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State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

Mr. Guy Donaldson
Section Chief 6PD-L
US EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RE: Louisiana State Implementation Plan (SIP)
2011-2013 Volatile Organic Compounds Rule State Implementation Plan Revision

Dear Mr. Donaldson:

The Louisiana Department of Environmental Quality is proposing revisions to the State Implementation Plan for Louisiana. This proposed SIP revision incorporates Volatile Organic Compounds regulations promulgated in the Louisiana Administrative Code during 2011-2013.

Written comments regarding the proposed SIP revisions should be mailed to Sandra Hilton, Office of Environmental Services, Permits Division, P. O. Box 4313, Baton Rouge, La., 70821-4313 or faxed to (225) 219- 3472 or emailed to sandra.hilton@la.gov. Comments must be received by 4:30 p.m., June 20, 2014.

We have enclosed two bound copies of the above referenced document for your review and comment. Should you have questions regarding this proposed revision, please contact Ms. Hilton at (225) 219-3511.

Sincerely,

Tegan Treadaway

Tegan Treadaway, Administrator
Air Permits Division

6/5/14
Date

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**** This rule includes Parts of the Louisiana Administrative Code that are not applicable to air quality; the sections that are pertinent to this proposed SIP are listed above.***

OVERVIEW

PURPOSE

This proposed State Implementation Plan (SIP) revision incorporates rules promulgated in the Louisiana Administrative Code (LAC) during 2011 - 2013. The submittal includes revisions to regulations in LAC 33:III.Chapter 21. Submittal of this SIP revision to the Environmental Protection Agency fulfills an air quality planning commitment in the Performance Partnership Grant.

AUTHORITY

Revisions or adoptions to the Air Quality rules and regulations are made in accordance with Louisiana R. S. 30:2019. The SIP revision is submitted in accordance with 40 Code of Federal Regulations (CFR) Part 51 Appendix V and policy established by EPA.

VOC Rule SIP

SUMMARY OF RULES PROMULGATED IN 2011-2013			
LAC 33:III	***Louisiana Register* Citation**	**Description**	**Comments**
§2121	April 2011 LR 37:1150 **AQ 320**	Organic Solvents; Emissions	This Rule amends Subsection A of LAC 33:III.2123 by replacing language that was inadvertenly removed in a previous rulemaking..
§2122	August 2013 LR 39:2242 **AQ 313**	Control of Emissions of Organic Compounds–Fugitive Emission Control	This Rule revises air regulations for fugitive emission control in attainment and nonattainment areas, LAC 33:III.2121 and 2122.
§2199	August 2013 LR 39:2242 **AQ 313**	Control of Emissions of Organic Compounds–Fugitive Emission Control	This Rule revises air regulations for fugitive emission control in attainment and nonattainment areas, LAC 33:III.2121 and 2122.
§2123	August 2013 LR 39:2242 **AQ 313**	Control of Emissions of Organic Compounds–Fugitive Emission Control	This Rule revises air regulations for fugitive emission control in attainment and nonattainment areas, LAC 33:III.2121 and 2122.

RULE

Tuition Trust Authority
Office of Student Financial Assistance

START Saving Program—2012 Interest Rate
(LAC 28:VI.311 and 315)

The Louisiana Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.). (ST13145R)

Title 28
EDUCATION
Part VI. Student Financial Assistance—Higher Education Savings
Chapter 3. Education Savings Account
§311. Termination, Refund, and Rollovers of an Education Savings Account

A. - G. …

H. Refund Payments. Payment of refunds for voluntary termination under §311.F or partial refunds of accounts pursuant to §311.F.3 shall be made within 30 days of the date on which the account was terminated. The termination refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the last calendar year. Interest earned in excess of $10 during the calendar year of termination will be refunded within 45 days of the date the state treasurer has announced the interest rate for the preceding year. Interest earned of $10 or less during the calendar year of termination will be forfeited to the Louisiana Education and Tuition Savings Fund.

I. - I.2.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 33:443 (March 2007), LR 34:1885 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013).

§315. Miscellaneous Provisions

A. - B.26. …

27. For the year ending December 31, 2012, the Louisiana Education Tuition and Savings Fund earned an interest rate of 2.52 percent.

28. For the year ending December 31, 2012, the Savings Enhancement Fund earned an interest rate of 2.57 percent.

C. - S.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 33:443 (March 2007), LR 34:1885 (September 2008), LR 35:1492 (August 2009), LR 36:492 (March 2010), LR 36:2030 (September 2010), LR 38:1954 (August 2012), LR 39:2238 (August 2013).

George Badge Eldredge
General Counsel

1308#008

RULE

Department of Environmental Quality
Office of the Secretary
Legal Division

Control of Emissions of Organic Compounds—Fugitive Emission Control
(LAC 33:III.2121, 2122, and 2199)(AQ313)

Editor's Note: A hearing pursuant to R.S. 49:968(H)(2) was not conducted to incorporate changes within the following Rule.

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2121, 2122 and 2199, Appendix B (AQ313).

This Rule revises air regulations for fugitive emission control in attainment and nonattainment areas, LAC 33:III.2121 and 2122. Several definitions have been added to conform to definitions in the federal new source performance standards (NSPS) of 40 CFR 60. Under the control requirements, leak definitions are expanded to include leaks that can be imaged by an optical gas imaging instrument when following the federal alternative work practice (AWP) as described in 40 CFR 60.18. Under the monitoring requirements, the regulations have been changed to allow substitution of optical gas imaging and method 21 monitoring per the federal AWP.

The fugitive emission control for ozone nonattainment areas regulations (LAC 33:III.2122) have been changed to clarify conflicting requirements for leaks detected by visual, audible, or olfactory means. This Rule clarifies the conflicting requirements for pumps and valves in heavy liquid service, specifically, LAC 33:III.2122.C.1.d, D.3.b, and D.4.b.

In the control requirements Subsection, the open-ended line and double block and bleed provisions of LAC 33:III.2122.C.2 have been clarified and expanded utilizing language from the federal regulations. In the control requirements section, conditions have been added to verify when a repair is successful. In addition, conditions have been added under which equipment may be removed from the delay of repair list.

In the monitoring requirements Subsection, the alternative monitoring program exemption for facilities that already have a more stringent LDAR program at the time of initial promulgation has been expanded to include the Louisiana Consolidated Fugitive Emission Program (LCFEP). The

LCFEP provides a mechanism for affected facilities to consolidate overlapping state and federal LDAR programs. A description of the program has been placed in the Chapter 21 appendix (LAC 33:III.2199, Appendix B).

Similar changes have been made for the fugitive emission control regulation (LAC 33:III.2121). The changes for LAC 33:III.2121 and 2122 do not modify the leak definitions and will not alter the position of LAC 33:III.2121 and 2122 in the Louisiana Consolidated Fugitive Emission Program stringency table.

The basis and rationale for this Rule is that LAC 33:III.2121 (Fugitive Emission Control) and LAC 33:III.2122 (Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes) require establishment of equipment leak monitoring and repair programs for specific industries in order to minimize emission of volatile compounds into the air.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2121. Fugitive Emission Control

A. Applicability. This Section is applicable to each process unit at petroleum refineries, natural gas processing plants, synthetic organic chemical manufacturing industry (SOCMI) facilities, methyl tertiary butyl ether (MTBE) manufacturing facilities, and polymer manufacturing facilities that contains any of the following components that operate in volatile organic compound (VOC) service for 300 hours or more during the calendar year:

1. - 9. …

B. Definitions. Terms used in this Section are defined in LAC 33:III.111.A of these regulations with the exception of those terms specifically defined in this Section as follows.

Alternative Work Practice (AWP)—the use of optical imaging to detect leaks as described in 40 CFR 60.18(g), (h) and (i).

Connector—flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. Joined fittings welded completely around the circumference of the interface are not considered *connectors*.

Difficult-to-Monitor—equipment that cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

Double Block and Bleed System—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Equipment—each pump, compressor, pressure relief device, open-ended valve or line, process drain, valve, agitator, instrumentation system, and connector in VOC service. For the purpose of these regulations *equipment* shall be synonymous with component.

Force Majeure—an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are:

a. acts of nature;

b. acts of war or terrorism; or

c. equipment failure or safety hazard beyond the control of the affected facility.

In Gas/Vapor Service—equipment that contains a VOC in a gas or vapor state at operating conditions.

In Heavy Liquid Service—equipment that is not in gas/vapor service or in light liquid service.

In Light Liquid Service—

a. equipment containing a fluid that meets all of the following conditions:

i. the vapor pressure of one or more of the organic compounds is greater than 0.3 kPa (0.0435 psi) at 20°C (68°F) (Standard reference texts or ASTM D2879-83, 96, or 97 shall be used to determine the vapor pressure.);

ii. the total concentration of the pure organic compounds having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight; and

iii. the fluid is a liquid at operating conditions;

b. as an alternative to Subparagraph a of this Paragraph, an owner or operator of petroleum refineries, natural gas processing plants, and polymer manufacturing facilities has the option to use ASTM Method D86-78, 82, 90, 95, or 96. The equipment is *in light liquid service* if the evaporated fluid weight is greater than 10 percent at 150°C (302°F).

In Liquid Service—equipment that is not in gas/vapor service.

Inspect—examine the component for visible, audible, or olfactory evidence of a leak.

Instrumentation System—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in *instrumentation systems*; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches or smaller and connectors nominally 0.75 inches or smaller in diameter are considered part of *instrumentation systems* for the purposes of this Section. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with *instrumentation systems* are not considered part of *instrumentation systems* and shall be monitored individually as a valve or connector.

In Vacuum Service—equipment operating at an internal pressure that is at least 20 inches of water (38 millimeters of mercury) below ambient pressure.

In VOC Service—

a. for petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities:

i. a piece of equipment that contains or contacts a process fluid that is at least 10 percent VOC by weight;

b. for natural gas processing plants:

i. a piece of equipment that contains or contacts a process fluid that is at least 1.0 percent VOC by weight.

Monitor(ed)—determination of VOC concentration at equipment components in accordance with method 21 (see 40 CFR 60, Appendix A-7), or the *alternative work practice* as provided in this Section.

Open-Ended Valve or *Line*—any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

Optical Gas Imaging Instrument—an instrument that makes emissions visible that may otherwise be invisible to the naked eye.

Process Drain—any opening (including a covered or controlled opening) that receives or conveys wastewater into a wastewater system.

Process Unit—a facility, or any part thereof, that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

Process Unit Shutdown—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. The following are not considered *process unit shutdowns*:

a. an unscheduled work practice or operational procedure that stops production from a process unit, or part of a process unit, for less than 24 hours;

b. an unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled *process unit shutdown*;

c. the use of spare equipment and technically feasible bypassing or isolating of equipment without stopping production; and

d. the idling of a process unit due to force majeure.

Repair—adjust or otherwise alter equipment in order to eliminate a leak.

Unsafe-to-Monitor—equipment that cannot be monitored without exposing monitoring personnel to immediate danger.

C. Fugitive Emission Control Requirements

1. Leak Limitations

a. No component listed in Paragraph A.1-9 of this Section shall be allowed to emit VOC:

i. exceeding an instrument reading of 10,000 parts per million (ppm), as determined by method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003);

ii. which can be imaged when following the *alternative work practice (AWP)* as defined in Subsection B of this Section; or

iii. where visible, audible, or olfactory evidence indicate the presence of a leak.

2. Open-Ended Valves or Lines

a. Each open-ended valve or line shall be equipped with a second valve, blind flange, plug, or cap. These sealing devices may only be removed when the line is in use (i.e., when a sample is being taken). When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

b. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves, but shall comply with Subparagraph C.2.a of this Section at all other times.

c. Open-ended valves or lines in emergency system(s) (e.g., pressure relief devices) which are designed to open automatically in the event of a process upset are exempt from the requirements of Subparagraph C.2.a of this Section.

d. Open-ended valves or lines containing asphalt, materials that would autocatalytically polymerize or would present an explosion, serious over pressure, or other safety hazard if sealed or equipped with a double block and bleed system are exempt from the requirements of Subparagraph C.2.a of this Section.

3. Leak Repair

a. The owner or operator shall make every reasonable effort to repair a leaking component, as described in Subparagraph C.1.a or Subparagraph D.3.b of this Section, within 15 calendar days of detection. A repair is considered successful if it meets any of the following conditions:

i. a component is *monitored* as defined in Subsection B of this Section (or remonitored) to verify that the instrument reading is below the applicable leak definition in Subparagraph C.1.a of this Section;

ii. a component that has been identified as leaking using the AWP, either meets Clause C.3.a.i of this Section, or the emissions are no longer visible using the AWP; or

iii. a component in liquid service that has been identified as leaking by visual, audible, or olfactory means, including, use of the soap bubble test for natural gas processing plants, either meets Clause C.3.a.i of this Section, or when visual, audible, or olfactory indications of the leak have been eliminated.

b. Equipment that cannot be repaired shall be placed on a delay-of-repair list, unless it can be isolated or bypassed to eliminate the leak. Equipment on the delay-of-repair list shall be repaired by the end of the next scheduled process unit shutdown. The *administrative authority* as defined in LAC 33:III.111.A reserves the right to take enforcement action pursuant to R.S. 30:2025, should it be determined that the total percentage of components on the delay-of-repair list is excessive or is causing damage to the public health or environment.

c. Equipment placed on the delay-of-repair list in accordance with Subparagraph C.3.b of this Section may be removed from the list if it meets any of the following conditions:

i. the equipment is monitored or imaged, and for two consecutive monthly periods, either the instrument readings are below the leak limitation specified in Subparagraph C.1.a of this Section or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP; or

ii. the owner or operator has undertaken additional or extraordinary efforts to repair the leaking equipment, and subsequent monitoring or imaging

demonstrates that either the instrument readings are below the leak limitation in Subparagraph C.1.a of this Section, or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP. Extraordinary efforts are nonroutine repair methods (e.g., sealant injection, clamp installation) or utilization of a closed-vent system to capture and control the leak by at least 90 percent.

(a). Note. The decision to monitor equipment on the delay-of-repair list or undertake extraordinary efforts to repair equipment shall be made solely at the owner or operator's discretion.

D. Monitoring and Inspection Requirements. Monitoring of components by method 21 and inspections shall be conducted according to this Subsection. After initially complying with this Subsection by use of method 21, the owner or operator may elect to comply with the appropriate alternate monitoring schedule(s) in Subsection E of this Section. In lieu of method 21 monitoring, optical imaging may be conducted in accordance with the AWP. If the owner or operator elects to use the AWP, the requirements for instrument specifications, instruments checks, monitoring frequency, leak survey procedures, recordkeeping, and reporting shall be followed as described in 40 CFR 60.18 (g), (h), and (i). The alternate monitoring schedule(s) in Subsection E of this Section are not applicable when using the AWP.

1. Petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall perform the following:

a. monitor the following components one time per calendar year (annually):

i. pumps in light liquid service at refineries;

ii. valves in light liquid service at refineries; and

iii. process drains;

b. monitor the following components four times per year (quarterly):

i. compressor seals;

ii. valves in gas/vapor service;

iii. pressure relief valves in gas/vapor service;

iv. valves in light liquid service at SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities; and

v. pumps in light liquid service at SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities;

c. inspect pump seals visually 52 times a year (weekly);

d. inspect instrumentation systems weekly by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clauses D.1.a.ii, D.1.b.ii, or D.1.b.iv of this Section, as applicable;

e. records of visual, audible, or olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected.

2. Natural gas processing plants shall perform the following:

a. inspect pump seals and compressor seals visually 52 times a year (weekly);

b. monitor the following components four times a year (quarterly):

i. pumps in light liquid service;

ii. compressor seals;

iii. valves in light liquid service and valves in gas/vapor service; and

iv. pressure relief valves in gas/vapor service;

c. inspect instrumentation systems 52 times a year (weekly) by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clause D.2.b.iii of this Section;

d. records of visual, audible, or olfactory inspections of instrumentation systems are not required unless a leak is detected.

3. Facilities listed in Paragraphs D.1 and 2 of this Section shall perform the following:

a. monitor any pressure relief valve in gas/vapor service within five calendar days s after it has vented to the atmosphere. Difficult-to-monitor pressure relief valves shall be monitored within 15 calendar days and unsafe-to-monitor pressure relief valves shall be monitored as soon as possible, when conditions would allow the component to be safely monitored;

b. within five calendar days, any component listed in Paragraphs A.1-9 of this Section identified as leaking by visual, audible, or olfactory means shall be:

i. repaired in accordance with Clause C.3.a.iii of this Section;

ii. monitored (using either Method 21 or the AWP); or

iii. designated as a leak (pursuant to Method 21 or the AWP);

c. difficult-to-monitor components shall be monitored within 15 calendar days and unsafe-to-monitor components shall be monitored as soon as possible, when conditions allow the component to be safely monitored. Visual, audible, or olfactory leaks designated as a leak or confirmed to be in excess of the applicable leak limitation in Subparagraph C.1.a of this Section by Method 21 monitoring, shall be repaired according to Subparagraph C.3.a of this Section;

d. difficult-to-monitor valves shall be monitored once per calendar year (annually);

e. unsafe-to-monitor equipment shall be monitored as soon as possible when conditions allow the component to be monitored safely (e.g., during a shutdown);

f. any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clause D.1.a.ii, D.1.b.ii, D.1.b.iv, or D.2.b.iii of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured by method 21; and

iii. is monitored for compliance with Clause D.3.e.ii of this Section initially upon designation and once per calendar year thereafter;

g. equipment that begins operation after the initial start-up date for the process unit shall be monitored for the first time by the end of the monitoring period in which the process unit start-up is completed, or 45 calendar days after the start-up period is completed, whichever is later.

equipment that replaces leaking equipment shall continue on the monitoring schedule for the equipment that it replaced;

h. monitoring to verify repairs that were made during a process unit shutdown shall occur by the end of the monitoring period in which the process unit start-up is completed, or 45 calendar days after the start-up period is completed, whichever is later.

4. Exemptions. Monitoring and inspections are not required on the following:

a. check valves;

b. pressure relief devices, pump seals or packing, and compressor seals or packing where leaks are vented to a process or fuel gas system, or equipped with a closed-vent system capable of transporting leakage to a control device;

c. pressure relief devices equipped with a rupture disc, or other similar leak-tight pressure relief component, upstream of the pressure relief device; provided that after each pressure release, the rupture disc, or other similar leak-tight component is replaced as soon as practicable; but not later than 15 calendar days;

d. equipment in vacuum service;

e. equipment at natural gas processing plants with less than 40 million standard cubic feet per day rated capacity that do not fractionate natural gas liquids;

f. components contacting only organic compounds exempted in LAC 33:III.2117 or mixtures of same with water;

g. pumps and compressors that are sealless or have a double mechanical seal;

h. pumps designed with no external shaft penetrating the pump housing;

i. research and development pilot facilities and small facilities with less than 100 valves in gas/vapor or liquid service;

j. insulated or buried equipment;

k. components that have been placed on a delay-of-repair list are exempt from further monitoring until a repair has been attempted, except that an owner or operator may monitor components on the delay-of-repair list in accordance with Subparagraph C.3.c of this Section in order to remove equipment from the delay-of-repair list; and

l. process drains that are components of individual drain systems subject to 40 CFR 60, subpart QQQ, 40 CFR 61, subpart FF, or 40 CFR 63, subparts G or YY.

5. Alternate Monitoring Program. Any facility that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the *administrative authority** as defined in LAC 33:III.111.A. A facility which has consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (i.e., with a Source Notice and Agreement or a Title V permit) is exempted from the requirement of submitting a description of the program to the administrative authority*. (The Louisiana Fugitive Emission Program consolidation guidelines are contained in LAC 33:III.2199.Appendix B.)

6. Force Majeure

a. If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the administrative authority, in writing, as soon as practical following the date the owner or operator first knew, or through due diligence should have known that the event may cause or has caused a delay in monitoring beyond the regulatory deadline. The notification shall occur before the monitoring deadline unless the initial force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

b. The owner or operator shall provide to the administrative authority a written description of the force majeure event and a rationale for attributing the delay in monitoring beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the monitoring. The monitoring shall be conducted as soon as practicable after the force majeure occurs.

c. The decision to grant an extension to the monitoring deadline is solely within the discretion of the administrative authority. The administrative authority shall notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practical.

d. Until an extension of the monitoring deadline has been approved by the administrative authority under Subparagraph D.6.c of this Section, the owner or operator of the affected facility remains subject to the requirements of this Section.

E. Alternate Monitoring Frequency. The monitoring schedule in Paragraph D.1 or 2 of this Section may be modified as follows.

1. Alternate Standards for Valves and Pumps subject to Subparagraph D.1.b or D.2.b of this Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternate work practices specified in Subparagraph E.1.b or c of this Section. However, the administrative authority shall be notified in writing before one of the alternate work practices is implemented.

b. After two consecutive quarterly leak detection periods with the total percent of leaking and delay-of-repair components (Equation 1 of this Section) equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for valves in gas/vapor service, valves in light liquid service, and/or pumps in light liquid service.

c. After five consecutive quarterly leak detection periods with the total percent of leaking and delay-of-repair components (Equation 1 of this Section) equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for valves in gas/vapor service, valves in light liquid service, and/or pumps in light liquid service.

d. If the total percent of leaking and delay-of-repair components (Equation 1 of this Section) increases to greater than 2.0 after implementing one of the alternate work practices in Subparagraph E.1.b or c of this Section, the owner or operator shall comply with the requirements as described in Paragraph D.1 or 2 of this Section, but subsequently may elect to use this Subsection when the requirements are met.

2. Alternate Standards for Valves and Pumps Subject to Subparagraph D.1.b or D.2.b—Increased Monitoring Frequency. If the total percent of leaking and delay-of-repair components (Equation 1 of this Section) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority.

3. The total percent of leaking and delay-of-repair components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 1. (Equation 1 shall be calculated separately for each component type.)

$$\%C_{TI} = [C_L + C_{TU}]/[C_T + C_{TU}] * 100\% \quad \text{Equation 1}$$

where:

$\%C_{TI}$ = total percent of leaking components including delay-of-repair components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

C_{TU} = number of components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

F. Recordkeeping

1. When a component remains leaking after every reasonable attempt at repair within the 15-calendar day period provided by Subparagraph C.3.a of this Section has been exhausted, a weatherproof and readily visible tag bearing an identification number and the date the leak was located shall be affixed to the leaking component. After the leak has been repaired, the tag may be removed.

2. A survey log shall be maintained by the operator which shall include the following:

a. the name of the process unit where the leaking component is located;

b. the type of leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section;

e. the date the leak was located;

f. the date maintenance was performed;

g. the date the component was rechecked after maintenance, and the results (i.e., instrument reading; visual, audible, or olfactory results; soap bubble test results; AWP video);

h. a record of the monitor calibration or AWP daily instrument check;

i. a delay-of-repair list;

j. a bypassed or isolated component list; and

k. a record of all monitoring, imaging, and inspection results.

3. The owner or operator shall retain the survey log for two years after the latest date specified in Paragraph F.2 of this Section and make the log available to the administrative authority upon request.

4. The optional use of the AWP shall require storing video and other records of the daily instrument check and inspections as required in 40 CFR 60.18.

G. Reporting Requirements. The owner or operator of the affected facility shall submit a report semiannually to the Office of Environmental Services for each calendar quarter during the reporting period. The reports are due by the last day of the month (i.e., January 31 and July 31) following the monitoring period or by an alternate date approved by the administrative authority. The reports shall include the following information for each quarter of the reporting period:

1. the number of each component type for which monitoring is required by Subsection D or E of this Section versus the number monitored and the total percent of leaking and delay-of-repair components (see Equation 1 of this Section) for each component type for which alternate control techniques are allowed by Subsection E of this Section;

2. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:

a. the name of the process unit where the leaking component is located and the date of last unit shutdown;

b. the type of the leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section, if the component is on the delay-of-repair list;

e. the date the leak was located;

f. the monitoring or inspection results;

g. the date maintenance was performed;

h. the date the leak is expected to be repaired if the component is on the delay-of-repair list; and

i. the reason repairs failed or were postponed;

3. a signed statement attesting to the fact that all requirements of this Section have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:70 (January 2008), amended by the Office of the Secretary, Legal Division, LR 39:2239 (August 2013).

§2122. Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes

A. Applicability

1. This Section is applicable to each process unit at petroleum refineries, natural gas processing plants, synthetic organic chemical manufacturing industry (SOCMI) facilities, methyl tertiary butyl ether (MTBE) manufacturing facilities, and polymer manufacturing facilities that contains any of the following components that operate in volatile organic compound (VOC) service for 300 hours or more during the calendar year:

a. - i. …

2. The requirements of this Section shall be applicable to sources located in the parishes of Ascension, East Baton

Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge effective January 1, 1996.

3. The requirements of this Section shall be applicable to sources located in the parish of Calcasieu effective January 1, 2003.

4. When the provisions of this Section are effective, process units to which this Section applies that are also subject to the provisions of LAC 33:III.2121 will not be required to comply with the provisions of LAC 33:III.2121.

5. Facilities listed in Paragraph A.1 of this Section, which are subject to New Source Performance Standards, 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or National Emission Standards for Hazardous Air Pollutants, 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, may become exempt from this Section by:

a. submitting a written notice to the *administrative authority** as defined in LAC 33:III.111.A informing them of the facility's request to become exempt from this Section and how 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, will be administered to obtain the exemption;

b. applying 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, to leak limitations specified in Paragraph C.1 of this Section rather than 10,000 ppm as specified in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116;

c. including connectors as components monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, which apply to valves; and

d. increasing the monitoring frequency of valves only when the valves monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, which apply to valves, equal or exceed 2 percent of the valves leaking at or above 10,000 ppm.

B. Definitions. Terms used in this Section are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

Alternative Work Practice (AWP)—the use of optical imaging to detect leaks as described in 40 CFR 60.18(g), (h) and (i).

Connector—flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. Joined fittings welded completely around the circumference of the interface are not considered *connectors*.

Difficult-to-Monitor—equipment that cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

Double Block and Bleed System—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Equipment—each pump, compressor, pressure relief device, open-ended valve or line, process drain, valve, agitator, instrumentation system, and connector that is in VOC service. For the purpose of these regulations *equipment* shall be synonymous with component.

Force Majeure—an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement within the specified time frame despite the affected facility's best efforts to fulfill the obligation. Examples of such events are:

a. acts of nature;

b. acts of war or terrorism; or

c. equipment failure or safety hazard beyond the control of the affected facility.

Good Performance Level—Repealed.

Heavy Liquid Service—Repealed.

Inaccessible Valve—Repealed.

In Gas/Vapor Service—equipment that contains a VOC in a gas or vapor state at operating conditions.

In Heavy Liquid Service—equipment that is not in gas/vapor service or light liquid service.

In Light Liquid Service—

a. equipment containing a fluid that meets all of the following conditions:

i. the vapor pressure of one or more of the organic compounds is greater than 0.3 kPa (0.0435 psi) at 20°C (68°F). (Standard reference texts or ASTM D2879-83, 96, or 97 shall be used to determine the vapor pressure);

ii. the total concentration of the pure organic compounds having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight; and

iii. the fluid is a liquid at operating conditions.

b. In the alternative to Subparagraph a of this Paragraph, an owner or operator of petroleum refineries, natural gas processing plants, and polymer manufacturing facilities has the option to use ASTM Method D86-78, 82, 90, 95, or 96. The equipment is *in light liquid service* if the evaporated fluid weight is greater than 10 percent at 150°C (302°F).

In Liquid Service—equipment that is not in gas/vapor service.

In Vacuum Service—equipment operating at an internal pressure that is at least 20 inches of water (38 millimeters of mercury) below ambient pressure.

In VOC Service—for petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities; a piece of equipment that contains or contacts a process fluid that is at least 10 percent VOC by weight. For natural gas processing plants, a piece of equipment that contains or contacts a process fluid that is at least 1.0 percent VOC by weight.

Inspect—examine the component for visible, audible, or olfactory evidence of a leak.

Instrumentation System—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in *instrumentation systems*; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches and smaller and connectors nominally 0.75 inches and smaller in diameter are considered *instrumentation systems* for the purposes of this Section. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with *instrumentation systems* are not considered part of *instrumentation systems* and shall be monitored individually as a valve or connector.

Light Liquid—Repealed.

Light Liquid Service—Repealed.

Liquid Service—Repealed.

Monitor(ed)—determination of VOC concentration at equipment components in accordance with Method 21 (see 40 CFR 60, Appendix A-7), or the *alternative work practice* as provided in this Section.

Open-Ended Valve or Line—any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

Optical Gas Imaging Instrument—an instrument that makes emissions visible that may otherwise be invisible to the naked eye.

Process Drain—any opening (including a covered or controlled opening) that receives or conveys wastewater into a wastewater system.

Process Unit—a facility, or any part thereof, that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

Process Unit Shutdown—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. The following are not considered process unit shutdowns:

a. an unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours;

b. an unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown;

c. the use of spare equipment and technically feasible bypassing or isolating of equipment without stopping production; and

d. the idling of a process unit due to force majeure.

Repair—adjust or otherwise alter equipment in order to eliminate a leak.

Unrepairable Component—Repealed.

Unsafe-to-Monitor—equipment that cannot be monitored without exposing monitoring personnel to immediate danger.

C. Fugitive Emission Control Requirements

1. Leak Limitations

a. No component listed in Subparagraphs A.1.a-i of this Section in petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall be allowed to emit VOC:

i. exceeding an instrument reading of 1,000 parts per million (ppm) for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppm for pumps and compressors; or 10,000 ppm for agitators, as determined by Method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003);

ii. which can be imaged when following the *alternative work practice* (AWP) as defined in Subsection B of this Section; or

iii. where visible, audible, or olfactory evidence indicates the presence of a leak.

b. No component listed in Subparagraphs A.1.a-i of this Section in natural gas processing plants shall be allowed to emit VOCs exceeding an instrument reading of 2,500 ppm for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppm for pumps and compressors 10,000 ppm for agitators, as determined by Method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003), or which can be imaged when following the AWP described in 40 CFR 60.18.

2. Open-Ended Valves or Lines

a. Each open-ended valve or line shall be equipped with a second valve, a blind flange, a plug, or a cap. Such sealing devices may be removed only when the line is in use, (i.e., when a sample is being taken). When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

b. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves, but it shall comply with Subparagraph C.2.a of this Section at all other times.

c. Open-ended valves or lines in emergency system(s) (i.e., pressure relief devices) that are designed to open automatically in the event of a process upset, are exempt from the requirements of Subsection C.2.a of this Section.

d. Open-ended valves or lines containing asphalt, materials that would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if sealed or equipped with a double block and bleed system, are exempt from the requirements of Subparagraph C.2.a of this Section.

3. Leak Repair

a. The owner or operator shall make every reasonable effort to repair a leaking component, as described in Paragraph C.1 or Subparagraph D.3.b of this Section, within 15 calendar days of detection. A repair is considered successful if it meets any of the following conditions:

i. a component is monitored (or remonitored) to verify that the instrument reading is below the applicable leak definition in Paragraph C.1 of this Section;

ii. a component that has been identified as leaking using the AWP, either meets Clause C.3.a.i of this Section, or the emissions are no longer visible using the AWP; or

iii. a component in liquid service that has been identified as leaking by visual, audible, or olfactory means, including, use of the soap bubble test for natural gas processing plants, either meets Clause C.3.a.i of this Section, or when visual, audible, or olfactory indications of the leak have been eliminated.

b. Equipment that cannot be repaired shall be placed on a delay-of-repair list, unless it can be isolated or bypassed to eliminate the leak. Repair of equipment on the delay-of-repair list shall occur by the end of the next scheduled process unit shutdown. The *administrative authority* as defined in LAC 33:III.111.A reserves the right to take enforcement action pursuant to R.S. 30:2025, should it be determined that the total percentage of components on the delay-of-repair list is excessive or is causing damage to public health or the environment.

c. Equipment placed on the delay-of-repair list in accordance with Subparagraph C.3.b of this Section may be removed from the list if it meets any of the following conditions:

i. the equipment is monitored or imaged, and for two consecutive monthly periods, either the instrument readings are below the leak limitation specified in Paragraph C.1 of this Section or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP; or

ii. the owner or operator has undertaken additional or extraordinary efforts to repair the leaking equipment, and subsequent monitoring or imaging demonstrates that either the instrument readings are below the leak limitation in Paragraph C.1 of this Section, or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP. Extraordinary efforts are non-routine repair methods (e.g., sealant injection, clamp installation) or utilization of a closed-vent system to capture and control the leak by at least 90 percent.

(a). The decision to monitor equipment on the delay-of-repair list or undertake extraordinary efforts to repair equipment shall be made solely at the owner or operator's discretion.

D. Monitoring and Inspection Requirements. Monitoring of components by Method 21 and inspections shall be conducted according to this Subsection. After initially complying with this Subsection, the owner or operator may elect to comply with the appropriate alternate monitoring schedule(s) in Subsection E of this Section. In lieu of Method 21 monitoring, optical imaging may be conducted in accordance with the AWP. If the owner or operator elects to use the AWP, the requirements for instrument specifications, instruments checks, monitoring frequency, leak survey procedures, recordkeeping, and reporting shall be followed as described in 40 CFR 60.18 (g), (h), and (i). The alternate monitoring schedule(s) in Subsection E of this Section are not applicable when using the AWP.

1. Petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall perform the following:

a. monitor process drains one time per calendar year (annually).

b. monitor the following components four times per year (quarterly):

i. compressor seals;

ii. pressure relief valves in gas/vapor service;

iii. valves in light liquid service and valves in gas/vapor service; and

iv. pumps in light liquid service;

c. inspect pump seals visually 52 times a year (weekly);

d. inspect or monitor all flanged connectors in accordance with either Clause D.1.d.i or ii of this Section;

i. inspect all flanged connectors weekly by visual, audible, or olfactory means.

ii. monitor flanged connectors in light liquid and gas/vapor service four times per year (quarterly) as follows:

(a). either 200 or 10 percent, whichever is less, of the flanged connectors shall be monitored each quarterly period in accordance with a written sampling plan.

(b). the sampling plan shall ensure that at least 66 percent of the flanged connectors monitored each quarterly period shall not have been previously monitored, until all flanged connectors within the process unit have been monitored;

e. inspect instrumentation systems weekly by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves and flanged connectors of an instrumentation system in accordance with Clauses D.1.b.iii and D.1.d.ii of this Section, respectively;

f. records of visual, audible, or olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected.

2. Natural Gas Processing Plants shall perform the following:

a. inspect pump seals and compressor seals visually 52 times a year (weekly);

b. monitor the following components four times a year (quarterly):

i. pumps in light liquid service;

ii. compressor seals;

iii. pressure relief valves in gas/vapor service; and

iv. valves in light liquid service and valves in gas/vapor service;

c. inspect instrumentation systems 52 times a year (weekly) by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clause D.2.b.iv of this Section;

d. records of visual, audible, or olfactory inspections of instrumentation systems are not required unless a leak is detected.

3. Facilities listed in Paragraphs D.1 and 2 of this Section:

a. monitor any pressure relief valve in gas/vapor service within five calendar days after it has vented to the atmosphere. Difficult-to-monitor pressure relief valves shall be monitored within 15 calendar days and unsafe-to-monitor pressure relief valves shall be monitored as soon as possible, when conditions allow the component to be safely monitored;

b. within five calendar days, any component listed in Subparagraphs A.1.a.-i of this Section identified as leaking by visual, audible, or olfactory means shall be:

i. repaired in accordance with Clause C.3.a.iii of this Section;

ii. monitored using either Method 21 or the AWP; or

iii. designated as a leak pursuant to Method 21 or the AWP;

c. difficult-to-monitor components shall be monitored within 15 calendar days and unsafe-to-monitor components shall be monitored as soon as possible, when conditions allow the component to be safely monitored. Visual, audible, or olfactory leaks either designated as a leak, or, confirmed to be in excess of the applicable leak limitation in Paragraph C.1 of this Section by Method 21 monitoring, shall be repaired according to Subparagraph C.3.a of this Section;

d. difficult-to-monitor valves shall be monitored once per calendar year;

e. unsafe-to-monitor equipment shall be monitored as soon as possible when conditions allow the component to be monitored safely (e.g., during a shutdown);

f. any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clause D.1.b.iii or D.2.b.iv of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured by Method 21; and

iii. is monitored for compliance with Clause D.3.e.ii of this Section initially upon designation and once per calendar year thereafter.

g. equipment that begins operation after the initial startup date for the process unit shall be monitored for the first time by the end of the monitoring period in which the process unit startup is completed, or 45 calendar days after the startup period is completed, whichever is later. Equipment that replaces leaking equipment shall continue with the monitoring schedule for the equipment that it replaced;

h. monitoring to verify repairs that were made during a process unit shutdown shall occur by the end of the monitoring period in which the process unit startup is completed, or 45 calendar days after the startup period is completed, whichever is later.

4. Exemptions and inspections are not required on the following:

a. pressure relief devices, pump seals or packing, and compressor seals or packing where leaks are vented to a process or fuel gas system, or equipped with a closed-vent system capable of capturing and transporting leakage to a control device;

b. pressure relief devices equipped with a rupture disc, or other similar leak-tight pressure relief component, upstream of the pressure relief device; provided that after each pressure release, the rupture disc, or other similar leak-tight component is replaced as soon as practicable; but not later than 15 calendar days;

c. equipment in vacuum service;

d. equipment at natural gas processing plants with less than 40 million standard cubic feet per day rated capacity that do not fractionate natural gas liquids;

e. components contacting only organic compounds exempted under LAC 33:III.2117 or mixtures of same with water;

f. pumps and compressors that are sealless or have a double mechanical seal;

g. pumps designed with no external shaft penetrating the pump housing;

h. research and development pilot facilities and small facilities with less than 100 valves in gas/vapor or liquid service;

i. insulated or buried equipment;

j. components that have been placed on a delay-of-repair list are exempt from further monitoring until a repair has been attempted, except that an owner or operator may monitor components on the delay-of-repair list in accordance with Clause C.3.c.i of this Section in order to attempt to remove equipment from the delay-of-repair list;

k. check valves;

l. process drains that are components of individual drain systems subject to 40 CFR 60, subpart QQQ, 40 CFR 61, subpart FF, or 40 CFR 63, subparts G or YY; and

m. process drains at facilities subject to LAC 33:III.2153.

5. Alternate Monitoring Program. Any facility that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the administrative authority* and approval thereof. A facility which has consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (i.e., with a source notice and agreement or a title V permit) is exempted from having to submit a description of the program to the administrative authority*. (The Louisiana Fugitive Emission Program Consolidation Guidelines are contained in LAC 33:III.2199.Appendix B.)

6. Force Majeure

a. If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the administrative authority, in writing, as soon as practical following the date the owner or operator first knew, or through due diligence should have known that the event may cause or has caused a delay in monitoring beyond the regulatory deadline. The notification shall occur before the monitoring deadline unless the initial force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

b. The owner or operator shall provide to the administrative authority a written description of the force majeure event and a rationale for attributing the delay in monitoring beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner

or operator proposes to conduct the monitoring. The monitoring shall be conducted as soon as practicable after the force majeure occurs.

c. The decision to grant an extension to the monitoring deadline is solely within the discretion of the administrative authority. The administrative authority shall notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practical.

d. Until an extension of the monitoring deadline has been approved by the administrative authority under Subparagraph D.6.c of this Section, the owner or operator of the affected facility remains subject to the requirements of this Section.

E. Alternate Monitoring Frequency. The monitoring schedule in Paragraph D.1 or 2 of this Section may be modified as follows.

1. Alternate Standards for Valves Subject to Subparagraph D.1.b or D.2.b of This Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternate work practices specified in Subparagraph E.1.b, c, or e of this Section. However, the administrative authority shall be notified in writing before one of the alternate work practices is implemented.

b. After two consecutive quarterly leak detection periods with the percent of leaking valves (Equation 1) equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for valves in gas/vapor and/or light liquid service.

c. After five consecutive quarterly leak detection periods with the percent of leaking valves (Equation 1) equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for valves in gas/vapor and/or light liquid service.

d. If, after implementing one of the alternate work practices in Subparagraph E.1.b or c of this Section, the percent of leaking valves (Equation 1) increases to greater than 2.0, or the total percent of leaking and delay-of-repair valves (Equation 2) increases to greater than 4.0, the owner or operator shall comply with the requirements in Paragraph D.1 or 2 of this Section, but subsequently may elect to use this Subsection when the requirements are met.

e. Existing equipment that has been monitored under LAC 33:III.2121 for fugitives at the leak definition of 10,000 ppm can initially elect to use this alternate standard if the unit has data documented with the administrative authority by either January 1, 1996, or for the 12 months prior to becoming subject to this Section, that indicates the percent of leaking valves (Equation 1) is less than or equal to a 2.0 percent leak rate at 10,000 ppm for the required time periods as specified in Subparagraph E.1.b or c of this Section.

2. Alternate Standards for Valves Subject to Subparagraph D.1.b or D.2.b of this Section—Increased Monitoring Frequency. If the percent of leaking valves (Equation 1) is greater than 2.0, or the total percent of leaking and delay-of-repair valves (Equation 2) is greater than 4.0, then an increase in the frequency of monitoring may be required by the administrative authority.

3. Alternate Standards for Flanged Connectors Subject to Clause D.1.d.ii of This Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with the alternate work practice specified in Subparagraph E.3.b of this Section. However, the administrative authority shall be notified in writing before the alternate work practice is implemented.

b. After four consecutive quarterly leak detection periods with the percent of leaking flanged connectors (Equation 1) equal to or less than 1.0, an owner or operator may begin to skip three of the quarterly leak detection periods for flanged connectors in gas/vapor and/or light liquid service.

c. If, after implementing the AWP in Subparagraph E.3.b of this Section, the percent of leaking flanged connectors (Equation 1) increases to greater than 1.0, or the total percent of leaking and delay-of-repair flanged connectors (Equation 2) increases to greater than 2.0, the owner or operator shall comply with the requirements as described in Clause D.1.d.ii of this Section, but subsequently may elect to use this Subsection when the requirements are met.

4. Alternate Standards for Flanged Connectors Subject to Clause D.1.d.ii of this Section—Increased Monitoring Frequency. If the percent of leaking flanged connectors (Equation 1) is greater than 1.0, or the total percent of leaking and delay-of-repair flanged connectors (Equation 2) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority.

5. The percent of leaking components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 1 below. (Equation 1 shall be calculated separately for each component type.)

$$\%C_1 = [C_L]/[C_T] * 100\% \qquad \text{Equation 1}$$

where:

$\%C_1$ = percent of leaking components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

6. The total percent of leaking and delay-of-repair components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 2. (Equation 2 shall be calculated separately for each component type.)

$$\%C_{T2} = [C_L+C_{TU}]/[C_T+C_{TU}] * 100\% \qquad \text{Equation 2}$$

where:

$\%C_{T2}$ = total percent of leaking components including delay-of-repair list components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or

components on the delay-of-repair list at the end of the previous monitoring period

C_{TU} = number of components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

7. Alternate Standard for Batch Processes. As an alternate to complying with the requirements in Subsection D of this Section an owner or operator of a batch process in VOC service may elect to comply with one of the following alternate work practices. The batch product-process equipment shall be tested with a gas using the procedure specified in Subparagraph E.7.a of this Section or with a liquid using the procedure specified in Subparagraph E.7.b of this Section.

a. The following procedure shall be used to pressure test batch product-process equipment using a gas (e.g., air or nitrogen) to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be pressurized with a gas to the operating pressure of the equipment. The equipment shall be tested at a pressure lower than the lowest pressure setting of any relief device.

ii. Once the test pressure is obtained, the gas source shall be shut off.

iii. The test shall continue for not less than 15 minutes, unless it can be determined in a shorter period of time that the allowable rate of pressure drop was exceeded. The pressure in the batch product-process equipment shall be measured after the gas source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using Equation 3.

$$\frac{P}{t} = \frac{(P_f - P)}{(t_f - t_i)} \qquad \text{Equation 3}$$

where:

P/t = change in pressure, psi/hr

P_f = final pressure, psi

P_i = initial pressure, psi

$t_f - t_i$ = elapsed time, hours

iv. The pressure shall be measured using a pressure measurement device (e.g., gauge, manometer, or equivalent) that has a precision of ±2.5 millimeters (±0.05 psi) of mercury over the range of measured test pressures and is capable of measuring pressures up to the lowest pressure setting of any relief device.

v. A leak is detected if the rate of change in pressure (Equation 3) is greater than 6.9 kPa (1 psi) per hour or if there is visible, audible, or olfactory evidence of a leak.

b. The following procedure shall be used to pressure test batch product-process equipment using a liquid to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be filled with the test liquid (e.g., water, alcohol). Once the equipment is filled, the liquid source shall be shut off.

ii. The test shall be conducted for a period not less than 60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

iii. Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

c. If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before VOCs are fed to the equipment.

d. If the batch product-process equipment fails the retest or the second of two consecutive pressure tests, it shall be repaired as soon as practicable, but no later than 30 calendar days after the equipment is placed in VOC service.

F. Recordkeeping

1. When a component remains leaking after every reasonable attempt at repair within the 15-calendar day period provided by Subparagraph C.3.a of this Section has been exhausted, a weatherproof and readily visible tag bearing an identification number and the date the leak was located shall be affixed to the leaking component. After the leak has been repaired the tag may be removed.

2. A survey log shall be maintained by the owner or operator and shall include the following:

a. the name of the process unit where the leaking component is located;

b. the type of the leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section;

e. the date the leak was located;

f. the date maintenance was performed;

g. the date(s) the component was rechecked after maintenance, and the results (i.e., instrument reading; visual, audible, or olfactory results; soap bubble test results; AWP video);

h. a record of the monitor calibration or AWP daily instrument check;

i. a delay-of-repair list;

j. a bypassed or isolated component list; and

k. a record of all monitoring, imaging, and inspection results.

3. The owner or operator shall retain the survey log for two years after the latest date specified in Paragraph F.2 of this Section and make the log available to the administrative authority upon request.

4. The optional use of the AWP shall require storing video and other records of the daily instrument check and inspections as required in 40 CFR 60.18.

G. Reporting Requirements. The owner or operator of the affected facility shall submit a report semiannually to the Office of Environmental Services containing the information listed in Paragraphs G.1-5 of this Section for each calendar quarter during the reporting period, except for affected facilities that elect to meet the requirements of the alternate standard for batch processes in Paragraph E.5 of this Section, for which the report shall include the information listed in Paragraphs G.6-9 of this Section. The reports are due by the last day of the month (January and July) following the monitoring period or by an alternate date approved by the administrative authority. The reports shall include the following information for each quarter of the reporting period:

1. the number of each component type for which monitoring is required by Subsection D or E of this Section versus the number monitored;

2. the percent of leaking components (Equation 1) for each component type and the number of leaks detected by visual, audible, or olfactory means for each component type;

3. the total percent of leaking and delay-of-repair components (Equation 2) for each component type;

4. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:

a. the name of the process unit where the leaking component is located and the date of last unit shutdown;

b. the type of leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section, if the component is on the delay-of-repair list;

e. the date the leak was located;

f. the monitoring or inspection results;

g. the date maintenance was performed;

h. the date the leak is expected to be repaired if the component is on the delay-of-repair list; and

i. the reason repairs failed or were postponed;

5. a signed statement attesting to the fact that all requirements of this Section have been met;

6. the batch process equipment train identification;

7. the number of pressure tests conducted;

8. the number of pressure tests that the equipment train failed; and

9. a signed statement attesting to the fact that all requirements of this Section have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004), repromulgated by the Office of Environmental Assessment, LR 30:2030 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007); amended by the Office of the Secretary, Legal Division, LR 39:2243 (August 2013).

Subchapter N. Capture Efficiency Test Procedures

Editor's Note: This Subchapter was moved and renumbered from Chapter 61 (December 1996).

§2199. Appendix A and B

Appendix A. …

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Appendix B. Louisiana Consolidated Fugitive Emissions Program (LCFEP)

Through a memorandum of understanding signed in 1996, the Louisiana Department of Environmental Quality (LDEQ) entered into an agreement with the U.S. Environmental Protection Agency (EPA) Region 6 to administer a program titled the Louisiana Consolidated Fugitive Emissions Program (LCFEP). The agreement established guidelines for the consolidation of multiple leak detection and repair (LDAR) programs at industrial facilities into a single program. At facilities that are subject to multiple LDAR standards, LCFEP provides the option of consulting a prioritized stringency table of programs in order to determine the overall most stringent program applicable to the facility, and then administer that program solely in lieu of implementing all fugitive programs simultaneously.

Under the current agreements between EPA and LDEQ, and between LDEQ and individual facilities, participating industry conducts the most stringent LDAR program and submits a single report, greatly reducing the regulatory burden created by overlapping state and federal LDAR programs.

The governing memorandum of understanding states:

State and EPA Region 6 agree to implement and enforce fugitive emission program requirements in accordance with the Louisiana Fugitive Emission Program Consolidation Guidelines to provide a mechanism for consolidating overlapping state and federal equipment leak programs in agreement with the affected source. EPA Region 6 and the State accept federal and state enforceability of the consolidated program. The State and EPA Region 6 further agree that compliance with a consolidated program in accordance with the Guidelines will be considered compliance with each of the fugitive emission programs being consolidated. Furthermore, it is understood that an affected source's noncompliance with the consolidated program requirements may subject the affected source to enforcement action for one or more of the requirements of fugitive emissions programs being consolidated. This agreement will be implemented only through a Source Notice and Agreement signed by and specific to each affected source. If in the future, a new federal standard is promulgated (i.e., consolidated air rule, MACT, etc.) that could potentially change the established Guidelines, the Guidelines will be revisited and modified as necessary.

The Source Notice and Agreement (SNA) is a memorandum submitted by an interested facility which contains a detailed list of programs to be consolidated. Consolidation is done on either a unit-by-unit or a facility-wide basis. The SNA is required to be signed by a facility representative meeting EPA's responsible official designation, defined under 40 CFR 63.2. Once the SNA is signed by the facility and accepted by LDEQ, the agreement is considered to be in effect for compliance purposes. SNAs are accepted or denied based on the correctness of the consolidation table, and the signature of a proper representative.

Facilities operating a consolidated fugitive program must abide by the program's consolidation guidelines. The guidelines consist of a set of rules called the workpractice terms and conditions and the stringency table (Table 9).

Louisiana Fugitive Emission Program Consolidation Guidelines

Workpractice Terms and Conditions

These terms and conditions are to be used in conjunction with the stringency table (Table 9). Of the applicable equipment leak programs being consolidated, the program highest in the table hierarchy is to be considered the overall most stringent program under the guidelines. The guidelines may be used only in accordance with a SNA or a Title V permit.

Applicability and Exemptions

The consolidated program shall apply to the combined universe of components subject to any of the programs being consolidated.

The consolidation of fugitive programs shall be conducted at a minimum of the process unit level, and may also be on a facility-wide basis.

Consolidation of RCRA programs shall first be approved by LDEQ's Waste Permits Division.

Component types which do not require periodic monitoring under the overall most stringent program, shall be monitored as required by the most stringent requirements of any other program being consolidated and will not be exempted.

The consolidated program shall include any exemptions based on size of component available in any of the programs being consolidated.

The consolidated program cannot be used to replace requirements for area monitoring under the Vinyl Chloride NESHAP.

For any compressor subject to a federal rule requiring a seal system including barrier fluid, sensor, and alarm, periodic monitoring of compressors may not be used in lieu of the seal system requirements, regardless of the overall most stringent program.

Leak Definitions

Leak definitions are based on the overall most stringent program as determined from Table 9.

Phase-in periods allowed under federal regulations are not eliminated as long as there is no backsliding of existing monitoring programs.

Monitoring Frequency

Monitoring frequency shall be based on the overall most stringent program as determined from Table 9.

Annual monitoring shall be defined as once every four quarters, regardless of the overall most stringent program. Some allowance may be made in the first year of the consolidation in order to allow for transition from existing monitoring schedules.

Calibration

Use of dilution device for calibration, as defined in Method 21, is acceptable.

Identification of Components

All leaking components must be tagged.

If the Benzene NESHAP and a more stringent program are applicable, the overall most stringent program prevails and physical tagging of components is therefore not required. Identification, either by list or location (area or group) of affected components is acceptable.

Leak Performance

The determination of leak performance is based on the overall most stringent program as determined from Table 9.

Repair

Repair period requirements are always first attempt within 5 days of detecting the leak and final repair within 15 days of detecting the leak, regardless of the overall most stringent program.

Post Repair

Post repair inspection consists of remonitoring once within 3 months after repair of leaks, regardless of the overall most stringent program.

Recordkeeping and Reporting

Recordkeeping and reporting information requirements shall be based on the overall most stringent program as determined from Table 9.

Reporting frequency shall be semiannual regardless of the overall most stringent program.

Reports shall include records for any monitoring performed within the semiannual reporting period.

Louisiana Consolidated Fugitive Emission Program Stringency Table

Stringency Table (Table 9)

This stringency table is to be used in conjunction with the workpractice terms and conditions. Consolidation is done between the groups listed. Of the applicable equipment leak programs being consolidated, the program in the highest group in the table hierarchy is to be considered the overall most stringent program under the guidelines. Referencing Subparts shall comply with the referenced program in the manner required by the provisions of the referencing Subpart. The guidelines may be used only in accordance with a SNA or a Title V permit. Programs shall be consolidated on a unit-wide or a facility-wide basis.

Table 9 Stringency Table
40 CFR 65 Subpart F—Consolidated Air Rule
40 CFR 63 Subpart H—SOCMI HON MACT and Referencing Subparts 40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (HON Option) 40 CFR 63 Subpart UUUU—Cellulose Products MACT (HON Option) 40 CFR 63 Subpart W—Polymers and Resins II MACT 40 CFR 63 Subpart PPP—Polyether Polyols Production MACT
40 CFR 63 Subpart UU—General MACT for Equipment Leaks—Control Level II and Referencing Subparts 40 CFR 63 Subpart YY—Generic MACT (Acetal Resins Production, Acrylic and Modacrylic Fibers Production, Cyanide Chemicals Manufacturing, Polycarbonates Production, Ethylene Processes) (UU Option) 40 CFR 63 Subpart OOO—Amino/Phenolic Resins Manufacturing MACT 40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (Subpart UU Option) 40 CFR 63 Subpart FFFF—Miscellaneous Organic Chemical Manufacturing (Subpart UU Option) 40 CFR 63 Subpart UUUU—Cellulose Products MACT (Subpart UU Option) 40 CFR 63 Subpart GGGGG—Site Remediation MACT (Subpart UU Option) 40 CFR 63 Subpart HHHHH—Miscellaneous Coating Manufacturing MACT (Subpart UU Option)
40 CFR 63 Subpart U—Polymers and Resins I, Elastomer MACT
40 CFR 63 Subpart GGG—Pharmaceuticals Production MACT 40 CFR 63 Subpart MMM—Pesticide Active Ingredient Production MACT
Louisiana MACT Determination for Non-HON Sources w/ Consent Decree Enhancements Louisiana MACT Determination for Refineries w/ Consent Decree Enhancements
40 CFR 60 Subpart VVa—NSPS for Equipment Leaks In SOCMI Facilities 40 CFR 60 Subpart GGGa—NSPS for Equipment Leaks in Petroleum Refineries
Louisiana MACT Determination for Non-HON Sources Louisiana MACT Determination for Refineries
LAC 33:III.2122—Louisiana Fugitive Emission Control for Nonattainment
40 CFR 63 Subpart CC—Refining MACT Modified HON option
40 CFR 61 Subpart F—National Emission Standard for Vinyl Chloride 40 CFR 61 Subpart V—National Emission Standard for Equipment Leaks and Referencing Subparts 40 CFR 61 Subpart J—National Emission Standard for Equipment Leaks of Benzene 40 CFR 63 Subpart HH—Oil and Natural Gas Production MACT
40 CFR 60 Subpart VV—NSPS for Equipment Leaks In SOCMI Facilities 40 CFR 60 Subpart GGG—NSPS for Equipment Leaks in Petroleum Refineries 40 CFR 60 Subpart KKK—NSPS for Equipment Leaks in Onshore Natural Gas Processing Plants 40 CFR 63 Subpart CC—Refinery MACT NSPS Option
40 CFR 63 Subpart TT—General MACT for Equipment Leaks—Control Level I and Referencing Subparts 40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (Subpart TT Option) 40 CFR 63 Subpart FFFF—Miscellaneous Organic Chemical Production and Processes MACT (Subpart TT Option) 40 CFR 63 Subpart GGGGG—Site Remediation MACT (Subpart TT Option) 40 CFR 63 Subpart HHHHH—Miscellaneous Coating Manufacturing MACT (Subpart TT Option) 40 CFR 63 Subpart YY—Generic MACT (Acetal Resins Production, Acrylic and Modacrylic Fibers Production, Cyanide Chemicals Manufacturing, and Polycarbonates Production) (TT Option)
40 CFR 264—RCRA Subpart BB (LAC 33:V.1717.Subchapter B) 40 CFR 265—RCRA Subpart BB (LAC 33:V.4561.Subchapter R)
LAC 33:III.2121—Louisiana Fugitive Emission Control 40 CFR 63 Subpart III—Flexible Polyurethane Foam Production MACT
40 CFR 63 Subpart R—Gasoline Distribution Terminals MACT and Referencing Subpart 40 CFR 63 Subpart HHHHH—Miscellaneous Coating Manufacturing MACT (Subpart R Option) 40 CFR 63 Subpart YY—Generic MACT (Hydrogen Fluoride Manufacturing)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 11:529 (May 1985) amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 23:1508 (November 1997), amended by the Office of the Secretary, Legal Division, LR 39:2250 (August 2013).

Herman Robinson, CPM
Executive Counsel

1308#034

RULE

Office of the Governor
Board of Pardons

Administration and Clemency (LAC 22:V.Chapters 1 and 2)

In accordance with the provisions of the Administrative Procedure Act, (R.S. 49:950), the Board of Pardons, hereby amends its rules of LAC 22:V.101-123 and promulgate rules of LAC 22:V.201-213 of the Louisiana Board of Pardons. This rulemaking implements Act 714 of the 2012 Regular Session of the Louisiana Legislature with respect to training requirements of members of the Board of Pardons. In addition this rulemaking establishes rules with respect to types of clemency, eligibility criteria, clemency applications for capital cases, and records management.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part V. Board of Pardons

Chapter 1. Administration

§101. Mission Statement

A. The mission of the Louisiana Board of Pardons is to perform its duties as imposed by article I, sections 10 and 20, and article IV, section 5, of the Louisiana Constitution and recommend the resolution of clemency matters to the governor.

B. The mission of the Committee on Parole is to determine the time and conditions of release for eligible offenders in a manner that ensures public safety and facilitates an offender's reintegration into society, recognizing that the parole process is an essential element of the criminal justice system.

C. Using evidence based research, the parole decision makers (committee members) shall:

1. render just determination in regard to parole release and revocations, thereby maximizing the restoration of human potential while restraining the growth of the Louisiana prison population;

2. impose reasonable and prudent conditions of release consistent with the goal of structured reintegration of an offender's release into the community; and

3. impose realistic and relevant conditions of release tailored to the specific offender.

D. The board seeks to promote successful offender reentry by maintaining contact during supervision to not only intervene and address violation behavior, but to acknowledge and support compliance and accomplishments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.1 and 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 24:1132 (June 1998), amended LR 30:2842 (December 2004), amended by the Office of the Governor, Board of Pardons, LR 39:2252 (August 2013).

§103. Filing Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 24:1132 (June 1998). repealed by the Office of the Governor, Board of Pardons, LR 39:2252 (August 2013).

§105. Discretionary Powers of the Board

A.1. The Board of Pardons, at its discretion, may deny any applicant a hearing for any of the following reasons:

a. serious nature of the offense;
b. insufficient time served on sentence;
c. insufficient time after release;
d. proximity of parole/good time date;
e. institutional disciplinary reports;
f. probation/parole—unsatisfactory/violated;
g. past criminal record; or
h. any other factor determined by the board.

2. However, nothing in Chapter 1 shall prevent the board from hearing any case.

B. In any matters not specifically covered by LAC 22:V.Chapter 1, the board shall have discretionary powers to act.

C. No person shall have a right of appeal from a decision of the board of pardons or the governor regarding clemency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 16:1062 (December 1990), amended LR 24:1133 (June 1998), LR 28:1026 (May 2002), amended by the Office of the Governor, Board of Pardons, LR 39:2252 (August 2013).

§107. Contact with the Board of Pardons

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:573.1, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 24:1133 (June 1998); repealed by the Office of the Governor, Board of Pardons, LR 39:2252 (August 2013).

§109. Hearing Granted

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4, 15:574.12 and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Board of Pardons, LR 24:1133 (June 1998), amended LR 26:88 (January 2000), repealed by the Office of the Governor, Board of Pardons, LR 39:2252 (August 2013).

§111. Notice of Public Hearing Dates

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:572.4 and 15:574.12(G) and R.S. 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Correction, Board of Pardons, LR 16:1063 (December 1990), amended LR 24:1133 (June 1998), repealed by

Comment Summary Response & Concise Statement
Control of Emissions of Organic Compounds: Fugitive Emission Control
LAC 33:III.2121, 2122, and 2199.Appendix B
Log Number AQ313

COMMENT 1: In general, Mid-Continent strongly supports the regulated changes, especially the inclusion of the stringency table in the regulations. We think that gives is protection if (inaudible) ever decides to rescind the policy that this is operated under.

No arguments necessary; comment does not suggest amendment or change.

RESPONSE 1: The department appreciates the support.

COMMENT 2: At first, the change to the connector definition was thought to be a clarification as this definition is found in many new federal fugitives regulations. However, not all standards use this definition which can be viewed as being more expansive.

If a facility is participating in the consolidated fugitives program that follows a program more stringent than Section 2121 or 2122 that does not have this proposed definition (i.e. their definition is more limited), the facility must comply with the newly expanded Section 2121 or 2122 provisions for connectors. This is due to the CFEP provisions that states; "[*sic*]Component types which do not require periodic monitoring under the overall most stringent program, shall be monitored as required by the most stringent requirements of any other program being consolidated and will not be exempted." This can occur for both refineries and natural gas plants especially those that are subject to Section 2121.

Due to these unintended impacts and consequences, Mid Continent recommends the current connector definition of "connector" in both Sections 2121 and 2122 be retained.

The department agrees with the comment; no arguments are necessary.

RESPONSE 2: LDEQ will revise the definitions of "connector" in LAC 33:III.2121.B and 2122.B by deleting the phrase "or that close an opening in a pipe that could be connected to another pipe."

* indicates a fast-track regulation

COMMENT 3: We did find one problem in reviewing the regulation we think was unintended, that is with the definition of connectors. In fact, [if] the definition of connectors is retained some facilities because of the Consolidated Fugitive Emission Program will actually have expanded requirements which was not the intent of the regulation.

The regulation did say in its physical [fiscal] impact statement that there would be no cost to industry. Our feeling is that the best fix for this is just to retain the existing definitions in both sections 2121 and 2122 of the connector definition.

The department agrees with the comment; no arguments are necessary.

RESPONSE 3: See Response to Comment 2.

COMMENT 4: While Mid-Continent recognizes the following request cannot be addressed in this regulatory action, Mid-Continent requests the Department take regulatory action to officially codify the "Louisiana MACT Determination for Refineries" that is found in Table 9 of the fugitive emissions stringency table.

No arguments necessary since the provision in question is not part of this rulemaking.

RESPONSE 4: LDEQ will consider codifying the "Louisiana MACT Determination for Refineries" leak detection and repair (LDAR) program listed in Table 9 of LAC 33:III.2199.Appendix B.

COMMENT 5: Again, I would like to also support the comments of Louisiana Mid-Continent Oil and Gas Association and suggest that we too support the overall rule. This is a needed rule change and for the most part the rulemaking with the exception noted should go forward.

We especially support the provisions that recognize alternative work practices and the use of optical gas imaging as an alternative in some cases. We believe that this will provide a more comprehensive ability to monitor leaks.

No arguments necessary; comment does not suggest

* indicates a fast-track regulation

amendment or change.

RESPONSE 5: The department appreciates the support.

COMMENT 6: From a cold eyes perspective, the wording of 2121.C.1.a and 2122.C.1.a is a bit confusing.

For example, as proposed, 2121.C.1.a states;

C. Fugitive Emission Control Requirements
1. Leak Limitations
a. No *component* listed in Paragraph A.1-9 of this Section shall be allowed to emit VOC exceeding an instrument reading of 10,000 parts per million (ppm), as determined by Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003), which can be imaged following the *alternative work practice (AWP)* as defined in Subsection B of this Section, or to demonstrate visible, audible, or olfactory evidence of a leak.

Particularly, the last phrase "or to demonstrate visible, audible, or olfactory evidence of a leak." is not congruent with the paragraph. It is recommended the paragraph be re-written as follows;

C. Fugitive Emission Control Requirements
1. Leak Limitations
a. No *component* listed in Paragraph A.1-9 of this Section shall be allowed to emit VOC;
(i) exceeding an instrument reading of 10,000 parts per million (ppm), as determined by Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003), **or**
(ii) which can be imaged following the *alternative work practice (AWP)* as defined in Subsection B of this Section, or
(iii) which there is visible, audible, or olfactory evidence of a leak **confirmed to be leaking using the methods outlined in sections C.1.a.i or C.1.a.ii.**

The same comment for 2122.C.1.a. It is recommended that this paragraph be re-written as follows;

C. Fugitive Emission Control Requirements
1. Leak Limitations
a. No component listed in Subparagraphs A.1.a.-i of this Section in petroleum refineries, SOCMI facilities, MTBE

* indicates a fast-track regulation

manufacturing facilities, and polymer manufacturing facilities shall be allowed to emit VOCs;
(i) exceeding an instrument reading of 1,000 parts per million (ppmv) for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppmv for pumps and compressors; or 10,000 ppmv for agitators, as determined Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003), or
(ii) which can be imaged when following the alternative work practice as defined in Subsection B of this Section or
(iii) which there is visible, audible, or olfactory evidence of a leak **confirmed to be leaking using the methods outlined in sections C.1.a.i or C.1.a.ii.**

FOR: The concluding phrases of LAC 33:III.2121.C.1.a and 2122.C.1.a are not congruent with the remainder of the subparagraphs.

AGAINST: LDEQ agrees that these subparagraphs should be rephrased, but in a slightly different way than as suggested by the commenter.

RESPONSE 6: LDEQ will revise LAC 33:III.2121.C.1.a as follows:

No *component* listed in Paragraph A.1-9 of this Section shall be allowed to emit VOC:
i. exceeding an instrument reading of 10,000 parts per million (ppm), as determined by Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003);
ii. which can be imaged when following the *alternative work practice (AWP)* as defined in Subsection B of this Section; or
iii. where visible, audible, or olfactory evidence indicates the presence of a leak.

LDEQ will revise LAC 33:III.2122.C.1.a as follows:

No component listed in Subparagraphs A.1.a.-i of this Section in petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall be allowed to emit VOC:
i. exceeding an instrument reading of 1,000 parts per million (ppm) for valves, connectors, instrumentation systems, pressure relief devices, and process drains;

* indicates a fast-track regulation

5,000 ppm for pumps and compressors; or 10,000 ppm for agitators, as determined by Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference in LAC 33:III.3003);
ii. which can be imaged when following the *alternative work practice (AWP)* as defined in Subsection B of this Section; or
iii. where visible, audible, or olfactory evidence indicates the presence of a leak.

COMMENT 7: In LAC 33:III.2121.D.4.l and 2122.D.4.l, there are exemptions for process drains at petroleum refineries subject to QQQ. This exemption should also apply to drains subject to the NESHAPS FF and SOCMI HON programs (Subparts G and YYY).

Suggest the following wording;

2121.D.4 & 2122.D.4 (Exemptions)
***
l. process drains at petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, or polymer manufacturing facilities subject to any of the following regulations; 40 CFR Part 60 Subpart QQQ, 40 CFR Part 61 Subpart FF, CFR Part 63 Subpart G or NESHAPS 40 CFR Part 63 Subpart YYY.

Note: If LAC 33:III.2153 was also referenced in "l" above, "m" would be redundant in LAC 33:III.2122.D.4.

FOR: Process drains subject to 40 CFR 61 Subpart FF or 40 CFR 63 Subparts G or YY should be exempt from monitoring and inspection requirements.

AGAINST: LDEQ agrees that the requested exemptions are appropriate, but will revise LAC 33:III.2121.D.4.l and 2122.D.4.l in a slightly different way than as suggested by the commenter.

RESPONSE 7: LDEQ presumes the commenter is referring to 40 CFR 63 Subpart YY – National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards. There is no Subpart YYY in Part 63.

LDEQ will revise LAC 33:III.2121.D.4.l and 2122.D.4.l as follows:

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process drains that are components of individual drain systems subject to 40 CFR 60 Subpart QQQ, 40 CFR 61 Subpart FF, or 40 CFR 63 Subparts G or YY.

COMMENT 8: The Associations support the changes proposed by the Department, including the expansion of leak definitions to include leaks that can be imaged by an optical gas imaging instrument when following the federal alternative work practice ("AWP") as described in 40 C.F.R. § 60.18 and the clarification of conflicting requirements for leaks detected by visual, audible, or olfactory means. These changes accomplish the Department's stated purpose of establishing equipment leak monitoring and repair programs for specific industries in order to minimize emission of volatile compounds into the air.

No arguments necessary; comment does not suggest amendment or change.

RESPONSE 8: The department appreciates the support.

COMMENT 9: The Associations support the proposed changes to LAC 33:III.2121 and 2122 to ensure consistency with recent changes to federal regulations.

The Associations support the proposed changes to LAC 33:III.2121 and 2122 to make these regulations consistent with recent changes to federal regulations set forth in 40 C.F.R. Parts 60. In particular, the Associations support the proposed changes to LAC 33:III.2121.B and 2122.B to ensure that the terms defined in these Sections are defined in a manner consistent with the way in which such terms are defined in applicable federal regulations. The Associations also support the changes to Section 2122.C which clarify the open-ended line provisions to ensure safe operations. These modifications, which are consistent with new source performance standards ("NSPS") standards for the synthetic organic chemical manufacturing industry ("SOCMI") (40 C.F.R. Part 60 Subpart VV) and petroleum refineries (40 CFR 60 Subpart GGG), include: (i) allowing the venting of the bleed valve or line between block valves of a double block and bleed system when required and (ii) allowing open-ended valves or lines in emergency shutdown systems that are designed to open automatically and in cases where sealing or equipping the line

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with a double block and bleed system would create a safety hazard.

No arguments necessary; comment does not suggest amendment or change.

RESPONSE 9: The department appreciates the support.

COMMENT 10: However, while the Associations support consistency between state and federal air regulations, the Associations request that the Department retain the current definition of "connector," as it is defined in LAC 33:III.Chapter 21, due to the impact that the proposed changes would have to the Louisiana Consolidated Fugitive Emissions Program. The Associations note that the proposed changes to the definition of "connector" would cause certain equipment that is currently exempt from monitoring (e.g., bull plugs in bleeders) to suddenly become subject to such regulation, which would result in a huge increase in the number of components subject to a Leak Detection and Repair ("LDAR") program. Any subject source using the stringency table for which these rules are lesser standards would be obligated to use this new definition, as the stringency program requires that components indentified in a lesser program but omitted in the most stringent program still be monitored. Making this change to the definition of "connector" would result in an increase in monitoring costs for subject facilities, in contrast to the Department's statement that "[t]here are no costs or economic benefits to the industrial facilities affected by the rule changes ..." La. Reg. 38:2980 (Nov. 20, 2012). Accordingly, the Associations do not support the Department's proposed changes to LAC 33:III.2121.B.Connector and 2122.B.Connector. Instead, the Associations request that the current definition of "connector" be retained.

The department agrees with the comment; no arguments are necessary.

RESPONSE 10: See Response to Comment 2.

COMMENT 11: Additionally, the Associations fully support the Department's use of a stringency table to provide a hierarchy of the overall most stringent programs, out of the applicable equipment leak programs being consolidated. However, the Associations request

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that the Department periodically revisit the stringency table, to be found at LAC 33:III.2199, Appendix B, to ensure consistency with both state and federal regulations. State and federal air regulations are constantly changing, and, if the Department fails to timely update the stringency table, some future changes or updates may require rulemakings to ensure that the stringency table continues to reflect current law.

No arguments necessary; comment does not suggest amendment or change.

RESPONSE 11: LDEQ agrees that new or revised federal or state LDAR programs may necessitate revisions to the Stringency Table. However, because the Stringency Table will now be codified in LAC 33:III.2199.Appendix B, all revisions to the table must be effected through the rulemaking process.

COMMENT 12: The Associations support the changes proposed to LAC 33:III.2121.D and 2122.D in order to clarify that the Sections cover both monitoring and inspection requirements. First, the inclusion of the federal AWP (i.e., optical imaging) as an alternative method of compliance with the rule will allow for more facilities to avail themselves of this innovative practice. Second, the Associations support the clarifications made to specify that monitoring is required only for components in light liquid service, as the heavy liquid exemptions (at LAC 33:III.2121.C.4.b and 2122.D.4.b) were removed. Third, the Associations support the changes made to Sections 2121.D.2.a (previously, Section 2121.C.2.a) and 21212.D.2.a to clarify that weekly pump and compressor seal checks are inspections, not monitoring. The Associations also support the changes to Sections 2121.D.5 (previously, Section 2121.C.5) and 2122.D.5, which concern the alternate monitoring program. Currently, any facility that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section can be exempted from this Section by submitting a description of the program to, and getting approval from, the Administrative Authority. Facilities that have consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (e.g., with a Source Notice and Agreement or a Title V permit) should have not been subject to this requirement. This position is supported by the execution of a Memorandum of Understanding agreed to by the

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Department and the Environmental Protection Agency ("EPA"). The Associations support the exemptions inserted into the rule to benefit such facilities.

No arguments necessary; comment does not suggest amendment or change.

RESPONSE 12: The department appreciates the support.

COMMENT 13: The Associations also support other changes made to Sections 2121.D (previously, Section 2121.C) and 2122.D. Among other things, the Department has included a requirement to monitor any pressure relief valve in gas/vapor service within five calendar days after it has vented to the atmosphere, except for difficult-to-monitor and unsafe-to-monitor pressure relief valves. Difficult-to-monitor pressure relief valves must be monitored within 15 calendar days, and unsafe-to-monitor pressure relief valves must be monitored "as soon as possible". The Associations support these changes for several reasons, including (i) the fact that the existing 24-hour monitoring requirement is difficult to meet on weekends; (ii) the term "immediate", which applies to natural gas processing plants, is not defined and, therefore, creates compliance uncertainty; and (iii) the proposed five day requirement is consistent with federal regulations. The Associations also support the addition of Section 2121.D.3.c and D.3.d, which moved the requirements for difficult-to-monitor and unsafe-to-monitor equipment from existing Section 2121.D.4.c. Subparagraph D.4 contains an exemption from monitoring. As such, it is not appropriate to include difficult-to-monitor and unsafe-to-monitor equipment in this Subsection because this equipment is required to be monitored. The new structure is consistent with Section 2122.

No arguments necessary; comment does not suggest amendment or change.

RESPONSE 13: The department appreciates the support.

COMMENT 14: While the Associations support the Department's proposed changes, the Associations believe that Section 2121.D.1 and .D.2 should be amended to add requirements analogous to those monitoring and inspection requirements found at Section 2122.D.1.e, D.1.f, D.2.c, and D.2.d. As such, the Associations

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propose that the following language be added to Section 2121.D.1 and D.2:

2121.D.1 ...

* * *

d. inspect instrumentation systems weekly by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves and flanged connectors of an instrumentation system in accordance with Clauses D.1.a.ii, D.1.b.ii, or D.1.b.iv of this Section, as applicable;
e. records of visual, audible, or olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected. ...

2121.D.2 ...

* * *

c. inspect instrumentation systems 52 times a year (weekly) by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clause D.2.b.iii of this Section;
d. records of visual, audible, or olfactory inspections of instrumentation systems are not required unless a leak is detected.

FOR: Section 2121.D.1 and .D.2 should be amended to add requirements analogous to those monitoring and inspection requirements found at Section 2122.D.1.e, D.1.f, D.2.c, and D.2.d.

AGAINST: Monitoring of flanged connectors is not required by LAC 33:III.2121.D.1.

RESPONSE 14: LDEQ will add the following subparagraphs to LAC 33:III.2121.D.1:

d. Inspect instrumentation systems weekly by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clauses D.1.a.ii, D.1.b.ii, or D.1.b.iv of this

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Section, as applicable.

e. Records of visual, audible, or olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected.

Note that the monitoring of flanged connectors is not required by LAC 33:III.2121.D.1.

LDEQ will add the following subparagraphs to LAC 33:III.2121.D.2:

c. Inspect instrumentation systems 52 times a year (weekly) by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clause D.2.b.iii of this Section.

d. Records of visual, audible, or olfactory inspections of instrumentation systems are not required unless a leak is detected.

COMMENT 15: The Associations request that the Department revise the recordkeeping requirement provided at LAC 33:III.2122.F.1.

As written, Section 2122.F.1 provides that when a component has a leak that cannot be repaired, a weatherproof and readily visible tag bearing an identification number and the date the leak was located shall be affixed to the leaking component. After the leak has been repaired, then the tag may be removed. The Associations believe that this provision, as currently phrased, is unclear due to the uncertainty as to when a leak "cannot be repaired". As written, the provision indicates that such a leak exists when it has been identified and all attempts within the 15-day repair period have failed; at this point it would be determined that the leak cannot be repaired and the component would need a tag. As a practical matter, however, it cannot be determine [*sic*] whether a leak can or cannot be repaired until a first attempt at repair has been made. As such, with the way Section 2122.F.1 is currently worded, tagging would not be necessary until all efforts within the 15-day repair period have been exhausted. Similarly, if a leak was found on a valve, and the packing was immediately

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tightened and re-monitored to confirm the repair, then at no time would a tag would [*sic*] be needed on the component. To avoid any confusion, the Associations propose that Section 2122.F.1 be revised to state:

> When a component ~~which has a leak that cannot be repaired~~ is found leaking, as described in Subparagraph C.3.a of this Section, a weatherproof and readily visible tag bearing an identification number and the date the leak was located shall be affixed to the leaking component. After the leak has been repaired the tag may be removed.

FOR: LAC 33:III.2122.F.1 should be revised to clarify when a leaking component must be tagged.

AGAINST: LDEQ agrees that clarification is in order, but will revise LAC 33:III.2122.F.1 in a different way than as suggested by the commenter.

RESPONSE 15: In order to clarify the phrase "a leak that cannot be repaired," LDEQ will revise LAC 33:III.2122.F.1 as follows:

> When a component remains leaking after every reasonable attempt at repair within the 15-calendar day period provided by Subparagraph C.3.a of this Section has been exhausted, a weatherproof and readily visible tag ...

An owner or operator need not tag any leaking component successfully repaired during the 15-calendar day period provided by LAC 33:III.2122.C.3.a.

An analogous change will also be made to LAC 33:III.2121.F.1.

COMMENT 16: The Associations request clarification that, pursuant to the reporting requirements of LAC 33:III.2122.G, detected Audio/Visual/Olfactory ("AVO") leaks are to be included in the calculated leak percentages. Pursuant to LAC 33:III.2122.G.2, semiannual reports must include information regarding the percent of leaking components (Equation 1) for each component type. Equation 1 specifies that leaks found by Method 21 are to be included in the leak percentage, and the Associations request confirmation that the Department intends for detected AVO leaks

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to be so included.

No arguments necessary; comment does not suggest amendment or change.

RESPONSE 16: Because the total number of components inspected via visual, audible, or olfactory means need not be recorded (see, for example, §§ 2121.D.1.e, 2121.D.2.d, 2122.D.1.f, and 2122.D.2.d), leaks determined by such means do not have to be included in Equation 1 (unless the presence of a leak was confirmed using Method 21).

LDEQ will amend LAC 33:III.2122.G.2 to require the number of leaks detected by visual, audible, or olfactory means to be reported (per component type).

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Comment Summary Response & Concise Statement
Control of Emissions of Organic Compounds: Fugitive Emission Control
LAC 33:III.2121, 2122, and 2199.Appendix B
Log Number AQ313

COMMENT #	SUGGESTED BY
1 - 4	Richard T. Metcalf, Louisiana Mid-Continent Oil and Gas Association (LMOGA)
5	Henry Graham, Louisiana Chemical Association (LCA)
6, 7	Lee Liebendorfer, CITGO Petroleum Corporation
8 - 16	Tokesha M. Collins, Kean Miller LLP, representing LCA and LMOGA

Comments in this document reflect the written submittals and public hearing transcript verbatim.

Total Commenters: 4
Total Comments: 16

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ORIGINAL

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

* *

The above-entitled cause came in for a hearing at 602 North 5th Street, Baton Rouge, Louisiana, on Thursday, December 27, 2012, and commencing at 1:31 p.m.

* *

Reported by:

Tamatha Spencer
Certified Court Reporter
In and For the State of Louisiana

1 **APPEARANCES**

2 **HEARING OFFICER:**

3 Susan Hamm, Louisiana Department of Environmental
4 Quality

5

6 **COMMENTS MADE BY:**

7 Richard Metcalf, Louisiana Mid-Continent Oil and Gas
Association

8 Larry Stoltzfus, US Risk Management

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10 Henry Graham, Louisiana Chemical Association

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1 ~ **MS. HAMM:**

2 Good afternoon. My name is Susan
3 Hamm, and I am employed by the Louisiana
4 Department of Environmental Quality. I'll
5 be serving as the hearing officer this
6 afternoon to receive comments regarding
7 proposed amendments to the air and
8 hazardous waste regulations.
9 The comment period for these
10 amendments began on November 20, 2012. The
11 the notices of intent were published in the
12 *Louisiana Register*. The comment period
13 will close at 4:30 p.m., January 3, 2013.
14 It would be helpful to us if all oral
15 comments received today were followed up in
16 writing.
17 This public hearing provides a forum
18 for all interested parties to present
19 comments on the proposed changes. This
20 hearing is not being conducted in a
21 question and answer format.
22 Please remember that the purpose of
23 this public hearing is to allow you, the
24 public, an opportunity to express your
25 thoughts concerning today's proposed

1 amendments.

2 I'll ask that each person commenting

3 come up and sit at the front table and

4 begin by stating his or her name and

5 affiliation for the Record.

6 The first amendment is designated by

7 the Log No. AQ313. This rule will revise

8 air regulations for fugitive emission

9 control in attainment and nonattainment

10 areas. It's found in LAC 33:III.2121 and

11 2122.

12 Several definitions have been added

13 to conform to the definitions in the

14 Federal New Source Performance Standards,

15 or NSPS, found at 40 CFR 60. Under the

16 control requirements, leak definitions are

17 expanded to include leaks that can be

18 imaged by an optical gas imaging instrument

19 when following the Federal Alternative Work

20 Practice, or AWP, as described in

21 40 CFR 60.18.

22 Under the monitoring requirements,

23 the regulations have been changed to allow

24 substitution of optical gas imaging and

25 Method 21 monitoring per the Federal AWP.

1 The Fugitive Emission Control for
2 Ozone Nonattainment Area regulations, found
3 at Section 2122, have been changed to
4 clarify conflicting requirements for leaks
5 detected by visual, audible, or olfactory
6 means. This rule clarifies that
7 conflicting requirements for pumps and
8 valves in heavy liquid service,
9 specifically LAC 33:III.2122.C.1.d and
10 2122.D.3.b and 2122.D.4.b.
11 The control requirements subsection,
12 or in the control requirements subsection,
13 the open-ended line and double block and
14 bleed provisions of LAC33:III.2122.C.2 have
15 been clarified and expanded utilizing
16 language from the federal regulations.
17 In the control requirements section,
18 conditions have been added to verify when a
19 repair is successful. In addition,
20 conditions have been added under which
21 equipment may be removed from the delay of
22 repair list.
23 In the monitoring requirements
24 subsection, the alternative monitoring
25 program exemption for facilities that

1 already have a more stringent LDAR program
2 at the time of initial promulgation has
3 been expanded to include the Louisiana
4 Consolidated Fugitive Emission Program, or
5 LCFEP.
6 The LCFEP provides for a mechanism
7 for affected facilities to consolidate
8 overlapping state and federal LDAR
9 programs. A description of the program has
10 been placed in Chapter 21 appendix found at
11 LAC33:III.2199.Appendix B.
12 Similar changes have been made for
13 the fugitive Emission Control Regulation
14 found in Section 2121. The changes for
15 Sections 2121 and 2122 do not modify the
16 leak definitions and will not alter the
17 position of LAC33.III.2121 and 2122 in the
18 Louisiana Consolidated Fugitive Emission
19 Program Stringency Table.
20 Richard, would you like to make a
21 comment?
22 **MR. METCALF:**
23 Good afternoon, my name is Richard
24 Metcalf. I'm the Director of Environmental
25 Affairs for the Louisiana Mid-Continent Oil

1 and Gas Association. Mid-Continent is an
2 industry trade association which represents
3 individuals and companies that produce,
4 transport, refine, and market crude oil,
5 natural gas, and petroleum products in the
6 State of Louisiana.
7 In general, Mid-Continent strongly
8 supports the regulated changes, especially
9 the inclusion of the stringency table in
10 the regulations. We think that gives us
11 protection if (inaudible) ever decides to
12 resend the policy that this is operated
13 under.
14 We did find one problem in reviewing
15 the regulation we think was unintended,
16 that is with the definition of connectors.
17 In fact, the definition of connectors is
18 retained some facilities because of the
19 Consolidated Fugitive Emission Program will
20 actually have expanded requirements which
21 was not the intent of the regulation.
22 The regulation did say in its
23 physical impact statement that there would
24 be no cost to industry. Our feeling is
25 that the best fix for this is just to

1 retain the existing definitions in both
2 sections 2121 and 2122 of the connector
3 definition.
4 We appreciate the opportunity to make
5 these comments. We'll explain our concerns
6 in our written comments, which we will
7 submit next week. Thank you.
8 **MS. HAMM:**
9 Thank you.
10 Does anyone else care to comment on
11 this regulation?
12 **MR. GRAHAM:**
13 Good afternoon, my name is Henry
14 Graham. I am Vice President of
15 Environmental Affairs and general counsel
16 for the Louisiana Chemical Association.
17 LCA's a trade association representing
18 chemical manufacturers in the State of
19 Louisiana. Many of our companies would be
20 impacted by the proposed rule.
21 Again, I would like to also support
22 the comments of Louisiana Mid-Continent Oil
23 and Gas Association and suggest that we too
24 support the overall rule. This is a needed
25 rule change and for the most part the rule

1 making with the exception noted should go
2 forward.
3 We especially support the provisions
4 that recognize alternative work practices
5 and the use of optical gas imaging as an
6 alternative in some cases. We believe that
7 this will provide a more comprehensive
8 ability to monitor leaks.
9 We also are -- And we'll provide
10 written comments to suggest a couple other
11 minor revisions to the current rule that
12 will just simply clarify what we believe is
13 the intent of the proposed rule.
14 I want to thank you again for the
15 opportunity to present our comments. And
16 we'll file them before the written comment
17 deadline. Thank you.
18 **MS. HAMM:**
19 Does anyone else care to comment on
20 AQ313? If not, then the hearing on AQ313
21 is closed.
22 The next amendment is designated by
23 the Log No. HW111. Conrad Industries,
24 known as Conrad, is petitioning to exclude
25 from the hazardous waste regulations, or

1 delist, approximately 4,000 tons of
2 aggregate generated and used as fill in
3 1986.
4 This is a one-time delisting which
5 applies to the particular aggregate used to
6 fill the Rim Tide barge slip located in
7 Amelia, Louisiana. The delisting program
8 is regulated by LAC 33:V.105 which includes
9 a formal rule-making process.
10 The applicants who wish to remove a
11 waste from the list of hazardous wastes
12 must submit a petition and satisfy all
13 requirements of LAC:33.V.105. The
14 exclusion, if granted, applies only to the
15 4,000 tons of aggregate used as fill in the
16 Rim Tide barge slip area located in Amelia,
17 Louisiana.
18 LDEQ-USTRD has reviewed Conrad's
19 petition and found it satisfies the
20 delisting requirements of LAC 33:V.105.M.
21 LDEQ used the Delisting Risk Assessment
22 Software, or DRAS, in the evaluation of the
23 impact of the petitioned waste on human
24 health and environment.
25 Conrad purchased 4,000 tons of

1 aggregate from Marine Shale Processor, Inc.
2 in 1986 to use as fill. The aggregate was
3 generated as the ash or residue of MSP's
4 incineration of various wastes, including
5 hazardous wastes and contaminated media.
6 Information on the sources of the
7 waste is limited. DEQ requested Conrad
8 analyze the material for all listed
9 hazardous wastes.
10 Larry, would you like to make a
11 comment?
12 **MR. STOLTZFUS:**
13 Good afternoon, my name's Larry
14 Stoltzfus. I'm with US Risk. We are an
15 environmental consulting firm here in Baton
16 Rouge. I'm here in positive support of
17 this delisting for Conrad, but we'd like
18 clarification.
19 The proposed rule should not prejudge
20 the analysis of the former corrective
21 action. And then the last sentence should
22 be amended to end with this new last
23 sentence:
24 This is a one-time exclusion for a
25 maximum volume of 4,000 cubic yards of

aggregate subsequent to its corrective action in or excavation from the former slip area located in Morgan City, Louisiana, including for the purpose of this transportation and disposal and a subtitle de-landfill after the date of promulgation.

And we also included our comments and our clarification in written form this morning.

MS. HAMM:

Thank you.

Does anyone else care to comment on HW111? If not, the hearing of HW111 is closed.

I'd like to thank you for your attention and your participation this afternoon. This hearing is now closed.

(THE PROCEEDING CONCLUDED AT 1:45 P.M.)

* * * * * * * * * * * *

1 **R E P O R T E R ' S P A G E**

2 I, Tamatha Spencer, Certified Court
3 Reporter, in and for the State of Louisiana, as
4 defined in Rule 28 of the Federal Rules of Civil
5 Procedure and/or Article 1434(b) of the Louisiana
6 Code of Civil Procedure, do hereby state on the
7 Record:
8 That due to the interaction in the
9 spontaneous discourse of this proceeding, dashes (--)
10 have been used to indicate pauses, changes in
11 thought, and/or talkovers; that same is the proper
12 method for a Court Reporter's transcription of
13 proceedings, and that the dashes (--) do not indicate
14 that words or phrases have been left out of this
15 transcript;
16 That any words and/or names which could not
17 be verified through reference material have been
18 denoted with the phrase "phonetic."
19
20
21
22 Tamatha Spencer, C.C.R.
23 Certified Court Reporter
24
25

1 **C E R T I F I C A T E**

2 I, Tamatha Spencer, Certified Court
3 Reporter, in and for the State of Louisiana, do
4 hereby certify that the proceeding is set forth in
5 the foregoing pages;
6 That the proceeding was reported by me in
7 Stenomask and transcribed by me or under my personal
8 direction and supervision, and is a true and correct
9 transcript to the best of my ability and
10 understanding;
11 That I am not of counsel, not related to
12 counsel, nor to the parties hereto, and I am in no
13 way interested in the outcome of this event; and am a
14 valid member in good standing of the Louisiana State
15 Board of Examiners of Certified Shorthand Reporters.
16
17 OFFICIAL SEAL
TAMATHA SPENCER
Certified Court Reporter
18 in and for the State of Louisiana
Certificate Number 2010019
Certificate expires 12-31-13
19 Tamatha Spencer, C.C.R.
20 Louisiana License #2010019
21
22
23
24
25

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LR 33:1016 (June 2007), LR 34:73 (January 2008), LR 34:1021 (June 2008), LR 34:1613 (August 2008), amended by the Office of the Secretary, Legal Division, LR 39:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW111. Such comments must be received no later than January 3, 2013, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of HW111. These proposed regulations are available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on December 27, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Conrad Industries Delisting

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units for implementing this proposed rule change. Conrad Industries Inc. (Conrad) is requesting a one-time exclusion from the hazardous waste regulations (delist) of approximately 4,000 tons of aggregate purchased, and used to fill the "Rim Tide" barge slip area (slip area). The delisting will be limited to the aggregate that was used as fill at the slip area. The proposed rule change allows this one-time exclusion.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will result in the state collecting approximately $144,000 less in tax revenue in FY 14. Prior to the proposed rule change the state would have collected, on a one-time basis (based on the 2011 levels), the associated tax revenue from the hazardous waste disposal tax ($40/ton) or a total of $160,000 when the former slip area is remediated. In addition, the tax on equipment and services ($18,000) would also be collected, for a total of approximately $178,000.

Alternatively, the state will collect the associated tax revenue (based on the 2011 levels) in nonhazardous solid waste disposal tax revenue ($4/ton) when the Rim Tide slip area is remediated ($16,000). The same tax on equipment and services ($18,000) would also be collected, for a total of approximately $34,000.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Conrad Industries Inc. (Conrad) will realize a savings of about $1.5 million when this delisting is approved. The savings is the difference in cost between remediating a hazardous waste site and remediating a solid waste site. Conrad will benefit from the delisting of the aggregate because once the slip area is remediated, Conrad will be able to use the area for other purposes. The delisting of the aggregate will not relieve Conrad from any liability that might arise from the use or disposal of the wastes.

Louisiana contractors and its workers will also benefit from the delisting. If the delisting petition is granted, Conrad will be able to begin remediating the slip area. This will involve hiring a consulting company to design and submit a remediation plan to the department for approval and hiring a contracting firm to remediate the area. The remediation project will cost from $60,000 to $600,000. This money will go to workers and for use of equipment to remediate the area.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Delisting the aggregate will have a negligible effect on competition. The remediation project will provide new jobs for the local area. The remediation activities will involve short-term environmental, laboratory, and construction related employment.

Herman Robinson, CPM
Executive Counsel
1211#027

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Division

Control of Emissions of Organic Compounds—Fugitive Emission Control
(LAC 33:III.2121, 2122, and 2199)(AQ313)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2121, 2122 and 2199, Appendix B (AQ313).

This Rule will revise air regulations for fugitive emission control in attainment and nonattainment areas, LAC 33:III.2121 and 2122. Several definitions have been added to conform to definitions in the federal new source performance standards (NSPS) of 40 CFR 60. Under the control requirements, leak definitions are expanded to

include leaks that can be imaged by an optical gas imaging instrument when following the federal alternative work practice (AWP) as described in 40 CFR 60.18. Under the monitoring requirements, the regulations have been changed to allow substitution of optical gas imaging and method 21 monitoring per the federal AWP.

The fugitive emission control for ozone nonattainment areas regulations (LAC 33:III.2122) have been changed to clarify conflicting requirements for leaks detected by visual, audible, or olfactory means. This Rule clarifies the conflicting requirements for pumps and valves in heavy liquid service, specifically, LAC 33:III.2122.C.1.d, D.3.b, and D.4.b.

In the control requirements Subsection, the open-ended line and double block and bleed provisions of LAC 33:III.2122.C.2 have been clarified and expanded utilizing language from the federal regulations. In the control requirements section, conditions have been added to verify when a repair is successful. In addition, conditions have been added under which equipment may be removed from the delay of repair list.

In the monitoring requirements Subsection, the alternative monitoring program exemption for facilities that already have a more stringent LDAR program at the time of initial promulgation has been expanded to include the Louisiana Consolidated Fugitive Emission Program (LCFEP). The LCFEP provides a mechanism for affected facilities to consolidate overlapping state and federal LDAR programs. A description of the program has been placed in the Chapter 21 appendix (LAC 33:III.2199, Appendix B).

Similar changes have been made for the fugitive emission control regulation (LAC 33:III.2121). The changes for LAC 33:III.2121 and 2122 do not modify the leak definitions and will not alter the position of LAC 33:III.2121 and 2122 in the Louisiana Consolidated Fugitive Emission Program Stringency Table.

The basis and rationale for this Rule is that LAC 33:III.2121 (Fugitive Emission Control) and LAC 33:III.2122 (Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes) require establishment of equipment leak monitoring and repair programs for specific industries in order to minimize emission of volatile compounds into the air.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2121. Fugitive Emission Control

A. Applicability. This Section is applicable to each process unit at petroleum refineries, natural gas processing plants, synthetic organic chemical manufacturing industry (SOCMI) facilities, methyl tertiary butyl ether (MTBE) manufacturing facilities, and polymer manufacturing facilities that contains any of the following components that operate in volatile organic compound (VOC) service for 300 hours or more during the calendar year:

1. - 9. …

B. Definitions. Terms used in this Section are defined in LAC 33:III.111.A of these regulations with the exception of those terms specifically defined in this Section as follows.

Alternative Work Practice (AWP)—the use of optical imaging to detect leaks as described in 40 CFR 60.18(g), (h) and (i).

Connector—flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment, or that close an opening in a pipe that could be connected to another pipe. Joined fittings welded completely around the circumference of the interface are not considered *connectors*.

Difficult-to-Monitor—equipment that cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

Double Block and Bleed System—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Equipment—each pump, compressor, pressure relief device, open-ended valve or line, process drain, valve, agitator, instrumentation system, and connector in VOC service. For the purpose of these regulations *equipment* shall be synonymous with component.

Force Majeure—an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are:

a. acts of nature;

b. acts of war or terrorism; or

c. equipment failure or safety hazard beyond the control of the affected facility.

In Gas/Vapor Service—equipment that contains a VOC in a gas or vapor state at operating conditions.

In Heavy Liquid Service—equipment that is not in gas/vapor service or in light liquid service.

In Light Liquid Service—

a. equipment containing a fluid that meets all of the following conditions:

i. the vapor pressure of one or more of the organic compounds is greater than 0.3 kPa (0.0435 psi) at 20°C (68°F) (Standard reference texts or ASTM D2879-83, 96, or 97 shall be used to determine the vapor pressure.);

ii. the total concentration of the pure organic compounds having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight; and

iii. the fluid is a liquid at operating conditions;

b. as an alternative to Subparagraph a of this Paragraph, an owner or operator of petroleum refineries, natural gas processing plants, and polymer manufacturing facilities has the option to use ASTM Method D86-78, 82, 90, 95, or 96. The equipment is *in light liquid service* if the evaporated fluid weight is greater than 10 percent at 150°C (302°F).

In Liquid Service—equipment that is not in gas/vapor service.

Inspect—examine the component for visible, audible, or olfactory evidence of a leak.

Instrumentation System—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in *instrumentation systems*; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches or smaller and connectors nominally 0.75 inches or smaller in diameter are considered part of *instrumentation systems* for the purposes of this Section. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with *instrumentation systems* are not considered part of *instrumentation systems* and shall be monitored individually as a valve or connector.

In Vacuum Service—equipment operating at an internal pressure that is at least 20 inches of water (38 millimeters of mercury) below ambient pressure.

In VOC Service—

a. for petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities:

i. a piece of equipment that contains or contacts a process fluid that is at least 10 percent VOC by weight;

b. for natural gas processing plants:

i. a piece of equipment that contains or contacts a process fluid that is at least 1.0 percent VOC by weight.

Monitor(ed)—determination of VOC concentration at equipment components in accordance with Method 21 (see 40 CFR 60, Appendix A-7), or the *alternative work practice* as provided in this Section.

Open-Ended Valve or Line—any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

Optical Gas Imaging Instrument—an instrument that makes emissions visible that may otherwise be invisible to the naked eye.

Process Drain—any opening (including a covered or controlled opening) that receives or conveys wastewater into a wastewater system.

Process Unit—a facility, or any part thereof, that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

Process Unit Shutdown—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. The following are not considered *process unit shutdowns*:

a. an unscheduled work practice or operational procedure that stops production from a process unit, or part of a process unit, for less than 24 hours;

b. an unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled *process unit shutdown*;

c. the use of spare equipment and technically feasible bypassing or isolating of equipment without stopping production; and

d. the idling of a process unit due to force majeure.

Repair—adjust or otherwise alter equipment in order to eliminate a leak.

Unsafe-to-Monitor—equipment that cannot be monitored without exposing monitoring personnel to immediate danger.

C. Fugitive Emission Control Requirements

1. Leak Limitations

a. No component listed in Paragraph A.1-9 of this Section shall be allowed to emit VOC exceeding an instrument reading of 10,000 parts per million (ppm), as determined by Method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003), which can be imaged following the *alternative work practice (AWP)* as defined in Subsection B of this Section, or to demonstrate visible, audible, or olfactory evidence of a leak.

2. Open-Ended Valves or Lines

a. Each open-ended valve or line shall be equipped with a second valve, blind flange, plug, or cap. These sealing devices may only be removed when the line is in use (i.e., when a sample is being taken). When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

b. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves, but shall comply with Subparagraph C.2.a of this Section at all other times.

c. Open-ended valves or lines in emergency system(s) (e.g., pressure relief devices) which are designed to open automatically in the event of a process upset are exempt from the requirements of Subparagraph C.2.a of this Section.

d. Open-ended valves or lines containing asphalt, materials that would autocatalytically polymerize or would present an explosion, serious over pressure, or other safety hazard if sealed or equipped with a double block and bleed system are exempt from the requirements of Subparagraph C.2.a of this Section.

3. Leak Repair

a. The owner or operator shall make every reasonable effort to repair a leaking component, as described in Subparagraph C.1.a or Subparagraph D.3.b of this Section, within 15 calendar days of detection. A repair is considered successful if it meets any of the following conditions:

i. a component is *monitored* as defined in Subsection B of this Section (or remonitored) to verify that the instrument reading is below the applicable leak definition in Subparagraph C.1.a of this Section;

ii. a component that has been identified as leaking using the AWP, either meets Clause C.3.a.i of this Section, or the emissions are no longer visible using the AWP; or

iii. a component in liquid service that has been identified as leaking by visual, audible, or olfactory means, including, use of the soap bubble test for natural gas processing plants, either meets Clause C.3.a.i of this Section, or when visual, audible, or olfactory indications of the leak have been eliminated.

b. Equipment that cannot be repaired shall be placed on a delay-of-repair list, unless it can be isolated or bypassed to eliminate the leak. Equipment on the delay-of-repair list shall be repaired by the end of the next scheduled process unit shutdown. The *administrative authority* as defined in LAC 33:III.111.A reserves the right to take enforcement action pursuant to R.S. 30:2025, should it be determined that the total percentage of components on the delay-of-repair list is excessive or is causing damage to the public health or environment.

c. Equipment placed on the delay-of-repair list in accordance with Subparagraph C.3.b of this Section may be removed from the list if it meets any of the following conditions:

i. the equipment is monitored or imaged, and for two consecutive monthly periods, either the instrument readings are below the leak limitation specified in Subparagraph C.1.a of this Section or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP; or

ii. the owner or operator has undertaken additional or extraordinary efforts to repair the leaking equipment, and subsequent monitoring or imaging demonstrates that either the instrument readings are below the leak limitation in Subparagraph C.1.a of this Section, or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP. Extraordinary efforts are nonroutine repair methods (e.g., sealant injection, clamp installation) or utilization of a closed-vent system to capture and control the leak by at least 90 percent.

(a). Note. The decision to monitor equipment on the delay-of-repair list or undertake extraordinary efforts to repair equipment shall be made solely at the owner or operator's discretion.]

D. Monitoring and Inspection Requirements. Monitoring of components by Method 21 and inspections shall be conducted according to this Subsection. After initially complying with this Subsection by use of Method 21, the owner or operator may elect to comply with the appropriate alternate monitoring schedule(s) in Subsection E of this Section. In lieu of Method 21 monitoring, optical imaging may be conducted in accordance with the AWP. If the owner or operator elects to use the AWP, the requirements for instrument specifications, instruments checks, monitoring frequency, leak survey procedures, recordkeeping, and reporting shall be followed as described in 40 CFR 60.18 (g), (h), and (i). The alternate monitoring schedule(s) in Subsection E of this Section are not applicable when using the AWP.

1. Petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall perform the following:

a. monitor the following components one time per calendar year (annually):

i. pumps in light liquid service at refineries;

ii. valves in light liquid service at refineries; and

iii. process drains;

b. monitor the following components four times per year (quarterly):

i. compressor seals;

ii. valves in gas/vapor service;

iii. pressure relief valves in gas/vapor service;

iv. valves in light liquid service at SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities; and

v. pumps in light liquid service at SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities;

c. inspect pump seals visually 52 times a year (weekly).

2. Natural gas processing plants shall perform the following:

a. inspect pump seals and compressor seals visually 52 times a year (weekly).

b. monitor the following components four times a year (quarterly):

i. pumps in light liquid service;

ii. compressor seals;

iii. valves in light liquid service and valves in gas/vapor service; and

iv. pressure relief valves in gas/vapor service.

3. Facilities listed in Paragraphs D.1 and 2 of this Section shall perform the following:

a. monitor any pressure relief valve in gas/vapor service within five calendar days s after it has vented to the atmosphere. Difficult-to-monitor pressure relief valves shall be monitored within 15 calendar days and unsafe-to-monitor pressure relief valves shall be monitored as soon as possible, when conditions would allow the component to be safely monitored;

b. within five calendar days, any component listed in Paragraphs A.1-9 of this Section identified as leaking by visual, audible, or olfactory means shall be:

i. repaired in accordance with Clause C.3.a.iii of this Section;

ii. monitored (using either Method 21 or the AWP); or

iii. designated as a leak (pursuant to Method 21 or the AWP);

c. difficult-to-monitor components shall be monitored within 15 calendar days and unsafe-to-monitor components shall be monitored as soon as possible, when conditions allow the component to be safely monitored. Visual, audible, or olfactory leaks designated as a leak or confirmed to be in excess of the applicable leak limitation in Subparagraph C.1.a of this Section by Method 21 monitoring, shall be repaired according to Subparagraph C.3.a of this Section;

d. difficult-to-monitor valves shall be monitored once per calendar year (annually);

e. unsafe-to-monitor equipment shall be monitored as soon as possible when conditions allow the component to be monitored safely (e.g., during a shutdown);

f. any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clause D.1.a.ii, D.1.b.ii, D.1.b.iv, or D.2.b.iii of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured by Method 21; and

iii. is monitored for compliance with Clause .D.3.e.ii of this Section initially upon designation and once per calendar year thereafter;

g. equipment that begins operation after the initial start-up date for the process unit shall be monitored for the first time by the end of the monitoring period in which the process unit start-up is completed, or 45 calendar days after the start-up period is completed, whichever is later. equipment that replaces leaking equipment shall continue on the monitoring schedule for the equipment that it replaced;

h. monitoring to verify repairs that were made during a process unit shutdown shall occur by the end of the monitoring period in which the process unit start-up is completed, or 45 calendar days after the start-up period is completed, whichever is later.

4. Exemptions. Monitoring and inspections are not required on the following:

a. check valves;

b. pressure relief devices, pump seals or packing, and compressor seals or packing where leaks are vented to a process or fuel gas system, or equipped with a closed-vent system capable of transporting leakage to a control device;

c. pressure relief devices equipped with a rupture disc, or other similar leak-tight pressure relief component, upstream of the pressure relief device; provided that after each pressure release, the rupture disc, or other similar leak-tight component is replaced as soon as practicable; but not later than 15 calendar days;

d. equipment in vacuum service;

e. equipment at natural gas processing plants with less than 40 million standard cubic feet per day rated capacity that do not fractionate natural gas liquids;

f. components contacting only organic compounds exempted in LAC 33:III.2117 or mixtures of same with water;

g. pumps and compressors that are sealless or have a double mechanical seal;

h. pumps designed with no external shaft penetrating the pump housing;

i. research and development pilot facilities and small facilities with less than 100 valves in gas/vapor or liquid service;

j. insulated or buried equipment;

k. components that have been placed on a delay-of-repair list are exempt from further monitoring until a repair has been attempted, except that an owner or operator may monitor components on the delay-of-repair list in accordance with Subparagraph C.3.c of this Section in order to remove equipment from the delay-of-repair list; and

l. process drains at petroleum refineries subject to New Source Standards, 40 CFR 60.690-699 (Subpart QQQ) as incorporated by reference in LAC 33:III.3003.

5. Alternate Monitoring Program. Any facility that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the *administrative authority** as defined in LAC 33:III.111.A. A facility which has consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (i.e., with a Source Notice and Agreement or a Title V permit) is exempted from the requirement of submitting a description of the program to the administrative authority*. (The Louisiana Fugitive Emission Program Consolidation Guidelines are contained in LAC 33:III.2199.Appendix B.)

6. Force Majeure

a. If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the administrative authority, in writing, as soon as practical following the date the owner or operator first knew, or through due diligence should have known that the event may cause or has caused a delay in monitoring beyond the regulatory deadline. The notification shall occur before the monitoring deadline unless the initial force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

b. The owner or operator shall provide to the administrative authority a written description of the force majeure event and a rationale for attributing the delay in monitoring beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the monitoring. The monitoring shall be conducted as soon as practicable after the force majeure occurs.

c. The decision to grant an extension to the monitoring deadline is solely within the discretion of the administrative authority. The administrative authority shall notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practical.

d. Until an extension of the monitoring deadline has been approved by the administrative authority under Subparagraph D.6.c of this Section, the owner or operator of the affected facility remains subject to the requirements of this Section.

E. Alternate Monitoring Frequency. The monitoring schedule in Paragraph D.1 or 2 of this Section may be modified as follows.

1. Alternate Standards for Valves and Pumps subject to Subparagraph D.1.b or D.2.b of this Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternate work practices specified in Subparagraph E.1.b or c of this Section. However, the administrative authority shall be notified in writing before one of the alternate work practices is implemented.

b. After two consecutive quarterly leak detection periods with the total percent of leaking and delay-of-repair components (Equation 1 of this Section) equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for valves in gas/vapor service, valves in light liquid service, and/or pumps in light liquid service.

c. After five consecutive quarterly leak detection periods with the total percent of leaking and delay-of-repair components (Equation 1 of this Section) equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for valves in gas/vapor service, valves in light liquid service, and/or pumps in light liquid service.

d. If the total percent of leaking and delay-of-repair components (Equation 1 of this Section) increases to greater than 2.0 after implementing one of the alternate work practices in Subparagraph E.1.b or c of this Section, the owner or operator shall comply with the requirements as described in Paragraph D.1 or 2 of this Section, but subsequently may elect to use this Subsection when the requirements are met.

2. Alternate Standards for Valves and Pumps Subject to Subparagraph D.1.b or D.2.b—Increased Monitoring Frequency. If the total percent of leaking and delay-of-repair components (Equation 1 of this Section) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority.

3. The total percent of leaking and delay-of-repair components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 1. (Equation 1 shall be calculated separately for each component type.)

$$\%C_{T1} = [C_L + C_{TU}]/[C_T + C_{TU}] * 100\% \quad \text{Equation 1}$$

where:

$\%C_{T1}$ = total percent of leaking components including delay-of-repair components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

C_{TU} = number of components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

F. Recordkeeping

1. When a component has a leak that cannot be repaired, as described in Subparagraph C.3.a of this Section, a weatherproof and readily visible tag bearing an identification number and the date the leak was located shall be affixed to the leaking component. After the leak has been repaired, the tag may be removed.

2. A survey log shall be maintained by the operator which shall include the following:

a. the name of the process unit where the leaking component is located;

b. the type of leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section;

e. the date the leak was located;

f. the date maintenance was performed;

g. the date the component was rechecked after maintenance, and the results (i.e., instrument reading; visual, audible, or olfactory results; soap bubble test results; AWP video);

h. a record of the monitor calibration or AWP daily instrument check;

i. a delay-of-repair list;

j. a bypassed or isolated component list; and

k. a record of all monitoring, imaging, and inspection results.

3. The owner or operator shall retain the survey log for two years after the latest date specified in Paragraph F.2 of this Section and make the log available to the administrative authority upon request.

4. The optional use of the AWP shall require storing video and other records of the daily instrument check and inspections as required in 40 CFR 60.18.

G. Reporting Requirements. The owner or operator of the affected facility shall submit a report semiannually to the Office of Environmental Services for each calendar quarter during the reporting period. The reports are due by the last day of the month (i.e., January 31 and July 31) following the monitoring period or by an alternate date approved by the administrative authority. The reports shall include the following information for each quarter of the reporting period:

1. the number of each component type for which monitoring is required by Subsection D or E of this Section versus the number monitored and the total percent of leaking and delay-of-repair components (see Equation 1 of this Section) for each component type for which alternate control techniques are allowed by Subsection E of this Section;

2. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:

a. the name of the process unit where the leaking component is located and the date of last unit shutdown;

b. the type of the leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section, if the component is on the delay-of-repair list;

e. the date the leak was located;

f. the monitoring or inspection results;

g. the date maintenance was performed;

h. the date the leak is expected to be repaired if the component is on the delay-of-repair list; and

i. the reason repairs failed or were postponed;

3. a signed statement attesting to the fact that all requirements of this Section have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:70 (January 2008), amended by the Office of the Secretary, Legal Division, LR 39:**.

§2122. Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes

A. Applicability

1. This Section is applicable to each process unit at petroleum refineries, natural gas processing plants, synthetic organic chemical manufacturing industry (SOCMI) facilities, methyl tertiary butyl ether (MTBE) manufacturing facilities, and polymer manufacturing facilities that contains any of the following components that operate in volatile organic compound (VOC) service for 300 hours or more during the calendar year:

a. - i. …

2. The requirements of this Section shall be applicable to sources located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge effective January 1, 1996.

3. The requirements of this Section shall be applicable to sources located in the parish of Calcasieu effective January 1, 2003.

4. When the provisions of this Section are effective, process units to which this Section applies that are also subject to the provisions of LAC 33:III.2121 will not be required to comply with the provisions of LAC 33:III.2121.

5. Facilities listed in Paragraph A.1 of this Section, which are subject to New Source Performance Standards, 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or National Emission Standards for Hazardous Air Pollutants, 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, may become exempt from this Section by:

a. submitting a written notice to the *administrative authority** as defined in LAC 33:III.111.A informing them of the facility's request to become exempt from this Section and how 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, will be administered to obtain the exemption;

b. applying 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, to leak limitations specified in Paragraph C.1 of this Section rather than 10,000 ppm as specified in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116;

c. including connectors as components monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, which apply to valves; and

d. increasing the monitoring frequency of valves only when the valves monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.5116, which apply to valves, equal or exceed 2 percent of the valves leaking at or above 10,000 ppm.

B. Definitions. Terms used in this Section are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

Alternative Work Practice (AWP)—the use of optical imaging to detect leaks as described in 40 CFR 60.18(g), (h) and (i).

Connector—flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment, or that close an opening in a pipe that could be connected to another pipe. Joined fittings welded completely around the circumference of the interface are not considered *connectors*.

Difficult-to-Monitor—equipment that cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

Double Block and Bleed System—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Equipment—each pump, compressor, pressure relief device, open-ended valve or line, process drain, valve, agitator, instrumentation system, and connector that is in VOC service. For the purpose of these regulations *equipment* shall be synonymous with component.

Force Majeure—an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement within the specified time frame despite the affected facility's best efforts to fulfill the obligation. Examples of such events are:

a. acts of nature;

b. acts of war or terrorism; or

c. equipment failure or safety hazard beyond the control of the affected facility.

Good Performance Level—Repealed.

Heavy Liquid Service—Repealed.

Inaccessible Valve—Repealed.

In Gas/Vapor Service—equipment that contains a VOC in a gas or vapor state at operating conditions.

In Heavy Liquid Service—equipment that is not in gas/vapor service or light liquid service.

In Light Liquid Service—

a. equipment containing a fluid that meets all of the following conditions:

i. the vapor pressure of one or more of the organic compounds is greater than 0.3 kPa (0.0435 psi) at 20°C (68°F). (Standard reference texts or ASTM D2879-83, 96, or 97 shall be used to determine the vapor pressure);

ii. the total concentration of the pure organic compounds having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight; and

iii. the fluid is a liquid at operating conditions.

b. In the alternative to Subparagraph a of this Paragraph, an owner or operator of petroleum refineries, natural gas processing plants, and polymer manufacturing facilities has the option to use ASTM Method D86-78, 82, 90, 95, or 96. The equipment is *in light liquid service* if the evaporated fluid weight is greater than 10 percent at 150°C (302°F).

In Liquid Service—equipment that is not in gas/vapor service.

In Vacuum Service—equipment operating at an internal pressure that is at least 20 inches of water (38 millimeters of mercury) below ambient pressure.

In VOC Service—for petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities; a piece of equipment that contains or contacts a process fluid that is at least 10 percent VOC by weight. For natural gas processing plants, a piece of equipment that contains or contacts a process fluid that is at least 1.0 percent VOC by weight.

Inspect—examine the component for visible, audible, or olfactory evidence of a leak.

Instrumentation System—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in *instrumentation systems*; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches and smaller and connectors nominally 0.75 inches and smaller in diameter are considered *instrumentation systems* for the purposes of this Section. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with *instrumentation systems* are not considered part of *instrumentation systems* and shall be monitored individually as a valve or connector.

Light Liquid—Repealed.

Light Liquid Service—Repealed.

Liquid Service—Repealed.

Monitor(ed)—determination of VOC concentration at equipment components in accordance with Method 21 (see 40 CFR 60, Appendix A-7), or the *alternative work practice* as provided in this Section.

Open-Ended Valve or Line—any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

Optical Gas Imaging Instrument—an instrument that makes emissions visible that may otherwise be invisible to the naked eye.

Process Drain—any opening (including a covered or controlled opening) that receives or conveys wastewater into a wastewater system.

Process Unit—a facility, or any part thereof, that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

Process Unit Shutdown—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. The following are not considered process unit shutdowns:

a. an unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours;

b. an unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown;

c. the use of spare equipment and technically feasible bypassing or isolating of equipment without stopping production; and

d. the idling of a process unit due to force majeure.

Repair—adjust or otherwise alter equipment in order to eliminate a leak.

Unrepairable Component—Repealed.

Unsafe-to-Monitor—equipment that cannot be monitored without exposing monitoring personnel to immediate danger.

C. Fugitive Emission Control Requirements

1. Leak Limitations

a. No component listed in Subparagraphs A.1.a-i of this Section in petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall be allowed to emit VOCs exceeding an instrument reading of 1,000 parts per million (ppm) for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppm for pumps and compressors; or 10,000 ppm for agitators, as determined by Method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003), or which can be imaged when following the *alternative work practice* as defined in Subsection B of this Section or to demonstrate visible, audible, or olfactory evidence of a leak.

b. No component listed in Subparagraphs A.1.a-i of this Section in natural gas processing plants shall be allowed to emit VOCs exceeding an instrument reading of 2,500 ppm for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppm for pumps and compressors 10,000 ppm for agitators, as determined by Method 21 (40 CFR 60, Appendix A, as incorporated by reference in LAC 33:III.3003), or which can be imaged when following the AWP described in 40 CFR 60.18.

2. Open-Ended Valves or Lines

a. Each open-ended valve or line shall be equipped with a second valve, a blind flange, a plug, or a cap. Such sealing devices may be removed only when the line is in use, (i.e., when a sample is being taken). When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

b. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves, but it shall comply with Subparagraph C.2.a of this Section at all other times.

c. Open-ended valves or lines in emergency system(s) (i.e., pressure relief devices) that are designed to open automatically in the event of a process upset, are exempt from the requirements of Subsection C.2.a of this Section.

d. Open-ended valves or lines containing asphalt, materials that would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if sealed or equipped with a double block and bleed system, are exempt from the requirements of Subparagraph C.2.a of this Section.

3. Leak Repair

a. The owner or operator shall make every reasonable effort to repair a leaking component, as described in Paragraph C.1 or Subparagraph D.3.b of this Section, within 15 calendar days of detection. A repair is considered successful if it meets any of the following conditions:

i. a component is monitored (or remonitored) to verify that the instrument reading is below the applicable leak definition in Paragraph C.1 of this Section;

ii. a component that has been identified as leaking using the AWP, either meets Clause C.3.a.i of this Section, or the emissions are no longer visible using the AWP; or

iii. a component in liquid service that has been identified as leaking by visual, audible, or olfactory means, including, use of the soap bubble test for natural gas processing plants, either meets Clause C.3.a.i of this Section, or when visual, audible, or olfactory indications of the leak have been eliminated.

b. Equipment that cannot be repaired shall be placed on a delay-of-repair list, unless it can be isolated or bypassed to eliminate the leak. Repair of equipment on the delay-of-repair list shall occur by the end of the next scheduled process unit shutdown. The *administrative authority* as defined in LAC 33:III.111.A reserves the right to take enforcement action pursuant to R.S. 30:2025, should it be determined that the total percentage of components on the delay-of-repair list is excessive or is causing damage to public health or the environment.

c. Equipment placed on the delay-of-repair list in accordance with Subparagraph C.3.b of this Section may be removed from the list if it meets any of the following conditions:

i. the equipment is monitored or imaged, and for two consecutive monthly periods, either the instrument readings are below the leak limitation specified in Paragraph C.1 of this Section or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP; or

ii. the owner or operator has undertaken additional or extraordinary efforts to repair the leaking equipment, and subsequent monitoring or imaging demonstrates that either the instrument readings are below the leak limitation in Paragraph C.1 of this Section, or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP. Extraordinary efforts are non-routine repair methods (e.g., sealant injection, clamp installation) or utilization of a closed-vent system to capture and control the leak by at least 90 percent.

(a). The decision to monitor equipment on the delay-of-repair list or undertake extraordinary efforts to repair equipment shall be made solely at the owner or operator's discretion.

D. Monitoring and Inspection Requirements. Monitoring of components by Method 21 and inspections shall be conducted according to this Subsection. After initially complying with this Subsection, the owner or operator may elect to comply with the appropriate alternate monitoring schedule(s) in Subsection E of this Section. In lieu of Method 21 monitoring, optical imaging may be conducted in accordance with the AWP. If the owner or operator elects to use the AWP, the requirements for instrument specifications, instruments checks, monitoring frequency, leak survey procedures, recordkeeping, and reporting shall be followed as described in 40 CFR 60.18 (g), (h), and (i). The alternate monitoring schedule(s) in Subsection E of this Section are not applicable when using the AWP.

1. Petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities shall perform the following:

a. monitor process drains one time per calendar year (annually).

b. monitor the following components four times per year (quarterly):

i. compressor seals;

ii. pressure relief valves in gas/vapor service;

iii. valves in light liquid service and valves in gas/vapor service; and

iv. pumps in light liquid service;

c. inspect pump seals visually 52 times a year (weekly);

d. inspect or monitor all flanged connectors in accordance with either Clause D.1.d.i or ii of this Section;

i. inspect all flanged connectors weekly by visual, audible, or olfactory means.

ii. monitor flanged connectors in light liquid and gas/vapor service four times per year (quarterly) as follows:

(a). either 200 or 10 percent, whichever is less, of the flanged connectors shall be monitored each quarterly period in accordance with a written sampling plan.

(b). the sampling plan shall ensure that at least 66 percent of the flanged connectors monitored each quarterly period shall not have been previously monitored, until all flanged connectors within the process unit have been monitored;

e. inspect instrumentation systems weekly by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves and flanged connectors of an instrumentation system in accordance with Clauses D.1.b.iii and D.1.d.ii of this Section, respectively;

f. records of visual, audible, or olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected.

2. Natural Gas Processing Plants shall perform the following:

a. inspect pump seals and compressor seals visually 52 times a year (weekly);

b. monitor the following components four times a year (quarterly):

i. pumps in light liquid service;

ii. compressor seals;

iii. pressure relief valves in gas/vapor service; and

iv. valves in light liquid service and valves in gas/vapor service;

c. inspect instrumentation systems 52 times a year (weekly) by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clause D.2.b.iv of this Section;

d. records of visual, audible, or olfactory inspections of instrumentation systems are not required unless a leak is detected.

3. Facilities listed in Paragraphs D.1 and 2 of this Section:

a. monitor any pressure relief valve in gas/vapor service within five calendar days after it has vented to the atmosphere. Difficult-to-monitor pressure relief valves shall be monitored within 15 calendar days and unsafe-to-monitor pressure relief valves shall be monitored as soon as possible, when conditions allow the component to be safely monitored;

b. within five calendar days, any component listed in Subparagraphs A.1.a.-i of this Section identified as leaking by visual, audible, or olfactory means shall be:

i. repaired in accordance with Clause C.3.a.iii of this Section;

ii. monitored using either Method 21 or the AWP; or

iii. designated as a leak pursuant to Method 21 or the AWP;

c. difficult-to-monitor components shall be monitored within 15 calendar days and unsafe-to-monitor components shall be monitored as soon as possible, when conditions allow the component to be safely monitored. Visual, audible, or olfactory leaks either designated as a leak, or, confirmed to be in excess of the applicable leak limitation in Paragraph C.1 of this Section by Method 21 monitoring, shall be repaired according to Subparagraph C.3.a of this Section;

d. difficult-to-monitor valves shall be monitored once per calendar year;

e. unsafe-to-monitor equipment shall be monitored as soon as possible when conditions allow the component to be monitored safely (e.g., during a shutdown);

f. any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clause D.1.b.iii or D.2.b.iv of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured by Method 21; and

iii. is monitored for compliance with Clause D.3.e.ii of this Section initially upon designation and once per calendar year thereafter.

g. equipment that begins operation after the initial startup date for the process unit shall be monitored for the first time by the end of the monitoring period in which the process unit startup is completed, or 45 calendar days after the startup period is completed, whichever is later. Equipment that replaces leaking equipment shall continue with the monitoring schedule for the equipment that it replaced;

h. monitoring to verify repairs that were made during a process unit shutdown shall occur by the end of the monitoring period in which the process unit startup is completed, or 45 calendar days after the startup period is completed, whichever is later.

4. Exemptions and inspections are not required on the following:

a. pressure relief devices, pump seals or packing, and compressor seals or packing where leaks are vented to a process or fuel gas system, or equipped with a closed-vent system capable of capturing and transporting leakage to a control device;

b. pressure relief devices equipped with a rupture disc, or other similar leak-tight pressure relief component, upstream of the pressure relief device; provided that after each pressure release, the rupture disc, or other similar leak-tight component is replaced as soon as practicable; but not later than 15 calendar days;

c. equipment in vacuum service;

d. equipment at natural gas processing plants with less than 40 million standard cubic feet per day rated capacity that do not fractionate natural gas liquids;

e. components contacting only organic compounds exempted under LAC 33:III.2117 or mixtures of same with water;

f. pumps and compressors that are sealless or have a double mechanical seal;

g. pumps designed with no external shaft penetrating the pump housing;

h. research and development pilot facilities and small facilities with less than 100 valves in gas/vapor or liquid service;

i. insulated or buried equipment;

j. components that have been placed on a delay-of-repair list are exempt from further monitoring until a repair has been attempted, except that an owner or operator may monitor components on the delay-of-repair list in accordance with Clause C.3.c.i of this Section in order to attempt to remove equipment from the delay-of-repair list;

k. check valves;

l. process drains at petroleum refineries subject to New Source Standards, 40 CFR 60.690-699 (Subpart QQQ) as incorporated by reference in LAC 33:III.3003; and

m. process drains at facilities subject to LAC 33:III.2153.

5. Alternate Monitoring Program. Any facility that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the administrative authority* and approval thereof. A facility which has consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (i.e., with a source notice and agreement or a title V permit) is exempted from having to submit a description of the program to the administrative authority*. (The Louisiana Fugitive Emission Program Consolidation Guidelines are contained in LAC 33:III.2199.Appendix B.)

6. Force Majeure

a. If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the administrative authority, in writing, as soon as practical following the date the owner or operator first knew, or through due diligence should have known that the event may cause or has caused a delay in monitoring beyond the regulatory deadline. The notification shall occur before the monitoring deadline unless the initial force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

b. The owner or operator shall provide to the administrative authority a written description of the force majeure event and a rationale for attributing the delay in monitoring beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the monitoring. The monitoring shall be conducted as soon as practicable after the force majeure occurs.

c. The decision to grant an extension to the monitoring deadline is solely within the discretion of the administrative authority. The administrative authority shall

notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practical.

d. Until an extension of the monitoring deadline has been approved by the administrative authority under Subparagraph D.6.c of this Section, the owner or operator of the affected facility remains subject to the requirements of this Section.

E. Alternate Monitoring Frequency. The monitoring schedule in Paragraph D.1 or 2 of this Section may be modified as follows.

1. Alternate Standards for Valves Subject to Subparagraph D.1.b or D.2.b of This Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternate work practices specified in Subparagraph E.1.b, c, or e of this Section. However, the administrative authority shall be notified in writing before one of the alternate work practices is implemented.

b. After two consecutive quarterly leak detection periods with the percent of leaking valves (Equation 1) equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for valves in gas/vapor and/or light liquid service.

c. After five consecutive quarterly leak detection periods with the percent of leaking valves (Equation 1) equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for valves in gas/vapor and/or light liquid service.

d. If, after implementing one of the alternate work practices in Subparagraph E.1.b or c of this Section, the percent of leaking valves (Equation 1) increases to greater than 2.0, or the total percent of leaking and delay-of-repair valves (Equation 2) increases to greater than 4.0, the owner or operator shall comply with the requirements in Paragraph D.1 or 2 of this Section, but subsequently may elect to use this Subsection when the requirements are met.

e. Existing equipment that has been monitored under LAC 33:III.2121 for fugitives at the leak definition of 10,000 ppm can initially elect to use this alternate standard if the unit has data documented with the administrative authority by either January 1, 1996, or for the 12 months prior to becoming subject to this Section, that indicates the percent of leaking valves (Equation 1) is less than or equal to a 2.0 percent leak rate at 10,000 ppm for the required time periods as specified in Subparagraph E.1.b or c of this Section.

2. Alternate Standards for Valves Subject to Subparagraph D.1.b or D.2.b of this Section—Increased Monitoring Frequency. If the percent of leaking valves (Equation 1) is greater than 2.0, or the total percent of leaking and delay-of-repair valves (Equation 2) is greater than 4.0, then an increase in the frequency of monitoring may be required by the administrative authority.

3. Alternate Standards for Flanged Connectors Subject to Clause D.1.d.ii of This Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with the alternate work practice specified in Subparagraph E.3.b of this Section. However, the administrative authority shall be notified in writing before the alternate work practice is implemented.

b. After four consecutive quarterly leak detection periods with the percent of leaking flanged connectors (Equation 1) equal to or less than 1.0, an owner or operator may begin to skip three of the quarterly leak detection periods for flanged connectors in gas/vapor and/or light liquid service.

c. If, after implementing the AWP in Subparagraph E.3.b of this Section, the percent of leaking flanged connectors (Equation 1) increases to greater than 1.0, or the total percent of leaking and delay-of-repair flanged connectors (Equation 2) increases to greater than 2.0, the owner or operator shall comply with the requirements as described in Clause D.1.d.ii of this Section, but subsequently may elect to use this Subsection when the requirements are met.

4. Alternate Standards for Flanged Connectors Subject to Clause D.1.d.ii of this Section—Increased Monitoring Frequency. If the percent of leaking flanged connectors (Equation 1) is greater than 1.0, or the total percent of leaking and delay-of-repair flanged connectors (Equation 2) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority.

5. The percent of leaking components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 1 below. (Equation 1 shall be calculated separately for each component type.)

$$\%C_1 = [C_L]/[C_T] * 100\% \qquad \text{Equation 1}$$

where:

$\%C_1$ = percent of leaking components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

6. The total percent of leaking and delay-of-repair components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 2. (Equation 2 shall be calculated separately for each component type.)

$$\%C_{T2} = [C_L+C_{TU}]/[C_T+C_{TU}] * 100\% \qquad \text{Equation 2}$$

where:

$\%C_{T2}$ = total percent of leaking components including delay-of-repair list components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

C_{TU} = number of components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

7. Alternate Standard for Batch Processes. As an alternate to complying with the requirements in Subsection D of this Section an owner or operator of a batch process in VOC service may elect to comply with one of the following alternate work practices. The batch product-process equipment shall be tested with a gas using the procedure specified in Subparagraph E.7.a of this Section or with a liquid using the procedure specified in Subparagraph E.7.b of this Section.

a. The following procedure shall be used to pressure test batch product-process equipment using a gas (e.g., air or nitrogen) to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be pressurized with a gas to the operating pressure of the equipment. The equipment shall be tested at a pressure lower than the lowest pressure setting of any relief device.

ii. Once the test pressure is obtained, the gas source shall be shut off.

iii. The test shall continue for not less than 15 minutes, unless it can be determined in a shorter period of time that the allowable rate of pressure drop was exceeded. The pressure in the batch product-process equipment shall be measured after the gas source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using Equation 3.

$$\frac{P}{t} = \frac{(P_f - P)}{(t_f - t_i)} \qquad \text{Equation 3}$$

where:

P/t = change in pressure, psi/hr

P_f = final pressure, psi

P_i = initial pressure, psi

$t_f - t_i$ = elapsed time, hours

iv. The pressure shall be measured using a pressure measurement device (e.g., gauge, manometer, or equivalent) that has a precision of ±2.5 millimeters (±0.05 psi) of mercury over the range of measured test pressures and is capable of measuring pressures up to the lowest pressure setting of any relief device.

v. A leak is detected if the rate of change in pressure (Equation 3) is greater than 6.9 kPa (1 psi) per hour or if there is visible, audible, or olfactory evidence of a leak.

b. The following procedure shall be used to pressure test batch product-process equipment using a liquid to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be filled with the test liquid (e.g., water, alcohol). Once the equipment is filled, the liquid source shall be shut off.

ii. The test shall be conducted for a period not less than 60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

iii. Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

c. If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before VOCs are fed to the equipment.

d. If the batch product-process equipment fails the retest or the second of two consecutive pressure tests, it shall be repaired as soon as practicable, but no later than 30 calendar days after the equipment is placed in VOC service.

F. Recordkeeping

1. When a component which has a leak that cannot be repaired, as described in Subparagraph C.3.a of this Section, a weatherproof and readily visible tag bearing an identification number and the date the leak was located shall be affixed to the leaking component. After the leak has been repaired the tag may be removed.

2. A survey log shall be maintained by the owner or operator and shall include the following:

a. the name of the process unit where the leaking component is located;

b. the type of the leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section;

e. the date the leak was located;

f. the date maintenance was performed;

g. the date(s) the component was rechecked after maintenance, and the results (i.e., instrument reading; visual, audible, or olfactory results; soap bubble test results; AWP video);

h. a record of the monitor calibration or AWP daily instrument check;

i. a delay-of-repair list;

j. a bypassed or isolated component list; and

k. a record of all monitoring, imaging, and inspection results.

3. The owner or operator shall retain the survey log for two years after the latest date specified in Paragraph F.2 of this Section and make the log available to the administrative authority upon request.

4. The optional use of the AWP shall require storing video and other records of the daily instrument check and inspections as required in 40 CFR 60.18.

G. Reporting Requirements. The owner or operator of the affected facility shall submit a report semiannually to the Office of Environmental Services containing the information listed in Paragraphs G.1-5 of this Section for each calendar quarter during the reporting period, except for affected facilities that elect to meet the requirements of the alternate standard for batch processes in Paragraph E.5 of this Section, for which the report shall include the information listed in Paragraphs G.6-9 of this Section. The reports are due by the last day of the month (January and July) following the monitoring period or by an alternate date approved by the administrative authority. The reports shall include the following information for each quarter of the reporting period:

1. the number of each component type for which monitoring is required by Subsection D or E of this Section versus the number monitored;

2. the percent of leaking components (Equation 1) for each component type;

3. the total percent of leaking and delay-of-repair components (Equation 2) for each component type;

4. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:

a. the name of the process unit where the leaking component is located and the date of last unit shutdown;

b. the type of leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section, if the component is on the delay-of-repair list;

e. the date the leak was located;

f. the monitoring or inspection results;

g. the date maintenance was performed;

h. the date the leak is expected to be repaired if the component is on the delay-of-repair list; and

i. the reason repairs failed or were postponed;

5. a signed statement attesting to the fact that all requirements of this Section have been met;

6. the batch process equipment train identification;

7. the number of pressure tests conducted;

8. the number of pressure tests that the equipment train failed; and

9. a signed statement attesting to the fact that all requirements of this Section have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004), repromulgated by the Office of Environmental Assessment, LR 30:2030 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007); amended by the Office of the Secretary, Legal Division, LR 39:

Subchapter N. Capture Efficiency Test Procedures

Editor's Note: This Subchapter was moved and renumbered from Chapter 61 (December 1996).

§2199. Appendix A and B

Appendix A. ...

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Appendix B. Louisiana Consolidated Fugitive Emissions Program (LCFEP)

Through a memorandum of understanding signed in 1996, the Louisiana Department of Environmental Quality (LDEQ) entered into an agreement with the U.S. Environmental Protection Agency (EPA) Region 6 to administer a program titled the Louisiana Consolidated Fugitive Emissions Program (LCFEP). The agreement established guidelines for the consolidation of multiple leak detection and repair (LDAR) programs at industrial facilities into a single program. At facilities that are subject to multiple LDAR standards, LCFEP provides the option of consulting a prioritized stringency table of programs in order to determine the overall most stringent program applicable to the facility, and then administer that program solely in lieu of implementing all fugitive programs simultaneously.

Under the current agreements between EPA and LDEQ, and between LDEQ and individual facilities, participating industry conducts the most stringent LDAR program and submits a single report, greatly reducing the regulatory burden created by overlapping state and federal LDAR programs.

The governing memorandum of understanding states:

State and EPA Region 6 agree to implement and enforce fugitive emission program requirements in accordance with the Louisiana Fugitive Emission Program Consolidation Guidelines to provide a mechanism for consolidating overlapping state and federal equipment leak programs in agreement with the affected source. EPA Region 6 and the State accept federal and state enforceability of the consolidated program. The State and EPA Region 6 further agree that compliance with a consolidated program in accordance with the Guidelines will be considered compliance with each of the fugitive emission programs being consolidated. Furthermore, it is understood that an affected source's noncompliance with the consolidated program requirements may subject the affected source to enforcement action for one or more of the requirements of fugitive emissions programs being consolidated. This agreement will be implemented only through a Source Notice and Agreement signed by and specific to each affected source. If in the future, a new federal standard is promulgated (i.e., consolidated air rule, MACT, etc.) that could potentially change the established Guidelines, the Guidelines will be revisited and modified as necessary.

The Source Notice and Agreement (SNA) is a memorandum submitted by an interested facility which contains a detailed list of programs to be consolidated. Consolidation is done on either a unit-by-unit or a facility-wide basis. The SNA is required to be signed by a facility representative meeting EPA's responsible official designation, defined under 40 CFR 63.2. Once the SNA is signed by the facility and accepted by LDEQ, the agreement is considered to be in effect for compliance purposes. SNAs are accepted or denied based on the correctness of the consolidation table, and the signature of a proper representative.

Facilities operating a consolidated fugitive program must abide by the program's consolidation guidelines. The guidelines consist of a set of rules called the workpractice terms and conditions and the stringency table (Table 9).

Louisiana Fugitive Emission Program Consolidation Guidelines

Workpractice Terms and Conditions

These terms and conditions are to be used in conjunction with the stringency table (Table 9). Of the applicable equipment leak programs being consolidated, the program highest in the table hierarchy is to be considered the overall most stringent program under the guidelines. The guidelines may be used only in accordance with a SNA or a Title V permit.

Applicability and Exemptions

The consolidated program shall apply to the combined universe of components subject to any of the programs being consolidated.

The consolidation of fugitive programs shall be conducted at a minimum of the process unit level, and may also be on a facility-wide basis.

Consolidation of RCRA programs shall first be approved by LDEQ's Waste Permits Division.

Component types which do not require periodic monitoring under the overall most stringent program, shall be monitored as required by the most stringent requirements of any other program being consolidated and will not be exempted.

The consolidated program shall include any exemptions based on size of component available in any of the programs being consolidated.

The consolidated program cannot be used to replace requirements for area monitoring under the Vinyl Chloride NESHAP.

For any compressor subject to a federal rule requiring a seal system including barrier fluid, sensor, and alarm, periodic monitoring of compressors may not be used in lieu of the seal system requirements, regardless of the overall most stringent program.

Leak Definitions

Leak definitions are based on the overall most stringent program as determined from Table 9.

Phase-in periods allowed under federal regulations are not eliminated as long as there is no backsliding of existing monitoring programs.

Monitoring Frequency

Monitoring frequency shall be based on the overall most stringent program as determined from Table 9.

Annual monitoring shall be defined as once every four quarters, regardless of the overall most stringent program. Some allowance may be made in the first year of the consolidation in order to allow for transition from existing monitoring schedules.

Calibration

Use of dilution device for calibration, as defined in Method 21, is acceptable.

Identification of Components

All leaking components must be tagged.

If the Benzene NESHAP and a more stringent program are applicable, the overall most stringent program prevails and physical tagging of components is therefore not required. Identification, either by list or location (area or group) of affected components is acceptable.

Leak Performance

The determination of leak performance is based on the overall most stringent program as determined from Table 9.

Repair

Repair period requirements are always first attempt within 5 days of detecting the leak and final repair within 15 days of detecting the leak, regardless of the overall most stringent program.

Post Repair

Post repair inspection consists of remonitoring once within 3 months after repair of leaks, regardless of the overall most stringent program.

Recordkeeping and Reporting

Recordkeeping and reporting information requirements shall be based on the overall most stringent program as determined from Table 9.

Reporting frequency shall be semiannual regardless of the overall most stringent program.

Reports shall include records for any monitoring performed within the semiannual reporting period.

Louisiana Consolidated Fugitive Emission Program Stringency Table

Stringency Table (Table 9)

This stringency table is to be used in conjunction with the workpractice terms and conditions. Consolidation is done between the groups listed. Of the applicable equipment leak programs being consolidated, the program in the highest group in the table hierarchy is to be considered the overall most stringent program under the guidelines. Referencing Subparts shall comply with the referenced program in the manner required by the provisions of the referencing Subpart. The guidelines may be used only in accordance with a SNA or a Title V permit. Programs shall be consolidated on a unit-wide or a facility-wide basis.

Table 9 Stringency Table
40 CFR 65 Subpart F—Consolidated Air Rule
40 CFR 63 Subpart H—SOCMI HON MACT and Referencing Subparts 40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (HON Option) 40 CFR 63 Subpart UUUU—Cellulose Products MACT (HON Option) 40 CFR 63 Subpart W—Polymers and Resins II MACT 40 CFR 63 Subpart PPP—Polyether Polyols Production MACT
40 CFR 63 Subpart UU—General MACT for Equipment Leaks—Control Level II and Referencing Subparts 40 CFR 63 Subpart YY—Generic MACT (Acetal Resins Production, Acrylic and Modacrylic Fibers Production, Cyanide Chemicals Manufacturing, Polycarbonates Production, Ethylene Processes) (UU Option) 40 CFR 63 Subpart OOO—Amino/Phenolic Resins Manufacturing MACT
40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (Subpart UU Option) 40 CFR 63 Subpart FFFF—Miscellaneous Organic Chemical Manufacturing (Subpart UU Option) 40 CFR 63 Subpart UUUU—Cellulose Products MACT (Subpart UU Option) 40 CFR 63 Subpart GGGGG—Site Remediation MACT (Subpart UU Option) 40 CFR 63 Subpart HHHHH—Miscellaneous Coating Manufacturing MACT (Subpart UU Option)
40 CFR 63 Subpart U—Polymers and Resins I, Elastomer MACT
40 CFR 63 Subpart GGG—Pharmaceuticals Production MACT 40 CFR 63 Subpart MMM—Pesticide Active Ingredient Production MACT
Louisiana MACT Determination for Non-HON Sources w/ Consent Decree Enhancements Louisiana MACT Determination for Refineries w/ Consent Decree Enhancements
40 CFR 60 Subpart VVa—NSPS for Equipment Leaks In SOCMI Facilities 40 CFR 60 Subpart GGGa—NSPS for Equipment Leaks in Petroleum Refineries
Louisiana MACT Determination for Non-HON Sources Louisiana MACT Determination for Refineries
LAC 33:III.2122—Louisiana Fugitive Emission Control for Nonattainment
40 CFR 63 Subpart CC—Refining MACT Modified HON option
40 CFR 61 Subpart F—National Emission Standard for Vinyl Chloride 40 CFR 61 Subpart V—National Emission Standard for Equipment Leaks and Referencing Subparts 40 CFR 61 Subpart J—National Emission Standard for Equipment Leaks of Benzene 40 CFR 63 Subpart HH—Oil and Natural Gas Production MACT
40 CFR 60 Subpart VV—NSPS for Equipment Leaks In SOCMI Facilities 40 CFR 60 Subpart GGG—NSPS for Equipment Leaks in Petroleum Refineries 40 CFR 60 Subpart KKK—NSPS for Equipment Leaks in Onshore Natural Gas Processing Plants 40 CFR 63 Subpart CC—Refinery MACT NSPS Option
40 CFR 63 Subpart TT—General MACT for Equipment Leaks—Control Level I and Referencing Subparts 40 CFR 63 Subpart EEEE—Organic Liquids Distribution (Non-Gasoline) MACT (Subpart TT Option) 40 CFR 63 Subpart FFFF—Miscellaneous Organic Chemical Production and Processes MACT (Subpart TT Option) 40 CFR 63 Subpart GGGGG—Site Remediation MACT (Subpart TT Option) 40 CFR 63 Subpart HHHHH—Miscellaneous Coating Manufacturing MACT (Subpart TT Option) 40 CFR 63 Subpart YY—Generic MACT (Acetal Resins Production, Acrylic and Modacrylic Fibers Production, Cyanide Chemicals Manufacturing, and Polycarbonates Production) (TT Option)
40 CFR 264—RCRA Subpart BB (LAC 33:V.1717.Subchapter B) 40 CFR 265—RCRA Subpart BB (LAC 33:V.4561.Subchapter R)
LAC 33:III.2121—Louisiana Fugitive Emission Control 40 CFR 63 Subpart III—Flexible Polyurethane Foam Production MACT
40 CFR 63 Subpart R—Gasoline Distribution Terminals MACT and Referencing Subpart 40 CFR 63 Subpart HHHHH—Miscellaneous Coating Manufacturing MACT (Subpart R Option) 40 CFR 63 Subpart YY—Generic MACT (Hydrogen Fluoride Manufacturing)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 11:529 (May 1985) amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991),

LR 23:1508 (November 1997), amended by the Office of the Secretary, Legal Division, LR 39:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ313. Such comments must be received no later than January 3, 2013, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ313. These proposed regulations are available on the internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on December 27, 2012, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 North Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 North Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Control of Emissions of Organic Compounds—Fugitive Emission Control

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units resulting from implementation of the rule change. The proposed change will revise air regulations for fugitive emission control for attainment and nonattainment areas. New definitions are being added and current definitions will be amended to closely resemble federal definitions. Modifications are made to conflicting requirements on control and monitoring for leaks discovered by sight, sound or smell.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no costs or economic benefits to the industrial facilities affected by the rule changes, since the changes are primarily clarifications of existing organic fugitive standards and monitoring requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition or employment in the public or private sectors. All affected facilities must follow the same rules. There is no change in the number of affected facilities, since the rule changes are minor and do not affect applicability to current regulations.

Herman Robinson, CPM
Executive Counsel
1211#028

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Board of Architectural Examiners

Architect's Seal or Stamp (LAC 46:I.1303)

Under the authority of R.S. 37:144(C) and in accordance with the provisions of R.S. 49:951 et seq., the Board of Architectural Examiners gives notice that rulemaking procedures have been initiated for the amendment of LAC 46:I.1303 pertaining to the architect's seal or stamp. The existing Rule merely requires that the architect's seal contain certain words; it does not provide for the shape, size, or design of such seal. The proposed Rule provides for the shape, size, and design of the architect's seal.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part I. Architects

Chapter 13. Administration

§1303. Architect's Seal or Stamp

A. The seal or stamp of the architect shall contain the name of the architect, the architect's license number, and the words "Registered Architect, State of Louisiana."

B. The architect's seal or stamp shall be circular in shape and measure approximately 1¾" in diameter. In addition to the words set forth in the preceding paragraph, it shall contain the state emblem. For purposes of this rule, the state emblem is the pelican.

C. Rubber seals and computer generated seals are acceptable.

D. Indicated below is a sample of the seal design authorized by the board.

Sample Seal

Ad Content Proof

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Division

Control of Emissions of Organic Compounds: Fugitive Emission Control
(LAC 33:III.2121, 2122 and 2199 Appendix B) (AQ313)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2121, 2122 and 2199 Appendix B (AQ313).

This Rule will revise air regulations for fugitive emission control in attainment and nonattainment areas, LAC 33:III.2121 and 2122. Several definitions have been added to conform to definitions in the federal new source performance standards (NSPS) of 40 CFR 60. Under the control requirements, leak definitions are expanded to include leaks that can be imaged by an optical gas imaging instrument when following the federal alternative work practice (AWP) as described in 40 CFR 60.18. Under the monitoring requirements, the regulations have been changed to allow substitution of optical gas imaging and Method 21 monitoring per the federal AWP.

The "Fugitive Emission Control for Ozone Nonattainment Areas" regulations (Section 2122) have been changed to clarify conflicting requirements for leaks detected by visual, audible, or olfactory means. This Rule clarifies the conflicting requirements for pumps and valves in heavy liquid service, specifically, LAC 33:2122.C.1.d, 2122.D.3.b, and 2122.D.4.b.

In the control requirements subsection, the open-ended line and double block and bleed provisions of LAC33:2122.C.2 have been clarified and expanded utilizing language from the federal regulations. In the control requirements section, conditions have been added to verify when a repair is successful. In addition, conditions have been added under which equipment may be removed from the delay of repair list.

In the monitoring requirements subsection, the alternative monitoring program exemption for facilities that already have a more stringent LDAR program at the time of initial promulgation has been expanded to include the Louisiana Consolidated Fugitive Emission Program (LCFEP). The LCFEP provides a mechanism for affected facilities to consolidate overlapping state and federal LDAR programs. A description of the program has been placed in the Chapter 21 appendix (LAC 33:2199.Appendix B.).

Similar changes have been made for the fugitive emission control regulation (Section 2121). The changes for Sections 2121 and 2122 do not modify the leak definitions and will not alter the position of LAC 33:III.2121 and 2122 in the Louisiana Consolidated Fugitive Emission Program Stringency Table. The basis and rationale for this Rule is that LAC 33:III.2121 (Fugitive Emission Control) and LAC 33:III.2122 (Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes) require establishment of equipment leak monitoring and repair programs for specific industries in order to minimize emission of volatile compounds into the air. This Rule meets an exception listed in *R.S. 30:2019(D)(2) and R.S.* 49:953(G)(3); therefore, no report regarding environmental/ health benefits and social/ economic costs is required.

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on *December 27, 2012, at* 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) *219-3985. 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 on the proposed regulation. Persons commenting should reference this proposed regulation by AQ313. Such comments must be received no later than January 3, 2013, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to deidra.johnson@la.gov. Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ313. *These proposed regulations are* available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2121. Fugitive Emission Control

A. Applicability. This Section~~regulation~~ is applicable to ~~equipment in~~ each process unit at petroleum refineries, natural gas processing plants, ~~the~~synthetic organic chemical manufacturing industry (SOCMI) facilities, ~~the~~methyl tertiary butyl ether (MTBE) manufacturing ~~industry~~facilities, and ~~the~~polymer manufacturing ~~industry~~facilities that contains any of the following components that ~~are intended to~~ operate in volatile organic compound (VOC) service for 300 hours or more during the calendar year:

1. – 9. …

B. Definitions. Terms used in this Section are defined in LAC 33:III.111.A of these regulations with the exception of those terms specifically defined in this Section as follows.

Alternative Work Practice (AWP)—the use of optical imaging to detect leaks as described in 40 CFR 60.18(g), (h) and (i).

Connector—flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment~~, or that close an opening in a pipe that could be connected to another pipe~~. Joined fittings welded completely around the circumference of the interface are not considered connectors.

Difficult-to-Monitor—equipment that cannot be monitored without elevating the monitoring personnel more than two meters above a support surface.

Double Block and Bleed System—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Equipment—each pump, compressor, pressure relief device, open-ended valve or line, process drain, valve, agitator, instrumentation system, and connector in VOC service. For the purpose of these regulations *equipment* shall be synonymous with component.

Force Majeure—an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement within the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

In Gas/Vapor Service—equipment that contains a VOC in a gas or vapor state at operating conditions.

In Heavy Liquid Service—equipment that is not in gas/vapor service or in light liquid service.

In Light Liquid Service—

a. Equipment containing a fluid that meets all of the following conditions:

i. the vapor pressure of one or more of the organic compounds is greater than 0.3 kPa (0.0435 psi) at 20°C (68°F). (Standard reference texts or ASTM D2879-83, 96, or 97 shall be used to determine the vapor pressure);

ii. the total concentration of the pure organic compounds having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight; and

iii. the fluid is a liquid at operating conditions.

b. As an alternative to Subparagraph a of this Paragraph, an owner or operator of petroleum refineries, natural gas processing plants, and polymer manufacturing facilities has the option to use ASTM Method D86-78, 82, 90, 95, or 96. The equipment is in *light liquid service* if the evaporated fluid weight is greater than 10 percent at 150°C (302°F).

In Liquid Service—equipment that is not in gas/vapor service.

In Vacuum Service—equipment operating at an internal pressure that is at least 20 inches of water (38 millimeters of mercury) below ambient pressure.

In VOC Service—for petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities: a piece of equipment that contains or contacts a process fluid that is at least 10 percent VOC by weight. For natural gas processing plants: a piece of equipment that contains or contacts a process fluid that is at least 1.0 percent VOC by weight.

Inspect—Examine the component for visible, audible, or olfactory evidence of a leak.

Instrumentation System—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches or smaller and connectors nominally 0.75 inches or smaller in diameter are considered part of instrumentation systems for the purposes of this Section. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with instrumentation systems are not considered part of instrumentation systems and shall be monitored individually as a valve or connector.

Monitor(ed)—determination of VOC concentration at equipment components in accordance with Method 21 (see 40 CFR Part 60, Appendix A-7), or the *Alternative Work Practice* as provided in this Section.

Open-Ended Valve or Line—any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

Optical Gas Imaging Instrument—an instrument that makes emissions visible that may otherwise be invisible to the naked eye.

Process Drain—any opening (including a covered or controlled opening) that receives or conveys wastewater into a wastewater system.

Process Unit—a facility, or any part thereof, that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

Process Unit Shutdown—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. The following are not considered process unit shutdowns:

a. an unscheduled work practice or operational procedure that stops production from a process unit, or part of a process unit, for less than 24 hours;

b. an unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown;

c. the use of spare equipment and technically feasible bypassing or isolating of equipment without stopping production; and

d. the idling of a process unit due to force majeure.

Repair—adjust or otherwise alter equipment in order to eliminate a leak.

Unsafe-to-Monitor—equipment that cannot be monitored without exposing monitoring personnel to immediate danger.

~~B~~C. Fugitive Emission Control Requirements

1. Leak Limitations

a. No *component* listed in Paragraph A.1-9 of this Section ~~specified for monitoring under Subsection C of this Section~~ shall be allowed to emit~~leak organic compounds~~ VOC:

i. exceeding an instrument reading of 10,000 parts per million ~~by volume~~ (ppm~~v~~), as determined~~defined in LAC 33:III.111, when tested~~ by Method 21 ~~"Determination of Volatile Organic Compound Leaks" in~~ (40 CFR Part 60, Appendix A, as incorporated by reference ~~at~~in LAC 33:III.3003)~~,~~;

ii. which can be imaged when following the *alternative work practice (AWP)* as defined in Subsection B of this Section~~,~~; or

iii. ~~to demonstrate~~where visible, audible, or olfactory evidence indicates the presence of a leak.~~ Any regulated component observed leaking by sight, sound, or smell must be repaired according to Paragraph B.3 of this Section, regardless of the leak's concentration. This includes instrumentation system leaks and flange and connection leaks found per Subparagraph C.3.b of this Section, pump and compressor seal leaks found during the weekly visual inspections, and other regulated components found leaking.~~

2. Open-Ended Valves or Lines~~No valve, except safety pressure relief valves, valves on sample lines, valves on drain lines and valves that can be removed and replaced without a shutdown, shall be located at the end of a pipe or line containing volatile organic compounds unless the end of such line is sealed with a second valve, a blind flange, a plug, or a cap. Such sealing devices may be removed only when the line is in use, for example, when a sample is being taken. When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.~~

a. Each open-ended valve or line shall be equipped with a second valve, blind flange, plug, or cap. These sealing devices may only be removed when the line is in use, (i.e., when a sample is being taken). When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

b. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves, but shall comply with Subparagraph C.2.a of this Section at all other times.

c. Open-ended valves or lines in emergency system(s) (e.g., pressure relief devices) which are designed to open automatically in the event of a process upset are exempt from the requirements of Subparagraph C.2.a of this Section.

d. Open-ended valves or lines containing asphalt, materials that would autocatalytically polymerize or would present an explosion, serious over pressure, or other safety hazard if sealed or equipped with a double block and bleed system are exempt from the requirements of Subparagraph C.2.a of this Section.

3. Leak Repair~~The operator shall make every reasonable effort to repair a leaking component, as described in LAC 33:III.2121.B within 15 days. If the component can be isolated or bypassed so as to significantly reduce or eliminate leakage, or if the repair of a component would require a unit shutdown, and if the shutdown would create more emissions than the repair would eliminate, the repair may be delayed to the next scheduled shutdown. An early unit shutdown may be ordered if leaking component losses become excessive.~~

a. The owner or operator shall make every reasonable effort to repair a leaking component, as described in Subparagraph C.1.a or Subparagraph D.3.b of this Section, within 15 calendar days of detection. A repair is considered successful if it meets any of the following conditions:

i. a component is *monitored* as defined in Subsection B of this Section (or remonitored) to verify that the instrument reading is below the applicable leak definition in Subparagraph C.1.a of this Section;

ii. a component that has been identified as leaking using the AWP, either meets Clause C.3.a.i of this Section, or the emissions are no longer visible using the AWP; or

iii. a component in liquid service that has been identified as leaking by visual, audible, or olfactory means, including, use of the soap bubble test for natural gas processing plants, either meets Clause C.3.a.i of this Section, or when visual, audible, or olfactory indications of the leak have been eliminated.

b. Equipment that cannot be repaired shall be placed on a delay-of-repair list, unless it can be isolated or bypassed to eliminate the leak. Equipment on the delay-of-repair list shall be repaired by the end of the next scheduled process unit shutdown. The *administrative authority* as defined in LAC 33:III.111.A reserves the right to take enforcement

action pursuant to R.S. 30:2025, should it be determined that the total percentage of components on the delay-of-repair list is excessive or is causing damage to the public health or environment.

c. Equipment placed on the delay-of-repair list in accordance with Subparagraph C.3.b of this Section may be removed from the list if it meets any of the following conditions:

i. the equipment is monitored or imaged, and for two consecutive monthly periods, either the instrument readings are below the leak limitation specified in Subparagraph C.1.a of this Section or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP; or

ii. the owner or operator has undertaken additional or extraordinary efforts to repair the leaking equipment, and subsequent monitoring or imaging demonstrates that either the instrument readings are below the leak limitation in Subparagraph C.1.a of this Section, or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP. Extraordinary efforts are nonroutine repair methods (e.g., sealant injection, clamp installation) or utilization of a closed-vent system to capture and control the leak by at least 90 percent.

[Note: The decision to monitor equipment on the delay-of-repair list or undertake extraordinary efforts to repair equipment shall be made solely at the owner or operator's discretion.]

~~C~~D. Monitoring and Inspection Requirements. ~~The monitoring of the affected components shall be performed by the following schedule using the method described in LAC 33:III.2121.B.~~Monitoring of components by Method 21 and inspections shall be conducted according to this Subsection. After initially complying with this Subsection by use of Method 21, the owner or operator may elect to comply with the appropriate alternate monitoring schedule(s) in Subsection E of this Section. In lieu of Method 21 monitoring, optical imaging may be conducted in accordance with the AWP. If the owner or operator elects to use the AWP, the requirements for instrument specifications, instruments checks, monitoring frequency, leak survey procedures, recordkeeping, and reporting shall be followed as described in 40 CFR 60.18 (g), (h), and (i). The alternate monitoring schedule(s) in Subsection E of this Section are not applicable when using the AWP.

1. Petroleum ~~R~~refineries, SOCMI facilities, MTBE manufacturing facilities, and ~~P~~polymer ~~M~~manufacturing ~~Industry~~facilities shall perform the following.

a. Monitor ~~with a leak detection device~~the following components one time per calendar year (annually)~~ the following items~~:

i. pumps ~~seals~~in light liquid service at refineries;

ii. valves in light liquid service at refineries; and

iii. process drains.

b. Monitor ~~with a leak detection device~~the following components four times per year (quarterly)~~ the following items~~:

i. compressor seals;

ii. valves in gas/vapor service;

iii. pressure relief valves in gas/vapor service;

iv. valves in light liquid service at SOCMI facilities, MTBE manufacturing facilities, and ~~P~~polymer ~~M~~manufacturing facilities~~Plants~~; and

v. pumps in light liquid service at SOCMI facilities, MTBE manufacturing facilities, and ~~P~~polymer ~~M~~manufacturing facilities~~Plants~~.

c. ~~Monitor~~ Inspect pump seals visually 52 times a year (weekly).

d. Inspect instrumentation systems weekly by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clauses D.1.a.ii, D.1.b.ii, or D.1.b.iv of this Section, as applicable.

e. Records of visual, audible, or olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected.

2. Natural ~~G~~gas ~~P~~processing ~~P~~plants shall perform the following.

a. ~~Monitor~~Inspect pump seals and compressor seals visually 52 times a year (weekly).

b. Monitor ~~with a leak detection device~~the following components four times a year (quarterly)~~ the following items~~:

i. pumps in light liquid service~~, pump and~~;

ii. compressor seals;

~~ii.~~iii. valves in light liquid service and valves in gas/vapor service; and

~~iii.~~iv. pressure relief valves in gas/vapor service.

c. Inspect instrumentation systems 52 times a year (weekly) by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clause D.2.b.iii of this Section.

d. Records of visual, audible, or olfactory inspections of instrumentation systems are not required unless a leak is detected.

3. Facilities ~~L~~listed in Paragraphs ~~C~~D.1 and 2 of ~~T~~this Section shall perform the following.

a. Monitor ~~with a leak detection device~~ any pressure relief valve in gas/vapor service within five calendar days ~~24 hour~~s after it has vented to the atmosphere. Difficult-to-monitor pressure relief valves shall be monitored within 15 calendar days and unsafe-to-monitor pressure relief valves shall be monitored as soon as possible, when conditions would allow the component to be safely monitored~~(For natural gas processing plants an immediate visual evaluation will be made)~~.

b. ~~Monitor immediately with a leak detection device any component that appears to be leaking on the basis of sight, smell, or sound. This includes flanges and connectors, instrumentation systems, and pump and compressor seals observed during the weekly visual inspections, and any other regulated components that appear to be leaking. In lieu of monitoring, the operator may elect to implement actions as specified in Paragraph B.3 of this Section.~~ Within five calendar days, any component listed in Paragraphs A.1-9 of this Section identified as leaking by visual, audible, or olfactory means shall be:

i. repaired in accordance with Clause C.3.a.iii of this Section;

ii. monitored (using either Method 21 or the AWP); or

iii. designated as a leak (pursuant to Method 21 or the AWP).

c. Difficult-to-monitor components shall be monitored within 15 calendar days and unsafe-to-monitor components shall be monitored as soon as possible, when conditions allow the component to be safely monitored. Visual, audible, or olfactory leaks designated as a leak or confirmed to be in excess of the applicable leak limitation in Subparagraph C.1.a of this Section by Method 21 monitoring, shall be repaired according to Subparagraph C.3.a of this Section.

d. Difficult-to-monitor valves shall be monitored once per calendar year (annually).

e. Unsafe-to-monitor equipment shall be monitored as soon as possible when conditions allow the component to be monitored safely (e.g., during a shutdown).

~~e~~f. Any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clause~~s~~ D.1.a.ii, D~~C~~.1.b.ii, D.1.b.iv, ~~and iv and~~ or D~~C~~.2.b.iii of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured ~~in accordance with this Section~~ by Method 21; and

iii. is ~~tested~~ monitored for compliance with Clause ~~C~~.D.3.e~~e~~.ii of this Section initially upon designation and ~~annually~~once per calendar year thereafter.

g. Equipment that begins operation after the initial start-up date for the process unit shall be monitored for the first time by the end of the monitoring period in which the process unit start-up is completed, or 45 calendar days after the start-up period is completed, whichever is later. Equipment that replaces leaking equipment shall continue on the monitoring schedule for the equipment that it replaced.

h. Monitoring to verify repairs that were made during a process unit shutdown shall occur by the end of the monitoring period in which the process unit start-up is completed, or 45 calendar days after the start-up period is completed, whichever is later.

4. Exemptions. Monitoring and inspections are~~is~~ not required on the following:

~~a. components subject to LAC 33:III.2121.C.1 (petroleum refineries, SOCMI, MTBE, and polymer manufacturing industry) which contact a process fluid that contains less than 10 percent VOC by volume or components subject to LAC 33:III.2121.C.2 (Natural Gas Processing Plants) which contact a process fluid that contains less than 1.0 percent VOC by weight;~~

~~b. components in the petroleum refineries, SOCMI, MTBE, and polymer manufacturing industry which contact only a process liquid containing a VOC having a true vapor pressure equal to or less than 0.0435 psia (0.3 kPa) at 68°F (20°C);~~

~~c~~a. ~~flanges, inaccessible valves, valves that are unsafe to monitor,~~check valves ~~(including similar devices not externally regulated). Inaccessible valves should be monitored on an annual basis at a minimum. Unsafe-to-monitor valves should be monitored when conditions would allow these valves to be monitored safely, e.g., during shutdown~~;

~~d. pressure relief valves in liquid service at SOCMI and polymer manufacturing industry, except after venting;~~

~~e~~b. pressure relief devices, pump seals or packing, and compressor seals or packing ~~which~~where leaks are ~~tied~~vented to a process or fuel gas system, or equipped with a closed-vent system capable of transporting leakage to a control device~~either a flare header or vapor recovery device~~;

c. pressure relief devices equipped with a rupture disc, or other similar leak-tight pressure relief component, upstream of the pressure relief device; provided that after each pressure release, the rupture disc, or other similar leak-tight component is replaced as soon as practicable; but not later than 15 calendar days;

~~f~~d. equipment ~~operating under~~in vacuum service;

~~g~~e. equipment at natural gas processing plants with less than 40 million standard cubic feet per day ~~(mmcfd)~~rated capacity that do not fractionate natural gas liquids;

~~h~~f. components contacting only organic compounds exempted in~~under~~ LAC 33:III.2117 or mixtures of same with water;

~~i~~g. pumps and compressors that are sealless or have a double mechanical seal;

h. pumps designed with no external shaft penetrating the pump housing;

~~j~~i. research and development pilot facilities and small facilities with less than 100 valves in gas/vapor or liquid service~~.~~;

j. insulated or buried equipment;

k. components that have been placed on a delay-of-repair list are exempt from further monitoring until a repair has been attempted, except that an owner or operator may monitor components on the delay-of-repair list in accordance with Subparagraph C.3.c of this Section in order to remove equipment from the delay-of-repair list; and

l. process drains ~~at petroleum refineries~~that are components of individual drain systems subject to 40 CFR 60 Subpart QQQ, 40 CFR 61 Subpart FF, or 40 CFR 63 Subparts G or YY~~New Source Standards, 40 CFR 60.690-699 (Subpart QQQ) as incorporated by reference in LAC 33:III.3003~~.

5. Alternate Monitoring Program. Any facility ~~which~~that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the *administrative authority** as defined in LAC 33:III.111.A. A facility which has consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (i.e., with a Source Notice and Agreement or a Title V permit) is exempted from the requirement of submitting a description of the program to the administrative authority*. (The Louisiana Fugitive Emission Program Consolidation Guidelines are contained in LAC 33:III.2199.Appendix B).

6. Force Majeure

a. If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the administrative authority, in writing, as soon as practical following the date the owner or operator first knew, or through due diligence should have known that the event may cause or has caused a delay in monitoring beyond the regulatory deadline. The notification shall occur before the monitoring deadline unless the initial force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

b. The owner or operator shall provide to the administrative authority a written description of the force majeure event and a rationale for attributing the delay in monitoring beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the monitoring. The monitoring shall be conducted as soon as practicable after the force majeure occurs.

c. The decision to grant an extension to the monitoring deadline is solely within the discretion of the administrative authority. The administrative authority shall notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practical.

d. Until an extension of the monitoring deadline has been approved by the administrative authority under Subparagraph D.6.c of this Section, the owner or operator of the affected facility remains subject to the requirements of this Section.

~~D~~E. Alternate Monitoring Frequency~~Control Techniques~~. The monitoring schedule in ~~LAC 33:III.2121.C~~Paragraph D.1 or 2 of this Section may be modified as follows.

1. Alternate Standards for Valves and Pumps subject to ~~LAC 33:III.2121.~~Subparagraph ~~C~~D.1.b ~~and~~or D.2.b of this Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternat~~iv~~e work practices specified in ~~LAC 33:III.2121.~~Subparagraph ~~D~~E.1.b ~~and~~or c of this

Section. However, the administrative authority ~~must~~shall be notified in writing before ~~implementing~~ one of the alternat~~iv~~e work practices is implemented.

b. After two consecutive quarterly leak detection periods with the total percent of leaking and delay-of-repair components (Equation 1 of this Section) l~~eaking~~ equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for ~~the~~ valves in gas/vapor service, valves in light ~~and~~ liquid service, and/or pumps in light liquid service.

c. After five consecutive quarterly leak detection periods with the total percent of leaking and delay-of-repair components (Equation 1 of this Section)~~leaking~~ equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for ~~the~~ valves in gas/vapor service, valves in light ~~and~~ liquid service, and/or pumps in light liquid service.

d. If the total percent of ~~components~~ leaking and delay-of-repair components (Equation 1 of this Section) increases to~~is~~ greater than 2.0~~,~~ after implementing one of the alternate work practices in Subparagraph E.1.b or c of this Section, the owner or operator shall comply with the requirements as described in ~~LAC 33:III.2121.C~~Paragraph D.1 or 2 of this Section, but subsequently ~~can~~may ~~again~~ elect to use this Subsection when the requirements are met.

~~e. The percent of components leaking shall be determined by dividing the sum of components found leaking during current monitoring and components for which repair has been delayed by the total number of components subject to the requirements of LAC 33:III.2121.C.~~

~~f. An owner or operator must keep a record of the percent of valves and pumps found leaking during each leak detection period.~~

2. Alternat~~iv~~e Standards for Valves and Pumps Subject to Subparagraph D.1.b or D.2.b—Increased Monitoring Frequency. If the~~re is an excessive number~~ total percent of leaking~~s~~ and delay-of-repair components (~~greater than the good performance level~~Equation 1 of this Section) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority.

3. The total percent of leaking and delay-of-repair components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 1. (Equation 1 shall be calculated separately for each component type.)

Equation 1

$$\%C_{T1} = [C_L + C_{TU}] / [C_T + C_{TU}] * 100\%$$

where:

$\%C_{T1}$ = total percent of leaking components including delay-of-repair components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

C_{TU} = number of components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

~~E~~F. Recordkeeping

1. When a component ~~has a leak that cannot be repaired on-line and in-place, as described in LAC 33:III.2121.B~~remains leaking after every reasonable attempt at repair within the 15-calendar day period provided by Subparagraph C.3.a of this Section has been exhausted~~ is located~~, a weatherproof and readily visible tag bearing an identification number and the date the leak ~~is~~was located shall be affixed to the leaking component. After the leak ~~is~~has been repaired, the tag ~~is dated and~~may be removed.

2. A survey log shall be maintained by the operator which shall include the following:

a. the name of the process unit where the leaking component is located;

b. the ~~name~~type of ~~the~~ leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by ~~LAC 33:III.2121.~~Paragraph ~~E~~F.1 of this Section;

e. the date the leak was located;

f. the date maintenance was performed;

g. the date the component was rechecked after maintenance, and the results (i.e., instrument reading; visual, audible, or olfactory results; soap bubble test results; AWP video)~~as well as the instrument reading upon check (For natural gas processing plants the soap bubble test commonly performed in the industry is satisfactory)~~;

h. a record of ~~leak detection device~~the monitor calibration or AWP daily instrument check;

i. a delay-of-repair list~~ing~~ ~~of leaks not repaired until turnaround~~;

j. a bypassed or isolated component list; and

~~j~~k. a ~~list~~record of ~~total number of items checked versus the total found leaking~~all monitoring, imaging, and inspection results.

3. The owner or operator shall retain the survey log for two years after the ~~latter~~latest date specified in ~~LAC 33:III.2121.~~Paragraph F~~E~~.2 of this Section and make ~~said~~the log available to the administrative authority upon request.

4. The optional use of the AWP shall require storing video and other records of the daily instrument check and inspections as required in 40 CFR 60.18.

~~F~~G. Reporting Requirements. The owner or operator of the affected facility shall submit a report semiannually to the Office of Environmental ~~Assessment~~Services ~~a report semiannually containing the information below~~ for each calendar quarter during the reporting period. The reports are due by the last day of the month (i.e., January 31 and July 31) following the monitoring period or by an alternate date approved by the administrative authority~~department~~. The reports shall include the following information for each quarter of the reporting period:

1. the number of ~~items checked~~each component type for which monitoring is required by Subsection D or E of this Section versus the number ~~found leaking~~monitored~~,~~ and ~~a calculation of~~ the total percent of leaking and delay-of-repair components (See Equation 1 of this Section) for each component type for which alternate control techniques are allowed by Subsection E of this Section~~leaking, as defined in Subparagraph D.1.c of this Section~~;

2. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:

a. the name of the process unit where the leaking component is located and the date of last unit shutdown;

b. the ~~name~~type of the leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section, if the component is on the delay-of-repair list;

~~d~~e. the date the leak was located;

f. the monitoring or inspection results;

~~e~~g. the date maintenance was ~~attempted~~performed;

~~f~~h. the date the leak is expected to~~will~~ be repaired if the component is on the delay-of-repair list; and

~~g~~i. the reason repairs failed or were postponed;

~~3. the list of items awaiting turnaround for repair; and~~

~~4~~3. a signed statement attesting to the fact that all ~~other monitoring has been performed as required by the regulations~~requirements of this Section have been met.

~~G. Definitions. Terms used in this Section are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.~~

~~*Heavy Liquid Service*—equipment that is not in gas/vapor service or is not in light liquid service.~~

~~*Inaccessible Valve*—a valve than cannot be monitored without elevating the monitoring personnel more than 2 meters above a support service.~~

~~*Instrumentation System*—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inch and smaller and connectors nominally 0.75 inch and smaller in diameter are considered instrumentation systems for the purposes of these regulations. Valves greater than nominally 0.5 inch and connectors greater than nominally 0.75 inch associated with instrumentation systems are not considered part of instrumentation systems and must be monitored individually.~~

~~*Light Liquid*—a fluid with a vapor pressure greater than 0.3 kPa at 20°C.~~

~~*Light Liquid Service*—equipment in liquid service contacting a fluid greater than 10 percent by weight light liquid.~~

~~*Liquid Service*—equipment which processes, transfers or contains a VOC mixture of VOC in the liquid phase.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1433 (July 2000), LR 26:2452 (November 2000), LR 30:1659 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 34:70 (January 2008), amended by the Office of the Secretary, Legal Division, LR 39:0000 (August 2013).

§2122. Fugitive Emission Control for Ozone Nonattainment Areas and Specified Parishes

A. Applicability

1. This ~~regulation~~Section is applicable to each process unit at petroleum refineries, natural gas processing plants, ~~the~~ synthetic organic chemical manufacturing industry (SOCMI) facilities, ~~the~~ methyl tertiary butyl ether (MTBE) manufacturing ~~industry~~facilities, and~~the~~ polymer manufacturing ~~industry~~facilities that contains any of the following components

that~~ are intended to~~ operate in volatile organic compound (VOC) service for 300 hours or more during the calendar year:

a. – i. …

~~2. This Section is applicable to sources in the parishes of Ascension, Calcasieu, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge.~~

~~3~~2. The requirements of this Section shall be~~ effective for~~ applicable to sources located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, Pointe Coupee, and West Baton Rouge effective~~starting~~ January 1, 1996.

~~4~~3. The requirements of this Section shall be~~ effective for~~ applicable to sources located in the parish of Calcasieu ~~starting~~effective January 1, 2003.

~~5~~4. When the provisions of this Section are effective, process units to which this Section applies that are also subject to the provisions of LAC 33:III.2121 will not be required to comply with the provisions of LAC 33:III.2121.

~~6~~5. ~~Applicable~~ ~~F~~facilities ~~as defined in~~listed in Paragraph A.1 of this Section, which are subject to New Source Performance Standards, 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or National Emission Standards for Hazardous Air Pollutants, 40 CFR 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.~~Chapter 30~~5116, may become exempt from this Section by:

a. submitting a written notice to the *administrative authority** as defined in LAC 33:III.111.A informing them of the facility's request to become exempt from this Section and how 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.~~ Chapter 30~~5116, will be administered to obtain the~~at~~ exemption;

b. applying 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.~~Chapter 30~~5116, to leak limitations specified in Paragraph C.1 of this Section rather than 10,000 ppm as specified in 40 CFR 60.480-

489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.~~Chapter 30~~5116;

c. including connectors as ~~leak sources~~components monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.~~Chapter 30~~5116, which apply to valves; and

d. increasing the monitoring frequency of valves only when the ~~leaking sources~~valves monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), as incorporated by reference in LAC 33:III.3003, or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.~~Chapter 30~~5116, which apply to valves, equal or exceed 2 percent of the valves ~~monitored~~leaking at or above 10,000 ppm.

B. Definitions. Terms used in this Section are defined in LAC 33:III.111 with the exception of those terms specifically defined as follows.

Alternative Work Practice (AWP)—the use of optical imaging to detect leaks as described in 40 CFR 60.18(g), (h) and (i).

Connector—flanged, screwed, or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment.~~, or that close an opening in a pipe that could be connected to another pipe~~. Joined fittings ~~W~~welded completely around the circumference of the interface~~connections~~ are not considered connectors.

Difficult-to-Monitor—equipment that cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

Double Block and Bleed System—two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

Equipment—each pump, compressor, pressure relief device, open-ended valve or line, process drain, valve, agitator, instrumentation system, and connector that is in VOC service. For the purpose of these regulations *equipment* shall be synonymous with component.

Force Majeure—an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents the owner or operator from complying with the regulatory requirement within the specified time frame despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

Good Performance Level—~~an operating level reached when no more than 2.0 percent of a component in VOC service in a process unit are leaking at the leak rate definition or greater as determined by Method 21, "Determination of Volatile Organic Compound Leaks" (40 CFR Part 60, Appendix A, as incorporated by reference at LAC 33:III.3003)~~Repealed.

Heavy Liquid Service—~~equipment that is not in VOC gas/vapor service or is not in VOC light liquid service~~Repealed.

Inaccessible Valve—~~a valve that cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface~~Repealed.

In Gas/Vapor Service—equipment that contains a VOC in a gas or vapor state at operating conditions.

In Heavy Liquid Service—equipment that is not in gas/vapor service or light liquid service.

In Light Liquid Service—

a. Equipment containing a fluid that meets all of the following conditions:

i. the vapor pressure of one or more of the organic compounds is greater than 0.3 kPa (0.0435 psi) at 20°C (68°F). (Standard reference texts or ASTM D2879-83, 96, or 97 shall be used to determine the vapor pressure);

ii. the total concentration of the pure organic compounds having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight; and

iii. the fluid is a liquid at operating conditions.

b. In the alternative to Subparagraph a of this Paragraph, an owner or operator of petroleum refineries, natural gas processing plants, and polymer manufacturing facilities has the option to use ASTM Method D86-78, 82, 90, 95, or 96. The equipment is in *light liquid service* if the evaporated fluid weight is greater than 10 percent at 150°C (302°F).

In Liquid Service—equipment that is not in gas/vapor service.

In Vacuum Service—equipment operating at an internal pressure that is at least 20 inches of water (38 millimeters of ~~Hg~~mercury) below ambient pressure.

In VOC Service—for petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing facilities; a piece of equipment that contains or contacts a process fluid that is at least 10 percent VOC by weight. For natural gas processing plants, a piece of equipment that contains or contacts a process fluid that is at least 1.0 percent VOC by weight.

Inspect—Examine the component for visible, audible, or olfactory evidence of a leak.

Instrumentation System—a group of equipment components used to condition and convey a sample of the process fluid to analyzers and instruments for the purpose of determining process operating conditions (e.g., composition, pressure, flow). Valves and connectors are the predominant types of equipment used in instrumentation systems; however, other types of equipment may also be included in these systems. Only valves nominally 0.5 inches and smaller and connectors nominally 0.75 inches and smaller in diameter are considered instrumentation systems for the purposes of this~~ese regulations~~Section. Valves greater than nominally 0.5 inches and connectors greater than nominally 0.75 inches associated with instrumentation systems are not considered part of instrumentation systems and ~~must~~shall be monitored individually as a valve or connector.

Light Liquid~~—a fluid with a vapor pressure greater than 0.3 kPa (0.0435 psia) at 20°C (68°F) or a fluid for which the weight percent evaporation at 150°C exceeds 10 percent as determined by ASTM D86~~Repealed.

Light Liquid Service~~—equipment in liquid service contacting a fluid greater than 10 percent by weight light liquid~~Repealed.

Liquid Service—~~equipment which processes, transfers, or contains a VOC or mixture of VOC in the liquid phase~~Repealed.

Monitor(ed)—determination of VOC concentration at equipment components in accordance with Method 21 (see 40 CFR Part 60, Appendix A-7), or the *Alternative Work Practice* as provided in this Section.

Open-Ended Valve or Line—any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

Optical Gas Imaging Instrument—an instrument that makes emissions visible that may otherwise be invisible to the naked eye.

Process Drain—any opening (including a covered or controlled opening) that receives or conveys wastewater into a wastewater system.

Process Unit—a facility, or any part thereof,~~*process unit*~~ that can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

Process Unit Shutdown—a work practice or operational procedure that stops production from a process unit or part of a process unit during which it is technically feasible to clear process material from a process unit or part of a process unit consistent with safety constraints and during which repairs can be effected. The following are not considered process unit shutdowns:

a. ~~A~~an unscheduled work practice or operational procedure that stops production from a process unit or part of a process unit for less than 24 hours~~ is not a process unit shutdown.~~;

b. ~~A~~an unscheduled work practice or operational procedure that would stop production from a process unit or part of a process unit for a shorter period of time than would be required to clear the process unit or part of the process unit of materials and start-up the unit, and would result in greater emissions than delay of repair of leaking components until the next scheduled process unit shutdown~~, is not a process unit shutdown.~~;

c. ~~T~~the use of spare equipment and technically feasible bypassing or isolating of equipment without stopping production~~ are not process unit shutdowns.~~; and

d. the idling of a process unit due to force majeure.

Repair—adjust or otherwise alter equipment in order to eliminate a leak.

Unrepairable Component—~~*unrepairable components* are those designated as requiring a process unit shutdown to repair where more emissions would be created by an immediate facility shutdown than allowing the component to leak until the next scheduled shutdown, and the component is listed on a shutdown list for repairs~~Repealed.

Unsafe-to-Monitor—equipment that cannot be monitored without exposing monitoring personnel to immediate danger.

C. Fugitive Emission Control Requirements

1. Leak Limitations

a. No component listed in Subparagraphs A.1.a.-i of this Section in petroleum refineries, SOCMI facilities, MTBE manufacturing facilities, and polymer manufacturing ~~industry~~facilities shall be allowed to emit~~leak~~ ~~volatile organic compounds~~VOC~~s~~:

i. exceeding an instrument reading of 1,000 parts per million (ppm~~v~~)~~ or greater~~ for valves, connectors, instrumentation systems, pressure relief devices, and process drains; 5,000 ppm~~v~~ for pumps and compressors; or 10,000 ppm~~v~~ for agitators, as ~~outlined~~determined~~ in Subsection D of this Section, when tested~~ by Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference ~~at~~in LAC 33:III.3003)~~, or~~;

ii. which can be imaged when following the *alternative work practice (AWP)* as defined in Subsection B of this Section; or

iii. ~~to demonstrate~~where visible, audible, or olfactory evidence indicates the presence of a leak.

b. No component listed in Subparagraphs A.1.a-i of this Section in natural gas processing plants shall be allowed to ~~leak~~emit ~~volatile organic compounds~~VOCs exceeding an instrument reading of 2,500 ppm~~v~~ for valves, connectors, instrumentation systems, pressure relief devices, and process drains~~, and open-ended valves and lines~~; 5,000 ppm~~v~~ for

pumps and compressors~~; or,~~ 10,000 ppm~~v~~ for agitators, as determined~~outlined in Subsection D of this Section, when tested~~ by Method 21 (40 CFR Part 60, Appendix A, as incorporated by reference ~~at~~in LAC 33:III.3003), or which can be imaged when following the AWP described in 40 CFR 60.18.

~~c. Any regulated component observed leaking by sight, sound, or smell, except those covered under Subparagraph C.1.d of this Section, must be repaired according to Paragraph C.3 of this Section, regardless of the leak's concentration. This includes flange and connection leaks found per Subparagraph D.3.b of this Section, pump and compressor seal leaks found during the weekly visual inspections, and any other regulated component found leaking. This does not include valves or pumps in heavy liquid service.~~

~~d. Any pump or valve in heavy liquid service observed leaking by sight, sound, or smell shall be monitored within five days by the method specified in 40 CFR Part 60, Appendix A (Method 21), as incorporated by reference in LAC 33:III.Chapter 30. If the pump or valve is determined to be leaking in excess of the applicable limits given in this Subsection, it shall be repaired according to Paragraph C.3 of this Section.~~

2. Open-Ended Valves or Lines

a. ~~No valve, except safety pressure relief valves, shall be located at the end of a pipe or line containing volatile organic compounds unless the end of such line is sealed~~Each open-ended valve or line shall be equipped with a second valve, a blind flange, a plug, or a cap. Such sealing devices may be removed only when the line is in use, (i.e.,~~for example~~, when a sample is being taken). When the line has been used and is subsequently resealed, the upstream valve shall be closed first, followed by the sealing device.

b. When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves, but it shall comply with Subparagraph C.2.a of this Section at all other times.

c. Open-ended valves or lines in emergency system(s) (i.e., pressure relief devices) that are designed to open automatically in the event of a process upset, are exempt from the requirements of Subsection C.2.a of this Section.

d. Open-ended valves or lines containing asphalt, materials that would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if sealed or equipped with a double block and bleed system, are exempt from the requirements of Subparagraph C.2.a of this Section.

3. Leak Repair

a. The owner or operator shall make every reasonable effort to repair a leaking component, as described in Paragraph C.1 or Subparagraph D.3.b of this Section~~Subsection~~, within 15 calendar days of detection. A repair is considered successful if it meets any of the following conditions:

i. a component is monitored (or remonitored) to verify that the instrument reading is below the applicable leak definition in Paragraph C.1 of this Section;

ii. a component that has been identified as leaking using the AWP, either meets Clause C.3.a.i of this Section, or the emissions are no longer visible using the AWP; or

iii. a component in liquid service that has been identified as leaking by visual, audible, or olfactory means, including, use of the soap bubble test for natural gas processing plants, either meets Clause C.3.a.i of this Section, or when visual, audible, or olfactory indications of the leak have been eliminated.

b. Equipment that cannot be repaired shall be placed on a delay-of-repair list, unless it can~~If the component cannot~~ be isolated or bypassed ~~so as~~ to ~~significantly reduce or~~ eliminate the leak~~age, or if the repair of a component would require a unit shutdown, and if the shutdown would create more emissions than the repair would eliminate, the repair may be delayed to the next scheduled shutdown~~. ~~The delay of r~~Repair of equipment on the delay-of-repair list shall ~~not be any later than~~occur by the end of the next scheduled process unit shutdown. The *administrative authority* as defined in LAC 33:III.111.A reserves the right to take enforcement action pursuant to R.S. 30:2025, should it be determined that the total percentage of components on the delay-of-repair list is excessive or is causing damage to public health or the environment.~~An early unit shutdown may be ordered if the total percentage of leaking and unrepairable components are excessive.~~

c. Equipment placed on the delay-of-repair list in accordance with Subparagraph C.3.b of this Section may be removed from the list if it meets any of the following conditions:

i. the equipment is monitored or imaged, and for two consecutive monthly periods, either the instrument readings are below the leak limitation specified in Paragraph C.1 of this Section or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP; or

ii. the owner or operator has undertaken additional or extraordinary efforts to repair the leaking equipment, and subsequent monitoring or imaging demonstrates that either the instrument readings are below the leak limitation in Paragraph C.1 of this Section, or there are no visible emissions using an optical gas imaging instrument pursuant to the AWP. Extraordinary efforts are non-routine repair methods (e.g., sealant injection, clamp installation) or utilization of a closed-vent system to capture and control the leak by at least 90 percent.

[Note: The decision to monitor equipment on the delay-of-repair list or undertake extraordinary efforts to repair equipment shall be made solely at the owner or operator's discretion.]

~~4. Percent of leaking components at a process unit shall be determined for a test period as follows.~~

~~Equation 1~~

~~where:~~

~~$\% C_{lvp}$ = percent of leaking valves, flanged connectors, or pumps~~

~~C_{lv} = number of valves, flanged connectors, or pumps found leaking during the monitoring period~~

~~C_{tv} = total number of valves, flanged connectors, or pumps monitored during the period~~

~~5. Total percent of leaking and unrepairable components shall be determined as follows.~~

~~Equation 2~~

~~where:~~

~~% C_{tlvp} = total percent of leaking and unrepairable valves, flanged connectors, or pumps~~

~~C_{tlv} = number of valves, flanged connectors, or pumps found leaking or defined as unrepairable~~

~~C_{ttv} = total number of valves, flanged connectors, or pumps tested during the period~~

~~C_{tuvp} = total number of valves, flanged connectors, or pumps which were defined as unrepairable~~

D. Monitoring and Inspection Requirements. ~~The monitoring of the affected components shall be performed by the following schedule using the method described in Subsection C of this Section or one of the alternate monitoring programs in Subsection E of this Section.~~Monitoring of components by Method 21 and inspections shall be conducted according to this Subsection. After initially complying with this Subsection, the owner or operator may elect to comply with the appropriate alternate monitoring schedule(s) in Subsection E of this Section. In lieu of Method 21 monitoring, optical imaging may be conducted in accordance with the AWP. If the owner or operator elects to use the AWP, the requirements for instrument specifications, instruments checks, monitoring frequency, leak survey procedures, recordkeeping, and reporting shall be followed as described in 40 CFR 60.18 (g), (h), and (i). The alternate monitoring schedule(s) in Subsection E of this Section are not applicable when using the AWP.

1. Petroleum ~~R~~refineries, SOCMI facilities, MTBE manufacturing facilities, and ~~P~~polymer ~~M~~manufacturing ~~Industry~~facilities shall perform the following.

a. Monitor process drains ~~with a leak detection device~~ one time per calendar year (annually).

b. Monitor ~~with a leak detection device~~the following components four times per year (quarterly) ~~the following items~~:

i. compressor seals;

ii. pressure relief valves in gas/vapor service;

iii. valves in light liquid service and valves in gas/vapor service; and

iv. pumps in light liquid service.~~; and~~

~~v. valves in gas service.~~

c. ~~Monitor~~Inspect pump seals visually 52 times a year (weekly).

d. Inspect or ~~M~~monitor all flanged connectors in accordance with either Clause D.1.d.i or ii of this Section.

i. Inspect all flanged connectors weekly by visual, audible, or~~and~~ olfactory means.

ii. Monitor flanged connectors in light liquid and gas/vapor service four times per year (quarterly)~~using a leak detection device~~ as follows.

(a). Either 200 or 10 percent, whichever is less, of the flanged connectors shall be monitored each quarterly period in accordance with a written sampling plan.

(b). The sampling plan shall ensure that at least 66 percent of the flanged connectors monitored each quarterly period shall not have been previously monitored, until all flanged connectors within the process unit have been monitored.

e. Inspect instrumentation systems weekly by visual, audible, ~~and~~or olfactory means~~, all instrumentation systems~~. As an alternative to weekly sensory inspections, monitor individual valves and flanged connectors of an instrumentation system in accordance with Clauses D.1.b.iii and D.1.d.ii of this Section, respectively.

f. Records of~~the~~ visual, audible, ~~and~~or olfactory inspections of connectors and instrumentation systems are not required unless a leak is detected.

2. Natural Gas Processing Plants shall perform the following.

a. ~~Monitor~~Inspect pump seals and compressor seals visually 52 times a year (weekly).

b. Monitor ~~with a leak detection device~~the following components four times a year (quarterly)~~ the following items~~:

i. pumps~~, pump and compressor seals~~ in light liquid service;

ii. ~~valves; and~~compressor seals;

iii. pressure relief valves in gas/vapor service~~.~~; and

iv. valves in light liquid service and valves in gas/vapor service.

c. Inspect instrumentation systems 52 times a year (weekly) by visual, audible, or olfactory means. As an alternative to weekly sensory inspections, monitor individual valves of an instrumentation system in accordance with Clause D.2.b.iv of this Section.

d. Records of visual, audible, or olfactory inspections of instrumentation systems are not required unless a leak is detected.

3. Facilities Listed in Paragraphs D.1 and 2 of This Section

a. Monitor ~~with a leak detection device~~ any pressure relief valve in gas/vapor service within ~~24 hours~~five calendar days after it has vented to the atmosphere. Difficult-to-monitor pressure relief valves shall be monitored within 15 calendar days and unsafe-to-monitor pressure relief valves shall be monitored as soon as possible, when conditions allow the component to be safely monitored.~~ (For natural gas processing plants an immediate visual evaluation will be made.)~~

b. ~~Monitor immediately with a leak detection device any component that appears to be leaking on the basis of sight, smell, or sound. This includes flanges and connectors, instrumentation systems, and pump and compressor seals observed during the weekly visual inspections, and any other regulated components that appear to be leaking. In lieu of monitoring, the operator may elect to implement actions as specified in Paragraph C.3 of this~~

~~Section.~~ Within five calendar days, any component listed in Subparagraphs A.1.a.-i of this Section identified as leaking by visual, audible, or olfactory means shall be:

i. repaired in accordance with Clause C.3.a.iii of this Section;

ii. monitored using either Method 21 or the AWP, or

iii. designated as a leak pursuant to Method 21 or the AWP.

c. Difficult-to-monitor components shall be monitored within 15 calendar days and unsafe-to-monitor components shall be monitored as soon as possible, when conditions allow the component to be safely monitored. Visual, audible, or olfactory leaks either designated as a leak, or, confirmed to be in excess of the applicable leak limitation in Paragraph C.1 of this Section by Method 21 monitoring, shall be repaired according to Subparagraph C.3.a of this Section.

~~c~~d. ~~Inaccessible~~Difficult-to-monitor valves shall be monitored ~~on an annual basis~~once per calendar year ~~at a minimum~~.

~~d~~e. Unsafe-to-monitor ~~valves~~equipment shall be monitored as soon as possible when conditions ~~would~~ allow the~~se~~ ~~valves~~component to be monitored safely (e.g., during a shutdown).

~~e~~f. Any valve that is designated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Clause~~s~~ D.1.b.iii ~~and v and~~or D.2.b.~~ii~~iv of this Section if the valve:

i. has no external actuating mechanism in contact with the process fluid (e.g., diaphragm valves, sealed bellows valves);

ii. is operated with emissions less than 500 ppm above background as measured ~~in accordance with this Section~~by Method 21; and

iii. is ~~tested~~monitored for compliance with Clause D.3.e.ii of this Section initially upon designation and ~~annually~~once per calendar year thereafter.

g. Equipment that begins operation after the initial startup date for the process unit shall be monitored for the first time by the end of the monitoring period in which the process unit startup is completed, or 45 calendar days after the startup period is completed,

whichever is later. Equipment that replaces leaking equipment shall continue with the monitoring schedule for the equipment that it replaced.

h. Monitoring to verify repairs that were made during a process unit shutdown shall occur by the end of the monitoring period in which the process unit startup is completed, or 45 calendar days after the startup period is completed, whichever is later.

4. Exemptions~~.~~ and inspections are~~is~~ not required on the following:

~~a. components subject to Paragraph D.1 of this Section (petroleum refineries, SOCMI, MTBE, and polymer manufacturing industry) which contact a process fluid that contains less than 10 percent VOC by volume or components subject to Paragraph D.2 of this Section (natural gas processing plants) which contact a process fluid that contains less than 1.0 percent VOC by weight;~~

~~b. components in the petroleum refineries, SOCMI, MTBE, and polymer manufacturing industry that contact only a process liquid containing a VOC having a true vapor pressure equal to or less than 0.3 kPa (0.0435 psia) at 20°C (68°F);~~

~~c. pressure relief valves in liquid service at SOCMI and polymer manufacturing industry, except after venting;~~

~~d~~a. pressure relief devices, pump seals or packing, and compressor seals or packing where leaks are vented to a process or fuel gas system, or equipped with a closed-vent system capable of capturing and transporting leakage to a control device~~either a flare header or vapor recovery device~~;

b. pressure relief devices equipped with a rupture disc, or other similar leak-tight pressure relief component, upstream of the pressure relief device; provided that after each pressure release, the rupture disc, or other similar leak-tight component is replaced as soon as practicable; but not later than 15 calendar days;

~~e~~c. equipment in vacuum service;

~~f~~d. equipment at natural gas processing plants with less than 40 million standard cubic feet per day ~~(mmcfd)~~rated capacity that do not fractionate natural gas liquids;

~~g~~e. components contacting only organic compounds exempted under LAC 33:III.2117 or mixtures of same with water;

~~h~~f. pumps and compressors that are sealless or have a double mechanical seal;

g. pumps designed with no external shaft penetrating the pump housing;

~~i~~h. research and development pilot facilities and small facilities with less than 100 valves in gas/vapor or liquid service;

~~j~~i. insulated or buried equipment~~connectors~~;

~~k~~j. components that have been placed on a delay-of-repair~~shutdown~~ list ~~for repairs~~ are exempt from further monitoring until a repair has been attempted, except that an owner or operator may monitor components on the delay-of-repair list in accordance with Clause C.3.c.i of this Section in order to attempt to remove equipment from the delay-of-repair list; ~~and~~

~~l~~k. check valves~~.~~;

l. process drains ~~at petroleum refineries~~that are components of individual drain systems subject to 40 CFR 60 Subpart QQQ, 40 CFR 61 Subpart FF, or 40 CFR 63 Subparts G or YY~~New Source Standards, 40 CFR 60.690-699 (Subpart QQQ) as incorporated by reference in LAC 33:III.3003~~; and

m. process drains at facilities subject to LAC 33:III.2153.

5. Alternate Monitoring Program. Any facility that already has in place a fugitive emission monitoring program which controls emissions to a higher degree than required under this Section shall be exempted from this Section upon submittal of a description of the program to the administrative authority* and approval thereof. A facility which has consolidated into an overall more stringent program in accordance with the Louisiana Consolidated Fugitive Emissions Program (i.e., with a Source Notice and Agreement or a Title V permit) is exempted from having to submit a description of the program to the administrative authority*. (The Louisiana Fugitive Emission Program Consolidation Guidelines are contained in LAC 33:III.2199.Appendix B).

6. Force Majeure

a. If a force majeure is about to occur, occurs, or has occurred for which the affected owner or operator intends to assert a claim of force majeure, the owner or operator shall notify the administrative authority, in writing, as soon as practical following the date the owner or operator first knew, or through due diligence should have known that the event may cause or has caused a delay in monitoring beyond the regulatory deadline. The notification shall occur before the monitoring deadline unless the initial force majeure event delays the notice, and in such cases, the notification shall occur as soon as practicable.

b. The owner or operator shall provide to the administrative authority a written description of the force majeure event and a rationale for attributing the delay in monitoring beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the owner or operator proposes to conduct the monitoring. The monitoring shall be conducted as soon as practicable after the force majeure occurs.

c. The decision to grant an extension to the monitoring deadline is solely within the discretion of the administrative authority. The administrative authority shall notify the owner or operator in writing of approval or disapproval of the request for an extension as soon as practical.

d. Until an extension of the monitoring deadline has been approved by the administrative authority under Subparagraph D.6.c of this Section, the owner or operator of the affected facility remains subject to the requirements of this Section.

E. Alternate Monitoring Frequency~~Control Techniques~~. The monitoring schedule in ~~Subsection D~~Paragraph D.1 or 2 of this Section may be modified as follows.

1. Alternate Standards for Valves Subject to Subparagraph D.1.b or D.2.b of This Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with one of the alternat~~iv~~e work practices specified in Subparagraph~~s~~ E.1.b, c, or e~~g or Paragraph E.2~~ of this Section. However, the administrative authority~~*~~ ~~must~~shall be notified in writing before~~implementing~~ one of the alternat~~iv~~e work practices is implemented.

b. After two consecutive quarterly leak detection periods with the percent of leaking valves (Equation 1) equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for~~the~~ valves in gas/vapor and/or light liquid service.

c. After five consecutive quarterly leak detection periods with the percent of leaking valves (Equation 1) equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for~~the~~ valves in gas/vapor and/or light liquid service.

d. If, after implementing one of the alternate work practices in Subparagraph E.1.b or c of this Section, the percent of leaking valves (Equation 1) increases~~is~~ to greater than 2.0, or the total percent of leaking and delay-of-repair~~unrepairable~~ valves (Equation 2) ~~is~~increases to greater than 4.0, the owner or operator shall comply with the requirements~~as described~~ in ~~Subsection~~Paragraph D.1 or 2 of this Section, but subsequently may~~can again~~ elect to use this Subsection when the requirements are met.

~~e. The percent of leaking valves (Equation 1) shall be determined by dividing the sum of components found leaking during the current monitoring period by the total number of valves which were tested and multiplying the results by 100 percent.~~

~~f. An owner or operator must keep a record of the percent of valves found leaking during each leak detection period and the total percentage of leaking and unrepairable valves.~~

~~g~~e. Existing equipment that has been monitored under LAC 33:III.2121 for fugitives at the leak definition of 10,000 ppm~~v~~ can initially elect to use this alternate standard if the unit has data documented with the ~~department~~administrative authority by either January 1, 1996, or for the 12 months prior to becoming subject to this Section, that indicates the percent of leaking valves (Equation 1) is less than or equal to a 2.0 percent leak rate at 10,000 ppm~~v~~ for the required time periods as specified in Subparagraph E.1.b or c of this Section.

2. Alternat~~ive~~e Standards for Valves Subject to Subparagraph D.1.b or D.2.b of this Section—Increased Monitoring Frequency. If the percent of leaking valves (Equation 1)

~~in a test period~~ is greater than 2.0, or the total percent of leaking and delay-of-repair~~unrepairable~~ valves (Equation 2) is greater than 4.0, then an increase in the frequency of monitoring may be required by the administrative authority~~*~~.

3. Alternate Standards for Flanged Connectors Subject to Clause D.1.d.ii of ~~t~~This Section—Skip Period Leak Detection and Repair

a. An owner or operator may elect to comply with~~one of~~ the alternat~~iv~~e work practice~~s~~ specified in ~~Clause~~Subparagraph E.3.b~~or Paragraph E.4~~ of this Section. However, the administrative authority~~*~~ ~~must~~shall be notified in writing before~~implementing one of~~ the alternat~~iv~~e work practice~~s~~ is implemented.

b. After four consecutive quarterly leak detection periods with the percent of leaking flanged connectors (Equation 1) equal to or less than 1.0, an owner or operator may begin to skip three of the quarterly leak detection periods for~~the~~ flanged connectors in gas/vapor and/or light liquid service.

c. If, after implementing the AWP in Subparagraph E.3.b of this Section, the percent of leaking flanged connectors (Equation 1) ~~is~~increases to greater than 1.0, or the total percent of leaking and delay-of-repair~~unrepairable~~ flanged connectors (Equation 2) ~~is~~increases to greater than 2.0, the owner or operator shall comply with the requirements as described in ~~Subsection~~Clause D.1.d.ii of this Section, but subsequently may~~can again~~ elect to use this Subsection when the requirements are met.

~~d. The percent of leaking flanged connectors (Equation 1) shall be determined by dividing the sum of components found leaking during the current monitoring period by the total number of flanged connectors that were tested and multiplying the results by 100 percent.~~

~~e. An owner or operator must keep a record of the percent of flanged connectors found leaking during each leak detection period and the total percentage of leaking and unrepairable flanged connectors.~~

4. Alternat~~iv~~e Standards for Flanged Connectors Subject to Clause D.1.d.ii of this Section—Increased Monitoring Frequency. If the percent of leaking flanged connectors (Equation 1)~~ in a test period~~ is greater than 1.0, or the total percent of leaking and delay-of-

repair~~unrepairable~~ flanged connectors (Equation 2) is greater than 2.0, then an increase in the frequency of monitoring may be required by the administrative authority*.

5. The percent of leaking components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 1 below. (Equation 1 shall be calculated separately for each component type.)

Equation 1

where:

$\%C_1$ = percent of leaking components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

6. The total percent of leaking and delay-of-repair components for which alternate control techniques are allowed by this Subsection shall be determined for each process unit using Equation 2. (Equation 2 shall be calculated separately for each component type.)

Equation 2

where:

$\%C_{T2}$ = total percent of leaking components including delay-of-repair list components

C_L = number of components found leaking by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

C_{TU} = number of components on the delay-of-repair list at the end of the previous monitoring period

C_T = number of components monitored by Method 21 during the monitoring period, not including components remonitored to verify repair or components on the delay-of-repair list at the end of the previous monitoring period

~~5~~7. Alternate Standard for Batch Processes. As an alternate to complying with the requirements in Subsection D of this Section an owner or operator of a batch process in VOC service may elect to comply with one of the following alternat~~iv~~e work practices. The batch product-process equipment shall be tested with a gas using the procedure~~s~~ specified in Subparagraph E.~~5~~7.a of this Section or with a liquid ~~as~~using the procedure specified in Subparagraph E.~~5~~7.b of this Section.

a. The following procedure~~s~~ shall be used to pressure test batch product-process equipment using a gas (e.g., air or nitrogen) to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be pressurized with a gas to the operating pressure of the equipment. The equipment shall ~~not~~ be tested at a pressure ~~greater~~lower than the lowest pressure setting of any~~the lowest~~ relief device~~valve setting~~.

ii. Once the test pressure is obtained, the gas source shall be shut off.

iii. The test shall continue for not less than 15 minutes, unless it can be determined in a shorter period of time that the allowable rate of pressure drop was exceeded. The pressure in the batch product-process equipment shall be measured after the gas source is shut off and at the end of the test period. The rate of change in pressure in the batch product-process equipment shall be calculated using Equation 3.~~the following equation:~~

Equation 3

$$\frac{P}{t} = \frac{(P_f - P_i)}{(t_f - t_i)}$$

where:

P/t = change in pressure, psi~~a~~/hr

P_f = final pressure, psi~~a~~

P_i = initial pressure, psi~~a~~

t_f - t_i = elapsed time, hours

iv. The pressure shall be measured using a pressure measurement device (e.g., gauge, manometer, or equivalent) that has a precision of ±2.5 millimeters (±0.05 psi~~g~~) of mercury ~~in~~over the range of measured test pressures and is capable of measuring pressures up to the ~~relief set pressure~~lowest ~~of the~~ pressure setting of any relief device.

v. A leak is detected if the rate of change in pressure (Equation 3) is greater than 6.9 kPa (1 psi~~g~~) ~~in one~~per hour or if there is visible, audible, or olfactory evidence of a leak~~fluid loss~~.

b. The following procedure~~s~~ shall be used to pressure test batch product-process equipment using a liquid to demonstrate compliance.

i. The batch product-process equipment train, or section of the train, shall be filled with the test liquid (e.g., water, alcohol). Once the equipment is filled, the liquid source shall be shut off.

ii. The test shall be conducted for a period not less than ~~of at least~~60 minutes, unless it can be determined in a shorter period of time that the test is a failure.

iii. Each seal in the equipment being tested shall be inspected for indications of liquid dripping or other indications of fluid loss. If there are any indications of liquids dripping or of fluid loss, a leak is detected.

~~iv~~c. If a leak is detected, it shall be repaired and the batch product-process equipment shall be retested before VOCs are fed to the equipment.

~~v~~d. If the batch product-process equipment fails the retest or the second of two consecutive pressure tests, it shall be repaired as soon as practicable, but no~~t~~ later than 30 calendar days after the equipment is placed in VOC service.

F. Recordkeeping

1. When a component ~~which has a leak that cannot be repaired, as described in~~remains leaking after every reasonable attempt at repair within the 15-calendar day period provided by ~~Subsection C~~Subparagraph C.3.a of this Section has been exhausted~~, is located,~~ a weatherproof and readily visible tag bearing an identification number and the date the leak ~~is~~was

located shall be affixed to the leaking component. After the leak has been repaired the tag~~identifying the component as a leaking component~~ may be removed.

2. A survey log shall be maintained by the owner or operator and shall include the following:

a. the name of the process unit where the leaking component is located;

b. the ~~name~~type of the leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section;

e. the date the leak was located;

f. the date maintenance was performed;

g. the date(s) the component was rechecked after maintenance, and the results (i.e., instrument reading; visual, audible, or olfactory results; soap bubble test results; AWP video) ~~as well as the instrument reading(s) upon recheck (For natural gas processing plants the soap bubble test commonly performed in the industry is satisfactory.)~~;

h. a record of ~~leak detection device~~the monitor calibration or AWP daily instrument check;

i. a delay-of-repair list~~of leaks not repaired until turnaround~~;

j. a bypassed or isolated component list; and

~~j~~k. a record~~list~~ of ~~total number of items checked versus the total found leaking~~all monitoring, imaging, and inspection results.

3. The owner or operator shall retain the survey log for two years after the lat~~ter~~est date specified in Paragraph F.2 of this Section and make ~~said~~the log available to the administrative authority~~*~~ upon request.

4. The optional use of the AWP shall require storing video and other records of the daily instrument check and inspections as required in 40 CFR 60.18.

G. Reporting Requirements. The owner or operator of the affected facility shall submit a report semiannually to the Office of Environmental ~~Assessment~~Services containing the information listed in Paragraphs G.1-5 of this Section~~below~~ for each calendar quarter during the reporting period~~.~~, except for affected facilities that elect to meet the requirements of the alternate standard for batch processes in Paragraph E.5 of this Section, for which the report shall include the information listed in Paragraphs G.6-9 of this Section. The reports are due by the last day of the month (January and July) following the monitoring period or by an alternate date approved by the administrative authority~~department~~. The reports shall include the following information for each quarter of the reporting period:

1. the number of ~~items checked~~each component type for which monitoring is required by Subsection D or E of this Section versus the number monitored~~found leaking~~;

2. the percent of leaking components (Equation 1) for each component type and the number of leaks detected by visual, audible, or olfactory means for each component type~~leaking for the *test period*, as defined in Paragraph C.4 of this Section~~;

3. the total percent of ~~leakers~~leaking and delay-of-repair components (Equation 2) for each component type~~, as defined in Paragraph C.5 of this Section~~;

4. a listing of all leaks that were identified, but not repaired, within the 15-day limit, including the following information:

a. the name of the process unit where the leaking component is located and the date of last unit shutdown;

b. the type~~name~~ of ~~the~~ leaking component;

c. the stream identification at the leak;

d. the identification number from the tag required by Paragraph F.1 of this Section, if the component is on the delay-of-repair list;

~~d~~e. the date the leak was located;

f. the monitoring or inspection results;

~~e~~g. the date maintenance was ~~attempted~~performed;

~~f~~h. the date the leak is expected to~~will~~ be repaired if the component is on the delay-of-repair list~~awaiting a shutdown~~; and

~~g~~i. the reason repairs failed or were postponed;

~~5. the list of items awaiting turnaround for repair; and~~

~~6~~5. a signed statement attesting to the fact that all requirements of this Section have been met~~other monitoring has been performed as required by the regulations.~~;

6. the batch process equipment train identification;

7. the number of pressure tests conducted;

8. the number of pressure tests that the equipment train failed; and

9. a signed statement attesting to the fact that all requirements of this Section have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2453 (November 2000), LR 28:1764 (August 2002), LR 30:1660 (August 2004), repromulgated by the Office of Environmental Assessment, LR 30:2030 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007); amended by the Office of the Secretary, Legal Division, LR 39:0000 (August 2013).

Subchapter N. Capture Efficiency Test Procedures

[*Editor's Note*: This Subchapter was moved and renumbered from Chapter 61 (December 1996).]

§2199. Appendix A and B

Appendix A. ...

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Appendix B. Louisiana Consolidated Fugitive Emissions Program (LCFEP)

Through a memorandum of understanding signed in 1996, the Louisiana Department of Environmental Quality (LDEQ) entered into an agreement with the U.S. Environmental

Protection Agency (EPA) Region 6 to administer a program titled the Louisiana Consolidated Fugitive Emissions Program (LCFEP). The agreement established guidelines for the consolidation of multiple leak detection and repair (LDAR) programs at industrial facilities into a single program. At facilities that are subject to multiple LDAR standards, LCFEP provides the option of consulting a prioritized stringency table of programs in order to determine the overall most stringent program applicable to the facility, and then administer that program solely in lieu of implementing all fugitive programs simultaneously.

Under the current agreements between EPA and LDEQ, and between LDEQ and individual facilities, participating industry conducts the most stringent LDAR program and submits a single report, greatly reducing the regulatory burden created by overlapping state and federal LDAR programs.

The governing memorandum of understanding states:

> State and EPA Region 6 agree to implement and enforce fugitive emission program requirements in accordance with the Louisiana Fugitive Emission Program Consolidation Guidelines to provide a mechanism for consolidating overlapping state and federal equipment leak programs in agreement with the affected source. EPA Region 6 and the State accept federal and state enforceability of the consolidated program. The State and EPA Region 6 further agree that compliance with a consolidated program in accordance with the Guidelines will be considered compliance with each of the fugitive emission programs being consolidated. Furthermore, it is understood that an affected source's noncompliance with the consolidated program requirements may subject the affected source to enforcement action for one or more of the requirements of fugitive emissions programs being consolidated. This agreement will be implemented only through a Source Notice and Agreement signed by and specific to each affected source. If in the future, a new federal standard is promulgated (i.e., consolidated air rule, MACT, etc.) that could potentially change the established Guidelines, the Guidelines will be revisited and modified as necessary.

The Source Notice and Agreement (SNA) is a memorandum submitted by an interested facility which contains a detailed list of programs to be consolidated. Consolidation is done on either a unit-by-unit or a facility-wide basis. The SNA is required to be signed by a facility representative meeting EPA's responsible official designation, defined under 40 CFR 63.2. Once the SNA is signed by the facility and accepted by LDEQ, the agreement is considered to be in effect for compliance purposes. SNAs are accepted or denied based on the correctness of the consolidation table, and the signature of a proper representative.

Facilities operating a consolidated fugitive program must abide by the program's consolidation guidelines. The guidelines consist of a set of rules called the workpractice terms and conditions and the stringency table (Table 9) of this Appendix.

Louisiana Fugitive Emission Program Consolidation Guidelines

Workpractice Terms and Conditions

These terms and conditions are to be used in conjunction with the stringency table (Table 9) of this Appendix. Of the applicable equipment leak programs being consolidated, the program highest in the table hierarchy is to be considered the overall most stringent program under the guidelines. The guidelines may be used only in accordance with a SNA or a Title V permit.

Applicability and Exemptions

The consolidated program shall apply to the combined universe of components subject to any of the programs being consolidated.

The consolidation of fugitive programs shall be conducted at a minimum of the process unit level, and may also be on a facility-wide basis.

Consolidation of RCRA programs shall first be approved by LDEQ's Waste Permits Division.

Component types which do not require periodic monitoring under the overall most stringent program, shall be monitored as required by the most stringent requirements of any other program being consolidated and will not be exempted.

The consolidated program shall include any exemptions based on size of component available in any of the programs being consolidated.

The consolidated program cannot be used to replace requirements for area monitoring under the Vinyl Chloride NESHAP.

For any compressor subject to a federal rule requiring a seal system including barrier fluid, sensor, and alarm, periodic monitoring of compressors may not be used in lieu of the seal system requirements, regardless of the overall most stringent program.

Leak Definitions

Leak definitions are based on the overall most stringent program as determined from Table 9 of this Appendix.

Phase-in periods allowed under federal regulations are not eliminated as long as there is no backsliding of existing monitoring programs.

Monitoring Frequency

Monitoring frequency shall be based on the overall most stringent program as determined from Table 9 of this Appendix.

Annual monitoring shall be defined as once every four quarters, regardless of the overall most stringent program. Some allowance may be made in the first year of the consolidation in order to allow for transition from existing monitoring schedules.

Calibration

Use of dilution device for calibration, as defined in Method 21, is acceptable.

Identification of Components

All leaking components must be tagged.

If the Benzene NESHAP and a more stringent program are applicable, the overall most stringent program prevails and physical tagging of components is therefore not required. Identification, either by list or location (area or group) of affected components is acceptable.

Leak Performance

The determination of leak performance is based on the overall most stringent program as determined from Table 9 of this Appendix.

Repair

Repair period requirements are always first attempt within 5 days of detecting the leak and final repair within 15 days of detecting the leak, regardless of the overall most stringent program.

Post Repair

Post repair inspection consists of remonitoring once within 3 months after repair of leaks, regardless of the overall most stringent program.

Recordkeeping and Reporting

Recordkeeping and reporting information requirements shall be based on the overall most stringent program as determined from Table 9 of this Appendix.

Reporting frequency shall be semiannual regardless of the overall most stringent program.

Reports shall include records for any monitoring performed within the semiannual reporting period.

Louisiana Consolidated Fugitive Emission Program Stringency Table

Stringency Table (Table 9)

This stringency table is to be used in conjunction with the workpractice terms and conditions. Consolidation is done between the groups listed. Of the applicable equipment leak programs being consolidated, the program in the highest group in the table hierarchy is to be considered the overall most stringent program under the guidelines. Referencing Subparts shall comply with the referenced program in the manner required by the provisions of the referencing Subpart. The guidelines may be used only in accordance with a SNA or a Title V permit. Programs shall be consolidated on a unit-wide or a facility-wide basis.

Table 9 Stringency Table
• 40 CFR 65 Subpart F – Consolidated Air Rule
• 40 CFR 63 Subpart H – SOCMI HON MACT and Referencing Subparts • 40 CFR 63 Subpart EEEE – Organic Liquids Distribution (Non-Gasoline) MACT (HON Option) • 40 CFR 63 Subpart UUUU – Cellulose Products MACT (HON Option) • 40 CFR 63 Subpart W – Polymers and Resins II MACT • 40 CFR 63 Subpart PPP – Polyether Polyols Production MACT
• 40 CFR 63 Subpart UU – General MACT for Equipment Leaks – Control Level II and Referencing Subparts • 40 CFR 63 Subpart YY – Generic MACT (Acetal Resins Production, Acrylic and Modacrylic Fibers Production, Cyanide Chemicals Manufacturing, Polycarbonates Production, Ethylene Processes) (UU Option) • 40 CFR 63 Subpart OOO – Amino/Phenolic Resins Manufacturing MACT • 40 CFR 63 Subpart EEEE – Organic Liquids Distribution (Non-Gasoline) MACT (Subpart UU Option) • 40 CFR 63 Subpart FFFF – Miscellaneous Organic Chemical Manufacturing (Subpart UU Option) • 40 CFR 63 Subpart UUUU – Cellulose Products MACT (Subpart UU Option) • 40 CFR 63 Subpart GGGGG – Site Remediation MACT (Subpart UU Option) • 40 CFR 63 Subpart HHHHH – Miscellaneous Coating Manufacturing MACT (Subpart UU Option)
• 40 CFR 63 Subpart U – Polymers and Resins I, Elastomer MACT
• 40 CFR 63 Subpart GGG – Pharmaceuticals Production MACT • 40 CFR 63 Subpart MMM – Pesticide Active Ingredient Production MACT
• Louisiana MACT Determination for Non-HON Sources w/ Consent Decree Enhancements • Louisiana MACT Determination for Refineries w/ Consent Decree Enhancements

Table 9 Stringency Table
• 40 CFR 60 Subpart VVa – NSPS for Equipment Leaks In SOCMI Facilities • 40 CFR 60 Subpart GGGa – NSPS for Equipment Leaks in Petroleum Refineries
• Louisiana MACT Determination for Non-HON Sources • Louisiana MACT Determination for Refineries
• LAC 33:III.2122 – Louisiana Fugitive Emission Control for Nonattainment
• 40 CFR 63 Subpart CC – Refining MACT Modified HON option
• 40 CFR 61 Subpart F – National Emission Standard for Vinyl Chloride • 40 CFR 61 Subpart V – National Emission Standard for Equipment Leaks and Referencing Subparts • 40 CFR 61 Subpart J – National Emission Standard for Equipment Leaks of Benzene • 40 CFR 63 Subpart HH – Oil and Natural Gas Production MACT
• 40 CFR 60 Subpart VV – NSPS for Equipment Leaks In SOCMI Facilities • 40 CFR 60 Subpart GGG – NSPS for Equipment Leaks in Petroleum Refineries • 40 CFR 60 Subpart KKK – NSPS for Equipment Leaks in Onshore Natural Gas Processing Plants • 40 CFR 63 Subpart CC – Refinery MACT NSPS Option
• 40 CFR 63 Subpart TT – General MACT for Equipment Leaks – Control Level I and Referencing Subparts • 40 CFR 63 Subpart EEEE – Organic Liquids Distribution (Non-Gasoline) MACT (Subpart TT Option) • 40 CFR 63 Subpart FFFF – Miscellaneous Organic Chemical Production and Processes MACT (Subpart TT Option) • 40 CFR 63 Subpart GGGGG – Site Remediation MACT (Subpart TT Option) • 40 CFR 63 Subpart HHHHH – Miscellaneous Coating Manufacturing MACT (Subpart TT Option) • 40 CFR 63 Subpart YY – Generic MACT (Acetal Resins Production, Acrylic and Modacrylic Fibers Production, Cyanide Chemicals Manufacturing, and Polycarbonates Production) (TT Option)

Table 9 Stringency Table
• 40 CFR 264 – RCRA Subpart BB (LAC 33:V.1717.Subchapter B) • 40 CFR 265 – RCRA Subpart BB (LAC 33:V.4561.Subchapter R)
• LAC 33:III.2121 – Louisiana Fugitive Emission Control • 40 CFR 63 Subpart III – Flexible Polyurethane Foam Production MACT
• 40 CFR 63 Subpart R – Gasoline Distribution Terminals MACT and Referencing Subpart • 40 CFR 63 Subpart HHHHH – Miscellaneous Coating Manufacturing MACT (Subpart R Option) • 40 CFR 63 Subpart YY – Generic MACT (Hydrogen Fluoride Manufacturing)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 11:529 (May 1985) amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 23:1508 (November 1997), amended by the Office of the Secretary, Legal Division, LR 39:0000 (August 2013).

RULE

Department of Environmental Quality
Office of the Secretary

Organic Solvents; Emissions
(LAC 33:III.2123)(AQ320)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2123.A (Log #AQ320).

This Rule amends Subsection A of LAC 33:III.2123 by replacing language that was inadvertenly removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 21. Control of Emission of Organic Compounds
Subchapter B. Surface Coatings
§2123. Organic Solvents

A. Except as provided in Subsections B and C of this Section, any emissions source using organic solvents having an emission of volatile organic compounds resulting from the application of surface coatings equal to or more than 15 pounds (6.8 kilograms) per day, or an equivalent level of 2.7 tons per 12-month rolling period, shall control emissions of volatile organic compounds through the use of low solvent coatings, as provided in Subsection C of this Section, or, where feasible, by incorporating one or more of the following control methods:

A.1. - I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 35:1102 (June 2009), LR 36:1774 (August 2010), repromulgated LR 36:2031 (September 2010), LR 37:1150 (April 2011).

Herman Robinson, CPM
Executive Counsel

1104#012

RULE

Office of the Governor
Division of Administration
Board of Cosmetology

Exam Ineligibility and Alternative Hair Design
(LAC 46:XXXI.310 and 1107)

The Board of Cosmetology has adopted a Section (LAC 46:XXXI.310) regarding eligibility for examinations administered and amended a Section (LAC 46:XXXI.1107.A) regarding the educational requirements for alternative hair design permits.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXI. Cosmetologists
Chapter 3. Schools and Students
§310. Ineligibility for Examination

A. Ineligibility Period. Any individual who takes a written examination three times without receiving a passing score shall be ineligible to take any additional examinations until such time as the individual provides proof of completion of an additional 250 hours in the applicable curriculum at a cosmetology school approved by the board and provides a clearance from the school attended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 37:1150 (April 2011).

Chapter 11. Special and Temporary Permits
§1107. Alternative Hair Design Curriculum

A. Curriculum. The alternative hair design curriculum shall consist of at least 500 hours of instruction which shall include but not be limited to the following.

1. - 8. …

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003), amended LR 37:1150 (April 2011).

Steven Young
Executive Director

1104#009

RULE

Department of Health and Hospitals
Board of Medical Examiners

Medical Psychologists, General,
Licensure, Certification and Practice
(LAC 46:XLV.3903)

Editor's Note: This Section is being repromulgated to correct a printing error. The original Rule may be viewed in its entirety in the March 20, 2011 edition of the *Louisiana Register* on pages 888-897.

The Louisiana State Board of Medical Examiners, in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority the

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:

CORRECTION TO SECTION 2123

LOG #: AQ320

PUBLIC HEARING

The Public Hearing held by the Department of Environmental Quality, Regulation Development Section, at the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, Louisiana, beginning at 1:36 p.m., on February 22, 2011.

BEFORE:

Lori B. Overland
Certified Court Reporter
In and For the State of
Louisiana

A P P E A R A N C E S

FOR THE LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY:

Susan Ham
Hearing Officer

Department of Environmental Quality
Legal Affairs Division, 8th Floor
Regulation Development
602 N. Fifth Street
Baton Rouge, Louisiana 70802

* * * * *

I N D E X

EXAMINATION:	PAGE(S):
None	
EXHIBITS:	
None	
REPORTER'S PAGE	7
REPORTER'S CERTIFICATE	8

* * * * *

1 * * * * *

2 MS. HAM:

3 Good afternoon. My name is Susan

4 Ham. I'm employed by the Louisiana

5 Department of Environmental Quality.

6 I'll be serving as hearing officer this

7 afternoon to receive comments regarding

8 proposed amendments to the air

9 regulations.

10 The comment period for these

11 amendments began on January 20, 2011,

12 when the notices of intent were published

13 in the Louisiana Register. The comment

14 period will close at 4:30 p.m., March 1,

15 2011. It would be helpful to us if all

16 oral comments received today were

17 followed up in writing.

18 This public hearing provides a forum

19 for all interest parties to present

20 comments on the proposed changes. This

21 hearing is not being conducted in a

22 question and answer format. Please

23 remember that the purpose of this public

24 hearing is to allow you, the public, an

25 opportunity to express your thoughts

1 concerning today's proposed amendments.
2 I'll ask that each person commenting
3 come up and sit at the front table and
4 begin by stating his or her name and
5 affiliation for the record.
6 The next amendment is designated by
7 the Log Number AQ320.
8 This Rule will amend Subsection A of
9 LAC 33:III.2123 by placing language that
10 was inadvertently removed in a previous
11 rulemaking back into the regulation.
12 In a previous rulemaking, language
13 in Subsection A of LAC 33:III.2123 was
14 inadvertently deleted. This oversight
15 needs to be corrected so the regulation
16 will read accurately.
17 This proposed revision will also
18 serve as a revision to the Louisiana Air
19 Quality State Implementation Plan.
20 Does anyone care to comment on this
21 regulation?
22 If not, the hearing on AQ320 is
23 closed.
24 Thank you for your attention and
25 participation.

1 This hearing is closed.

2 THE HEARING CONCLUDED AT 1:37 P.M.

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1 R E P O R T E R ' S P A G E

2 I, Lori B. Overland, Certified Court
3 Reporter, in and for the State of Louisiana,
4 the officer, as defined in Rule 28 of the
5 Federal Rules of Civil Procedure and/or
6 Article 1434(b) of the Louisiana code of
7 Civil Procedure, before whom this sworn
8 testimony was taken, do hereby state on the
9 Record
10 That due to the interaction in the
11 spontaneous discourse of this proceeding,
12 dashes (--) have been used to indicate
13 pauses, changes in thought, and/or talk
14 overs; that same is the proper method for a
15 Court Reporters's transcription of
16 proceeding, and that the dashes (--) do not
17 indicated that words or phrases have been
18 left out of this transcript;
19 That any words and/or names which could
20 not be verified through reference material
21 have been denoted with the phrase
22 "(inaudible)."
23
24 Lori Overland, C.C.R.
25 # 97083

C E R T I F I C A T I O N

I, the undersigned reporter, do hereby certify that the above and foregoing is a true and correct transcription of the stenomask tape of the proceedings had herein, taken down by me and transcribed under my supervision, to the best of my ability and understanding, at the time and place hereinbefore noted, in the above entitled cause.

I further certify that the witness was duly sworn by me in my capacity as a Certified Court Reporter pursuant to the provisions of R.S. 37:2551 et seq. in and for the state of Louisiana; that I am not of counsel nor related to any of the counsel of any of the parties, nor in the employ of any of the parties, and that I have no interest in the outcome of this action.

I further certify that my license is in good standing as a court reporter in and for the state of Louisiana.

_____

Lori Overland, C.C.R.

97083

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In The Matter Of:

IN RE: CORRECTION TO SECTION 2123

LOG #: AQ320

Public Hearing

February 22, 2011

Associated Reporters Inc.

2431 South Acadian Thruway

Suite 550

Baton Rouge, LA 70808

(225) 216-2036 Fax (225) 216-2220

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Page 1

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:

CORRECTION TO SECTION 2123

LOG #: AQ320

PUBLIC HEARING

The Public Hearing held by the Department of Environmental Quality, Regulation Development Section, at the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, Louisiana, beginning at 1:36 p.m., on February 22, 2011.

BEFORE:
Lori B. Overland
Certified Court Reporter
In and For the State of
Louisiana

Page 2

A P P E A R A N C E S

FOR THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY:

Susan Ham
Hearing Officer

Department of Environmental Quality
Legal Affairs Division, 8th Floor
Regulation Development
602 N. Fifth Street
Baton Rouge, Louisiana 70802

* * * * *

Page 3

I N D E X

EXAMINATION: PAGE(S):
None

EXHIBITS:
None

REPORTER'S PAGE 7
REPORTER'S CERTIFICATE 8

* * * * *

Page 4

* * * * *

MS. HAM:

Good afternoon. My name is Susan Ham. I'm employed by the Louisiana Department of Environmental Quality. I'll be serving as hearing officer this afternoon to receive comments regarding proposed amendments to the air regulations.

The comment period for these amendments began on January 20, 2011, when the notices of intent were published in the Louisiana Register. The comment period will close at 4:30 p.m., March 1, 2011. It would be helpful to us if all oral comments received today were followed up in writing.

This public hearing provides a forum for all interest parties to present comments on the proposed changes. This hearing is not being conducted in a question and answer format. Please remember that the purpose of this public hearing is to allow you, the public, an opportunity to express your thoughts

Page 5

1 concerning today's proposed amendments.
2 I'll ask that each person commenting
3 come up and sit at the front table and
4 begin by stating his or her name and
5 affiliation for the record.
6 The next amendment is designated by
7 the Log Number AQ320.
8 This Rule will amend Subsection A of
9 LAC 33:III.2123 by placing language that
10 was inadvertently removed in a previous
11 rulemaking back into the regulation.
12 In a previous rulemaking, language
13 in Subsection A of LAC 33:III.2123 was
14 inadvertently deleted. This oversight
15 needs to be corrected so the regulation
16 will read accurately.
17 This proposed revision will also
18 serve as a revision to the Louisiana Air
19 Quality State Implementation Plan.
20 Does anyone care to comment on this
21 regulation?
22 If not, the hearing on AQ320 is
23 closed.
24 Thank you for your attention and
25 participation.

Page 6

1 This hearing is closed.
2 THE HEARING CONCLUDED AT 1:37 P.M.
3 * * * * *
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Page 7

1 R E P O R T E R ' S P A G E
2 I, Lori B. Overland, Certified Court
3 Reporter, in and for the State of Louisiana,
4 the officer, as defined in Rule 28 of the
5 Federal Rules of Civil Procedure and/or
6 Article 1434(b) of the Louisiana code of
7 Civil Procedure, before whom this sworn
8 testimony was taken, do hereby state on the
9 Record
10 That due to the interaction in the
11 spontaneous discourse of this proceeding,
12 dashes (--) have been used to indicate
13 pauses, changes in thought, and/or talk
14 overs; that same is the proper method for a
15 Court Reporters's transcription of
16 proceeding, and that the dashes (--) do not
17 indicated that words or phrases have been
18 left out of this transcript;
19 That any words and/or names which could
20 not be verified through reference material
21 have been denoted with the phrase
22 "(inaudible)."
23
24 Lori Overland, C.C.R.
25 # 97083

Page 8

1 C E R T I F I C A T I O N
2 I, the undersigned reporter, do hereby
3 certify that the above and foregoing is a
4 true and correct transcription of the
5 stenomask tape of the proceedings had
6 herein, taken down by me and transcribed
7 under my supervision, to the best of my
8 ability and understanding, at the time and
9 place hereinbefore noted, in the above
10 entitled cause.
11 I further certify that the witness was
12 duly sworn by me in my capacity as a
13 Certified Court Reporter pursuant to the
14 provisions of R.S. 37:2551 et seq. in and
15 for the state of Louisiana; that I am not of
16 counsel nor related to any of the counsel of
17 any of the parties, nor in the employ of any
18 of the parties, and that I have no interest
19 in the outcome of this action.
20 I further certify that my license is in
21 good standing as a court reporter in and for
22 the state of Louisiana.
23
24 Lori Overland, C.C.R.
25 # 97083

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary

Organic Solvents; Emissions
(LAC 33:III.2123)(AQ320)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2123.A (Log #AQ320).

This Rule will amend Subsection A of LAC 33:III.2123 by replacing language that was inadvertenly removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 21. Control of Emission of Organic Compounds
Subchapter B. Surface Coatings
§2123. Organic Solvents

A. Except as provided in Subsections B and C of this Section, any emissions source using organic solvents having an emission of volatile organic compounds resulting from the application of surface coatings equal to or more than 15 pounds (6.8 kilograms) per day, or an equivalent level of 2.7 tons per 12-month rolling period, shall control emissions of volatile organic compounds through the use of low solvent coatings, as provided in Subsection C of this Section, or, where feasible, by incorporating one or more of the following control methods:

A.1. - I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 35:1102 (June 2009), LR 36:1774 (August 2010), repromulgated LR 36:2031 (September 2010), LR 37:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ320. Such comments must be received no later than March 1, 2011, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to donald.trahan@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ320. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

Public Hearing

A public hearing will be held on February 22, 2011, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this Rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Organic Solvents; Emissions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units as a result of the proposed rule. This rule change merely replaces language which was inadvertently removed in a rule change in August 2010.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units resulting from the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no significant costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment as a result of the proposed rule.

Herman Robinson, CPM	Evan Brasseaux
Executive Counsel	Staff Director
1101#058	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Board of Cosmotology

Exam Ineligibility and Alternative Hair Design
(LAC 46:XXXI.310 and 1107)

The Board of Cosmetology does hereby give notice of its intent to enact a Rule (LAC 46:XXXI.310) regarding eligibility for examinations administered and to amend the Rule (LAC 46:XXXI.1107.A) regarding the educational requirements for alternative hair design permits.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXI. Cosmetologists

Chapter 3. Schools and Students

§310. Ineligibility for Examination

A. Ineligibility Period. Any individual who takes a written examination three times without receiving a passing score shall be ineligible to take any additional examinations until such time as the individual provides proof of completion of an additional 250 hours in the applicable curriculum at a cosmetology school approved by the board and provides a clearance from the school attended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:575(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Cosmetology, LR 37:

Chapter 11. Special and Temporary Permits

§1107. Alternative Hair Design Curriculum

A. Curriculum. The alternative hair design curriculum shall consist of at least 500 hours of instruction which shall include but not be limited to the following.

1. - 8. …

AUTHORITY NOTE: Promulgated in accordance with R.S.37:575(B)(2).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Board of Cosmetology, LR 29:332 (March 2003), amended LR 37:

Family Impact Statement

Neither the proposed Rule nor the amended Rule should have any known or foreseeable impact on any family as defined by R.S. 49:972.D, or on family formation, stability and autonomy. There should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; or
6. the ability of the family or a local government to perform the function as contained in the proposed and amended rules.

Public Comments

Interested persons may submit written comments to Steven Young, Executive Director, Board of Cosmetology, 11622 Sunbelt Court, Baton Rouge, LA 70809, by facsimile to (225) 756-3410 or by email to DebryBlanchard.Legal @LA.gov by 8 a.m., February 14, 2011.

Steven Young
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Exam Ineligibility and Alternative Hair Design

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change will have no impact on state or local government expenditures. The rule change provides for remedial education courses to help students pass the national standard test required to receive a license. All costs of remediation will be paid by students seeking licensure. The rule change will also reduce the number of hours required to receive a permit in the Alternative Hair Design curriculum.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will likely result in an indeterminable increase in the number of students that are licensed annually. Each additional student who becomes licensed as a result of this remediation will increase revenue to the Board of Cosmetology by $25 per student. Any increase in the number of theses permits is not anticipated to be significant.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will result in a decrease in the Alternative Hair Design curriculum of 500 hours (currently 1,000 hours). This will reduce the cost of this permit from $8,000 to $4,000. In addition, the rule change will provide remedial education for students seeking licensure. Remediation will be provided for $8/hr. for 250 hours.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule could possibly provide 100 citizens per year an opportunity for a career path.

Stephen Young	H. Gordon Monk
Director	Legislative Fiscal Officer
1101#047	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Office of State Uniform Payroll

403(b) Tax Shelter Annuity Program (LAC 4.III.901)

In accordance with the applicable provisions of R.S. 49:950 et seq., and pursuant to the authority granted under R.S. 42:455(A), the Division of Administration through the Office of State Uniform Payroll, finds it necessary to adopt

2/9/11 ©

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Affidavit of Publication

STATE OF LOUISIANA
Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Karen Hollins

who being duly sworn, deposes and says:

He/She is a duly authorized agent of
LAKE CHARLES AMERICAN PRESS
a newspaper published daily at 4900 Highway 90 East,
Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893
Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s) dated:

00658140 - $36.00
January 20, 2011

Karen Hollins
Duly Authorized Agent

Subscribed and sworn to before me on this 20th day of January, 2011 at Lake Charles, LA

Jacqueline M. Fontenot
Jacqueline M. Fontenot Notary Public
#23101

00053262
LDEQ-OSEC-LAD

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Correction to Section 2123 (LAC 33:III.2123.A) (AQ320)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2123.A (Log #AQ320).

This Rule will amend Subsection A of LAC 33:III.2123 by replacing language that was inadvertenly removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on February 22, 2011, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Donald Trahan at the address given below or at (225) 219-3985. 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 on the proposed regulation. Persons commenting should reference this proposed regulation by AQ320. Such comments must be received no later than March 1, 2011, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to donald.trahan@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ320. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

Jan 20 1t
00658140

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3201

Exhibit A Attached

State of Louisiana

Parish of Orleans

City of New Orleans

RECEIVED
JAN 27 2011
LA. DEPT. OF ENV. QUALITY
LEGAL AFFAIRS DIVISION

Personally appeared before me, a Notary in and for the parish of Orleans, Elizabeth C. Darcey who deposes and says that she is an Assistant Controller of The Times-Picayune, L.L.C., a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached

LEGAL NOTICE

Re: Correction to Section 2123 (LAC 33:III.2123.A) (AQ 320)

Advertisement of Louisiana Dept of Environmental Quality
PO Box 4301
Baton Rouge, LA 70821

Was published in The Times Picayune

3800 Howard Ave
New Orleans, LA 70125

On the following dates January 20, 2011

I attest that the copy attached hereto as "Exhibit A" is a true and correct copy of the advertisement published in The Times-Picayune on these dates.

Elizabeth C Darcey

Sworn to and subscribed before me this 25th Day of January, 2011

Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.

Notary identification number 23492

2/9/11

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NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Correction to Section 2123
(LAC 33:III.2123.A) (AQ320)

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This Rule will amend Subsection A of LAC 33"III.2123 by replacing language that was inadvertenly removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

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Herman Robinson, CPM

2/9/11 ②

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Acadiana's Daily Newspaper

THE ADVERTISER

1100 Bertrand Drive
LAFAYETTE, LA 70506

PHONE: (337) 289-6300
FAX: (337) 289-6466

AFFIDAVIT OF PUBLICATION

Laura Almond
LA Department of Environmental Quality
OSEC/Legal Affairs Division
Remediation & Regulation Development Section
P. O. Box 4302
Baton Rouge, LA 70821-4302

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I, **ROSE PENFOLD**, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER, a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Correction to Section 2123
(LAC 33:III.2123.A) (AQ320)

was published in THE ADVERTISER on the following dates:

***Thursday, January 13, 2011**

Rose Penfold

ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 13th day of January, 2011.

Christie Veazey

Notary Public - Christie Veazey ID# 058555

1383070

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Correction to Section 2123
(LAC 33:III.2123.A)
(AQ320)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2123.A (Log #AQ320).

This Rule will amend Subsection A of LAC 33"III.2123 by replacing language that was inadvertenly removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

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Herman Robinson, CPM
Executive Counsel

CAPITAL CITY PRESS

2/9/11 (P)

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Publisher of
THE ADVOCATE

PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the Official Journal of the State of Louisiana, City of Baton Rouge, and Parish of East Baton Rouge, in the following issues:

01/14/11

Susan A. Bush, Public Notice Clerk

Sworn and subscribed before me by the person whose signature appears above

January 14, 2011

M. Monic McChristian,
Notary Public ID# 88293
State of Louisiana
My Commission Expires: Indefinite

M. MONIC MCCHRISTIAN NOTARY PUBLIC NOTARY NO. 88293 STATE OF LOUISIANA

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Correction to Section 2123
(LAC 33:III.2123.A) (AQ320)

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This Rule will amend Subsection A of LAC 33:III.2123 by replacing language that was inadvertently removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on February 22, 2011, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

DEQ - OSEC/LAD REG ***4404878***
LAURA ALMOND
PO BOX 4302 RM 821-74
BATON ROUGE LA 70821-4314

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ320. Such comments must be received no later than March 1, 2011, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to donald.trahan@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ320. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx

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Herman Robinson, CPM
Executive Counsel

4404878-jan 14-1t

2/9/11 ®

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State of Louisiana
Parish of Rapides
AFFIDAVIT OF PUBLICATION

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Correction to Section 2123
(LAC 33:III.2123.A)
(AQ320)

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This Rule will amend Subsection A of LAC 33"III.2123 by replacing language that was inadvertenly removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on February 22, 2011, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

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HERMAN ROBINSON, CPM
Executive Counsel

(1) 12

I, Terry Broussard, Advertising Sales Manager of THE TOWN TALK, published at Alexandria, Louisiana do solemnly swear that the Notice of Intent (AQ320) advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for one insertion(s) commencing with the issue dated January 12, 2011 and ending with the issue dated January 12, 2011.

Terry Broussard

Subscribed and sworn to before me this 12th day of January, 2011 at Alexandria, Louisiana.

Denise D. Fossett
Notary Number 60164
My commission is for life.

2/9/11 ②

CERTIFIED COPY

RECEIVED
FEB 01 2011
LA. DEPT. OF ENV. QUALITY
LEGAL AFFAIRS DIVISION

RECEIVED
FEB 01 2011
LA. DEPT. OF ENV. QUALITY
LEGAL AFFAIRS DIVISION

Publisher of

THE NEWS-STAR
MONROE, LOUISIANA
PROOF OF PUBLICATION

The hereto attached advertisement

Was published in the NEWS-STAR.

A daily newspaper of general circulation.

Published in Monroe, Louisiana.

Parish of Ouachita in the issues of:

January 18, 2011

Tim McManus

LEGAL AD DEPT.

Sworn and subscribed before me by

The person whose signature appears above in Monroe, LA on this

19th day of January 20 11 AD

SARAH M. WALKER
OUACHITA PARISH
MY COMMISSION IS FOR LIFE
ID# 6420
NOTARY PUBLIC
LOUISIANA

Sarah M Walker

NOTARY PUBLIC

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Correction to Section 2123
(LAC 33:III.2123.A)
(AQ320)

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This Rule will amend Subsection A of LAC 33"III.2123 by replacing language that was inadvertenly removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on February 22, 2011, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Donald Trahan at the address given below or at (225) 219-3985. 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 on the proposed regulation. Persons commenting should reference this proposed regulation by AQ320. Such comments must be received no later than March 1, 2011, at 4:30 p.m., and should be sent to Donald Trahan, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to donald.trahan@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ320. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

Monroe, LA
January 18, 2011
0001383204

2/9/11 (2)

The Times

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NOTICE OF INTENT Department of Environmental Quality Office of the Secretary Legal Affairs Division Correction to Section 2123 (AQ320)

January 20, 2011

(Signed) Altheas Critton

Sworn to and subscribed before me this 20th day of January, 2011

Diana W. Barber

(Notary)

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NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Correction to Section 2123
(LAC 33:III.2123.A)
(AQ320)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2123.A (Log #AQ320).

This Rule will amend Subsection A of LAC 33:III.2123 by replacing language that was inadvertenly removed in a previous rulemaking. This oversight needs to be corrected so the regulation will read accurately.

This proposed revision will also serve as a revision to the Louisiana Air Quality State Implementation Plan. The basis and rationale for this Rule are to mirror the control techniques guidelines issued by the EPA. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on February 22, 2011, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. The hearing will also be for the revision to the State Implementation Plan (SIP) to incorporate this rule. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Donald Trahan at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

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Herman Robinson, CPM
Executive Counsel

The Times:
January 20, 2011

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter B. Surface Coatings

§2123. Organic Solvents

A. Except as provided in Subsections B and C of this Section, any emissions source using organic solvents having an emission of volatile organic compounds resulting from the application of surface coatings equal to or more than 15 pounds (6.8 kilograms) per day, or an equivalent level of 2.7 tons per 12-month rolling period, shall control emissions of volatile organic compounds through the use of low solvent coatings, as provided in Subsection C of this Section, or, where feasible, by incorporating one or more of the following control methods:

A.1. – I. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:2453 (November 2000), LR 28:1765 (August 2002), LR 30:746 (April 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2440 (October 2005), LR 33:2086 (October 2007), LR 35:1102 (June 2009), LR 36:1774 (August 2010), repromulgated LR 36:2031 (September 2010), LR 37:**.