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Executive Orders

EXECUTIVE ORDER EWE-79-3

WHEREAS, due to natural and incidental man-made catastrophes and disaster which have resulted and will continue to result from the torrential rains, high water levels, and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, persons and property in and near False River in Pointe Coupee Parish may be victimized or threatened by such catastrophes and disaster; and

WHEREAS, the seriousness of the current emergency has been publicly announced by the Police Jury of Pointe Coupee Parish, Louisiana, with the request that specific emergency action be taken; and

WHEREAS, when such conditions exist and valid requests are made to him, it is necessary and appropriate, under the Constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards and dangers will be decreased and hopefully eliminated; and

WHEREAS, power boat navigation on False River during this time of crisis can only serve to cause damage and injury and to maintain the level of or to increase existing hazards and danger to life and property; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster.

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order and to curtail and reduce the injury and damage to persons and property resulting from catastrophe and disaster, I, EDWIN EDWARDS, acting under the authority granted to me and the duties imposed upon me by Article 4, Sections 5(A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974), do hereby, and for an indefinite period not to exceed thirty days from this date, order and proclaim that power boat navigation on False River be, and the same is, hereby prohibited.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 25th day of April, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-4

WHEREAS, due to natural and incidental man-made catastrophes and disasters which have resulted and will continue to result from the torrential rains, high water levels, and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, citizens of these areas have been or will be driven from their homes; and

WHEREAS, the State and Federal governments have declared these areas a major disaster; and

WHEREAS, when such conditions exist, it is necessary and appropriate, under the Constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards, danger, and delays will be decreased and hopefully eliminated; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster.

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order, to curtail and reduce injury and damage to persons and property resulting from catastrophe and disaster, and to expedite relief, I, EDWIN EDWARDS, acting under the authority granted to me and the duties imposed upon me by Article 4, Sections 5(A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974) do hereby, and for an indefinite period not to exceed thirty days from this date, for the purposes of administering the Temporary Housing Program, suspend all provisions of any regulatory statutes prescribing the procedures for purchases of services, supplies, and equipment.

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 3rd day of May, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Policy and Procedure Memoranda

Office of the Governor
Division of Administration
Policy and Procedure Memorandum No. 49 (Addendum)

Subject: State General Travel Regulations
Effective Date: May 1, 1979

This addendum is to amend the following subsections of Section VI of the General Travel Regulations (PPM 49):

Section VI, A.1. - to change authorized mileage reimbursement from 16 cents per mile to 19 cents per mile.

Section VI, B.1. - to change the amount allowable for meals while on in-state travel status from \$11.00 per day to \$13.50 per day allocated as follows:

Breakfast	\$ 3.00
Lunch	3.50
Dinner	7.00
	<hr/>
	\$13.50

Section VI, B.3 - to change the allowable reimbursement for in-state lodging from an amount not to exceed \$20.00 (plus tax) per day to an amount not to exceed \$25.00 (plus tax) per day. An exception will be made for lodging in the New Orleans Metropolitan Area (Orleans and Jefferson Parishes), where allowable reimbursement will be increased from an amount not to exceed \$25.00 (plus tax) per day, to an amount not to exceed \$35.00 (plus tax) per day.

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Section VI, C.1. - to change the amount allowable for meals while on out-of-state travel status from \$11.00 per day to \$15.00 per day allocated as follows:

Breakfast	\$ 3.00
Lunch	4.00
Dinner	8.00
	<u>\$15.00</u>

Section VI, C.3. - to change the allowable reimbursement for out-of-state lodging from an amount not to exceed \$25.00 (plus tax) per day to an amount not to exceed \$35.00 (plus tax) per day.

These increases are to be implemented only if adequate funds are available in the state agency's current operating budget.

Note: The Division of Administration is in the final stages of a complete review of the current travel regulations. A new Fiscal Policy and Procedure Memorandum covering travel regulations will be issued by June of 1979 to become effective July 1, 1979.

Charles E. Roemer, II
 Commissioner of Administration and
 Executive Assistant to the Governor

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Effective April 26, 1979, the State Board of Elementary and Secondary Education has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to adopt Standards for Elementary Summer Schools. This action has been taken because standards which presently exist do not sufficiently address elementary summer schools and are inflicting undue hardship on local systems, and because, in terms of timing, the Board must issue these standards prior to the planning for summer schools in order to protect the welfare of the children of Louisiana.

Rule 4.01.60 Standards for State Approved Elementary Summer Schools

The following regulations govern the operation of approved summer programs in elementary schools.

Purpose.

1. To enable students who have failed in subjects to remove deficiencies and be considered for promotion to the next grade.
2. To enable students to become stronger in subjects where a need has been recognized.
3. To enable students to participate in offerings that are not provided in the regular curriculum during the school year.

Administration.

1. A summer school shall be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.

2. Summer school shall be conducted in an approved school building.

3. The Local Education Agency (LEA) will set up policies that will control requirements for satisfying successful completion of subjects offered.

4. Summer schools shall be operated under the direct supervision and administration of the LEA. However, summer

schools having seven or more teachers shall have a certified principal.

Application.

1. The LEA shall apply to the State Department of Education for approval of each summer school program.

2. An application for approval of each summer school's offering shall be filed no later than the end of the first week after the summer session begins.

3. The application forms, provided by the State Department of Education, shall be submitted to the director of the Bureau of Elementary Education.

4. The application shall carry the approval of the chief administrative officer of the school system, and the principal of the summer school, if applicable.

5. In order for summer schools to be accepted, an on-site evaluation shall be made by personnel from the State Department of Education to verify information submitted on the report and to evaluate the quality of the instructional program.

Faculty.

1. Certification of the faculty shall be equal to that required during the regular session for subjects offered for removal of deficiencies.

2. The teaching load shall not exceed twenty students per class.

3. A teacher shall not teach for more than four clock hours daily.

Instruction.

1. A teacher will be allowed to teach only one subject for removal of deficiencies or remediation during a single time period.

2. A student attending summer school for promotional purposes cannot enroll for more than two subjects.

3. The library or library books as well as all regular teaching aids and equipment shall be available for summer school use.

4. Textbooks, supplementary materials and supplies adequate for effective instruction shall be provided.

- a. Textbooks used during the summer school shall be chosen from the state approved list.

- b. No fee shall be charged for textbooks used during summer school.

Attendance.

1. The minimum attendance for an elementary student to receive credit or pass a subject shall be sixty hours for one subject.

2. Students attending summer school for promotional purposes must have written consent by the principal of the last school he attended.

3. The LEA may impose a more strict minimum attendance policy.

Time Requirements.

1. A summer school term shall be operated for a minimum period of thirty-five days (five days per week for seven weeks).

2. Daily time requirements as follows:

Program	35 Days	Total Hours
Removal of Deficiencies	120 min. per subject	70
Remedial/Enrichment	90 min. per subject	52

Deviations. Deviations from the above time allotments and/or policies must be approved by the State Department of Education.

James V. Soileau, Executive Director
 Board of Elementary and Secondary Education

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

Tagging of all Classes of Certified Seed

In accordance with the provisions of the Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation is prescribed concerning the sampling and tagging of certified seed of all classes, Breeder, Foundation, Registered, and Certified, of all crops from which such certified seed is produced in Louisiana. This regulation is supplemental and does not supersede or cancel paragraphs covering sampling and tagging contained in the individual regulations governing the different crops.

The purpose of this proposed regulation is to increase the effectiveness of the certified seed tag by providing an inspection system to eliminate abuse of the tagging privilege and to be sure that the tags issued are applied to the seed from which the certified samples are drawn.

I. Definition of terms.

A. "Certified Laboratory Sample" shall mean the sample drawn by inspectors of the Louisiana Seed Commission after a lot of seed has been cleaned and bagged, to determine if it meets the laboratory certification standards of the particular class of seed and crop in question.

B. "Marking" shall mean the identification of the sacks by lot number either by stenciling the sacks or by sewing into the sacks a tag with the lot number printed on it.

C. "Lot" shall mean the permanent identity given to a certain quantity of seed entered for certification, which is uniform in its quality, and was produced in its entirety from one field or unit of land.

II. Size of lot entered for certification. A lot of clean bagged seed from which a laboratory sample is to be drawn shall consist of no more than 108,000 pounds or 1,500 bags, whichever is smaller.

III. Marking of lots. Any individual, firm, or corporation applying for certification of seed must, at the time of cleaning, processing, and bagging of a lot of certified seed, immediately assign a lot number to each lot and mark the bags with the lot number. This must be done before the Seed Commission Inspector will take a laboratory sample of the lot of seed. The lot must be stacked so as to permit the inspector to make an accurate count of the bags in the lot.

IV. Tagging requirements.

A. Before any seed sold as certified seed leaves the premises of the certified grower or processor of certified seed, each bag must be tagged and sealed with the official seal, and the lot numbers on the certified tags must conform to the lot numbers already marked on the bags.

B. All unused certified tags must be returned to the certifying agency or destroyed in the presence of an inspector of the certifying agency.

V. Tagging records and inspection privileges.

A. Every certified grower or processor of certified seed must maintain for every lot of certified seed for which tags are received, an inventory record and record of disposition. These records must be kept for a period of at least one year. This record shall show every shipment of each lot of certified seed to which tags are affixed, and the name of the party to whom each delivery was made.

B. The above records shall be made available to certification inspectors at all times. Evidence to support these records must also be made available in the form of permitting the inspector to see the actual seed, if the inventory record shows it to be still on hand, to see the actual tags if the record shows them not to have been affixed to bags, and to see invoices or delivery records attesting to the shipments or disbursements claimed on the inventory records.

VI. Penalties. Breeders, Foundation, Registered, or Certified seed which has been mistagged in violation of this regulation and/or the individual crop regulation with reference to tagging, shall be placed on stop sale until all certified tags or other identification as certified seed has been removed and the tags destroyed. Any person, firm, or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by the Revised Statutes of 1950, Title 3, Part I, Chapter 11, Section 1447.

VII. The above regulation may be revised or amended at any time that conditions warrant.

VIII. The above regulation shall be effective on and after May 20, 1979.

* * * *

Bulk Sampling of Certified Small Grain, Soybean, and Rice Seed

In accordance with the provisions of the Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation is prescribed governing all classes of certified seed. This regulation is supplemental and does not supersede or cancel paragraphs covering sampling and tagging contained in the individual regulations governing the different crops.

The purpose of this regulation is to retain the effectiveness of the certified seed tag while providing the seedsman with a means of having his certified seed sampled in bulk.

I. Type of storage facility. Any storage facility suitable for storing and maintaining germination and varietal purity will be acceptable provided it is so constructed that a representative sample can be drawn.

II. Sampling procedure.

A. Sampling cleaned seed. Sampling from top of grain only. In facilities that lend themselves to drawing a sample from the top of the grain only, the grain depth should be no greater than can be sampled with sampling equipment being used. All of the samples shall be taken at each four foot depth. All of the samples from a bin will be submitted to the State Seed Laboratory at the same time, labeled so as to identify the bin from which they were drawn and serially numbered. If any one of these samples fails germination by more than the established tolerance (three percent), the entire bin fails for certification in bulk. If any one sample fails by three percent or less and all samples average eighty percent or better, the bin can be certified in bulk.

The same requirements for certification in bulk will apply for other mechanical or quality standards.

After the seed has passed laboratory tests, appropriate tags can be issued based on the estimated quantity of seed in the lot as determined by the inspector at the time of sampling. The inspector's report should show the size bags the seed will be put in, i.e., fifty pounds, one hundred pounds, etc. After the seed has been bagged and tagged, the number of bags must be counted by the inspector. The inspector should pick up any surplus tags issued based on estimated quantity and destroy them.

B. Sampling uncleaned seed. If a producer so desires, he can have uncleaned seed officially sampled by following this procedure:

1. A certified sample of uncleaned seed can be drawn for purposes of determining moisture content and germination percentage only.

2. After the seed has been cleaned, a second certified sample must be drawn on the same lot for purity testing.

3. If a lot of seed is favorable for certification (based on these two samples), seed tags can be issued.

The time between the drawing of the first certified sample and the second certified sample must not be over sixty days. If it is, the germination percentage found on the first sample will not be valid.

III. Moisture content. No lot of seed that has been sampled in bulk will be eligible for certification if the moisture content as determined by the State Seed Laboratory is over 12.5 percent or 13.5 percent for rice. Moisture content should be determined as soon as the sample is received in the laboratory. When two samples are submitted under the uncleaned seed provision, moisture content must be determined on the first sample. Samples drawn from bulk seed should be sent to the State Seed Laboratory in moisture-proof containers. Satisfactory moisture-proof containers must be furnished by the person desiring to have his seed sampled in bulk.

IV. Penalties. Any person, firm or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by the Revised Statutes of 1950, Title 3, Parts I, II, and III, Chapter 11.

V. The above regulation may be revised or amended at any time that conditions warrant.

VI. The above regulation shall be effective on and after May 20, 1979.

* * * *

Amendment to Louisiana Seed Law Regulations

Section VI. List and Limitations of Noxious Weed Seed (Section 1433)

Name	Limitations
1. Field Bindweed (<i>Convolvulus arvensis</i>)	Prohibited
2. Hedge Bindweed (<i>Convolvulus sepium</i>)	Prohibited
3. Nutgrass (<i>Cyperus esculentus</i> , <i>C. rotundus</i>)	Prohibited
4. Wild Onion and/or Wild Garlic (<i>Allium sp.</i>)	9 per lb.
5. Johnson Grass (<i>Sorghum halepense</i>)	100 per lb.
6. Blueweed, Texas (<i>Helianthus ciliaris</i>)	200 per lb.
7. Dodders (<i>Cuscuta sp.</i>)	100 per lb.
8. Canada Thistle (<i>Cirsium arvense</i>)	100 per lb.
9. Quack Grass (<i>Agropyron repens</i>)	100 per lb.
10. Russian Knapweed (<i>Centaurea repens</i>)	100 per lb.
11. Bermuda Grass (<i>Cynodon dactylon</i>)	300 per lb.
12. Cheat or Chess (<i>Bromus secalinus</i> , <i>B. commutatus</i>)	300 per lb.
13. Darnel (<i>Lolium temulentum</i>)	300 per lb.
14. Corncockle (<i>Agrostemma githago</i>)	300 per lb.
15. Horsenettle (<i>Solanum carolinense</i>)	300 per lb.
16. Purple Nightshade (<i>Solanum elaeagnifolium</i>)	300 per lb.
17. Buckhorn Plantain (<i>Plantago lanceolata</i>)	300 per lb.
18. Bracted Plantain (<i>Plantago aristata</i>)	300 per lb.
19. Dock (<i>Rumex sp.</i>)	300 per lb.
20. Sheep Sorrel (<i>Rumex acetosella</i>)	300 per lb.
21. Red Rice (<i>Oryza sativa var.</i>)	9 per lb.
22. Cocklebur (<i>Zanthium sp.</i>)	5 per lb.
23. Purple Moon Flower (<i>Ipomoea turbinata</i>)	9 per lb.
24. Spearhead (<i>Rhynchospora sp.</i>)	5 per lb.
25. Balloon Vine (<i>Cardiospermum halicacabum</i>)	18 per lb.
26. Morning Glory (<i>Ipomoea spp.</i>)	Name and number per lb. on label
27. Wild Poinsettia (<i>Euphorbia heterophylla</i> , <i>E. dentata</i>)	Name and number per lb. on label
Sum total noxious weed (Subject to above limitations)	500 per lb.

Limitations on noxious and prohibited weeds are listed on individual certified crop seed regulations. Noxious weed seed tolerance of one for regulatory action on certified seed being offered for sale in Louisiana for those noxious weed seed which are prohibited by the Louisiana Certified Seed Regulations for the specific seed kind in question.

Richard Carlton, Secretary
Seed Commission

RULE

**Department of Commerce
Racing Commission**

§ 30.9 The State Steward shall lock all pari-mutuel ticket issuing machines and sound the "off" bell when the horses leave the starting gate. The horses shall be at the starting gate at post time, which shall not be changed after the horses leave the paddock. The starter shall immediately load the horses in the starting gate and start the horses as soon as possible thereafter in order to avoid delay. The State Steward, or the acting State Steward, may delay compliance with this rule in unusual circumstances. At the discretion of the State Steward, the ticket issuing machines may be unlocked prior to the declaration that the result of the race is official. However, in no case shall the mutuel cashiers' windows be opened until after the declaration that the result of the race is official.

Albert M. Stall, Chairman
Racing Commission

RULE

Board of Trustees for State Colleges and Universities

Section 2.10B of the General Operating Procedures is amended to read as follows:

B. Faculty Advisory Council (FAC). A college and university faculty advisory council shall be created and shall consist of one faculty representative from each of the colleges and universities. The representative and one alternate shall be selected by the faculty senate of each institution.

Bylaws:

The FAC will elect a chairman, vice-chairman and a secretary in the fall of each year. Other officers may be selected or appointed by the chairman as deemed necessary by the FAC.

The institution from which the FAC chairman is elected will provide sufficient funds to defray travel expenses of the chairman, who will represent the faculties at Board meetings.

Each institution will pay expenses of the faculty representative or the alternate to the FAC meetings and to meetings of the Board of Trustees at which their presence is requested by the Board

Bill Junkin, Executive Director
Board of Trustees for State Colleges and Universities

RULE

Board of Elementary and Secondary Education

Rule 3.03.10.c

The Board adopted a policy whereby all evening extension programs conducted by vocational-technical schools must be approved by the Department of Education before the program can be started in the vocational-technical school.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULES

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

Policies

1. State and local criminal justice agencies, local governmental units and private, nonprofit organizations are eligible to apply for Law Enforcement Assistance Administration (LEAA) funding in Louisiana. However, private, nonprofit organizations must apply through units of local government and/or state, or local criminal justice agencies, or such organizations must furnish security in the form of a surety bond in the amount of the grant. This bond must be approved by the Commission General Counsel. Applications of private, nonprofit organizations must be accompanied by written agreements between the organization and the appropriate criminal justice system referral sources. Ongoing Juvenile Justice and Delinquency Prevention (JJDP) projects are exempted from this policy until Fiscal Year (FY) 1980. Any project receiving FY 1980 funds is subject to this policy.

2. Eligible agencies (this includes state and local law enforcement, prosecutory, judicial, correctional, and juvenile criminal justice agencies) who fail to respond to the State Planning Agency's (SPA) annual surveys or fail to report criminal statistical data when required by state and federal statute or by Louisiana Commission on Law Enforcement (LCLE) request, will be ineligible for any LEAA funding. Any agency failing to report nine or more months of computer acceptable reports of the Uniform Crime Reporting (UCR) Program is ineligible. Such ineligibility will apply to the fiscal year following such failure to report.

3. In order to prevent duplication and to promote cooperative efforts and coordination, LCLE will not fund like projects to eligible agencies serving the same geographical jurisdiction during the same project period.

4. No construction projects will be funded with Part C and Part E funds. JJDP funds may be utilized in construction provided that any project totaling more than five thousand dollars must be matched fifty-fifty.

5. All Part C, Part E and JJDP action grants may be canceled if not commenced by the subgrantee within ninety days of the date of Commission award. Commenced shall be understood to mean that the project has begun to meet its grant timetable and objectives as adjudged by the Evaluation Committee.

6. Diminished support for all continuing projects will be determined by the following schedule:

First Year Awards--These projects will be funded with ninety percent federal funds and a minimum ten percent cash match.

Second Year Awards--These projects will be eligible for a maximum of seventy-five percent of their first year's federal fund award. This amount must be matched with a minimum of ten percent cash match.

Third Year Awards--These projects will only be eligible for a maximum of sixty percent of their first year's federal fund award. This amount must then be matched with a minimum of ten percent cash match.

Multi-year projects in general will be eligible for a maximum of three years or thirty-six months of federal fund support. However, a project may be extended for a period of no more than six months. Extensions may be granted during any funding period provided the aggregate extension amounts to no more than six months.

Noncontinuation, one-time grants may be extended for no more than six months.

Certain project categories are exempt from the above restrictions as to the length of time they may receive funding support and the amount of yearly support:

a. State agency and regional block training grants. (Specialized inter-agency training projects remain subject to the three-year support limitation.)

b. Information systems which require extensive hardware acquisition and/or lengthy implementation periods.

c. Planning support for Criminal Justice Coordinating Councils. SPA jail monitoring personnel and evaluations.

7. "Indirect Costs" are allowed on projects not to exceed ten percent of direct labor costs including fringe benefits, or five percent of total direct costs. However, in any event, the application must provide a definite indication that indirect expenses exist and that the allowance approximates what indirect expenses will be for the project.

8. The Commission, in the course of funding projects, will fund only one retirement and one health and hospitalization insurance program, notwithstanding the fact that another program or retirement system may be funded by some other source; but in no event should the additional funds provided for insurance or retirement be used as match for a project. In any event, "fringe" benefits shall be limited to no more than twenty-five percent of salary costs. An exception to this is when employees are covered by workmen's compensation. This policy would take effect July 1, 1979, and be applicable to all funding years.

9. No training funds shall be spent for activities other than structured meetings or conferences for which agendas may be provided. In addition, training funds specifically shall not be used to reimburse personnel for visits to other jurisdictions for nonspecific training purposes or on-site visits. It is the intent of the Commission to utilize its training funds to best advantage as well as to be able to evaluate the programs and monitor the training.

10. Members or participants attending meetings of boards, committees, councils, commissions, etc., may not be paid per diem, travel, subsistence, or other related expenses from LEAA federal block funds or funds used as minimum match for a grant.

11. The Commission shall determine an appropriate length for a project prior to funding any portion of the project. Any project may be terminated if:

a. The level of federal funding to the state under the JJDP Act or Crime Control Act is decreased materially.

b. The applicant fails to comply with the terms and conditions of the award.

c. The applicant fails to receive a satisfactory evaluation/monitoring or auditing report.

12. Any publications promulgated as a result, in whole or in part, through the use of LEAA funds, excluding reports generated through the use of Part B funds, must bear a prominent statement to the effect: "This publication was made possible through the use of LEAA funds allocated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice." Twenty-five copies must be supplied to the Commission upon request.

13. Any attorney employed under a grant from the Louisiana Commission on Law Enforcement may engage in the practice of law in civil cases and matters. The grant application and progress reports must demonstrate that their primary responsibility shall be to the position that they hold under the grant.

14. To be eligible, project applications must certify and provide such documentation as to clearly indicate LEAA federal funds will not be used to supplant any activity, or portion thereof, for which other state or local appropriations have been made or may be reasonably assured of being received. Where such appropriations are received unexpectedly during the life of a project, immediate notification must be submitted to LCLE with a revised project application for approval demonstrating the manner in which federal monies will be used to supplement (rather than supplant) the activities for which state or local appropriations have been received.

15. Applications received at the SPA on or before the fifteenth of the month will be presented at the Commission meeting of the following month. This allows a sufficient period of time for the SPA staff to review the applications and compile the information for packet mailout.

16. Appeals Procedure: When an application for funding is rejected by the Commission, or when an approved subgrant is discontinued, the applicant or subgrantee may appeal the decision of the Commission by filing a notice of appeal with the SPA at the recognized business address (1885 Wooddale Boulevard, Room 615, Baton Rouge, Louisiana 70806). The notice of appeal must be by certified mail and must be filed no later than fifteen business days after receipt of the notice of denial by the applicant or subgrantee.

Upon receipt of the notice of appeal by the SPA, the Executive Director will notify the appropriate Commission Committee that an appeal hearing will be held on the date of the next regularly scheduled Commission meeting. The appropriate committee will be that committee whose substantive area of criminal justice activity most closely relates to the application or subgrant. The Executive Director shall designate the time and place of the meeting, and a copy of the notice shall be sent to the applicant or subgrantee.

On the date of the next regularly scheduled Commission meeting, the appropriate committee shall meet and hear evidence by the applicant or subgrantee relative to reasons the appeal should be granted. The applicant or subgrantee may present as many witnesses as may be necessary to support his appeal, except that the committee chairman may limit the number or time allotted to the witnesses where necessary. The secretary to the Commission shall take minutes of the appeal hearing and the entire hearing shall be recorded. The committee may also request other evidence relating to the application or project.

At the conclusion of the hearing the committee shall present its findings and make recommendations to the Commission.

A vote shall then be taken on the appeal.

In the event the appeal is denied, the applicant or subgrantee may, within fifteen days of the date of denial, file with the Office of the Governor and the SPA a notice of appeal to the Governor. The notice of appeal must be by certified mail.

Upon receipt of the notice of appeal to the Governor, the SPA shall have fifteen days to provide the applicant or subgrantee and the Governor with minutes of the appeal hearing and a copy of the vote of the Commission. The recorded tapes shall also be made available to the Governor at his request.

The results of the appeal to the Governor shall be communicated to the SPA within twenty days.

Nothing herein shall preclude the resubmission of an application through use of regular SPA procedures.

17. All waiver requests must be in writing and must be reviewed by the Priorities Committee. The Committee's recommendation will be forwarded to the full Commission. All waiver requests would require a two-thirds vote for approval.

18. Part C, E and JJDP action grants shall be limited to no more than four months of pre-award costs. The Louisiana Commission on Law Enforcement requires adherence to its monitoring and evaluation requirements. All subgrantees who request pre-award costs will be held accountable for the period to be covered by the pre-award costs.

19. The acquisition of equipment will not be allowed in a grant unless such equipment is "part of a program" or an agency can demonstrate that the acquisition of such equipment provides for agency expansion of services.

20. Requests for auxiliary police will not be considered for funding.

21. No LEAA block monies (including JJDP, Parts B, C and E) may be utilized for travel outside the continental United States (forty-eight contiguous states).

22. The following agencies are ineligible to receive grants from LEAA block funds: (a) university campus police, (b) airport security, (c) hospital security, (d) capitol police, (e) wildlife and fisheries enforcement unit, (f) harbor, river and levee board police, (g) justices of the peace, and (h) park rangers.

23. "Legal advisors" hired under a grant must have at least one year of experience as assistant prosecutors or defense attorneys. The employing agency must have a minimum of seventy-five full-time employees.

24. To be eligible for funding consideration, projects which involve multi-agency agreements and/or operations must include with their applications signed copies of the written agreement between the participating agencies outlined in nature and extent of the cooperative effort. The agreement must also outline what provisions have been made by the participant agencies to assume operating costs of the project upon expiration of federal funding.

25. All JJDP and Part C juvenile applications must be reviewed first by the JJDP Advisory Board prior to review by the full Commission.

26. To be eligible for funding, the Louisiana Department of Corrections must continue to provide "recidivism rates" on a yearly basis.

27. No project supported with Part C or E funds will be eligible to transfer project support to JJDP Act funds or vice versa.

28. All "pure courts" project applications, as defined by the Judicial Planning Committee (JPC), must be reviewed by the JPC prior to submission to the full Commission for review.

29. The Regional Planning Units can serve as subgrantees only when receiving planning grants, block training grants, and research/evaluation grants.

30. No equipment can be purchased with evaluation funds.

31. Prospective noninstitutional based treatment centers should attempt to secure a facility and/or site prior to the awarding of any LEAA funds due to past adverse public opinion of these projects being located in relative proximity of residential areas. If this is not feasible, then the subgrantee should only hire one person on the grant for the purpose of securing a facility and/or site, and establish a definite operational start-up date before any other personnel are hired or before any other funds can be drawn down.

Wingate M. White, Executive Director
Commission on Law Enforcement
and Administration of Criminal Justice

RULES

Office of the Governor Tax Commission

Tax Commission Guideline Manual (Page 2A)

Each individual well must be listed separately by field, lease name, well serial number, lease well number, single or multiple completion, type well (oil or gas—as designated by the Louisiana Department of Conservation), and production depth. The assessment, per foot, shall apply to each producing zone without allowance as to well performance. All permanently abandoned wells shall be reported only the first year after abandonment, however, no assessment shall apply. The Louisiana Department of Conservation's serial number must be provided. A work permit is not acceptable. Production depth explanation is the depth from the surface to the upper perforation in each producing zone in which the well is completed. As an example, a well completed in three zones is a triple completion and will have three different production depths as determined by the depth of the upper perforation of each completion. A per foot assessment shall apply, according to depth, to the upper perforation of each zone.

All surface equipment used in the production, storage, transmission, or sale of the production from all leases must be listed by field and ward, in accordance with the assessor's requirements. Equipment on the lease which is not the reporting responsibility of the reporting agency shall be listed, described and the name and address of the owner of such equipment shall be reported. A well(s) reported with no equipment, or less equipment than usually required, shall be fully explained. Otherwise, equipment will be added and assessed.

LAT 13, Drilling Rig and Related Equipment form, shall be sent in addition to the Form LAT 5 to any company, business, or individual having such property in the parish or taxing district on the assessment date.

LAT 14, Pipelines form, should be furnished to all companies owning and/or operating pipelines other than pipelines which are assessed as public service properties by the Louisiana Tax Commission. This form is considered to be a supplement to LAT 5 and LAT 12.

LAT 15, Aircraft form should be furnished to individuals, partnerships, corporations, associations, etc., owning and/or operating an aircraft in Louisiana as of assessment date. This form is considered to be a supplement to LAT 5.

(Page 3)
Real Property Rules and Regulations

Each assessor shall be responsible for obtaining and keeping an updated *Residential Cost Handbook* and *Marshall Valuation Service*, published by Marshall and Swift. In making the appraisal of residential, commercial, and industrial buildings for 1978, the assessors shall use the building cost index and local multipliers as of October 1, 1976.

The following procedure shall be used for assessing, listing, and placing transferred property and property upon which improvements have been made after the date of the reappraisal as set by the Louisiana Tax Commission.

Improvements shall be added to the rolls January 1 following the year the improvements are completed, Orleans excepted, which shall be August 1, following the year the improvements are completed. Value of the improvements will be indexed to the date of the last reappraisal.

The assessor shall use property transfers to evaluate trends within the assessing district. These trends will be applied by the assessor in reappraising property on the basis of at least every four years or as directed by the Commission. The assessor may reappraise property based on property transfers more often than every four years, if the trends established by the transfers indicate that property value fluctuations are creating inequities within the assessing district by property classifications; however, the reappraisal shall not be applied on a parcel-by-parcel basis, but rather across the board in a given geographical area. Values would be updated and then indexed to the date of the last reappraisal.

The annual report of the Louisiana Tax Commission will be indexed to the date of the last appraisal.

The Louisiana Tax Commission hereby orders that all property be reappraised in all parishes, Orleans excepted, for the 1982 tax year. Property is to be valued as of October 1, 1980. The Louisiana Tax Commission hereby orders all property in the Parish of Orleans be reappraised for the 1983 tax year. Property in Orleans is to be valued as of June 1, 1982.

Russell R. Gaspard, Executive Secretary
Tax Commission

RULES

Department of Health and Human Resources Air Control Commission

Definitions

4.59 Smoke. Any small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material, and present in sufficient quantity to be observable.

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. Any nozzle in full contact with the bottom of the tank being filled shall be considered to meet these requirements. In addition, a nozzle which remains below the surface of the liquid in the tank during all normal operations (nozzle shall not be uncovered more than twice per year) shall be considered to meet these requirements.

4.80 Petroleum Refinery. Any facility engaged in producing gasoline, kerosene, distillate fuels oils, residual fuel oils, lubricants, or other products through distillation of crude oils, or through redistillation, cracking extraction, or reforming of unfinished petroleum derivatives.

4.81 Asphalt. A dark brown to black cementitious material (solid, semisolid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum.

4.82 Cutback Paving Asphalt. Asphalt cement which has been liquefied by blending with petroleum solvents (diluent). Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function. Products made for this use are designated SC (Slow Cure), MC (Medium Cure) and RC (Rapid Cure) liquid asphalt and are manufactured to meet ASTM specifications D-2026-72, D-2027-72 and D-2028-72 or similar paving asphalt specifications.

4.83 Emulsified Asphalt. An emulsion of asphalt cement and water which contains a small amount of an emulsifying agent; a heterogeneous system containing two normally immiscible phases (asphalt and water) in which the water forms the continuous phase of the emulsion, and minute globules of asphalt form the discontinuous phase.

4.84 Penetrating Prime Coat. An application of low-viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and plugs the voids, hardens the top, and helps bend it to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

4.85 Automobile. A passenger car or passenger car derivative capable of seating not more than twelve passengers.

4.86 Automobile and Light-Duty Truck Assembly Plant. A facility where automobile and/or light-duty truck bodies, frames and parts are assembled for eventual inclusion into a finished product ready for sale to vehicle dealers excluding the following operations: (1) wheel coatings, (2) anti-rust coatings, (3) trunk coatings, (4) interior coatings, (5) flexible coatings, (6) sealers, (7) plastic parts coatings. Excluded from this definition are customizers, body shops, and other repainters.

4.87 Final Repair. The surface coatings applied to correct top coat imperfections.

4.88 Light-Duty Truck. A motor vehicle rated at 8,500 pounds gross weight or less which is designed primarily for the purpose of transportation of property or is a derivative of such vehicle.

- 4.89 Primer. The first surface coating applied to the surface.
- 4.90 Primer-Surfacer. The surface coating applied over the primer and beneath the top coat.
- 4.91 Top Coat. The surface coating applied for the purpose of establishing the color and/or protective surface, including groundcoat and paint sealer materials.
- 4.92 Bulk Plant. A facility having a daily throughput of 20,000 gallons (76,000 liters) or less of gasoline.
- 4.93 Bulk Terminal. A facility having a daily throughput of more than 20,000 gallons (76,000 liters) of gasoline.
- 4.94 Gasoline. A petroleum distillate having a Reid vapor pressure of 27.6 kPa (four pounds) or greater.

* * * *

6.1 ...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, an appropriate permit fee paid (for applications made after July 1, 1979), and a certificate of approval (permit) for the work has been received from the Louisiana Air Control Commission....

* * * *

6.11 Interstate Pollution. Each major proposed new or modified source: (1) subject to significant deterioration of air quality review or, (2) which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in a control region outside Louisiana shall provide written notice to all nearby states, the air pollution levels of which may be affected by such source, at least sixty days prior to the date on which commencement of construction is to be permitted by the Commission.

* * * *

6.6 Public Comment. No permit for new sources or modifications shall be acted upon by the Commission unless:

- (1) The information submitted by the owner or operator and the analysis made by the Commission staff of the effect on air quality is available for public inspection in at least one location in the Air Quality Control Region (AQCR) affected.
- (2) A thirty-day period exists for submittal of public comment.
- (3) A notice by prominent advertisement in the AQCR affected indicating the location of the information described in (1) above is published.

* * * *

17.12 Emission Inventory. Emission Inventory Questionnaire shall be submitted to the Department within ninety days of initial request. 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 emission point changes more than ten percent from reported annual values.

* * * *

17.14 Stack Heights. The degree of emission limitation required in these regulations for control of any air pollutant shall not be affected in any manner by (1) so much of the stack height of any sources as exceeds good engineering practice or (2) any other dispersion technique.

This section shall not apply with respect to stack heights in existence before the date of enactment of the Clean Air Amendments of 1970 or dispersion techniques implemented before such date.

17.14.1 In establishing an emission limitation for coal-fired steam electric generating units which are subject to the provisions of Section 118 of the Federal Clean Air Act and which commenced operation before July 1, 1957, the effect of the entire stack height of stacks for which a construction contract was awarded before February 8, 1974, may be taken into account.

17.14.2 For the purpose of this section:

- (a) The term "dispersion technique" includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions.
- (b) The term "good engineering practice" means with respect to stack heights, the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles. Such height shall not exceed two and a half times the height of such source unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing to the satisfaction of the Louisiana Air Control Commission, that a greater height is necessary as provided under the preceding sentence. In no event may the Louisiana Air Control Commission prohibit any increase in any stack height or restrict in any manner the stack height of any source.

* * * *

17.15 Maintenance of Pay. In the case of any source which uses a supplemental, or intermittent control for the purpose of meeting the requirements of an order under Section 119 (d) or Section 119 (relating to primary nonferrous smelter orders) of the Federal Clean Air Act, the owner or operator of such source may not temporarily reduce the pay of any employee by reason of the use of such supplemental or intermittent or other dispersion dependent control system.

17.16 A facility may propose to the Commission a control plan for any pollutant that sets a mass emission rate equal to the sum of all sources within the facility or any combination of sources within the facility. The facility may control the emissions contained in the proposal any way it deems appropriate as long as the proposed mass emission rate is not violated. The facility will set emission rates for each proposed source within the facility that when accumulated will demonstrate compliance with the mass emission rate.

The Commission shall approve the use of the alternative emission reduction proposal if the facility can demonstrate that the proposal will not interfere with the attainment or maintenance of the ambient air quality standard for the pollutant which the control plan is proposed.

* * * *

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 twenty percent 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 twenty percent opacity for a period of not more than four consecutive minutes in any one-hour period, (any sixty-minute period commencing on the hour).

* * * *

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 of not more than four consecutive minutes in any one-hour period, (any sixty-minute period commencing on the hour.)

For new or existing fluid catalytic cracking unit incinerator-waste heat boilers emissions shall not exceed thirty percent opacity ex-

cept that emitted may be denser than thirty percent opacity for one six-minute average per hour without violating this standard.

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 this 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.

* * * * *

18.6.3 Where the presence of uncombined water or matter other than smoke, as defined in 4.59, 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. In addition, emissions already less than that allowed by Sections 21.3 and 23.4.1 of these regulations shall be considered by the Technical Secretary for exemption from the provisions of this subsection.

* * * * *

In Section 22.3 revise the first sentence to read as follows: 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 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 a submerged fill pipe and one of the following vapor loss control devices:

* * * * *

In Section 22.3 (b) revise the sentence as follows:

(b) A vapor loss control 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 limit their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

* * * * *

22.5 Volatile Organic Compounds. Any loading facility for volatile organic compounds servicing tanks, trucks or trailers having a capacity in excess of two hundred gallons (seven hundred sixty 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. 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.

* * * * *

Change the last paragraph of Section 22.3 to read as follows:

This section does not apply to existing storage tanks having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) of crude or condensate or to new crude or condensate storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to 40 CFR Part 60 Subpart K. Activities prior to lease custody transfer are exempt from this section.

22.3.1 Any crude or condensate storage tank in an oxidant non-attainment area emitting one hundred tons per year (TPY) or more of volatile organic compounds shall control the emissions as specified in Section 22.3.

* * * * *

22.9(a) Incineration, provided ninety percent of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide (except as provided in 22.9.3(a)).

* * * * *

Revise the first paragraph of Section 22.9.1 to read as follows:

22.9.1 Soldering operations, painting and coating operations, not listed in 22.9.2, and Dry Cleaning Operations Using Organic

Solvents. Soldering operations, painting and coating operations, not listed in 22.9.2 and 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.

* * * * *

22.9.2 Surface Coating Industries. No person may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating of any materials affected by Regulation 22.9.2(a) through (h) to exceed the emission limits as specified in the regulation.

Affected Facility	VOC Emission Limitation	
	Lbs. Per Gal. Of Coating (Minus Water)	KG Per Liter Of Coating (Minus Water)
(a) Large Appliance Coating Industry. The following emission limits shall apply:		
Prime, single or topcoat application area, flash-off area and oven	4.3 ¹ 2.8 ²	0.52 ¹ 0.34 ²
¹ Until Dec. 31, 1981. ² After Dec. 31, 1981.		
(b) Surface Coating of Cans. The following emission limits shall apply:		
Sheet Basecoat (exterior and interior) and over-varnish: Two-piece can exterior (basecoat and over-varnish)	2.8	0.34
Two and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)	4.2	0.51
Three-piece can side-seam spray	5.5	0.66
End sealing compound	3.7	0.44
(c) Surface Coating of Coils. The following emission limits shall apply:		
Prime and topcoat or single coat operation	2.6	0.31
(d) Surface Coating of Paper. The following emission limits shall apply:		
Coating Line	2.9	0.35
(e) Surface Coating of Fabrics. The following emission limits shall apply:		
Fabric Facility	2.9	0.35
Vinyl Coating Line	3.8	0.45
(f) Surface Coating of Assembly Line Automobiles and Light Duty Trucks. The following emission limits shall apply:		
Prime application, flash-off area and oven	1.2	0.14
Primer surfacer application flashoff area and oven	2.8	0.34
Topcoat application, flashoff area and oven	2.8	0.34
Final repair application, flashoff area and oven	6.5 ¹ 4.8 ²	0.79 ¹ 0.58 ²
¹ Until Dec. 31, 1981. ² After Dec. 31, 1981.		
(g) Surface coating-magnetic wire coating.		
Coating Line	1.7	0.20

(h) Surface Coating of Metal Furniture. Volatile organic compound emissions from metal furniture coating lines shall not exceed three pounds per gallon (0.36 kg/liter) of coating (minus water).

22.9.3 Control Techniques.

(a) If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, the volatile organic compound capture and abatement system shall be at least eighty percent efficient overall, (sixty-five percent with energy recovery). All surface coating facilities shall submit to the Technical Secretary for his approval design data for each capture system and emission control device which is proposed for use. (Example: A line using an eighty percent effective control device with a coating containing 8.5 pounds per gallon of VOC shall be considered to meet a 1.7 pound gallon emission limitation).

(b) If a person wishes to use low solvent technology to meet any of the emission limits specified in Regulation 22.9.2(a) through (h) and if the technology to be used for any particular application is not now proven but is expected to be proven in a reasonable length of time, he may request a compliance date extension from the Technical Secretary. After consultation with appropriate local governmental agencies, the Technical Secretary may extend the compliance date to no later than December 31, 1982. Compliance date extensions will require progress reports every ninety days, or as directed, to show reasonable progress, as determined by the Technical Secretary, toward technology to meet the specified emission limitation.

Compliance with the emission limitation for any specified surface coating application shall be eighteen months after any progress report indicates the extended compliance date cannot be met with low solvent technology. Final compliance date for any control plan shall be no later than December 31, 1982.

(c) A plant-wide emission reduction plan may be approved by the Technical Secretary if it can be demonstrated by the surface coating facility that any emissions in excess of those allowed for a given coating line will be compensated or by reducing emissions from regulated sources within the surface coating facility.

(d) Surface coating facilities on any property in affected parishes which have a potential to emit a combined weight of volatile organic compounds less than one hundred pounds (forty-five kilograms) in any consecutive twenty-four-hour period are exempt from the provisions of Regulation 22.9.2(a) through (h).

(e) Soldering and surface coating facilities or portions thereof, may request exemption from the requirements of Regulation 22.9.2 if all of the following conditions are met:

- (1) The affected portion of the facility will not emit more than fifty tons per year of VOC.
- (2) That the only practical means of VOC control is thermal oxidization.
- (3) That the substance to be emitted is not toxic.
- (4) That the moles of fuel used would exceed the moles of VOC destroyed.
- (5) That the reasonable control of the VOC would result in a net increase of emissions from the facility.

The exemption will be described in detail in the Compliance Orders, under Section 110(a)(3) of the Federal Clean Air Act, adopted by the Commission.

* * * *

Revise the second sentence of 22.8(c) to read as follows:

22.8(c) ...Where it can be demonstrated to the Department that the waste gas stream:

1. is not significant (i.e. is less than one hundred TPY),
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 the requirement...

* * * *

22.10 Exemptions. The following compounds are considered exempt from the control requirements of Section 22.0 et al: methane, ethane, 1, 1, 1 trichloroethane (Methyl Chloroform), trichlorotrifluoroethane (Freon 113) and methylene chloride. Sources emitting other volatile organic compounds may be considered for exemption by the Commission if their control causes economic hardship. Any exemption granted will be described in detail in Compliance Orders adopted by the Commission.

* * * *

22.12 Vapor Degreasers.

22.12.1 Open Top Vapor Degreasers.

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the open top vapor cleaning of objects without a cover that can be opened and closed easily without disturbing the vapor zone.

(b) No person shall operate or maintain a system using a volatile organic compound for the open top vapor cleaning of objects without complying with the following operating procedures:

- (1) The cover shall be closed at all times except when processing work loads through the degreaser.
- (2) Parts shall be positioned so that maximum drainage is obtained.
- (3) Parts shall be moved in and out of the degreaser at less than eleven feet per minute (three and three-tenths meters per minute).
- (4) The work load shall be degreased in the vapor zone at least thirty seconds or until condensation ceases.
- (5) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing the part.
- (6) Parts shall be allowed to dry within the degreaser for at least fifteen seconds or until visually dry.
- (7) Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.
- (8) Work loads shall not occupy more than half of the degreaser open top area.
- (9) The vapor level shall not drop more than 4 inches.
- (10) Solvent shall not be sprayed above the vapor level.
- (11) Solvent leaks shall be repaired immediately or the degreaser shall be shut down.

(12) Waste solvent shall not be disposed of or transferred to another party such that greater than twenty percent of the waste (by weight) will evaporate into the atmosphere.

(13) Exhaust ventilation shall not exceed sixty-five cubic-feet-per-minute (CFM) per cubic foot (ft³) (twenty cubic meters per minute per cubic meters) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(14) Water shall not be visibly detectable in solvent exiting the water separator.

22.12.2 ConveyORIZED Degreasers. No person shall operate or maintain a system utilizing a volatile organic compound for the conveyORIZED cleaning of objects without complying with the following operation procedures:

(a) Exhaust ventilation shall not exceed sixty-five CFM per Ft³ (twenty M³/Min per M³) of degreaser opening, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(b) Parts shall be positioned so that maximum drainage is obtained.

(c) Vertical conveyor speed shall be maintained at less than eleven Ft/Min (3.3 M/Min).

(d) Waste solvent shall not be disposed of or transferred to another party such that greater than twenty percent of the waste (by weight) can evaporate into the atmosphere. Waste solvent shall be stored only in covered containers.

(e) Leaks shall be repaired immediately or the degreaser shall be shut down.

(f) Water shall not be visibly detectable in the solvent exiting the water separator.

22.12.3 Cold Cleaning Facilities.

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the cold cleaning of objects without a cover that can be opened or closed easily.

(b) No person shall operate or maintain a system using a volatile organic compound for cold cleaning of objects without complying with the following operating procedures:

(1) The cover shall be closed at all times except when processing work loads through the degreaser.

(2) Parts shall be positioned so that maximum drainage is obtained.

(3) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing the part.

(4) Parts shall be allowed to dry within the degreaser for at least fifteen seconds or until visually dry.

(5) Solvent shall not be sprayed above the vapor level.

(6) Porous or absorbent materials such as cloth, leather, wood, or rope shall not be degreased.

(7) Solvent leaks shall be repaired immediately or the degreaser shall be shut down.

(8) Waste solvent shall not be disposed of or transferred to another party such that greater than twenty percent of the waste (by weight) will evaporate into the atmosphere.

(9) Exhaust ventilation shall not exceed sixty-five CFM per foot³ (twenty M/Min per M³) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(10) Water shall not be visibly detectable in a solvent exiting the water separator.

22.12.4 Exemptions.

(a) Volatile organic solvent using processes affected by Section 22.12 et seq. which uncontrolled may emit up to a combined weight of volatile organic compounds less than one hundred pounds (forty-five kilograms) in any consecutive twenty-four hour period are exempt from the provisions of this section.

* * * *

22.13 Cutback Paving Asphalt. No person may cause, allow or permit the manufacture, mixing, storage, use or application of cutback paving asphalts without approval of the Technical Secretary as provided below. The Technical Secretary may approve the manufacture, mixing, storage, use or application of cutback asphalts where;

(a) Long-life stockpile storage is necessary.

(b) The use or application at ambient temperatures less than 10°C (50°F) is necessary.

(c) The cutback paving asphalt is to be used solely as a penetrating prime coat.

* * * *

22.14 Filling of Gasoline Storage Vessels (Stage 1).

22.14.1 Control Requirements. No person shall transfer gasoline from any delivery vessel into any stationary storage container with a nominal capacity of two thousand gallons (7,570 liters) or greater unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a vapor recovery system which reduces the emissions to a level not to exceed 1.2 pounds of volatile organic compounds per one thousand gallons (140 mg/liter) of gasoline transferred.

22.14.2 Approved Vapor Balance System. When a vapor balance system is used to comply with the above control requirements, the balance system will be assumed to meet the specified emission limitations if the following conditions are met:

(a) A vapor-tight return line is connected before gasoline can be transferred into the storage container. No gasoline leaks exist anywhere in the liquid transfer system.

(b) The only atmospheric emission during gasoline transfer into the storage container is through the storage container pressure-vacuum valve.

(c) The delivery vessel is kept vapor-tight under normal conditions with vapor recovery equipment.

22.14.3 Alternate Vapor Balance Systems. Other vapor balance arrangements may be accepted if proof of the emission level required in subparagraph 22.14.1 is provided to the Louisiana Air Control Commission. Approval of any alternate vapor balance system shall not be valid unless it is received from the Technical Secretary in writing.

22.14.4 Exemptions. The following are exempt from the requirements of Section 22.14.1 above:

(a) Stationary containers having a capacity of five hundred fifty gallons (2,082 liters) or less used exclusively for the fueling of implements of agriculture.

(b) Transfers made to storage tanks equipped with external floating roofs, internal floating roofs, or their equivalent.

(c) Any stationary container having a nominal capacity of two thousand gallons (7,570 liters) or less installed before January 1, 1979. (Small tanks).

(d) Retail gasoline outlets whose throughput are less than 500,000 gallons (1,892,700 liters) per year. (Small outlet).

22.14.5 Areas Affected and Compliance Schedule. All affected facilities in the areas which have been specified by the U.S. Environmental Protection Agency as non-attainment areas for the oxidant standard shall be in compliance as soon as practicable but no later than December 31, 1982.

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22.15 Gasoline Bulk Plants.

22.15.1 Control Requirements.

(a) No person shall permit the transfer of gasoline from a transport vessel into a gasoline bulk plant storage tank unless a vapor return line is installed from the storage tank to the transport vessel. There shall be no leaks in the transfer system which includes liquid lines, vapor lines, hatch covers, pumps and transport vessel pressure-vacuum relief valves. The only atmospheric emission during gasoline transfer shall be through the storage tank's pressure-vacuum relief valves. Maximum allowable loss shall be 1.2 pounds of volatile organic compounds per one thousand gallons (140 mg/liter) of gasoline transferred. All gauging and sampling devices shall be vapor-tight except for necessary gauging and sampling.

(b) No person shall permit the transfer of gasoline from a gasoline bulk plant into a delivery truck unless the delivery truck or loading rack has a submerged fill pipe. There shall be no gasoline leaks between the storage tank connection and the delivery vessel.

(c) No person shall permit the transfer of gasoline from a gasoline bulk plant storage tank into a delivery truck unless a vapor return line is installed from the delivery truck to the storage tank. There shall be no leaks in the transfer system which includes liquid lines, vapor lines, hatch covers, pumps and delivery truck pressure-vacuum relief valves. The only atmospheric emission during gasoline transfer shall be through the storage tank pressure-vacuum relief valve. Maximum allowable loss shall be 1.2 pounds of volatile organic compounds per one thousand gallons (one hundred forty mg/liter) of gasoline transferred. All gauging and sampl-