptions, increases, or decreases. Included are actions January 1, 2014 to March 31, 2015.

Proposed dates are those on which the notice of intended action was published in the Louisiana Register pursuant to La. R.S. 49:953. Public hearing dates are those on which the agency held public hearings pursuant to La. R.S. 49:953. Oversight hearing dates are those on which oversight hearings were conducted pursuant to La. R.S. 49:968. Final dates are those on which the actions were published in the Louisiana Register pursuant to La. R.S. 49:954.

**WQ081 - Revision to Municipal Facilities Revolving Loan Fund**
LAC 33:IX.2101, 2103, 2105, 2107, 2109, 2111, 2113, 2115, 2117, 2119, 2121, 2123, 2125

This rule eliminates unmandated processes within the Clean Water State Revolving Fund, a low interest loan program for water quality improvement projects. The rule will more closely emulate the minimum Federal requirements and processes that loan applicants must follow. The rule eliminates Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d)) text and instead includes the most up to date Louisiana Water Quality Inventory: Integrated Report (305(b)/303(d)) by reference.

<table>
<thead>
<tr>
<th>Proposed Date:</th>
<th>January 20, 2014</th>
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</thead>
<tbody>
<tr>
<td>Public Hearing:</td>
<td>February 24, 2014</td>
</tr>
<tr>
<td>Final Date:</td>
<td>April 20, 2014</td>
</tr>
</tbody>
</table>

**AQ343ft - 2013 Annual Incorporation by Reference of Certain Federal Air Quality Regulations**
LAC 33:III.506, 507, 2160, 3003, 5116, 5311 and 5901

This rule incorporates by reference (IBR) into the Louisiana Administrative Code (LAC), Title 33, Part III, Air Regulations the following federal regulations included in the July 1, 2013 edition of the Code of Federal Regulations (CFR): 40 CFR Parts 51, Appendix M, 60, 61, 63, 68, 70.6(a) and 96. Any exception to the IBR is explicitly listed in the rule which updates the references to July 1, 2013, for Standard of Performance for New Stationary Sources, 40, CFR Part 60. This rule also updates the references to July 1, 2013, for the National Emission Standards for Hazardous Air Pollutants (NESHAP) and for NESHAP for Source Categories, 40 CFR Parts 61 and 63. In order for Louisiana to maintain equivalency with federal regulations, certain regulations in the most current Code of Federal Regulations, July 1, 2013, must be adopted into the Louisiana Administrative Code (LAC). This rulemaking is also necessary to maintain delegation authority granted to Louisiana by the Environmental Protection Agency.

<table>
<thead>
<tr>
<th>Proposed Date:</th>
<th>April 20, 2014</th>
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<tbody>
<tr>
<td>Public Hearing:</td>
<td>May 29, 2014</td>
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<tr>
<td>Final Date:</td>
<td>July 20, 2014</td>
</tr>
</tbody>
</table>

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]
HW114 - Conditional Exclusions for Solvent Contaminated Wipes  
LAC 33:V.105.D and 109  
This rule adopts the revised federal exclusions for certain solvent contaminated wipes generated in Louisiana. Louisiana's hazardous waste program operates under a federal grant from the U.S. EPA. Part of the requirement for maintaining this grant is to maintain the Louisiana hazardous waste regulations so that they are equivalent to or more stringent than the corresponding federal regulations.

Proposed Date: April 20, 2014  
Public Hearing: May 29, 2014  
Final Date: July 20, 2014  
Oversight Hearing:
Withdrawn:
Substantive Changes:

RP056 - Miscellaneous Corrections to Maintain Equivalency with Federal Regulations  
LAC 33:XV.102, 304, 322, 328, 410, 417, 431, 499, 573 and 763  
This rule updates the state regulations to be compatible with changes in the federal regulations. This rule addresses 23 comments from the NRC on eight different amendments to the state regulations. The changes in the state regulations are category A, B, C and NRC requirements for the State of Louisiana to remain an NRC Agreement State.

Proposed Date: April 20, 2014  
Public Hearing: May 29, 2014  
Final Date: July 20, 2014  
Oversight Hearing:
Withdrawn:
Substantive Changes:

HW115 - Conrad Industries Delisting  
LAC 33:V.105 and 4999. Appendix E  
This is a resubmittal of HW11, which was published as a Proposed Rule on November 20, 2012. The one year time limit on issuing a Final Rule was exceeded.

Conrad Industries Inc. (Conrad) is petitioning to exclude from the hazardous waste regulations (delist) approximately 4,000 tons of aggregate generated and used as fill in 1986. This is a one-time delisting which applies to the particular aggregate used as fill in the “Rim Tide” barge slip area located in Amelia, Louisiana.

The delisting program is regulated by LAC 33:V.105.M, which includes a formal rulemaking process. Applicants who wish to exclude a particular waste from the list of hazardous wastes must submit a petition and satisfy all other requirements of LAC 33:V.105.M. The exclusion, if granted, applies only to the 4,000 tons of aggregate used as fill in the “Rim Tide” barge slip area located in Amelia, Louisiana.

LDEQ-USTRD has reviewed Conrad’s petition and found that it satisfies the delisting requirements of LAC 33:V.105.M. LDEQ used the Delisting Risk Assessment Software (DRAS) in the evaluation of the impact of the petitioned waste on human health and the environment.

Conrad purchased approximately 4,000 tons of aggregate in 1986 for use as fill from Marine Shale Processors, Inc. (MSP). The aggregate was generated as the ash or residue from MSP’s incineration of various wastes, including hazardous wastes and contaminated media.

Proposed Date: May 20, 2014  
Public Hearing: June 25, 2014  
Final Date: September 20, 2014  
Oversight Hearing:
Withdrawn:
Substantive Changes:
WQ088 - Revisions to Chapter 11
LAC 33:IX.1105, 1109 and 1119

This rule contains revisions to LAC 33:IX.Chapter 11, that will correct outdated and unclear language in Sections 1109 and 1119. A definition is being removed from Section 1119 and replaced with a more appropriated definition in Section 1105. Other minor changes include correcting punctuation, grammar and misspelled words. This rule is necessary to update language in the water quality regulations that is unclear, outdated or inaccurate. This rule will also provide consistency in state language.

<table>
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<td>Final Date</td>
<td>Substantive Changes:</td>
</tr>
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<td>November 20, 2014</td>
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</table>

AQ344ft - Ambient Air Quality Standards
LAC 33:III.711 and 918

This rule includes LAC 33:III, Chapter 7. Ambient Air Quality, 711.Table 1 and 1a. Also included in this rule is Chapter 9. General Regulations on Control of Emission and Emission Standards, 918.B, Table 6. These revisions update the National Ambient Air Quality Standards (NAAQS) for certain criteria pollutants (ozone, particulate matter (2.5), nitrogen oxide, lead and sulfur dioxide) and the Louisiana designated nonattainment area for the sulfur dioxide standard.

The Clean Air Act (CAA) directs EPA to propose and promulgate primary and secondary NAAQS (section 109) and to designate areas following promulgation of a new or revised NAAQS (section 107). To reflect the most current federal revisions to the NAAQS and nonattainment designated area(s) as promulgated by EPA, Louisiana is adopting the updated standards and is specifically updating the nonattainment area as it relates to the 2010 sulfur dioxide standard.

This rule is necessary to maintain equivalency with the federal regulations and/or standards and to enable Louisiana to carry out its duty as required under R. S. 30:2054 and the provisions of the CAA and State Implementation Plan (SIP) to implement, maintain and enforce the NAAQS in each affected region within the state.

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[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]
This rule is the annual incorporation by reference update of the water regulations. This rule changes the reference dates found in 40 CFR Part 136 and 40 CFR Chapter I, Subchapter N, Parts 401, 405-471. LAC 33:IX, Chapter 49 incorporates the following portions of federal regulations into the Louisiana water quality regulations:

1. 40 CFR Part 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants, July 1, 2012, in its entirety; and

This action will incorporate the recently updated federal regulations into Louisiana's water quality regulations, increasing the enforceability of LPDES permits that include EPA-approved analytical methods and effluent limitations guidelines.

| Proposed Date: | June 20, 2014 | Oversight Hearing: |
| Public Hearing: | July 29, 2014 | Withdrawn: |
| Final Date: | September 20, 2014 | Substantive Changes: |

This rule makes minor changes to the requirements for specific licenses for irradiators and well logging. It addresses changes in two sections from Compatibility Category B to Compatibility Category C. This rule changes notification requirements to Indian tribes regarding shipment of certain types of nuclear waste. It also makes technical corrections to four sections. This rule will update the state regulations to be compatible with changes in the federal regulations. The changes in the state regulations are category B, C, and H&S requirements for the state of Louisiana to remain an NRC Agreement State.

| Proposed Date: | July 20, 2014 | Oversight Hearing: |
| Public Hearing: | August 27, 2014 | Withdrawn: |
| Final Date: | October 20, 2014 | Substantive Changes: |

This rule establishes a regulatory framework setting forth maximum terms and renewal procedures for minor source permits. Per R.S. 30:2023(A), permits "shall have, as a matter of law, a term of not more than ten years"; however, Louisiana's air quality regulations (LAC 33:III) are currently silent with respect to the term of minor source permits.

| Proposed Date: | September 20, 2014 | Oversight Hearing: |
| Public Hearing: | October 29, 2014 | Withdrawn: |
| Final Date: | February 20, 2015 | Substantive Changes: |

[f (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]
AQ350ft - Incorporation by Reference of Table Title/Subpart Heading for "Existing Sewage Sludge Incineration Units, 40 CFR Part 60 Subpart MMMM"
LAC 33:III.3003.B.9 (Table)

This rule incorporates into the Louisiana Administrative Code (LAC) Title 33, Part III, the following federal Subpart title: "Subpart MMMM, Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units." In order for Louisiana to maintain equivalency with federal regulations, certain regulations in the most current Code of Federal Regulations, July 1, 2013, must be adopted into the Louisiana Administrative Code (LAC). This rulemaking is necessary to update the corresponding title in the table for the Incorporated By Reference Section 3003 of Title 33, Part III, of the air regulations.

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<tr>
<td>Final Date:</td>
<td>December 20, 2014</td>
<td>Substantive Changes:</td>
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AQ349 - Deletion of the Significant Monitoring Concentration for PM2.5; Addition of Significant Impact Levels for PM10, SO2, NOx and CO
LAC 33:III.509

This rule deletes the significant monitoring concentration (SMC) for PM2.5 from and add significant impact levels (SILs) for PM10, SO2, NOx, and CO to Louisiana’s Prevention of Significant Deterioration (PSD) program under LAC 33:III.509. LDEQ incorporated certain provisions of the Environmental Protection Agency’s (EPA’s) final rule entitled “Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM2.5)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC),” including the SMC for PM2.5, into the Louisiana air quality regulations on December 20, 2012 (AQ328ft).

However, on January 22, 2013, the U.S. Court of Appeals for the D.C. Circuit found that EPA lacked the legal authority to adopt and use the PM2.5 SMC to exempt permit applicants from the statutory requirement to compile and submit ambient monitoring data (Sierra Club v. EPA, No. 10-1413). Consequently, the vacated SMC for PM2.5 was removed from the federal PSD rules, 40 CFR 51.166 and 40 CFR 52.21, on December 9, 2013 (78 FR 73698). At the same time, EPA also instructed permitting authorities to revise the numerical value of the PM2.5 SMC to 0 µg/m³ (or make equivalent changes) as soon as feasible. This rulemaking will delete the PM2.5 SMC from LDEQ’s PSD program.

This rulemaking also adopts the SILs for PM10, SO2, NOx, and CO promulgated by EPA at 40 CFR 51.165(b)(2) and those for Class I areas proposed by EPA at 61 FR 38250, 38331. Though states are not required to adopt SILs in their PSD programs (these values are not required by the Act as part of an approvable State Implementation Plan), it remains EPA’s longstanding policy to allow the use of the SILs to determine: 1.) whether the air quality impacts attributed to a proposed new major stationary source or major modification warrant a comprehensive (cumulative) source impact analysis; 2.) the size of the impact area within which the air quality analysis is conducted, and 3.) whether air quality impacts are considered to cause or contribute to a violation of a NAAQS or PSD increment.

<table>
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[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]
This Rule includes LAC 33:III.711, Tables 1, 1a and 2. The Rule updates the National Ambient Air Quality Standards (NAAQS) language for particulate matter (PM10). The Clean Air Act (CAA) directs EPA to propose and promulgate primary and secondary NAAQS. Louisiana is adopting the updated NAAQS language. This Rule is necessary to maintain equivalency with the federal regulations and/or standards which enable Louisiana to carry out its duty required by R.S. 30:2054, the provisions of the CAA and State Implementation Plan (SIP) to implement, maintain and enforce the NAAQS in each affected region within the state.

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[Ft (after log ft) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]
ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11 to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees https://www.legis.la.gov/legis/Committees.aspx?c=H and here for Senate Committees https://www.legis.la.gov/legis/Committees.aspx?c=S. The name and contact information of all committee members is available at these sites.
ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Natural Resources, Louisiana House.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here https://www.legis.la.gov/legis/HowDoIt.aspx?p=3#11 to determine the name of your state representative and state senator and to find their contact information.

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Electronic Receipt from the Office of the President

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

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ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Environment, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

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<table>
<thead>
<tr>
<th>From:</th>
<th>Microsoft Outlook</th>
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<tbody>
<tr>
<td>To:</td>
<td>Peggy Hatch</td>
</tr>
<tr>
<td>Sent:</td>
<td>Wednesday, March 11, 2015 8:43 AM</td>
</tr>
<tr>
<td>Subject:</td>
<td>Delivered: LDEQ Annual Report on Rules</td>
</tr>
</tbody>
</table>

Your message has been delivered to the following recipients:

Peggy Hatch (Peggy.Hatch@LA.GOV) <mailto:Peggy.Hatch@LA.GOV>

Subject: LDEQ Annual Report on Rules
Your message has been delivered to the following recipients:

Deidra Johnson (Deidra.Johnson@LA.GOV) <mailto:Deidra.Johnson@LA.GOV>

Subject: LDEQ Annual Report on Rules
Your message has been delivered to the following recipients:

Herman Robinson (Herman.Robinson@LA.GOV) <mailto:Herman.Robinson@LA.GOV>

Subject: LDEQ Annual Report on Rules
From: Stephens, Karen <stephenk@legis.la.gov>
Sent: Wednesday, March 11, 2015 8:44 AM
To: Susan Ham
Subject: RE: LDEQ Annual Report on Rules

Received.

From: Susan Ham [mailto:Susan.Ham@LA.GOV]
Sent: Wednesday, March 11, 2015 8:43 AM
To: APA - Speaker; APA - President; APA - Senate Environment; APA - House Natural Res; Sen. Finance Cmte; Bouquet, Penny
Cc: Alex Appeaning; Peggy Hatch; Herman Robinson; Deidra Johnson
Subject: LDEQ Annual Report on Rules

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March 11, 2015

The Honorable Mike Walsworth, Chairman
c/o J.W. Wiley, Committee Counsel
Senate Committee on Environmental Quality

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

The Honorable Jack Donahue, Chairman
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Sincerely,
Herman Robinson, CPM
Executive Counsel

email attachment

c: The Honorable John A. Alario, Jr.
President of the Senate
Got it!

Penny Berthelot Bouquet  
House Fiscal Division  
AND  
Joint Legislative Committee on the Budget  
P. O. Box 44486  
Baton Rouge, LA  70804-4486  
(225) 342-8568  (225) 377-2316 FAX  
bouquep@legis.la.gov

__________________________________________
From: Susan Ham [mailto:Susan.Ham@LA.GOV]  
Sent: Wednesday, March 11, 2015 8:43 AM  
To: APA - Speaker; APA - President; APA - Senate Environment; APA - House Natural Res; Sen. Finance Cmte; Bouquet, Penny  
Cc: Alex Appeaning; Peggy Hatch; Herman Robinson; Deidra Johnson  
Subject: LDEQ Annual Report on Rules

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c/o J.W. Wiley, Committee Counsel  
Senate Committee on Environmental Quality

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c/o Tyler McCloud, Attorney  
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Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 11, 2015 8:48:43 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 11, 2015 8:48:40 AM (UTC-06:00) Central Time (US & Canada).
Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 11, 2015 8:49:15 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 11, 2015 8:49:13 AM (UTC-06:00) Central Time (US & Canada).
Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 11, 2015 8:50:36 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 11, 2015 8:50:34 AM (UTC-06:00) Central Time (US & Canada).
From: David R. Poynter Legislative Research Library <drplibrary@legis.la.gov>
To: Susan Ham
Sent: Wednesday, March 11, 2015 8:59 AM
Subject: Read: Summary Report for AQ351ft

Your message

To:
Subject: Summary Report for AQ351ft
Sent: Wednesday, March 11, 2015 8:59:37 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 11, 2015 8:59:16 AM (UTC-06:00) Central Time (US & Canada).
Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 11, 2015 9:05:38 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 11, 2015 9:04:28 AM (UTC-06:00) Central Time (US & Canada).
Your message

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Sent: Wednesday, March 11, 2015 9:05:40 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 11, 2015 9:04:51 AM (UTC-06:00) Central Time (US & Canada).
Your message

To: Deidra Johnson  
Subject: LDEQ Annual Report on Rules  
Sent: Wednesday, March 11, 2015 8:43:25 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 11, 2015 10:23:25 AM (UTC-06:00) Central Time (US & Canada).
Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 11, 2015 12:15:05 PM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 11, 2015 12:04:27 PM (UTC-06:00) Central Time (US & Canada).