

## NOTICE OF INTENT

Department of Environmental Quality  
Office of Air Quality and Radiation Protection  
Air Quality Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.Chapters 5, 15, 21, 23, 25, and 30 (Log #AQ171\*).

This proposed rule is identical to a federal regulation found in 40 CFR part 60, July 1, 1997, which is applicable in Louisiana. For more information regarding the federal requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule; therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed rule updates the reference to the Code of Federal Regulations (CFR) contained in LAC 33:III.Chapter 30 to those regulations published in 40 CFR part 60 in July 1997. This revision clarifies that all 40 CFR part 60 references that appear in LAC 33:III.Chapters 5, 15, 21, 23, 25, and 30 are as incorporated by reference in LAC 33:III.Chapter 30. Areas of state and federal authority are more clearly defined with this proposed rule. The basis and rationale for this proposed rule are to update the CFR reference and clarify the department's authority related to 40 CFR part 60 and proper reporting procedures.

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

A public hearing will be held on June 24, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ171\*. Such comments must be received no later than June 24, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ171\*.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810;

804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Gus Von Bodungen  
Assistant Secretary

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 5. Permit Procedures**

**§509. Prevention of Significant Deterioration**

\* \* \*

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

B. Definitions. For the purpose of this Part the terms below shall have the meaning specified herein as follows:

\* \* \*

**[See Prior Text]**

*Reconstruction*—will be presumed to have taken place where the fixed capital cost of the new component exceeds 50 percent of the fixed capital cost of a comparable entirely new source. Any final decision as to whether reconstruction has occurred must be made in accordance with the provisions of 40 CFR 60.15(f).(1)-(3), as incorporated by reference in LAC 33:III.Chapter 30.

\* \* \*

**[See Prior Text in B.Secondary Emissions-S.4]**

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:\*\*

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 15. Emission Standards for Sulfur Dioxide**

**§1503. Emission Limitations**

As used in this Section a *three-hour average* means the average emissions for any three consecutive one-hour periods (each commencing on the hour), provided that the number of three-hour periods during which the SO<sub>2</sub> limitation is exceeded is not greater than the number of one-hour periods during which the SO<sub>2</sub> limitation is exceeded.

A. Sulfuric Acid Plants—New and Existing. The emissions of sulfur dioxide and acid mist from new sulfuric acid production units ~~which that~~ commence construction or modification after August 17, 1971, shall be limited to that specified in 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, i.e., 4.0 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (2 kilograms/metric ton) and 0.15 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (.075 kilograms/metric ton) respectively (three-hour averages). Emissions from existing units shall be limited as follows: SO<sub>2</sub>—not more than 2000 ppm by volume (three-hour average); acid mist—not more than 0.5 pounds/ton of 100 percent H<sub>2</sub>SO<sub>4</sub> (three-hour average).

B. Sulfur Recovery Plants—New and Existing. The emission of sulfur oxides calculated as sulfur dioxide from a new sulfur recovery plant ~~which that~~ commences construction or modification after October 4, 1976, shall be limited to that specified in 40 CFR 60.104(a)(2), as incorporated by reference in LAC 33:III.Chapter 30. The emission of sulfur oxides calculated as sulfur dioxide from an existing plant shall be limited to a sulfur dioxide concentration of not more than 1,300 ppm by volume (three-hour average).

\* \* \*

**[See Prior Text in C-Table 4]**

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:374 (April 1992), LR 22:1212 (December 1996), LR 23:1677 (December 1997), LR 24:\*\*

**§1507. Exceptions**

A. Start-up Provisions

1. A four-hour (continuous) start-up exemption from the emission limitations of LAC 33:III.1503.A may be authorized by the administrative authority for plants not subject to 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, ~~which that~~ have been shut down. A report in writing explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent, and limit the excess emission shall be submitted to the

administrative authority within seven calendar days of the occurrence.

\* \* \*

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

1. A four-hour (continuous) exemption from emission limitations of LAC 33:III.1503.A may be extended by the administrative authority to plants not subject to 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent, and limit the excess emission shall be submitted to the administrative authority within seven calendar days of the occurrence.

\* \* \*

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

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:375 (April 1992), LR 23:1678 (December 1997), LR 24:\*\*

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 21. Control of Emission of Organic Compounds**

**Subchapter A. General**

**§2108. Marine Vapor Recovery**

\* \* \*

**[See Prior Text in A-E.1.b]**

2. Vapor processing systems utilizing a flare stack to destruct the collected VOC<sup>2</sup>s will be exempt from testing and must be designed and operated in accordance with 40 CFR 60.482-10(d), as incorporated by reference in LAC 33:III.Chapter 30.

\* \* \*

**[See Prior Text in E.3-H.2]**

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 14:704 (October 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:\*\*

**§2122. Fugitive Emission Control for Ozone Nonattainment Areas**

\* \* \*

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

6. Applicable facilities as defined in Subsection A.1 of this Section, which are subject to New Source Performance Standards, 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, may become exempt from this Section by:

a. submitting a written notice to the administrative authority\* informing them of the facility's request to become exempt from this Section and how 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, will be administered to obtain that exemption;

b. applying 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, to leak limitations specified in Subsection C.1 of this Section rather than 10,000 ppm as specified in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter

30;

c. including connectors as leak sources monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, which apply to valves; and

d. increasing monitoring frequency only when the leaking sources monitored and repaired using the restrictions in 40 CFR 60.480-489 (Subpart VV), 60.590-593 (Subpart GGG), 60.630-636 (Subpart KKK), or 61.240-247 (Subpart V), as incorporated by reference in LAC 33:III.Chapter 30, which apply to valves, equal or exceed 2 percent of the valves monitored at or above 10,000 ppm.

\* \* \*

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

d. Any pump or valve in heavy liquid service observed leaking by sight, sound, or smell shall be monitored within five days by the method specified in 40 CFR part 60, appendix A (Method 21), as incorporated by reference in LAC 33:III.Chapter 30. If the pump or valve is determined to be leaking in excess of the applicable limits given in this Subsection, it shall be repaired according to Subsection C.3 of this Section.

\* \* \*

**[See Prior Text in C.2-G.6]**

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:1102 (October 1994), repromulgated LR 20:1279 (November 1994), amended LR 22:1129 (November 1996), LR 22:1212 (December 1996), repromulgated LR 23:197 (February 1997), amended LR 23:1678 (December 1997), LR 24:22 (January 1998), LR 24:\*\*

**Subchapter B. Organic Solvents**

**§2123. Organic Solvents**

\* \* \*

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

6. Performance test procedures described in 40 CFR 60.444, as incorporated by reference in LAC 33:III.Chapter 30;

\* \* \*

**[See Prior Text in E.7-G.Repair and Maintenance Thermoplastic Coating]**

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:119 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air

Quality Division, LR 17:654 (July 1991), LR 18:1122 (October 1992), LR 22:340 (May 1996), LR 22:1212 (December 1996), LR 23:1678 (December 1997), LR 24:23 (January 1998), LR 24:\*\*

**Subchapter J. Limiting Volatile Organic Compound (VOC) Emissions from Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)**

**§2147. Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations**

\* \* \*

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

3. The following methods in 40 CFR part 60, appendix A, as incorporated by reference in LAC 33:III.Chapter 30, shall be used to demonstrate compliance with the emission limit or percent reduction efficiency requirement listed in Subsection C.1.a of this Section.

\* \* \*

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

4. When a flare is used to comply with the control requirements of this Subchapter, the flare shall comply with the requirements of 40 CFR 60.18, as incorporated by reference in LAC 33:III.Chapter 30.

\* \* \*

**[See Prior Text in D.5-Figure 1]**

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 21:380 (April 1995), amended LR 22:1212 (December 1996), LR 23:1508 (November 1997), LR 23:1510 (November 1997), LR 23:1679 (December 1997), LR 24:\*\*

**§2160. Procedures**

The following are Procedures F.1, F.2, G.1, G.2, L, and T to be used with the test protocols above:

\* \* \*

**[See Prior Text in A-A.4.c.i.(d)]**

d. Alternative Procedure. The direct interface sampling and analysis procedure described in 40 CFR part 60, appendix A, Method 18, 7.2-7.2.5, as incorporated by reference in LAC 33:III.Chapter 30, may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

\* \* \*

**[See Prior Text in A.5-C.4.c.iv]**

d. Alternative Procedure. The direct interface sampling and analysis procedure described in 40 CFR part 60, appendix A, Method 18, 7.2-7.2.5, as incorporated by reference in LAC 33:III.Chapter 30, may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

\* \* \*

**[See Prior Text in C.5-D.4.c.iv]**

d. Alternative Procedure. The direct interface sampling and analysis procedure described in 40 CFR part 60, appendix A, Method 18, 7.2-7.2.5, as incorporated by reference in LAC 33:III.Chapter 30, may be used to determine the gas VOC concentration. The system must be designed to collect and analyze at least one sample every 10 minutes.

\* \* \*

**[See Prior Text in D.5-F.6.b.iii]**

**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 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:\*\*

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 23. Control of Emissions for Specific Industries<sup>1</sup>**

**Subchapter D. Nitric Acid Industry**

**§2307. Emission Standards for the Nitric Acid Industry**

\* \* \*

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

a. A four-hour start-up exemption from emission regulations may be authorized by the administrative authority for plants not subject to 40 CFR part 60, subpart G, as incorporated by reference in LAC 33:III.Chapter 30, which have been shut down. It is recognized that existing nitrogen oxide abatement equipment is effective only at normal operating temperatures. This provision allows the necessary time to bring up a facility from a cold start to near steady state condition. A report, in writing, explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent, and limit the excess emissions, shall be submitted to the administrative authority within seven calendar days of the occurrence.

\* \* \*

**[See Prior Text in C.1.b-C.2]**

a. A four-hour exemption from emission regulations may be extended by the administrative authority to plants not subject to 40 CFR part 60, subpart G, as incorporated by reference in LAC 33:III.Chapter 30, where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition. A report, in writing, explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent, and limit the excess emissions shall be submitted to the administrative authority within seven calendar days of the occurrence.

\* \* \*

**[See Prior Text in C.2.b-H.2]**

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1680 (December 1997), LR 24:\*\*

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 25. Miscellaneous Incineration Rules**

**Subchapter B. Biomedical Waste Incinerators**

**§2511. Standards of Performance for Biomedical Waste Incinerators**

\* \* \*

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

B. Definitions. The words and terms used in this Subchapter are defined in LAC 33:III.Chapter 51, and LAC 33:III.111 and 40 CFR 60.2, as incorporated by reference in LAC 33:III.Chapter 30, unless otherwise specifically defined as follows:

\* \* \*

**[See Prior Text in B.Antineoplastic Agents-L]**

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 20:1098 (October 1994), amended LR 21:1081 (October 1995), LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:\*\*

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 30. Standards of Performance for New Stationary Sources (NSPS)**

**Subchapter A. Incorporation by Reference (IBR)**

**§3003. IBR 40 Code of Federal Regulations (CFR) Part 60**

A. Except as modified in this Section, regulations at 40 CFR Part 60 as revised July 1, 1996, and specified below in Tables 1 and 1.A are hereby incorporated by reference as they apply to the State of Louisiana.

<b>Table 1. 40 CFR Part 60</b>	
<b>40 CFR Part 60 Subpart</b>	<b>Subpart Heading</b>
* * * <b>[See Prior Text in A-Ca]</b>	
Cb	Emissions Guidelines and Compliance Times Schedules for Municipal Waste Combustors That Are Constructed on or Before December 19, 1995
Cc	Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
Cd	Emissions Guidelines and Compliance Times for Sulfuric Acid Production Units
D	Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971
* * * <b>[See Prior Text in EDa-K]</b>	
Ka	Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984
Kb	Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

<b>Table 1. 40 CFR Part 60</b>	
<b>40 CFR Part 60 Subpart</b>	<b>Subpart Heading</b>
* * *	
<b>[See Prior Text in L-M]</b>	
N	Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is <u>e</u> Commenced After June 11, 1973
* * *	
<b>[See Prior Text in Na-X]</b>	
Y	Standards of Performance for <u>e</u> Coal Preparation Plants
* * *	
<b>[See Prior Text in Z-LL]</b>	
MM	Standards of Performance for Automobile and <u>H</u> ight-Duty Truck Surface Coating Operations
* * *	
<b>[See Prior Text in NN-SS]</b>	
TT	Standards of Performance for Metal <u>C</u> athode Surface Coating
* * *	
<b>[See Prior Text in UU-MMM]</b>	
NNN	Standards of Performance for Volatile Organic <u>e</u> Compound (VOC) Emissions <del>form</del> <u>From</u> Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations
* * *	
<b>[See Prior Text in OOO-WWW]</b>	

\* \* \*

**[See Prior Text in Table 1.A. 40 CFR Part 60 Appendices]**

B. Final regulations published in the Federal Registers from July 2, 1996, through June 30, 1997 and on September 15, 1997, and specified below in Table 2, are hereby incorporated by reference as they apply to the State of Louisiana.

Table 2. 40 CFR Part 60			
40 CFR Part 60 Subpart/Appendix	Subpart Heading/Appendix	Federal Register Citation	Date Promulgated
Subpart A	General Provisions	62 FR 8328	February 24, 1997
Subpart X	Standards of Performance for the Phosphate Fertilizer Industry; Granular Triple Superphosphate Storage Facilities	62 FR 18280	April 15, 1997
Subpart 000	Standards of Performance for Nonmetallic Mineral Processing Plants; Amendments	62 FR 31359	June 9, 1997
Subpart A	General Provisions	62 FR 48379	September 15, 1997
* * *			
<b>[See Prior Text in Subpart Ce-Subpart Ec]</b>			

C. Corrective modification and clarification are made as follows:

1. whenever the referenced regulations (i.e., 40 CFR part 60) provide authority to “the Administrator,” such authority in accordance with these regulations shall be exercised by the assistant secretary of the Office of Air Quality and Radiation Protection subject to continuing supervision by the secretary, not withstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR part 60) to be provided to “the Administrator” shall be provided to the Office of Air Quality and Radiation Protection where the state is designated authority by EPA as “the Administrator” or shall be provided to the Office of Air Quality and Radiation Protection and EPA where EPA retains authority as “the Administrator”;

2. 40 CFR Part 60 Subpart A, Section 60.4 (b)(T), to read as follows: State of Louisiana: Program Administrator, Air Quality Division, Louisiana Department of Environmental Quality, Post Office Box 82135, Baton Rouge, Louisiana 70884-2135; and

23. The availability to the public of information provided to or otherwise obtained by the state under this Chapter shall be governed by LAC 33:I.501-509.

\* \* \*

**[See Prior Text in D]**

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 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:\*\*