

Susan Ham

From: Susan Ham
Sent: Thursday, February 04, 2016 3:22 PM
To: 'apa.housespeaker@legis.la.gov'; 'apa.senatepresident@legis.la.gov'; 'apa.s-envq@legis.la.gov'; 'apa.h-natr@legis.la.gov'; 'sfnce@legis.la.gov'; 'bouquep@legis.la.gov'
Cc: Chuck Brown; Bijan Sharafkhani; Herman Robinson; Deidra Johnson
Subject: LDEQ Annual Report on Rules
Attachments: DEQ ACTIONS II.rtf

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	Bijan Sharafkhani	Delivered: 2/4/2016 3:22 PM
	Herman Robinson	Delivered: 2/4/2016 3:22 PM
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Please acknowledge receipt of the DEQ Annual Report on Rules for 2016 Regular Session by a return e-mail message.

February 4, 2016

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

The Honorable Stuart Bishop, Chairman
c/o Tyler McCloud, Attorney
House Committee on Nat. Res. and Environment

The Honorable Eric LaFleur, Chairman
Senate Finance Committee

The Honorable Henry Cameron, Chairman
House Appropriations Committee

RE: Annual Report on Rules for 2016 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, 2015 and January 31, 2016.

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
General Counsel

email attachment

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

The Honorable Taylor Barras
Speaker of the House of Representatives

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

DEQ ACTIONS

UPDATED: February 1, 2016

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, 2015 to January 31, 2016.

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.

AQ351ft - Ambient Air Quality Standards - PM10 LAC 33:III.711

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.

Proposed Date:	January 20, 2015	Oversight Hearing:
Public Hearing:	February 25, 2015	Withdrawn:
Final Date:	April 20, 2015	Substantive Changes:

AQ352ft - 2014 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 the following federal regulations included in the July 1, 2014 edition of the Code of Federal Regulations (CFR): 40 C.F.R. Parts 51, Appendix M, 60, 61, 63, 68, 70.6(a) and 96. Any exception to the IBR is explicitly listed in the rule. This rule updates the references to July 1, 2014, for Standard of Performance for New Stationary Sources, 40 C.F.R. Part 60. The rule also updates the references to July 1, 2014, for the National Emission Standards for Hazardous Air Pollutants (NESHAP) and for NESHAP for Source Categories, 40 C.F.R. 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, 2014, 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.

Proposed Date:	April 20, 2015	Oversight Hearing:
Public Hearing:	May 29, 2015	Withdrawn:
Final Date:	July 20, 2015	Substantive Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]

RP058ft - Requirements for Distribution of Byproduct Material
LAC 33:XV.102, 301, 304, 322, 324, 328, 361, 399, 460, 465, 499, 541, 731, 1302 and 1755

This rule makes minor changes to the requirements for distribution of byproduct material, which was promulgated by the Nuclear Regulatory Commission (NRC) as RATS ID 2012-4. It also addresses changes required by 14 comments from the NRC regarding a previous rulemaking (RP055ft) and one comment from the NRC regarding RP056ft. This rule will update the state regulations to be compatible with changes in the federal regulations.

The changes in the state regulations are category A, B, C, and H&S requirements for the State of Louisiana to remain an NRC Agreement State.

Proposed Date:	April 20, 2015	Oversight Hearing:
Public Hearing:	May 29, 2015	Withdrawn:
Final Date:	July 20, 2015	Substantive Changes:

AQ353 - Emission Reduction Credits (ERC) Banking Program
LAC 33:III.603

LAC 33:III.Chapter 6 currently precludes sources located in EPA-designated attainment areas from participating in the emissions banking program. This rulemaking will allow owners or operators of stationary sources located in certain attainment areas to apply for emission reduction credits (ERC).

On December 17, 2014, the Environmental Protection Agency (EPA) proposed to revise the primary and secondary national ambient air quality standards (NAAQS) for ozone to a level within the range of 0.065 to 0.070 parts per million (ppm) (79 FR 75234). EPA is required by a federal court order to finalize its proposal no later than October 1, 2015.

Based on current (i.e., 2012 – 2014) design values, LDEQ anticipates that up to 17 parishes would be designated as ozone nonattainment areas should the standard be set at 0.070 ppm. If the final standard is less than 0.070 ppm, as many as 13 additional parishes could receive a nonattainment designation.

Because LAC 33:III.Chapter 6 currently precludes sources located in EPA-designated attainment areas from participating in the emissions banking program, owners or operators of stationary sources located in only 5 of the parishes described above (i.e., Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) have had the ability to bank creditable reductions in NOX and VOC emissions.

In order to encourage prompt reductions in NOX and VOC emissions that will be needed to comply with the revised ozone NAAQS (and to address future scenarios analogous to this), LDEQ will amend Chapter 6 to allow an owner or operator of a stationary source located in an area currently designated as attainment, but which is not in compliance with a new or revised NAAQS, to bank creditable reductions in emissions of the noncompliant pollutant(s) realized on or after the date the new or revised NAAQS is promulgated.

Proposed Date:	June 20, 2015	Oversight Hearing:
Public Hearing:	July 29, 2015	Withdrawn:
Final Date:	November 20, 2015	Substantive Changes:

AQ354 - Emission Offsets
LAC 33:III.504.F

This rulemaking will allow for increases of one ozone precursor (NOX or VOC) to be offset with decreases of the other ozone precursor at the ratio dictated by photochemical modeling, subject to approval of LDEQ and the Environmental Protection Agency (EPA). However, the approved ratio must be no less stringent than as specified in Table 1 of LAC 33:III.504 (currently 1.10 to 1 for marginal ozone nonattainment areas).

In order to construct a new major stationary source or major modification in a nonattainment area, LDEQ's Nonattainment New Source Review (NNSR) procedures under LAC 33:III.504 require the owner or operator to offset the increase in emissions of the nonattainment pollutant(s) resulting from the new construction or modification.

Currently, for all regulated pollutants other than PM_{2.5}, emission reductions claimed as offset credit must be from decreases of the same regulated pollutant or pollutant class (e.g., VOC) for which the offset is required. For example, increases in NOX emissions must be offset with decreases in NOX emissions; increases in VOC emissions must be offset with decreases in VOC emissions.

However, in ozone nonattainment areas, both NOX and VOC are regulated as precursors to ozone. Accordingly, when a project triggers NNSR for ozone, reductions in either NOX or VOC emissions can satisfy the requirement that offsets provide a net air quality benefit, provided they are applied at the proper ratio as determined by photochemical models such as the Comprehensive Air Quality Model with Extensions (CAMx).

This rulemaking will allow for increases of one ozone precursor (NOX or VOC) to be offset with decreases of the other ozone precursor at the ratio dictated by photochemical modeling, subject to approval of LDEQ and EPA. However, the approved ratio must be no less stringent than as specified in Table 1 of LAC 33:III.504 (currently 1.10 to 1 for marginal ozone nonattainment areas).

Proposed Date: June 20, 2015

Oversight Hearing:

Public Hearing: July 29, 2015

Withdrawn:

Final Date: October 20, 2015

Substantive
Changes:

WQ091 - Dissolved Oxygen Criteria Revisions for Eastern Lower Mississippi River Alluvial Plains (LMRAP)
LAC 33:IX.1123.Table 3

The dissolved oxygen (DO) criteria are being revised, where appropriate, in water quality subsegments in the eastern Lower Mississippi River Alluvial Plains (LMRAP) Ecoregion based on an ecoregion approach; Table 3 in LAC 33:IX.1123 is being revised accordingly. The proposed DO criteria revisions are the result of the findings presented in the Use Attainability Analysis of Inland Rivers and Streams in the Eastern Lower Mississippi River Alluvial Plains Ecoregion for Review of Dissolved Oxygen Water Quality Criteria, which was technically approved by EPA Region 6 on Nov. 25, 2013. Except where the DO criteria have previously been revised, the current Louisiana DO water quality standards are the nationally-recommended criteria of 5 mg/L for freshwater and marine waters, and 4 mg/L for estuarine waters. However, natural, physical conditions (e.g., lack of slope, low flow, and high temperature) in Louisiana prevent many Louisiana water bodies from attaining the nationally-recommended DO standards. The eastern LMRAP Ecoregion is one such area where levels of DO in surface waters are naturally low and the nationally-recommended DO criteria are not attainable throughout the year. Therefore, based on the findings presented in the above referenced Use Attainability Analysis (UAA), the DO criteria for inland streams are being revised to 2.3 mg/L for the months of March through November; for the months of December through February the DO criteria for inland streams will remain as 5.0 mg/L.

Boundaries for 42 subsegments within the eastern LMRAP, the Southern Plains Terrace and Flatwoods, the Terrace Uplands, and the Coastal Deltaic Marshes Ecoregions are being refined based on watersheds; these boundary refinements resulted in the delineation of 21 new subsegments. In addition, descriptions to some subsegments are also being revised, as necessary. These changes are reflected in the revisions to Table 3 in LAC 33:IX.1123.

Supporting documentation for the proposed rule consists of two documents: 1) Use Attainability Analysis of Inland Rivers and Streams in the Eastern Lower Mississippi River Alluvial Plains Ecoregion for Review of Dissolved Oxygen Water Quality Criteria; and 2) Louisiana Water Quality Standards Ecoregions: For Use in Ecologically-Driven Water Quality Standards. The supporting documents for the proposed rule can be viewed at <http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/WaterQualityStandardsAssessment.aspx>. Subsegment delineations can be viewed using the LDEQ Interactive Mapping Application (LIMA) at <http://map.deq.state.la.us/>. Additionally, at this time a potpourri is being noticed in the Louisiana Register to announce an update to the Water Quality Management Plan Volume 4: Basin and Subsegment Boundaries. Inaccurate water quality criteria can result in erroneous use impairment decisions that impact many of the state's water quality programs (i.e., assessments, total maximum daily load determinations, wastewater permitting, and implementation of best management practices). Therefore, it is important to establish appropriate and protective dissolved oxygen (DO) criteria that support fish and wildlife propagation. A Use Attainability Analysis (UAA) was conducted to inform the development of ecoregion-based DO criteria in the eastern portion of the Lower Mississippi River Alluvial Plains (LMRAP) Ecoregion. The eastern LMRAP UAA is a continuation of the process which began with a Memorandum of Agreement (MOA) in 2008 between the U.S. Environmental Protection Agency and LDEQ that resulted in the Use Attainability Analysis of Barataria and Terrebonne Basins for Revision of Dissolved Oxygen Water Quality Criteria.

Proposed Date:	June 20, 2015	Oversight Hearing:
Public Hearing:	July 29, 2015	Withdrawn:
Final Date:	December 20, 2015	Substantive Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]

RP059ft - Decommissioning Planning
LAC 33:XV.325, 331, 332 and 430

This rule makes minor changes to the requirements for financial assurance and recordkeeping for decommissioning; criteria for license terminations; terms and conditions of licenses; and inalienability of licenses. This rule was promulgated by the Nuclear Regulatory Commission (NRC) as RATS ID 2011-1. This rule will update the state regulations to be compatible with changes in the federal regulations. The changes in the state regulations are category A, B, C and H&S requirements for the State of Louisiana to remain an NRC Agreement State

Proposed Date:	July 20, 2015	Oversight Hearing:
Public Hearing:	August 26, 2015	Withdrawn:
Final Date:	October 20, 2015	Substantive Changes:

WQ093ft - Chapter 49 Incorporation by Reference Update
LAC 33:IX, 4901 and 4903

The rule changes the reference dates to 40 CFR Part 136 and 40 CFR Chapter I, Subchapter N, Parts 401, 405-471 in the LAC 33:IX, Chapter 49 from July 1, 2014. 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, 2014, in its entirety; and
2. 40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401 and 405-471, July 1, 2014

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:	July 20, 2015	Oversight Hearing:
Public Hearing:	August 26, 2015	Withdrawn:
Final Date:	October 20, 2015	Substantive Changes:

RP060ft - Physical Protection of Byproduct Material; Distribution of Source Material to Exempt Persons and General Licensees; Domestic Licensing of Special Nuclear Material; and Safeguards
LAC 33:XV.102, 103, 303, 321, 340, 1519 and 1601, 1603, 1605, 1607, 1609, 1611, 1613, 1615, 1617, 1619, 1621, 1623, 1625, 1627, 1629, 1631, 1633, 1635, 1637, 1641, 1643, 1645, 1647, 1649, 1651, 1661, 1663, 1665 and 1699

This rule makes major changes to the requirements for physical protection of Category 1 and Category 2 quantities of radioactive materials. It also makes minor changes to the distribution of source material to exempt persons and general licensees. This rule was promulgated by the Nuclear Regulatory Commission (NRC) as RATS IDs 2013-1, 2013-2, 2015-1 and 2015-2. This rule will update the state regulations to be compatible with changes in the federal regulations. The changes in the state regulations are category A, B, C and H&S requirements for the state of Louisiana to remain an NRC agreement state.

Proposed Date:	August 20, 2015	Oversight Hearing:
Public Hearing:	September 24, 2015	Withdrawn:
Final Date:	November 20, 2015	Substantive Changes:

AQ347 - Definition of "Title I Modification"
LAC 33:III.502

This rule will revise the definition of "Title I modification" in LAC 33:III.502.A to clarify that, in the context of section 111 of the Clean Air Act, such modifications are limited to physical or operational changes to an existing facility. 40 CFR 70.7(e)(2)(i)(A)(5) states that minor permit modification procedures may be used only for those permit modifications that are "not modifications under any provision of title I of the Act." However, neither 40 CFR 70 nor 40 CFR 71 defines "Title I modification" or otherwise describes what constitutes a modification "under any provision of title I of the Act."

LAC 33:III.502.A defines "Title I modification," in relevant part, as "any physical change or change in the method of operation of a stationary source which increases the amount of any regulated air pollutant emitted or which results in the emission of any regulated air pollutant not previously emitted" and which "will result in the applicability of a standard of performance for new stationary sources promulgated pursuant to section 111 of the Clean Air Act."

This definition could be interpreted to include both the addition of a new affected facility to a stationary source and the modification of an existing facility at a stationary source. However, under 40 CFR 60.2 and 60.14, a modification is defined as any physical or operational change to an existing facility.

Therefore, consistent with the aforementioned provisions, this rule revision will clarify that "Title I modifications," in the context of section 111 of the Clean Air Act, are limited to physical or operational changes to an existing facility.

Proposed Date:	September 20, 2015	Oversight Hearing:
Public Hearing:	October 28, 2015	Withdrawn:
Final Date:	December 20, 2015	Substantive Changes:

HW116ft - Revisions to Cathode Ray Tube (CRT) Regulations
LAC 33:V.4911 and 4915

This rule adopts changes to export provisions in the federal cathode ray tube (CRT) disposal regulation in Louisiana. Louisiana's hazardous waste program operates under a federal grant from the EPA. Part of the requirements for this grant is to be equivalent to or more stringent than the corresponding federal regulations.

Proposed Date:	September 20, 2015	Oversight Hearing:
Public Hearing:	October 28, 2015	Withdrawn:
Final Date:	December 20, 2015	Substantive Changes:

SW062 - Waste Tire Regulation Revisions
LAC 33:VII. 10501, 10503, 10505, 10507, 10509,
10511, 10513, 10514, 10515, 10516, 10517, 10518, 10519, 10521, 10523, 10524, 10525,
10527, 10529, 10531, 10532, 10533, 10534, 10535, 10536, 10537, 10539, 10541, 10543,

This rule provides regulations for the administration and enforcement of the waste tire program, including the waste tire management fund. R.S. 30:2418(H) requires the Secretary of the Department of Environmental Quality to promulgate rules, regulations, and guidelines for the administration and enforcement of the waste tire program. Section 3 of Act 427 of the 2015 Regular Legislative Session, requires the Secretary to bring any rule, regulation or guideline required by R.S. 30:2418(H) in conformity with current law by March 31, 2016.

Proposed Date:	November 20, 2015	Oversight Hearing:
Public Hearing:	December 29, 2015	Withdrawn:
Final Date:		Substantive Changes:

OS088 - Expedited Penalty Agreement
LAC 33:I.801, 805 and 807

This rule amends and updates the violations in the air quality, hazardous waste, solid waste, underground storage tanks, water quality and radiation protection provisions in the expedited penalty program contained in LAC 33:I.807. The rule also clarifies various existing violations and appropriately adjusts existing penalty amounts to make the amounts consistent with penalty amounts in the proposed rule.

The original expedited penalty agreement rule, LAC 33:I.Chapter 8, became final on December 20, 2006. Since that time, the department has determined additional violations may qualify for coverage under the expedited penalty agreement provisions set forth in LAC 33:I.Chapter 8. Just like the existing rule, the proposed rule provides an alternative penalty assessment mechanism that the department may utilize to expedite the assessment of expedited penalties at its discretion based upon the circumstances associated with the violations. Entering into an expedited penalty agreement with the department is voluntary, the respondent retains the right to either enter into, or not enter into, the agreement.

Proposed Date	November 20, 2015	Oversight Hearing:
Public Hearing:	December 29, 2015	Withdrawn:
Final Date:		Substantive Changes:

AQ355 - Offset Requirements in Specified Parishes
LAC 33:III.504

This rule will revise the offset requirements that apply to certain projects in the Baton Rouge area (i.e., the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge). Currently, if a physical change or change in the method of operation at an existing stationary source (with a potential to emit 50 tons per year (TPY) or more of NOX/VOC) will increase NOX/VOC emissions by 25 TPY or more, the owner/operator must determine the net emissions increase over the contemporaneous period. If the net emissions increase is 25 TPY or more, the owner/operator must provide NOX/VOC offsets for the project at a 1.1 to 1 ratio.

This rule will also establish an exemption for pollution control projects. At present, the Baton Rouge area is designated as a marginal nonattainment area with respect to the 2008 8-hour national ambient air quality standard (NAAQS) for ozone (i.e., 75 parts per billion (ppb)). However, the design value of each ambient air monitor in the region is compliant with this NAAQS, and LDEQ has requested that EPA redesignate the area to attainment. LDEQ anticipates that EPA will approve LDEQ's request in early 2016.

On October 1, 2015, EPA revised the 8-hour ozone NAAQS to 70 ppb, a standard with which the Baton Rouge area does not currently comply. However, designations will not be enacted for up to 2 years from the date the new standard is promulgated (see §107(d)(1)(B)(i) of the Clean Air Act). Thus, during the period between the effective date of the area's redesignation to attainment of the 2008 ozone NAAQS and that of its (potential) nonattainment designation with respect to the 2015 ozone NAAQS, offsets will not be required by the Clean Air Act.

However, LDEQ has elected to retain the offset requirements under LAC 33:III.504.M as an anti-backsliding measure, but align the netting and significant net increase trigger values with those for marginal nonattainment areas (cf. Table 1 of LAC 33:III.504.L), set the offset ratio at 1.0 to 1, and establish an exemption for NOX and VOC increases that are a direct result of and incidental to the installation of abatement equipment or implementation of a control technique designed to control emissions of another pollutant.

Proposed Date: December 20, 2015

Oversight Hearing:

Public Hearing: January 27, 2016

Withdrawn:

Final Date:

Substantive
Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]

AQ357ft - Deletion of the Significant Monitoring Concentration for PM2.5
LAC 33:III.509

This rule will delete the significant monitoring concentration (SMC) for PM2.5 from 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),"¹ 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.

1 75 FR 64864, October 20, 2010

Proposed Date: December 20, 2015

Oversight Hearing:

Public Hearing: January 27, 2016

Withdrawn:

Final Date:

Substantive
Changes:

OS093 - Reportable Quantity List for Pollutants
LAC 33:I.3905 and 3931

This rule will amend LDEQ's existing reportable quantity (RQ) list under LAC 33:I.3931 with the following federal lists:

the Environmental Protection Agency's List of Extremely Hazardous Substances under 40 CFR 355, Appendix A; and

the Department of Transportation's List of Hazardous Substances under 49 CFR 172.101.

In addition, RQs will be established for any material on which maintenance of a Material Safety Data Sheet (MSDS) is required under the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq. and that does not appear on any of the lists incorporated by reference.

Finally, the LDEQ-specific RQs in the table under LAC 33:I.3931.B will be deleted, except for brine from solution mining, oil, produced water, and sweet pipeline gas (methane/ethane). This action is required to align LDEQ's RQ list with that of the Louisiana Department of Public Safety and Corrections (i.e., State Police) under LAC 33:V.10111.D.

Proposed Date: December 20, 2015

Oversight Hearing:

Public Hearing: January 27, 2016

Withdrawn:

Final Date:

Substantive
Changes:

[ft (after log #) = Fast Track: Federal regulations promulgated under expedited procedures in R.S. 49:953(F)(3).]

AQ358 - Definitions of Major Source and Major Stationary Source Relative to Greenhouse Gases
LAC 33:III.502.A and 509.B

This rule will delete the major source threshold for greenhouse gases (GHGs) (ie., 100,000 tons per year of carbon dioxide equivalents, or CO₂e) from the definitions of "major source" in LAC 33:III.502.A and "major stationary source" in LAC 33:III.509.B. These definitions are used to determine applicability of the Part 70 (Title V) Operating Permits and Prevention of Significant Deterioration (PSD) programs under LAC 33:III.507 and 509, respectively. In *Utility Air Regulatory Group v. EPA*, decided June 23, 2014, the U.S. Supreme Court found that EPA exceeded its statutory authority when it interpreted the Clean Air Act to require PSD and Title V permitting for stationary sources based on their greenhouse gas emissions. Specifically, the Agency may not treat greenhouse gases as a pollutant for purposes of defining a "major emitting facility" (or a "modification" thereof) in the PSD context or a "major source" in the Title V context. To the extent its regulations purport to do so, they are invalid. In sum, the Court held that a stationary source could not be considered a major source for Title V or PSD purposes based solely on its emissions of GHGs.

Proposed Date:	January 20, 2016	Oversight Hearing:
Public Hearing:	February 25, 2016	Withdrawn:
Final Date:		Substantive
		Changes:

HW117ft - Hazardous Waste Electronic Manifest Rule
LAC 33:V.109, 1107, 1301, 1307 and 1516

This rule adopts the federal electronic manifest system for tracking shipments of hazardous waste in Louisiana. Louisiana's hazardous waste program operates under a federal grant from the U.S. EPA. In order to maintain this grant, the state's hazardous waste regulations are required to be equivalent to or more stringent than the corresponding federal regulations.

Proposed Date:	January 20, 2016	Oversight Hearing:
Public Hearing:	February 25, 2016	Withdrawn:
Final Date:		Substantive
		Changes:

Susan Ham

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Sent: Thursday, February 04, 2016 3:22 PM
Subject: Relayed: LDEQ Annual Report on Rules

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

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Subject: LDEQ Annual Report on Rules

Susan Ham

From: APA - Speaker <apa.housespeaker@legis.la.gov>
Sent: Thursday, February 04, 2016 3:22 PM
To: Susan Ham
Subject: Request received

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.

Susan Ham

From: APA - House Natural Res <apa.h-natr@legis.la.gov>
Sent: Thursday, February 04, 2016 3:22 PM
To: Susan Ham
Subject: Request received

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/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.

Susan Ham

From: APA - President <APA.senatepresident@legis.la.gov>
Sent: Thursday, February 04, 2016 3:22 PM
To: Susan Ham
Cc: APA - Request Senate
Subject: Request received

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.)

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.

Susan Ham

From: APA - Senate Environment <apa.s-envq@legis.la.gov>
Sent: Thursday, February 04, 2016 3:22 PM
To: Susan Ham
Cc: APA - Senate Environment
Subject: Request received

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.

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.

Susan Ham

From: Microsoft Outlook
To: Chuck Brown
Sent: Thursday, February 04, 2016 3:22 PM
Subject: Delivered: LDEQ Annual Report on Rules

Your message has been delivered to the following recipients:

Chuck Brown (Chuck.Brown@LA.GOV) <<mailto:Chuck.Brown@LA.GOV>>

Subject: LDEQ Annual Report on Rules

Susan Ham

From: Microsoft Outlook
To: Deidra Johnson
Sent: Thursday, February 04, 2016 3:22 PM
Subject: Delivered: 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

Susan Ham

From: Microsoft Outlook
To: Herman Robinson
Sent: Thursday, February 04, 2016 3:22 PM
Subject: Delivered: 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

Susan Ham

From: Microsoft Outlook
To: Bijan Sharafkhani
Sent: Thursday, February 04, 2016 3:22 PM
Subject: Delivered: LDEQ Annual Report on Rules

Your message has been delivered to the following recipients:

Bijan Sharafkhani (Bijan.Sharafkhani@LA.GOV) <<mailto:Bijan.Sharafkhani@LA.GOV>>

Subject: LDEQ Annual Report on Rules

Susan Ham

From: Wiley, J.W. <wileyjw@legis.la.gov>
To: Susan Ham
Sent: Thursday, February 04, 2016 3:25 PM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Thursday, February 04, 2016 3:25:19 PM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, February 04, 2016 3:25:03 PM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Odom, Debbie <odomd@legis.la.gov>
To: Susan Ham
Sent: Thursday, February 04, 2016 3:26 PM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Thursday, February 04, 2016 3:27:18 PM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, February 04, 2016 3:25:47 PM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Impastato, Christi <impastac@legis.la.gov>
To: Susan Ham
Sent: Thursday, February 04, 2016 3:28 PM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Thursday, February 04, 2016 3:28:31 PM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, February 04, 2016 3:28:14 PM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: King, Su <kingsu@legis.la.gov>
To: Susan Ham
Sent: Thursday, February 04, 2016 3:39 PM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Thursday, February 04, 2016 3:39:43 PM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, February 04, 2016 3:39:26 PM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Guillot, Jerry <guillotj@legis.la.gov>
To: Susan Ham
Sent: Thursday, February 04, 2016 4:15 PM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Thursday, February 04, 2016 4:15:01 PM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, February 04, 2016 4:14:44 PM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Chuck Brown
To: Susan Ham
Sent: Friday, February 05, 2016 5:07 AM.
Subject: Read: LDEQ Annual Report on Rules

Your message

To: Chuck Brown
Subject: LDEQ Annual Report on Rules
Sent: Thursday, February 04, 2016 3:21:55 PM (UTC-06:00) Central Time (US & Canada)

was read on Friday, February 05, 2016 5:06:48 AM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Sen. Finance Cmte <sfnce@legis.la.gov>
To: Susan Ham
Sent: Friday, February 05, 2016 8:00 AM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Friday, February 05, 2016 8:00:33 AM (UTC-06:00) Central Time (US & Canada)

was read on Friday, February 05, 2016 8:00:13 AM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Pickering, Michelle <pickerim@legis.la.gov>
To: Susan Ham
Sent: Wednesday, February 10, 2016 11:41 AM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, February 10, 2016 11:42:25 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, February 10, 2016 11:41:07 AM (UTC-06:00) Central Time (US & Canada).