

Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control  
Program

The following sections from this Chapter, are hereby repealed  
in their entirety: LAC 33:III.5115, 5117, 5121, 5133, 5137, 5139,  
5143, 5161, 5163, and 5171.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

§5101. Applicability

The provisions of this Subchapter apply to the owner or operator of any major source, as defined herein. ~~Until the effective date of applicable minor source category rules, t~~ The provisions of LAC 33:III.5105.A, 5107, 5111.A.4, and 5113, ~~and 5115~~ apply to the owner or operator of any stationary source which was a major source upon promulgation of this Subchapter but which has achieved minor source status through reduction of emissions and reduction of potential to emit. Effective upon promulgation of applicable source category rules in accordance with R.S. 30:2060, the provisions of this Subchapter apply to the owner or operator of any minor source, if specified by such rules. The provisions of this Subchapter do not apply to the consumer use, in a duration and frequency intended by the manufacturer, of products obtained through retail commerce, or to activities conducted on residential property. The provisions of this Subchapter do not apply to the distribution or application

of pesticides.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1362 (December 1992), LR

**§5103. Definitions, Units, and Abbreviations**

A. The terms in this ~~€Subchapter~~ are used as defined in LAC 33:III.111 except for those terms ~~specifically defined in an applicable subchapter or~~ defined herein as follows:

\* \* \*

**[See Prior Text]**

Area Source—any stationary source that is not a major source.

\* \* \*

**[See Prior Text]**

*Certification of Compliance*—a statement indicating that specific requirements under this ~~€Subchapter~~ have been met, including a description of measures used to meet such requirements.

*Compliance Plan*—a description of measures to be used to meet requirements under this ~~€Subchapter~~, including a compliance schedule of dates by which such measures will be taken.

*Compliance Schedule*—a sequence of events leading to compliance with all requirements of this ~~Subchapter~~ including the specified date by which the source must achieve compliance, and interim dates by which all necessary milestones shall be achieved.

\* \* \*

[See Prior Text]

~~*Emergency Emission*—the discharge into the atmosphere of Louisiana of a toxic air pollutant the rate of which is in excess of that allowed by regulation, permit, variance or order, and which could not have been avoided by taking measures to prevent the discharge. Unless the administrative authority, in light of all available relevant facts and circumstances determines otherwise, the emission of a toxic air pollutant from a stationary source in excess of that allowed by regulation, permit, variance, or order shall be presumed to be an emergency emission if it is caused solely by:~~

- ~~1. an act of God; or~~
- ~~2. an act of war; or~~
- ~~3. an act of sabotage; or~~
- ~~4. an unauthorized act or omission of an employee outside the scope of his or her employment; or~~
- ~~5. an unauthorized act or omission of a third party who is not an agent or contractor of the owner of the stationary~~

~~source; or~~

~~6. any combination of the above.~~

\* \* \*

[See Prior Text]

*Maximum Achievable Control Technology (MACT)*—

1. The maximum degree of reduction in emissions of each air pollutant subject to this ~~e~~Subchapter (including a prohibition on such emissions, where achievable) that the administrative authority, upon review of submitted MACT compliance plans and other relevant information and taking into consideration the cost of achieving such emission reduction, as well as any non-air-quality health and environmental impacts and energy requirements, determines is achievable through application of measures, processes, methods, systems, or techniques including, but not limited to, measures that:

a. reduce the volume of, or eliminate emissions of such pollutants through process changes, substitution of materials, or other modifications; or

b. enclose systems or processes to eliminate emissions; or

c. collect, capture, or treat such pollutants when released from a process, stack, storage, or fugitive emissions point; or

d. are design, equipment, work practice, or

operational standards (including requirements for operator training or certification); or

e. are a combination of the above.

2. The degree of reduction in emissions deemed achievable for new sources in a category or subcategory shall not be less stringent than the most stringent emissions level achieved in practice by the best controlled similar source in the same category or subcategory, as determined by the administrative authority upon review of submitted MACT compliance plans and other relevant information, and may be more stringent where feasible.

3. Emissions standards for existing sources in a category or subcategory may be less stringent than standards for new sources in a similar category or subcategory provided that the emissions limitation for existing sources in the category or subcategory is not less stringent, and may be more stringent, than:

a. for the categories or subcategories with 30 or more sources, the average emission limitation achieved by the best performing 12 percent of the existing sources nationally in the category or subcategory; or

b. for the categories or subcategories with fewer than 30 sources, the average emission limitation achieved by the best performing five sources nationally in the category or

subcategory.

~~Minor Source—any stationary source that is not a major source.~~

Modification (modify)—any change in a facility including, but not limited to, a physical change, a change in the method of operation, or a change in the raw materials or feedstocks used for products manufactured that increases or decreases the emission rate of any toxic air pollutant by an amount that is greater than the minimum emission rate listed for that pollutant in Table 51.1, or that results in the emission, at a rate greater than the minimum emission rate listed in Table 51.1, of any toxic air pollutant not previously emitted. A change in production rates (up to capacity) or hours of operation shall not be considered a change in the method of operation.

\* \* \*

**[See Prior Text]**

~~Standard—any criterion or prohibition as set forth in this eSubchapter to control the emission of toxic air pollutants.~~

\* \* \*

**[See Prior Text]**

~~Stationary Source—any building, structure, facility, or installation that emits or may emit any toxic air pollutant designated by this eSubchapter.~~

~~Toxic Air Pollutant(TAP)—any substance listed in Table 51.2~~

or Table 51.3 of this Chapter. Toxic air pollutants are listed pursuant to R.S. 30:2060 and, except for lead, do not include those pollutants for which National Ambient Air Quality Standards have been established under section 108 of the Federal Clean Air Act.

\* \* \*

**[See Prior Text]**

B. Units and Abbreviations. The following units, abbreviations, and symbols are used in this Chapter:

\* \* \*

**[See Prior Text in B.1-4]**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1362 (December 1992), LR

**§5105. Prohibited Activities and Special Provisions**

\* \* \*

**[See Prior Text in A]**

1. After the effective date of any standard set forth in this Chapter, no owner or operator shall construct or modify any stationary source subject to such standard without first obtaining written authorization from the administrative authority

in accordance with this ~~Chapter~~ Subchapter.

2. After December 20, 1991, no owner or operator of any stationary source subject to the provisions of this ~~Chapter~~ Subchapter shall cause a violation of any ambient air standard listed in Table 51.2, unless operating in accordance with LAC 33:III.5109.

3. No owner or operator subject to the provisions of this ~~Chapter~~ Subchapter shall build, erect, install, or use any article, machine, equipment, process, or method, the use of which conceals an emission that would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of diluents to achieve compliance with an emissions standard, and the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specified size.

4. No owner or operator subject to this ~~Chapter~~ Chapter shall fail to keep records, notify, report or revise reports as required under this ~~Chapter~~ Subchapter.

B. Special Provisions

1. The administrative authority may allow a certain complex within a facility to be considered as a separate source with regard to the requirements of ~~LAC 33:III.Chapter 51~~ this Subchapter, provided that the complex is used solely for research and development of new processes and/or products, and is not engaged in the manufacture of products for commercial sale.

2. No later than December 20, 1994 the administrative authority shall initiate a review of electric utility steam-generating units to determine whether such units shall be regulated under this Chapter. The administrative authority may consider the results of a study of such units conducted by the United States Environmental Protection Agency as required in Title III, section 112 of the Clean Air Act Amendments of 1990, and any other information available at that time. Until the administrative authority makes a final determination electric utility steam-generating units are exempt from the requirements of this Chapter.

3. The administrative authority shall prepare an emissions inventory of toxic air pollutant emissions from stationary combustion sources to be made available to the public not later than December 20, 1994. The administrative authority may require facilities that emit or discharge toxic air pollutants from stationary combustion sources to provide the identities and quantities of toxic air pollutants emitted or to provide information required to estimate emissions from such sources. The administrative authority shall regulate emissions of toxic air pollutants derived from the combustion of virgin fossil fuels under this Section if the administrative authority finds that such regulation is appropriate and necessary after consideration of information contained in the emissions inventory and any other

information available at that time. Until the administrative authority makes a final determination, the following emissions are exempt from the requirements of this Chapter:

\* \* \*

**[See Prior Text in B.3.a - B.7]**

8. A Louisiana Maximum Achievable Control Technology (MACT) determination for the pulp and paper mill source category, setting forth emission and/or technical control standards and schedules for achieving compliance, shall be promulgated by the administrative authority in accordance with the Louisiana Administrative Procedure Act. The owner or operator of any major source which is a pulp or paper mill shall assist the department in the determination of MACT by providing reasonably available technical and economic data as requested. The administrative authority shall publish and make available for comment the proposed Louisiana MACT determination within six months of promulgation of the federal MACT standards for the pulp and paper source category by USEPA or on December 20, 1997, whichever is sooner. In the event that a state MACT standard is proposed pursuant to this Paragraph prior to promulgation of federal MACT standards, the proposed effective date shall be December 20, 1998. Notwithstanding LAC 33:III.5109.A, B.3.c, D, and 5111.B.4 or any contrary provision of this Chapter, until the administrative authority makes a final determination of MACT for

pulp and paper mills, major sources in the pulp and paper mill source category are exempt from the MACT provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:2104 (December 1991), amended LR 18:1362 (December 1992), LR 21:370 (April 1995), LR **§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions**

\* \* \*

**[See Prior Text in A - B.6]**

C. Availability of Information. The availability to the public of information provided to, or otherwise obtained by, the administrative authority under this Chapter, shall be governed by R.S. 30:2030, and applicable rules and regulations promulgated thereunder.

\* \* \*

**[See Prior Text in D - D.2]**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation

Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended Office of the Secretary, LR 19:1022 (August 1993), repromulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR

**§5109. Emission Control and Reduction Requirements and Standards**

\* \* \*

**[See Prior Text in A - B.5]**

C. Standard Operating Procedure Requirements. The owner or operator of any new or existing source required to report emissions in accordance with LAC 33:III.5107.A shall develop a standard operating procedure (SOP) within 120 days after achieving or demonstrating compliance with the standards specified in this Chapter. The SOP shall detail all operating procedures or parameters established by the owner or operator to ensure that compliance with the applicable standards is maintained and shall address, but not be limited to, operating procedures for any monitoring system in place, specifying procedures to ensure compliance with LAC 33:III.5113.C. 65. A written copy of the SOP must be available on site or at an alternate approved location for inspection by the administrative authority. A copy of the SOP must be provided within 30 days upon request by the department. The requirements of this Subsection do not apply to emissions of those pollutants listed

in Table 51.3.

\* \* \*

**[See Prior Text in D - D.3]**

4. Under no circumstance will the owner or operator of any major source under this Chapter be granted more time to comply with Maximum Achievable Control Technology requirements than is allowed under an applicable federal MACT standard established pursuant to section 112 of the Federal Clean Air Act.

\* \* \*

**[See Prior Text in E - E.2.c]**

d. a statement specifying the requirements under this Chapter to which the certification of compliance applies;

\* \* \*

**[See Prior Text in E.2.e - F.1.e]**

2. Submitting a request for a deferred compliance schedule does not relieve the owner or operator of his or her responsibility to comply with this Chapter and does not preclude the department from initiating enforcement actions due to failure to comply with standards.

\* \* \*

**[See Prior Text in G - G.6]**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of

Environmental Quality, Office of Air Quality and Radiation  
Protection, Air Quality Division, LR 17:1204 (December 1991),  
amended LR 18:1363 (December 1992), LR 19:891 (July 1993), LR

**§5111. Permit Requirements, Application, and Review**

\* \* \*

**[See Prior Text in A - A.3.b]**

4. The owner or operator of any existing major source which is operating without a Louisiana Air Permit, or which is not fully permitted, at the time of promulgation of this Chapter, shall apply for a permit in accordance with Subsection B of this Section. For sources not required to submit a compliance plan pursuant to LAC 33:III.5109.D, the permit application shall be submitted no later than December 20, 1993.

\* \* \*

**[See Prior Text in A.5 - B.2.e]**

3. Unless otherwise specified in this Chapter, each application for a permit to modify a new or existing major source facility shall include, in addition to the information required in Subsection B.2 of this Section, the following information:

\* \* \*

**[See Prior Text in B.3.a - C.1.a]**

b. If an applicant fails or refuses to correct deficiencies in the application or to provide additional information requested by the administrative authority by the date

~~specified +, the permit shall be denied.~~

~~i. for applications submitted pursuant to LAC 33:III.5117, 5121, 5133, 5137, 5139, 5151, 5161, 5163, and 5171, an intent to deny the permit shall be issued;~~

~~ii. for all other applications, the permit shall be denied.~~

\* \* \*

**[See Prior Text in C.2 - C.3]**

~~4. For applications submitted pursuant to standards prescribed under LAC 33:III.5117, 5121, 5133, 5137, 5139, 5151, 5161, 5163, and 5171, the administrative authority will notify the owner or operator of approval or intention to deny approval of a permit for construction or modification within 60 days after receiving sufficient information to evaluate an application under Subsection B of this Section.~~

~~a. Before denying any application for a permit for construction or modification, the administrative authority will notify the applicant of the administrative authority's intention to issue the denial, together with:~~

~~i. notice of the information and findings on which such intended denial is based; and~~

~~ii. notice of opportunity for the applicant to present, within such time limit as the administrative authority shall specify, additional information or arguments to the~~

~~administrative authority before final action on the application.~~

~~The time limit specified shall be no less than 30 days from receipt of notification.~~

~~b. A final determination to deny any application for a permit will be in writing and will specify the grounds on which the denial is based. The final determination will be made within 60 days after the date specified in accordance with Subsection 6.4.a.ii of this Section.~~

~~5. Permits issued by the administrative authority under this Chapter shall be valid for a period of five years from the date of issuance at which time they will be subject to review by the administrative authority ~~to~~.~~

a. Upon review, the administrative authority may extend any such permit for a period not to exceed five years from the date of expiration. Before final action is taken upon a permit under review, a notice of the permit filed for review will be published to allow adequate time for public comment.

b. Permits under review shall remain in force until review is complete and the permit is acted upon by the administrative authority.

~~6~~5. Neither the submittal of an application for a permit nor the administrative authority's granting of a permit for construction or modification shall:

a. relieve an owner or operator of legal responsibility

for compliance with any applicable provision of this ~~Chapter~~ or of any other applicable federal, state, or local requirement; or

b. prevent the administrative authority from implementing or enforcing this ~~Chapter~~ or taking any other action under the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:891 (July 1993), repromulgated LR 19:1314 (October 1993), amended LR

**§5113. Notification of Start-up, Testing, and Monitoring**

A. Notification of Start-up. Any owner or operator that has an initial start-up of a stationary source ~~that has an initial start-up after the promulgation date of an applicable standard prescribed~~ subject to MACT or Ambient Air Standard Requirements under this ~~Chapter~~ shall furnish the administrative authority written notification as follows:

\* \* \*

**[See Prior Text in A.1 - B]**

1. The department may require any owner or operator to conduct tests to determine the emission of toxic air pollutants

from any source whenever the department has reason to believe that an emission in excess of those allowed by this ~~Chapter~~ is occurring. The department may specify testing methods to be used in accordance with good professional practice. The department may observe the testing. All tests shall be conducted by qualified personnel. The department shall be given a copy of the test results in writing signed by the person responsible for the tests within 45 days after completion of the test.

2. Emission tests shall be conducted as set forth in accordance with Test Methods of 40 CFR, parts 60, 61, and 63 ~~this Chapter or the Division's Source Test Manual (LAC 33:III.Chapters 60, 61, and 63), or shall be in accordance with~~ alternative test methods approved by the administrative authority ~~\*. Where the test results obtained using an alternative method do not adequately indicate whether a source is in compliance with a standard, the administrative authority\* may require the use of a reference method or its equivalent.~~

\* \* \*

**[See Prior Text in B.3 - B.4.d]**

e. any other facilities that the administrative authority\* needs to safely and properly test a source.

5. Unless otherwise specified, samples shall be analyzed and emissions determined within 30 days after each emission test has been completed. The owner or operator shall report the

determinations of the emission test to the administrative authority\* by a certified letter sent before the close of business on the 45th day following the completion of the emission test.

6. The owner or operator shall retain records of emission test results and other data needed to determine emissions. Such records shall be retained at the source, or at an alternate location approved by the administrative authority\* for a minimum of two years, and shall be made available upon request for inspection by the administrative authority\*.

7. The owner or operator shall notify the administrative authority\* of any emission test required to demonstrate compliance with this Subchapter ~~by this Chapter~~ at least 30 days before the emission test to allow the administrative authority\* the opportunity to have an observer present during the test.

~~8. Emission tests may be waived upon written application to the administrative authority\*:~~

~~a. if, in the administrative authority's\* judgment, as determined by a technical evaluation of the design and operating characteristics of the emissions unit, the source is meeting the standard, or the source is being operated under a deferred compliance schedule or a compliance order, or the owner or operator has requested a deferred compliance schedule, and the administrative authority\* is still considering that request;~~

~~b. if application for waiver of the emission test is made, the application shall accompany the information required by LAC 33:III.5113.A or 5109.F, whichever is applicable.~~

~~9. Approval of any waiver granted under this Subsection shall not abrogate the department's authority under the Act or in any way prohibit the administrative authority\* from later canceling the waiver. A waiver will be canceled only after the owner or operator of the source is notified.~~

~~10. Provisions of this Subsection shall not supersede requirements pursuant to LAC 33:III.Chapter 31.~~

#### C. Monitoring Requirements

1. Each owner or operator shall maintain and operate each monitoring system ~~as specified in the applicable subchapter and~~ in a manner consistent with good air pollution control practices for minimizing emissions. Any breakdown or malfunction of the monitoring system shall be repaired or adjusted as soon as practicable after its occurrence. The administrative authority's determination of whether acceptable operating and maintenance procedures are being used will be based on information that may include, but is not limited to, review of operating and maintenance procedures, manufacturer recommendations and specifications, inspection of the monitoring system, and adherence to a preventive maintenance program.

2. When required ~~by the applicable subchapter, and~~ at any

other time requested by the administrative authority, the owner or operator of a source being monitored shall conduct a performance evaluation of the monitoring system and furnish the administrative authority with a copy of a written report of the results within 60 days of the evaluation. ~~Such a performance evaluation shall be conducted according to the applicable specifications and procedures described in the applicable subchapter.~~ The owner or operator of the source shall furnish the administrative authority with written notification of the date of the performance evaluation at least 30 days before the evaluation is to begin.

3. When monitoring is required ~~under an applicable subchapter,~~ and the effluents from a single source, or from two or more sources subject to the same emission standards, are combined before being released to the atmosphere, the owner or operator shall install a monitoring system on each effluent or on the combined effluent. If two or more sources are not subject to the same emission standards, the owner or operator shall install a separate monitoring system on each effluent, unless otherwise specified. If the applicable standard is a mass emission standard and the effluent from one source is released to the atmosphere through more than one point, the owner or operator shall install a monitoring system at each emission point unless the administrative authority approves the installation of fewer

systems.

\* \* \*

[See Prior Text in C.4]

~~5. The administrative authority will determine whether minor changes in specified monitoring requirements or alternative methods may be used:~~

~~a. Monitoring shall be conducted as set forth in this Subsection and the applicable subchapter unless the administrative authority:~~

~~i. specifies or approves the use of the specified monitoring requirements and procedures with minor changes in methodology; or~~

~~ii. approves the use of alternatives to any monitoring requirements or procedures.~~

~~b. If the administrative authority finds reasonable grounds to dispute the results obtained by an alternative monitoring method, the administrative authority may require the monitoring requirements and procedures specified in this Chapter.~~

~~6. The administrative authority may require a continuous monitoring system where such systems are deemed feasible and necessary to demonstrate compliance with applicable standards. The owner or operator of a facility that the administrative authority has required to install a continuous monitoring system shall submit to the department for approval a plan describing the~~

affected sources and the methods for ensuring compliance with the continuous monitoring system. The plan for the continuous monitoring system must be submitted to the department within 90 days after the administrative authority requests either the initial plan or an updated plan.

a. Upon request, the owner or operator of any affected facility shall evaluate the performance of continuous monitoring systems and furnish the administrative authority with two or more copies of a written report of the test results within 60 days. The performance of the continuous monitoring systems shall be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of ~~the Division's Source Test Manual (LAC 33:III.Chapter 60, 61, and 63)~~40 CFR part 60.

b. Except for continuous monitoring system breakdown and repairs, calibration checks, and zero and span adjustments, and when the equipment being monitored is out of service or shutdown, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements.

c. All continuous monitoring systems for measuring emissions, except opacity, shall where feasible complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

d. All continuous monitoring systems or monitoring devices shall be installed to make representative measurements under variable process or operating parameters.

e. An owner or operator of any continuous monitoring system shall collect and reduce all data as follows:

i. An owner or operator of a continuous monitoring system measuring opacity shall:

(a). reduce all data to six-minute averages; and

(b). calculate the six-minute averages from 36 or more data points equally spaced over each six-minute period.

ii. An owner or operator of a continuous monitoring system measuring parameters other than opacity shall:

(a). reduce all data to one-hour averages; and

(b). where feasible, calculate the one-hour averages from four or more data points equally spaced over each one-hour interval.

f. Data recorded during periods of continuous monitoring system breakdowns and repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this Paragraph.

76. Repeated problems of monitoring system breakdowns, repairs, calibration checks, zero and span adjustments, or failure to follow standard operating procedures (SOPs) shall be subject to investigation and enforcement actions.

§7. The owner or operator of any monitoring system shall maintain records of monitoring data, monitoring system calibration checks, and the occurrence and duration of any period during which the monitoring system is malfunctioning or inoperative. These records shall be maintained at the source, or at an alternate location approved by the administrative authority, for a minimum of three years and made available, upon request, for inspection by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2060 and R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1364 (December 1992), LR

**Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)**~~Reserved~~

**§5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants published in the Code of Federal Regulations at 40 CFR part 61, revised as of July 1, 1995, and specifically listed in the following table are hereby incorporated by reference as they

apply to sources in the State of Louisiana. \_\_\_\_\_

40 CFR 61	SUBPART / APPENDIX HEADING
<u>Subpart A</u>	<u>General Provisions</u>
<u>Subpart C</u>	<u>National Emission Standard for Beryllium</u>
<u>Subpart D</u>	<u>National Emission Standard for Beryllium Rocket Motor Firing</u>
<u>Subpart E</u>	<u>National Emission Standard for Mercury</u>
<u>Subpart F</u>	<u>National Emission Standard for Vinyl Chloride</u>
<u>Subpart J</u>	<u>National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene</u>
<u>Subpart V</u>	<u>National Emission Standard for Equipment Leaks (Fugitive Emission Sources)</u>
<u>Subpart Y</u>	<u>National Emission Standard for Benzene Emissions From Benzene Storage Vessels</u>
<u>Subpart BB</u>	<u>National Emission Standard for Benzene Emissions From Benzene Transfer Operations</u>
<u>Subpart FF</u>	<u>National Emission Standard for Benzene Waste Operations</u>
<u>Appendix A</u>	<u>National Emission Standards for Hazardous Air Pollutants, Compliance Status Information</u>
<u>Appendix B</u>	<u>Test Methods</u>
<u>Appendix C</u>	<u>Quality Assurance Procedures</u>

B. Except as modified in this Section and specified below,  
National Emission Standards for Hazardous Air Pollutants published in  
the Federal Register as they exist from July 1, 1995, through June  
30, 1996, and specifically listed in the following table are hereby  
incorporated by reference as they apply to sources in the State of  
Louisiana.

<u>40 CFR 61</u>	<u>FEDERAL REGISTER CITATION</u>	<u>DATE PROMULGATED</u>	<u>SUBPART /APPENDIX HEADING</u>
<u>Appendix B</u>	<u>61 FR 18278</u>	<u>April 25, 1996</u>	<u>Test Methods</u>

C. Corrective modifications are made to 40 CFR part 61 subpart A, section 61.04(b)(T), to read as follows: State of Louisiana: Air Toxics Program Manager, Air Quality Division, Louisiana Department of Environmental Quality, Box 82135, Baton Rouge, LA 70884-2135.

D. Copies of documents incorporated by reference in this Chapter are available for review at the Air Quality Division Information Center, Louisiana Department of Environmental Quality, or may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20242.

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

**Subchapter C. ~~Reserved~~Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources**  
**§5122. Incorporation by Reference of 40 CFR Part 63 (National Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Major Sources**

A. Except as modified in this Section and specified below,

National Emission Standards for Hazardous Air Pollutants for Source Categories published in the Code of Federal Regulations at 40 CFR part 63, revised as of July 1, 1995, and specifically listed in the following table are hereby incorporated by reference as they apply to major sources in the State of Louisiana.

<u>40 CFR 63</u>	<u>SUBPART / APPENDIX HEADING</u>
<u>Subpart A</u>	<u>General Provisions</u>
<u>Subpart B</u>	<u>Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j)</u>
<u>Subpart C</u>	<u>List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List (Reserved)</u>
<u>Subpart D</u>	<u>Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants</u>
<u>Subpart F</u>	<u>National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry</u>
<u>Subpart G</u>	<u>National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater</u>
<u>Subpart H</u>	<u>National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks</u>
<u>Subpart I</u>	<u>National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks</u>
<u>Subpart M</u>	<u>National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities</u>
<u>Subpart N</u>	<u>National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks</u>

40 CFR 63	SUBPART / APPENDIX HEADING
<u>Subpart O</u>	<u>Ethylene Oxide Emissions Standards for Sterilization Facilities</u>
<u>Subpart O</u>	<u>National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers</u>
<u>Subpart R</u>	<u>National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)</u>
<u>Subpart T</u>	<u>National Emission Standards for Halogenated Solvent Cleaning</u>
<u>Subpart W</u>	<u>National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production</u>
<u>Subpart X</u>	<u>National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting</u>
<u>Appendix A</u>	<u>Test Methods</u>
<u>Appendix B</u>	<u>Sources Defined for Early Reduction Provisions</u>
<u>Appendix C</u>	<u>Determination of the Fraction Biodegraded (F<sub>bio</sub>) in a Biological Treatment Unit</u>

B. Except as modified in this Section and specified below,  
National Emission Standards for Hazardous Air Pollutants for Source  
Categories published in the Federal Register as they exist from July  
1, 1995, through June 30, 1996, and specifically listed in the  
following table are hereby incorporated by reference as they apply to  
major sources in the State of Louisiana.

<u>40 CFR 63</u>	<u>FEDERAL REGISTER CITATION</u>	<u>DATE PROMULGATED</u>	<u>SUBPART/APPENDIX HEADING</u>
<u>Subpart B</u>	<u>61 FR 21372</u>	<u>May 10, 1996</u>	<u>Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(q) and 112(j)</u>
<u>Subpart C</u>	<u>61 FR 30823</u>	<u>June 18, 1996</u>	<u>List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List</u>
<u>Subpart F</u>	<u>60 FR 63626</u>	<u>December 12, 1995</u>	<u>National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry</u>
	<u>61 FR 7718</u>	<u>February 29, 1996</u>	
	<u>61 FR 31439</u>	<u>June 20, 1996</u>	
<u>Subpart G</u>	<u>61 FR 7718</u>	<u>February 29, 1996</u>	<u>National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater</u>
<u>Subpart H</u>	<u>60 FR 63631</u>	<u>December 12, 1995</u>	<u>National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks</u>
	<u>61 FR 31439</u>	<u>June 20, 1996</u>	
<u>Subpart I</u>	<u>61 FR 7718</u>	<u>February 29, 1996</u>	<u>National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks</u>
	<u>61 FR 31441</u>	<u>June 20, 1996</u>	
<u>Subpart M</u>	<u>61 FR 27788</u>	<u>June 3, 1996</u>	<u>National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities</u>
<u>Subpart N</u>	<u>61 FR 27787</u>	<u>June 3, 1996</u>	<u>National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks</u>
<u>Subpart O</u>	<u>61 FR 27788</u>	<u>June 3, 1996</u>	<u>Ethylene Oxide Emission Standards for Sterilization Facilities</u>

<u>40 CFR 63</u>	<u>FEDERAL REGISTER CITATION</u>	<u>DATE PROMULGATED</u>	<u>SUBPART/APPENDIX HEADING</u>
<u>Subpart X</u>	<u>61 FR 27788</u>	<u>June 3, 1996</u>	<u>National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting</u>
<u>Subpart R</u>	<u>61 FR 43260</u>	<u>August 18, 1996</u>	<u>National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)</u>
	<u>61 FR 7723</u>	<u>February 29, 1996</u>	
<u>Subpart Y</u>	<u>60 FR 48399</u>	<u>September 19, 1995</u>	<u>Federal Standards for Marine Tank Vessel Loading Operations and National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations</u>
<u>Subpart CC</u>	<u>60 FR 43260</u>	<u>August 18, 1995</u>	<u>National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries</u>
	<u>60 FR 49976</u>	<u>September 27, 1995</u>	
	<u>61 FR 7051</u>	<u>February 23, 1996</u>	
	<u>61 FR 29878</u>	<u>June 12, 1996</u>	
	<u>61 FR 33799</u>	<u>June 28, 1996</u>	
<u>Subpart GG</u>	<u>60 FR 45956</u>	<u>September 1, 1995</u>	<u>National Emission Standards for Hazardous Air Pollutants for Source Categories: Aerospace Manufacturing and Rework Facilities</u>
	<u>61 FR 4903</u>	<u>February 9, 1996</u>	
<u>Subpart II</u>	<u>60 FR 64336</u>	<u>December 15, 1995</u>	<u>National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) Operations</u>
	<u>61 FR 30816</u>	<u>June 18, 1996</u>	
<u>Subpart JJ</u>	<u>60 FR 62935</u>	<u>December 7, 1995</u>	<u>National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions From Wood Furniture Manufacturing Operations</u>
<u>Subpart KK</u>	<u>61 FR 27140</u>	<u>May 30, 1996</u>	<u>National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions From the Printing and Publishing Industry</u>

<u>40 CFR 63</u>	<u>FEDERAL REGISTER CITATION</u>	<u>DATE PROMULGATED</u>	<u>SUBPART / APPENDIX HEADING</u>
<u>Appendix A</u>	<u>60 FR 62952</u>	<u>December 7, 1995</u>	<u>Test Methods</u>

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

Subchapter D. Reserved

Subchapter E. ~~Mercury~~ Reserved

Subchapter F. ~~Vinyl Chloride~~ Reserved

Subchapter G. Reserved

Subchapter H. Reserved

Subchapter I. Reserved

Subchapter J. ~~Benzene~~ Reserved

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 53. MinorArea Sources of Toxic Air Pollutants

Subchapter A. Applicability, Definitions, and General Provisions Toxic Emissions Reporting Requirements

§5301. Applicability

The provisions of this Subchapter apply to minor-area sources as defined in LAC 33:III.5103 which belong to the following categories of facilities and which use the chemicals listed for that category:

\* \* \*

[See Prior Text in A.1-7]

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 20:430 (April 1994), amended LR

Subchapter B. Incorporation by Reference of 40 CFR part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

§5311. Incorporation by Reference of 40 CFR part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as it Applies to Area Sources

A. Except as modified in this Section and specified below,  
National Emission Standards for Hazardous Air Pollutants for Source  
Categories published in the Code of Federal Regulations at 40 CFR  
Part 63, revised as of July 1, 1995, and specifically listed in the  
following table are hereby incorporated by reference as they apply to  
area sources in the State of Louisiana.

<u>40 CFR 63</u>	<u>SUBPART/APPENDIX HEADING</u>
<u>Subpart A</u>	<u>General Provisions</u>
<u>Subpart M</u>	<u>National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities</u>
<u>Subpart X</u>	<u>National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting</u>

B. Except as modified in this Section and specified below,  
National Emission Standards for Hazardous Air Pollutants for Source  
Categories published in the Federal Register as they exist from July  
1, 1995, through June 30, 1996, and specifically listed in the  
following table are hereby incorporated by reference as they apply to  
area sources in the State of Louisiana.

<u>40 CFR 63</u>	<u>Federal Register Citation</u>	<u>Date Promulgated</u>	<u>Subpart/Appendix Heading</u>
<u>Subpart M</u>	<u>61 FR 27788</u>	<u>June 3, 1996</u>	<u>National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities</u>
<u>Subpart X</u>	<u>61 FR 27788</u>	<u>June 3, 1996</u>	<u>National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting</u>

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