

Susan Ham

From: Susan Ham
Sent: Wednesday, March 08, 2017 9:27 AM
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.rtf

**Please acknowledge receipt of the DEQ Annual Report on Rules for 2017 Regular Session
by a return e-mail message.**

March 8, 2017

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 2017 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, 2016 and March 31, 2017.

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: March 1, 2017

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, 2016 to March 31, 2017.

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.

**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:	April 20, 2016	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:	April 20, 2016	Substantive Changes:

WQ092 - Recreational Water Quality Criteria for Louisiana Coastal Beach Recreation Waters
LAC 33:IX.107, 1105, 1113, 1117 and 1123.C.2.a and b, and E. Table 3 and ENDNOTE 25

This update to the Louisiana Surface Water Quality Standards in LAC 33:IX.Chapter 11 will add definitions to Section 1105 to define enterococci and Beaches Environmental Assessment and Coastal Health (BEACH) Act waters. These definitions will also be added to LAC 33:IX.107. Additional revisions will be made to Chapter 11, Sections 1113, 1117, and 1123 to adopt enterococci criteria for Louisiana coastal beach recreation waters and to identify those subsegments containing coastal beach recreation waters (BEACH Act primary contact recreation waters).

Under federal regulations at 40 CFR 131.11(a)(1) a state is required to adopt water quality criteria protective of uses and based on sound scientific rationale. Louisiana, as a Beaches Environmental Assessment and Coastal Health (BEACH) Act state, has specific requirements with regard to recreational water quality criteria. Section 303(i)(1)(B) of the Clean Water Act (CWA), as amended by the BEACH Act, directs each state with coastal recreational waters to adopt and submit to the U. S. Environmental Protection Agency (USEPA) new or revised water quality standards for those waters for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable. Louisiana must adopt the new recreational water quality criteria by December 2015 or risk having the USEPA promulgate recreational water quality criteria for the state.

Proposed Date:	February 20, 2016	Oversight Hearing:
Public Hearing:	March 30, 2016	Withdrawn:
Final Date:	May 20, 2016	Substantive Changes:

WQ094 - Electronic Submittal of Discharge Monitoring Reports (DMRs)
LAC 33:IX.2701

This rule will adopt the EPA Federal Regulation that requires NPDES regulated entities to submit Discharge Monitoring Reports (DMRs) electronically through a department approved electronic document receiving system unless granted an electronic reporting waiver.

Proposed Date:	February 20, 2016	Oversight Hearing:
Public Hearing:	March 30, 2016	Withdrawn:
Final Date:	May 20, 2016	Substantive Changes:

AQ359ft - 2015 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, 2015 edition of the Code of Federal Regulations (CFR); 40 CFR Parts 51-Appendix M, 60, 61, 63, 68 and 70.6(a). Any exception to the IBR is explicitly listed in the rule. This updates the references to July 1, 2015, for Standard of Performance for New Stationary Sources, 40 CFR Part 60. The rule also updates the references to July 1, 2015, for the National Emission Standards for Hazardous Air Pollutants (NESHAP) and for NESHAP for Source Categories, 40 CFR 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, 2015, 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:	March 20, 2016	Oversight Hearing:
Public Hearing:	May 25, 2016	Withdrawn:
Final Date:	July 20, 2016	Substantive Changes:

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

AQ361 - Repeal of LAC 33:III.1107.A
LAC 33:III.1105.A & 1107.A

This Rule will repeal LAC 33:III.1107.A. In LAC 33:III.1105 (Smoke from Flaring Shall Not Exceed 20 Percent Opacity) provides, in relevant part, that the “emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases for control over process upsets shall be controlled so that the shade or appearance of the emission does not exceed 20 percent opacity ... for a combined total of six hours in any 10 consecutive days.”

LAC 33:III.1107.A allows LDEQ to grant an exemption from the provisions of LAC 33:III.1105 “during start-up and shutdown periods if the flaring was not the result of failure to maintain or repair equipment.” This exemption was approved by EPA into Louisiana’s State Implementation Plan (SIP) on July 5, 2011 (76 FR 38977).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.1507.A & B, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “impermissible discretionary exemptions” from “otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

In response to EPA’s SIP call, LDEQ will repeal LAC 33:III.1107.A for two primary reasons. One, there is incongruity between the provisions of LAC 33:III.1105 and LAC 33:III.1107.A – 1105 applies to flaring in connection with process upsets, whereas 1107.A addresses startup and shutdown periods (not malfunctions or upsets). Two, other standards for flares that are commonly applicable, such as 40 CFR 63.11(b)(4), require the control device to “be designed for and operated with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.”

* State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction
[80 FR 33840]

Proposed Date:	April 20, 2016	Oversight Hearing:
Public Hearing:	May 25, 2016	Withdrawn:
Final Date:	October 20, 2016	Substantive Changes:

AQ362 - Repeal of LAC 33:III.2153.B.1.i
LAC 33:III.2153.B.1.i

This Rule will repeal LAC 33:III.2153.B.1.i. In LAC 33:III.2153 (Limiting VOC Emissions from Industrial Wastewater) requires “affected VOC wastewater streams” to be controlled. More specifically, LAC 33:III.2153.B.1.d.i requires vents on covers and certain junction box covers to be “equipped with either a control device or a vapor recovery system that maintains a minimum control efficiency of 90 percent VOC removal or a VOC concentration of less than or equal to 50 parts per million by volume.”

LAC 33:III.2153.B.1.i provides that the aforementioned control device or recovery device is “not ... required to meet the 90 percent removal efficiency or 50 ppmv concentration during periods of malfunction or maintenance on the devices for periods not to exceed 336 hours per year.” This exemption was approved by EPA into Louisiana’s State Implementation Plan (SIP) on July 5, 2011 (76 FR 38977).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.2153.B.1.i, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “automatic exemptions for excess emissions from otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

An LDEQ query of effective air permits returned no documents identifying LAC 33:III.2153.B.1.i as an applicable requirement. Moreover, LDEQ reached out to the regulated community, inquiring if any affected source relied upon this exemption as a means to comply with LAC 33:III.2153. No affirmative responses were received. Therefore, in response to EPA’s SIP call, LDEQ will repeal LAC 33:III.2153.B.1.i.

* State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction
[80 FR 33840]

Proposed Date:	April 20, 2016	Oversight Hearing:
Public Hearing:	May 25, 2016	Withdrawn:
Final Date:	October 20, 2016	Substantive Changes:

AQ360 - Repeal of LAC 33:III.1507.A and B
LAC 33:III.1507.A and B

This rule will repeal LAC 33:III.1507.A and B. LAC 33:III.1507.A and B apply to existing sulfuric acid plants (i.e., those constructed or last modified on or before August 17, 1971, and therefore not subject to 40 CFR 60 Subpart H).

LAC 33:III.1507.A states, in relevant part, that a “four-hour (continuous) start-up exemption from the [SO₂ and sulfuric acid mist] emission limitations of LAC 33:III.1503.A will be authorized by the administrative authority for facilities not subject to 40 CFR 60.82 and 60.83 [of Subpart H].” LAC 33:III.1507.B provides a similar exemption “where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition.” These provisions were approved by EPA into Louisiana’s State Implementation Plan (SIP) on July 15, 1993 (58 FR 38060).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.1507.A and B, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “impermissible discretionary exemptions” from “otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

Based on a review of effective permits, LDEQ has determined that no sulfuric acid plants are eligible for the aforementioned exemptions because each is subject to 40 CFR 60.82 and 60.83. Therefore, in response to EPA’s SIP call, LDEQ will repeal LAC 33:III.1507.A and B.

* State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction.
[80 FR 33840]

Proposed Date:	June 20, 2016	Oversight Hearing:
Public Hearing:	July 27, 2016	Withdrawn:
Final Date:	October 20, 2016	Substantive Changes:

AQ363 - Repeal of LAC 33:III.2307.C
LAC 33:III.2307.C

This rule will repeal LAC 33:III.2307.C. LAC 33:III.2307.C applies to nitric acid plants that are not subject to 40 CFR 60 Subpart G (Standards of Performance for Nitric Acid Plants).

LAC 33:III.2307.C.1.a states, in relevant part, that a “four-hour start-up exemption from [NOX] emission regulations may be authorized by the administrative authority for plants not subject to 40 CFR Part 60, Subpart G. LAC 33:III.2307.C.2.a provides a similar exemption “where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition.” These provisions were approved by EPA into Louisiana’s State Implementation Plan (SIP) on July 5, 2011 (76 FR 38977).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.2307.C, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “impermissible discretionary exemptions” from “otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

Based on a review of effective permits, LDEQ identified only one nitric acid plant that is not subject to 40 CFR 60 Subpart G, that being Nitric Acid Train 4 (NNA4-1, EQT 0007), located at PCS Nitrogen Fertilizer’s (PCS’s) Geismar Agricultural Nitrogen & Phosphate Plant (Agency Interest No. 3732). Nitric Acid Train 4 is currently operating under Permit No. 2240-V8, issued February 6, 2015.

A Consent Decree between EPA, LDEQ, and PCS (Civil Action No. 14-707-BAJ-SCR), entered February 26, 2014, requires PCS to install NOX control equipment (i.e., selective catalytic reduction, or SCR) on Nitric Acid Train 4 as a supplemental environmental project. Based on conversations with representatives of PCS, LDEQ understands that the SCR control device will be installed in summer 2016 and, after that time, the exemptions provided by LAC 33:III.2307.C will no longer be needed. Therefore, in response to EPA’s SIP call, LDEQ will repeal LAC 33:III.2307.C.

* State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction
[80 FR 33840]

Proposed Date:	June 20, 2016	Oversight Hearing:
Public Hearing:	July 27, 2016	Withdrawn:
Final Date:	October 20, 2016	Substantive Changes:

AQ364 - Work Practice Standards During Start-up and Shutdown
LAC 33:III.2201.C and K

This rule will repeal the exemption set forth in LAC 33:III.2201.C.8 and replace it with provisions allowing the owner/operator of an affected point source to comply either with the emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with newly-established work practice standards designed to minimize emissions during periods of startup and shutdown.

LAC 33:III.2201 establishes NOX standards for certain boilers, process heaters/furnaces, stationary gas turbines, and stationary internal combustion engines located at affected facilities in the following nine parishes: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, and West Feliciana.

LAC 33:III.2201.C.8 provides an exemption from the aforementioned NOX standards “during start-up and shutdown ... or during a malfunction.” Notably, this exemption does not apply to units that are shut down intentionally on a routine basis (i.e., more than once per month). This provision was approved by EPA into Louisiana’s State Implementation Plan (SIP) on July 5, 2011 (76 FR 38977).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.2201.C.8, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “automatic exemptions for excess emissions from otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

In this same rulemaking, EPA “revised and updated” its Startup, Shutdown, and Malfunction (SSM) Policy for SIP provisions. According to EPA’s “SSM SIP Policy as of 2015” (80 FR 33976), SIP emission limitations “must be applicable to the source continuously,” but

- do not need to be numerical in format;
- do not have to apply the same limitation (e.g., numerical level) at all times; and
- may be composed of a combination of numerical limitations, specific technological control requirements and/or work practice requirements, with each component of the emission limitation applicable during a defined mode of source operation.

In response to EPA’s SIP call, LDEQ will repeal the exemption set forth in LAC 33:III.2201.C.8 and amend Chapter 22 to allow the owner/operator of an affected point source to comply either with the emission factors imposed by LAC 33:III.2201.D at all times (including periods of startup and shutdown) or with newly-established work practice standards designed to minimize emissions during periods of startup and shutdown.

* State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction [80 FR 33840]

Proposed Date:	June 20, 2016	Oversight Hearing:
Public Hearing:	July 27, 2016	Withdrawn:
Final Date:		Substantive Changes:

AQ365 - Emission Reduction Credits (ERC) from Mobile Sources
LAC 33:III.603, 605, 606, 607, 611, 617 and 619

LAC 33:III.Chapter 6 currently limits participation in the Emission Reduction Credit (ERC) Banking Program to stationary point sources. “Stationary point source” is defined as “any building, structure, facility, or installation that emits or may emit any air pollutant subject to regulation under the Clean Air Act.” Stationary point sources include fugitive emissions, but exclude mobile sources such as cars, trucks, motorcycles, marine vessels, locomotives, and nonroad engines. This rulemaking will allow creditable (i.e., surplus, permanent, quantifiable, and enforceable) reductions from certain mobile sources to qualify as ERC.

This rulemaking will also clarify that minor sources eligible to participate in the ERC Banking Program must have been operating under an air permit and subject to the emissions inventory reporting requirements of LAC 33:III.919 during the baseline period. On October 1, 2015, the Environmental Protection Agency (EPA) lowered the 8-hour national ambient air quality standard (NAAQS) for ozone to 0.070 parts per million (i.e., 70 parts per billion). EPA will designate areas as attainment, nonattainment, or unclassifiable with respect to the new standard in late 2017 based on 2014 – 2016 air quality data.

Based on current design values (2013 through 2015), Baton Rouge would be designated as a marginal nonattainment area. In addition, New Orleans has a design value of 70 ppb and could potentially fall out of compliance with the new standard before designations are made.

In order to encourage broad reductions in NOX and VOC emissions that will be needed to comply with the revised ozone NAAQS, LDEQ will amend Chapter 6 to allow creditable reductions from certain mobile sources to qualify as ERC and therefore be used as offsets under the nonattainment new source review (NNSR) program, LAC 33:III.504.

In order to construct a new major stationary source or major modification in an ozone nonattainment area, federal and state regulations require the owner or operator to offset significant increases in NOX and VOC emissions resulting from the new source or modification. If the necessary offsets cannot be secured, a permit for the project cannot be issued. Therefore, expanding the source types from which ERC can be generated may also serve to facilitate economic growth.

Proposed Date:	August 20, 2016	Oversight Hearing:
Public Hearing:	September 28, 2016	Withdrawn:
Final Date:		Substantive Changes:

AQ366 - Operating Time of Emergency Engines
LAC 33:III.311

The Regulatory Permit for Stationary Internal Combustion Engines currently limits operating time of emergency engines to 500 hours per 12-consecutive month period at LAC 33:III.311.E.1. This rule will revise the allowable operating time of emergency engines to be consistent with federal regulations (i.e., 40 CFR 60.4211(f) of Subpart III, 40 CFR 60.4243(d) of Subpart JJJJ, and 40 CFR 63.6640(f) of Subpart ZZZZ). Most stationary internal combustion engines are subject to one (and sometimes two) of the following federal standards:

- Subpart III – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
- Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
- Subpart ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines

These provisions restrict the operating time of emergency engines as follows:

- Emergency engines may be operated for maintenance checks and readiness testing for a maximum of 100 hours per calendar year, provided that the tests are recommended by federal, state, or local government; the manufacturer; the vendor; or the insurance company associated with the engine. The owner or operator may petition the department for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency engine beyond 100 hours per calendar year.
- Emergency engines may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing.
- There is no time limit on the use of emergency engines in emergency situations.

Proposed Date:	August 20, 2016	Oversight Hearing:
Public Hearing:	September 28, 2016	Withdrawn:
Final Date:	November 20, 2016	Substantive Changes:

HW121 - Name Change for Hazardous Waste Delisting - Denka Performance Elastomers LLC
LAC 33:V.4999.Appendix E

This rule is a name change for a hazardous waste delisting of Dynawave Scrubber Effluent, which was approved and promulgated under DuPont/Dow Elastomers LLC on December 20, 1999. This rule is to acknowledge an ownership change effective October 1, 2015 from former E.I. DuPont de Nemours & Co. Neoprene located in LaPlace, Louisiana to Denka Performance Elastomer LLC.

Proposed Date:	August 20, 2016	Oversight Hearing:
Public Hearing:	September 28, 2016	Withdrawn:
Final Date:	December 20, 2016	Substantive Changes:

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

HW119ft - Hazardous Waste Exclusions for Coal Combustion Residuals
LAC 33:V.105

This rule excludes certain residual solid wastes from coal combustion from the definition of hazardous waste in Louisiana. The state's hazardous waste program operates under a federal grant from the U.S. EPA. Part of the requirements 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:	September 20, 2016	Oversight Hearing:
Public Hearing:	October 26, 2016	Withdrawn:
Final Date:	December 20, 2016	Substantive Changes:

HW120ft - Repeal Exclusion of Comparable Fuels and Syngas Fuel
LAC 33:V.105, 109 and 4909

This rule repeals the comparable fuels and syngas fuel exclusions from the Louisiana hazardous waste regulations, in response to the repeal of the corresponding federal regulations. This stems from a federal court-ordered vacatur issued on June 27, 2014. Louisiana's hazardous waste program operates under a federal grant from the U.S. EPA. Part of the requirements 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:	September 20, 2016	Oversight Hearing:
Public Hearing:	October 26, 2016	Withdrawn:
Final Date:	December 20, 2016	Substantive Changes:

AQ367 - Recordkeeping for Sources Exempt from Air Permitting Requirements
LAC 33:III.501.B.2.e

R.S. 30:2054(B)(2)(b)(ix) and LAC 33:III.501.B.2.d establish an exemption from the requirement to obtain an air permit for certain very small sources of air emissions. This rule will require owners or operators of such sources to determine and maintain records of potential criteria and toxic air pollutant emissions.

In accordance with LAC 33:III.501.B.2.d, the requirement to obtain an air permit does not apply to any source that is not a Part 70 source, as defined in LAC 33:III.502, and for which facility-wide potential emissions are less than:

- 5 tons per year for each criteria pollutant as defined by the Clean Air Act;
- 15 tons per year of all such defined pollutants combined; and
- the minimum emission rate (MER) for each toxic air pollutant established by Tables 51.1 and 51.3 of LAC 33:III.Chapter 51.

At present, LAC 33:III.501.B.2.d does not expressly require the owner or operator of such a source to determine and maintain records of potential criteria and toxic air pollutant emissions to verify eligibility. However, R.S. 30:2054(B)(2)(b)(ix) provides that:

[T]he secretary may adopt, promulgate, and enforce standards, limitations, and other regulations applicable to sources which are not required to obtain a permit.

* * *

The standards or regulations may include the requirement to determine, document, and maintain records to demonstrate the potential or actual emissions of the facility.

This rule will require owners or operators of sources exempt from the requirement to obtain an air permit per LAC 33:III.501.B.2.d to determine and maintain records of potential criteria and toxic air pollutant emissions consistent with the authority provided by the statute.

Proposed Date:	November 20, 2016	Oversight Hearing:
Public Hearing:	December 28, 2016	Withdrawn:
Final Date:		Substantive Changes:

MM018 - Fee Increase Authorized by Act 451 of the 2016 Regular Legislative Session
LAC 33:I.1119, 1151, 1409, 1411, 1413, 1701, 4501, 4503, 4701, 4703, 4705, 4707, 5903;
III.209, 211, 215, 217, 223, 307, 309, 311, 313, 315, 317, 319; V.5109, 5111, 5117, 5119,
5120, 5121, 5123, 5125, 5127, 5129, 5131, 5135, 5137, 5139, 5141, 5143, 5145, 5147,
5149.; VII.1501, 1503, 1505, 1507, 1509, 1511, 10535; IX.1309, 1507, 7301, 7315; XI.307,

This Rule provides for the fee changes authorized in Act 451 of the 2016 Regular Legislative Session. The Act authorized certain fee increases, new fees and other changes to the regulations pertaining to fees.

Proposed Date:	January 20, 2017	Oversight Hearing:
Public Hearing:	February 24, 2017	Withdrawn:
Final Date:		Substantive Changes:

AQ368 - Electronic Notice of Air Permit Actions
LAC 33:III.504.E, 509.Q and W, and 531.A

The rule will allow LDEQ to provide public notice of all air permit actions, including Title V and Prevention of Significant Deterioration (PSD) permits, by posting notices on the department's website (www.deq.louisiana.gov) instead of by publishing advertisements in *The Advocate* and in local newspapers. The rule will also allow LDEQ to make certain documents available via the department's Electronic Document Management System (EDMS) rather than at a physical location in the area of a proposed source or modification. On October 18, 2016, the Environmental Protection Agency (EPA) promulgated a rule entitled "Revisions to Public Notice Provisions in Clean Air Act Permitting Programs" (81 FR 71613). The federal rule removes the mandatory requirement to provide public notice of proposed air permits (and certain other related actions) via publication of an advertisement in a newspaper. Permitting authorities may now satisfy the public participation requirements of the Act by providing electronic notice ("e-notice") of proposed air permits. When e-notice is provided, the federal rule also requires permitting authorities to provide electronic access to proposed permits.

The federal rule also clarifies that the provisions under 40 CFR 51 requiring permitting authorities to make certain elements of the administrative record available in the area of a proposed source or modification may be satisfied by making such materials available at either a physical location or on a public website identified by the permitting authority.

Proposed Date:	February 20, 2017	Oversight Hearing:
Public Hearing:	March 29, 2017	Withdrawn:
Final Date:		Substantive Changes:

HW107 - RCRA Issues
LAC 33:V.108, 109, 309, 517, 537, 705, 1103, 1107, 1109, 1515, 1516, 1529, 1751, 1903, 1907, 2201, 2203, 2207, 2209, 2211, 2216, 2221, 2227, 2231, 2239, 2241, 2243, 2245, 2299 Tables 4 and 12, 3001, 3203, 3301, 3511, 4037, 4053, 4071, 4085, 4301, 4399, 4407,

This Rule makes amendments to the regulations to correct errors and make clarifications in regards to certain definitions, notification, permitting, financial assurance, generator waste analysis, recordkeeping, notice requirements, and required approval by the EPA administrator for certain land disposal restrictions.

This Rule is in response to EPA's review of the state's authorized program. The amendments are necessary to maintain equivalency and authorization for the state's hazardous waste program.

Proposed Date:	February 20, 2017	Oversight Hearing:
Public Hearing:	March 29, 2017	Withdrawn:
Final Date:		Substantive Changes:

HW122 - Technical Amendment to Hazardous Waste Delisting - Denka Performance Elastomers LLC
LAC 33:V.4999. Appendix E

This rule is a technical amendment of a hazardous waste delisting of Dynawave Scrubber Effluent, which was approved and promulgated under DuPont/Dow Elastomers LLC on December 20, 1999. This rulemaking will amend the description of the wastes excluded in the Denka Performance Elastomer LLC delisting. In a previous rule, a name change was completed for a delisting of hazardous waste. As part of public comments, the facility requested a technical change to the description of the wastes excluded. These changes were necessary because EPA has revised the waste codes since the original promulgation in 1999. LDEQ has reviewed the request to amend the waste codes and considers is justified.

Proposed Date: February 20, 2017
Public Hearing: March 29, 2017
Final Date:

Oversight Hearing:
Withdrawn:
Substantive Changes:

Susan Ham

From: Microsoft Outlook
To: Chuck Brown
Sent: Wednesday, March 08, 2017 9:27 AM
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: Wednesday, March 08, 2017 9:27 AM
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: Bijan Sharafkhani
Sent: Wednesday, March 08, 2017 9:27 AM
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: Microsoft Outlook
To: Herman Robinson
Sent: Wednesday, March 08, 2017 9:27 AM
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: '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'
Sent: Wednesday, March 08, 2017 9:27 AM
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:

'apa.housespeaker@legis.la.gov' (apa.housespeaker@legis.la.gov) <<mailto:apa.housespeaker@legis.la.gov>>

'apa.senatepresident@legis.la.gov' (apa.senatepresident@legis.la.gov) <<mailto:apa.senatepresident@legis.la.gov>>

'apa.s-envq@legis.la.gov' (apa.s-envq@legis.la.gov) <<mailto:apa.s-envq@legis.la.gov>>

'apa.h-natr@legis.la.gov' (apa.h-natr@legis.la.gov) <<mailto:apa.h-natr@legis.la.gov>>

'sfnce@legis.la.gov' (sfnce@legis.la.gov) <<mailto:sfnce@legis.la.gov>>

'bouquep@legis.la.gov' (bouquep@legis.la.gov) <<mailto:bouquep@legis.la.gov>>

Subject: LDEQ Annual Report on Rules

Susan Ham

From: APA - Speaker <apa.housespeaker@legis.la.gov>
Sent: Wednesday, March 08, 2017 9:26 AM
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: Wednesday, March 08, 2017 9:26 AM
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: Wednesday, March 08, 2017 9:26 AM
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: Wednesday, March 08, 2017 9:26 AM
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: Tyler, Tom <tylert@legis.la.gov>
To: Susan Ham
Sent: Wednesday, March 08, 2017 9:27 AM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 08, 2017 9:28:08 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 08, 2017 9:27:08 AM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Odom, Debbie <odomd@legis.la.gov>
To: Susan Ham
Sent: Wednesday, March 08, 2017 9:29 AM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 08, 2017 9:30:32 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 08, 2017 9:29:29 AM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Impastato, Christi <impastac@legis.la.gov>
To: Susan Ham
Sent: Wednesday, March 08, 2017 9:31 AM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 08, 2017 9:32:21 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 08, 2017 9:31:22 AM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Guillot, Jerry <guillotj@legis.la.gov>
To: Susan Ham
Sent: Wednesday, March 08, 2017 9:41 AM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 08, 2017 9:42:34 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 08, 2017 9:40:34 AM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: David R. Poynter Legislative Research Library <drplibrary@legis.la.gov>
To: Susan Ham
Sent: Wednesday, March 08, 2017 9:47 AM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 08, 2017 9:47:52 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 08, 2017 9:46:53 AM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Deidra Johnson
To: Susan Ham
Sent: Wednesday, March 08, 2017 10:45 AM
Subject: Read: LDEQ Annual Report on Rules

Your message

To: Deidra Johnson
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 08, 2017 9:26:37 AM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 08, 2017 10:45:03 AM (UTC-06:00) Central Time (US & Canada).

Susan Ham

From: Sen. Finance Cmte <sfnce@legis.la.gov>
To: Susan Ham
Sent: Wednesday, March 08, 2017 1:46 PM
Subject: Read: LDEQ Annual Report on Rules

Your message

To:
Subject: LDEQ Annual Report on Rules
Sent: Wednesday, March 08, 2017 1:46:46 PM (UTC-06:00) Central Time (US & Canada)

was read on Wednesday, March 08, 2017 1:45:47 PM (UTC-06:00) Central Time (US & Canada).