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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-