Variance application & instructions links:

http://www.deq.louisiana.gov/portal/Portals/0/permits/air/r03_Miscellaneous%20Permitting%Action%20Application%Form.docx

http://www.deq.louisiana.gov/portal/Portals/0/permits/air/r03_Miscellaneous%20Permitting%20Action%20Application%Instructions.docx

Miscellaneous air permitting actions may be submitted by any of the following methods:

Fax:
225-325-8285

Submitted by email to the following email address:
Bryan.johnston@la.gov

Mailed to the following address: Department of Environmental Quality
Office of Environmental Services
Air Permits Division
P.O. Box 4313
Baton Rouge, LA 70821-4343

or deliver to: 602 North 5th Street
Baton Rouge, LA 70802

If there are any questions, please call Bryan Johnston - 225-219-3450.

From our Air Permitting Guidance Manual:

2.2.3 Variances

Description of Action

In the event that extenuating circumstances cause a facility to be unable to strictly adhere to the terms in their permit and/or the provisions of an applicable regulation,[1] LDEQ may allow a variance from any air regulation for up to one year. A variance can also be used to allow for temporary emissions from a facility that is exempted from permitting, where these temporary emissions would cause the facility to be subject to permitting requirements. No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety. In addition, the National Ambient Air Quality Standards cannot be exceeded under any circumstances.

It is important that the reason for the variance request is plainly stated. There should be extenuating circumstances that cause the source(s) in question to be unable to conform to the limits placed upon them by the permit and/or any applicable regulations. This reason will form the primary basis upon which LDEQ will either grant or deny the variance request.

There are few regulations that define exactly what can be accepted as a variance request. This determination is made by LDEQ on a case-by-case basis.

Document(s) to Submit

A Variance request should include the following items:

- Louisiana Application for Approval of Misc. Permitting Actions
- Detailed calculations of emissions
- Descriptions of the process and operating conditions as they relate to the request
- Explanation of the need for the variance
  - Identification of affected source(s), permit, and applicable regulation(s) from which the source(s) would need a variance
  - Reason the facility is unable to comply in strict conformity with applicable regulations
- The beginning and ending time of the event for which a variance is being requested
- Fee required by Fee Code 2010 as stated in LAC 33:III.223.Table 1
- Supporting documentation, which may include but not be limited to:

[1] A variance may provide relief from any aspect of a federal regulation only as it is incorporated by reference in LAC 33:III. Adoption of federal regulations by the state in no way voids or diminishes federal enforcement authority with respect to independently applicable federal regulations. EPA retains oversight of the federal program and may institute enforcement action at its discretion.

- MSDS sheets
- Performance test data, fuel analysis, etc., as necessary
- References to standard engineering properties and practices

Regulation Reference

LAC 33:III.917 – Variances

A. Where, upon written application of the responsible person or persons, the administrative authority finds that by reason of exceptional circumstances strict conformity with any provisions of these regulations would cause undue hardship, would be unreasonable, impractical or not feasible under the circumstances, the administrative authority may permit a variance from these regulations.

B. No variance may permit or authorize the maintenance of a nuisance or a danger to public health or safety.

Fee to be Submitted

Proof of submittal of the required fee must be attached to the application. If paying by check, the check must be made out to "Louisiana Department of Environmental Quality."

When paying an application fee using an Electronic Fund Transfer (EFT), complete the relevant "Remarks" field provided by your financial institution. These remarks should, at a minimum, state the Agency Interest Number(s) and the name of the facility(ies) or process unit(s) (for process unit-specific permits) to which the EFT should apply. LDEQ strongly encourages applicants **NOT** to use EFT for newly constructed facilities or for facilities that do not have an Agency Interest Number assigned to them. If the applicant must use an EFT for such a facility, please contact LDEQ prior to submittal of the EFT for guidance.

The fee amount is in accordance with §223, Fee No. 2010.

Explanatory Notes

Variances are suitable for temporary events. If the proposed action is permanent in nature, especially if it will require the permanent installation of equipment, an Exemption or a Permit Modification would be more appropriate actions.

- Variances are suitable for temporary events. If the proposed action is permanent in nature, especially if it includes the permanent installation of equipment, the facility should apply for an Exemption or a Permit Modification.

- Variances can be issued to actions performed at unpermitted facilities or facilities that that do not require permits according to the "Exemptions (that do not require LDEQ approval)" Section.

- Variances should be used primarily for emissions or operations that could not reasonably be anticipated during the permitting process. Variations in operations and operational flexibility should be written into the permit whenever possible. However, variances can be used for some anticipated

maintenance activities (i.e., pigging activities). 40 CFR 70.6(a)(6)(ii) states that the facility cannot use the defense that it would have been necessary to halt or reduce an activity in order to maintain compliance with the conditions of the permit.

- A variance shall not normally be issued to allow a specialty production facility run a particular product line with increased emissions for a specific client. A permit modification is the appropriate method to provide operational flexibility to handle multiple product production.

- Variances **cannot** be used for emissions, events, or operations **that have already occurred**. 40 CFR 70.6(g) is the Emergency Provision and provides the basis by which a facility can implement immediate corrective actions from sudden and reasonably unforeseeable events beyond the control of the source. There is no need for a variance to be issued to authorize those events. Variances can be used for the actions that are required once the immediate corrective actions have been implemented.

- Variances cannot be used to establish emission caps. A permit modification is the appropriate method by which to establish an emission cap.

- **Variances cannot be used to permanently change any limitations or conditions that exist in any permit.** A permit modification is the appropriate method by which to change any limitations or conditions established by the permit.

- If the activity for which a variance was granted will take longer than the variance permits, the variance will not be extended. A new variance should be applied for to cover the remaining time.

- One special situation is for releases of natural gas. The special provisions for natural gas releases are outlined on the department's web page at: http://www.deq.louisiana.gov/portal/tabid/2348/Default.aspx.

- The source(s) is(are) only authorized to deviate from requirements **specifically** identified in the variance. Authorization to deviate from other requirements shall not be implied by the variance. For example, if a source has to vent a pressurized tank to effect repairs, the temporary flare used to control the emissions needs to still comply with LAC 33:III.1105. The variance shall also identify all requirements necessary to demonstrate compliance with the variance.

- A variance shall not be used to correct a mistake contained within an application that was entered into the operating permit and issued.

- A variance shall not be used to correct an ongoing violation of a permit.

- A variance may be requested for events and conditions that are reasonably certain to occur within the given time frame. A variance shall not be requested for "in case", or "when this happens…" situations. Scenarios such as this can be incorporated into a permit modification with sufficient forethought and planning.

Department of Environmental Quality Office of Environmental Services Air Permits Division P.O. Box 4313 Baton Rouge, LA 70821-4313 (225) 219-3181	**LOUISIANA** **Application for Approval of Miscellaneous Permitting Actions**	DEQ LOUISIANA

PLEASE TYPE OR PRINT

1. Facility Information

Facility Name or Unit Name (if any)	☐ All Process Units ☐ Process Unit-Specific Action
Agency Interest Number (A.I. Number)	**Currently Effective Permit Number(s)**
Company - Name of Owner	
Company - Name of Operator (if different from Owner)	
Parent Company (if Company – Name of Owner given above is a division)	
Parish(es) where facility is located:	

2. Type of Request

Check only one box to indicate the type of request being made

☐ Exemption*†

☐ Exemption To Test*†

☐ Variance*†

☐ Letter of Response/Letter of No Objection†

☐ Administrative Amendment*†

☐ Permit Rescission Date of closure: _____/_____/_____

☐ Application Withdrawal

☐ Change of Tank Service*

☐ Relocation of a Portable Facility*

☐ Authorization to Construct and Operate (ATC)*†

* Fee required

† Justification required

Estimated date that requested activity will commence _____

3. Application Fee

Complete this section if a fee is required for the request being made. Consult instructions.

Is this facility considered a Small Business? ☐ Yes ☐ No

If "yes," is a certificate of eligibility authorized by LDEQ's Small Business/Small Community Assistance Program attached? (In order to qualify for Fee Code 2015, certificate must be attached.) ☐ Yes ☐ No

Fee Code: _____ Amount Enclosed: $ _____

Electronic Fund Transfer (EFT): If paying the application fee using an Electronic Fund Transfer (EFT), please include the EFT Transaction Number, the Date that the EFT was made, and the total dollar amount submitted in the EFT. If not paying the application fee using EFT, leave blank.

EFT Transaction Number	**Date of Submittal**	**Total Dollar Amount**
_____	_____	$_____

4. Description of Exceptional Circumstances to Justify a Variance Request

Requested Duration of Variance: _____ *Months* _____ *Days*

Explain the need for the variance.
Identify the affected source(s), as well as the applicable regulation(s) from which the source(s) need a variance. Include relevant details as necessary (e.g., a description of the how the process normally functions and how it is operating now) and describe any measures undertaken or that will be undertaken to remedy the situation prompting the variance request.

Identify the exceptional circumstances.
Identify the exceptional circumstances that preclude strict conformity with the regulation(s) identified above. Explain how strict conformity with such regulations would cause would 1.) cause undue hardship; 2.) be unreasonable; 3.) be impractical; or 4.) not be feasible under the circumstances; or would otherwise result in the practical closing and elimination of any lawful business, occupation, or activity without sufficient corresponding benefit or advantage to the people of the state.

Note: It is important that the reason for the variance request be made plain. The explanation of extenuating circumstances will form the primary basis upon which LDEQ will either grant or deny the variance request.

5. Required Information

Submittal of this Information Is Not Optional

For all requests:

Detailed description of the proposed activity is included. ☐

Justification for the request is included. (Justification may include supporting calculations, reasoning to support a determination of why strict conformity with the regulations is not feasible, etc) ☐

For Relocation of a Portable Facility requests only:

Documentation is attached that shows compliance with all applicable zoning criteria for the proposed location (for Relocation of a Portable Facility requests only). [Required per LAC 33:III.513.C.1.a] ☐

A map showing the proposed location of the Portable Facility is included (for Relocation of a Portable Facility requests only) [Required per LAC 33:III.513.C.2] ☐

Enter the **current** location of the facility (for Relocation of a Portable Facility requests only):

Street	City	Parish

Latitude _____ **Longitude** _____

Enter the **proposed** location of the facility (for Relocation of a Portable Facility requests only):

Street	City	Parish

Latitude _____ **Longitude** _____

Enter the Make, Model, and Serial Number of each portable combustion emissions source to be permitted. Otherwise, leave blank. Do *NOT* list any motor vehicles. Add rows as necessary (for Relocation of Portable Facility requests only).

Make	Model	Serial Number

6. Emissions Summary Table

For each pollutant, enter the pre-project emission rate in the "Before" column and enter the post-project emission rate in the "After" column. Enter the difference between the "Before" and "After" values in the "Change" column. Add rows as necessary to show any Toxic Air Pollutant (TAP) or Hazardous Air Pollutant (HAP) emissions. All values in this table should be represented in tons per year or per variance period (if applying for a variance).

Pollutant	Before (tons per year/variance period)	After (tons per year/variance period)	Change (tons per year/variance period)
$PM_{2.5}$			
PM_{10}			
SO_2			
NO_X			
CO			
VOC			
CO_2e			

7. Contact Information

a. Person to contact with written correspondence					
Name					
Title					
Company					
Suite, mail drop, or division					
Street or P.O. Box					
City		**State**		**Zip**	
Business phone					
Email address					

b. Person who prepared this report					
Name					
Title					
Company					
Suite, mail drop, or division					
Street or P.O. Box					
City		**State**		**Zip**	
Business phone					
Email address					

8. Certification of Compliance With Applicable Requirements

For corporations only: By signing this form, I certify that, in accordance with the definition of Responsible Official found in LAC 33:III.502, **(1)** I am a president, secretary, treasurer, or vice-president in charge of a principal business function, or other person who performs similar policy or decision-making functions; or **(2)** I am a duly authorized representative of such person; am responsible for the overall operation of one or more manufacturing, production, or operating facilities addressed in this permit application; and either the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or the delegation of authority has been approved by LDEQ prior to this certification.*

I certify, under provisions in Louisiana and United States law which provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information contained in this Application for Approval of Miscellaneous Permitting Actions, including all attachments thereto, are true, accurate, and complete. Further, I have been informed that any written approval from LDEQ does not relieve the proposed activity from the requirement to comply with any other city, parish, state, and/or federal requirements.

Responsible Official:

Name (please print or type): Signature:

Title: Date:

*Approval of a delegation of authority can be requested by completing a Duly Authorized Representative Designation Form (Form_7218) available on LDEQ's website at http://www.deq.louisiana.gov/portal/tabid/2758/Default.aspx.

Louisiana
Application for Approval of
Miscellaneous Permitting Actions

Instructions

Introduction

The Louisiana Application for Approval of Miscellaneous Permitting Actions provides information to the Louisiana Department of Environmental Quality (DEQ) Air Permits Division. This information is used to determine what miscellaneous permitting action, if any, is appropriate in order to meet the requirements of all applicable laws and regulations. Authority to request this information is contained in the Louisiana Administrative Code, Title 33. Copies of this regulation are available from the Rules and Regulations Section of the Legal Affairs and Regulation Development Division, or on the LDEQ website at:
http://www.deq.louisiana.gov/portal/Default.aspx?tabid=1674.

When to Submit an Application for Approval of Miscellaneous Permitting Actions

This application is primarily submitted in order to request approval for an activity for which a permit is not required, or to notify LDEQ of changes at the facility that are more administrative in nature. See the instructions for Section 2 of the application for guidance on how to determine the correct miscellaneous permitting action for which to apply.

To avoid unnecessary delays, applications should be submitted as far in advance as possible of the intended start date of the proposed activity. Some construction projects require prior approval of DEQ Divisions other than the Air Permits Division. Exact review times vary with the complexity of the application, the completeness of the application, and the current workload of the Air Permits Division. Be aware that the approval must be obtained before the activity commences. The only exception is for Case-by-case Insignificant Activities.

The Application for Approval of Miscellaneous Permitting Actions should not be used to notify the Department of a Name or Ownership Change at the facility. The Application for Approval of Miscellaneous Permitting Actions should not be used to apply for a Regulatory Permit. There are separate forms for each of these actions and they can be found on the LDEQ web site: www.deq.louisiana.gov.

What Should be Submitted and What Should be Kept

Route the original application and attachments and two photocopies of the original application and attachments to the attention of the current Assistant Secretary of the Office of Environmental Services, Air Permits Division at the following address:

Louisiana Department of Environmental Quality
Office of Environmental Services
Air Permits Division
P.O. Box 4313
Baton Rouge, LA 70821-4313

If a fee is required for the request being made and payment is not being made by Electronic Fund Transfer, attach a check for the appropriate application fee to the original application. Do **NOT** attach copies of this check to the two photocopies of the original application. Do not send cash.

Keep a photocopy of the application and attachments for your records.

Basis for Reported Emissions

All emission estimates must be supported by calculation or other bases (test results, similar facilities, etc). Emission calculations, and any other supporting information that forms the basis for the estimate, must be submitted with the application. Fugitive emission estimates require the same type of documentation as stationary point sources. Calculations should include information necessary to determine and regulate emissions such as capacity or operating rates. See the Louisiana Guidance for Air Permitting Actions for guidance regarding the preparation of emissions calculations.

Acceptable Answers

If certain questions or fields in the application are not applicable, indicate "none" or "not applicable" (N/A). Terms such as "not significant," "nil," "trace," etc. are not appropriate. Please attach additional sheets if more space is needed to completely convey the requested information.

General

Do not alter the formatting of the items in this application form. Do not alter this form in any way, except as directed by the instructions for the

Louisiana Application for Approval of Miscellaneous Permitting Actions.

The applicant should be informed that any written approval granted by LDEQ does not relieve the applicant from complying with any other city, parish, state, and/or federal requirements.

Line-by-Line Instructions

1 Facility Information

Facility Name or Unit Name (if any) – Enter the name by which the facility or unit (for unit-specific permits) is commonly known. Use the check boxes provided to indicate that the application seeks to cover all process units or only a specific unit (commonly known as a unit-specific permit application).

Agency Interest Number (A.I. Number) - Enter the Agency Interest Number, if known. Otherwise, leave this field blank. If this facility or unit has an A.I. Number and it is not provided, it may delay the processing of the permit application.

Currently Effective Permit Number(s) – Enter the permit number for each air quality permit that is currently effective for the facility or unit.

Company – Name of Owner – Enter the name of the company that owns the facility or unit.

Company – Name of Operator (if different from Company – Name of Owner) – Enter the name of the company that operates the facility or unit, if this company is different from the one listed in the *Company – Name of Owner* field. Otherwise, leave this field blank.

Parent Company (if Company – Name of Owner given above is a division) – Enter the name of the parent company of the company listed in the *Company – Name of Owner* field, if one exists. Otherwise, leave this field blank.

Parish(es) where facility is located – Enter the parish(es) in which the facility is located.

2 Type of Request

Check one (1) box to indicate the type of miscellaneous permitting action requested. In the space provided, enter the estimated date by which the applicant wishes to commence the requested activity.

A short explanation of each of the different miscellaneous permitting action types is provided below. No activity issued by LDEQ, including those listed below, can exceed the National Ambient Air Quality Standards under any circumstances.

For Permit Rescissions Only *Date of Closure* – The applicant should indicate the Date of Closure in the space provided. If the applicant fails to enter the specific date of closure, the facility may continue to receive invoices from LDEQ requesting payment of annual permit maintenance fees.

PLEASE NOTE: *Act 547 Exemption (as promulgated in LAC 33:III.501.B.2.d)*

This type of exemption is not addressed in this application. Facilities that qualify for an exemption per *LAC 33:III.501.B.2.d* are not required to submit anything to LDEQ. However, some facilities wish to have the *LAC 33:III.501.B.2.d* Exemption status of the facility documented with LDEQ. For these facilities, there are two methods to document this. The facility may either apply for an *Exemption* or request a *Letter of Response*. Both of these actions are described later in these instructions. If the facility wishes to document the *LAC 33:III.501.B.2.d* Exemption status with LDEQ, follow the guidance for the permitting action for which an application is submitted.

In summary, *LAC 33:III.501.B.2.d* exempts sources that meet the following criteria from the requirement to obtain a permit:

- Facility-wide potential emissions are less than five tons per year of any regulated air pollutant as defined by the Federal Clean Air Act, 42 U.S.C. 7401 et seq.;
- Facility-wide potential emissions are less than fifteen tons per year emitted of all such defined pollutants combined;
- Facility-wide potential emissions are less than the minimum emission rate (MER) for each toxic air pollutant established pursuant to La. R.S. 30:2060. Toxic air pollutant emission control program (LAC 33:III.Chapter 51); unless such source is required to obtain a permit pursuant to the Federal Clean Air Act, Subchapter V, 42 U.S.C. 7661 et seq.

Exemptions

[LAC 33:III.501.B.4; LAC 33:III.501.B.5.D]

Exemptions are permitting actions that are primarily used for two reasons. The first reason that an exemption may be granted is that a facility needs to make a small, permanent change that is immediately

necessary. In this case, the change would be needed so soon that a permit modification would not be feasible due to the time that it takes to process a permit modification application. The second reason that an exemption may be granted is to document the exemption status of a facility from permitting requirements. Even though a facility may be exempted from any permitting actions, the facility may still wish to have documentation of this for their records. In all cases, the applicability requirements have to apply to the exemption request.

Non-major sources may apply for an exemption from permitting requirements provided certain criteria are met [LAC 33:III.501.B.4]. The requirements are:

1. The source emits less than or equal to five (5) tons per year or less of any regulated air pollutant.
2. The source emits all toxic air pollutants in quantities less than the Minimum Emission Rates as stated in LAC 33:III.Chapter 51, Table 51.1.
3. The source does not require any enforceable conditions in order to comply with any applicable requirement. This means that the facility, or any source at the facility, must not need an artificial limitation on any of their operating conditions in order to qualify for an exemption. An example of this would be to limit the operation of an Engine A to 4,000 hours per year in order for the emissions to remain below five tons per year of any regulated pollutant. Assuming that Engine A is able to operate longer than 4,000 hours per year, this limitation would qualify as an enforceable condition. However, if Engine A was used to provide energy to Machine B that could not operate longer than 4,000 hours per year due to a natural limitation (i.e. Machine B can only be operated during daylight hours), then the limitation of 4,000 hours per year would be a natural limitation and would not qualify as an enforceable limitation.
4. No public participation timeframe is required for this or any other activity at the facility in question.

Major sources may also apply for exemptions from permitting requirements, but the regulations governing their exemptions are different than those which apply to non-major sources. The requirements are also slightly different [LAC 33:III.501.B.5.D]. The requirements are:

1. The source emits and has the potential to emit no more than five (5) tons per year of any regulated air pollutant.
2. The source emits and has the potential to emit less than the Minimum Emission Rates as stated in LAC 33:III.Chapter 51, Table 51.1 for each Louisiana toxic air pollutant.
3. The source emits and has the potential to emit less than the de minimus rate for each hazardous air pollutant as listed in Section 112(g) of the federal Clean Air Act.
4. The source does not require any enforceable conditions in order to comply with any applicable requirement. This means that the facility, or any source at the facility, must not need an artificial limitation on any of their operating conditions in order to qualify for an exemption. An example of this would be to limit the operation of an Engine A to 4,000 hours per year in order for the emissions to remain below five tons per year of any regulated pollutant. Assuming that Engine A is able to operate longer than 4,000 hours per year, this limitation would qualify as an enforceable condition. However, if Engine A was used to provide energy to Machine B that could not operate longer than 4,000 hours per year due to a natural limitation (i.e. Machine B can only be operated during daylight hours), then the limitation of 4000 hours per year would be a natural limitation and would not qualify as an enforceable limitation.

Sources receiving an exemption must operate in accordance with any terms stated in the issued exemption.

Exemption requests should include:

- Detailed calculations of emissions.
- Descriptions of the process and operating conditions that could affect the emissions.
- MSDS sheets (if applicable) or references to engineering standard properties and practices.

Important Notes:

- This type of exemption can be used for an entire facility or for just a single piece of equipment that is being added to an existing facility or source that has already been issued an operating permit. This statement only applies if the facility or equipment otherwise meets the requirements stated above.
- Exemptions are appropriate for actions that involve the permanent installation of equipment. If the request is temporary in

nature, then a variance will be the more appropriate request.

- Exemptions can not be used to establish an emission cap. A permit modification is the appropriate method by which to establish an emission cap.

Exemption To Test
[LAC 33:III.523.B]
LDEQ may grant a temporary exemption not to exceed three months to allow a source to perform tests to determine the effect of a proposed modification. An exemption to test will only be allowed for special situations where calculations would not be reliable indicators of the expected emissions and there is insufficient information in existing literature. Testing should not place ambient air standards in jeopardy during the testing period.

The conditions for granting an Exemption To Test are [LAC 33:III.523.B]:

1. The exemption should be for the purpose of testing the effect of a modification on emission rates.
2. There should not be a reliable way to determine the effect of this modification without testing.
3. The test will be conducted long enough to assure the accuracy of the results.

Within 30 days of the completion of the test, a report must be submitted to LDEQ showing the results of the test. If the facility will proceed with the modification as a result of this test, all regulations must be followed that apply to the type of modification being requested. The facility must then obtain a permit modification before the modification can be incorporated into the facility's operations. A variance or exemption (if applicable) *may* be approved, depending on the circumstances, to incorporate the change until a permit modification can be obtained.

Exemption to Test requests should include:

- Detailed calculations of emissions.
- Descriptions of the process and operating conditions that could affect the emissions.
- MSDS sheets (if applicable) or references to engineering standard properties and practices.
- The reason why this test is being carried out.

Variance
[LAC 33:III.917]
A variance is a waiver issued under the authority of the Department of Environmental Quality upon application to allow emissions greater than those allowable under the regulations and/or a license to do some act contrary to the regulations.

In the event that extenuating circumstances cause an owner or operator to be unable to comply with the terms of its permit and/or the provisions of any applicable regulation, LDEQ has the authority to grant a variance from Louisiana air quality regulations for up to one year. A variance can also be used to allow for temporary emissions from a facility or activity that is exempted from permitting, where these temporary emissions would cause the facility to be subject to permitting requirements. No variance may permit or authorize the maintenance of a nuisance, or a danger to public health or safety. In addition, the National Ambient Air Quality Standards and Chapter 51 Ambient Air Standards cannot be exceeded under any circumstances.

It is important that the reason for the variance request be made plain. There should be extenuating circumstances that cause the source(s) in question to be unable to conform to the limits placed upon it by its permit and/or any applicable regulations. This reason will form the primary basis upon which LDEQ will either grant or deny the variance request.

The activity requested in the variance application cannot commence until the variance is issued by LDEQ.

Variance requests should also include:

- Emissions changes resulting from the proposed action and calculations supporting the variance request.
- The beginning and ending time of the event for which a variance is being requested.
- Identification of affected source(s), permit, and applicable regulation(s) from which the source(s) needs a variance.
- Reason the facility is unable to remain in strict conformity with applicable regulations.

Important Notes:

- Variances are suitable for temporary events, such as the use of temporary equipment while the primary unit is being repaired. If the proposed action is permanent in nature, especially if it will require the permanent installation of equipment, a permit modification is typically the more appropriate action.

- Variances should be used primarily for unanticipated emissions or operations.
- If the activity for which a variance was granted is subsequently determined to take longer than the variance permits, the variance will not be extended. A new variance should be applied for to cover the remaining time.
- Releases of Natural Gas: See LDEQ's special provisions for natural gas releases as outlined on the department's web page: http://www.deq.louisiana.gov/permits/air/nat_rel.htm.

Letter of Response/Letter of No Objection

Occasionally an applicant may require a clarification from LDEQ or a notification to LDEQ. A Letter of Response is an appropriate method by which to make such a request. This action is also known as a Letter of No Objection.

In order to approve a physical change or change in the method of operation via a letter, the proposed modification must not constitute replacement or reconstruction of an entire emissions unit, allow for an increase in hourly or annual potential emissions or production, or trigger new regulatory requirements necessitating a modification to the facility's existing permit.

In addition to the above, if the facility is an existing major stationary source under Nonattainment New Source Review (LAC 33:III.504) and/or Prevention of Significant Deterioration (LAC 33:III.509) regulations, the proposed modification must not result in a significant net increase of a regulated NSR pollutant. The applicant should explain how the project will impact existing emissions units at the facility. If the project will result in an increase in actual annual emissions of an existing emissions unit (e.g., via additional steam demand, throughput, recovery of lost capacity, etc.), the applicant should complete Sections 25.A and 25.B (if applicable) of the Louisiana Application for Approval of Emissions of Air Pollutants.

Letter of Response requests should include:

- A statement regarding the nature of the request.
- Any supporting documentation necessary to justify the request.

Administrative Amendment [LAC 33:III.521]

An Administrative Amendment may be obtained to revise a permit for changes which would not violate any applicable requirement or standard, provided the change accomplishes one of the following [LAC 33:III.521]:

1. corrects typographical errors or errors in transcribing the proposed permit to the final version of the permit
2. updates or corrects identifying information at the source
3. allows for a change in ownership at the source, in accordance with forms and guidance provided by the permitting authority and pursuant to LAC 33:III.517.G
4. identifies terms and conditions which have already undergone public notice as MACT for the facility as a federal MACT emission limit, pursuant to sections 112(g) (Modifications) or 112(j) (Equivalent Emission Limitation by Permit) of the Clean Air Act, provided adequate opportunity is given for EPA and affected state review and provided compliance provisions consistent with LAC 33:III.507.H.1 are included in the permit
5. incorporates changes to render preconstruction permit terms and conditions consistent with emissions data and operating parameters as determined by start-up testing results, provided such changes are determined to meet the criteria of LAC 33:III.523
6. incorporates state-only changes to terms and conditions which are not federally enforceable under 40 CFR Part 70 and which the permitting authority determines to be similar in nature to the changes listed above

Public notice, EPA review, and affected state reviews are not required for administrative amendments.

Administrative Amendment requests should include:

- A statement regarding the nature of the request.
- Any supporting documentation necessary to justify the request.

Permit Rescission

A Permit Rescission Request is used to terminate an air permit for a facility that has closed down or otherwise ceased operations. This action is appropriate if all of the emission sources covered by a specific permit have ceased operation. If the permit

is rescinded before all sources have ceased operation, then the facility will be operating without a permit and the matter will be referred to the Enforcement Division.

The applicant should indicate the Date of Closure in the space provided. If the applicant fails to enter the specific date of closure, the facility may continue to receive invoices from LDEQ requesting payment of annual maintenance fees.

If the facility has been sold to another company or entity and continues to operate, it is the responsibility of the new owner or operator to apply for a Name/Ownership Change, the form for which can be found on the LDEQ website. The previous owner should **NOT** apply for a Permit Rescission.

Permit Rescission requests should include:

- A statement that the rescission request is for a portion of an existing facility covered by a separate permit or for the entire facility. All operations of the affected sources must have ceased prior to the request for a permit rescission or the letter must state a definitive date when operations will cease.

Important Notes:

- If the entire facility has ceased operations then the operating permit can be rescinded.
- If a portion of the facility has a separate operating permit, then that permit can be rescinded without affecting any other separate permits at the facility.
- If a portion of the facility is combined with other sources that will continue to operate, then the applicant should submit a permit modification to remove the equipment for the operating permit.
- If a portion of a facility is being sold and has a separate permit, then the transfer of the operating permit should be handled by the Change of Ownership form submittal, which can be found on the LDEQ website. A permit rescission is not appropriate.
- If a portion of a facility is being sold and does not have a separate permit, then the current owner has two options:
    1. The current owner may submit a permit modification to remove the equipment from the existing operating permit. The modification submittal must clearly state that the equipment being removed is due to the sale of that portion of the facility to another company. The new owner should then submit a new permit application to permit the affected sources. A new Agency Interest Number and permit number will be issued.
    2. The current owner may permit the portion of the facility to be sold separately from the remainder of the facility. A new Agency Interest Number and permit number will be issued. The new owner should then apply for a Change of Ownership.

Application Withdrawal

[LAC 33:III.511; LAC 33:III.501.C.3]

In the event a permit or permit modification is required for an activity, but for whatever reason, the applicant decides not to proceed with the activity before the permit or permit modification has been issued, the applicant can submit an Application Withdrawal Request.

In accordance with LAC 33:III.211.B.8, no refund of the permit application fee will be given if review of the application is essentially complete. If review has been initiated but not completed, a refund of up to 50% of the application fee may be given. The exact refund amount will be decided on a case-by-case basis.

Application Withdrawal requests should include:

- A short explanation of why the project for which the application was submitted is no longer needed.

It should be noted that, like all other activities addressed in the Application for Approval of Miscellaneous Permitting Actions, an Application Withdrawal requires the signature of a Responsible Official.

Change of Tank Service

A Change of Tank Service is a specific type of Exemption that is used to indicate when the material stored in a tank is changed. See the explanation presented for the miscellaneous permitting action *Exemption* to determine if a Change of Tank Service is appropriate and to determine the level of detail necessary for this request. This action is only necessary if the current permit does not specifically provide for such changes to be made.

Additionally, this request must meet the following two conditions:

1. The request must not violate the limits set by any emissions cap.
2. The change must not cause the facility to become a major source as defined in LAC 33:III.502.

Relocation of a Portable Facility

[LAC 33:III.513]

This request is used to notify LDEQ of the intention to relocate a portable source of emissions. This type of source is not normally understood to coexist with a larger facility at a geographically fixed location.

Relocation of a Portable Facility requests should include:

- A statement indicating the location to which the portable source will be relocated
- Supporting documents to show compliance with the zoning criteria at the new location [required per LAC 33:III.513.C]
- A statement indicating the continued use of all pollution abatement devices and measures
- A statement indicating the continued use of fuel of the same sulfur content or less than that referenced in the approved permit

Authorization to Construct and Operate (ATC)

For projects that will result in a positive human health or environmental benefit, LDEQ may issue an Authorization to Construct and Operate (ATC) to an owner/operator so that they may perform the necessary construction. It is also possible to obtain an ATC if the project will result in a reduction of emissions.

For emission reduction projects, the LDEQ must, within thirty days of receipt of an emission reduction notification, either grant authorization to construct or notify the owner or operator of its determination that the project does not provide a positive human health or environmental benefit. In general, authorizations to construct and operate are granted for the addition or replacement of control equipment.

The Authorization to Construct application should include:

- A detailed explanation of why the project is believed to result in a positive human health or environmental benefit.
- A map showing the location of the project.
- A description of the air contaminants involved.
- The emission rate and the temperature of the emissions.
- The identity of the emissions sources involved in the change.
- Emissions changes caused by the proposed action and calculations supporting the ATC request.

Important Notes:

- An ATC can be obtained for small emissions increases if the project will result in a positive human health or environmental benefit. The proper citation for this type of project is LAC 33:III.501.C.3.
- An ATC can be obtained provided such authorization is not precluded by any federally applicable requirement or by 40 CFR Part 70.
- Any appropriate permit revision reflecting the emission reduction must be made no later than 180 days after commencement of operation.
- Emission reduction projects at a Part 70 source may be processed as a state-only change provided the requirements of LAC 33:III.507.F are met.

3 Application Fee

Answer the questions provided by checking the appropriate box. Answer all questions even if a fee is not required for the miscellaneous permitting action for which the application is submitted.

If the answer to the first question is "no," then, the appropriate fee is in accordance with Fee Code 2010. This fee code can be found in LAC 33:III.223, Table 1. If the answer to the first question is "yes," then the appropriate fee is in accordance with Fee Code 2015. In order to qualify for Fee Code 2015, the answer to the second question must also be "yes." See the note stated in LAC 33:III.223 for Fee Code 2015 for more details.

In the blanks provided, enter the appropriate fee code and the amount enclosed. If the amount enclosed is insufficient for the action requested, then the action will not be processed until the appropriate fee is received by LDEQ. Attach a check for this amount, made payable to "Louisiana Department of Environmental Quality", to the completed application. Do not send cash.

ELECTRONIC FUND TRANSFER (EFT): If paying the permit application fee using an EFT, complete this section. Else, leave blank.

When paying an application fee using an EFT, complete the relevant "Remarks" field provided by your financial institution. These remarks should, at a

minimum, state the Agency Interest Number(s) and the name of the facility(ies) or process unit(s) (for process unit-specific permits) to which the EFT should apply.

LDEQ strongly encourages applicants **NOT** to use EFT for newly constructed facilities or for facilities that do not have an Agency Interest Number assigned to them. If the applicant must use an EFT for such a facility, please contact LDEQ prior to submittal of the EFT for guidance.

EFT Transaction Number – Enter the transaction number or other relevant unique identifying number for this EFT.

Date of Submittal – Enter the date that the EFT was made.

Total Dollar Amount – Enter the total dollar amount for this EFT. This means to list the total amount of the EFT and **NOT** the portion of the EFT that should be applied to the permit application fee for the permit application in question. This number may not necessarily match the calculated permit application fee. This is due to the fact that, in some instances, applicants pay multiple permit application fees using a single EFT.

For questions regarding fees, call the LDEQ Customer Service Center at 225-219-LDEQ (5337) or Toll Free at 1-866-896-LDEQ (5337).

4 Proof of Exceptional Circumstances to Justify Variance Request

Enter the requested duration of the variance in months. As stated previously, this number cannot be greater than twelve months.

Provide a detailed explanation for the need for a variance. Identify the affected source(s), as well as the applicable regulation(s) from which the source(s) need a variance. Include relevant details as necessary (e.g., a description of the how the process normally functions and how it is operating now) and describe any measures undertaken or that will be undertaken to remedy the situation prompting the variance request.

Identify the exceptional circumstances that preclude strict conformity with the regulation(s) identified above. Explain how strict conformity with such regulations would cause would 1.) cause undue hardship; 2.) be unreasonable; 3.) be impractical; or 4.) not be feasible under the circumstances; or would otherwise result in the practical closing and elimination of any lawful business, occupation, or activity without sufficient corresponding benefit or advantage to the people of the state.

5 Required Information

For all activities, a detailed description of the proposed activity is required. This is intended to communicate to LDEQ to nature, extent, and necessity for the action requested. If this description is not included, the application will not be processed.

If justification is required, include the appropriate justification. The appropriate level of detail in the justification can vary on a case-by-case basis. See the guidance provided for the individual miscellaneous permitting action types in Section 2 for more details.

For Relocation of a Portable Facility requests, supporting documentation that proves compliance with the zoning criteria associated with the proposed location must be provided. A map showing the proposed location of the portable source is also required. If this documentation is not provided, the application will not be processed.

For Relocation of a Portable Facility requests, list both the current location and the proposed location of the portable facility in question. In the event that either the current or proposed site does not have a street address, provide the latitude and longitude. If this documentation is not provided, the application will not be processed.

For Relocation of a Portable Facility requests, enter the Make, Model, and Serial Number of each combustion source to be permitted. Add rows as necessary. Else, leave blank. Add rows as necessary. Do ***NOT*** list any motor vehicles of any kind.

6 Emissions Summary Table

Summarize the emissions increase or decrease that will result from the proposed activity. For each pollutant, enter the pre-project emission rate for the emissions source(s) involved in the "Before" column and enter the post-project emission rate for the emissions source(s) involved in the "After" column. Enter the difference between the "Before" and "After" values in the "Change" column. If no emissions increase will occur, enter "N/A". Add rows as necessary to include any Toxic Air Pollutants (TAP) and Hazardous Air Pollutants (HAP) emissions rates that are affected. It is preferred that the emissions represented in this table be shown in Tons Per Year.

If other units are more appropriate (e.g., pounds per hour), enter the more appropriate units.

If the activity requested is for a previously unpermitted facility, enter the total emissions for each pollutant.

7 Contact Information

Enter the contact information requested. Any documents of response that LDEQ issues as a result of the application will be sent to the address stated in 6.a. The document(s) of response will be addressed to the Responsible Official and a copy will be sent to the person listed in 6.a. The person listed in 6.a will be sent any letters requesting additional information.

8 Certification of Compliance With Applicable Requirements

Print or type the name and title of the Responsible Official. The Responsible Official or his Duly Authorized Representative must sign and date this page in the spaces provided. The application will not be processed if this signature is not provided. The application will not be processed if the person that signs this form is not a Responsible Official or his Duly Authorized Representative.

Approval of a delegation of authority to a Duly Authorized Representative can be requested by completing a *Duly Authorized Representative Designation Form* (Form_7218) available on LDEQ's website at http://www.deq.louisiana.gov/portal/tabid/2758/Default.aspx. A person or job title can not be considered to be a Duly Authorized Representative until the person or job title is approved by LDEQ. See the instructions for the *Duly Authorized Representative Designation Form* for more details.

The definition of "Responsible Official" is as follows [LAC 33:III.502]:

Responsible Official—one of the following:

1. for a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
    a. the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or
    b. the delegation of authority to such representatives is approved by the permitting authority prior to submittal of any certification by such person;
2. for a partnership or sole proprietorship: a general partner or the proprietor, respectively. If a general partner is a corporation, the provisions of Subparagraph a of this definition apply;
3. for a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this definition, a principal executive officer of a federal agency includes the chief executive officer having a responsibility for the overall operations of a principal geographic unit of the agency.