

# Potpourri

## POTPOURRI

### Department of Environmental Quality Office of Environmental Assessment Air Quality Division

#### Annual Emissions Inventory Data Submittals (LAC 33:III.919)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with LAC 33:III.919.D, the Secretary gives notice that the directions for submittals of Annual Criteria Pollutant Emissions Inventory Data for calendar year 2006 are as described below.

The Louisiana Department of Environmental Quality has initiated a project to update and enhance the existing emissions inventory reporting system. Due to unavoidable delays, however, the system will not be ready to receive data, nor will user training be completed, in time for users to meet all of the requirements associated with the March 31, 2007, criteria pollutant emissions inventory reporting deadline as outlined in LAC 33:III.919. Therefore, the Department has extended to July 1, 2007, the deadline for submitting calendar year 2006 emission point level data. Facilities are still required to submit the Criteria Pollutant Emissions Certification Statement certifying facility totals for calendar year 2006 emissions by March 31, 2007, in accordance with LAC 33:III.919.B.5 or permit-specific conditions. In anticipation that the new system will be ready to receive facility submittals of emission point level data by July 1, 2007, the Department is authorizing this extension for delayed submission of the criteria pollutant emission point level data. This change in the submittal schedule for emission inventory data is for reporting of calendar year 2006 data only. Facilities with permits that contain language in conflict with this potpourri notice should access the website listed below and provide the Department with certain facility level information no later than midnight on January 22, 2007. The website address for providing this information is: [http://www.deq.la.gov/2006\\_EI](http://www.deq.la.gov/2006_EI). Instructions on completing the short form and agency contact information for questions about the form will be available at that same web address.

This extension of the deadline for submittal of the emission point level data will enable facilities to submit data through the new emissions inventory reporting system and alleviate difficulties associated with reporting and processing data in the current, outdated system. Allowing the 90-day extension for facilities to submit emission point level data will not have a negative impact on data availability. The new system has been designed such that emission inventory data will be readily available for assessment and dissemination, while data submitted via the existing system was typically not available for six months or more following the March 31 submission date.

Again, for calendar year 2006 emissions inventory reporting, the Department requires that the Criteria Pollutant Emissions Certification Statement certifying facility criteria pollutant emission totals be submitted by March 31, 2007, while emission point level data for calendar year 2006 be submitted via the new reporting system by July 1, 2007. For more information regarding this notice, you may contact Jennifer Mouton at (225) 219-3427 or Michael Vince at (225) 219-3485.

Herman Robinson, CPM  
Executive Counsel

0612#030

## POTPOURRI

### Department of Environmental Quality Office of Environmental Assessment Plan Development Section

#### Pointe Coupee Parish Ozone Maintenance Plan

Under the authority of the Louisiana Environmental Quality Act, R. S. 30:2001 et seq., the secretary gives notice that the Office of Environmental Assessment, Plan Development Section, is proposing a revision to the Air Quality State Implementation Plan (SIP) for Pointe Coupee Parish. This SIP revision is mandated under Section 110(a)(1) of the 1990 Clean Air Act Amendments (CAAA)

According to the Phase 1 8-Hour Implementation Rule published April 30, 2004 (69 FR 23951), a revision to the SIP is required for areas that are designated attainment for the 8-hour ozone National Ambient Air Quality Standards (NAAQS) and were designated attainment for the 1-hour ozone NAAQS with an approved maintenance plan. The Section 110(a)(1) maintenance plan for Pointe Coupee Parish must be submitted to the Environmental Protection Agency not later than June 15, 2007.

A public hearing will be held at 1:30 pm on January 24, 2007, in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA. Should individuals with a disability need an accommodation in order to participate, please contact Vivian H. Aucoin at (225) 219-3575 or at the address listed below. Interested persons are invited to attend and submit oral comments on the proposal.

All interested persons are invited to submit written comments concerning the SIP revision no later than 4:30 p.m., January 31, 2007, to Vivian H. Aucoin, Office of Environmental Assessment, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to [vivian.aucoin@la.gov](mailto:vivian.aucoin@la.gov).

A copy of the SIP revision for Pointe Coupee Parish may be viewed from 8 a.m. to 4:30 p.m. in the DEQ Public Records Center, Room 127, 602 N. Fifth Street, Baton

Herman Robinson, CPM  
Executive Counsel

0612#029

## POTPOURRI

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

#### Regulatory Permits

Act 115 of the 2006 Regular Legislative Session authorized the Department of Environmental Quality, to develop regulatory permits for certain air emissions and water discharges. Act 115 requires the secretary to consider which activities are appropriate for coverage under regulatory permits and to publish an initial list of such activities no later than January 1, 2007.

In a potpourri notice for Request for Comments on Regulatory Permits (0609Pot2) published in the *Louisiana Register* on September 20, 2006, the department solicited written comments from interested parties regarding activities appropriate for consideration of coverage under regulatory permits as the required list was being developed. Comments were received from two sources regarding regulatory permits in the air program.

This notice fulfills the requirement of Act 115 to publish an initial list of activities appropriate for coverage under a regulatory permit by January 1, 2007. The department is initially considering the following activities as eligible for coverage under regulatory permits:

#### Air—minor sources only:

- Oil and Gas production activities
- Oil and Gas well testing
- Oil and Gas and Pipeline maintenance flaring/venting
- Bulk terminal facilities
- Hot mix asphalt plants
- Concrete ready-mix plants
- Emergency equipment
- Coating operations (priming, painting and sandblasting)

#### Water—minor sources only:

- Oil and Gas Coastal
- Oil and Gas Territorial Seas
- Construction Activities greater than 1 acre but less than 5 acres
- Hydrostatic Test

This is a preliminary list only and does not preclude the department from considering the applicability of regulatory permits for other sources in the future. For further information regarding air permits, contact Cheryl Sonnier Nolan, Office of Environmental Services, Air Permits Division, at 225-219-3010 or [cheryl.nolan@la.gov](mailto:cheryl.nolan@la.gov). For further information regarding water permits, contact Lenny

Herman Robinson, CPM  
Executive Counsel

0612#067

## POTPOURRI

### Department of Environmental Quality Office of the Secretary Legal Affairs Division

#### Revision to the Water Quality Management Plan Volume 3: Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards

Under the authority of the Environmental Quality Act, R.S. 30:2071 et seq., the secretary gives notice that procedures have been initiated to amend Volume 3 of the Louisiana Water Quality Management Plan (WQMP).

Federal law governing water quality standards (Water Quality Act of 1987 PL 100-4 Section 303 (c)) requires that states review and revise as appropriate their water quality standards at least once every three years. The *Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards*, as part of the Louisiana Water Quality Management Plan, establishes procedures to effectively implement Louisiana's water quality standards into LPDES surface water discharge permits. The most recent Triennial Revision of the Water Quality Standards (Log #WQ054) proposes an updated method for the application of toxic and metals criteria in estuarine areas. These revisions are found in LAC 33:IX.1105 (definitions), LAC 33:IX.1113.C.6.b, and LAC 33:IX.1113.C.6.d. Therefore, the Water Quality Management Plan, Volume 3, Section 5, is proposed to be revised accordingly. The proposed rule for the Triennial Revision (Log #WQ054) is published in the Notice of Intent section of the December 20, 2006, *Louisiana Register*.

A public hearing on the Water Quality Management Plan revision will be held on January 24, 2007, at 1:30 p.m. in the Galvez Building, Room 1051, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the substantive changes. Should individuals with a disability need an accommodation in order to participate, contact Kimberly Cornelison at the address given below or at (225) 219-3598. Parking in the Galvez Garage is free with a validated parking ticket.

Written comments regarding the proposed revision must be received no later than February 15, 2007, at 4:30 p.m., and should be sent to Kimberly Cornelison, Office of the Environmental Assessment, Water Quality Assessment Division, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to [kimberly.cornelison@la.gov](mailto:kimberly.cornelison@la.gov). Copies of this proposed revision can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for

**POTPOURRI**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs Division**

Substantive Changes to Proposed Rule OS071,  
Notification and Reportable Quantity List Updates  
(LAC 33:I.3908, 3919, 3925 and 3931)(OS071S)

each copy. This revision is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

This revision is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 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; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Louisiana Water Quality Management Plan  
Volume 3

Permitting Guidance Document for Implementing  
Louisiana Surface Water Quality Standards

\* \* \*

5. Establishing Permit Limits

DEQ will require water quality based limits for pollutants that are present in the discharge as determined by appropriate sampling or are involved in the manufacturing process. The Office will consider effluent variability in the derivation of permit limits using EPA's Technical Support Document<sup>1</sup> (TSD) procedures.

A. Limit Derivation

This derivation process applies to all pollutants where chronic aquatic life are to be met at the edge of the mixing zone (MZ), acute aquatic life criteria are to be met at the edge of the zone of initial dilution (ZID), and human health criteria are to be met below the point of discharge after complete mixing (LAC 33:IX.1115.C). Freshwater aquatic criteria will be used for waters with average ambient salinity less than 2,000 parts per million (ppm). Marine aquatic criteria will be used for waters with average ambient salinity greater than or equal to 10,000 ppm. In areas of brackish water (defined in LAC 33:IX.1105), the applicable criteria are the more stringent of the freshwater or marine criteria, as described in LAC 33:IX.1113.C.6.b and d. Total Maximum Daily Load (TMDL) type WLAs shall be used in lieu of a site-specific dilution (Complete Mix Balance Model, Fischer Model, etc.) type WLAs as they are developed. TMDL type WLAs account for all known and unknown sources of a pollutant with each known source receiving a certain fraction of the TMDL. TMDL and respective WLA calculation procedures shall be in accordance with "Louisiana Total Maximum Daily Load Technical Procedures". The Louisiana technical procedures document follows EPA protocol expressed in the document, "Guidance for Water Quality-Based Decisions: The TMDL Process", EPA 440/4-91-001 to the extent that is appropriate for Louisiana's hydrologic conditions. Intermittent discharges will be handled on a best professional judgment basis.

<sup>1</sup>Technical Support Document for Water Quality-based Toxics Control, EPA Pub. No. 505/2-90-001, PB91-127415, March 1991.

Herman Robinson, CPM  
Executive Counsel

0612#028

Under the authority of the Louisiana 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 the department is seeking to incorporate substantive changes to the proposed amendments to the Air Quality regulations, LAC 33:I.3908, 3919, 3925 and 3931 (Log #OS071S), which were originally noticed as OS071 in the August 20, 2006, issue of the *Louisiana Register*.

The department has made substantive changes to address comments received during the public comment period of proposed rule OS071. The provisions relating to modeling of toxic air pollutants were removed from OS071. Language was added to OS071 in order to clarify written notification procedures for unauthorized discharges resulting in the contamination of the groundwater. Several other unrelated changes were also made to the Reportable Quantities Table.

A strikeout/underline/shaded version of the proposed rule that distinguishes original proposed language from substantively changed language is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

A public hearing on the substantive changes will be held on January 24, 2007, at 1:30 p.m. in the Galvez Building, Room 1051, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the substantive changes. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

Written comments regarding the substantive changes must be received no later than January 31, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to [judith.schuerman@la.gov](mailto:judith.schuerman@la.gov). Persons commenting should reference OS071S in their correspondence. Copies of this proposed regulation with substantive changes can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy.

This regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 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; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part I. Office of the Secretary**

**Subpart 2. Notification**

**Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges**

**Subchapter A. General**

**§3908. Modeling**

Repealed from proposed rule.

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

HISTORICAL NOTE: Repealed by the Office of the Secretary, Legal Affairs Division, LR 33:

**Subchapter C. Requirements for Prompt Notification**

**§3919. Notification Requirements for Unauthorized Discharges with Groundwater Contamination Impact**

A. In the event that any unauthorized discharge results in the contamination of the groundwaters of the state or otherwise moves in, into, within, or on any saturated subsurface strata, the discharger shall notify the Office of Environmental Compliance, Emergency and Radiological Services Division, SPOC, within seven days.

B. Dischargers shall submit written notification in accordance with LAC 33:I.3925 or any permit or license terms and conditions issued under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2076(D), 2183(I), and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August

1985), repealed LR 19:1022 (August 1993), repromulgated and amended LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1668 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:

**Subchapter D. Notification Procedures**

**§3925. Written Notification Procedures**

A. - A.2. ...

3. For information required by Subsection B of this Section that is not available at the time of submittal of the written notification report, updates of the status of ongoing investigations of the unauthorized discharge shall be submitted every 30 days until the investigation has been completed and the required information has been submitted.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C) and 2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), LR 30:1669 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2434 (October 2005), LR 33:

**Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges**

**§3931. Reportable Quantity List for Pollutants**

A. - A.2. ...

B. Modifications or Additions. The following table contains modifications to the federal reportable quantity lists incorporated by reference in Subsection A of this Section, as well as reportable quantities for additional pollutants.

Pollutant	Synonym	CAS No. <sup>1</sup>	RCRA <sup>2</sup> Waste Number	Pounds
Acetaldehyde	Acetic aldehyde	75070	U001	700
Acrylamide	Acrylic amide	79061	U007	25 <sup>6</sup>
Acrylic acid	Acroleic acid, propene acid	79107		400 <sup>6</sup>
Acrylonitrile		107131	U009	35 <sup>6</sup>
Allyl chloride	3-Chloropropene	107051		1000/10 <sup>6a</sup>
Aniline	Aminobenzene	62533	U012	5000/600 <sup>6a</sup>
Antimony*		7440360		5000/37.5 <sup>6a</sup>
Antimony compounds		20008		100/37.5 <sup>6a</sup>
Barium*		7440393		100/37.5 <sup>6a</sup>
Barium compounds		20020		100/37.5 <sup>6a</sup>
Biphenyl	1,1-biphenyl, xenene	92524		97.5 <sup>6</sup>
n-Butyl alcohol	1-Butanol	71363	U031	5000/1000 <sup>6a</sup>
Carbonic dichloride	Phosgene	75445	P095	10/1 <sup>6a</sup>
Chlorinated dibenzo furans, all isomers				1/0.0001 <sup>6a</sup>
Chlorinated dibenzo-p-dioxins, TCDD and OCDD isomers				0.0001 <sup>6</sup>
Chlorine dioxide	Chlorine oxide	10049044		1
Chlorobenzene	Benzene chloride	108907	U037	25 <sup>6</sup>
Chromium <sup>3</sup> *		7440473		5000/25 <sup>6a</sup>
Chromium compounds		20064		100/25 <sup>6a</sup>
Copper <sup>3</sup>		7440508		5000/25 <sup>6a</sup>
Copper compounds		20086		25
Cumene	Isopropyl benzene	98828	U055	5000/1000 <sup>6a</sup>
1,2-Dichloroethane	Ethylene dichloride, EDC	107062	U077	48.5 <sup>6</sup>
Dichloromethane	Methylene chloride, DCM	75092	U080	540 <sup>6</sup>
Ethyl acrylate	2-Propenoic acid, ethyl ester	140885	U113	1000/10 <sup>6a</sup>

Pollutant	Synonym	CAS No. <sup>1</sup>	RCRA <sup>2</sup> Waste Number	Pounds
Ethylene	Ethene	74851		5000 <sup>#</sup> or 100 <sup>†</sup>
Glycol ethers **				100
Hexane	Hexyl hydride	110543		5000/1000 <sup>@</sup>
Hydrogen chloride	Hydrochloric acid	7647010		5000/500 <sup>@</sup>
Hydrogen fluoride	Hydrofluoric acid	7664393	U134	100/10 <sup>@</sup>
Maleic anhydride	Cis-Butenedioic anhydride	108316	U147	70 <sup>6</sup>
Manganese*	Colloidal manganese	7439965		100/75 <sup>@</sup>
Manganese compounds				100/75 <sup>@</sup>
Methyl acrylate	2-Propenoic acid methyl ester	96333		10
Methyl ethyl ketone (MEK)	2-Butanone	78933	U159	5000/1000 <sup>@</sup>
Methyl isobutyl ketone	4-Methyl-2-pentanone	108101	U161	5000/1000 <sup>@</sup>
Methylmercaptan	Methanethiol	74931	U153	100/25 <sup>@</sup>
Methyl methacrylate	2-Methylacrylic acid methyl ester	80626	U162	1000/100 <sup>@</sup>
Methylene diphenyl diisocyanate	Methylene bisphenyl isocyanate	101688		1000
Nickel		7440020		25 <sup>6</sup>
Nickel compounds				25 <sup>6</sup>
Nitric acid	Hydrogen nitrate	7697372		1000/100 <sup>@</sup>
Nitrobenzene	Nitrobenzol	98953	U169	400 <sup>6</sup>
Oil				1 barrel
Phthalic anhydride	1,3-Isobenzofurandione	85449	U190	5000/400 <sup>@</sup>
Polynuclear aromatic hydrocarbons ***				1
Produced water				1 barrel
Propionaldehyde	Propionic aldehyde	123386		1000/100 <sup>@</sup>
Propylene	Propene	115071		100 <sup>†</sup>
Selenium		7782492		25 <sup>6</sup>
Sulfur dioxide				500
Sulfuric acid		7664939		75 <sup>6</sup>
Sweet pipeline gas (Methane/Ethane)				42000 (1,000,000 scf)
Toluene-2,4-diisocyanate		584849	U223	25 <sup>6</sup>
Toluene-2,6-diisocyanate		91087	U223	25 <sup>6</sup>
Vinyl acetate	Vinyl acetate monomer	108054		5000/100 <sup>@</sup>
Zinc		7440666		200 <sup>6</sup>
Zinc compounds				200 <sup>6</sup>
Volatile organic compounds not otherwise listed <sup>4</sup>				5000
Only those highly reactive volatile organic compounds listed below: ethylene and propylene <sup>5</sup>				100 <sup>†</sup>
F003 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			F003	100
Methyl isobutyl ketone		108101		5000/1000 <sup>@</sup>
n-Butyl alcohol		71363		5000/1000 <sup>@</sup>
F005 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			F005	100
Methyl ethyl ketone		78933	U159	5000/1000 <sup>@</sup>

\* No reporting of releases into the ambient air of this metal is required if the diameter of the pieces of solid metal released is equal to or exceeds 100 micrometers (0.004 inches).

\*\* The emissions of all glycol ethers shall be totaled to determine if a reportable quantity has been exceeded.

\*\*\* The emissions of all Polynuclear Aromatic Hydrocarbons (PAHs), excluding any PAHs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded.

<sup>1</sup> Chemical Abstracts Service Registry Number.

<sup>2</sup> Resource Conservation and Recovery Act of 1976, as amended.

<sup>3</sup> Prompt notification of releases of massive forms of these substances is not required if the diameter of the pieces of the substance released is equal to or exceeds 100 micrometers (0.004 inches).

<sup>4</sup> The emissions of all volatile organic compounds (VOCs), excluding any VOCs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded. VOC is defined in LAC 33:III.111, and exempt compounds are listed in LAC 33:III.2117.

<sup>5</sup> The emissions of these highly reactive VOC shall be totaled to determine if an RQ has been exceeded.

<sup>6</sup> Only emissions to the atmosphere are applicable.

<sup>@</sup> The first RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into or onto all media within any consecutive 24-hour period. The second RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into the atmosphere.

<sup>†</sup> The RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into the atmosphere for facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

<sup>#</sup> RQ for the state except the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:183 (February 1994), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:944 (September 1995), LR 22:341 (May 1996), amended by the Office of the Secretary, LR 24:1288 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:751 (April 2004), LR 30:1669 (August 2004), amended by the Office of Environmental Assessment, LR 31:919 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:603 (April 2006), LR 33:

Herman Robinson, CPM  
Executive Counsel

0612#027

## POTPOURRI

### Office of the Governor Office of Financial Institutions

#### 2007 Judicial Interest Rate Determination

R.S. 13:4202(B), as amended by Acts 2001, No. 841, requires the Louisiana Commissioner of Financial Institutions to determine the rate of judicial interest. The commissioner has determined the judicial interest rate for the calendar year 2007 in accordance with § 4202(B)(1).

On October 2, 2006, the commissioner ascertained that the approved discount rate of the Federal Reserve Board of Governors was six and one-fourth (6.25%) percent and that the rate was approved June 29, 2006.

R.S. 13:4202(B) (1) mandates that "on and after January 1, 2002, the rate shall be equal to the rate as published annually ... by the Commissioner of Financial Institutions. The Commissioner of Financial Institutions shall ascertain, on the first business day of October of each year, the Federal Reserve Board of Governors' approved discount rate published daily in the Wall Street Journal. The effective judicial interest rate for the calendar year following the calculation date shall be three and one-quarter percentage points above the discount rate as ascertained by the commissioner." Thus, the effective judicial interest rate for the calendar year 2007 shall be nine and one-half (9.5 %) percent per annum.

As provided by R.S. 13:4202(B)(2), this determination and its publication in the *Louisiana Register* shall not be considered rule-making, within the intendment of R.S. 49:950 et seq., the Administrative Procedure Act (APA), particularly R.S. 49:953. Therefore, the general rule making requirements, as follows, are not required by the APA: (1) a Fiscal Impact Statement, (2) a Family Impact Statement, and (3) a Notice of Intent.

John Ducrest, CPA  
Commissioner

0612#020

## POTPOURRI

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

#### Final Damage Assessment and Restoration Plan—East Lake Palourde Crude Oil

**Action:** Notice of Availability of a Final Damage Assessment and Restoration Plan (Final DARP).

**Agencies:** Louisiana Oil Spill Coordinator's Office, Office of the Governor (LOSCO); Louisiana Department of Environmental Quality (LDEQ); and the Louisiana Department of Wildlife and Fisheries (LDWF);

**Summary:** Notice is hereby given that a document entitled "Final Damage Assessment and Restoration Plan for two crude oil discharges reported on June 11, 2002 into the swamp of East Lake Palourde, Assumption Parish, Louisiana" is final and available to the public as of December 20, 2006. This document has been prepared by the agencies listed above (Trustees) to address injuries to natural resources and services following the June 11, 2002 reported discharges of crude oil into the swamp east of Lake Palourde, Louisiana (incident). The Final DARP presents the Trustees' assessment of injuries to natural resources and services attributable to the incident and their plan to restore, replace, or acquire natural resources or services equivalent to those lost, as a basis for compensating the public for the injuries resulting from the incident.

Interested members of the public are invited to request a copy of the Final DARP from Gina Muhs Saizan at the address given below.

**For Further Information:** Contact Gina Muhs Saizan at 225-219-5800, or by email at [gina.saizan@la.gov](mailto:gina.saizan@la.gov). To view the Final DARP via the internet, please visit [www.losco.state.la.us](http://www.losco.state.la.us) and look under News Flash for Lake Palourde Oil Spill.

**Address:** Requests for copies of the Final DARP should be sent to:

Gina Muhs Saizan  
Louisiana Oil Spill Coordinator's Office  
150 Third Street, Suite 405  
Baton Rouge, LA 70801

**Supplementary Information:** The public was given an opportunity to review and comment on the Draft DARP during the public comment period, which extended from September 20, 2006 through October 20, 2006. Public review of the Draft DARP 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 U.S.C. § 2706; the regulations for NRDA under OPA, 15 C.F.R. Part 990; Section 2480 of the Louisiana Oil Spill Prevention and Response Act (OSPRA), R.S. 30:2480 et seq.; and the regulations for NRDA under OSPRA, LAC 43:XXIX.Chapter 1. The trustees did not receive comments during the public comment period and have prepared the Final DARP for implementation.

Roland Guidry  
Oil Spill Coordinator

0612#039

**POTPOURRI**

**Department of Health and Hospitals  
Board of Veterinary Medicine**

**Spring/Summer Examination Dates and Board Nominations**

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday prior to the examination date desired. SBE dates are subject to change due to office closure (i.e. holiday, weather).

The board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the National Board of Veterinary Medical Examiners (NBVME), formerly the National Board Examination Committee (NBEC), as follows:

<b>Test Window Date</b>	<b>Deadline to Apply</b>
April 9 through April 21, 2007	Monday, January 8, 2007

The board will also accept applications for and administer the Veterinary Technician National Examination (VTNE) for state registration of veterinary technicians as follows:

<b>Test Date</b>	<b>Deadline to Apply</b>
Friday, January 19, 2007	Friday, December 8, 2006

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information may be obtained from the board office at 263 Third Street, Suite 104, Baton Rouge, LA 70801 and by request via telephone at (225) 342-2176 or by e-mail at [atlsvm@eatel.net](mailto:atlsvm@eatel.net); application forms and information are also available on the website at [www.lsbvm.org](http://www.lsbvm.org).

The Louisiana Board of Veterinary Medicine announces that nominations for the position of Board Member will be taken by the Louisiana Veterinary Medical Association (LVMA) at the annual winter meeting to be held February 2007. Interested persons should submit the names of nominees directly to the LVMA as per La. R.S. 37:1515. It is not necessary to be a member of the LVMA to be nominated. The LVMA may be contacted at (225) 928-5862.

Wendy D. Parrish  
Administrative Director

0612#015

**POTPOURRI**

**Department of Insurance  
Office of the Commissioner**

**Commercial Property Insurance and Homeowners Insurance  
Policy Disclosure Forms**

In accordance with R.S. 22:696 and 22:1477, the Louisiana Department of Insurance has developed the

following disclosure forms to be used by all property and casualty insurance companies issuing, delivering or renewing homeowners or commercial property insurance policies that provide coverage for damage to property in Louisiana.

Pursuant to R.S. 22:696 and 22:1477 the insurer shall present the appropriate disclosure form to the insured as an insert in the front of the policy at the time of issuance, delivery and at each renewal. Compliance with R.S. 22:696 and 22:1477 shall begin April 1, 2007.

These disclosure forms shall supersede the disclosure forms published in the Potpourri section of the October 2006 edition of the Louisiana Register.

**IMPORTANT INFORMATION REQUIRED BY THE  
LOUISIANA DEPARTMENT OF INSURANCE**

**Homeowners Insurance Policy Coverage  
Disclosure Summary**

This form was promulgated pursuant to LSA-R.S. 22:1477.

THIS IS ONLY A SUMMARY OF YOUR COVERAGE AND DOES NOT CHANGE, EXPAND, OR REDUCE THE COVERAGES OR ANY OTHER PROVISIONS CONTAINED IN YOUR POLICY. INSURANCE IS A CONTRACT. THE LANGUAGE IN YOUR POLICY CONTROLS YOUR LEGAL RIGHTS.

**\*\*READ YOUR INSURANCE POLICY FOR COMPLETE  
POLICY TERMS AND PROVISIONS\*\***

COVERAGE(S) FOR WHICH PREMIUM WAS PAID

[INSERT PERSONAL PROPERTY COVERAGES]

*Example:*

- Coverage A - Dwelling
- Coverage B - Other Structures
- Coverage C - Personal Property
- Coverage D - Loss of Use
- Coverage E - Personal Liability
- Coverage F - Medical Payments

DEDUCTIBLES

This policy sets forth certain deductibles that will be applied to claims for damages. When applicable, a deductible will be subtracted from your total claim and you will be paid the balance subject to applicable coverage limits.

NOTICE: This policy [does/does not] set forth a deductible for covered losses caused by [*hurricane; named storm; wind*] as defined in the policy. Look at the Declaration Page of your policy to determine the amount of the deductible that will apply to any claim for damage caused by [*hurricane; named storm; wind*].

**\*\* You may be able to reduce your premium by increasing your deductible. Contact your producer/agent or insurer for more details.**

LIMITATIONS OR EXCLUSIONS UNDER THIS POLICY

FLOOD - Flood damage [is/is not] covered, regardless of how caused, when flood is the peril that causes the loss. Flood water includes, but is not limited to, storm surge, waves, tidal water, overflow of a body of water, whether driven by wind or not.

Flood Insurance may be available through the National Flood Insurance Program (NFIP). NFIP flood insurance may provide coverage for damage to your dwelling and/or contents subject to the coverage limits and terms of the policy.

Excess Flood Insurance may be available under a separate policy, from this or another insurer, if the amount of the primary flood insurance is not enough to cover the value of your property.

- You may contact your producer or insurer for more information on the National Flood Insurance Program and Excess Flood Insurance.

MOLD - Damage caused solely by Mold [is/is not] covered under this policy.

**\*\*FOR ALL OTHER LIMITATIONS OR EXCLUSIONS REFER TO YOUR POLICY FOR COMPLETE DETAILS ON TERMS AND PROVISIONS\*\***

CLAIM FILING PROCESS

There may be time limitations for filing a claim and filing of a satisfactory proof of loss. There may also be time limitations for repairing and replacing damaged property that could cause you to not recover the replacement cost of your property, if applicable.

PAYMENT OF CLAIMS

Depending on the terms of the insurance policy, some losses may be paid based on actual cash value (ACV) and others based on replacement cost (RC).

- ACV is the amount needed to repair or replace the damaged or destroyed property, minus the depreciation.
- RC involves the initial payment of actual cash value (ACV) of a loss, and the subsequent payment of the additional amount that is actually and necessarily expended to repair or replace the damaged or destroyed property.

**\*\* Refer to your policy for the terms and conditions describing how a particular loss is to be paid.**

PAYMENT AND ADJUSTMENT OF CLAIMS

Pursuant to LSA R.S. 22:658 and 22:1220, except in the case of catastrophic loss, the insurer shall initiate loss adjustment of a property damage claim and/or a claim for reasonable medical expenses within fourteen (14) days after notification of loss by the claimant.

In the case of a catastrophic loss, the insurer shall initiate loss adjustment of a property damage claim within thirty (30) days after notification of loss by the claimant.

All insurers shall make a written offer to settle any property damage claim, including a third-party claim, within thirty (30) days after the receipt of satisfactory proof of loss of that claim.

Failure to make such payment within thirty (30) days after receipt of such satisfactory written proofs and demand therefore or failure to make a written offer to settle any property damage claim, including a third-party claim, within thirty (30) days after receipt of a satisfactory proof of loss of that claim may result in a late penalty

against the insurer in addition to the payment of the claim.

If the insurer is found to be arbitrary, capricious or without probable cause in settling any property damage claim, the insurer must pay the insured, in addition to the amount of the loss, fifty percent (50%) damages on the amount found to be due from the insurer to the insured, or one thousand (\$1,000.00) dollars, whichever is greater, as well as reasonable attorney fees and costs, if applicable.

EFFECTIVE APRIL 1, 2007

**IMPORTANT INFORMATION REQUIRED BY THE LOUISIANA DEPARTMENT OF INSURANCE**

**Commercial Property Insurance Policy Coverage Disclosure Summary**

This form was promulgated pursuant to LSA-R.S. 22:667.1 and 22:696.

THIS IS ONLY A SUMMARY OF YOUR COVERAGE AND DOES NOT CHANGE, EXPAND, OR REDUCE THE COVERAGE OR ANY OTHER PROVISIONS CONTAINED IN YOUR POLICY. INSURANCE IS A CONTRACT. THE LANGUAGE IN YOUR INSURANCE POLICY CONTROLS YOUR LEGAL RIGHTS.

**\*\*READ YOUR INSURANCE POLICY FOR COMPLETE POLICY TERMS AND PROVISIONS\*\***

COVERAGE(S) FOR WHICH PREMIUM WAS PAID

[INSERT COMMERCIAL PROPERTY COVERAGES]

*Example:*

Extra Expense  
Business Interruption

DEDUCTIBLES

This policy sets forth certain deductibles that will be applied to claims for damages. When applicable, a deductible will be subtracted from your total claim and you will be paid the balance subject to applicable coverage limits.

**NOTICE:** This policy [does/does not] set forth a deductible for covered losses caused by [*hurricane; named storm; wind*] as defined in the policy. Look at the Declaration Page of your policy to determine the amount of the deductible that will apply to any claim for damage caused by [*hurricane; named storm; wind*].

**\*\*You may be able to reduce your premium by increasing your deductible. Contact your insurance producer/agent or insurance company for more details.**

LIMITATIONS OR EXCLUSIONS UNDER THIS POLICY

**FLOOD** - Flood damage [is/is not] covered, regardless of how caused, when flood is the peril that causes the loss. This may include, but is not limited to, storm surge, waves, tidal water, overflow of a body of water, whether driven by wind or not.

*Flood Insurance* may be available through the National Flood Insurance Program (NFIP). NFIP flood insurance may provide coverage for damage to your building and/or contents subject to the coverage limits and terms of the policy.

*Excess Flood Insurance* may be available under a separate policy from this or another insurer if the amount of the

primary flood insurance is not enough to cover the value of your property.

- You may contact your producer or insurer for more information on the National Flood Insurance Program and Excess Flood Insurance.

**MOLD** - Damage caused solely by Mold [is/is not] covered under this policy.

**\*\*FOR ALL OTHER LIMITATIONS OR EXCLUSIONS REFER TO YOUR POLICY FOR COMPLETE DETAILS ON TERMS AND PROVISIONS\*\***

EFFECTIVE APRIL 1, 2007

James J. Donelon  
Commissioner

0612#056

**POTPOURRI**

**Department of Insurance  
Office of the Commissioner**

Public Notice—Bulletin No. 01-05 Amended

Date: September 25, 2006  
To: All Property and Casualty Insurance Companies Writing Automobile Liability Insurance in Louisiana  
From: James J. Donelon, Commissioner  
Re: Uninsured/Underinsured

Motorists Coverage (R.S. 22:680)

Bulletin 01-05—Amended is being issued by the Louisiana Department of Insurance (LDOI) to provide assistance to all Property and Casualty Insurance Companies writing automobile liability insurance in Louisiana. Bulletin 01-05 Amended hereby amends original Bulletin 01-05 relative to the Uninsured/Underinsured Motorist Bodily Injury Coverage Form. The purpose of Bulletin 01-05 Amended is to inform all property and casualty insurance companies writing automobile liability insurance in Louisiana that, pursuant to Act No. 456 of the 2003 Regular Legislative Session, the Uninsured/Underinsured Motorist Bodily Injury Coverage Form has been repealed in R.S. 22:1406(D) and re-designated as R.S. 22:680.

The LDOI amends and re-promulgates Uninsured/Underinsured Motorist Bodily Injury Coverage Form that is to be captioned as follows.

**STATE OF LOUISIANA**

This form is in compliance with R.S. 22:680. This form may not be altered or modified.

**UNINSURED/UNDERINSURED MOTORIST BODILY INJURY COVERAGE FORM**

\*\*\*

Therefore, in accordance with the statutes referenced in original Bulletin 01-05, and Bulletin 01-05 Amended, the commissioner hereby gives notice to all property and casualty insurers writing automobile liability insurance in Louisiana to immediately use the prescribed form attached hereto and made a part hereof by reference as if set forth herein *in extenso*. The insurer shall allow the insured or his legal representative, in accordance with R.S. 22:680, to execute the form by rejecting the said coverage, selecting

lower limits, or selecting economic-only coverage thereby becoming conclusively presumed to become a part of the policy or contract when issued and delivered, irrespective of whether physically attached thereto. Use of the re-promulgated form is authorized for use beginning on September 25, 2006. The re-promulgated form is mandatory and shall be the exclusive form authorized for use in Louisiana as of January 1, 2007.

Questions regarding Bulletin 01-05 Amended should be directed to Rachelle Carter, Assistant Director of Policy Forms, at [rcarter@ldi.state.la.us](mailto:rcarter@ldi.state.la.us) or by phone at 225-219-5100 or 225-342-1258.

James J. Donelon  
Commissioner

0612#004

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
James D. Barber	South Monterey	M	Madison N	2	151736
Witt Oil Production Inc.	Tew Lake	M	Finlay	1	141398

James H. Welsh  
Commissioner

0612#022

**POTPOURRI**

**Department of Social Services  
Office of Family Support**

Temporary Assistance to Needy Families (TANF)—Caseload Reduction Report for Louisiana

The Department of Social Services, Office of Family Support, hereby gives notice that, in accordance with federal regulations at 45 CFR 261.40, the Temporary Assistance to Needy Families (TANF) Caseload Reduction Report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

- a listing of, and implementation dates for, all state and federal eligibility changes, as defined at §261.42, made by the state after FY 2005;

2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);

3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;

4. an estimate of the state's caseload reduction credit;

5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;

6. a certification that it has provided the public an appropriate opportunity to comment on the estimates and methodology, considered their comments, and incorporated

all net reductions resulting from federal and state eligibility changes; and

7. a summary of all public comments.

Copies of the TANF Caseload Reduction Report may be obtained by writing Tara Prejean, Department of Social Services, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065, by telephone at (225) 342-4096, or via E-mail at [tprejean@dss.state.la.us](mailto:tprejean@dss.state.la.us).

Written comments regarding the report should also be directed to Ms. Prejean. These must be received by close of business on January 19, 2007.

Ann Silverberg Williamson  
Secretary

0612#052