NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Emissions Inventory

(LAC 33:III.919) (AQ399)

 Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.919 (AQ399).

 This Rule change removes a requirement to receive a written release from reporting in order to discontinue submittal of emissions inventories when a facility is not required by an effective permit and no longer meets the reporting thresholds established by the regulations. The basis and rationale for this proposed Rule are to remove an unnecessary burden on the regulated community. A written release from reporting is no longer needed as a means to distinguish between facilities that failed to report an emissions inventory and those that no longer meet the requirements under the Rule. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:963.B(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Family Impact Statement**

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

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:974.1 - 974.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

 All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ399. Such comments must be received no later than December 3, 2024, at 4:30 p.m., and should be sent to William Little, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, P.O. Box 4302, Baton Rouge, LA 70821-4302, by fax (225) 219-4068, or by E-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of the proposed regulation can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ399. The proposed regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

**Public Hearing**

A public hearing will be held on November 26, 2024, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend in person or via Zoom at https://deqlouisiana.zoom.us/j/95229352496?pwd=byma6joAExV5bhy3tGr2utEaNNsg5U.1 or by telephone by dialing (646) 255-1997 using the meeting ID 952 2935 2496, passcode 067940. Should individuals with a disability need an accommodation in order to participate, contact Doug Bordelon at the address given below or at (225) 219-1325.

 The proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 508 Downing Pines Road, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

 Aurelia S. Giacometto

 Secretary

**Title 33**

**Environmental Quality**

**Part III. Air**

**Chapter 9. General Regulations on Control of Emissions and Emission Standards**

**§919. Emissions Inventory**

 A. — A.3. …

 4. No facility classes or categories are exempted from emissions inventory reporting.

 B. — C. …

 D. ~~Once a facility meets the applicability criteria of Subparagraph A.1.a, b, c, d, e, f, g, or h of this Section, the owner or operator of the facility shall continue to submit an emissions inventory until otherwise directed by the department.~~

~~1. If a facility no longer meets any applicability criteria under Paragraph A.1 of this Section for one full calendar year, the owner or operator may request approval from the department in writing to discontinue submission of an emissions inventory. All such requests shall be submitted to the Office of Environmental Assessment.~~

~~a. An owner or operator who has submitted a request for approval to discontinue submission of an emissions inventory shall continue to submit an emissions inventory unless the owner or operator has received a response of approval from the department.~~

~~b. A request for departmental approval to discontinue submission of an emissions inventory will be considered if one or more of the following conditions have been met for one full calendar year:~~

 ~~i. the facility’s permit has been rescinded and the most current emissions inventory shows the emissions to be below the applicable reporting thresholds in Paragraph A.2 of this Section;~~

 ~~ii. the facility has been permitted to emit pollutants below the reporting thresholds in Paragraph A.2 of this Section and the most current emissions inventory shows the emissions to be below the reporting thresholds;~~

 ~~iii. the facility’s potential to emit has been below the applicable reporting thresholds in Paragraph A.2 of this Section and the most current emissions inventory shows the emissions to be below the reporting thresholds;~~

 ~~iv. the facility has not been a major stationary source of hazardous air pollutants in accordance with section 112(a)(1) of the federal Clean Air Act (CAA) or a major source of toxic air pollutants in accordance with LAC 33:III.Chapter 51;~~

 ~~v. the facility does not have a 40 CFR Part 70 (Title V) operating permit;~~

 ~~vi. the owner or operator of the facility is not required by rule or permit to submit an emissions inventory; or~~

 ~~vii. the facility operates in a nonattainment area or an adjoining parish and does not have a portable source permit as required by LAC 33:III.513.~~

~~2. No facility classes or categories are exempted from emissions inventory reporting.~~Reserved.

 E. — F.1.c. …

 d. Both the emissions inventory and the certification statement required by Subparagraph F.1.c of this Section shall be submitted to the ~~Office of Environmental~~ ~~Services~~administrative authority by April 30 of each year (for the reporting period of the previous calendar year that coincides with period of ownership or operatorship), unless otherwise directed by the department. Any subsequent revisions shall be accompanied by a certification statement.

*Section 919*

 i. The owner or operator of any facility located in a parish designated by EPA as a nonattainment area or within a nonattainment area after June 1, 2011, and that meets the applicability criteria in Subparagraph A.1.a of this Section, shall submit both an emissions inventory and the certification statement required by Subparagraph F.1.c of this Section to the ~~Office of Environmental~~ ~~Services~~administrative authority by April 30 of the year following the first full calendar year of the nonattainment designation by EPA, unless otherwise directed by the department.

 ii. The owner or operator of any facility located in a parish that adjoins a parish designated by EPA as a nonattainment area or within a nonattainment area after June 1, 2011, and that meets the applicability criteria in Subparagraph A.1.a of this Section, shall submit both an emissions inventory and the certification statement required by Subparagraph F.1.c of this Section to the ~~Office of Environmental~~ ~~Services~~administrative authority by April 30 of the year following the first full calendar year of the nonattainment designation by EPA, unless otherwise directed by the department.

 F.1.d.iii. — I. …

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

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2438 (October 2005), LR 32:241 (February 2006), LR 33:2084 (October 2007), LR 37:3222 (November 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2137 (November 2017), amended by the Office of the Secretary, Legal Affairs Division, LR 50:

**FISCAL AND ECONOMIC IMPACT STATEMENT**

**FOR ADMINISTRATIVE RULES**

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| --- | --- | --- | --- | --- |
| Person Preparing Statement:  | Kelly Petersen |  | Dept.:  | Environmental Quality |
| Phone:  | 225-219-3397 |  | Office:  | Environmental Assessment |
| Return Address:  | 602 N 5th Street |  | Rule Title:  | Emissions Inventory |
|  | Baton Rouge, LA 70802 |  |  | (LAC 33:III.919) |
|  |  |  | Date Rule Takes Effect:  | Upon Promulgation |

SUMMARY

(Use complete sentences)

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

This rule change removes a requirement to receive a written release from reporting in order to discontinue submittal of emissions inventories when a facility is not required by an effective permit and no longer meets the reporting thresholds established by the regulations. The cost and workload adjustments are negligible.

There are no anticipated implementation costs or savings to state or local governmental units as a result of this proposed rule change.

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

There are no anticipated effects on revenue collections for state or local governmental units as a result of this proposed rule change.

1. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Small businesses that no longer meet the regulatory applicability will no longer need to request and receive approval to discontinue reporting. This will reduce their need to submit one letter/form to the department. Instead, they can simply stop reporting.

1. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated effects on competition and employment as a result of this proposed rule change.

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| Signature of Head or Designee |  | Legislative Fiscal Officer or Designee |
| Aurelia S. Giacometto, Secretary |  |  |
| Typed Name & Title of Agency Head or Designee  |  |  |
|  |  |  |
| Date of Signature  |  | Date of Signature  |