Worksheet for Technical Review of Working Draft of Proposed Permit

Company Name:	**Various Air General Operating Permit**	**AI #:**	**122793**	**TEMPO Activity No:**	**PER20060001**
Facility Name:	**Various Air General Operating Permit**	**Remarks Submitted by:**	**Kean Miller Law Firm representing the Louisiana Pulp and Paper Association, the Louisiana Chemical Association and the Louisiana Mid-Continent Oil and Gas Association**		
Permit Writer:	**Kermit Wittenburg**	**Permit Writer Email address:**	**kermit.wittenburg@la.gov**		

Instructions

Permit Reference – Indicate specific portion(s) of the permit to which the remark relates (i.e. "Specific Condition 120", or "Section II Air Permits Briefing Sheet", etc.).

Remarks – Explain the basis for each remark. Provide regulatory citations where possible. If the remark is made due to an error or omission in the permit application this must be noted and the revised information ***must be submitted.*** Revised information may be submitted separately from this worksheet. Please be aware that revised information must be submitted in writing and certified by the Responsible Official, and if necessary, by a Professional Engineer licensed in Louisiana. *Please Note:* New or additional equipment, processes or operating conditions not addressed in the original permit application will be addressed on a case-by-case basis. The Department reserves the right to address such changes in a separate permit action.

DEQ Response – ***DO NOT COMPLETE THIS SECTION.*** This section will be completed by Air Permits Division of DEQ, included in the proposed permit package and made available for public review during any required public comment period.

- Additional rows may be added as necessary.
- Completed Form shall be emailed to the Permit writer in MS Word compatible format within the deadline specified in the email notification.

Permit Reference	Remarks	Air Permits Division Response (for official use only)
All	The association requests that the Department consider a two-step permitting process for the Part 70 General Permits. At a minimum, the Associations request this process for minor modifications. Pursuant to the existing federal regulations, the Department has the authority to issue a preconstruction permit to authorize the commencement of construction and a separate operating permit (similar to the one proposed) prior to commencement of operation. A two-step process will assist both the Department and the regulated community by making the Part 70 General Permits program in Louisiana more streamlined and easier to process. In addition, a two-step process will make Louisiana more competitive with other states that currently employ this permitting strategy for both individual and Part 70 General Permits. For this reason, we request	LAC 33:III.501.C.2 states that no construction, modification or operation of a facility shall commence until a permit has been issued. LAC 33:III.501.C.8 states that each permit issued shall fulfill the requirements to obtain both a preconstruction and an operating permit in accordance with state and federal air quality programs. Until such time as LAC 33:III is revised, the Department cannot consider the Associations' request.

	that the Department consider proposing a shorter, less detailed preconstruction permit application. The Associations are willing to assist the Department in developing the suggested application, if desired. In the alternative, the "Application for Approval of Miscellaneous Permitting Activities" currently being considered by the Department may be a mechanism for approving preconstruction Part 70 General Permits. "General Permits" are not currently an option on this application.	
Statement of Basis	The Associations seek further guidance from the Department on the following statement set forth on page 8 of the "Statement of Basis" portion of the proposed permit application: Although part "B" of the Insignificant Activities List under §501.B.5 states that "The following activities need not be included in a permit application", that only applies to facilities that are considered minor sources. Facilities that require a Title V permit should list all table part "B" insignificant activities in the application. The Associations strongly disagree with the above statement and request additional information regarding its origin. Most, if not all, Part 70 (major) sources in Louisiana rely on the plain language set forth in Table B of Section 510.B.5 and, therefore, have not included the insignificant activities set forth on this list in permit applications. (A similar interpretation is currently used for Table C). The insignificant activity tables set forth in Section 501.B.5 are commonly used by both major and minor sources of regulated air pollutants. For these reasons. The Associations request that this language be deleted from the permit application. If the Department decides not to remove this statement, the Associations request that it justify its inclusion pursuant to the Louisiana Air Quality Regulations and the federal Part 70 Permit program.	The statement has been removed.
All	The Associations request clarification regarding the submission of General Permit Applications. Specifically, it is the Associations' understanding that only a specific portion (of the approximately 3,579 Specific Requirements) for the project seeking coverage under the Part 70 General Permit should be submitted to the Department as a part of the permit application. We believe this may be the intent of the Department and that it will also reduce paperwork by the regulated community in submitting and the Department in processing the applications. Therefore, we request that the Department provide more detailed instructions on whether the applicable portion of the Specific Requirements should be submitted with the permit application.	The Part 70 General Operating Permit specific conditions attached to the general permit documents contain the universe of regulations that may apply to the facility and associated equipment. The Associations' understanding is correct that any application for coverage need only address those regulations that are contained in that universe that apply to the specific equipment or facility. The existing LDEQ guidance for submittal of applications and the proposed revised and updated application submittal guidance speak to this issue as it applies to any application to be submitted. The Air Permits Procedures Manual (1998) can be found on the following link. http://www.deq.louisiana.gov/portal/tabid/64/Default.aspx

Technical Review Worksheet	The Associations request clarification regarding the following statement on the *technical review worksheet:* Revised information may be submitted separately from this worksheet. Please be aware that revised information must be submitted in writing and certified by a Responsible Official, and if necessary, by a Professional Engineer licensed in Louisiana." The Associations believe that this statement should be limited to substantive changes to the application. Permittees frequently make typographical or clarification-type (i.e., non-substantive) changes to a permit application. This information *should not* require certification by a Responsible Official or a Professional Engineer. In addition, the LDEQ frequently *requests additional information* from permittees either verbally or in an email communication. The above language would essentially eliminate this useful mechanism for providing supplemental information to the Department. For these reasons, the Associations request that the certification by a Responsible Official or Professional Engineer only be required for revisions that make a substantive change to the permit application. Alternatively, the Associations request that any certification of additional information be required only once shortly before notification of the intent to use the Part 70 general permit.	This Worksheet for Technical Review of Working Draft of Proposed Permit is a standard form used for all major permit technical reviews. Thus, this comment is not unique to the General Permit. *In general, if the applicant submits* comments on this form that request corrections to typographical errors in a specific proposed permit or provide clarifying information, the information need not be certified by a responsible official. However, any change to a calculation, an EIQ, or other certifiable document must follow the guidance from the warning statement. Again, the existing LDEQ guidance for submittal of applications and the proposed revised and updated application submittal guidance speak to this issue as it applies to any application to be submitted. LDEQ does concur that the certification by a Responsible Official or *Professional Engineer is intended only for substantive changes.* Verbal and email communication is essential to the permit application technical review process. However, any substantive changes *noted in* such communications must be followed by hard copy submittals with the appropriate certifications. LDEQ is considering the Associations' request for a single letter of certification for any and all submittals of additional information.