



AIR PERMIT ROUTING/APPROVAL SLIP-Misc.



Request for Delegation Authority – Federal Plan Subpart Mmmm
(Sewage Sludge Incinerators)

Final Approval	Approved	Date received	Date forwarded	Comments
Originator	Se		9-11-15	

Final Approval	Approved	Date received	Date forwarded	Comments
DCL - Senior	uha	9.11.15	9.14.15	oh
ES Manager	app		9.24.15	
Administrator	CSN		12/2/15	10/6 see note
Assistant Secretary	TBT		12/2/15	
Secretary	OB		12-2-15	

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE SECRETARY

Mr. Ron Curry
Regional Administrator
US EPA Region 6 (6-AR)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RE: Request for Delegation Authority
Federal Plan
40 CFR 60 Subpart MMMM

Dear Mr. Curry:

The Clean Air Act Amendments, Section 111(c)(1) provides for the State's delegation of the New Source Performance Standards (NSPS). In accordance with this section, the Louisiana Department of Environmental Quality (LDEQ) is requesting delegation to implement and enforce the 111(d)/129 Federal Plan related to 40 CFR 60 Subpart MMMM -Emission Guideline and Compliance Times for Existing Sewerage Sludge Incineration Units.

Based on the language of the Federal Plan proposal, a state may meet its Clean Air Act Section 111(d)/129 obligation by submitting an acceptable written request that meets the requirement of section 40 CFR 60.5045. Therefore, Louisiana is submitting, as required by this section, the attached Appendixes which include the following components:

- (1) Documentation to demonstrate adequate resources and legal authority to administer and enforce the Federal plan;
- (2) Inventory of the affected SSI unit(s);
- (3) Inventory of the emission from the affected SSI unit;
- (4) Provisions for State progress reports to EPA; and
- (5) Certification that the hearing on the State Delegation Request was held.

The State is committed to enter into a Memorandum of Agreement with the Regional Administrator that sets forth the terms, conditions, and effective date of the delegation and that serves as the mechanism for the transfer of authority.

If you or your staff have any questions concerning this matter, please contact Ms. Vivian Aucoin, Air Permits Division, Administrator at (225) 219-3482 or Vivian.Aucoin@la.gov.

Sincerely


Peggy M. Hatch
Secretary

Date:

December 2, 2015

APPENDIX A

La R.S. 30:2015 Powers and Duties

La R.S. 30:2011 Sufficient funds to fulfill mandate

Legal Authority:

In accordance with La R.S. 30:2011, the Department of Environmental Quality shall be the primary agency in the state concerned with environmental protection and regulation. The Department has jurisdiction over matters affecting the regulation of the environment within the State.

Adequate Resource:

The Department provides for enforcement, surveillance and permitting of the affected source.

La R.S. 30:2011 states that in order to fulfill the constitutional mandate to protect, conserve and replenish the natural resources of the state, the legislature declares that sufficient funds shall be available to the Department of Environmental Quality to fulfill the mandate. It is the intent of this Section to insure that all funds generated by the Department are used to fulfill and carry out its powers, duties, and functions.

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 RS 30:2015 



§2015. Environmental Trust Fund

A. In order to fulfill the constitutional mandate of Article IX of the Louisiana Constitution to protect, conserve and replenish the natural resources of the state, the legislature hereby declares that sufficient funds shall be available to the Department of Environmental Quality to fulfill that mandate. It is the intent of this Section to insure that all funds generated by the department are used to fulfill and carry out its powers, duties, and functions as provided by law.

B. There is hereby established a fund in the state treasury to be known as the "Environmental Trust Fund", hereafter referred to as the "trust fund", into which the state treasurer shall each fiscal year deposit the revenues received from those sources provided for by Subsection C of this Section and other sources as provided for by law after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer, prior to placing such funds in the state general fund, shall pay into the trust fund an amount equal to the revenue generated from collection from those sources provided for by Subsection C of this Section and other sources as provided for by law. No expenditures shall be made from the trust fund unless first appropriated by the legislature. The monies in the trust fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned on money from the fund and invested by the state treasurer shall be credited to the Environmental Trust Fund.

C. The Environmental Trust Fund shall consist of all revenues generated from the following sources:

(1) All fees assessed pursuant to the authority granted in R.S. 30:2014, R.S. 39:55.2, and any other provision of law authorizing the department to assess a fee. Such fees shall be used only for the purpose for which they were assessed.

(2) All sums in excess of that required to fully fund the Hazardous Waste Site Cleanup Fund recovered through judgments, settlements, or assessments of civil or criminal penalties, or under this Subtitle or any other applicable law for any violation of this Subtitle.

(3) Any donations, grants, and sums appropriated or allocated to the trust fund by the legislature.

(4) Reimbursements for funds expended by the department for any response activities conducted due to any pollution discharge or disposal, environmental emergency, or remedial action.

(5) Any grants or allocations made to the state of Louisiana from the United States government for any purpose provided by the grant or allocation.

(6) Reimbursement or a judgment awarding damages for restoration or damages to the state's natural resources.

(7) Any costs assessed as part of any administrative hearing or enforcement action or reimbursement of costs associated with the granting of any permit, license, variance, or registration.

D. The monies in the Environmental Trust Fund shall be used for the following purposes:

(1) To defray the cost to the state of permitting, monitoring, investigating, maintaining, and administering the programs provided for under the Louisiana Environmental Quality Act. All monies in the fund in excess of that amount necessary to administer such programs shall remain in the fund, to be invested by the treasurer, until such time as either state or federal funds become unavailable for these purposes. These excess funds shall be retained for the purpose of supplanting lost and reduced state environmental funding, or federal environmental funding presently granted to the state.

(2) To defray the costs of emergency response activities or to pollution discharges, the containment, control, and abatement of pollution sources and pollutants, to provide money or services as the state share of matching funds for federal grants, the costs of securing and quarantining pollution sources, including the acquisition of rights of way, and easements or title to pollution sources.

(3) To defray the cost of investigation, testing, containment, control, and cleanup of hazardous waste or solid waste sites, to provide money or services as the state share of matching funds for federal grants, and to defray the cost of securing and quarantining hazardous waste sites, including the acquisition of rights of use, servitudes, or title when necessary.

(4) To implement the Environmental Emergency Response Training Program established by R.S. 30:2035.

(5) For the identification and determination of hazardous wastes which are inappropriate for certain methods of land disposal as required in R.S. 30:2193.

(6) To insure adequate scientific, technical, and legal support of litigation seeking recovery of costs of response activities, penalties sought under this Subtitle, or environmental damages.

(7) To make grants to colleges and universities within Louisiana for the purpose of theoretical and practical research and development of alternative and environmentally sound methods and technologies for reducing, destroying, recycling, neutralizing, and, to the least extent possible, disposing of hazardous waste. Research and development of alternative methods and technologies for the purpose of waste reduction shall receive priority consideration from the secretary in the granting of any monies authorized by this Subsection.

(8) To make reimbursements to local political subdivisions or volunteer fire departments which incurred expenses in performing services approved by the secretary in response to a declared emergency.

E. In any cases where monies from the trust fund are expended, the attorney general shall institute a civil action to recover from the responsible persons all such monies expended from the trust fund. If the secretary requests that the attorney general institute a civil action to recover monies expended from the trust fund and the attorney general declines to institute such action or does not respond within sixty days of such request and agree to institute a civil action, an attorney from the department may, with the concurrence of the attorney general, institute a civil action to recover monies expended from the trust fund. Any monies so recovered shall be paid into the trust fund.

F. Upon a declaration of emergency, the secretary may enter into contracts providing for environmental emergency responses after informal negotiations without any other requirement of law; however, such contracts shall be subject to the prior written approval of the commissioner of the division of administration.

Acts 1989, No. 392, §1, eff. June 30, 1989; Acts 1995, No. 1160, §1; Acts 1999, No. 303, §1, eff. June 14, 1999; Acts 1999, No. 348, §1, eff. June 16, 1999.

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APPENDIX B
Inventory of Affected Unit

Inventory of affected SSI Unit

The only affected SSI source in the State, at this time, is Sewerage and Water Board of New Orleans – East Bank Sewage Treatment Plant located in New Orleans Parish, Louisiana. The facility began operations in 1966. The facility has one Fluidized Bed sewage sludge incineration unit.

APPENDIX C
Inventory of Emissions

**Emissions Inventory
(Potential to Emit)**

Pollutant	Emissions (Tons per Year)
PM ₁₀	9.61
PM _{2.5}	9.61
SO ₂	200.78
NO _x	16.70
CO	17.91
VOC	6.81
Benzene	0.039
Carbon tetrachloride	< 0.001
Chlorinated dibenzofuran	0.00000027
Chlorinated dibenzo-p-dioxins	< 0.0001
Chlorobenzene	< 0.001
Chloroform	0.324
1,4-Dichlorobenzene	3.573
Ethyl benzene	0.070
Naphthalene	1.390
Toluene	0.594
Trichloroethylene	< 0.001
Bis (2-ethylhexyl) phthalate	0.600
Arsenic	< 0.001
Barium	0.004
Beryllium	0.004
Cadmium	0.008
Chromium VI (and compounds)	0.004
Copper	0.295

Pollutant	Emissions (Tons per Year)
Dichloromethane	0.295
Hydrochloric acid	0.731
Lead compounds	1.170
Manganese (and compounds)	0.004
Mercury (and compounds)	1.297
Nickel (and compounds)	0.025
Selenium (and compounds)	0.003
Sulfuric acid	0.878
Tetrachloroethylene	0.002
Zinc (and compounds)	0.015
1,1,1-Trichloroethane	0.004

APPENDIX D
Provisions of State Progress Reports to EPA

Progress Reports:

Louisiana will submit annual progress reports to EPA to document implementation and enforcement of the Federal Plan. Reporting will begin 1 year after the Federal Plan is delegated.

These reports will include:

- 1) Status of enforcement actions;
- 2) Status of increments of progress;
- 3) Identification of sources that have shut down or started operation;
- 4) Emission inventory data for sources that were not in operation at the time of plan development but that began operation during the reporting period;
- 5) Additional data as necessary to update previously submitted source and emissions information; and
- 6) Copies of technical reports on all performance testing and monitoring.

APPENDIX E
Certification of Hearing

Certification of Hearing

Louisiana certifies that a hearing was held in regards to the Request for Delegation on November 24, 2015. A copy of the hearing record is attached herein.

Potpourri

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Division

Request for Delegation—Federal Plan

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice that the Office of Environmental Services, Air Permits Division, Manufacturing Section, will request delegation of the federal plan to meet the state's obligation in Clean Air Act section 111(d)/129 as it relates to 40 CFR 60, subpart MMMM, emission guidelines and compliance times for existing sewage sludge incineration units.(1510Pot1)

In accordance with 40 CFR 60.5045, in lieu of a state plan submittal, a state may meet its Clean Air Act section 111(d)/129 obligation by submitting a written request for delegation of the federal plan.

A public hearing will be held on November 24, 2015, at 1:30 p.m. in the Galvez Building, Oliver Pollock Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed request for delegation for authority. Comments gathered as such hearing will be submitted as an addendum to the original submittal. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments concerning the delegation of authority no later than 4:30 p.m., November 24, 2015, to Vivian H. Aucoin, Office of Environmental Services, P.O. Box 4313, Baton Rouge, LA. 70821-4313, (225) 219-3240, or by email to vivian.aucoin@la.gov.

A copy of the request for delegation for authority may be viewed at www.deq.la.gov/portal/DIVISION/AirPermitsEngineeringandPlanning or the LDEQ headquarters at 602 North Fifth Street, Room 536-03, Baton Rouge, LA 70802.

Herman Robinson, CPM
Executive Counsel

1510#038

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Office of the Governor
Coastal Protection and Restoration Authority

Deepwater Horizon Oil Spill—Draft Programmatic
Damage Assessment and Restoration Plan and
Programmatic Environmental Impact Statement

ACTION

Notice of Availability of Draft Plan

SUMMARY

In accordance with the Oil Pollution Act of 1990 (OPA) and the National Environmental Policy Act (NEPA), the federal and state Deepwater Horizon oil spill (the oil spill) natural resource trustee agencies for Louisiana, Mississippi, Alabama, Texas, and Florida (trustees) have prepared a Draft Programmatic Damage Assessment and Restoration Plan and Programmatic Environmental Impact Statement (PDARP/PEIS). As required by the OPA, the draft PDARP/PEIS presents the assessment of the impacts of the oil spill, which occurred on April 20, 2010, on natural resources in the Gulf of Mexico and on the services those resources provide, and determines the restoration needed to compensate the public for the impacts. The draft PDARP/PEIS also describes the trustees' programmatic alternatives considered to restore natural resources, ecological services, and recreational use services injured or lost as a result of the oil spill. Criteria and evaluation standards under the OPA natural resource damage assessment regulations guide the trustees' consideration of programmatic restoration alternatives. The draft PDARP/PEIS will evaluate these programmatic restoration alternatives under criteria set forth in the OPA natural resource damage assessment regulations. The draft PDARP/PEIS will also evaluate the environmental consequences of the programmatic restoration alternatives under NEPA. The purpose of this notice is to inform the public of the availability of the draft PDARP/PEIS and to seek public comments on the document.

DATES

Comments Due Date—We will consider public comments received on or before December 4, 2015.

Public Meetings—The trustees will hold a series of public meetings to facilitate public review and comment on the draft PDARP/PEIS. Both written and verbal comments will be taken at each public meeting. The trustees will hold an open house for each meeting followed by a formal meeting. Each public meeting will include a presentation of the draft PDARP/PEIS. Public meetings will be held between October 19th and November 20th. The full public meeting schedule is listed in the "Supplementary Information" section of this notice, and can be found on the internet at http://la-dwh.com/PDARP_PEIS.aspx.

(Please note that these same meetings will also present information on and seek comments regarding the proposed consent decree in *U.S. v. BP Exploration and Production, et al*, Civil No. 10-4536 (E.D. La.) (centralized in MDL 2179: *In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*). However, comments should be directed to the consent decree and the PDARP/PEIS separately. The proposed consent decree and directions for comment to the Department of Justice are available at <http://la-dwh.com/ConsentDecree.aspx> and <http://www.justice.gov/enrd/deepwater-horizon>.