

# Potpourri

## POTPOURRI

### Department of Environmental Quality Office of Environmental Assessment

#### Addendum to 2004 State Implementation Plan (SIP) General Revisions

Under the authority of the Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice of proposed general revisions to the air quality State Implementation Plan (SIP). This addendum to the 2004 SIP General Revisions notice (0502Pot1), which was published on page 603 of the February 20, 2005, *Louisiana Register*, includes additional revisions to Chapter 21 that were promulgated in previous years and that were inadvertently not included in previous SIP general revisions.

A public hearing will be held on March 29, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

The written comment period on the proposed 2004 SIP General Revisions has been extended. All interested persons are invited to submit written comments. Comments must be submitted no later than 4:30 p.m. on May 6, 2005. Comments should be mailed to Sandra Hilton, Office of Environmental Assessment, Air Quality Assessment Division, Box 4314, Baton Rouge, LA 70821-4314 or faxed to (225) 219-3582. Copies of this document can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. A check or money order is required in advance for each copy of the document.

A copy of the general revisions to the SIP may be viewed Monday through Friday, from 8 a.m. to 4:30 p.m., at the following DEQ locations: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

Summary of Rules Promulgated in 2004			
LAC 33:III	Louisiana Register Citation	Description	Comments
§223	July 2004 LR 30:1475 AQ 243	Fee Rule	Adds a new fee number to differentiate between Title V and other facilities for criteria pollutant fees
§2121	August 2004 LR 30:1659 AQ 237	Fugitive Emission Control	Clarifies requirements for instrumentation systems and other changes to make state regulations more consistent with 40 CFR 63 fugitive rules
§2122	August 2004 LR 30:1659 AQ 237	Fugitive Emission Control In Nonattainment Area	Clarifies requirements for instrumentation systems and other changes to make state regulations more consistent with 40 CFR 63 fugitive rules
Addendum			
Additional Rules Promulgated in Previous Years			
§2104	November 1997 LR 23:1497 AQ 151	Control of Emissions of Organic Compounds	Applies to any oil and gas production facility that has a potential to emit more than 50 tons per year (TPY) of flash gas. Flash gas emitted to the atmosphere from tanks, reservoirs, process vessels, separators, or other containers is subject to this regulation.
§2103	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Statewide change providing control requirements to Vapor Loss Control Systems to 90 percent of greater to systems installed on or before December 31, 1992 (continued 95 percent for newer systems). Planned routine maintenance provisions added.
§2104	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Oil and gas production facility applicability and requirements in Calcasieu Parish were added to be identical to the requirements in the Baton Rouge nonattainment area. Calcasieu Parish compliance schedule was to be one year from rule promulgation.

Summary of Rules Promulgated in 2004			
§2115	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Facilities in Calcasieu Parish with streams applicable to the waste gas rule and waste gas stream requirements were added to be identical to the requirements in the Baton Rouge nonattainment area. Calcasieu Parish compliance schedule was to be one year from rule promulgation.
§2122	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Facilities in Calcasieu Parish with fugitive emissions and fugitive emission requirements were added to be identical to the requirements in the Baton Rouge nonattainment area. Calcasieu Parish facilities effective date was January 1, 2003.
§2123 §2125	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Surface coating and vapor degreasers exemptions for facilities in Calcasieu Parish were added to be identical to the surface coating and vapor degreaser exemptions in the Baton Rouge nonattainment area.
§2143	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Facilities in Calcasieu Parish with rotogravure and flexographic processes with applicability exemption were added to be identical to the requirements in the Baton Rouge nonattainment area.
§2153	August 2002 LR 28:1763 AQ 219A	Limiting VOC Emissions From Industrial Wastewater	Facilities in Calcasieu Parish with industrial wastewater streams were added to be identical to the requirements in the Baton Rouge nonattainment area.

Wilbert F. Jordan, Jr.  
Assistant Secretary

0503#065

## POTPOURRI

### Department of Environmental Quality Office of Environmental Assessment

Risk/Cost Benefit Statement  
Waste Tire Fees Amendments  
(LAC 33:VII.Chapter 105)

#### Introduction

The Louisiana Department of Environmental Quality (LDEQ) is proposing amendments to the waste tire regulations that would assess the waste tire disposal fee on

the sale of new motor vehicles, retreaded tires, and used tires. These fees, designated for the Waste Tire Management Fund, are collected by retailers and remitted to the Department. The increase in fees was authorized by Act 846 of the 2004 Louisiana Legislature.

The fee increase will provide funding to address the proper collection, processing, and marketing of these tires. The Rule will affect all retailers selling new motor vehicles, retreaded tires, and used tires. The Rule will also affect those consumers who purchase these items.

This statement is prepared to satisfy the requirements of R.S. 30:2019(D) and R.S. 49:953(G) (Acts 600 and 642 of the 1995 Louisiana Legislature, respectively). However, this document is not a quantitative analysis of cost, risk, or economic benefit, although costs of implementation were identified to the extent practical. The statutes allow a qualitative analysis of economic and environmental benefit where a more quantitative analysis is not practical. The department asserts that the benefits of a Rule designed to support a legislatively-passed broadening of the waste tire program justify the costs associated with the fee increases.

Therefore, the qualitative approach is taken with this risk/cost benefit statement. As discussed further in this document, these amendments to the waste tire regulations provide environmental and economic benefits. Assessing dollar benefits of avoided environmental risk or economic benefits of this Rule is not practicable. In addition, the department asserts that the indirect and direct environmental and economic benefits to be derived from this Rule will, in the judgement of reasonable persons, outweigh the costs associated with the implementation of the Rule and that the Rule is the most cost-effective alternative to achieve these benefits.

#### Risks Addressed by the Rule

The fee portion of the Rule addresses the risks associated with the pollution caused by improper disposal of the tires mentioned above, to include unauthorized waste tire piles consisting of these types of tires. The Rule does this by bringing tires sold with new motor vehicles into the waste tire program with the addition of a fee. The fee will allow the department, through the Waste Tire Management Fund, to pay waste tire processors for the processing of these tires and the marketing of the resulting waste tire material.

Numerous risks are associated with the improper disposal of tires. Unprocessed tires hold water that provides a fertile breeding ground for mosquitoes, which provide an excellent vector for diseases. Unprocessed tires also provide shelter for vermin, such as rats, that are another vector for disease in addition to being a destructive pest. Tire piles may catch fire under certain circumstances. These fires are extremely difficult to extinguish, and they emit noxious gases and thick smoke. Lastly, individual tires or tire piles that litter the landscape are unsightly. Waste tires do not degrade, which provides a long-lasting hazard to the environment.

#### Environmental and Health Benefits of the Rule

The additional money collected through this Rule will provide an incentive for waste tire processors to continue to process and market waste tires. The removal, processing, and marketing of these tires will eliminate potential breeding places of disease-spreading insects and mammals. The removal of these tires would eliminate the possibility of tire pile fires.

### **Social and Economic Costs**

This Rule is an amendment to implement fees on tire sales that are not currently assessed, and as such there are no significant costs to implement the Rule. The new fees will be assessed on the retail sale of new motor vehicles, used tires, and retreaded tires.

Persons purchasing new motor vehicles with passenger/light truck tires will now pay \$2 per tire (excluding the spare). Persons purchasing new motor vehicles with medium truck tires (those tires weighing more than 100 pounds) will pay \$5 per tire at the time of sale. Persons purchasing new off-road motor vehicles with tires weighing more than 100 pounds will pay \$10 per tire. There will be no charge for tires above 500 pounds or solid tires. These new fees will generate an estimated \$2,108,815 for the Waste Tire Management Fund.

### **Conclusion**

The department believes that the benefits of enhanced environmental and public health protection, as well as other benefits, outweigh the costs of implementation of the Rule. Therefore, the Rule is obviously the most cost-effective alternative to achieve these benefits.

Wilbert F. Jordan, Jr.  
Assistant Secretary

0503#066

### **POTPOURRI**

#### **Office of the Governor Oil Spill Coordinator's Office**

Availability and Request for Comments on a  
Draft Damage Assessment and Restoration  
Plan/Environmental Assessment

September 22, 2002 Oil Spill at North Pass in the Mississippi River Delta, Plaquemines Parish, Louisiana; Availability and Request for Comments on a Draft Damage Assessment and Restoration Plan/Environmental Assessment.

#### **Agencies:**

Louisiana Oil Spill Coordinator's Office  
Office of the Governor (LOSCO);  
Louisiana Department of Environmental Quality (LDEQ);  
Louisiana Department of Natural Resources (LDNR);  
Louisiana Department of Wildlife and Fisheries (LDWF);  
National Oceanic and Atmospheric Administration  
(NOAA); and  
United States Department of the Interior (USDOJ)  
which is represented by the  
U.S. Fish and Wildlife Service (USFWS).

#### **Action:**

Notice of availability of a Draft Damage Assessment and Restoration Plan/Environmental Assessment, and of a 30-day State and Federal period for public comment on the draft plan.

#### **Summary:**

Pursuant to 15 CFR §990.23 and 15 CFR §990.55(c) and LAC 43:XXIX.Chapter 1, notice is hereby given that a document entitled, "Draft Damage Assessment and Restoration Plan and Environmental Assessment, September 22, 2002 Oil Spill at North Pass in the Mississippi River

Delta, Plaquemines Parish, Louisiana" (Draft DARP/EA) will become available for public review and comment on March 21, 2005. This document is being prepared by the agencies listed above (the Trustees) to address injuries to natural resources and services, following the September 22, 2002 discharge of crude oil into the Mississippi River Delta, Louisiana (the Incident). This document presents the Trustees' assessment of injuries to natural resources and services attributable to this Incident, and their proposed plan to restore, replace, or acquire resources or services equivalent to those lost as a basis for compensating for the injuries to natural resources and services that occurred. The Trustees will consider comments received during the public comment period before finalizing the document. Public review of the Draft DARP/EA is consistent with all State and Federal laws and regulations that apply to the Natural Resource Damage Assessment (NRDA) process, including Section 1006 of the Oil Pollution Act (OPA), 33 USC §2706; the regulations for NRDA under OPA, 15 CFR Part 990; National Environmental Policy Act (NEPA), 42 USC §4321, et seq.; the regulations implementing NEPA, 40 C.F.R. §1500, et seq.; Section 3480 of the Louisiana Oil Spill Prevention and Response Act (OSPRA), L.R.S. 30:2480; and the regulations for NRDA under OSPRA, LAC 43:XXIX, Chapter 1.

#### **Dates:**

Comments must be submitted in writing on or before April 21, 2005.

#### **For Further Information:**

Contact Gina Muhs Saizan at 225-219-5800 or by email [gina.saizan@la.gov](mailto:gina.saizan@la.gov).

#### **Address:**

Requests for copies of the Draft DARP/EA and written or digital comments on the Draft DARP/EA should be sent to:

Gina Muhs Saizan  
Louisiana Oil Spill Coordinator's Office  
150 Third Street, Suite 405  
Baton Rouge, LA 70801  
[gina.saizan@la.gov](mailto:gina.saizan@la.gov)

#### **Supplementary Information:**

On September 22, 2002, an estimated 300 barrels (12,600 gallons) of south Louisiana crude oil was discharged into the environment from an aboveground storage tank located at Ocean Energy's North Pass storage and transfer facility. Containment and cleanup operations were quickly initiated by the Responsible Party (RP) and its oil spill response contractor. However, operations were temporarily suspended due to the passing of Tropical Storm Isidore and Hurricane Lili.

The incident is subject to the authority of OPA, 33 USC §2701, et seq.; the Federal Water Pollution Control Act (FWPCA or Clean Water Act), 33 USC §1251, et seq.; and OSPRA, LRS 30:2451, et seq., NOAA, USDOJ/USFWS, LOSCO, LDEQ, LDNR, and LDWF are Trustees for natural resources pursuant to Section 2706 of OPA, 33 USC §2706; Section 311 of the Clean Water Act, 33 USC §1321; Subpart G of the National Contingency Plan, 40 CFR §§300.600-300.615; and, in the case of the Louisiana Trustees, OSPRA, LRS 30:2451, et seq., and in the case of the Federal Trustees, Executive Order 12777. As a designated Trustee, each agency is authorized to act on behalf of the public under state and/or federal law to assess injuries to natural resources and services, and to plan and implement actions to restore

and recover natural resources and services injured or lost as the result of an incident.

Pursuant to Section 1006 of OPA (33 USC §2706) and Section 2480 of OSPRA (LRS 30:2480), the designated Trustees have conducted a damage assessment for this Incident to evaluate injuries to natural resources and services, and to determine the need for, and scale of, restoration actions required. The Draft DARP/EA discusses the natural resources and services believed to be affected by the Incident, details the assessment procedures used, outlines the restoration alternative selection and scaling process, and identifies the preferred restoration alternatives to address injuries to natural resources and services. The Trustees determined that injured natural resources and services will fully return to baseline without requiring any further actions. However, the Trustees have determined that there have been interim losses to habitat services, birds, aquatic fauna, and recreational use that require compensatory restoration to make the environment and the public whole for these losses. The Trustees identified nine alternatives with a strong nexus to the injured resource (fresh marsh habitat). These projects were screened based on the criteria listed in Chapter 5 of the draft DARP/EA and a crevasse splay marsh creation project was selected as the preferred alternative for restoring injuries to natural resources and services. This type of marsh provides a high level of service, is cost effective, and has a high likelihood of success. In addition, the created habitat is expected to have an extended longevity (compared to marsh created using dredged material) and faster colonization of the area by native vegetation because natural processes continually transport and deposit sediment and seeds on and adjacent to the marsh surface. These actions will compensate the public for injuries to natural resources and services as a result of this Incident.

Interested members of the public are invited to request a copy of the Draft DARP/EA from, and to submit written comments to Gina Muhs Saizan at the address given above. All written comments will be considered by LOSCO, LDEQ, LDNR, LDWF, NOAA, and USDOJ/USFWS in finalizing the DARP/EA.

Roland J. Guidry  
Oil Spill Coordinator

0503#030

**POTPOURRI**

**Department of Natural Resources  
Office of the Secretary  
Fishermen's Gear Compensation Fund**

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 19 claims in the amount of \$56,949.61 were received for payment during the period February 1, 2005 - February 28, 2005.

There were 16 claims paid and 3 claims denied.

Loran Coordinates of reported underwater obstructions are:

26707	46975	Cameron
27750	46880	Terrebonne
28307	46826	Lafourche
28331	46830	Lafourche

Latitude/Longitude Coordinates of reported underwater obstructions are:

2904.990	9053.730	Terrebonne
2913.239	9002.634	Jefferson
2917.329	8957.034	St Bernard
2919.577	8928.685	Plaquemines
2921.157	9128.074	St Mary
2924.338	9003.023	Jefferson
2928.470	8931.990	Plaquemines
2931.860	9008.800	Jefferson
2932.673	9203.477	Vermilion
2940.851	8926.408	St Bernard
2941.563	8914.794	St Bernard
2943.982	9151.304	St Mary
2945.503	8946.427	St Bernard
2951.348	8940.417	St Bernard
2956.872	8950.866	St Bernard

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Scott A. Angelle  
Secretary

0503#058

**POTPOURRI**

**Department of Social Services  
Office of Community Services**

**Social Services Block Grant Intended Use Report**

The Department of Social Services (DSS) announces opportunities for public review of the state's pre-expenditure report on intended uses of Social Services Block Grant (SSBG) funds for the state fiscal year (SFY) beginning July 1, 2005, and ending June 30, 2006. The proposed SFY 2005-2006 SSBG Intended Use Report has been developed in compliance with the requirements of Section 2004 of the Social Security Act (SSA), as amended, and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the state's allocation of SSBG funds. Section 2004 of the SSA further requires that the SSBG pre-expenditure report shall be "made public within the state in such manner as to facilitate comment by any person." The DSS as the designated state services agency will continue to administer programs funded under the SSBG in accordance with applicable statutory requirements and federal regulations. The DSS/Office of Community Services (OCS) will be responsible for provision of social services, by direct

delivery and vendor purchase, through use of federal SSBG funds. Estimated SSBG expenditures for SFY 2005-2006 total \$42,534,927.

Louisiana, through the DSS/OCS, will utilize its allotted funds to provide comprehensive social services on behalf of children and families in fulfillment of legislative mandates for child protection and child welfare programs. These mandated services, and certain other essential social services, are provided without regard to income (WRI) to individuals in need. Individuals to be served also include low-income persons as defined in the Intended Use Report who meet eligibility criteria for services provided through SSBG funding.

Services designated for provision through SSBG funding for SFY 2005-2006 are:

A. Adoption (pre-placement to termination of parental rights)

B. Child Protection (investigation of child abuse/neglect reports, assessment, evaluation, social work intervention, shelter care, counseling, referrals, and follow-up)

C. Day Care for Children (direct care for portion of the 24-hour day as follow-up to investigations of child abuse/neglect)

D. Family Services (social work intervention subsequent to validation of a report of child abuse/neglect, counseling to high risk groups)

E. Foster Care/Residential Habilitation Services (foster, residential care, and treatment on a 24-hour basis)

Definitions for the proposed services are set forth in the Intended Use Report.

Persons eligible for SSBG funded services include:

A. Persons WRI, who are in need of adoption services, child protection, family services, and foster care/residential habilitation services.

B. Individuals WRI who are recipients of Title IV-E adoption assistance.

C. Recipients of Supplemental Security Income and recipients of Temporary Assistance for Needy Families (TANF) and those persons whose needs were taken into account in determining the needs of TANF recipients.

D. Low-income persons (income eligibles) whose gross monthly income is not more than 125 percent of the poverty level. A family of four (4) with gross monthly income of not more than \$2,016 would qualify as income eligible for services.

E. Persons receiving Title XIX (Medicaid) benefits and certain Medicaid applicants identified in the proposed plan as group eligibles.

Post expenditure reports for the SSBG program for SFY 2001-2002 and 2002-2003 are included in the previous year's SSBG Intended Use Report for SFY 2004-2005. The report is available for public review at all OCS parish and regional offices, Monday through Friday from 8:30 a.m. to 4:00 p.m. Free copies are available by telephone request to

(225) 342-1553 or by writing to the Assistant Secretary, P. O. Box 3318, Baton Rouge, LA 70821.

Interested persons will have the opportunity to provide recommendations on the proposed SFY 2005 – 2006 SSBG Intended Use Report, at a public hearing scheduled for 10:00 a.m., Thursday, April 21, 2005, at the Office of Community Services, Commerce Building, 333 Laurel Street, Room 602, Baton Rouge, LA. Written comments should be directed to the Assistant Secretary of OCS at the above post office box address. Comments must be received by the close of business Friday, May 6, 2005.

Ann S. Williamson  
Secretary

0503#049

## POTPOURRI

### Department of Social Services Office of Family Support

Support Enforcement Services Program  
Suspension of Licenses  
Judicial  
Second Public Hearing

The Department of Social Services, Office of Family Support, under the authority of R.S. 9:315.30 through 315.35, P.L. 104-193, R.S. 9:315.36, gives notice of a proposed change in Title 67, Part III, Subpart 4, Support Enforcement Services, Section 2540(A)(3), Judicial Suspension of License(s) for Nonpayment of Child Support. The change is replacing the word "and" with "or" in Section 2540(A)(3) in order to make criteria for referral singular criteria, rather than a combination of criteria. This Section was previously promulgated in February 1996, and amended in June 1997.

Interested persons may submit written comments by April 19, 2005, to the following: Adren O. Wilson, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065. He is responsible for responding to inquiries regarding this proposed change.

A public hearing on the proposed change will be held on April 19, 2005, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit date, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities or who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Ann S. Williamson  
Secretary

0503#048