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Executive Orders

Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 18th day of January, 1978.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-78-1

WHEREAS, the State of Louisiana is committed to the improvement of opportunities and to the advancement of living conditions and human rights of its mentally retarded citizens; and

WHEREAS, an expanded awareness and concern for the mentally retarded citizens of this state has lead to constant improvement in medical, educational, and social services provided by the government of Louisiana to these citizens during the past two decades; and

WHEREAS, concurrent with these advancements, the United States Congress and the decisions of State and Federal courts have expressed stern concern for the legal rights and equal opportunities of mentally retarded citizens in an effort to protect and promote their human rights and dignity; and

WHEREAS, there exists a need to review and revise the laws of Louisiana pertaining to mentally retarded persons and similarly develop mentally disabled persons in order to assure that our laws are reflective of contemporary conditions and of the rights of these individuals; and

WHEREAS, the new Mental Health Law, Act 714 of 1977, which amended Title 28, was written to cover emotionally disturbed and mentally ill individuals, but no apparent effort was made to accommodate the elements of the 1950 law that involved the mentally retarded; and

WHEREAS, the creation of a commission to study and propose a revision of the laws governing the rights and conditions of mentally retarded individuals in Louisiana would benefit all the citizens of Louisiana, particularly the providers of mental retardation services, the consumers of these services and their families, and the officers of the courts who are responsible for the guardianship of the rights of these mentally retarded citizens.

NOW, THEREFORE, in order to develop a mental retardation law for the State of Louisiana, I, Edwin Edwards, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby create the "Governor's Commission on Mental Retardation Laws" and direct this commission to prepare a draft of a new mental retardation law for submission to the Louisiana Legislature, or the appropriate committees thereof, prior to, or no later than, the date for the convening of the 1978 Regular Session.

BE IT FURTHER RESOLVED, that the members of this special commission, as appointed by the Governor, shall be Mr. Dudley Yoedicke, who shall serve as chairman, Honorable John A. Alario, Mr. Ray Barnes, Honorable Adrian G. Duplantier, Lavelle Hynes, Ph.D., Mrs. Gilbert Landry, Mr. Jerome T. Powell, Ronald Pryor, Ph.D., Mrs. Willa Rawls, Mr. Coates Stuckey, and Mr. Neil Martin Trichel.

BE IT FURTHER RESOLVED, that the Commission shall hold its first meeting on call of the Chairman on a date no later than January 21, 1978, and that the Commission is authorized to utilize the personnel, services, and facilities of the Office of Mental Retardation as needed and requested by it to implement the purposes of this executive order.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the

EXECUTIVE ORDER EWE-78-2

WHEREAS, the State of Louisiana is committed to the conservation of energy resources; and

WHEREAS, van pooling would be an energy-efficient means of transporting State employees to the Capitol complex from areas not served by public mass transit; and

WHEREAS, a van pooling program is included in the Energy Conservation Plan for the State of Louisiana; and

WHEREAS, van pooling in other parts of the United States has reduced energy consumption and the expenditure of public funds for parking and highway construction; and

WHEREAS, a program to provide van-pool transportation for Louisiana State employees would reduce the consumption of energy and would ease the parking, congestion, and air pollution problems around the Capitol complex and in downtown Baton Rouge; and

WHEREAS, State employees who participate in a van pooling program would reduce their transportation expenses by leaving their personal automobiles at home and also would benefit from a reduction in the tension caused by daily driving; and

WHEREAS, the State of Louisiana could provide leadership by adopting van pooling programs in Baton Rouge, and elsewhere in the State, which would serve as models for other such projects; and

WHEREAS, a van pooling program administered through the Division of Administration, Office of the Governor, would be self-supporting and would not require the expenditure of State funds for its operation,

NOW, THEREFORE, I, EDWIN EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and statutes of the State of Louisiana, do hereby establish the State Employees Van Pooling Authority, hereinafter referred to as the Authority, in order to establish an energy conserving van pooling program for State employees.

The Authority shall be composed of seven persons as follows: two representatives from the Division of Administration who shall be appointed by the Governor; one representative from the Department of Natural Resources and one representative from the Department of State Civil Service who shall be appointed by the respective departmental secretaries; and three at-large representatives who shall be State employees and who shall be appointed by the Governor. A van pooling coordinator-manager shall be appointed by the Authority to supervise the van pooling program. The coordinator-manager shall be a State employee who has experience in van pooling programs.

The Authority is authorized to purchase vans, establish and promulgate van pooling policies, choose qualified van drivers, and direct a van pooling program for State employees.

The State Employees Van Pooling Authority, shall report to the Governor on its work and progress, no later than March 31 of each year.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the

Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 8th day of February, A.D. 1978.

Edwin Edwards
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Seed Commission**

The Department of Agriculture, Office of Agricultural and Environmental Sciences, Seed Commission, does hereby exercise the emergency provisions of the Administrative Procedures Act (R.S. 49:953B) to adopt, effective February 20, 1978, the following amendment to the Louisiana Seed Law and Rules and Regulations, under authority of Title 3, Chapter 11, Part I, Sections 1431-1447 of the Revised Statutes.

The Louisiana Seed Commission has authorized the certification of Dare, Davis, Forrest, Hill, Lancer, Mack, and Terra Vig. 708 varieties of soybean seed with a germination of seventy percent or better for the 1977 crop. This action was deemed necessary, in order to provide the soybean farmers with a sufficient supply of certified seed.

All tags issued on seed with germination below eighty percent but seventy percent or above will be stamped "Substandard for Germination," and the actual germination will appear on the tag.

The Seed Law tolerance will not apply to germination below seventy percent. The applicant for tags will be responsible for seed that germinates below seventy percent.

Richard Carlton, Secretary
Seed Commission

Rules

RULES

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Structural Pest Control Commission**

In accordance with the provisions of Chapter 5, Title 40, Sections 1261-1274 of Revised Statutes of 1950 as amended by Act 512 of 1976, the Structural Pest Control Rules and Regulations are amended as follows, effective February 20, 1978.

To Section I. B. add 17. and 18. as follows:

17. "Label" shall mean the written, printed, or graphic matter, on, or attached to, the pesticide or device or any of its containers.

18. "Labeling" shall mean all labels and all other written, printed, or graphic matter (a) accompanying the pesticide or device at any time; or (b) to which reference is made on the label

or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health, Education and Welfare, State experiment stations, State agricultural colleges, and similar Federal and State institutions or agencies authorized by law to conduct research in the field of pesticides.

Richard Carlton, Secretary
Structural Pest Control Commission

RULES

**Department of Agriculture
Livestock Sanitary Board**

The Livestock Sanitary Board at its meeting on January 16, 1978 amended its Regulation 21 "Governing The Establishment and Maintenance of Tuberculosis-Free Accredited Herds and Modified Accredited Areas" as follows:

Section 4—Quarantine Procedures and Disposition of Movement from Quarantined Herds.

4. Suspects to the tuberculin test shall be quarantined to the herd where found or shipped under permit to slaughter in accordance with the State and Federal laws and regulations. Suspects to the caudal fold tuberculin test shall be quarantined to the premises where found until:

(a) Rested by the comparative-cervical tuberculin test within ten days of the caudal fold injection, (or)

(b) Retested by the comparative-cervical tuberculin test after sixty days, (or)

(c) Shipped under permit direct to slaughter in accordance with State and Federal laws and regulations.

At this same meeting the Livestock Sanitary Board adopted Regulation 28 "Requirements Governing Equine Infectious Anemia" as follows:

Regulation 28

Requirements Governing Equine Infectious Anemia
Section 1. Equidae Required to be Tested.

1. Equidae moving into the State of Louisiana for any purpose other than immediate slaughter or research must be accompanied by record of negative test for Equine Infectious Anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate, as required in Regulation 1, Section 6, paragraph 2.

2. Horses moving into the State of Louisiana to fairs, livestock shows, horse shows, breeders association sales, rodeos and racetracks must be accompanied by record of negative test for Equine Infectious Anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the health certificate.

Horses moving within the state to fairs, livestock shows, horse shows, breeders association sales, rodeos, racetracks or other concentration points must be accompanied by record of negative test for Equine Infectious Anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the name of the laboratory and the case number must appear on the official record.

Horses reacting to the Coggins test within the state will be identified by regulatory personnel by picture, brand or tattoo. Positive horses will be rebled upon request, by State-employed veterinarians and samples submitted to the laboratory for reconfirmation, as required in Regulation 2, Section 5, paragraphs 4 and 5.

3. All out-of-state horses offered for sale at Louisiana auction markets must be accompanied by record of negative test for Equine Infectious Anemia (Coggins test) conducted within the past twelve months. The test must be conducted at an approved laboratory and the case number must appear on the health certificate.

All Louisiana horses offered for sale at Louisiana auction markets must be accompanied by record of negative test for Equine Infectious Anemia (Coggins test) conducted by an approved laboratory within twelve months of date of sale.

Exceptions:

a. Horses consigned for immediate slaughter and re-consigned from auction market on VS 1-27 to an approved slaughtering establishment. Such animals shall be branded with the letter "S" on the left shoulder prior to leaving the auction market.

b. Horses consigned for slaughter and purchased by individuals must have a blood sample drawn for Equine Infectious Anemia testing before the animal can leave the auction market. This sample must be collected by an accredited veterinarian and submitted to an approved laboratory. Horses may then move from the auction market to the purchaser's premises under quarantine issued by Livestock Sanitary Board personnel until results of Coggins test are received. If animal is found to be positive it must be properly identified and will remain under quarantine until sold for immediate-slaughter. Owner may request confirmation test of positive animal(s) at time of identification and blood sample will be collected by a State-employed veterinarian and forwarded to an approved laboratory for confirmation, as required in Regulation 3, Section 13, paragraph A, subparagraphs a and b.

Section 2. Collection and Submission of Blood Samples.

1. All blood samples for Equine Infectious Anemia testing must be drawn and submitted to an approved laboratory by an accredited veterinarian.

2. Blood samples will be accompanied by Form VS 10-11 "Equine Infectious Anemia Laboratory Test Report" with completed information as to owner's name and address, and identification of animal(s).

3. Only serum samples in sterile tubes will be accepted for testing.

Section 3. Testing of Samples Collected.

1. Only laboratories approved by the U. S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, shall be authorized to conduct the Coggins test for Equine Infectious Anemia in Louisiana.

2. Such laboratories must also receive approval by the Livestock Sanitary Board.

3. Approved laboratories must submit copy of VS Form 10-11 at the end of each week to the Livestock Sanitary Board office. (Green copy on negative samples and white copy on positive samples.)

4. A fee of \$2.50 shall be charged to the accredited veterinarian for conducting the Coggins test at State laboratories. Invoices will be forwarded to the veterinarian monthly for these charges.

Section 4. Identification and Quarantining of Animal(s) Positive to the Coggins Test.

1. Animal(s) positive to the Coggins test will be quarantined to the owner's premises until sold for immediate slaughter and must move from premises on VS 1-27 issued by State-Federal personnel.

2. Confirmation test of positive animal(s) will be conducted by State employed veterinarians upon request of the owner prior to identification.

3. All animal(s) positive to the Coggins test will be properly identified by State personnel.

Forrest E. Henderson, D.V.M.
State Veterinarian

RULE

Office of the Governor Tax Commission

Taxable Situs of Major Movable Property of Barge Lines, Towing Companies and Private Car Companies

Assessed as Public Service Companies

I. The taxable situs of major movable property of a Louisiana corporation or a company domiciled in Louisiana that is operated interstate or interparish and subject to ad valorem taxes shall be:

A. The taxing unit in which its principal business establishment is located,

1. Even though a domicile is located in another taxing unit;

2. Even though an agent is registered and located in another taxing unit.

II. The taxable situs of a foreign company whose major movable property is operated interstate or interparish and subject to ad valorem taxes in Louisiana shall be:

A. The taxing unit in which the principal business establishment is located provided:

1. A business establishment is located in the State,

a. Where its major movable property is loaded or unloaded at a permanent improvement owned by the company;

b. Where it has an office with one or more employees in the event a permanent improvement is not located in another taxing unit;

2. An agent is or is not registered with the Secretary of State.

B. East Baton Rouge Parish provided:

1. A business establishment is not located in the State;

2. An agent is not registered with the Secretary of State.

C. The taxing unit in which the registered agent is located provided:

1. A business establishment is not located in the State;

2. An agent is registered with the Secretary of State.

III. Registered agent for the purpose of this ruling shall be an agent registered with the Secretary of State by a corporation incorporated in this State, a corporation qualified to do business in this State, or an agent appointed under any applicable law.

IV. A business establishment for the purpose of this ruling shall be an office with one or more employees of the company or a permanent improvement owned by the company where its major movable property is loaded or unloaded.

C. Gordon Johnson, Chairman
Tax Commission

RULES

Department of Health and Human Resources Air Control Commission

(Editor's Note: These rules are numbered as they will appear in the Louisiana Administrative Code. All regulations of the Department of Health and Human Resources will appear in Title 14 of the Code. The Agency Number assigned to the Air Control Commission is Eleven. Thus, the proper Administrative Code citation for rules of the Air Control Commission will be LAC 14-11:_____. For example, the citation of the Definitions section of these rules would be LAC 14-11:4. The citation of a particular definition such as "air contaminants" should be styled LAC 14-11:4.4. Throughout this edition of the Commission's rules revised sections are marked with a single asterisk and new sections are marked with a double asterisk.)

1.0 General.

1.1 By virtue of R.S. 40:2204 this Air Control Commission was established with the intent and purpose of maintaining the purity of the air resources of the State of Louisiana consistent with the protection of the health and physical property of the people, maximum employment and the full industrial development of the State. R.S. 40:2204 (A) sets forth the powers of this Commission and by subparagraph (2) thereof authorizes the promulgation by this Commission of rules and regulations consistent with said intent and purpose in the manner and in accordance with the provisions of Section 2201 et seq. of Title 40 which was enacted by the Legislature as the law of this State by Act 259 of 1964.

2.0 Scope.

*2.1 These regulations and air quality standards and emission limitations apply to any source of emission existing partially or wholly within the State of Louisiana.

3.0 Authority.

*3.1 The Office of Health Services and Environmental Quality has been authorized by the Louisiana Air Control Commission to provide and administer these regulations under R.S. 40:2204 (A) and in accordance with the provisions of Section 2204 et seq. of Title 40 enacted by the State Legislature as the law of this State by Act 259 of 1964.

4.0 Definitions—When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below:

4.1 Act. Act No. 259 of 1964, Louisiana Air Control Law. Used to denote Chapter 12, Title 40, Section 2201 et seq. including amendments.

4.2 Aerosol. A suspension of fine solid or liquid particles in the air.

4.3 Afterburner. A secondary burner which is used to oxidize and combust air contaminants to a less damaging form.

4.4 Air Contaminants. Particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof produced by process other than natural.

4.5 Air Pollution. The addition of air contaminants to the atmosphere.

4.6 Ambient Air. The outdoor air or atmosphere which surrounds the earth.

*4.7 Application for Approval of Emissions. An application submitted to the Louisiana Air Control Commission by

any person requesting a certificate of approval (permit) for any change in emissions into the ambient atmosphere.

4.8 ASME. American Society of Mechanical Engineers.

4.9 ASTM. American Society for Testing Materials.

4.10 Atmosphere. The whole mass of air above the territorial limits of the State of Louisiana.

4.11 Carbon Monoxide (CO). Colorless, odorless gas which is an oxide of carbon.

4.12 COH (Coefficient of Haze per 1000 linear feet). The measure of the optical density of a filtered deposit of particulate matter as given in ASTM Standard D 1704-61.

4.13 Combustion Unit. Any boiler plant, furnace, incinerator, or flare, or any other item of equipment designed or used for the combustion of fuel or waste material.

4.14 Commission. The Air Control Commission of the State of Louisiana.

**4.15 Condensate. Hydrocarbon liquid separated from natural gas which condenses due to changes in temperature and/or pressure and remains liquid at standard conditions.

4.16 Control Equipment. Any device or contrivance used to prevent or reduce air pollution.

*4.17 Department. Air Quality Section, Bureau of Environmental Services, Office of Health Services and Environmental Quality, of the Department of Health and Human Resources.

4.18 Distance from Source to Property Line. The horizontal distance measured in feet from the centerline of a source to adjacent land or water which is not owned or controlled by the person emitting air contaminants from the source.

4.19 Downwind Level. The concentration of air contaminants in the atmosphere as measured at any downwind point beyond the downwind boundary of a property, at which point the level of air contaminants is affected by any emission or emissions from the property.

4.20 Dustfall. A measure of the rate of deposition of particulate matter which settles rapidly due to gravity.

4.21 Dwelling. A building or other shelter in which people live.

4.22 Effluent Water Separator. Any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

4.23 Emission. A release of air contaminants into the outdoor atmosphere.

4.24 Emission Inventory. A tabulation of data detailing the types, amounts, quantities, and sources of emissions.

4.25 Flue. Any duct, passage, stack, chimney, conduit, or opening arranged to conduct air contaminants into the open air.

4.26 Fossil Fuel. Natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

4.27 Fossil Fuel-fired Steam Generating Unit. A furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

4.28 Fuel Burning Equipment. Any stationary contrivance used in the process of burning fuel or combustible material for the primary purpose of producing heat or power by indirect heat transfer.

4.29 Fugitive Dust. Solid, airborne, particulate matter emitted from any source other than through a stack.

4.30 Garbage. All putrescible waste matter except sewage and recognizable industrial by-products. It includes putrescible vegetable matter, animal offal, and animal carcasses.

4.31 Heat Input. The aggregate of heat content of all fuels whose products of combustion pass through a stack or stacks.

4.32 Hydrocarbon. Organic compounds, the molecules of which consist primarily of carbon and hydrogen atoms.

4.33 I.I.A. Incinerator Institute of America.

*4.34 Impairment of Visibility. Impairment of visibility exists whenever horizontal visibility at or near ground level is reduced to three times the stopping distances presented below:

20 mph	43 ft. to stop
30 mph	79 ft. to stop
40 mph	126 ft. to stop
50 mph	183 ft. to stop
60 mph	251 ft. to stop
70 mph	328 ft. to stop

* 4.35 Incinerator. An engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semisolid, liquid, or gaseous waste at specified rates and from which the residue contains little or no combustible material. "Tepee" burners, "conical" burners and "jug" burners are not considered as incinerators.

4.36 Installation. Any property, real or personal, including but not limited to processing equipment, manufacturing equipment, fuelburning equipment, incinerators, or other equipment, or construction, capable of creating or causing emissions.

4.37 Micrograms per Cubic Meter ($\mu\text{g}/\text{m}^3$). A weight to volume ratio used to measure the mass of an air contaminant present in a given volume of air.

*4.38 Modification. Any change in a facility including, but not limited to, a physical change, a change in the method of operation, a change in the raw materials or feedstocks used or products manufactured which increases the amount of any air pollutant emitted by such facility or which results in the emission of any air pollutant not previously emitted, except (1) routine maintenance repair and replacement shall not be considered physical changes and (2) an increase in production rates (up to capacity) or hours of operation shall not be considered a change in the method of operation.

4.39 Multiple Chamber Incinerator. Any incinerator which has two or more refractory lined combustion furnaces in series, physically separated by a refractory wall, interconnected by gas ducts or ports, and employing adequate parameters for maximum combustion of the material to be burned.

*4.40 New Source. Any affected facility, the construction or modification of which is commenced after the adoption of these regulations.

4.41 Nitric Acid Production Unit. Any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

4.42 Nitrogen Oxides. Compounds whose molecules consist of nitrogen and oxygen.

4.43 Nuisance. Anything that unlawfully worketh hurt, inconvenience or damage.

*4.44 Opacity. The degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

*4.45 Organic Solvents. Liquid or gaseous hydrocarbons used for dissolving one or more other substances.

*4.46 Outdoor Burning. (Open Burning). Burning of any material without the benefit of equipment primarily designed

for the combustion of fuel and/or waste material and/or in such a manner that the products of combustion are emitted directly to the atmosphere without passing through a flue or combustion unit as defined in Section 4.13.

*4.47 Particulate Matter. Material discharged into the atmosphere in a finely divided form as a solid or aerosol. (See also Section 4.71, Suspended Particulate Matter)

4.48 Portland Cement Plant. Any facility manufacturing portland cement by either the wet or dry process.

4.49 Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity or their legal representatives, agents or assigns.

4.50 Photochemical Oxidant. The products of a chemical reaction, triggered by sunlight, between various hydrocarbon or organic compounds and the oxides of nitrogen.

4.51 PPM by Volume. (Parts per million by volume.) A volume to volume ratio used to express volumetric concentrations of gaseous air contaminants in a million unit volume of air or gas.

4.52 Premises. That which is within the boundaries or confines of any real property.

4.53 Process Weight. Any total weight of all materials introduced into any specific process which may cause emissions. Solid fuel charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

4.54 Property. Any land owned or controlled by a person.

4.55 Public Nuisance. Any condition of the ambient air beyond the property line of the offending person which is offensive to the senses, or which causes or constitutes an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

*4.56 Refuse. All putrescible waste matter, all nonputrescible waste matter, ashes, animal and vegetable waste and all other waste matter, except sewage, from any public or private establishment, institution, or residence or resulting from construction, building operations, or the prosecution of any business, or trade.

4.57 Ringelmann Smoke Chart. The Ringelmann Scale for Grading the Density of Smoke, published by the U.S. Bureau of Mines, or any chart, recorder, indicator or device for the measurement of smoke density which is approved by the Commission as the equivalent of the Ringelmann Scale.

4.58 Rubbish. All nonputrescible waste matter, except ashes, from any public or private establishment, institution, or residence.

4.59 Smoke. Any small gas-borne particles resulting from, but not limited to, incomplete combustion, consisting predominantly of carbon and other combustible material, and present in sufficient quantity to be observable.

4.60 Soiling Index. A measure of airborne particulates given as coefficient of haze per one thousand linear feet of air.

4.61 Source. Any and all points of origin of air contaminants as defined in Section 4.4 hereof, whether privately or publicly owned or operated.

4.62 Stack or Chimney. Any flue, conduit, or duct arranged to conduct emissions from the source to the ambient air (not limited to visible vertical structures).

4.63 Standard Conditions. A gas at 21°C or 70°F and 29.92 inches (760 millimeters) of mercury.

4.64 State. The State of Louisiana.

4.65 Submerged Fill Pipe. Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (fifteen centimeters) above the bottom of the tank;

or when applied to a tank which is loaded from the side, means any fill pipe the discharge opening of which is entirely submerged when the liquid level is eighteen inches (forty-five centimeters) above the bottom of the tank.

4.66 Sulfation Rate. Used as a measure of the sulphur compounds in the atmosphere. It is the rate at which oxidizable sulphur compounds in the atmosphere convert lead peroxide into lead sulphate.

4.67 Sulphur Compounds. All inorganic or organic chemicals having an atom or atoms of sulphur in their chemical structure.

4.68 Sulphur Dioxide (SO₂). An oxide of sulphur.

4.69 Sulphur Trioxide (SO₃). An oxide of sulphur.

4.70 Sulfuric Acid (H₂SO₄). A heavy corrosive oily dibasic acid that is colorless when pure and is a vigorous oxidizing agent.

4.71 Sulfuric Acid Production Unit. Any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylated acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

*4.72 Suspended Particulate Matter. Any finely divided solid and/or liquid matter which does not rapidly settle from the ambient air. (See also Section 4.47 Particulate Matter).

4.73 Technical Secretary. The Technical Secretary of the Louisiana Air Control Commission as specified in R.S. 40:2202.

*4.74 Undesirable Levels. Undesirable levels of the items defined in Section 4.4 hereof is the presence in the atmosphere, as limited by R.S. 40:2204 (C), of one or more of such items or combinations thereof in quantities and concentrations and of such characteristics, properties, and duration as to appreciably injure human life beyond inconvenience or in quantities and concentrations and of such characteristics, properties, and duration as to materially injure or interfere with the reasonable use of animal or plant life or property. In determining whether or not contaminants create undesirable levels the Department may use appropriate information and data which may include, but not be limited by acceptable national standards, published "safe limit" values and other such information and relationships which may provide a reasonable assessment of the conditions which exist for a particular situation.

4.75 Upwind Level. The concentration of air contaminants in the atmosphere determined at some point upwind of the source. This concentration may be considered as the background level.

*4.76 Variance. A waiver issued under the authority of the Air Control Commission upon application to allow emissions greater than those allowable under the regulations and/or a license to do some act contrary to these regulations.

*4.77 Volatile Organic Compounds. Any compound containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute (77.6 millimeters of mercury) or greater under actual flow or storage conditions.

4.78 Waste Classification. Those seven classifications of wastes as enumerated in the I.I.A. incinerator standards.

4.79 Weak Nitric Acid (HNO₃). Acid which is thirty to eighty percent in strength.

5.0 Meetings of the Commission.

5.1 The Technical Secretary shall prepare a proposed agenda for each meeting of this Commission and shall submit said proposed agenda to each member of the Commission at least twenty days prior to each meeting.

5.2 Each member of the Commission may submit matters to the Technical Secretary for inclusion in an agenda prior to fifteen days before any meeting.

5.3 Said proposed agenda shall be made final and affected parties notified ten days prior to any meeting.

5.4 The Commission will not consider any matter which has not been included in the agenda.

6.0 Development of Facts.

Pursuant to the provisions of R.S. 40:2204 (A) (3) concerning the Commission's power to develop facts consistent with the purposes of the Louisiana Air Control Law, the following shall apply:

*6.1 Any person planning to initiate, or increase the emission of air contaminants as defined in Section 4.4 of these rules and regulations, which emission was not being conducted on or prior to the effective date of this regulation, shall, before beginning construction or modification or operation of any facility which ultimately may result in such emissions, advise the Louisiana Air Control Commission, New Orleans, Louisiana in writing concerning his intentions, and shall supply to the Commission a permit request (report) describing what is proposed and the steps which will be taken to protect the air of the state against new pollution or an increase in existing air pollution, such report to include plans, specifications, and any other information the Commission deems necessary to make a determination under 6.1.3. Said report shall be prepared in accordance with the general rules, which follow, for submission of industrial waste reports, and no construction or modification or operation of a facility which ultimately may result in emission of air contaminants as defined in Section 4.4 shall be started until the report has been approved and a certificate of approval (permit) for the work has been received from the Louisiana Air Control Commission. All conditions under which such certificate of approval is granted, which are considered by the Commission to be reasonable and necessary, shall be included in the certificate of approval. It is the intent of this regulation that suitable controls be applied to new installations and relocations and/or in cases where modifications are to be made or where significant changes in emissions are anticipated. This regulation does not apply to emergency operations, however, the Air Control Commission should be advised of such occurrences without delay.

*6.1.1 The Technical Secretary may, subject to the review and concurrence of the Commission, exempt certain facilities or types of facilities from the requirements of Section 6 or issue certificates of approval under Section 6 if it is found upon investigation, that such facilities or types of facilities will not make a significant contribution of air contaminants to the atmosphere. The Technical Secretary shall report all such exemptions and certificates of approval to the Commission on request of any Commission member and at least annually.

6.1.2 From the effective date of this regulation, facilities complying with Sections 22.3 and 22.4 of these regulations will not be brought before the Commission for permit approval. These permits will be granted by the Technical Secretary provided the submittal contains, at the minimum, the data required in Section 6.3 of these regulations. The exemptions specified in Sections 22.2 and 22.10 herein are applicable to this subsection.

*6.1.3 In those cases where the Commission has, after proper investigation, determined that any proposed new emission source will prevent attainment or maintenance of State or national ambient air standards or violate applicable portions of the control strategy, the Commission shall have the power to prevent construction, modification or operation of such new or modified emission point source. Approval by the Commission of any construction or modification or operation does not relieve the owner or operator of responsibility to comply with regulations which are part of the applicable plan.

**6.1.4 Notification of any change in ownership must be given to the Louisiana Air Control Commission. The Technical Secretary is authorized to amend the permit to reflect such changes and will report them to the Commission. Failure to disclose such changes of ownership within ninety days after the event, will be grounds for invalidation of the permit.

6.2 Professional Engineer Required. The information submitted in compliance with this regulation, shall be prepared by or under the supervision of a person properly qualified to perform engineering work as provided in the Louisiana Professional Engineers and Land Surveyors Registration Act. The report containing the required information shall be submitted to the Louisiana Air Control Commission, New Orleans, Louisiana, and shall be approved by a professional engineer as defined in the above named Act or by a responsible official authorized to act for the person on whose behalf the report is submitted. Said report should be submitted as far in advance of the date approval is desired, as possible.

*6.3 To comply with these regulations, the report or permit request concerning the contemplated actions enumerated shall include the following:

6.3.1 a brief statement describing the action which is proposed.

6.3.2 A statement giving the location of the industrial plant or manufacturing establishment, or a map showing such location.

*6.3.3 A statement giving the location of sources of emission of air contaminants as defined in Section 4.4, the size of the outlets of such sources, the rate and temperature of the emission from such sources and the composition and description of the air contaminants being emitted from said sources. Fugitive emission shall be determined from test results or best available technical data.

6.3.4 A statement giving a description of the air pollution abatement measures which will be utilized, and if no facilities within the definition of this term are contemplated, the steps which will be taken to prevent the emission of sufficient quantities of pollutants to result in undesirable levels.

*6.3.5 An estimate of the extent to which the emission from the proposed facilities will alter or affect the quality of the air of Louisiana. This estimate should, considering new and existing emission sources, predict the cumulative maximum worst case ground level concentration of each pollutant involved. If said maximum occurs within plant site boundaries, cumulative maximum property line value should also be determined.

*6.3.6 At the discretion of the Technical Secretary, a more detailed ambient analysis may be requested. The analysis will involve predicting maximum ambient air concentrations using emissions from all sources within an area defined by the Technical Secretary. Emission data will be made available by the Department.

6.3.7 Such other pertinent data as may be necessary for a good understanding of the proposal which is being made.

6.4 Nothing herein contained, however, shall require the owner of any industrial or municipal establishment to disclose any classified data of the Federal government or any confidential information relating to secret processes or economics of operation; however, emission data is not covered by this exception.

*6.5 In any case in which there is to be any reduction in emissions, a letter of notification of such reductions must be transmitted to the Technical Secretary. The notification shall include all information required in Section 6.3.

*6.6 New or modified fossil fuel-fired steam generating units of more than 250 million BTU per hour heat input, incinerators which have a charging rate in excess of 50 tons (45.4 metric tons) per twenty-four hours, portland cement plants, nitric acid production units and sulfuric acid production units, or other facilities covered by the United States Environmental Protection Agency's New Source Performance Standards, may submit a copy of their Federal permit in addition to a formal permit application to the Louisiana Air Control Commission.

**6.7 Variances for Site Preparation. The Technical Secretary may, on behalf of the Commission, grant variance from the provisions of Section 6.1 of the regulations to allow preliminary site preparation work provided an acceptable Application for Approval of Emissions and Emission Inventory Questionnaire has been received by the Department.

Preliminary site preparation work pursuant to such variance must be conducted in the manner specified in Section 11.0 of the Commission regulations. In addition, all phases of the site preparation must be accomplished in a manner which does not create a nuisance.

As used herein, preliminary site preparation work will include clearing, grubbing, grading, road work, driving test piles, and the installation of temporary facilities such as contractors building, water and power supplies.

Any preliminary site preparation work performed pursuant to such variance prior to receipt of a certificate of approval under paragraph 6.1 is undertaken at the risk of the person requesting variance, and such prior construction does not in any way prejudice issuance or denial of certificate of approval by the Commission.

**6.8 Relocation of Portable Facilities. The Technical Secretary may issue, on behalf of the Commission, certificate of approval to relocate an asphalt plant or other transportable facility that is presently operating under a certificate of approval from the Commission. Prior to issuance of any such certificate, the Technical Secretary shall receive adequate assurance from the petitioner that the following conditions are met:

1. Compliance with all other regulations and zoning criteria at the new location
2. The continued use of all pollution abatement devices and measures at the new location
3. The continued use of a fuel of the same sulfur content or less than that referenced on the approved permit
4. Dispersion of emissions from the relocated source will not cause violation of ambient air standards at the new location.

In addition, a plot plan should be supplied to affirm that the distances to the property line at the new location are approximately equal to those reported on the approved permit application. This will be used to confirm that the dispersion estimate previously supplied is still valid.

Upon review and acceptance of the aforementioned data, the Department will notify the owner or operator concerning the acceptability of the relocation.

****6.9 Temporary Exemption for Testing.** The Technical Secretary may, on behalf of the Louisiana Air Control Commission, grant temporary exemptions, not to exceed three months in duration, from the requirements of Regulation 6.1 in order to allow tests to determine the effect of a proposed modification on emission rates. This temporary exemption may be allowed only in cases where the effect of the proposed modification cannot reliably be determined from calculations or from published technical literature but are not expected to place ambient air standards in jeopardy during testing period.

Persons requesting permission to test under these provisions shall submit the information specified in Section 6.3 of the regulations (with the exception of the data being measured in the test). Tests will be conducted for the minimum duration consistent with obtaining valid results.

Within thirty days of test completion, the Technical Secretary shall be given a report detailing the conditions that were found to exist. If there is to be no permanent change in emissions from pretest conditions, that should be stated.

If there is to be a permanent change made which increases emissions, the requirements of Section 6.1 must be met. If emissions are to be reduced by the modification, the requirements of Section 6.5 are applicable.

6.10 Compliance Schedules. Owners and/or operators of a source or sources of emissions in the State of Louisiana shall on request of the Technical Secretary submit within ninety days a compliance schedule showing how the source or sources will be brought into compliance with State air quality standards and regulations and Federal primary and secondary ambient air quality standards.

6.10.1 Owners and/or operators shall make any necessary changes in the schedule submitted to obtain an approval of such schedule by the Technical Secretary within ninety days of submission of the schedule.

6.10.2 Any compliance schedule extending over eighteen or more months from the date of its adoption shall provide for semiannual reports indicating increments of progress towards compliance with Commission regulations and standards.

7.0 Investigations.

Pursuant to the provisions of R.S. 40:2204 (A) (3) the Technical Secretary shall make such investigations as are necessary and proper to carry out the purposes of the Louisiana Air Control Law and in connection therewith:

7.1 In the event that compliance is achieved as a result of private conference, conciliation or persuasion, a notice, in writing, to that effect shall be sent by the Technical Secretary to the owner or operator of such claimed violation. In the event that the Technical Secretary determines after said private conference that no violation exists the Technical Secretary shall send a notice in writing to that effect to said owner or operator of said claimed violation within thirty days.

7.2 All such complaints and notices called for by R.S. 40:2208 (B) shall be sent by certified or registered mail addressed to the person who represented the alleged violator in said private conference; or, if the alleged violator is a corporation addressed to its registered agent for service of process.

7.3 Any investigations made by the Technical Secretary pursuant to R.S. 40:2208 (A) upon receipt of information concerning an alleged violation shall be made only upon receipt by the Technical Secretary of written complaint of a violation of the Louisiana Air Control Law or any of these rules and regulations.

7.4 In the event that any investigation reveals that no violation of the Louisiana Air Control Law or of these rules and regulations is found to exist, the Technical Secretary shall advise the complaining person and the person complained against of this fact.

7.5 Any information relating to secret processes or method of manufacture or production obtained by the Commission or by the Technical Secretary shall be kept confidential and this Commission will, in the event any such process or method of manufacture or production is involved in any hearing testimony regarding such process or method of manufacture or production and such information and testimony shall not be made a part of the transcript of said hearing. Emission data shall not be considered secret for the purpose of this regulation.

Ambient Air Quality Standards

8.0 Air Contaminants.

8.1 Purpose. It is hereby declared to be the public policy of the State of Louisiana to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this State and facilitate the enjoyment of the natural attractions of the State.

***8.2** No person or persons owning, leasing, renting or controlling the operation of any source of air contaminants shall cause, suffer, allow, or permit emissions from this source of air contaminants which will result in "undesirable levels" as defined in Section 4.74 herein in the atmosphere over properties other than that of the person owning, leasing, renting or controlling the operation of such source.

8.3 No person shall dispose of refuse or waste material in such a manner as to cause "undesirable levels" as defined in Section 4.74 herein.

8.4 Ambient Air Quality Standards. The standards of ambient air quality listed in Tables 1 and 1a define the limits of air contamination by particulates and gases, above which limits the ambient air is hereby declared to be unacceptable and requires air pollution control measures. Until additional pertinent information becomes available through surveillance and research with respect to the effects of the air contaminants listed in Tables 1 and 1a the air quality limits listed in Tables 1 and 1a shall apply in Louisiana. The limits stated include normal background levels of particulates and gases.

8.5 Responsible Persons to Have Tests Made. The Department may require any person responsible for the emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.

***8.5.1** All owners or operators of stationary sources shall maintain records and semiannually report to the Department data on emissions and any other information needed to determine compliance with these regulations.

8.6 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department the persons responsible for the source to be tested shall provide necessary sam-

pling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

8.7 New sources shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

8.8 Circumvention. No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise violate these regulations.

*8.9 To aid in controlling the overall levels of air contaminants into the atmosphere, air pollution control facilities should be installed whenever practically, economically, and technologically feasible. When facilities have been installed on a property they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded.

*9.0 Control of Air Pollution from Particulate Matter (Suspended Particulate Matter)

*9.1 Ambient Air Quality Standards for Suspended Particulate Matter (Particulate Matter)

*9.1.1 Purpose. The purpose of this section is to maintain concentrations of suspended particulate matter (particulate matter) in the ambient air at levels which will not cause damage or injury to plant or animal life. In addition to health considerations, attainment of the standards, will result in economic and aesthetic benefits such as increased visibility and reduced soiling and corrosion.

*9.1.2 Scope. This section is applicable to all sources which emit particulate matter into the ambient air.

*9.1.3 Concentrations of Suspended Particulate Matter and/or Particulate Matter in Ambient Air Restricted. The standards of ambient air quality listed in Tables 1 and 1a define the limits of air contamination by particulates and gases. No person or group of persons shall allow particulate matter to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels of particulates and gases.

9.1.4 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing emissions in such manner as prohibited by these regulations.

9.1.5 Degradation of Ambient Air Having Higher Quality than that Set Forth in this Section Restricted. As of the effective date of these regulations all processes which currently result in higher ambient air quality than shown in Tables 1 and 1a shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

9.2 Provisions Governing Specific Activities.

*9.2.1 Substances which are by nature toxic to human or animal life or vegetation shall be controlled to more restrictive levels than is required for suspended particulate matter generally, and shall not be emitted in such quantities or concentrations as to produce undesirable levels.

9.2.2 The emissions which pass onto or across a public road and create a traffic hazard by impairment of visibility or intensifies an existing traffic hazard condition is prohibited.

9.3 Exclusions from Application of this Section.

*9.3.1 The following matters are excluded from the application of this section: Emissions of particulate matter pursuant to and in compliance with the terms of a variance granted by the Commission.

*9.3.2 Any person claiming exclusion from the application of this section under this provision shall apply to the Commission through the Technical Secretary for exclusion in accordance with Section 2211 of the Act. The applicant shall furnish such information as the Commission may reasonably require to enable it to make a determination. The Commission may make such determination and apply such conditions as may be appropriate to the activity in question. A person granted an exclusion under this provision may be required to furnish the Commission with plans satisfactory to the Commission for implementing any reasonable control measures which may be developed or which may otherwise become available.

9.4 Measurement of Concentrations.

*9.4.1 Suspended particulate matter/particulate matter shall be measured by the methods listed in Table 2 or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table 2 are incorporated as part of these regulations by reference.

9.4.2 The sampling and analytical procedures employed and their numbers, duration and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

10.0 Reserved for future expansion.

*11.0 Control of Air Pollution from Outdoor Burning (Open Burning).

11.1 Purpose. It is the purpose of this section to control outdoor burning of waste or other combustible material to prevent undesirable levels of air contaminants in the atmosphere.

*11.2 No person shall cause or allow the outdoor burning of waste material or other combustible material on any property owned by him or under his control except as provided in Section 11.3 below.

11.3 Exceptions to Prohibition Against Outdoor Burning. Outdoor burning of waste material or other combustible material may be conducted in the situations enumerated below if no public nuisance is or will be created and if the burning is not prohibited by and is conducted in compliance with other applicable laws and with regulations and orders of governmental entities have jurisdiction, including air control regulations and orders. The authority to conduct outdoor burning under this regulation does not exempt or excuse the person responsible from the consequences of or the damages or injuries resulting from the burning.

11.3.1 Outdoor burning in connection with the preparation of food.

11.3.2 Campfires and fires used solely for recreational purposes or for ceremonial occasions.

11.3.3 Fires purposely set to forest lands for a specific forest management purpose in accordance with practices acceptable to the Louisiana Forestry Commission.

11.3.4 Fires purposely set on agricultural lands for a specific management purpose in accordance with practices acceptable to the Louisiana Department of Agriculture.

11.3.5 Outdoor burning in a rural park or rural recreation area of trees, brush, grass, and other vegetable matter for

game management purposes in accordance with practices acceptable to Louisiana Parks and Recreation Commission and Louisiana Wildlife and Fisheries Commission.

11.3.6 Small fires, by tradesmen and contractors, in such activities as street repair, installation or repair of sewer, water, electric, telephone mains, and services.

11.3.7 The operation of contrivances using open flames such as welding torches, blow torches, portable heaters, and other flame making devices.

*11.3.8 Outdoor burning, in other than rural park or rural recreation area, of trees, brush, grass, and other vegetable matter from such area in land clearing and right-of-way maintenance operations if the following conditions are met:

(a) Prevailing winds at the time of the burning must be away from any city or town, the ambient air of which may be affected by smoke from the burning;

(b) The location of the burning must be at least one thousand feet (305 meters) from any dwelling other than a dwelling or structure located on the property on which the burning is conducted;

(c) Care must be used to minimize the amount of dirt on the material being burned;

(d) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produce unreasonable amounts of smoke may not be burned; nor may these substances be used to start a fire.

(e) The burning may be conducted only between the hours of 8:00 a.m. and 5:00 p.m. Piles of combustible material should be of such size to allow complete reduction in this time interval.

(f) The burning must be controlled so that a traffic hazard as prohibited by Section 11.4 is not created.

*11.3.9 Fire purposely set as a part of an organized program of drills for the training of fire fighting personnel or for testing fire fighting materials or equipment if the following conditions are met:

(a) The duration of the burning held to the minimum required for such purposes;

(b) The burning is conducted only between the hours of 8:00 a.m. and 5:00 p.m.

(c) The burning is controlled so that a traffic hazard as prohibited by Section 11.4 is not created.

*11.3.10 Outdoor burning of waste hydrocarbon products (from petroleum exploration, development or production operations, natural gas processing, such as, but not limited to, basic sediments, oil produced in testing an oil well, and paraffin) may be conducted at the site of origin when it is not practicable to transport the waste products for sale or reclamation, or to dispose of them lawfully in some other manner. In addition hydrocarbons spilled or lost from pipeline breaks or other transport failure which cannot practicably be recovered or be disposed of lawfully in some other manner may be outdoor burned at the site where the spill occurs or at another appropriate place due to safety considerations. Except when the immediate or continuous burning of hydrocarbon spills is reasonably necessary to abate or eliminate an existing or imminent threat of injury to human life or significant damage to property, the outdoor burning shall be conducted under the following conditions:

(a) The location of the burning must not be within or adjacent to a city or town or in such proximity thereto that the ambient air of the city or town may be affected by smoke from the burning.

(b) The burning is conducted only between the hours of 8:00 a.m. and 5:00 p.m.

(c) The burning is controlled so that a traffic hazard as prohibited by Section 11.4 is not created.

*11.3.11 Special Situations Approvable for Exemption by the Technical Secretary Prior to Initiation of Burning Operation.

(a) Outdoor burning of explosives, pyrophoric, or any other materials where there is no practicable or safe method of disposal.

(b) Experimental burning for purposes of data gathering and research.

(c) Nonrecurring unusual circumstances or any condition not covered above.

*11.4 Traffic Hazards Prohibited. The emission of smoke, suspended particulate matter or uncombined water or any air contaminants or combinations thereof which passes onto or across a public road and creates a traffic hazard by impairment of visibility as defined in Section 4.34 or intensifies an existing traffic hazard condition is prohibited.

*11.5 Exclusion from Application of this Section. Outdoor burning pursuant to and in compliance with the terms of a variance granted by the Commission is excluded from the application of this section.

12.0 Control of Pollution from Sulfur Dioxide.

*12.1 Purpose. It is the purpose of this section to establish ambient air standards and regulations for the State of Louisiana for sulfur dioxide. It is anticipated that additional provisions covering other sulfur compounds will be adopted as additional data relating to undesirable levels of other sulfur compounds are developed and evaluated.

*12.2 Scope. This section is applicable to all sources of sulfur dioxide emissions into the ambient air.

12.3 Degradation of Ambient Air Having Higher Quality than that Set Forth in this Section Restricted. As of the effective date of these regulations, all processes which currently result in higher ambient air quality than shown in Tables 1 and 1a shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

12.4 Concentrations of Sulfur Dioxide in Ambient Air Restricted.

12.4.1 The standards of ambient air quality listed in Tables 1 and 1a define the limits of air contamination by sulfur dioxide. No person or group of persons shall allow sulfur dioxide to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels.

*12.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner as prohibited by these regulations. For example, compliance with ambient air quality standards does not authorize emissions in excess of emission limitations.

12.5 Methods of Sampling and Analysis.

12.5.1 Sulfur dioxide shall be measured by the method or methods listed in Table 2 or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table 2 are incorporated as part of these regulations by reference.

12.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statisti-

cally significant and representative of the conditions being evaluated.

13.0 Control of Air Pollution from Carbon Monoxide.

*13.1 Purpose. It is the purpose of this section to establish ambient air quality standards for the State of Louisiana for carbon monoxide and to enumerate methods for measuring carbon monoxide concentration in the ambient air.

*13.2 Scope. This section is applicable to all sources of carbon monoxide emissions into the ambient air.

13.3 Degradation of Ambient Air Having Higher Quality than that Set Forth in this Section Restricted. As of the effective date of these regulations, all processes which currently result in higher ambient air quality than shown in Tables 1 and 1a shall be maintained at the higher process quality level or better, unless it can be affirmatively demonstrated to the Commission that a change is justifiable.

13.4 Concentrations of Carbon Monoxide in Ambient Air Restricted.

13.4.1 The standards of ambient air quality listed in Tables 1 and 1a define the limits of air contamination by carbon monoxide. No person or group of persons shall allow carbon monoxide to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels.

*13.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner as prohibited by these regulations. For example, compliance with ambient air quality standards does not authorize emissions in excess of emission limitations.

13.5 Methods of Sampling and Analysis.

13.5.1 Carbon monoxide shall be measured by the method listed in Table 2, or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table 2 are incorporated as part of these regulations by reference.

13.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

14.0 Control of Air Pollution from Hydrocarbons (Non-methane).

*14.1 Purpose. It is the purpose of this section to establish ambient air standards for the State of Louisiana for hydrocarbons and to enumerate methods for measuring hydrocarbons concentrations in the ambient air. The primary and secondary ambient air quality standard for hydrocarbons is for use as a guide in devising compliance orders and for approving compliance schedules and permit requests to achieve and maintain the oxidant standards.

*14.2 Scope. This section is applicable to all sources of all non-methane hydrocarbons emissions into the ambient air.

14.3 Degradation of Ambient Air having Higher Quality than that Set Forth in this Section Restricted. As of the effective date of these regulations, all processes which currently result in higher ambient air quality than shown in Tables 1 and 1a shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

*14.4 Emissions of Hydrocarbons in Ambient Air Restricted.

14.4.1 The standards of ambient air quality listed in Tables

1 and 1a define the limits of air contamination by non-methane hydrocarbons. No person or group of persons shall allow non-methane hydrocarbons to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels.

*14.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such manner as prohibited by these regulations. For example, compliance with ambient air quality standards does not authorize emissions in excess of emission limitations.

14.5 Methods of Sampling and Analysis.

14.5.1 Hydrocarbons shall be measured by the method listed in Table 2, or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table 2 are incorporated as part of these regulations by reference.

14.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

**14.6 Ambient Hydrocarbon (Non-methane) Compliance. When determining if a source or sources of emissions of non-methane hydrocarbons is in compliance, the effect on the ambient air of the total non-methane hydrocarbon emissions will be considered. If, however, it could be demonstrated that the only reason for failure of a source to meet the non-methane hydrocarbons standards is due to the emission of compounds from sources exempted by the Commission or that the emissions of these hydrocarbons have been reduced as much as technologically and economically feasible then the Commission may waive the requirements of this section.

15.0 Control of Air Pollution from Atmospheric Oxidants.

*15.1 Purpose. It is the purpose of this section to establish ambient air quality standards for the State of Louisiana for atmospheric oxidants and to enumerate methods for measuring oxidant concentrations in the ambient air.

15.2 Scope. This section is applicable to photochemical oxidants in the ambient air.

15.3 Degradation of Ambient Air Having Higher Quality than that Set Forth in this Section Restricted. As of the effective date of these regulations, all processes emitting reactive hydrocarbons, which currently result in higher ambient air quality than shown in Tables 1 and 1a shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

15.4 Concentrations of Oxidants in Ambient Air Restricted.

*15.4.1 The standards of ambient air quality listed in Tables 1 and 1a define the limits of air contamination by atmospheric oxidants. No person or group of persons shall allow hydrocarbons to become airborne in amounts which cause the ambient air quality standards for total oxidants to be exceeded. The limits stated include normal background levels.

15.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such a manner as prohibited by these regulations. For example, compliance with ambient air quality standards does not authorize emissions in excess of emission limitations.

15.5 Methods of Sampling and Analysis.

*15.5.1 Total oxidants shall be measured by the method listed in Table 2, or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table 2 are incorporated in these regulations by reference.

15.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

16.0 Control of Air Pollution from Nitrogen Oxides.

*16.1 Purpose. It is the purpose of this section to establish ambient air quality standards for the State of Louisiana for nitrogen oxides and to enumerate methods for measuring concentrations of nitrogen oxides in the ambient air.

16.2 Scope. This section is applicable to all nitrogen oxides, except nitrous oxide (N₂O), in the ambient air.

16.3 Degradation of Ambient Air Having Higher Quality than that Set Forth in this Section Restricted. As of the effective date of these regulations, all processes which currently result in higher ambient air quality than shown in Tables 1 and 1a shall be maintained at the higher process quality level or better unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable.

16.4 Concentrations of Nitrogen Oxides in Ambient Air Restricted.

16.4.1 The standards of ambient air quality listed in Tables 1 and 1a define the limits of air contamination by nitrogen oxides. No person or group of persons shall allow nitrogen oxides to become airborne in amounts which cause the ambient air quality standards to be exceeded. The limits stated include normal background levels.

*16.4.2 Nothing in any other part or section of these regulations shall in any manner be construed as authorizing or legalizing the emission of air contaminants in such a manner as prohibited by these regulations. For example, compliance with ambient air quality standards does not authorize emissions in excess of emission limitations.

16.5 Methods of Sampling and Analysis.

16.5.1 Nitrogen oxides shall be measured by the method listed in Table 2, or by such other equivalent methods approved by the Department. The publications or their replacements listed in Table 2 are incorporated in these regulations by reference.

16.5.2 The sampling and analytical procedures employed and their numbers, duration, and location of samples to be taken to measure ambient levels of air contaminants shall be consistent with obtaining accurate results which are statistically significant and representative of the conditions being evaluated.

Emission Standards

17.0 Source Emissions.

*17.1 Purpose. It is the purpose of these emission standards to set forth levels or air quality for the protection of public health and of public welfare from any known or anticipated adverse effects of air contaminants. These standards set forth a mechanism of achieving cleaner air and are not a permit for unnecessary degradation of air quality. Therefore, quality of emissions as of the effective date of these standards shall be maintained at the higher degree of quality unless it can be affirmatively demonstrated to the Commission that a change in quality is justifiable and will not be contrary to the purpose of these regulations.

*17.2 Scope. The emission standards as presented below pertain to all sources emitting to the atmosphere of the State of Louisiana.

17.3 Responsible Person to Have Tests Made. The Department may require any person responsible for the emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.

17.4 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon requests of the Department the person responsible for the source to be tested shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

*17.5 New sources shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, as may be necessary for proper determination of the emission of air contaminants.

**17.6 Emission Monitoring Requirements.

*17.6.1 Applicability. Source categories listed in Appendix "P" to Title 40, Part 51, of the Code of Federal Regulations (40 CFR Part 51) are to install, calibrate, operate, and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified in the aforementioned appendix for the applicable source category. Sources affected by this paragraph shall complete the installation and performance tests of such equipment and begin monitoring and recording within eighteen months after the effective date of this regulation.

**17.6.1.1 Exemptions. Exemption from the requirement of 17.6.1 is hereby granted to any source which is subject to a new source performance standard promulgated in 40 CFR Part 60 and also to any source which is on a firm schedule for retirement within five years of the date of application of the monitoring requirement.

**17.6.2 Minimum Monitoring System Capability, Specifications, Data Reporting, and Data Reduction. Affected sources must meet at least the minimum requirements as set forth in 40 CFR Part 51, Appendix "P," paragraphs 2 through 5, unless such sources qualify for an exemption or alternative procedure contained therein.

*17.6.3 Special Consideration. The Commission can approve, on a case by case basis, alternative monitoring requirements, different from those in Section 17.6.2 above, if the original requirements cannot be implemented by a source due to physical plant limitations or extreme economic burden, or if the original requirements would not provide for accurate emission determination, or if the affected facility is infrequently operated. Such physical limitation or economic burden may be determined to exist only if the petitioner receives the concurrence from the Commission.

17.7 Variances.

*17.7.1 Where, upon written application of the responsible person or persons, the Technical Secretary finds that by reason of exceptional circumstances strict conformity with any

provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Technical Secretary may permit a variance from these regulations.

17.7.2 No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.

17.8 Circumvention. No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise violate these regulations.

*17.9 To aid in controlling the overall levels of air contaminants in the atmosphere, air pollution control facilities should be installed whenever practically, economically, and technologically feasible. When facilities have been installed on a property they shall be used and diligently maintained in proper working order whenever any emissions are being made which can be controlled by the facilities, even though the ambient air quality standards in affected areas are not exceeded.

*17.10 No person or persons owning, leasing, renting or controlling the operation of any source of air contaminants shall cause, suffer, allow or permit emissions from their source of air contaminants which will result in "undesirable levels" as defined in Section 4.74 herein in the atmosphere over properties other than that of the person owning, leasing, renting or controlling the operation of such source.

**17.11 Notification Required. Pursuant to 6.1 the Department must be notified promptly of emergency occurrences or upsets that will substantially increase emissions. Immediate telephone notification should be followed promptly by written notification, within 7 calendar days, giving details of the occurrence and remedial actions. Timely and appropriate follow-up reports should be made detailing the methods or procedures to be used to prevent similar atmospheric releases. Such notification does not imply the Technical Secretary will automatically grant an exemption to the source(s) of excessive emissions.

**17.12 Emission Inventory. An updated report must be submitted semiannually, if there has been any significant change in reported annual emission rates. A significant change is one in which the annual emission rate of any individual pollutant from any individual emission point changes more than ten percent from reported annual values.

**17.13 Reports. Reports must be made to the Department semiannually. These reports are to be submitted to the Department by January 20, and July 20. The report should include all data applicable to the emission source or sources which may be required under Section 6.10.2, 8.5.1 or 17.11 of the regulations. In any event, data should confirm the facility remained in compliance during the six month period or achieved the prescribed milestones to ultimately achieve compliance.

18.0 Control of Air Pollution from Smoke.

*18.1 It is the purpose of this regulation to establish emission standards on smoke to prevent undesirable levels of this air contaminant from occurring.

*18.2 Control of Smoke. The emission of smoke from any combustion unit (other than a flare, as described in Section 18.3 below) or from any type of burning in a combustion unit (other than a flare), including the incineration of industrial, commercial, institutional and municipal wastes, shall be controlled so that the shade or appearance of the emission is not darker than No. 1 on the Ringelmann Smoke Chart (or of such

opacity) as to obscure vision to a degree equivalent to the above except that emitted during the cleaning of a fire box or the building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal and rapping of precipitators may be darker than No. 1 on the Ringelmann Smoke Chart (or the equivalent opacity) for a period or periods aggregating not more than four minutes in any sixty consecutive minutes.

*18.3 The emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases and for control over process upsets shall be controlled so that the shade or appearance of the emission is not darker than No. 1 on the Ringelmann Smoke Chart more than an aggregate time of six hours in any ten consecutive days. If it appears the emergency cannot be controlled in six hours, the Commission shall be notified by the emitter as soon as possible after the start of the upset period. Such notification does not imply the Technical Secretary will automatically grant an exemption to the source(s) of excessive emissions.

18.4 The restrictions in 18.3 shall not apply during shutdown and start-up periods.

*18.5 The emission of smoke which passes onto or across a public road and creates a traffic hazard by impairment of visibility as defined in 4.34 or intensifies an existing traffic hazard condition is prohibited.

18.6 Exclusions from application of this section. The following matters are excluded from application of this section:

18.6.1 Emissions of smoke pursuant to and in compliance with the terms of a variance granted by the Commission.

*18.6.2 Emissions of smoke from an activity when both of the following conditions are met:

(a) The source of emissions is in a relatively unpopulated area of the state.

(b) The Commission determines it is not technically practicable nor economically reasonable to eliminate the emissions.

18.6.3 Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Section 18.2 of this regulation, Section 18.2 will not apply.

*18.7 Any person claiming exclusion from the application of this section under this provision shall apply to the Commission through the Technical Secretary for exclusion in accordance with Section 2211 of the Act. The applicant shall furnish such information as the Commission may reasonably require to enable it to make a determination. The Commission may make such determination and apply such conditions as may be appropriate to the activity in question. A person granted an exclusion under this provision may be required to furnish the Commission with plans satisfactory to the Commission for implementing any reasonable control measures which may be developed or which otherwise become available.

19.0 Emission Standards for Particulate Matter.

19.1 Purpose. The purpose of this section shall be to limit the quantity of particulate matter emitted.

*19.2 Scope. This section applies to any operation, process, or activity from which particulate matter and/or suspended particulate matter is emitted except the wood pulping industry, the primary aluminum industry (horizontal stud Soderberg and prebake processes), and the burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials.

*19.3 Control of Fugitive Emissions. All reasonable pre-

cautions shall be taken to prevent particulate matter and/or suspended particulate matter from becoming airborne. These precautions shall include but shall not be limited to the following:

- (a) Use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- (b) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts;
- (c) Installation and use of dust collectors to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;
- (d) Open bodied trucks transporting materials likely to give rise to airborne dust shall be covered at all times when in motion;
- (e) Conducting agricultural practices such as tilling of land, application of fertilizers and insecticides in such a manner as to prevent dust from becoming airborne;
- (f) Paving roadways and maintaining the roadways in a clean condition;
- (g) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or other means.

19.4 General. The process weight rate per hour referred to in this section shall be based upon the normal operation maximum capacity of the equipment and if such normal maximum capacity should be increased by process or equipment changes, the new normal maximum capacity shall be used as the process weight in determining the allowable emissions.

*19.5 Emission Limitations. No person shall cause, suffer, allow, or permit the emission of particulate matter and/or suspended particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in Table 3 for the process weight rate allocated to such source. The rate of emission shall be the total of all emission points from the source.

*19.5.1 Control of Particulate Matter and/or Suspended Particulate Matter. The emission of particulate matter and/or suspended particulate matter from any source other than new or existing fluid catalytic cracking unit incinerator-waste heat boilers shall be controlled so that the shade or appearance of the emission is not denser than twenty percent opacity; except that emitted may be denser than twenty percent opacity for a period or periods aggregating not more than four minutes in any sixty consecutive minutes.

For new or existing fluid catalytic cracking unit incinerator-waste heat boilers emissions shall not exceed thirty percent opacity except that emitted may be denser than thirty percent opacity for a period or periods aggregating not more than three minutes in any sixty consecutive minutes.

Emissions already less than that allowed by the process weight rate limitation (Table 3) will be considered by the Technical Secretary for exemption from the provisions of the subsection.

When the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this subsection, this subsection will not apply.

*19.5.2 Variances. Where upon written application of the responsible person or persons the Technical Secretary finds that by reason of exceptional circumstances strict conformity

with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the Act. No variance may permit or authorize the maintenance of a nuisance or a danger to public health or safety.

19.6 Degradation of Existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth in Table 3 shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the guidelines as set forth by these regulations.

19.7 Measurement of Concentrations.

19.7.1 The methods listed in Table 4 or such equivalent methods as may be approved by the Department shall be utilized to determine particulate concentrations in stack gases.

19.7.2 Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

19.8 More Stringent Requirements.

*19.8.1 The Department may prescribe air quality control requirements that are more restrictive and more extensive than provided for in Sections 19.4 and 19.5 if the particulate matter and/or suspended particulate matter emitted is toxic, or a deleterious substance which may affect human health or well-being or which would cause significant damage to animal or plant life.

*20.0 Refuse Incinerators.

*20.1 Purpose. The purpose of this section of these regulations is to prevent the operation or construction of refuse incinerators in such a manner as to cause air pollution.

*20.2 Scope. This section applies to all incinerators operated or constructed in the state for the purpose of reducing refuse.

*20.3 The burning capacity of a refuse incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Department in accordance with good engineering practices. In case of conflict, the determination made by the Department shall govern.

*20.4 All refuse incinerators must be approved by the Department prior to installation. Any person planning to install or operate a refuse incinerator must make suitable application to the Department. Forms are available from the Department.

*20.5 The amount of particulate matter emitted by a refuse incinerator shall be determined using methods listed in Table 4 or any other method approved by the Department.

20.6 Restrictions on Emissions.

*20.6.1 No person shall cause or permit the emissions of particulate matter from any refuse incinerator in excess of 0.2 grains of particulate matter per standard cubic foot of dry flue gas corrected to fifty percent excess air or twelve percent carbon dioxide.

*20.6.2 All refuse incinerators must be multichambered or of a design which the Department accepts as being equivalent. All multichambered incinerators must be equipped with secondary burners of such design as to assure a temperature in the secondary combustion chamber of at least 1500°F. for 0.3 seconds or greater.

*20.6.3 No person shall burn or cause or permit the burning of refuse in any installation which was designed for the sole

purpose of burning fuel without the authorization of Technical Secretary.

*20.7 Disposal of Particulate Matter and/or Suspended Particulate Matter. No person shall cause or permit the handling, use, transport, or storage of any material in a manner which allows or may allow controllable particulate matter and/or suspended particulate matter, fly ash, etc., to become airborne in such amounts as to cause a public nuisance or to cause ambient air quality standards to be exceeded.

**20.8 All equipment, accessories, appurtenances, (i.e. secondary burners, etc.) of a refuse incinerator installation shall be maintained in proper working condition and shall be operated at all times when the refuse incinerator is operated. (See also Sections 8.9 and 17.8)

21.0 Emission of Particulate Matter from Fuel Burning Equipment.

21.1 Purpose. The purpose of this section shall be to limit the quantity of particulate matter emitted from fuel burning equipment.

21.2 Scope. This section applies to fuel burning installations utilized for the primary purpose of producing steam, hot water, hot air or other indirect heating of liquids, gases, or solids where the products of combustion do not have direct contact with process materials. Fuel includes coal, coke, lignite, coke breeze, fuel oil, wood, or other fuels. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

*21.3 Emission Limitations. No person shall cause, suffer, allow or permit the emission of particulate matter and/or suspended particulate matter to the atmosphere from any fuel burning equipment in excess of 0.6 pounds per 10⁶ BTU of heat input.

*21.3.1 Variances. Where upon written application of the responsible person or persons the Technical Secretary finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control, or abatement of air pollution in harmony with the intent of the Act.

No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.

21.4 Degradation of Existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth in Section 21.3 shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the guidelines as set forth by these regulations.

21.5 Measurement of Concentrations.

21.5.1 The methods listed in Table 4 or such equivalent methods as may be approved by the Department shall be utilized to determine particulate concentrations in stack gases.

21.5.2 Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

21.6 More Stringent Requirements.

*21.6.1 The Department may prescribe air quality control requirements that are more restrictive and more extensive than provided for in Section 21.3 if the particulate matter and/or suspended particulate matter emitted is toxic, or a

deleterious substance which may affect human health or well-being or which would cause significant damage to animal or plant life.

*22.0 Control of Emission of Organic Compounds from New Sources and Existing Sources.

22.1 Purpose. The purpose of this section shall be to limit the quantity of organic compounds emitted.

*22.2 Scope. This section is applicable to any source from which an organic compound is emitted (except methane).

*22.3 Storage of Volatile Organic Compounds (Large Tanks). No person shall place, store or hold in any new stationary tank, reservoir, or other container of more than 40,000 gallons (151,400 liters) capacity, 50,000 gallons (189,300 liters) for existing containers, any volatile organic compounds unless such tank, reservoir or other container is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices:

(a) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and can be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the organic compounds have a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the organic compound vapors and gases and a vapor disposal system capable of processing such organic vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equivalent equipment or means as may be approved by the Technical Secretary.

This section does not apply to existing storage tanks having a nominal storage capacity of 420,000 gallons (1,589,900 liters) or less of crude oil or condensate or to new crude or condensate storage tanks having a nominal storage capacity of 420,000 gallons (1,589,900 liters) or less unless such new tanks are subject to 40 CFR Part 60 Subpart K. Notwithstanding any provision to the contrary contained in this regulation, the provisions of Regulations 22.3 and A 22.3 of the August 1, 1974 Regulations of the Louisiana Air Control Commission shall remain in effect until receipt of approval by the U. S. Environmental Protection Agency of Section 51.14 of the State Implementation Plan for the State of Louisiana adopted by the Louisiana Air Control Commission on November 30, 1977. At such time as State Implementation Plan approval is received, this regulation (22.3) shall then become effective.

*22.4 Storage of Volatile Organic Compounds (Small Tanks). No person shall place, store or hold in any stationary tank, reservoir, or other container of more than 250 gallons (950 liters) capacity any volatile organic compounds unless the container is equipped with a submerged fill pipe, a vapor recovery system or other equivalent equipment or means as may be approved by the Technical Secretary. This section does not apply to storage of crude or condensate.

*22.5 Volatile Organic Compounds (Loading Facilities). Any loading facility for volatile organic compounds servicing tanks, trucks or trailers having a capacity in excess of 200

gallons (760 liters) and having 20,000 gallons (75,700 liters) or more throughput per day, 40,000 gallons (151,400 liters) or more for existing facilities, averaged over any thirty-day period, must be equipped with a vapor collection and disposal system or equivalent means thereof, properly installed, in good working order; or in operation a loading system which will result in a ninety-five percent submerged fill either with a submerged fill pipe, or by loading from the bottom. Provisions must be made to prevent spills during the attachment and disconnection of filling lines or arms. This section does not apply to crude or condensate loading facilities.

***22.6 Volatile Organic Compounds Water Separation.** Single or multiple compartment volatile organic compound water separators which receive effluent water containing 200 gallons (760 liters) a day or more of any volatile organic compound from any equipment processing, refining, treating, storing, or handling volatile organic compounds shall be equipped with one of the following vapor loss control devices properly installed in good working order and in operation:

(a) A container having all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices will be gas-tight except when gauging or sampling is taking place.

(b) A container equipped with a floating roof, consisting of a pontoon type, double deck type roof, or internal floating cover which rests on the surface of the contents and be equipped with a closure seal or seals to close the space between the roof edge and container wall. All gauging and sampling devices will be gas-tight except when gauging or sampling is taking place.

(c) A container equipped with a vapor disposal system capable of processing such organic vapors and gases so as to prevent their emission to the atmosphere and with all container gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(d) Other equivalent equipment or means as may be approved by the Technical Secretary.

This subsection does not apply to oil field separators.

***22.7 Pumps, Compressors, Valves, etc.** All pumps and compressors handling volatile organic compounds shall be equipped with mechanical seals or other equivalent equipment or means as may be approved by the Technical Secretary.

***22.7.1 Housekeeping.** Best practical housekeeping and maintenance practices must be maintained at the highest possible standards to reduce the quantity of organic compound emissions. Emission of organic compounds must be reduced wherever feasible.

***22.8 Waste Gas Disposal.** Any waste gas disposal stream containing organic compounds from any emission source including those emissions from process unit upsets, start-ups and shutdowns shall be controlled by one of the following methods:

(a) Nonhalogenated hydrocarbons shall be burned at 1300°F (704°C) for 0.3 second or greater in a direct-flame afterburner or an equally effective device.

(b) Halogenated hydrocarbons shall be burned and the products of combustion subsequently controlled. The hydrocarbons shall be totally combusted and the halogenated products of combustion shall be reduced to a concentration which will not exceed undesirable levels (Section 4.74) at or beyond the property line.

(c) Other methods of control (such as, but not limited to, carbon adsorption, refrigeration, catalytic and/or thermal

reaction, secondary steam stripping, recycling or vapor recovery system) may be substituted for burning provided it is acceptable to the Technical Secretary.

Where it can be demonstrated to the Department that the waste gas stream:

1. is not significant,

2. will not support combustion without auxiliary fuel, or

3. disposal cannot be practically or safely accomplished by other means without causing economic hardship, the Technical Secretary may waive this requirement.

This section does not apply to safety relief and vapor blow-down systems where control cannot be accomplished because of safety or economic considerations. However, the emissions from these systems shall be reported to the Department as required under Section 17.13. Emergency occurrences shall be reported under Section 17.11.

***22.9 Organic Solvents.** Any emission source using organic solvents having an emission of organic solvents of more than 3 pounds (1.3 kilograms) per hour or 15 pounds (6.8 kilograms) per day shall reduce the emission where feasible, by incorporating one or more of the following control methods:

(a) Incineration, provided ninety percent of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide.

(b) Carbon absorption of the organic compounds.

(c) Any other equivalent means as may be approved by the Technical Secretary.

****22.9.1 Soldering Operations, Paint and Coating Operations, Dry Cleaning Operations Using Organic Solvents.** Soldering operations, paint and coating operations or dry cleaning operations using organic solvents which are not considered photochemically reactive shall be considered for exemption from the requirements of Section 22.9 of the Air Control Commission regulations.

For the purposes of the statement, a photochemically reactive solvent is any solvent with an aggregate of more than twenty percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: five percent.

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: eight percent.

3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: twenty percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

***22.10 Exemptions.** Sources emitting volatile organic compounds which do not react to form photochemical oxidants may be considered for exemption by the Technical Secretary if their control causes economic hardship. Notwithstanding any provision to the contrary contained in this regulation, the provisions of Regulations 22.10 and A 22.10 of the August 1, 1974, Regulations of the Louisiana Air Control Commission

shall remain in effect until receipt of approval by the U. S. Environmental Protection Agency of Section 51.14 of the State Implementation Plan for the State of Louisiana adopted by the Louisiana Air Control Commission on November 30, 1977. At such time as State Implementation Plan approval is received, this regulation (22.10) shall then become effective.

*22.11 Variances. Where upon written application of the responsible person or persons the Technical Secretary finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control, or abatement of air pollution in harmony with the intent of the Act.

No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.

*23.0 Control of Emissions from the Chemical Woodpulp Industry.

*23.1 Purpose. The purpose of this section shall be to limit the quantity of emissions from pulp manufacturing plants.

23.2 Scope. This section applies to manufacturing facilities for the pulping of wood and the preparation and recovery of associated chemicals by the kraft process, including combined recovery systems serving other processes such as neutral sulfite pulping.

*23.3 General. The pulp production rates referred to in this section shall be equivalent tons of unbleached air-dry kraft pulp. The equivalent production rate shall be calculated as actual tons of kraft pulp or on the basis that 3,000 pounds dry solids in spent liquor represents one ton equivalent kraft pulp, (1,500 kilograms equals 1 metric ton). Lime kiln load shall be rated on the basis of actual kraft pulp tons or on the basis that 550 pounds of reburned lime represents one ton equivalent kraft pulp, (275 kilograms equals 1 metric ton).

23.4 Emission Limitations. No person shall cause, suffer, allow or permit emissions to the atmosphere in excess of the limitations stated in this section. Notwithstanding the specific limits set forth in this section, in order to maintain the lowest possible emission of air contaminants, the highest and best practicable treatment and control currently available shall be provided in every case of new construction and/or modernization.

*23.4.1 Particulate Emissions. Emission of particulate matter shall not exceed the following limits.

(1) For recovery furnaces, not more than 4.0 pounds per equivalent pulp ton, (2.0 kilograms per equivalent pulp metric ton).

(2) For smelt dissolver vents, not more than 0.5 pounds per equivalent pulp ton, (0.25 kilograms per equivalent pulp metric ton).

(3) For lime kilns, not more than 1.0 pounds per equivalent pulp ton, (0.5 kilograms per equivalent pulp metric ton).

(4) For boilers fueled by bark, alone or in combination with other fuels, the provisions of Section 21 shall apply.

23.4.2 Sulfur Oxides. Emission of sulfur oxides shall not exceed the limits set forth in Section 24.7.4 of these regulations.

24.0 Emission Standards for Sulfur Oxides.

24.1 Purpose. The purpose of this section shall be to limit the quantity of sulfur oxides emitted.

24.2 Scope. This section applies to any operation, process or activity from which sulfur oxides are emitted.

24.3 Responsible Person to Have Tests Made. The Department may require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.

24.4 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department the person responsible for the source to be tested shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

24.5 Degradation of Existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth herein shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the purpose of these regulations.

24.6 Measurement of Concentrations.

24.6.1 The methods listed in Table 4 or such equivalent method as may be approved by the Department shall be utilized to determine sulfur dioxide concentrations in stack gases.

24.6.2 Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

*24.7 Emissions. Sections 24.7.1 and 24.7.3 apply to new sources; Section 24.7.4 applies to existing and new sources not covered in Sections 24.7.2 or 24.7.3.

*24.7.1 All refinery process gas streams or any other process gas stream that contains sulfur compounds measured as hydrogen sulfide shall be controlled by flaring or combustion. Small units may be exempted from this section by the Technical Secretary.

*24.7.2 The emissions of sulfur dioxide and acid mist from new sulfuric acid production units shall be limited to that specified in 40 CFR Part 60, Subpart H, i.e. 4.0 pounds/ton of 100 percent H₂SO₄ (2 kilograms/metric ton) and 0.15 pounds/ton of 100 percent H₂SO₄, (.075 kilograms/metric ton) respectively. Emissions from existing units shall be limited as follows: SO₂—not more than 2000 ppm by volume (3 hour average); acid mist—not more than 0.5 pounds/ton of 100 percent H₂SO₄.

24.7.3 The emission of sulfur oxides calculated as sulfur dioxide from a sulfur recovery plant shall be limited to 0.01 pound (kilogram) per pound (kilogram) of sulfur processed. This emission limitation corresponds to a sulfur dioxide concentration of approximately 1,300 ppm by volume.

*24.7.4 No person shall cause or permit the emission of sulfur dioxide, sulfur trioxide, and sulfuric acid mist, from any source, in such manner and amounts that the concentrations attributable to such emissions at any point beyond the premises on which the source is located exceeds those values set forth in Table 1. Nor shall any person discharge gases which contain concentrations of SO₂ which exceeds 2000 ppm by volume at standard conditions. Small units emitting sulfur

compounds measured as sulfur dioxide may be exempted from the 2000 ppm (v) limitation by the Technical Secretary.

*24.8 Variances. Where upon written application of the responsible person or persons the Technical Secretary finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the Commission may permit a variance from or consider a change in these regulations upon such conditions and with such time limitations as it may prescribe for prevention, control or abatement of air pollution in harmony with the intent of the Act. No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety.

**24.9 Exceptions.

**24.9.1 Start-up Provisions. A four-hour start-up exemption from the emission limitations of Section 24.7.2 may be authorized by the Technical Secretary for plants not subject to 40 CFR Part 60 Subpart H which have been shut down.

**24.9.2 On-line Operating Adjustments. A four-hour exemption from emission limitations of Section 24.7.2 may be extended by the Technical Secretary to plants not subject to 40 CFR Part 60 Subpart H where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A complete report, in writing, explaining the conditions and duration of the upset, shall be submitted to the Technical Secretary within seven calendar days of the occurrence. This provision is applicable to infrequent upsets only and ambient air quality shall not be significantly affected by such upsets. The Department reserves the right to review excessive use of this provision on an individual basis.

25.0 Control of Carbon Monoxide Emissions (New Sources).

25.1 Purpose. The purpose of this section shall be to limit the quantity of carbon monoxide emitted.

25.2 Scope. This section applies to any operation, process or activity from which carbon monoxide is emitted.

25.3 Responsible Persons to Have Tests Made. The Department may require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.

25.4 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department the person responsible for the source to be tested shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

25.5 Degradation of Existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth herein shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the purpose of these regulations.

25.6 Emissions.

*25.6.1 Ferrous Metal Emissions. No person shall emit the carbon monoxide gases generated during the operation of a gray iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned in a direct-flame afterburner or are controlled by other means as may be approved by the Technical Secretary.

*25.6.2 Petroleum Industry Emissions. No person shall emit the carbon monoxide waste gas stream from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere unless the waste gas stream is burned in a direct-flame afterburner or boiler or is controlled by other means as may be approved by the Technical Secretary.

26.0 Emission Standards for the Nitric Acid Industry.

26.1 Purpose. The purpose of this section shall be to limit the quantity of atmospheric emissions from nitric acid plants.

26.2 Scope. This section is applicable to all nitric acid production units in the State of Louisiana.

26.3 Exceptions.

26.3.1 Start-up Provisions. A four-hour start-up exemption from emission regulations may be authorized by the Technical Secretary for plants not subject to 40 CFR Part 60 Subpart G which have been shut down. It is recognized that existing nitrogen oxide abatement equipment is effective only at normal operating temperatures. This provision allows the necessary time to bring up a facility from a cold start to near steady state condition.

*26.3.2 On-line Operating Adjustments. A four-hour exemption from emission regulations may be extended by the Technical Secretary to plants not subject to 40 CFR Part 60 Subpart G where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A complete report, in writing, explaining the conditions and duration of the upset shall be submitted to the Technical Secretary within seven calendar days of the occurrence. This provision is applicable to infrequent upsets only and ambient air quality shall not be significantly affected by such upsets.

The Department reserves the right to review excessive use of this provision on an individual basis.

26.4 Emissions. The emission of nitrogen oxides, calculated as nitrogen dioxide, from nitric acid production units shall be limited to 6.5 pounds per ton (3.3 kilogram/metric ton) of 100 percent acid produced. This emission limitation is equivalent to a nitrogen dioxide concentration of approximately 500 ppm by volume.

26.5 Responsible Persons to Have Tests Made. The Department may require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Department has reason to believe that an emission in excess of that allowed by these regulations is occurring. The Department may specify testing methods to be used in accordance with good professional practice. The Department may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Department shall be given a copy of the test results in writing and signed by the person responsible for the tests.

26.6 The Department May Make Tests. The Department may conduct tests of emissions of air contaminants from any source. Upon request of the Department the person responsible for the source to be tested shall provide necessary sampling ports in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination

of the emission of air contaminants.

26.7 Degradation of Existing Emission Quality Restricted. Emissions whose quality as of the effective date of these regulations is higher than the standards set forth herein shall be maintained at the higher quality unless it can be affirmatively demonstrated to the Department that a change in quality is justifiable and will not be contrary to the purpose of these regulations.

26.8 Measurement of Concentrations.

26.8.1 The methods listed in Table 4 or such equivalent method as may be approved by the Department shall be utilized to determine oxide of nitrogen concentrations in stack gases.

26.8.2 Measurement equipment shall be periodically calibrated to comply with minimal American Bureau of Standards Criteria.

*27.0 Prevention of Air Pollution Emergency Episodes.

27.1 Purpose. This regulation is designed to prevent the buildup of excess concentrations of air contaminants, during periods of high air pollution potential.

27.2 Scope. The Air Pollution Emergency Episode Plan described herein shall apply to prevention of damage to the health of the people of the State of Louisiana by air pollution episodes.

27.3 Episode Criteria. The Technical Secretary shall have reason to declare an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency, whenever he determines that air pollutant concentrations have reached a point in any place that is approaching or has reached a level that could, if sustained long enough, cause a substantial threat to the health of persons. In making this determination, the Technical Secretary will be guided by the following criteria.

27.3.1 "Air Pollution Forecast." The first stage is the Air Pollution Forecast, which is actuated by an Atmospheric Stagnation Advisory by the National Weather Service. The Air Pollution Forecast advises Air Control personnel that atmospheric conditions capable of causing an Air Pollution Emergency Episode exist in the area for which the advisory was issued.

*27.3.2 "Alert." The alert level is the concentration of pollutant at which the first stage of control action is taken. An alert will be declared when any one of the following levels is reached at any monitoring site:

SO₂—800 ug/m³ (0.3 ppm), 24-hr. average

Particulate—3.0 COH or 375 ug/m³, 24-hr. average

SO₂ and Particulate Combined—product of SO₂ ppm, 24-hr. average, and COHs equal to 0.2 or product of SO₂—ug/m³, 24-hr. average, and particulate—ug/m³ 24-hr. average equal to 65 x 10³

CO—17mg/m³ (15 ppm), 8-hr. average

Oxidant (O₃)—400 ug/m³ (0.2 ppm), 1-hr. average

NO₂—1130 ug/m³ (0.6 ppm), 1-hr. average 282 ug/m³ (0.15 ppm), 24-hr. average

and meteorological conditions indicate that the pollutant concentrations will remain at the above levels twelve hours or more or increase unless control actions are taken.

27.3.3 "Warning." The warning level indicates that pollutant concentration levels are continuing to rise and further control measures are needed. A warning will be declared when any one of the following levels is reached at any monitoring site:

SO₂—1600 ug/m³ (0.6 ppm), 24-hr. average

Particulate—5.0 COHs or 625 ug/m³, 24-hr. average

SO₂ and Particulate Combined—product of SO₂ ppm,

24-hr. average, and COHs equal to 0.8 or product of SO₂—ug/m³, 24-hr. average, and particulate—ug/m³, 24-hr. average equal to 261 x 10³

CO—34 mg/m³ (30 ppm), 8-hr. average

Oxidant (O₃)—800 ug/m³ (0.4 ppm), 1-hr. average

NO₂—2260 ug/m³ (1.2 ppm), 1-hr. average 565 ug/m³ (0.30 ppm), 24-hr. average

and meteorological conditions indicate that the pollutant concentrations remain at the above levels twelve hours or more or increase unless control actions are taken.

*27.3.4 "Emergency." The emergency level indicates that pollutant concentrations are increasing to dangerous levels and that the most stringent control actions are necessary in order to assure a reduction in pollutant concentration levels. An emergency will be declared when any one of the following levels is reached at any monitoring site:

SO₂—2100 ug/m³ (0.8 ppm), 24-hr. average

Particulate—7 COHs or 875 ug/m³, 24-hr. average

SO₂ and Particulate Combined—product of SO₂ ppm, 24-hr. average, and COHs equal to 1.2 or product of SO₂—ug/m³, 24-hr. average and particulate—ug/m³, 24-hr. average equal to 393 x 10³,

CO—46 mg/m³ (40 ppm), 8-hr. average

Oxidants (O₃)—1000 ug/m³ (0.5 ppm) 1-hr. average.

NO₂—3000 ug/m³ (1.6 ppm), 1-hr. average 750 ug/m³ (0.4 ppm), 24-hr. average

and meteorological conditions indicate that the pollutant concentrations will remain at the above levels twelve hours or more or increase unless control actions are taken.

*27.4 Emission Reduction Plans for Preventing Air Pollution Emergency Episodes.

27.4.1 When the Technical Secretary declares an Air Pollution Alert, any person responsible for the operation of sources of air pollution as listed in Table 5 shall take such action as prescribed by Table 5 and shall activate the pre-planned abatement strategy listed in Section 27.5 for an Air Pollution Alert.

27.4.2 When the Technical Secretary declares an Air Pollution Warning, any person responsible for the operation of sources of air pollution as listed in Table 6 shall take such action as prescribed by Table 6 and shall activate the pre-planned strategy listed in Section 27.5 for an Air Pollution Warning.

27.4.3 When the Technical Secretary declares an Air Pollution Emergency, any person responsible for the operation of sources of air pollution as listed in Table 7 shall take such action as prescribed by Table 7 and shall activate the pre-planned abatement strategy for an Air Pollution Emergency.

27.4.4 When the Technical Secretary determines that the criteria level has been reached due to the emissions of a limited number of sources, he shall notify such sources that the preplanned strategy in Table 5, 6, or 7 or standby plan should be put into effect.

27.5 Preplanned Strategies.

27.5.1 Any person responsible for operation of a source as listed in Tables 5, 6, and 7 shall prepare standby plans for the reduction of emissions during periods of Air Pollution Alert, Air Pollution Warning and Air Pollution Emergency, standby plans shall be designed to reduce or eliminate emissions in accordance with the objectives as set forth in Tables 5, 6, and 7.

27.5.2 Any persons responsible for the operation of any source not listed in Tables 5, 6, and 7 shall, when requested by the Technical Secretary, submit a standby plan for the reduc-

tion or elimination of emission during an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency.

27.5.3 During an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency, standby plans as required by this section shall be made available on the premises to any person authorized by the Air Control Commission to enforce these regulations.

27.5.4 Standby plans as required by this section shall be available to the Technical Secretary upon request for evaluation as to the adequacy of the plan to effectively meet the objectives set forth in Tables 5, 6, and 7. Any company asked to furnish a standby plan to the Technical Secretary shall have thirty days from the date of request to submit a plan. Any company asked to furnish a standby plan to the Technical Secretary shall have thirty days from the date of request to submit a plan.

***28.0 Emission Standards for Particulate Matter and/or Suspended Particulate Matter Horizontal Stud Soderberg Primary Aluminum Plants and Prebake Primary Aluminum Plants.**

***28.1 Purpose.** The purpose of this section shall be to limit the quantity of particulate matter and/or suspended particulate matter emitted from all horizontal stud Soderberg primary aluminum plants and all prebake primary aluminum plants in Louisiana.

28.2 Scope. This section applies to the primary aluminum industry utilizing the horizontal stud Soderberg process and the prebake process.

28.3 General Definitions.

28.3.1 Pot Line Primary Emission Control Systems. The system which collects and removes contaminants prior to the emission point. If there is more than one such system, the primary system is that system which is more directly related to the aluminum reduction cell.

28.3.2 Prebake Process Primary Aluminum Plants. Plants whose electrolytic cells require multiple consumable carbon electrodes in which the binder has been solidified by baking prior to insertion into the cell.

28.3.3 Horizontal Stud Soderberg Process Primary Aluminum Plant. Plants whose electrolytic cells have horizontal Soderberg (Self-baking) Anode(s).

28.4 Emission Limitations. No person shall cause, suffer, allow, or permit emissions to the atmosphere in excess of the limitations stated in this section. Notwithstanding the specific limits set forth in this section, in order to maintain the lowest possible emission of air contaminants. The highest and best practicable treatment and control currently available shall be provided in every case of new construction and/or major modifications at existing facilities.

28.4.1 Particulate Emissions—Horizontal Stud Soderberg Process. The total emission of particulate matter to the atmosphere from the reduction process (potlines) from the primary aluminum industry for the horizontal stud Soderberg process shall not exceed 20.0 pounds per ton (10 kilogram/metric ton) of aluminum produced based on the average of three twenty-four hour sampling periods.

The method of obtaining representative samples of particulate matter emitted to the atmosphere from the reduction process (potlines) shall be either:

(a) That method which, at the time of determining emissions, is required for new primary aluminum plants under the New Source Performance Standards under the Federal Clean Air Act (42 U.S.C. 1857 c-6), or, if such method has not been promulgated, then

(b) That method which may be agreed upon by and

between the Louisiana Air Control Commission and the United States Environmental Protection Agency.

***28.4.2 Particulate Emissions—Prebake Process.** The total emission of particulate matter to the atmosphere from the reduction process (potlines) shall be reduced to the lowest level consistent with the highest and best practicable technology available to the primary aluminum industry for the prebake process, but in no case shall the emission of particulate matter exceed 17.0 pounds average per ton (8.5 kilograms average per metric ton) of aluminum produced.

The method of obtaining representative samples of particulate matter emitted to the atmosphere from the reduction process (potlines) shall be either:

(a) That method which, at the time of determining emissions, is required for new primary aluminum plants under the New Source Performance Standards under the Federal Clean Air Act (42 U.S.C. 1857 c-6), or, if such method has not been promulgated, then

(b) That method which may be agreed upon by and between the Louisiana Air Control Commission and the United States Environmental Protection Agency.

28.5 Monitoring. Each horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall submit a detailed monitoring program subject to revision and approval by the Commission. The program shall include regularly scheduled monitoring for emissions of total particulates as well as ambient air sampling for suspended particulates.

28.5.1 Measurement of Concentrations. The methods listed in Tables 2 and 4, or such equivalent methods as may be approved by the Department, shall be utilized to determine these particulate concentrations.

28.6 Reportings.

28.6.1 Data shall be periodically reported for each source and station included in the approved monitoring program as follows:

(a) Ambient Air: Suspended particulate concentrations expressed as $\mu\text{g}/\text{m}^3$.

(b) Particulate Emissions: Results of all emission sampling conducted for particulates, expressed in pounds per ton of aluminum produced. The method of calculating pounds per ton shall be as specified in the approved monitoring programs. Particulate data shall be reported as total particulates.

(c) Compliance with Section 28.4.1 and 28.4.2 shall be determined by measurements of emissions from the potline primary control system plus measurements of emissions from the roof monitor and other points of emission to the atmosphere. Calculated emissions to the potrooms from the reduction cells based on hooding efficiency determined for gaseous fluoride may be substituted for roof monitor emission measurements in determining compliance with the regulation.

(d) Changes in collection efficiency of any portion of the collection or control system that resulted from equipment or process changes.

28.6.2 Every horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall furnish, upon request to the Air Control Commission, such other data as the Air Control Commission may require to evaluate the plant's emission control program. Such plants shall immediately report abnormal plant operations which result in increased emissions of air contaminants. Such notification does not imply the Technical Secretary will automati-

cally grant an exemption to the source(s) of excessive emissions.

****29.0 Fluoride Emission Standards for Phosphate Fertilizer Plants.**

****29.1 Purpose.** The purpose of this section shall be to limit the quantity of atmospheric fluoride emissions from phosphate fertilizer plants.

****29.2 Scope.** This section applies to those phosphate fertilizer plants which were constructed, or under construction or modification, prior to August 6, 1975.

****29.3 Definitions.** Terms defined in Title 40, Code of Federal Regulations Part 60 (40 CFR 60) Subparts A, T, U, and V, shall have the same meaning when used herein.

****29.4 Emission Limitations.** On and after the date on which each affected facility is required to be in compliance, no owner or operator subject to this regulation shall cause to be discharged into the atmosphere from any affected facility any gases which contain total fluorides in excess of the quantities listed below for each affected facility.

****29.4.1 Wet-Process Phosphoric Acid Plants:** 0.10 pounds of total fluorides per ton (50.0 grams/metric ton) of equivalent P₂O₅ feed.

****29.4.2 Superphosphoric Acid Plants:** 1.10 pounds of total fluorides per ton (550 grams/metric ton) of equivalent P₂O₅ feed.

****29.4.3 Diammonium Phosphate Plants:** 0.18 pounds of total fluorides per ton (90.0 grams/metric ton) of equivalent P₂O₅ feed.

****29.5 Test Methods and Procedures.** Test methods and procedures for determining compliance with this regulation shall be identical to those specified in 40 CFR 60 for corresponding types of plants or equivalent test methods and procedures approved by the Technical Secretary.

30.0 Severability.

If any provision of any of the sections of the regulations of the Commission or the application of that provision to any person, situation or circumstance is for any reason adjudged invalid, the adjudication does not affect any other provision of the sections of the regulations or the application of the adjudicated provision to any other person, situation or circumstance. The Commission declares that it would have adopted the valid portions and applications of the regulations without the invalid part, and to this end the provisions of the regulations are declared to be severable.

Table 1

**Primary
Ambient Air Quality Standards**

Air Contaminant	Standards Maximum Permissible Concentration
Suspended Particulate	75 ug/m ³ (Annual geometric mean) 260 ug/m ³ (Maximum 24 hour concentration not to be exceeded more than once per year)
Sulfur Dioxide (SO ₂)	80 ug/m ³ or 0.03 ppm (annual arithmetic mean) 365 ug/m ³ or 0.14 ppm (Maximum 24 hour concentration not to be exceeded more than once per year)
Carbon Monoxide (CO)	10,000 ug/m ³ or 9 ppm (Maximum 8 hour concentration not to be exceeded more than once per year) 40,000 ug/m ³ or 35 ppm (Maximum 1 hour concentration not to be exceeded more than once per year)
Hydrocarbons (Other than Methane)	160 ug/m ³ (0.24 ppm) (Maximum 3 hour concentration 6:00 a.m. -9:00 a.m. not to be exceeded more than once per year)
Total Oxidants	160 ug/m ³ 0.08 ppm (maximum 1 hour concentration not to be exceeded more than once per year)
Nitrogen Dioxide (NO ₂)	100 ug/m ³ (0.05 ppm) (annual arithmetic mean)

The contribution of any contaminant by a single source property shall be measured as the difference between the upwind level and the downwind level for the property, using methods approved by the Commission, or by the use of suitable engineering techniques such as source-dispersion calculations.

National primary ambient air quality standards define levels of air quality which the Administrator of the Environmental Protection Agency judges are necessary, with an adequate margin of safety, to protect the public health.

The hydrocarbons standard is for use as a guide in devising plans to achieve the oxidant standard.

Table 1a
Secondary
Ambient Air Quality Standards

Air Contaminant	Standards Maximum Permissible Concentration
Suspended Particulate	60 ug/m ³ (Annual geometric mean) 150 ug/m ³ (Maximum 24 hour concentration not to be exceeded more than once per year)
Sulfur Dioxide (SO ₂)	1300 ug/m ³ (Maximum 3 hour concentration not exceeded more than once per year)
Carbon Monoxide (CO)	10,000 ug/m ³ or 9 ppm (Maximum 8 hour concentration not to be exceeded more than once per year) 40,000 ug/m ³ or 35 ppm (Maximum 1 hour concentration not to be exceeded more than once per year)
Hydrocarbons (Other than Methane)	160 ug/m ³ (0.24 ppm) (Maximum 3 hour concentration 6:00 a.m. -9:00 a.m. not to be exceeded more than once per year)
Total Oxidants	160 ug/m ³ 0.08 ppm (Maximum 1 hour concentration not to be exceeded more than once per year)
Nitrogen Dioxide (NO ₂)	100 ug/m ³ (0.05 ppm) (annual arithmetic mean)

The contribution of any contaminant by a single source property shall be measured as the difference between the upwind level and the downwind level for the property, using methods approved by the Commission, or by the use of suitable engineering techniques such as source-dispersion calculations.

National secondary ambient air quality standards define levels

of air quality which the Administrator of the Environmental Protection Agency judges necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

The hydrocarbons standard is for use as a guide in devising plans to achieve the oxidant standard.

Table 2

Ambient Air—Methods of Contaminant Measurement

Air Contaminant	Sampling Interval	Analytical Method
Suspended Particulate	24 hours	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix B.
Sulfur Dioxide	24 hours	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix A.
	Continuous	Any method complying with reference or equivalent methods in Title 40, Code of Federal Regulations, Part 53, Subpart B.
Total Oxidants	Continuous	Any method complying with reference or equivalent methods in Title 40, Code of Federal Regulations, Part 50, Appendix D, and Part 53, Subpart B.
Hydrocarbons	1 hour	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix E.
Carbon Monoxide	Continuous	Any method complying with reference or equivalent methods in Title 40, Code of Federal Regulations, Part 50, Appendix C, and Part 53, Subpart B.
Nitrogen Dioxide	24 hours	Any method complying with reference method in Title 40, Code of Federal Regulations, Part 50, Appendix F.

Table 3
Allowable Rate of Emissions Based on
Process Weight Rate

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Pounds/Hour	Tons/Hour	Pounds/hour	Pounds/Hour	Tons/Hour	Pounds/Hour
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to 60,000 pounds/hour shall be accomplished by use of the equation $E = 4.10 (P)^{0.67}$, and interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation:

$$E = 55.0 ((P)^{0.11}) - 40$$

where E equals rate of emission in pounds/hour and P equals process weight rate in tons/hour.

***Table 4**

Emissions—Methods of Contaminant Measurement

Emission	Analytical Method
Particulate	1) Title 40, Code of Federal Regulations, Part 60, Appendix A—Methods 1, 2, 3, 4, 5 or equivalent method, or Part 60.8(b).
Sulfur Oxides	1) Seidman, Analytical Chemistry Volume 30, page 1680 (1958) "Determination of Sulfur Oxides in Stack Gases." 2) Shell Development Company Method for the Determination of Sulfur Dioxide and Sulfur Trioxide PHS 999 AP-13 Appendix B, pages 85-87 "Atmospheric Emissions Sulfuric Acid Manufacturing Processes". 3) Reich Test for Sulfur Dioxide, "Atmospheric Emissions from Sulfuric Acid Manufacturing Processes" PHS 999 AP-13 Appendix B, pages 76-80. 4) The Modified Monsanto Company Method, "Atmospheric Emissions from Sulfuric Acid Manufacturing Processes" PHS 999 AP-13, Appendix B, pages 61-67. 5) Title 40, Code of Federal Regulations Part 60, Appendix A, Test Methods 1, 2, 3, 4, 6 and 8, or Part 60.8(b).
Oxides of Nitrogen	1) Title 40, Code of Federal Regulations, Part 60 Appendix A, Test Methods 1, 2, 3, 4 and 7, or Part 60.8(b).
*Visible Emissions	1) Ringelmann Chart published and described in the "U.S. Bureau of Mines Information Circular 8333" or U.S. Public Health Service Smoke Inspection Guide as described in the Federal Register, Title 42, Chapter 1, Sub-Chapter F, Part 75. **2) Title 40, Code of Federal Regulations Part 60, Appendix A-Method 9.
**Total Fluoride	1) Title 40, Code of Federal Regulations, Part 60, Appendix A-Methods 1, 2, 3, 13A and 13B.

Table 5

Emission Reduction Plans—Alert Level

Part A. General

1. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.
2. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 p.m.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.
4. Persons operating motor vehicles should eliminate all unnecessary operations.

Part B. Source Curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this alert level.

Source of Air Pollution

Control Action

- | | |
|--|---|
| 1. Electric power generating facilities. | a. Substantial reduction by utilization of fuels having low ash and sulfur content.

b. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area. |
|--|---|

2. Process steam generating facilities.
 - a. Substantial reduction by utilization of fuels having low ash and sulfur content.
 - b. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
 - c. Substantial reduction of steam load demands consistent with continuing plant operations.

3. Manufacturing industries of the following classifications: Primary Metals Industry, Petroleum Refining Operations, Chemical Industries, Mineral Processing Industries, Paper and Allied Products and Grain Industry.
 - a. Substantial reduction of air pollutants from manufacturing operations by curtailing, postponing, or deferring production and all operations.
 - b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors, or malodorous substances.
 - c. Maximum reduction of heat load demands for processing.
 - d. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

***Table 6**

Emission Reduction Plans—Warning Level

Part A. General

1. There shall be no open burning by any person.
2. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.
3. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m.
4. Persons operating motor vehicles must reduce operations by the use of car pools and increased use of public transportation and elimination of unnecessary operation.

Part B. Source Curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this warning level.

Source of Air Pollutant	Control action
1. Electric power generating	<ol style="list-style-type: none"> a. Maximum reduction by utilization of fuels having lowest ash and sulfur content. b. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of warning area.
2. Process steam generating facilities	<ol style="list-style-type: none"> a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content. b. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Making ready for use a plan of action to be taken if an emergency develops.
3. Manufacturing industries which require considerable lead time for shutdown including the following classifications: Petroleum Refining, Chemical Industries, Primary Metals Industries, Glass Industries and Paper and Allied Products	<ol style="list-style-type: none"> a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardships by postponing production and allied operation. b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

4. Manufacturing industries require relatively short lead times for shutdown including the following classifications: Primary Metals Industries, Chemical Industries, Mineral Processing Industries, and Grain Industry

- a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
- b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.
- c. Maximum reduction of heat load demands for processing.
- d. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

***Table 7**
Emission Reduction Plans—Emergency Level
Part A. General

- 1. There shall be no open burning by any person.
- 2. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.
- 3. All places of employment described below shall immediately cease operations.
 - a. Mining and quarrying of nonmetallic minerals.
 - b. All construction work except that which must proceed to avoid emergent physical harm.
 - c. All manufacturing establishments except those required to have in force an air pollution emergency plan.
 - d. All whole trade establishments; i.e., places of business primarily engaged in selling merchandise to retailers, or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies, except those engaged in the distribution of drugs, surgical supplies, and food.
 - e. All offices of local, county and State government including authorities, joint meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government, authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order.
 - f. All retail trade establishments except pharmacies, surgical supply distributors, and stores.

- g. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices.
- h. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments, photographic studios, beauty shops, barber shops, shoe repair shops.
- i. Advertising offices, consumer credit reporting, adjustment and collection agencies, duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services, equipment rental services, commercial testing laboratories.
- j. Automobile repair, automobile services, garages.
- k. Establishments rendering amusement and recreational services including motion picture theaters.
- l. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.
- 4. All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of air pollutants from their operation by ceasing, curtailing, or postponing operations which emit air pollutants to the extent possible without causing injury to persons or damage to equipment.
- 5. The use of motor vehicles is prohibited except in emergencies with the approval of local or State police. The Department will notify State police whenever an emergency is declared.

Part B. Source Curtailment

Any person responsible for the operation of a source of air pollutants listed below shall take all required control actions for this emergency level.

Source of Air Pollution

Control action

1. Electric power generating facilities.

a. Maximum reduction by utilization of fuels having lowest ash and sulfur content.

b. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

c. Maximum reduction by diverting electric power generation to facilities outside of emergency area.

2. Process steam generating facilities.

a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.

b. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

c. Taking the action called for in the emergency plan.

3. Manufacturing industries of the following classifications: Primary Metals Industries, Petroleum Refining, Chemical Industries, Mineral Processing Industries, Grain Industry, and Paper and Allied Products

a. Elimination of air pollutants from manufacturing operations by ceasing, curtailing, postponing, or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, or malodorous substances.

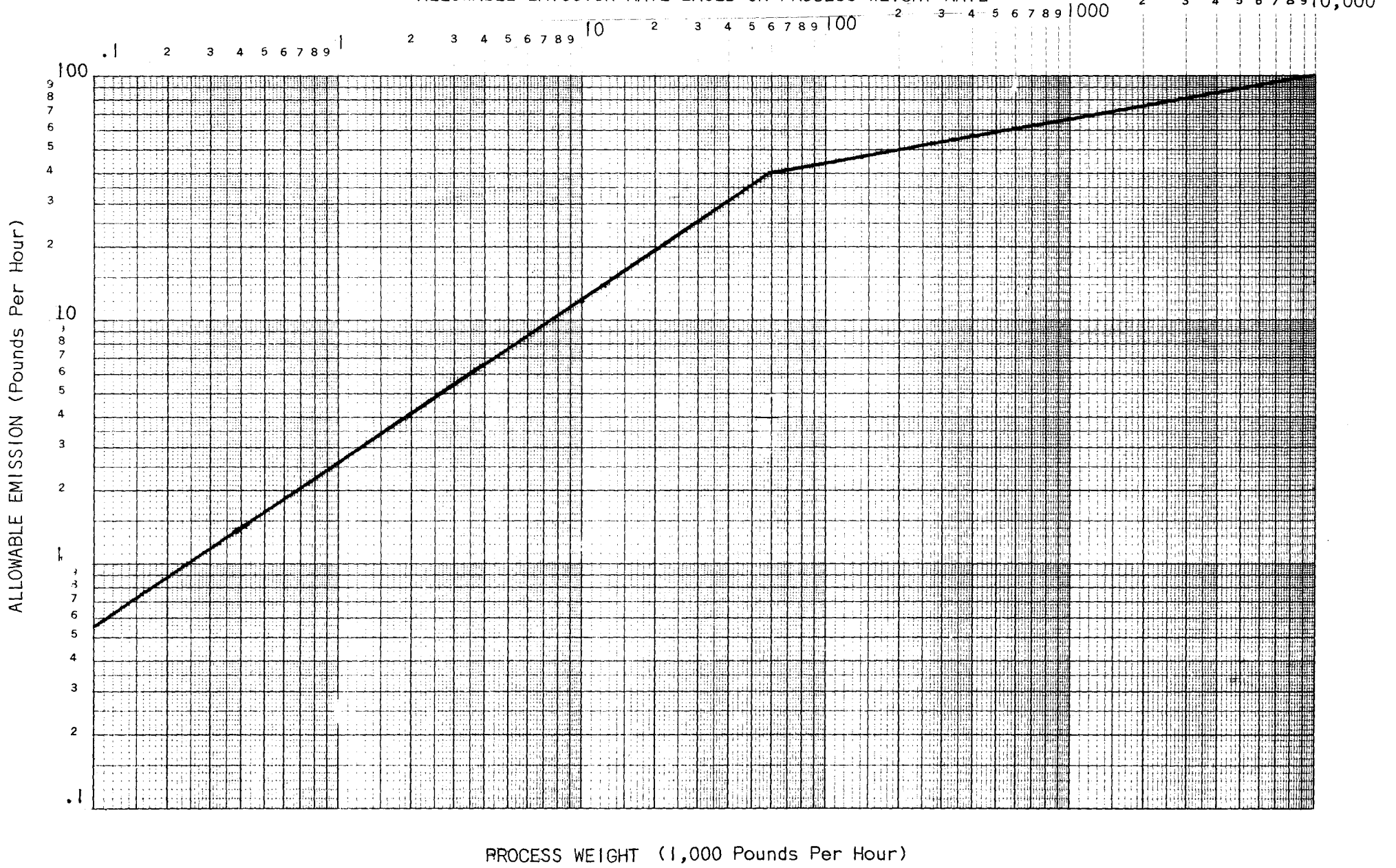
c. Maximum reduction of heat load demands for processing.

d. Maximum utilization of midday (12:00 noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.

James F. Coerver
Technical Secretary
Air Control Commission

Figure 1

ALLOWABLE EMISSION RATE BASED ON PROCESS WEIGHT RATE



RULE

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has permanently adopted a previously published emergency rule which stipulated that, effective December 1, 1977, the reservation of a bed for up to twenty-five days per calendar year while the recipient is absent from an intermediate care facility for the mentally retarded for home leave. Retroactive payment will not be made for any home leave days which exceeded the previous eighteen-day limitation prior to December 1, 1977.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services, has adopted the following policy for controlling the enrollment level within budgetary limits in the vendor payment day care program.

A proportional share or quota of day care spaces shall be designated by the State Office of Family Services on a regional basis. The regional quota is based on the results of an analysis of the day care quarterly reports for the past two years to determine the average usage of vendor payment day care services by region. At the beginning of each quarter, the regional social services consultants shall be furnished the quota for their particular region. This quota system is not applicable to those children receiving day care through the Work Incentive Program (WIN), as provision of day care is mandatory for the WIN recipient. Upon receipt of the regional quota, the social services consultants or their designated representative must then determine how many spaces will be allowed for each parish in the region which has participating day care centers and family day care homes (HD's). Once the parish Office of Family Services has been assigned its quarterly quota, internal controls shall be established by the local office to assure that the number of children certified for day care does not exceed the quota.

During the balance of this fiscal year should it be determined that an additional number of children can be served, the quota shall be increased accordingly.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

**Department of Health and Human Resources
Office of Family Services**

The Department of Health and Human Resources, Office of Family Services has adopted the following policy in relation to board payments for foster children in certain private child caring institutions. The board rate paid by the Office of Family Services has been adjusted to equal the board rate paid to the same facilities by the Office of Youth Services. The new rates to the designated facilities reflect the costs of child care as audited by

the Office of Youth Services. The designated child caring facilities and the adjusted board rates are as follows:

Facility	Adjusted Rate
Blundon Home	\$630.00
Carrollton House	617.10
*Hope Haven/Madonna Manor	630.00
Joliet House	630.00
LaPlace Christian Home	544.50
Lafitte House	591.00
McDonnell Methodist Home	618.90
Milne	630.00
Pollux House	630.00
Rutherford House	630.00
Sager Brown School	630.00
St. Elizabeth's	630.00
Samaritan House	630.00
Southern Hills Group Home	545.70

*Does not include children in the intensive care unit at above \$630 rate.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of Management and Finance**

The Department of Health and Human Resources has adopted the following amendments to its rules and sliding billing scales for general hospitals.

I. Admissions.

A. General Hospitals—Admissions for treatment shall be made available only to bona fide residents of the State of Louisiana. In no case shall persons of any description be refused emergency treatment. Persons who are not poor, destitute, or medically indigent shall be admitted only on a space available basis and shall be billed in accordance with the applicable fee schedule upon leaving the hospital. Persons who are potentially eligible for medical assistance benefits from any Federal or State program may be billed for services, if such billing may render them eligible for said benefits. In the event that the program does not cover the appropriate charges for treatment, or the person is later determined to be ineligible for benefits, the responsible party shall be charged and billed in accordance with these rules and regulations. Persons seeking treatment shall furnish all information requested by the Intake Screening Department of the admitting facility.

II. General Regulations.

C. Failure to Provide Information—A person responsible for the payment of charges for services rendered who refuses to supply the information necessary for an accurate determination of eligibility by the administrator of each facility of the required rate of charges for services rendered shall be presumed to be able to pay the full cost of services rendered and shall be billed accordingly. Any person who is potentially eligible for medical assistance benefits from any Federal or State program who refuses to apply for and follow through with application for said benefits shall be presumed to be able

to pay the full cost of services rendered and shall be billed accordingly.

* * * *

E. Medical Assistance—All persons eligible to receive medical assistance benefits from any Federal or State program shall be eligible for free treatment provided the program as administered has agreed to cover the appropriate charges for treatment. All persons potentially eligible for medical assistance benefits from any Federal or State program who have been admitted to a State facility shall apply for and follow through with application for said benefits. In the event that the program does not cover the appropriate charges for treatment, or the person is later determined to be ineligible for benefits, the responsible party shall be charged and billed in accordance with these rules and regulations.

* * * *

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULE

Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries has adopted, via resolution of the Wildlife and Fisheries Commission, the following rule:

Whereas, the Vernon Parish Police Jury has requested commercial nets be prohibited in Lake Vernon, Anacoco Lake, and that portion of Anacoco Bayou between the lakes, all in Vernon Parish, and

Whereas, fish population samples taken by the district fisheries biologist indicated a very low population of commercial fishes, and

Whereas, it is evident there are no viable commercial fisheries due to the scarcity of these commercial species,

Therefore be it resolved, the Louisiana Wildlife and Fisheries Commission hereby prohibits the use of all commercial webbing in Anacoco Lake, Lake Vernon, and that portion of Anacoco Bayou between the lakes. This prohibition will become effective March 1, 1978.

J. Burton Angelle, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

**Department of Agriculture
Office of Agricultural and Environmental Sciences
Seed Commission**

The Department of Agriculture, Office of Agricultural and Environmental Sciences, Seed Commission, intends to adopt a rule authorizing the certification of Dare, Davis, Forrest, Hill, Lancer, Mack, and Terra Vig. 708 varieties of soybean seed with a germination of seventy percent or better for the 1977 crop.

All tags issued on seed with germination below eighty percent but seventy percent or above will be stamped "Substandard for

Germination," and the actual germination will appear on the tag.

The Seed Law tolerance will not apply to germination below seventy percent. The applicant for tags will be responsible for seed that germinates below seventy percent.

In addition, the Commission proposes to set fees for the field inspection of certified seed, and to revise the fee schedule for the laboratory analysis of seed.

Interested persons may comment on the proposed regulations, in writing, through March 6, 1978, at the following address: Mr. Richard Carlton, Secretary, Seed Commission, Department of Agriculture, Box 44153, Baton Rouge, Louisiana 70804.

Richard Carlton, Secretary
Seed Commission

NOTICE OF INTENT

**Department of Commerce
Real Estate Commission**

Pursuant to R.S. 49:951, et seq., notice is hereby given that the Louisiana Real Estate Commission intends to consider at its March 9-10, 1978, meeting adoption of new and/or revised rules and regulations pertaining to examination procedures and procedures pertaining to real estate schools.

Interested persons may present their views, in writing, to the Louisiana Real Estate Commission, Box 44517, Baton Rouge, Louisiana 70804, not later than March 6, 1978.

Stanley Passman, Executive Director
Real Estate Commission

NOTICE OF INTENT

Louisiana State University

The Board of Supervisors of Louisiana State University will meet at 10:00 a.m., April 7, 1978, on the L.S.U.-Alexandria campus to consider the adoption of the following proposed amendments to its Regulations and Bylaws. Interested persons may submit written comments through March 24, 1978, to the Board of Supervisors, Louisiana State University, Box J-G, Baton Rouge, Louisiana 70893.

**Proposed Amendments to University Regulations
Section 1-4 entitled "Louisiana State University Law Center"**

1-4.1 The Louisiana State University Law Center is designated as a separate major administrative subdivision of the University System whose administrative head shall be its Chancellor.

1-4.2 The Louisiana State University Law Center, including its Center for Civil Law Studies, shall continue to carry on all of the instructional, research, and public service activities formerly within the jurisdiction of the Louisiana State University Law School and to expand such services to the State of Louisiana as personnel and financial resources permit.

1-4.3 The Center for Civil Law Studies, within the Louisiana State University Law Center, shall promote and encourage the scientific study of the civil law system in the modern world, its history, structure, principles, and actualities, with a view toward facilitating a better understanding and further development of the private law of the State of Louisiana and other civil law jurisdictions by means of theoretical and practical activities of all

kinds, including publications, translations, the sponsorship of faculty and student exchanges and visiting scholars, and the presentation of specialized programs, seminars, and lectures.

1-4.4 The Louisiana State University Law School shall be continued and recognized as a major unit within the Louisiana State University Law Center, charged with the responsibility for conducting the primary educational and degree-granting functions of the Law Center.

1-4.5 The faculty of the Louisiana State University Law Center shall consist of all present members of the law faculty, together with all persons who shall be appointed in the future with the academic rank of instructor or higher, and said faculty shall possess all of the rights, privileges, duties, and responsibilities which are now, or in the future may be granted by the Board of Supervisors.

**Proposed Amendments to the
Bylaws of the Board of Supervisors**

The following sections, or parts of sections, shall be changed to read:

Article I, Section C(1)

1. Louisiana State University and Agricultural and Mechanical College (including the School of Veterinary Medicine, Division of Continuing Education, and other units having statewide responsibilities), located at Baton Rouge.

Article V, Section 6, first paragraph

Section 6. Executive Committee. The Executive Committee shall consist of nine members with the Chairman and Vice Chairman of the Board serving in those same capacities on the Committee. The chairman of each of the standing committees, as well as the immediate past Chairman of the Board, shall also be members of the Committee. The remaining number, for a total of nine, shall be appointed by the Chairman of the Board.

M. D. Woodin
President of the University and
Secretary to the Board of Supervisors

NOTICE OF INTENT

**Department of Health and Human Resources
Air Control Commission**

The Louisiana Air Control Commission will meet at 10:00 a.m. March 28, 1978, in the Louisiana State University Medical School Auditorium, 1542 Tulane Avenue, New Orleans, Louisiana, to consider changing some of the sampling sites designated in the State Implementation Plan. An explanation of the proposed changes is available for public inspection at the following locations:

1. State Office Building, 325 Loyola Avenue, New Orleans, Room 409.
2. East Baton Rouge Parish Health Unit, 353 North 12th Street, Baton Rouge, Room 83.
3. Welfare Building, 1505 North 19th Street, Monroe.
4. Calcasieu Parish Health Unit, 721 Prien Lake Road, Lake Charles.
5. State Office Building, 1525 Fairfield Avenue, Shreveport, 5th Floor.

Written comments on site relocations may be submitted through March 28, 1978, to Mr. Orey Tanner, Jr., Assistant Chief, Air Quality Section, Box 60630, New Orleans, Louisiana 70160.

James F. Coerver
Technical Secretary
Air Control Commission

NOTICE OF INTENT

**Department of Health and Human Resources
Board of Nursing**

The Louisiana State Board of Nursing hereby gives notice that the Board, at its March 30-31, 1978, meeting intends to adopt the following proposed Rules and Regulations for the Delegation of the Nursing Function of Administration of Intravenous (I. V.) Medications and Fluids to Licensed Practical Nurses. Public notification made herein indicates no final approval. The public is made aware of the proposed changes in compliance with R.S. 49:951-966.

Interested persons may submit their written views and opinions until 4:30 p.m., March 27, 1978, at the following address: Louisiana State Board of Nursing, 907 Pere Marquette Bldg., 150 Baronne St., New Orleans, Louisiana 70112.

Reasonable opportunity for oral comment will be permitted at the meeting. This item of business has been placed on the agenda for 10:00 a.m. on Thursday, March 30, 1978.

The Board will convene its March meeting at 8:30 a.m., March 30, 1978, in the St. Maxent Room A-B of the Downtown Howard Johnson's, 330 Loyola Avenue, New Orleans, Louisiana. The meeting will recess for lunch at approximately noon and will reconvene at approximately 1:00 p.m. for other matters on the agenda, in the office of the Board located at 907 Pere Marquette Building, New Orleans, Louisiana.

**Proposed Rules and Regulations for the
Delegation of the Nursing Function of
Administration of Intravenous Medications
and Fluids to Licensed Practical Nurses.**

1. Competency of the registered nurse to administer intravenous (I.V.) medications and to start I.V.'s is to be determined by successful completion of an educational program for administration of I.V. therapy and medications that has been approved for a minimum of forty continuing education contact hours by the Louisiana State Nurses Association. Successful completion shall mean passing an examination on the course objectives.

2. For the purpose of this document, medication is defined as any pharmaceutical which requires a prescription (including orders written on doctors' order sheets) by a licensed physician or dentist.

3. Registered nurses may delegate the administration of I.V. medications and fluids to licensed practical nurses who have at least one year's work experience and who meet the requirement of successful completion of an educational program for administration of I.V. therapy and medication that has been approved for a minimum of forty continuing education contact hours by the Louisiana State Nurses Association (successful completion means passing an examination on the course objectives).

4. The following functions may be delegated to the licensed practical nurse by the registered nurse provided the conditions are met:

A. Hanging routine I.V. fluids.

B. Adding bottles for hyperalimentation, if the bottle is prepared by a pharmacist as interpreted directly from the physician's order.

C. Administering piggyback medications when prepared in a diluted state by a pharmacist as interpreted directly from the physician's order.

D. Administering I.V. fluids containing medication added by a pharmacist as interpreted directly from the physician's order.

E. In emergency situations: (1) initiating I.V. therapy using only needles or short line catheters or butterflies; (2) administering drugs defined under existing health agency protocols.

5. The registered nurse may not delegate the following nursing functions:

A. Administration of investigational drugs.

B. Administration of cancer therapeutic drugs.

C. I.V. push other than those defined by health agency protocol in emergency situations.

D. Administration of blood and blood products.

This regulation, with the exception of the course requirement, will be effective April 20, 1978. The requirement of the course will be effective January 1, 1981. Any registered nurse not in compliance at that time may not perform I.V.'s nor may registered nurses delegate to licensed practical nurses not in compliance.

Merlyn M. Maillan, R.N., Executive Director
Board of Nursing

NOTICE OF INTENT

Department of Labor Office of Employment Security

Notice is hereby given that the Office of Employment Security will hold a public hearing in Room 155 of the Office of Employment Security Building, 2200 Fuqua Street, Baton Rouge, Louisiana, on Friday, March 6, 1978, at 10:00 a.m., to consider amending Regulation 35 of the Regulations of the Office of Employment Security.

Regulation 35. Terms and Conditions

Not Applicable to Claims for or Payment of Extended Compensation

(a) Section 1600(4) of the Louisiana Employment Security Law, pertaining to a waiting period of one week, is not applicable to claims for extended compensation.

(b) All disqualifications for regular benefits apply to extended benefits in the same manner and to the same extent as to regular claims.

(c) The forwarding of an extended compensation claim notice to a former employer of an individual does not serve to reopen a previously resolved issue or open to adjudication any issue concerning which an employer failed to furnish information within the time provided by Regulation 11.

Interested persons may submit data, views, or arguments relative to the proposed regulation amendment orally or in writing at the public hearing or prior to the hearing in writing by submitting them to the Office of Employment Security, Box 44094, Baton Rouge, Louisiana 70804. The Administrator may adopt the proposed regulation as presented or amended.

Thomas M. Lockwood, Administrator
Office of Employment Security

NOTICE OF INTENT

Department of Natural Resources

Notice is hereby given that the Secretary of the Department of Natural Resources proposes to adopt permanent policies and rules relating to the development of the State of Louisiana's natural resources, and in particular its mineral resources. Atten-

tion is directed to the emergency measures, adopted November 18, 1977, and published in the Louisiana Register on December 20, 1977, under which the Department of Natural Resources is now operating and which will be superseded by the proposed permanent policies.

Interested persons may submit written comments through March 15, 1978, to William C. Huls, Secretary, Department of Natural Resources, Box 44396, Baton Rouge, Louisiana 70804.

Additionally, a public hearing will be held at 10:00 a.m., Friday, March 10, 1978, in the Mineral Board Hearing Room (Auditorium), First Floor, Natural Resources Building, Riverside at North Street, Baton Rouge. All interested persons will be afforded a reasonable opportunity to submit oral data, views, or comments which will be taken into consideration, along with any written comments, by the Secretary in formulating the final policies and rules.

William C. Huls, Secretary
Department of Natural Resources

NOTICE OF INTENT

Department of Urban and Community Affairs Office of Planning and Technical Assistance

Notice is hereby given that the Department of Urban and Community Affairs, Office of Planning and Technical Assistance, intends to adopt changes to its policies governing the administration of the United States Department of Housing and Urban Development's (HUD 701) Comprehensive Planning Assistance Program.

The purpose of the changes is to clarify the policies and thereby increase their efficiency. Copies of the proposed changes are available at Suite 101, 300 Louisiana Avenue, Baton Rouge, Louisiana.

All interested persons may submit their views and opinions, in writing, on or before March 10, 1978, to the following address: Leon Tarver, Secretary, Department of Urban and Community Affairs, Box 44455, Baton Rouge, Louisiana 70804.

I. Purpose—To institute and put forth the policies by which the State of Louisiana through the Louisiana Department of Urban and Community Affairs (DUCA), acting as the officially designated State agency to manage the U.S. Department of Housing and Urban Development's (HUD 701) Comprehensive Planning Assistance Program, will administer said program in the areas of areawide planning and management and local assistance.

II. Definitions—The Louisiana Department of Urban and Community Affairs complies with all definitions as assigned by HUD (Federal Register, Volume 40, Number 164, August 22, 1975; Federal Register, Volume 39, Number 240, December 12, 1974; Federal Register, Volume 42, No. 21, February 1, 1977; HUD Handbook I, II, and III). In addition, as used in this part, the following terms will have the meaning as indicated:

A. "DUCA" means Louisiana Department of Urban and Community Affairs.

B. "Planner" means an individual or an organization, private or nonprofit which has entered into a legal contract with DUCA to do local assistance and/or regional planning.

C. "S-O-P" means Supervisor of Planning.

D. "Subgrantee" means a metropolitan or non-metropolitan areawide planning organization (as defined by the Department of Housing and Urban Development)

which has entered into a legal contract with DUCA for planning and management assistance.

III. Local Assistance Program.

A. Application Requirements.

1. Application for grant or technical assistance will be required on an annual basis.

2. Department of Urban and Community Affairs will notify all eligible program participants of deadline dates for submittal of application. Application for local assistance grants will take the form described below.

Any incorporated municipality or parish shall be considered eligible to apply for a local assistance grant. Such eligible localities will receive notification of application form availability, application process requirements, and deadline dates. A resolution from the planning commission, where such exists, recommending the planning program will be attached to a resolution from the locality's governing body. This governing body's resolution must approve the recommendations set forth in the planning commission resolution. Resolutions will conform to standard resolutions prepared by DUCA. The complete application must be submitted to DUCA and postmarked no later than the date indicated in the letter of instructions. DUCA will mail a copy of the standard resolution to interested parties who contact DUCA for such information.

B. Allocation of Funds for Local Assistance.

1. Only applicants submitting a complete application by the date discussed above will be considered. Selection of applicants for participation in the program will be determined based on HUD and State guidelines. Final determination of participation in the program will be made by DUCA, based on the following:

(a) Prior successful participation in the DUCA/ HUD 701 technical assistance planning program;

(b) Prior planning experience;

(c) Factors that can be utilized to determine relative planning needs of localities within the state, as determined by DUCA staff in consultation with other planning professionals.

2. The planning program will be evaluated on an individual applicant basis at the time of contract execution. Such evaluations will be based on HUD guidelines and on availability of existing planning information as determined by DUCA in coordination with other State agencies.

C. Performance of Work.

1. (a) A preliminary report is a report which addresses, in narrative form, all the minimum requirements as given in the scope of services and any other needs of the locality. The report must be typed and paginated. Both primary and secondary data sources must be referenced through the use of footnotes and bibliography. The additional required inclusions for a final draft must also be included. A preliminary report must be designated as such on the front cover.

(b) A final draft is a report which is ready for printing. Such a report adequately addresses all scope of services requirements and any other requirements of the locality; references all primary and secondary data sources through the use of footnotes and bibliography; contains all documentation as listed in Section D 1-3 of these policies. A final draft must be designated as such on the front cover.

(c) Printed report refers to a report ready for distribution with the appropriate number of printed and bound copies of such report.

2. Preliminary local assistance reports will be scheduled for submittal to DUCA in coordination with DUCA, the planning commission, and the planner. Preliminary reports must be scheduled for submittal to DUCA at least fifteen working days prior to presentation of that report at an official planning commission meeting.

3. These preliminary reports must be scheduled for submittal throughout the contractual period, but prior to May 1 of the program year.

4. Nonperformance of local assistance plans: Failure to comply with established preliminary planning report submittal dates as specified under contract, may result in the following action. A grace period beginning the first working day following the scheduled submittal date and not exceeding five working days will be allowed. Upon expiration of the grace period, there will be a daily deduction of two percent of the element cost, that cost as stipulated by contract, for each working day that the planning report is overdue past the grace period, up to a maximum of twenty-five percent. The entire contract may be subject to termination if the planning report is not submitted within thirty working days following the scheduled submittal date.

5. Amendments to the planning activities as specified in the contract will be made in writing and signed by the planning commission chairman and will be submitted to DUCA for approval. Such amendments should be submitted to DUCA as soon as the need for the revision becomes evident. Proposed amendments will not be accepted by DUCA after March 31 of the program year.

6. Requests for time extensions on preliminary report submittal dates must be made in writing and must be received by DUCA at least ten working days prior to the originally scheduled submittal date.

7. Local assistance plans will be subject to approval by DUCA in regard to quality of work performed. A scope of services outlining minimum acceptable planning standards will be issued by DUCA. All planners in their preparation of planning reports are required to meet these standards.

8. Prior to presentation of the preliminary report to the planning commission, the following procedures will be utilized by DUCA and planners in the submittal and evaluation of preliminary local assistance planning reports:

(a) One copy of the preliminary report will be submitted to DUCA, one copy to each planning commission member of the locality, and one copy to the appropriate areawide planning organization.

(b) The preliminary report will arrive at least fifteen working days prior to the official planning commission meeting at which the report is scheduled for presentation. Notification should be given at that time of that date on which the report will be presented to the planning commission.

(c) The areawide planning organization will review the study for compliance with regional plans. Written comments will be submitted to DUCA within six working days following receipt of report.

(d) DUCA will review the report and will submit written comments to the planner, incorporating the

areawide planning organization's comments when appropriate, within ten working days following receipt of report.

(e) The written comments, if containing approval of the preliminary report or comments on minor deficiencies, will be sent to the planner.

(f) Should the preliminary report have major deficiencies in meeting the scope of services, the deficiencies will be resolved between DUCA and the planner without review sheets going to the planning commission members. However, in the event this should occur, a letter explaining the delay in DUCA's acceptance of the report will be sent to each planning commission member. Should the preliminary report be deemed unacceptable, the planner will be required to resubmit corrected preliminary within ten working days following the official planning commission meeting at which the report was presented. This corrected preliminary report will be reviewed and written comments submitted to the planner by DUCA within ten working days after its receipt. Because of the existence of a scope of services, DUCA reserves the right to determine the acceptability of planning reports.

9. Final drafts will be submitted to DUCA and to the planning commission members for approval prior to the printing of such reports. If only minor changes are required in the preliminary report, only those pages requiring corrections need be submitted to DUCA. Written approval will be given by DUCA within ten working days of submittal. Notice of approval will be sent to the planning commission members and to the planner.

10. Printed report must be submitted to DUCA prior to June 30 of each year.

D. Publication and Depository Requirements.

1. The individual reports and maps (hereinafter referred to as "product") which comprise a comprehensive plan will be published by the planner in final form, each product under separate cover, within the same planning program year in which that product is funded. Exceptions

may be given on an individual basis by DUCA.

2. Each final product will meet HUD requirements as outlined in Handbook II concerning basic inclusions. The HUD citation will be affixed in a conspicuous location on preliminary and final products and will read:

This report (or map) was prepared under contract (Contract Number) for (Name of Locality) by (Name of Planner). The preparation of this report (or map) was financially aided through a comprehensive planning grant from the Department of Housing and Urban Development (HUD), and through the financial assistance of the State of Louisiana, Department of Urban and Community Affairs and by (Name of Locality).

Note: For maps the lower right-hand corner is preferred, if feasible.

3. Additional inclusion requirements which must appear in the report in the order given are as follows:

(a) Outside cover sheet which gives name of report, name of locality, name and address of planner and the month and year in which the report was prepared.

(b) Bibliographic data sheet.

(c) Inside title sheet which gives the same information as the outside title sheet. The HUD citation must appear at the bottom of this sheet.

(d) Roster sheet giving the names of the planning commission members, local elected officials of the governing body and the DUCA planning staff.

(e) Table of contents.

(f) List of tables, if applicable.

(g) List of maps, if applicable.

(h) Body of report.

(i) Bibliography (standard form).

4. A planner performing comprehensive local assistance planning work will submit an original reproducible or a duplicate film reproducible of the base map of the locality to DUCA.

5. The planner will provide the appropriate number of copies of each of the final products based on the following distribution needs:

Number of Copies	Name of Recipients	Name of Distributor
15	Designated HUD depositories	DUCA
2	Louisiana Department of Urban & Community Affairs	DUCA
4	Secretary of State, Louisiana	DUCA
2	State Library	DUCA
1	Parish Library	DUCA
1	Substate District	DUCA
5-9	Planning Commission Members	Planner
5-16	Mayor, Town Council, or Police Juries	Planner
20	Locality (General Use)	Planner

Note: The planner at his discretion or at the request of the planning commission may produce for local use more report copies than the number given above. However, no additional funds will be provided by DUCA.

E. Procedures for Payment.

1. The planner may submit a standard DUCA invoice to DUCA upon submittal of the preliminary report. The invoice must have the original signature of the planning commission chairman or his designated representative. Comments from the planning commission, in the form of meeting minutes, signed by the planning commission secretary, indicating approval of the final draft, must be attached to the invoice. Processing of the invoice will require fifteen working days. It is expressly understood that DUCA will not release the check until the planner has submitted the required number of printed reports.

F. Professional Competency.

1. In accordance with HUD requirements on professional competency (Federal Register, Volume 40, No. 164, August 22, 1975), DUCA requires that each planning agency entering into a contract with DUCA on local assistance work have the staff person supervising the planning work (S-O-P) fulfill certain qualifications prior to execution of the contract.

2. Only those planners under contract to DUCA or under consideration for a contract will be evaluated and considered for DUCA approval.

3. DUCA approval of a planner is valid only for the period of time that the planner is under contract to DUCA.

4. The following procedure will be used to qualify for local assistance work:

(a) The applicant will submit a written request for DUCA approval. The request will include:

(1) Two examples of comprehensive planning work for which the applicant had major responsibility.

(2) A certified transcript of course work.

(3) A resume indicating education, professional planning work experience, employment history, and three professional planner references.

(b) DUCA will review the request and will inform the applicant of approval or nonapproval of the request. In the event of nonapproval, the reasons for such action will be given.

5. DUCA may rescind its approval for the following reasons:

(a) Unethical or unprofessional conduct of the approved planner and/or members of his specialist team in the performance of planning duties. The American Institute of Planners (AIP) Code of Professional Responsibility will be used as a guide in making determinations of unethical or unprofessional conduct.

(b) Repeated unsatisfactory performance in professional services to any planning area as judged by the standards used by DUCA.

6. The following qualifications will be used to determine professional competency.

(a) In lieu of degree—eight years of professional planning experience of which five years will be responsible charge.

(b) B.A. or B.S. in unrelated field—five years of professional planning experience of which three years shall be responsible charge.

(c) B.A. or B.S. in related field as defined by Civil Service—three years of professional planning experience of which one year shall be responsible charge.

(d) B.A. or B.S. in urban planning or M.A., M.S., or

Ph.D. in related field as defined by Civil Service—two years of professional planning experience of which one year shall be responsible charge.

(e) M.A. or Ph.D. in urban planning—one year of responsible experience in comprehensive planning.

IV. Regional Planning and Management.

A. Application Requirements.

1. Applications for grant assistance are required on an annual basis in the form of an Overall Program Design (OPD).

2. The OPD submittal date will be based on HUD's announcement of funding levels. DUCA will allow the subgrantee sufficient time to prepare an OPD.

B. Performance of Work.

1. The definitions given in Section III, Part C, Paragraph (a), (b), (c), will apply to regional planning studies.

2. Preliminary regional planning reports will be scheduled for submittal to DUCA by the subgrantee, submittal dates subject to approval of DUCA. These preliminary reports must be scheduled for submittal throughout the contractual period, but prior to May 1 of the program year.

3. Prior to presentation of the preliminary report to the regional planning commission, the following procedures will be utilized.

(a) One copy of the preliminary report will be submitted to DUCA and one copy to each planning commission member.

(b) This preliminary report will arrive at least fifteen working days prior to the official planning commission meeting at which the report is scheduled for presentation.

(c) DUCA will review the report and will submit written comments to the consultant within ten working days following receipt of the report.

(d) The written comments, if containing approval or comments or minor deficiencies, will be sent to the areawide planning organization and to the planning commission members.

(e) Should the preliminary report have major deficiencies, the deficiencies will be resolved between DUCA and the subgrantee without review sheets going to the planning commission members. However, in the event this should occur, a letter explaining the delay in DUCA's acceptance of the report will be sent to each planning commission member. Should the preliminary report be deemed unacceptable, the subgrantee will be required to resubmit the preliminary report within ten working days following the official planning commission meeting at which the report was presented.

4. Planning studies will be subject to approval by DUCA in regard to quality of work performed. Necessary revisions in reports will be discussed and resolved between DUCA and the subgrantee. The OPD will be used as a guide for these discussions.

5. Nonperformance of planning activities:

(a) Grave discrepancies in the administration of the subgrantee's 701 planning and management program resulting in mismanagement of funds or non-compliance with HUD and State regulations will result in the following action. Payment on the planning and management program will be stopped until such time that the affected agency corrects the discrepancies to

the satisfaction of the Louisiana Department of Urban and Community Affairs and the U. S. Department of Housing and Urban Development.

(b) Noncompliance with established preliminary planning report submittal dates, as outlined in the OPD and/or supplemental information may result in the following action. A grace period beginning the first working day following the scheduled submittal date and not exceeding five working days will be allowed. Upon expiration of the grace period, there will be a daily deduction of two percent of the element cost, that cost as stipulated in the planning organization's Annual Work Program (AWP), for each working day that the planning report is overdue past the grace period, up to a maximum of twenty-five percent. The entire contract will be subject to termination if the planning report is not submitted within twenty working days following the scheduled submittal date.

6. Amendments to the subgrantee's OPD will be made in writing and will be approved by the governing body of the areawide planning organization, and will be submitted to DUCA as soon as the need for a revision becomes evident. Proposed amendments cannot be submitted to DUCA after March 31. Final approval of any amendment will be with HUD.

7. Requests for time extensions on preliminary report submittal dates must be made in writing and must be

received by DUCA at least ten working days prior to the originally scheduled submittal date.

8. Final drafts will be submitted to DUCA and to the planning commission members for approval prior to the printing of such reports. If only minor changes are required in the preliminary report, only those pages requiring corrections need be submitted to DUCA. Written approval will be given by DUCA within ten working days of submittal. Notice of approval will be sent to the planning commission members and to the subgrantee.

9. Printed reports must be submitted to DUCA prior to June 30 of each year.

C. Publication and Depository Requirements.

1. The individual reports and maps (hereinafter referred to as "product") which are completed by a subgrantee will be published by that agency, each product under separate cover, within the same planning program year in which that product is funded.

2. Requirements regarding basic inclusions in final products will be the same as those outlined in Section III, Part D, Paragraph 2 and Paragraph 3 (a), (b), (c), (d), (e), (f), (g), (h), (i). The term "planning agency" however, should be substituted for "locality" where applicable.

3. The regional planning agency will provide DUCA with the appropriate number of copies of each of the final products as outlined below. Copies will be distributed as follows:

Number of Copies	Name of Recipients	Name of Distributor
15	Designated HUD depositories	DUCA
2	Louisiana Department of Urban and Community Affairs	DUCA
4	Secretary of State	DUCA
2	State Library	DUCA
1-10	Appropriate parish libraries	DUCA
1-10	Appropriate police juries	Planner
20	General Distribution	Planner
1	Substate District	Planner

D. Procedure for Payment.

1. The subgrantee will invoice DUCA on a cost incurred basis using a standard invoice form. The invoice will be in the amount of the expenses incurred and must be not less than one thousand dollars. These expenses are subject to monitoring by DUCA. Invoices must have the original signature by the regional planning commission chairman or his designated representative. The minutes of official meetings must be attached to the invoice.

E. Professional Competency.

1. In accordance with HUD requirements on professional competency (Federal Register, Volume 40, No. 164, August 22, 1975), DUCA requires that each planning agency entering into a contract with DUCA for planning and management money have the staff person supervising the planning work fulfill certain qualifications prior to execution of the contract.

2. DUCA's statement of professional competency is valid only for the period of time that the staff member is employed by the subgrantee agency and the subgrantee agency is under contract to DUCA.

3. The procedure used to determine professional competency will be as outlined in Section III, Part F, Paragraph 4 (a1, a2, a3) (b).

4. DUCA retains the right as outlined in Section III, Part F, Paragraph 5(a), (b), regarding rescission of approval.

5. Section III, Part F, Paragraph 6 (a), (b), (c), (d), (e), remain the same.

V. General 701 Program Administration.

A. Administrative Requirements.

1. A semiannual report on the progress of the work program will be submitted by planners on the local assistance program and by subgrantees on the planning and management program. These reports are due in the DUCA office no later than January 15 of the program year. This report will follow the format prescribed in HUD Handbook II. Subgrantees will, in addition to this format, provide appropriate documentation of technical assistance and community development services rendered during that time period.

2. Subgrantees will submit quarterly financial reports to DUCA. These reports are due ten days following the close of the quarter. Quarters end September 30, December 31 and March 31.

3. The Annual Program Report will be submitted by all local assistance program planners on local assistance work and by the Areawide Planning Organizations on regional planning and management work within forty-five days following the close of the fiscal year, which is June 30. The completion report will follow the format prescribed in HUD Handbook II.

4. Subgrantees will submit a final financial report with the Annual Program Report. The final financial report is also due with forty-five days following the close of the fiscal year, which is June 30.

B. Financial Support.

1. Louisiana Department of Urban and Community Affairs supports the regulations issued by the Department of Housing and Urban Development regarding the provision of financial support. (Federal Register, Volume 39, No. 240, p. 43380, Section 600.106.)

The amount of assistance provided by HUD and DUCA shall be based upon the following:

(a) The applicant's performance in administering its program in accordance with all HUD requirements, including these regulations;

(b) The applicant's past performance in completing its activities in a timely fashion;

(c) The applicant's progress toward the achievement of its identified objectives; and

(d) The applicant's capability to undertake the activities for which assistance is requested.

The factors will be considered in the allocation of HUD 701 planning monies in subsequent years.

Monies allocated to planning firms, private or non-profit but not distributed due to nonperformance of work or noncompliance with HUD and State regulations, will be reallocated to other eligible applicants as long as DUCA and HUD deem it practicable. All monies not so allocated will be returned to HUD.

C. Contracts.

1. In accordance with HUD regulations (Federal Register, Volume 30, No. 240, p. 43386, Section 600.120j), the Louisiana Department of Urban and Community Affairs will require, in the case of a subgrantee, that the highest policy officer (e.g. chairman or president), affix his signature to the legal contract on the HUD grant agreement.

2. Any unit of local government which enters into a contract with DUCA for the provision of local assistance planning will be required to establish and maintain a planning commission in conformance with R.S. 33:101 to 119. Any subgrantee which enters into a contract with DUCA for the provision of areawide planning and management will be required to establish and maintain a planning commission in conformance with R.S. 33:131 to 140.

D. Waivers.

1. The Secretary of DUCA may grant a waiver to any of the policies governing the administration of the HUD 701 program provided that the waiver is not in conflict with HUD policies. A subgrantee desiring a waiver must submit a written request specifying the details of the desired waiver and accompanied by substantive evidence that such a waiver is necessary. Approval of a waiver can be given only by the Secretary or by his designated representative.

Leon R. Tarver, Jr., Secretary
Department of Urban and Community Affairs

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