

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 1. General Provisions

' 101. Authority

A. By virtue of R.S. 30:2011 the Air Quality ~~Division~~ of program within the Department of Environmental Quality was established with the intent and purpose of maintaining the purity of the air resources of the state of Louisiana consistent with the protection of the health and physical property of the people, maximum employment and the full industrial development of the state. R.S. 30:2011 sets forth the powers of this administrative authority and by R.S. 30:2019 authorizes the promulgation by this administrative authority of rules and regulations consistent with said intent and purpose in the manner and in accordance with the provisions of R.S. 30:2001 et seq. which was enacted by the legislature as the law of this state by Act 449 of 1979.

* * *

[See Prior Text in B - 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 Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 111. Definitions

When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below:

* * *

[See Prior Text]

~~Administrative Authority~~ Cthe secretary, or designee, of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

* * *

[See Prior Text]

DEQ—the Department of Environmental Quality.

~~Department~~ Cthe Air Quality Division, Office of Air Quality and Radiation Protection, of the Department of Environmental Quality.

* * *

[See Prior Text]

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 15:1061 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:777 (August 1991), LR 21:1081 (October 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

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Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

' 211. Methodology

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[See Prior Text in A - B.9]

10. When a permanent shutdown occurs and a company properly notifies the ~~department~~ Office of Environmental Services, Permits Division, by official change in the Emission Inventory Questionnaire (EIQ) and permit, then the maintenance fee would be dropped for that shutdown portion of the process/plant. This fee reduction or cancellation shall apply only in the fiscal years in which the shutdown portion of the plant or process did not operate at all. The EIQ and permit shall also need to be changed to delete the emissions from the shutdown portion of the plant or process before the start of the fiscal year in which the fee would have been charged.

* * *

[See Prior Text in B.11 - 15.b]

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 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1373 (October 1993), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:264 (February 2000), L.R. 26:**.

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ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

' 501. Scope and Applicability

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[See Prior Text in A - B.5.Note 1]

6. Grandfathered Status. Those facilities which were under actual construction or operation as of June 19, 1969, and granted grandfathered status by DEQ may maintain such grandfathered status, provided a current and accurate Emissions Inventory Questionnaire is maintained on file with the permitting authority and provided the owner or operator of such facility is not required or requested to submit a permit application in accordance with this Paragraph. Grandfathered status shall be maintained until final action is taken by the permitting authority on the permit application, provided such application is submitted timely in a timely manner. A permit application shall be submitted in accordance with LAC 33:III.517.A if any of the following criteria are met or will be met by a planned change at the facility:

* * *

[See Prior Text in B.6.a - C]

1. For each source to which this Chapter applies, the owner or operator shall submit a timely and complete permit application to the Office of Environmental Services, Permits Division as required in accordance with the procedures delineated herein. Permit applications shall be submitted prior to construction, reconstruction, or modification unless otherwise provided in this Chapter.

* * *

[See Prior Text in C.2 - 10]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 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 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 502. Definitions

Except where specifically provided in another Section herein, the following definitions apply to terms used in this Chapter. Except as provided in this Chapter, terms used in this Chapter retain the definition provided them in LAC 33:III.111 or the Louisiana Air Quality

regulations. Wherever provisions related to the Acid Rain Program are concerned, the definitions provided in 40 CFR part 72 shall apply.

* * *
[See Prior Text]

~~DEQ~~the Louisiana Department of Environmental Quality, ~~its secretary or the secretary's designee.~~

* * *
[See Prior Text]

~~Permitting Authority~~the secretary, or designee, of the Louisiana Department of Environmental Quality, ~~its secretary, or the secretary's designee.~~

*Potential to Emit*the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if:

* * *
[See Prior Text in a]

b. the limitation is enforceable by the ~~DEQ Air Quality Division,~~ department when the potential to emit is being considered with regard to state applicable requirements.

* * *
[See Prior Text]

*State-Only Change*any change that is not addressed or prohibited under the federally enforceable terms and conditions of the permit, and for which a permit revision is not required under 40 CFR part 70, but for which a permit revision is required by ~~DEQ~~ the department authority under this Chapter.

* * *
[See Prior Text]

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 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 504. Nonattainment New Source Review Procedures

* * *

[See Prior Text in A - B.5]

C. Source Information. The owner or operator of a proposed major stationary source or major modification shall submit all information necessary to the Office of Environmental Services, Permits Division in order to perform any analysis or make any determination required under this regulation. Information shall include, but is not limited to:

* * *

[See Prior Text in C.1 - F.6]

7. The owner or operator desiring to utilize emission reductions as an offset shall submit to the ~~department~~ Office of Environmental Services, Permits Division the following information:

* * *

[See Prior Text in F.7.a - G.Table 1.Note 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 Radiation Protection, Air Quality Division, LR 19:176 (February 1993), repromulgated LR 19:486 (April 1993), amended LR 19:1420 (November 1993), LR 21:1332 (December 1995), LR 23:197 (February 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 505. Acid Rain Program Permitting Requirements

* * *

[See Prior Text in A - B.1]

2. Exemption. The designated representative, authorized in accordance with 40 CFR part 72, subpart B, of a source that includes a unit under Subsection B.1 of this Section may petition the ~~permitting authority~~ Office of Environmental Services, Permits Division for a written exemption or to renew a written exemption for the unit from certain requirements of the Acid Rain Program. The petition shall contain the following elements:

* * *

[See Prior Text in B.2.a - 4.c]

i. Notwithstanding Subsection D.2 and 3, the designated representative of the source that includes the unit shall submit a complete acid rain permit application to the Office of Environmental Services, Permits Division on the latter of January 1, 1998, or the date the unit is no longer exempted under this Section; and

* * *

[See Prior Text on B.4.c.ii - C.2.a]

b. A petition under this Subsection shall be submitted to the Office of Environmental Services, Permits Division on or before:

* * *

[See Prior Text in C.2.b.i - C.4.b]

c. A unit exempted under this Subsection shall not resume operation unless the designated representative of the source that includes the unit submits an acid rain permit application for the unit to the department not less than 24 months prior to the latter of January 1, 2000, or the date the unit is to resume operation. On the earlier of the date the written exemption expires or the date an acid rain permit application is submitted or is required to be submitted under this Paragraph, the unit shall no longer be exempted under this Subsection and shall be subject to all requirements of this Section and 40 CFR part 72.

D. Requirement to Apply

1. Duty to Apply. The designated representative of any source with an affected unit shall submit a complete acid rain permit application to the Office of Environmental Services, Permits Division by the applicable deadline in Subsection D.2 and 3 of this Section and the owners and operators shall not operate the source without a permit that states its Acid Rain Program requirements.

2. Deadlines

a. Phase II. For any source with an existing unit under Subsection A.1.a or b of this Section, the designated representative shall submit a complete acid rain permit application governing such unit during phase II to the ~~permitting authority~~ department on or before January 1, 1996.

b. For any source with a new unit under Subsection A.1.c.i of this Section, the designated representative shall submit a complete acid rain permit application governing such unit to the ~~permitting authority~~ department at least 24 months before the latter of January 1, 2000, or the date on which the unit commences operation.

c. For any source with a unit under Subsection A.1.c.ii of this Section, the designated representative shall submit a complete acid rain permit application governing such unit to the ~~permitting authority~~ department at least 24 months before the latter of January 1, 2000, or the date on which the unit begins to serve a generator with a nameplate capacity greater than 25 MWe.

d. For any source with a unit described in Subsection A.1.c.iii of this Section, the designated representative shall submit a complete acid rain permit application governing such unit to the ~~permitting authority~~ department at least 24 months before the latter of January 1, 2000, or the date on which the auxiliary firing commences operation.

e. For any source with a unit described under Subsection A.1.c.iv of this Section, the designated representative shall submit a complete acid rain permit application governing such unit to the ~~permitting authority~~ department before the latter of January 1, 1998, or March 1 of the year following the three calendar year period in which the unit sold to a utility power distribution

system an annual average of more than one-third of its potential electrical output capacity and more than 219,000 MWe-hrs actual electric output (on a gross basis).

f. For any source with a unit described in Subsection A.1.c.v of this Section, the designated representative shall submit a complete acid rain permit application governing such unit to the ~~permitting authority~~ department before the latter of January 1, 1998, or March 1 of the year following the calendar year in which the facility fails to meet the definition of qualifying facility.

g. For any source with a unit described in Subsection A.1.c.vi of this Section, the designated representative shall submit a complete acid rain permit application governing such unit to the ~~permitting authority~~ department before the latter of January 1, 1998, or March 1 of the year following the calendar year in which the facility fails to meet the definition of an independent power production facility.

h. For any source with a unit described in Subsection A.1.c.vii of this Section, the designated representative shall submit a complete acid rain permit application governing such unit to the ~~permitting authority~~ department before the latter of January 1, 1998, or March 1 of the year following the three calendar year period in which the incinerator consumed 20 percent or more fossil fuel (on a Btu basis).

3. Duty to Reapply. The designated representative shall submit a complete acid rain permit application to the Office of Environmental Services, Permits Division for each source with an affected unit at least six months prior to the expiration of an existing acid rain permit governing the unit during phase II, or such longer time as may be approved under 40 CFR part 70 that ensures that the term of the existing permit will not expire before the effective date of the permit for which the application is submitted.

4. Four copies of all permit applications shall be submitted to the ~~state permitting authority~~ Office of Environmental Services, Permits Division ~~for the state where the affected source is located.~~

* * *

[See Prior Text in D.5 - G.3]

a. To activate a conditionally-approved acid rain compliance option, the designated representative shall notify the ~~permitting authority~~ Office of Environmental Services, Permits Division in writing that the conditionally-approved compliance option will actually be pursued beginning January 1 of a specified year. If the conditionally-approved compliance option includes a plan described in Subsection G.2.a of this Section, the designated representative of each source governed by the plan shall sign and certify the notification. Such notification shall be subject to the limitations on activation under Subsections G and H of this Section and regulations implementing section 407 of the Clean Air Act.

* * *

[See Prior Text in G.3.b - 4]

a. The designated representative for a unit may terminate an acid rain compliance option by notifying the ~~permitting authority~~ Office of Environmental Services, Permits Division in writing that an approved compliance option will be terminated beginning January 1 of a specified year. If the compliance option includes a plan described in Subsection G.2.a of this Section, the designated representative for each source governed by the plan shall sign and certify the notification. Such notification shall be subject to the limitations on termination under Subsection H of this Section and regulations implementing section 407 of the Clean Air Act.

* * *

[See Prior Text in G.4.b - S.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 Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 21:678 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 507. Part 70 Operating Permits Program

* * *

[See Prior Text in A - C.2]

3. Newly Regulated Sources. The owner or operator of any source which becomes subject to the requirements of this Section after the effective date of the Louisiana Part 70 program due to regulations promulgated by the administrator or by the ~~Louisiana~~ Department of Environmental Quality shall submit an application to the Office of Environmental Services, Permits Division in accordance with the requirements established by the applicable regulation. In no case shall the required application be submitted later than one year from the date on which the source first becomes subject to this Section.

* * *

[See Prior Text in D - H.3]

4. a requirement for progress reports to be submitted to the Office of Environmental Compliance, Surveillance Division at least semiannually, or at a more frequent period if specified in the applicable requirement. Such progress reports shall contain the following:

* * *

[See Prior Text in H.4.a - 5.c.v]

d. a requirement that all compliance certifications be submitted to the administrator as well as to the ~~permitting authority~~ Office of Environmental Compliance, Surveillance Division; and

* * *

[See Prior Text in H.5.e - J.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024 and 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 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 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]

Administrative Authority ~~Cthe secretary, or designee,~~ of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

* * *

[See Prior Text in B.Adverse Impact on Visibility - O.2]

3. Where the air quality impact analysis required under this Section indicates that the issuance of a permit for any major stationary source or major modification would result in the consumption of more than 50 percent of any available annual increment or 80 percent of any available short term increment, the applicant may be required by the administrative authority to submit to the ~~Air Quality Division~~ Office of Environmental Services, Permits Division a report covering the following factors:

* * *

[See Prior Text in O.3.a - Q.6]

7. The administrative authority shall make all comments available for public inspection at the Headquarters of the Department of Environmental Quality, ~~Office of Air Quality and Radiation Protection.~~ In accordance with 40 CFR 51.166 (g)(2)(ii-vii), the regional office having jurisdiction for the parish in which the permit or permit modification is being sought will be the regional location of all materials. In addition, the administrative authority may elect to provide certain parts of permits or permit modifications at other locations in the region.

* * *

[See Prior Text in Q.8 - 8.a]

b. notify the applicant in writing of the final determination and make such notification available for public inspection at the Headquarters of the Department of Environmental Quality, ~~Office of Air Quality and Radiation Protection.~~ In accordance with 40 CFR 51.166 (g)(2)(ii-vii), the regional office having jurisdiction for the parish in which the permit or permit modification is

being sought will be the regional location of all materials. In addition, the administrative authority may elect to provide certain parts of permits or permit modifications at other locations in the region.

* * *

[See Prior Text in R - 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 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 513. General Permits, Temporary Sources, and Relocation of Portable Facilities

* * *

[See Prior Text in A - C]

1. The administrative permitting authority may issue, on behalf of the department, a certificate of approval to relocate an asphalt plant or other transportable facility that is presently operating under a certificate of approval from the department provided the facility does not constitute a Part 70 source and would not constitute a Part 70 source upon relocation. Prior to issuance of any such certificate, the administrative permitting authority shall receive adequate assurance from the petitioner that the following conditions are met:

* * *

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

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 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 517. Permit Applications and Submittal of Information

* * *

[See Prior Text in A-C]

D. Contents of Application. Applications for permits shall be submitted in accordance with forms and guidance provided by the permitting authority. In addition, forms can be obtained through the department's website at www.deq.state.la.us. At a minimum, each permit application submitted under this Chapter shall contain the following:

* * *

[See Prior Text in D.1 - F]

G. Change of Ownership. Notification of any change in ownership must be given to the permitting authority within 90 days after the change. Such notification need not require a complete permit application submittal, but shall be provided in accordance with forms or guidance from the permitting authority and in accordance with requirements of LAC 33:I.1701. In addition, forms can be obtained through the department's website at www.deq.state.la.us. The administrative authority is authorized to amend the permit to reflect such changes in accordance with LAC 33:III.521. Failure to disclose such changes of ownership within 90 days after the event will be grounds for invalidation of the permit. Based on review of the compliance history of the new owner, the administrative authority has the right to deny the transfer of the permit in accordance with provisions of LAC 33:I.1701. Changes in ownership of a source holding grandfathered status will require that a permit application be submitted in accordance with LAC 33:III.501.B.6 and Subsection A.3 of this Section.

* * *

[See Prior Text in H]

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 19:1420 (November 1993), amended LR 20:1375 (December 1994), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:405 (April 1997), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

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

Chapter 6. Regulations on Control of Emissions Through the Use of Emission Reduction Credits Banking

' 605. Definitions

The terms used in this Chapter are defined in LAC 33:III.111 of these regulations except as defined within the separate subchapters or as follows:

Actual Emissions C the actual rate of emissions of an air contaminant from a source operation, equipment, or control apparatus. Actual emissions shall be calculated using the actual operating hours, production rates, and types of materials used, processed, stored, or combusted during the selected time period. In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal major stationary source operation. A different time period shall be allowed upon a determination by the department that it is more representative of normal major stationary source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period. Acceptable methods for estimating the actual emissions may include, but are not limited to, any one or a combination of the following:

* * *

[See Prior Text in a]

b. fuel usage records, production records, purchase records, material balances, engineering calculations (approved by the ~~assistant secretary, Office of Air Quality and Radiation Protection~~ department), source tests (only if suitable emission factors are not available), waste disposal records, emission reports previously submitted to the department such as emission inventory reports, SARA Title III, or MACT compliance certifications, and other methods specifically approved by the administrative authority.

* * *

[See Prior Text]

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 20:874 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 26:**.

' 611. Mobile Sources Emission Reductions

* * *

[See Prior Text in A - C.2]

D. Vehicle Visual Inspection. In order to be eligible for MERCs, each vehicle to be scrapped shall be subjected to a visual inspection prior to scrapping. Inspections shall be conducted by a licensed automobile crusher and information recorded on a form designed by and submitted to the ~~Department of Environmental Quality~~ Office of Environmental Services, Permits Division. The physical presence of the following elements shall be included in the inspection and shall be required for approval:

* * *

[See Prior Text in D.1-E.12]

F. Recordkeeping Requirements. The following information shall be recorded on a form prepared by the participating automobile crusher and submitted to the ~~department~~ Office of Environmental Services, Permits Division in duplicate:

* * *

[See Prior Text in F.1- I]

1. Point-source Facilities Obtaining MERCs. Any stationary point-source facility in ozone nonattainment areas designated marginal and above may request the purchase of MERCs. The department will develop and maintain a directory of automobile year models/types available and the owners wishing to scrap their vehicles. The facility wishing to purchase MERCs will contact the department and indicate the amount of VOC and/or NO_x emission reduction credits they are seeking. The department will release to that facility the names and telephone numbers of owners sufficient to meet all or part of the desired number of emission reduction credits. It will be the responsibility of the facility to negotiate a fair market value, a minimum of \$450, with the owner of the vehicle. A written statement of that negotiation shall be provided to the ~~department~~ Office of Environmental Services, Permits Division signed by both the facility agent and the owner(s) of the vehicle(s) to be scrapped. A check from the facility to the vehicle owner will be submitted with the written statement of negotiation to the department. Upon receipt of the written statement of negotiation and the facility's check to the vehicle owner, the department will arrange for a licensed and certified automobile crusher to accept the designated vehicles for destruction. A department representative will witness the destruction of the vehicle(s) and will release the facility's check to the vehicle owner. The purchased MERCs will be transferred to the facility's ERC bank balance. In the event that vehicle scrapping does not take place after the written statement of negotiation and the check are forwarded to the department, the department will return to the facility the facility's check upon demand.

2. Private Entities. (Any private entity wishing to participate in the mobile source emission reduction program without benefit of a list of owners wishing to scrap their vehicles.) It will be the responsibility of the private entity to negotiate a fair market value, a minimum of \$450, with the owner of the vehicle. A written statement of that negotiation shall be provided to the department signed by both the private entity agent and the owner(s) of the vehicle(s) to be

scrapped. A check from the private entity to the vehicle owner will be submitted with the written statement of negotiation to the ~~department~~ Office of Environmental Services, Permits Division. Upon receipt of the written statement of negotiation and the private entity's check to the vehicle owner, the department will arrange for a licensed and certified automobile crusher to accept the designated vehicles for destruction. A department representative will witness the destruction of the vehicle(s) and will release the private entity's check to the vehicle owner. In the event that vehicle scrapping does not take place after the written statement of negotiation and the check are forwarded to the department, the department will return to the private entity the private entity's check upon demand.

* * *

[See Prior Text in J - K]

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 20:881 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 613. ERC Bank Balance Sheet

* * *

[See Prior Text in A - C]

D. Schedule. All applications for banking ERCs in the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge where the emission reductions occurred before August 20, 1994, must have been submitted prior to February 20, 1995. First-time applications for banking ERCs for attainment parishes may be submitted at any time. If a parish is redesignated as ozone nonattainment by the EPA, applications for banking ERCs for those parishes must be submitted within six months after the effective date of the EPA designation. All applications for banking ERCs where the emission reductions occurred after the date this banking rule was adopted for an area shall be submitted by March 1 following the year in which the reduction occurred. The balances (i.e., the balance available for netting and the balance available for offsets) from the ERC bank balance sheets of Subsection A of this Section shall be submitted to the department by March 1 of each year together with the certification specified in Subsection E of this Section. All submittals required by this Subsection must be submitted to the Office of Environmental Services, Permits Division. All emission reductions must meet the timing restrictions set forth in LAC 33:III.607.D in order to be eligible for banking as ERCs.

* * *

[See Prior Text in E - F]

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 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 26:**.

' 619. Registration of Emission Reduction Credit Certificates

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[See Prior Text in A - B.2]

3. be signed by the ~~assistant secretary~~ administrative authority of the Office of Air Quality and Radiation Protection;

* * *

[See Prior Text in B.4 - E]

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 20:879 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 623. Withdrawal, Use, and Transfer of Emission Reduction Credits

A. Withdrawal of ERCs. An ERC certificate may be withdrawn in whole or in part. The ERC owner must submit a written request to withdraw and use the ERCs. The ~~assistant secretary~~ administrative authority of the Office of Air Quality and Radiation Protection shall have 30 calendar days to review the request. Upon such request to withdraw ERCs from the bank, the department shall be responsible for recalculating the quantity of available ERCs for that entity and for providing that entity with an adjusted bank balance sheet. In the case of a partial withdrawal, the assistant secretary shall issue a new certificate reflecting the available credits remaining.

* * *

[See Prior Text in B - B.4]

C. Transfer of ERCs. An ERC certificate may be transferred in whole or in part. The role of the department in the transfer of an ERC certificate shall be limited to providing information to the public, documenting ERC transfers, and registering ERC certificates. The ~~assistant secretary~~ administrative authority of the Office of Air Quality and Radiation Protection shall be notified within 30 days of any transfer of the credit to another party. The old certificate shall be submitted to the assistant secretary who shall then issue a new certificate within 30 days indicating the new owner. In the case of a partial transfer, the assistant secretary shall issue a new certificate to the new owner as well as a revised certificate within 30 days to the current owner reflecting the available credits to each owner. The original ERC certificate shall be canceled. The banking register/database shall indicate the transfer to the new owner (and reduction of credits when a partial transfer takes place) and the invalidation of the original ERC certificate.

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 20:880 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 9. General Regulations on Control of Emissions and Emission Standards

' 918. Recordkeeping and Annual Reporting

Data for emission reports should be captured annually. These reports are to be submitted to the ~~department~~ Office of Environmental Assessment, Environmental Evaluation Division by March 31st of each year (for the period January 1 to December 31 of the previous year) unless otherwise directed by the department. The report should include all data applicable to the emission source or sources which may be required under LAC 33:III.919.A.

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 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 919. Emission Inventory

Emission inventory data shall be submitted to the ~~Louisiana~~ Department of Environmental Quality (~~DEQ~~) on magnetic media in the format specified by the ~~Air Quality Division~~ Office of Environmental Assessment, Environmental Evaluation Division. Facilities with less than five point sources, may elect to submit Emission Inventory Coding (EIC) forms in lieu of the magnetic media. Facilities are defined as all emission points, fugitive, area, mobile, under common control on contiguous property. Point source is defined as the point of emission which should have a Source Classification Code. Stationary source is defined as a group of point sources. Detailed instructions are provided on an annual basis for completing and submitting emissions inventories which define requirements applicable to facilities, point sources, area sources and mobile sources.

A. Applicability. The owner or operator of the following facilities in the State of Louisiana shall submit emissions inventories to the ~~Louisiana Department of Environmental Quality~~ Office of Environmental Assessment, Environmental Evaluation Division.

* * *

[See Prior Text in A.1 - B.3]

4. Special Inventories. Upon request by the administrative authority, any facility subject to any rule of the ~~Air Quality Division~~ regulations, LAC 33: Part III shall file additional emissions data with the department. The request shall specify a reasonable time for response, which shall not be less than 60 days from receipt of the request.

* * *

[See Prior Text in B.5-C]

D. After data processing and inventory update, the department will submit the revised inventory to the facility for final verification and signature. The certified inventory shall then be submitted to ~~DEQ/AQD~~ the Office of Environmental Assessment, Environmental Evaluation Division, within 60 days from the date of receipt of the data from the department.

* * *

[See Prior Text in E – F]

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), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 11. Control of Emissions of Smoke

' 1105. Smoke from Flaring Shall Not Exceed 20 Percent Opacity

The emission of smoke from a flare or other similar device used for burning in connection with pressure valve releases for control over process upsets shall be controlled so that the shade or appearance of the emission does not exceed 20 percent opacity (LAC 33:III.1503.Table 4) for a combined total of six hours in any 10 consecutive days. If it appears the emergency cannot be controlled in six hours, the ~~administrative authority~~ Office of Environmental Compliance shall be notified by the emitter as soon as possible by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us after the start of the upset period. Such notification does not imply the administrative authority will automatically grant an exemption to the source(s) of excessive emissions.

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 25:656 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 1107. Exemptions

Exemptions from the provisions of LAC 33:III.1105 may be granted by the administrative authority during start-up and shutdown periods if the flaring was not the result of failure to maintain or repair equipment. A report in writing, explaining the conditions and duration of the start-up or shutdown and listing the steps necessary to remedy, prevent and limit the excess emission, shall be submitted to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division within seven calendar days of the occurrence. In addition, the flaring must be minimized and no ambient air quality standard may be jeopardized.

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 Environmental Assessment, Environmental Planning Division, LR 26:**

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 14. Conformity

Subchapter A. Determining Conformity of General Federal Actions to State or Federal Implementation Plans

' 1404. Definitions

Terms used, but not defined in this part, shall have the meaning given them by the CAA and LAC 33:III, in that order of priority.

* * *
 [See Prior Text]

~~Department~~ ~~the Air Quality Division, Office of Air Quality and Radiation Protection, of~~ the Department of Environmental Quality.

* * *
 [See Prior Text]

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 20:1269 (November 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:***.

' 1410. Criteria for Determining Conformity of General Federal Actions

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

i. the total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the department to result in a level of emissions which, together with all other emissions in the nonattainment or maintenance area, would not exceed the emissions budgets specified in the applicable SIP. As a matter of policy, should the department make such determination or commitment, the federal agency must provide to the ~~department~~ Office of Environmental Assessment, Environmental Planning Division information on all known projects or other actions which may affect air quality or emissions in any area to which this rule is applicable, regardless of whether such project or action is determined to be subject to this rule under LAC 33:III.1405. The department may charge the federal agency requesting such

determination a reasonable fee based on the number of manhours required to perform and document the determination; or

* * *

[See Prior Text in A.5.a.ii - 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 20:1274 (November 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved Under Title 23 U.S.C. or the Federal Transit Act

' 1434. Consultation

* * *

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

b. DEQ ~~assistant secretary, Office of Air Quality~~ of the Office of Environmental Assessment, or his designee,

* * *

[See Prior Text in B.6.c - E]

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 20:1278 (November 1994), repromulgated LR 24:1280 (July 1998), amended LR 24:1684 (September 1998), repromulgated LR 24:1925 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 15. Emission Standards for Sulfur Dioxide

' 1507. Exceptions

* * *

[See Prior Text in A]

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, 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~~ Office of Environmental Compliance, Surveillance Division 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~~ Office of Environmental Compliance, Surveillance Division 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 Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:375 (April 1992), LR 23:1678 (December 1997), LR 24:1284 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:** .

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

' 2103. Storage of Volatile Organic Compounds

* * *

[See Prior Text in A - D.4]

a. Controls for nonslotted guide poles and stilling wells shall include pole wiper and gasketing between the well and sliding cover. Controls for slotted guide poles shall include a float with wiper, pole wiper, and gasketing between the well and sliding cover. The description of the method of control and supporting calculations based upon the Addendum to American Petroleum Institute Publication Number 2517 Evaporative Loss from External Floating Roof Tanks, (dated May 1994) shall be submitted to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division for approval prior to installation.

* * *

[See Prior Text in D.4.b - I.5]

6. records of the type(s) of VOC stored and the length of time stored for any storage tank exempted under Subsection G.5 of this Section. Verbal notification to the ~~administrator~~ following office is required in advance, if possible, but no later than 24 hours after the tank starts filling-:

Office of Environmental Compliance,
(225) 763-3908 during office hours;
(225) 342-1234 after hours, weekends,
and holidays; or
e-mail at surveillance@deq.state.la.us

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 15:1065 (December 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:27 (January 1990), LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2108. Marine Vapor Recovery

* * *

[See Prior Text in A - F]

1. The results of any testing done in accordance with LAC 33:III.2108.E shall be reported to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division within 45 days of the test.

* * *

[See Prior Text in F.2 - 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 24:20 (January 1998), LR 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2113. Housekeeping

* * *

[See Prior Text in A - A.3]

4. Each facility shall develop a written plan for housekeeping and maintenance that places emphasis on the prevention or reduction of volatile organic compound emissions from the facility. This plan shall be submitted to the ~~Air Quality Division~~ Office of Environmental Services, Permits Division upon request. A copy shall be kept at the facility, if practical, or at an alternate site approved by the ~~Air Quality Division~~ department.

* * *

[See Prior Text in A.5]

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 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:361 (April 1991), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2116. Glycol Dehydrators

* * *

[See Prior Text in A - G]

1. The owner or operator of a facility shall submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a permit application after installation of controls unless exempt from permitting pursuant to LAC 33:III.Chapter 5.

2. If no permit is required pursuant to LAC 33:III.Chapter 5, the owner or operator of a facility shall submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a new or updated emission inventory questionnaire after installation of controls.

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 20:1107 (October 1994), repromulgated, LR 20:1279 (November 1994), amended LR 21:941 (September 1995), LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2121. Fugitive Emission Control

* * *

[See Prior Text in A - E.3]

F. Reporting Requirements. The operator of the affected facility shall submit to the Office of Environmental Assessment, Environmental Technology Division a report semiannually containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

* * *

[See Prior Text in F.1 – G.Liquid Service]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:959 (November 1990), LR 17:654 (July 1991), LR 21:1330 (December 1995), LR 22:1128 (November 1996), LR 22:1212 (December 1996), LR 24:22 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2122. Fugitive Emission Control for Ozone Nonattainment Areas

* * *

[See Prior Text in A - F.3]

G. Reporting Requirements. The operator of the affected facility shall submit a report semiannually to the Office of Environmental Assessment, Environmental Technology Division

containing the information below for each calendar quarter during the reporting period. The reports are due by the last day of the month (January and July) following the monitoring period or by a date approved by the department. The reports shall include the following information for each quarter of the reporting period:

* * *

[See Prior Text in G.1 - 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 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Organic Solvents

' 2123. Organic Solvents

* * *

[See Prior Text in A - D]

1. If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, in terms of pounds per gallon of solids as applied (determined in accordance with LAC 33:III.2123.D.8), the volatile organic compound capture and abatement system shall be at least 80 percent efficient overall. All surface coating facilities shall submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division, for approval, design data for each capture system and emission control device which is proposed for use. The effectiveness of the capture system (i.e., capture efficiency) shall be determined using the procedure specified in LAC 33:III.2123.E.6.

* * *

[See Prior Text in D.2 – 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 24:1285 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1240 (July 1999), LR 26:**.

Subchapter F. Gasoline Handling

' 2132. Stage II Vapor Recovery Systems for Control of Vehicle Refuelling Emissions at Gasoline Dispensing Facilities

* * *

[See Prior Text in A - B.5]

6. The regulated facility shall submit the following application information to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division prior to installation of the Stage II Vapor Recovery System:

* * *

[See Prior Text in B.6.a - 7]

8. Upon request by the Department of Environmental Quality, the owner or operator of a facility that claims to be exempt from the requirements of this Section shall submit supporting records to the ~~department~~ Office of Environmental Compliance, Surveillance Division within 30 calendar days from the date of the request. The Department of Environmental Quality shall make a final determination regarding the exemption status of a facility.

* * *

[See Prior Text in C - D]

1. The owner/operator of the facility shall have the installed vapor recovery equipment tested prior to the start-up of the facility. The owner or operator shall notify the ~~department~~ Office of Environmental Compliance, Surveillance Division at least five calendar days in advance of the scheduled date of testing. Testing must be performed by a contractor that is certified with the Department of Environmental Quality. Compliance with the emission specification for Stage II equipment shall be demonstrated by passing the following required tests or equivalent for each type of system:

* * *

[See Prior Text in D.1.a - 2]

3. The department reserves the right to confirm the results of the aforementioned testing at its discretion and at any time. Within 30 days after installation or major system modification of a vapor recovery system, the owner or operator of the facility shall submit to the ~~department~~ Office of Environmental Compliance, Surveillance Division the date of completion of the installation or major system modification of a vapor recovery system and the results of all functional testing requirements.

* * *

[See Prior Text in E - I]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:1254 (November 1992), repromulgated LR 19:46 (January 1993), amended LR 23:1682 (December 1997), LR 24:25 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter M. Limiting Volatile Organic Compound Emissions from Industrial Wastewater

' 2153. Limiting Volatile Organic Compound Emissions from Industrial Wastewater

* * *

[See Prior Text in A - G.4.a]

b. in order to maintain exemption status under this Subsection, the owner or operator shall submit an annual report no later than March 31 of each year, starting in 1997, to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division, which demonstrates that the overall control of VOC emissions at the affected source category from which wastewater is generated during the preceding calendar year is at least 90 percent less than the 1990 baseline emissions inventory. At a minimum, the report shall include the EPN; the PIN; the throughput of wastewater from affected source categories; a plot plan showing the location, EPN, and PIN associated with a wastewater storage, handling, transfer, or treatment facility; and the VOC emission rates for the preceding calendar year. The emission rates for the preceding calendar year shall be calculated in a manner consistent with the 1990 baseline emissions inventory; and

c. all representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions, unless the owner or operator of the wastewater component submits a revised control plan to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions from wastewater at the affected source categories continues to be at least 90 percent less than the 1990 baseline emissions inventory. The emission rates shall be calculated in a manner consistent with the 1990 baseline emissions inventory.

* * *

[See Prior Text in G.5]

a. each request for an exemption determination shall be submitted to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division. Each request shall demonstrate that the overall control of VOC emissions from wastewater at the affected source categories will be at least 80 percent less than the 1990 baseline emissions inventory. The request shall include the applicable EPN; the PIN; the calendar year throughput of wastewater from affected source categories; the VOC emission rates; and a plot plan showing the location, EPN, and PIN associated with a wastewater storage, handling, transfer, or treatment facility. The emission rates shall be calculated in a manner consistent with the 1990 baseline emissions inventory;

* * *

[See Prior Text in G.5.b]

c. all representations in initial control plans and annual reports become enforceable conditions. It shall be unlawful for any person to vary from such representations if the variation will cause a change in the identity of the specific emission sources being controlled or the method of control of emissions unless the owner or operator of the wastewater component submits a revised control plan to the ~~department~~ Office of Environmental Assessment, Technology Division within 30 days of the change. All control plans and reports shall include documentation that the overall reduction of VOC emissions at the plant from wastewater affected source categories continues to be at least 80 percent less than the 1990 baseline emissions inventory.

* * *

[See Prior Text in G.6 - I]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:936 (September 1995), amended LR 22:1212 (December 1996), LR 24:26 (January 1998), LR 25:850 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter N. Method 43C Capture Efficiency Test Procedures

' 2159. Recordkeeping and Reporting

A. All affected facilities must maintain a copy of the capture efficiency protocol on file. All results of appropriate test methods and CE protocols must be reported to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division within 60 days of the test date. A copy of the results must be kept on file with the source.

B. If any changes are made to capture or control equipment, the source is required to notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division of these changes and a new test may be required.

C. The source must notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division 30 days prior to performing any capture efficiency and/or control efficiency tests.

* * *

[See Prior Text in D - E]

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), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 23. Control of Emissions for Specific Industries¹

Subchapter A. Chemical Woodpulping Industry

' 2301. Control of Emissions from the Chemical Woodpulping Industry

* * *

[See Prior Text in A - D.4]

a. Compliance. Owner or operators shall conduct source tests of recovery furnaces pursuant to the provisions in Table 4, Chapter 15 to confirm particulate emissions are less than that specified in LAC 33:III.2301.D.1. The results shall be submitted to the ~~department~~ Office of Environmental Assessment, Environmental Technology Division as specified in LAC 33:III.919 and 918. The testing should be conducted as follows:

* * *

[See Prior Text in D.4.a.i - ii]

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 19:1564 (December 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Aluminum Plants

' 2303. Standards for Horizontal Stud Soderberg Primary Aluminum Plants and Prebake Primary Aluminum Plants

* * *

[See Prior Text in A - D.4]

E. Monitoring. Each horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall submit a detailed monitoring program subject to revision and approval by the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division. The program shall include regularly scheduled monitoring for emissions of total particulates as well as ambient air sampling for suspended particulates.

¹ Regulation of emissions of volatile organic compounds for certain industries are presented in Chapter 21.

[Note: Measurement of Concentrations. The methods listed in Table 2 (Chapter 7) and Table 4 (Chapter 15), or such equivalent methods as may be approved by the department, shall be utilized to determine these particulate concentrations.]

* * *

[See Prior Text in F - F.1.d]

2. Every horizontal stud Soderberg process primary aluminum plant and prebake process primary aluminum plant shall furnish, upon request to the department, such other data as the administrative authority may require to evaluate the plant's emission control program. Such plants shall immediately report abnormal plant operations which result in increased emissions of air contaminants to the Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us. Such notification does not imply the administrative authority will automatically grant an exemption to the source(s) of excessive emissions.

* * *

[See Prior Text in G - G.3]

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 Environmental Assessment, Environmental Planning Division, LR 26:**.

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~~ Office of Environmental Compliance, Surveillance Division within seven calendar days of the occurrence.

* * *

[See Prior Text in C.1.b - 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~~ Office of Environmental Compliance, Surveillance Division 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 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

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 - C]

1. Within 90 days after adoption of these regulations, all facilities operating incinerators designed or operated for the purpose of burning potentially infectious medical waste, shall submit a supplemental incinerator data form (SID-1) to: the Louisiana Department of Environmental Quality, Air Quality Division—Permit Section, P.O. Box 82135, Baton Rouge, LA 70884-2135 Office of Environmental Assessment, Environmental Technology Division.

* * *

[See Prior Text in C.2 - E.6.e]

7. A copy of all monitoring and tests results shall be submitted to the Louisiana Department of Environmental Quality, Air Quality Division, Engineering Section Office of Environmental Assessment, Environmental Technology Division, for review and approval within 45 days of completion of testing.

* * *

[See Prior Text in F - K]

L. Recordkeeping/Reporting. The owner or operator of any BWI shall keep a daily record of the hours the unit was in operation and the amount of waste incinerated. A separate record shall be kept of all chemotherapeutic waste incinerated that is not listed under the Resource Conservation and Recovery Act, 40 CFR 261.33(f). This record shall show the name of the material, date and time incinerated, and amount burned. Records shall be submitted to the Air Quality Compliance Division Office of Environmental Compliance, Surveillance Division by March 31 for the previous calendar year.

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 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Refuse Incinerators

' 2521. Refuse Incinerators

* * *

[See Prior Text in A - F.9.e]

10. A copy of all monitoring and tests results shall be submitted to the ~~Louisiana~~ Department of Environmental Quality, ~~Air Quality Division, Engineering Section~~ Office of Environmental Assessment, Environmental Technology Division, for review and approval within 45 days of completion of testing.

* * *

[See Prior Text in G - H]

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 20:1100 (October 1994), amended LR 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter D. Crematories

' 2531. Standards of Performance for Crematories

* * *

[See Prior Text in A - I.1.f]

2. A copy of all test results shall be submitted to the Department of Environmental Quality, ~~Air Quality Division~~ Office of Environmental Assessment, Environmental Technology Division for review and approval within 45 days of completion of testing.

* * *

[See Prior Text in J-J.1.d]

2. The owner/operator shall provide the ~~department~~ Office of Environmental Assessment, Environmental Technology Division at least 30 days prior notice of any emission test to afford the department the opportunity to conduct a pretest conference and to have an observer present. The department has the authority to invalidate any testing where such notice is not provided.

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 20:1107 (October 1994), amended LR 22:1127 (November 1996), LR 22:1212 (December 1996), LR 23:1509 (November

1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part. III. Air

Chapter 27. Asbestos-containing Materials in Schools and State Buildings Regulation

' 2701. Asbestos-Containing Materials in Schools and State Buildings

* * *

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

i. a copy of the inspection report must be submitted to the ~~Department of Environmental Quality~~ Office of Environmental Services, Permits Division, within 90 days of the inspection; and

* * *

[See Prior Text in B.3.b.ii - C]

1. This regulation requires local education agencies and the state government to identify friable and nonfriable asbestos-containing material (ACM) in schools and state buildings by visually inspecting schools and state buildings for such materials, sampling such materials if they are not assumed to be ACM, and having samples analyzed by appropriate techniques referred to in this rule. The regulation requires local education agencies and the state government to submit management plans to the ~~Department of Environmental Quality~~ Office of Environmental Services, Permits Division on or before 90 days after promulgation of this regulation, to begin to implement the plans 180 days after promulgation of this regulation, and to complete implementation of the plans in a timely fashion. If an exemption is requested for a state building that contains no asbestos, an inspection report supporting that exemption should be submitted in accordance with Subsection B.3.b.i of this Section. Management plans submitted to and approved by the Department of Environmental Quality prior to the promulgation of this regulation shall meet the inspection and assessment requirements of this Chapter. In addition, local education agencies and the state government are required to employ persons who have been accredited to conduct inspections, reinspections, develop management plans, or perform response actions. The regulation also includes recordkeeping requirements. Local education agencies and the state government may contractually delegate their duties under this rule, but they remain responsible for the proper performance of those duties. Local education agencies and the state government are encouraged to consult with the ~~Air Quality Compliance Division~~ Office of Environmental Compliance, Surveillance Division of the Department of Environmental Quality for assistance in complying with this rule.

* * *

[See Prior Text in C.2]

~~D. All requests, reports, applications, submittals, and other communications pursuant to this Chapter shall be submitted to the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Compliance Division/Asbestos Program, P.O. Box 82135, Baton Rouge, Louisiana 70884-2135~~ Reserved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:1056 (December 1990), amended Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:698 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2719. Operations and Maintenance

* * *

[See Prior Text in A - F.2.b]

~~c. notify the Department of Environmental Quality, Air Quality Compliance Division~~ Office of Environmental Compliance of the major fiber release episode by phone as specified in LAC 33:I.3923 at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or e-mail at surveillance@deq.state.la.us and in writing as specified in LAC 33:I.3925;

* * *

[See Prior Text in F.2.d]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:699 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2723. Management Plans

* * *

[See Prior Text in A]

1. Each local education agency or the state government shall develop an asbestos management plan for each school, including all buildings that are leased, owned, or otherwise used as school or state buildings, and submit the plan to the ~~Department of Environmental Quality~~ Office of Environmental Services, Permits Division. After June 20, 1994, each plan must include Form AAC-8, Required Elements for Management Plans (latest revised form can be obtained from the ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division or through the department's website located at www.deq.state.la.us). The plan may be submitted in stages that cover portions of the school or state building under the authority

of the local education agency or the state government before the deadline specified in LAC 33:III.2701.C.

2. If a building to be used as part of a school or state building is leased or otherwise acquired more than 90 days after promulgation of this regulation, the local education agency or the state government shall include the new building in the management plan for the school or state building prior to its use as a school or state building. The revised portions of the management plan shall be submitted to the ~~Department of Environmental Quality~~ Office of Environmental Services, Permits Division.

3. If a local education agency or the state government begins to use a building as a school or state building more than 90 days after promulgation of this regulation, the local education agency or the state government shall submit a management plan for the school or state building to the ~~Department of Environmental Quality~~ Office of Environmental Services, Permits Division prior to its use as a school or state building. Each plan developed or modified after June 20, 1994 must include Form AAC-8, Required Elements for Management Plans.

* * *

[See Prior Text in B - H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2735. Exclusions

* * *

[See Prior Text in A – A.3.a]

b. within 30 days after the inspector's determination, the local education agency or the state government shall submit a copy of the inspector's statement to the ~~Department of Environmental Quality~~ Office of Environmental Services, Permits Division and shall include the statement in the management plan for that school or state building.

* * *

[See Prior Text in A.4 - 5]

6. Based on inspection records and contractor and clearance records, an accredited inspector has determined that no ACBM is present in the homogeneous or sampling area where asbestos removal operations have been conducted before December 14, 1987, and shall sign and date a statement to that effect and include his or her accreditation number. The local education agency or the state government shall submit a copy of the statement to the ~~Department of~~

~~Environmental Quality~~ Office of Environmental Services, Permits Division and shall include the statement in the management plan for that school or state building.

7. An architect or project engineer responsible for the construction of a new school building built after October 12, 1988, or an accredited inspector signs a statement that no ACBM was specified as a building material in any construction document for the building or, to the best of his or her knowledge, no ACBM was used as a building material in the building. The local education agency or the state government shall submit a copy of the signed statement of the architect, project engineer, or accredited inspector to the ~~Department of Environmental Quality~~ Office of Environmental Services, Permits Division and shall include the statement in the management plan for that school or state building.

* * *

[See Prior Text in B - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2739. Agent Accreditation

* * *

[See Prior Text in A – B.2]

3. Workers who are engaged in maintenance that disturbs more than three square or linear feet of ACBM which does involve its actual removal, enclosure, repair, or encapsulation shall receive their initial and refresher training from a training organization recognized by the ~~Air Quality Compliance Division~~, Department of Environmental Quality. This training should be in accordance with the asbestos abatement worker course as described in Appendix A Subsection A.5 Initial Training. Workers who participate in the type of project described in this Paragraph must be accredited in accordance with Appendix A of this Chapter and must work under the close direction of an accredited supervisor during any work they perform.

4. Supervisors who are directing workers who may disturb ACM shall receive their initial and refresher training in accordance with LAC 33:III.Chapter 27, Appendix A, Subsection A.4, from a training organization recognized by the ~~Air Quality Compliance Division, Louisiana~~ Department of Environmental Quality. Supervisors who participate in the type of project referenced in this Paragraph are responsible for ensuring that:

* * *

[See Prior Text in B.4.a – 5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:397 (May 1990), amended Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

APPENDIX A

Agent Accreditation Plan

The duration of initial and refresher training courses is specified in numbers of days. A day of training equals eight consecutive hours, including breaks and lunch.

In several instances, initial training courses for a specific discipline (e.g., workers, inspectors) require hands-on training. For asbestos abatement supervisors, and workers, hands-on training should include working with asbestos-substitute materials, fitting and using respirators, use of glove-bags, donning protective clothing, constructing a decontamination unit, as well as other abatement work activities. Hands-on training must permit all supervisors, and workers to have actual experience performing tasks associated with asbestos abatement. For inspectors, hands-on training should include conducting a simulated building walk-through inspection and respirator fit testing.

Training requirements for each of the five accredited disciplines are outlined below. Persons in each discipline perform a different job function and distinct role. Inspectors identify and assess the condition of ACBM, or suspect ACBM. Management planners use data gathered by inspectors to assess the degree of hazard posed by ACBM in schools to determine the scope and timing of appropriate response actions needed for schools. Project designers determine how asbestos abatement work should be conducted. Lastly, workers and contractor/supervisors carry out and oversee abatement work. Each accredited discipline and training curriculum is separate and distinct from the others. A person seeking accreditation in any of the five accredited MAP disciplines cannot attend two or more courses concurrently, but may attend such courses sequentially. All courses, both initial and refresher, shall be completed within 14 days of the commencement of the course.

* * *

[See Prior Text in A - E.2.e]

3. The completed application with applicable fees (LAC 33:III.223) is to be sent to: the Office of Environmental Services, Permits Division.

~~Louisiana Department of Environmental Quality
Air Quality Compliance Division
Asbestos Program
P.O. Box 82135
Baton Rouge, LA 70884 2135~~

* * *

[See Prior Text in E.4 - 8.a]

b. for failure to notify the ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division of changes in status;

* * *

[See Prior Text in E.8.c]

d. for failure to allow an ~~Air Quality Compliance Division~~ department representative to inspect and review sites and documentation;

* * *

[See Prior Text in E.8.e - F]

1. Submit the latest revision of the Asbestos Training Organization Recognition Application, Form AAC-3, (which may be obtained from the ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division or through the department's website located at www.deq.state.la.us) requesting approval to train asbestos agents.

* * *

[See Prior Text in F.2 - 2.g]

3. The completed application with applicable fees for organization and trainer recognition (LAC 33:III.223) are to be sent to: the Office of Environmental Services, Permits Division.

~~Louisiana Department of Environmental Quality
Air Quality Compliance Division
Asbestos Program
P.O. Box 82135
Baton Rouge, LA 70884 2135~~

* * *

[See Prior Text in F.4 - 5.a]

b. The recognized training organization must keep the ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division informed of any change in status of the training organization, such as pending fines, notices of violation, changes in instructor status, etc.

c. A notification of which courses will be taught, including where, when, and who will conduct the class, must be submitted to the Office of Environmental Services, Permits Division.

i. The notification must be received in writing by the ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division at least five days prior to class commencement. (Notification must be made at least three days prior to a course when only the state regulations are to be taught.)

ii. Cancellation of classes must be received by the ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division before the class should have commenced.

d. Within 10 days of the completion of a class a complete roster of trainees, their social security numbers, and examination grades, with a 1" x 1 ~~3~~" photograph of the face of each trainee, must be submitted to the ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division on a form approved by the department.

e. The ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division must be notified by phone or in writing of changes in class schedules prior to the date when the course was to have commenced.

* * *

[See Prior Text in F.5.f - k.v]

6. Applications for trainer recognition shall be completed using the latest revision of the Asbestos Trainer Recognition Form, AAC-4 (latest revision of the form may be obtained from the ~~Air Quality Compliance Division~~ Office of Environmental Services, Permits Division or through the department's website at www.deq.state.la.us). A resume indicating proof of experience as described in Subsection F.2.d.ii of this Appendix must be attached. The completed application with applicable fees (LAC 33:III.223) is to be sent to: ~~the Office of Environmental Services, Permits Division.~~

Louisiana Department of Environmental Quality
~~Air Quality Compliance Division~~
~~Asbestos Program~~
~~P.O. Box 82135~~
~~Baton Rouge, LA 70884-2135~~

* * *

[See Prior Text in F.7 - 9.e.ii]

iii. If a training provider ceases to conduct training, the training provider shall notify the ~~department~~ Office of Environmental Services, Permits Division and give it the opportunity to take possession of that providers asbestos training records.

NOTE: Copies of Forms AAC-1, 3 and 4 previously located here are hereby being deleted. All forms may be obtained from the ~~Air Quality Compliance Division, Asbestos Program~~ Office of Environmental Services, Permits Division or through the department's website at www.deq.state.la.us.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2344 and R.S. 40:1749.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 15:735 (September 1989), amended LR 16:397 (May 1990), LR 16:1057 (December 1990), Office of Air Quality and Radiation

Protection, Air Quality Division, LR 20:649 (June 1994), LR 22:700 (August 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 28. Lead-Based Paint Activities
Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities

' 2805. Recognition and Standards for Training Providers

* * *

[See Prior Text in A - A.1]

2. a training provider seeking recognition shall submit to the ~~department~~ Office of Environmental Services, Permits Division the appropriate fees, as required in LAC 33:III.223, and a written application containing the following information:

* * *

[See Prior Text in A.2.a - B.8.g]

9. the training provider shall submit rosters, including photographs of participants, to the ~~department~~ Office of Environmental Services, Permits Division within 10 working days of course completion. For each course, the training provider shall provide three photographs of each student:

* * *

[See Prior Text in B.9.a - D]

1. A training provider seeking renewal of its recognition shall submit, along with the appropriate fees as required in LAC 33:III.223 and an application to the ~~department~~ Office of Environmental Services, Permits Division, 60 days prior to its expiration date. If a training provider does not submit its renewal application by that date, the department cannot guarantee the application will be reviewed and acted upon before the end of the one-year period.

* * *

[See Prior Text in D.2 - D.3]

E. Notification Requirements. A training provider scheduling lead-based paint activities courses shall notify the ~~department~~ Office of Environmental Services, Permits Division in writing as follows:

* * *

[See Prior Text in E.1 - G.3]

4. The training provider shall notify the ~~department~~ Office of Environmental Services, Permits Division 30 days prior to relocating its business or transferring its records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1666 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2807. Accreditation of Individuals

* * *

[See Prior Text in A-C.1]

a. submit a completed and signed application form to the Office of Environmental Services, Permits Division;

* * *

[See Prior Text in C.1.b - D]

1. To maintain accreditation individuals must be annually recertified by the ~~department~~ Office of Environmental Services, Permits Division.

* * *

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

b. submit a copy of the refresher course completion certificate to the ~~department~~ Office of Environmental Services, Permits Division;

* * *

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1669 (December 1997), amended LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2809. Licensure of Lead Contractors

* * *

[See Prior Text in A]

1. In order to bid and/or perform abatement activities, lead contractors must obtain a lead-based paint abatement and removal license from the State of Louisiana Licensing Board for Contractors. As of November 1, 1998, prior to obtaining an initial or renewal license, the lead

contractor must submit an application for approval, along with the appropriate fees as required in LAC 33:III.223, to the ~~department~~ Office of Environmental Services, Permits Division and certify to the department that the following criteria have been met:

* * *

[See Prior Text in A.1.a - B.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351, et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1671 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 2811. Work Practice Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities

* * *

[See Prior Text in A - A.4.f]

5. If using X-ray Fluorescence Spectroscopy (XRF) to test for the presence of lead-based paint, XRF shall be used according to the manufacturer's procedures. The XRF must be licensed in accordance with ~~regulations of the Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division~~ the department's Radiation Protection Regulations (LAC 33:III).

* * *

[See Prior Text in B - E.3]

4. The lead contractor shall notify the ~~department~~ Office of Environmental Services, Permits Division in writing of abatement activities.

* * *

[See Prior Text in E.4.a]

b. The project shall not start before the start date noted on the LPN. The ~~department~~ Office of Environmental Services, Permits Division shall be notified if the operation will stop for a day or more during the project time noted on the LPN or if the project has been canceled or postponed. The firm shall also give notice 24 hours before the completion of a project. Notice should be submitted to the department with written follow-up and fax notification to the appropriate regional office.

* * *

[See Prior Text in E.4.c - 13]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1672 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 29. Odor Regulations

' 2901. Odorous Substances

* * *

[See Prior Text in A – C.Perceived Odor Intensity]

D. Standard. Limit on Odorous Substances at or Beyond Property Lines. A person shall not discharge an odorous substance which causes a perceived odor intensity of six or greater on the specified eight point butanol scale when determined by the ~~Air Quality Division's~~ department's test method. (Method 41)

* * *

[See Prior Text in E - G.6.d.Figure 3]

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 22:1212 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

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

* * *

[See Prior Text in A-C]

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~~ administrative authority or his designee, 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~~ Office of Environmental Assessment, Environmental Technology Division where the state is designated authority by EPA as ~~the Administrator~~ or shall be provided to the ~~Office of Air Quality and Radiation Protection~~ Office of Environmental Assessment, Environmental Technology Division 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~~ Office of Environmental Assessment, Environmental Technology Division, Louisiana Department of Environmental Quality, ~~Box 82135, Baton Rouge, LA 70884-2135;~~

* * *

[See Prior Text in C.3 - 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 24:1287 (July 1998), LR 24:2238 (December 1998), LR 25:1239 (July 1999), LR 25:1797 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

Subchapter A. Applicability, Definitions, and General Provisions

' 5107. Reporting Requirements, Availability of Information, and Public Notice Provisions

A. Annual Emissions Reporting. The owner or operator of any stationary source that emits any toxic air pollutant listed in Table 51.1 or Table 51.3 shall submit a completed annual emissions report to the ~~administrative authority~~ Office of Environmental Services, Permits Division in a format specified by the department. The owner or operator shall identify on the emissions report the quantity of emissions in the previous calendar year for any such toxic air pollutant emitted.

* * *

[See Prior Text in A.1]

2. Subsequent Annual Emissions Reports. After the initial annual emissions report, the owner or operator of any stationary source subject to the requirements in Subsection A of this Section shall submit a completed annual emissions report to the ~~administrative authority~~ Office of Environmental Services, Permits Division on or before July 1 of each year. Each subsequent report shall identify the quantity of emissions of all toxic air pollutants listed in Table 51.1 or Table 51.3.

* * *

[See Prior Text in B - B.1]

2. Emission Control Bypasses. Except as provided in Subsection B.6 of this Section, for any unauthorized discharge into the atmosphere of a toxic air pollutant as a result of bypassing an emission control device, where the emission control bypass was not the result of an upset, the owner or operator of the source shall notify the ~~Air Quality Division~~ Office of Environmental Compliance of the bypass by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail at surveillance@deq.state.la.us no later than 24 hours after the beginning of the bypass at ~~(225) 765-0219~~ . Where the emission control bypass was the result of an upset, the owner or operator shall comply with Subsection B.3 of this Section. ~~In the event the Air Quality Division is unable for any reason(s) to receive the notification as required, the owner or operator shall notify the department at (225) 342-1234 within 24 hours after the beginning of the bypass.~~

3. Nonemergency Conditions. Except as provided in Subsection B.6 of this Section, for any unauthorized discharge of a toxic air pollutant into the atmosphere which does not cause an

emergency condition, the rate or quantity of which is in excess of that allowed by permit, compliance schedule, or variance, or for upset events that exceed the reportable quantity in LAC 33:I.3931, the owner or operator of the source shall immediately, but in no case later than 24 hours, notify ~~the Air Quality Division at (225) 765-0219.~~ the following office at:

Office of Environmental Compliance,
(225) 763-3908 during office hours;
(225) 342-1234 after hours,
weekends, and holidays; or
e-mail at surveillance@deq.state.la.us

~~In the event the Air Quality Division is unable for any reason(s) to receive the notification as required, the owner or operator shall notify the department at (225) 342-1234 within 24 hours.~~

4. Written Reports. For every such discharge or equipment bypass as referred to in Subsection B.1, 2, and 3 of this Section, the owner or operator shall submit to the ~~department~~ Office of Environmental Compliance a written report by certified mail within seven calendar days of learning of the discharge.

* * *

[See Prior Text in B.4.a - 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 by the 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 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 5111. Permit Requirements, Application, and Review

* * *

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

b. if the modification will not result in an increase in emissions of any toxic air pollutant and will not create a new point source, submit a letter requesting a permit modification to the Office of Environmental Services, Permits Division. The letter shall include those elements specified in Subsection B.2.a, b, and c of this Section. The administrative authority shall notify the owner or operator of the determination to authorize or deny such modification within 30 days of receiving the request.

* * *

[See Prior Text in A.3]

a. submit a letter to the Office of Environmental Services, Permits Division indicating that the necessary permit modification (or new permit if no existing permit is in place) will be applied for by a date specified in the compliance schedule and requesting written authorization to construct; or

b. submit a permit application to the Office of Environmental Services, Permits Division in accordance with Subsection B of this Section.

* * *

[See Prior Text in A.4 - B]

1. An owner or operator may submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division, by certified mail, a written request for a determination of whether actions intended to be taken by the owner or operator constitute construction or modification, or the commencement thereof, of a stationary source. The administrative authority will notify the owner or operator of the determination within 30 days after receiving sufficient information to evaluate the request.

* * *

[See Prior Text in B.2 - C.5.b]

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 23:59 (January 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 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 subject to MACT or Ambient Air Standard Requirements under this Subchapter shall furnish the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division written notification as follows:

1. a notification to the Office of Environmental Compliance, Surveillance Division of the anticipated date of the initial start-up of the source not more than 60 days nor less than 30 days before that date; and

2. a notification to the Office of Environmental Compliance, Surveillance Division of the actual date of initial start-up of the source postmarked within 10 working days after such date.

* * *

[See Prior Text in 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 Subchapter 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~~ Office of Environmental Assessment, Environmental Technology Division 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.

* * *

[See Prior Text in B.2 - 4.e]

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~~ Office of Environmental Assessment, Environmental Technology Division by a certified letter sent before the close of business on the 45th day following the completion of the emission test.

* * *

[See Prior Text in B.6]

7. The owner or operator shall notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division of any emission test required to demonstrate compliance with this Subchapter at least 30 days before the emission test to allow the administrative authority the opportunity to have an observer present during the test.

* * *

[See Prior Text in C - C.1]

2. When required 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~~ Office of Environmental Assessment, Environmental Technology Division with a copy of a written report of the results within 60 days of the evaluation. The owner or operator of the source shall furnish the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division with written notification of the date of the performance evaluation at least 30 days before the evaluation is to begin.

* * *

[See Prior Text in C.3 - 4]

5. 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~~ Office of Environmental Assessment, Environmental Technology Division 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.

* * *

[See Prior Text in C.5.a - 7]

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 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter M. Asbestos

' 5151. Emission Standard for Asbestos

* * *

[See Prior Text in A – B.Planned Operation]

Recognized Disposal Site ~~Ca~~ waste disposal site which has been approved or permitted by the ~~Solid Waste Division of the Department of Environmental Quality, and recognized by the Air Quality Division of the Department of Environmental Quality.~~

* * *

[See Prior Text in B.Regulated Asbestos-containing Material (RACM) – F.2]

a. provide the ~~administrative authority~~ Office of Environmental Services, Permits Division with typed notice of intention to demolish or renovate using the latest version of Form AAC-2, Notification of Demolition and Renovation. This form is available from the Office of Environmental Services, Permits Division or through the department’s website located at www.deq.state.la.us. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable. The use of a prior version of the AAC-2 form is acceptable unless the department has previously provided the owner or operator with a copy of the current version, or the owner or operator is aware of the latest version.

* * *

[See Prior Text in F.2.b - F.2.c.iv.(a).(i)]

~~FORM AAC-2 REV 9/27/91~~
~~Telephone (504) 765-0219~~

NOTIFICATION OF DEMOLITION AND RENOVATION							
# of ADFV's Requested-		Parish #		Source #			
I. TYPE OF NOTIFICATION (O=Original R=Revised C=Cancelled):							
II. FACILITY INFORMATION (identify owner, removal contractor, and other operator)							
OWNER NAME:							
Address:							
City:		State:		Zip:			
Contact:				Tel:			
REMOVAL CONTRACTOR:-		La. Contractor's License #:-		DEQ Supervisor #:			
Address:							
City:		State:		Zip:			
Contact:				Tel:			
OTHER OPERATOR:			Project Designer:				
Address:				DEQ Designer #:			
City:		State:		Zip:			
Contact:				Tel:			
III. TYPE OF OPERATION (D=Demo O=Ordered Demo R=Renovation E=Emer. Reno)							
IV. IS ASBESTOS PRESENT? (Yes/No)							
V. FACILITY DESCRIPTION (include building name, number and floor or room number)							
Bldg/Component Name:				Fire Marshall Project #:			
Address:							
City:		Zip:		State:			
Parish:							
Site Location:				Tel:			
Building Size:		# of Floors:		Age in Years:			
Present Use:			Prior Use:				
VI. PROCEDURE, INCLUDING ANALYTICAL METHOD IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL:							
VII. APPROXIMATE AMOUNT OF ASBESTOS, INCLUDING:		RACM To Be Removed		Nonfriable Asbestos Material Not To Be Removed		Indicate Unit Measurement Below	
1. Regulated ACM to be Removed				Cat I	Cat II	UNIT	
2. Category I ACM Not Removed						Ln Ft:	Ln m:
3. Category II ACM Not Removed						Sq Ft:	Sq m:
Pipes						Cu Ft:	Cu m:
Surface Area							
Vol RACM off Facility Component							
VIII. SCHEDULED DATES ASBESTOS ROMOVAL (MM/DD/YY) -Start:-						-Complete:	
IX. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) -Start:-						Complete:	

REMIT TO: ~~DEQ/ AIR QUALITY DIV. P.O. BOX 82135 BATON ROUGE 70884 2135~~

NOTIFICATION OF DEMOLITION AND RENOVATION – (continued)

X. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD (S) TO BE USED:		
XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE:		
XII. WASTE TRANSPORTER #1		
Name:		
Address:		
City:	State:	Zip:
Contact Person:	Telephone:	
XII. WASTE TRANSPORTER #2		
Name:		
Address:		
City:	State:	Zip:
Contact Person:	Telephone:	
XIII. WASTE DISPOSAL SITE		
Name:		
Location:		
City:	State:	Zip:
Telephone:		
XIV. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY:		
Name:	Title:	
Authority:		
Date of order (MM/DD/YY)	Date ordered to begin (MM/DD/YY)	
XV. FOR EMERGENCY RENOVATIONS		
Date and hour of emergency (MM/DD/YY):		
Description of the Sudden, Unexpected Event:		
Explanation of how the event caused unsafe conditions or would cause equipment damage (or an unreasonable financial burden):		
XVI. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASBESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED, OR REDUCED TO POWDER.		
XVII. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (LAC 33:III Chapter 27, Appendix A / 40 CFR Part 61, SUBPART M) WILL BE ON SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.		

(Signature of Owner/Operator/Contractor) (date)		
XVIII. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT.		

(Signature of Owner/Operator/Contractor) (date)		

PURSUANT TO R.S. 40:1574 A&B, BE ADVISED THAT NO CONSTRUCTION OR RENOVATION CAN BEGIN UNTIL THE PLANS AND SPECIFICATIONS ARE REVIEWED BY THE OFFICE OF THE STATE FIRE MARSHAL OR IT IS DETERMINED BY THAT OFFICE THAT PLANS ARE NOT REQUIRED TO BE SUBMITTED.

(ii). provide the administrative authority Office of Environmental Services, Permits Division with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

* * *

[See Prior Text in F.2.c.iv.(b)]

(i). provide the ~~administrative authority~~ Office of Environmental Services, Permits Division with a written notice of the new start date at least 10 working days before asbestos stripping or removal work begins;

(ii). for demolitions covered by Subsection F.1.b of this Section, provide the ~~administrative authority~~ Office of Environmental Services, Permits Division written notice of a new start date at least 10 working days before commencement of demolition. Delivery of the updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

* * *

[See Prior Text in F.2.c.iv.(c) - f.i.(c)]

ii. Within five working days after the notification is made by phone, a typed notification as specified in Subsection F.2.d and e shall be submitted to the Office of Environmental Services, Permits Division in order to obtain an ADVF.

g. Use the following procedures in order that the ~~Air Quality Division (AQD)~~ department can trace disposal of asbestos-containing waste material:

i. Each demolition or renovation notification received by ~~AQD~~ the department that is associated with a project that generates asbestos-containing waste material shall result in a confirmation letter with a specific project number to the owner or operator accompanied by an Asbestos Disposal Verification Form (ADVF) with a specific facility code.

* * *

[See Prior Text in F.2.g.ii - iii]

iv. The completed ADVF from the transporter shall be verified and signed by the disposal site owner or operator and mailed to the ~~Air Quality Division~~ Office of Environmental Services, Permits Division within 30 working days. A copy is to be returned to the waste generator.

* * *

[See Prior Text in F.2.g.v - G.2]

a. Notify the ~~administrative authority~~ Office of Environmental Services, Permits Division at least 20 days before beginning the spraying operation. Include the following information in the notice:

* * *

[See Prior Text in G.2.a.i - I]

1. Deposit all asbestos-containing waste material at a waste disposal site recognized by the ~~Air Quality Division~~ department of DEQ. A completed AAC-7 form shall have been submitted to the ~~Air Quality Division~~ Office of Environmental Services, Permits Division by the disposal facility for prior recognition. Updated information will be required upon request. The latest AAC-7 form may be obtained from the Office of Environmental Services, Permits Division or through the department's website at www.deq.state.la.us. The Air Quality Division Office of Environmental Services, Permits Division will maintain a current list of recognized asbestos waste disposal sites.

Rev. 3-92

ASBESTOS LANDFILL RECOGNITION APPLICATION (AAC-7)

I. Instructions:

~~This application must be completed and submitted to the Louisiana Department of Environmental Quality, Air Quality Division, P.O. Box 82135, Baton Rouge, Louisiana, 70884 2135. All landfills must enclose a copy of the approved permit for operation from the applicable state with this application. Upon receipt of an acceptable application, the landfill will be included on Louisiana's asbestos landfill recognition list. If you have any questions regarding this application, please contact Ms. Paige McCown, EQS with the Department, at (504) 765-0109.~~

II. Landfill Information: (Please Print)

~~Landfill Name: _____
Mailing Address: _____~~

~~City: _____ State: _____ Zip: _____
Physical Location: _____~~

~~City: _____ State: _____ Zip: _____
Landfill Phone Number: (____) _____~~

~~Managers Name: _____
Mailing Address: _____~~

~~City: _____ State: _____ Zip: _____
Phone Number: (____) _____~~

~~Owner or Operator: _____
Mailing Address: _____~~

~~City: _____ State: _____ Zip: _____
Phone Number: (____) _____~~

**III. Availability and Compliance With Louisiana Regulations:
(To be filled out and signed by a representative of the landfill owner or operator. Please check "Yes" or "No" after each statement.)**

- a. ~~A copy of the Louisiana Administrative Codes, Chapter 51, Subchapter M, which pertains to asbestos renovation/demolition and waste disposal is on site at the landfill and made available to all employees.~~

Yes _____ No _____

b. Landfill has properly trained employees concerning the above regulations.
Yes _____ No _____

c. I understand that a violation of the Air Quality Asbestos regulations may be subject to penalty.
Yes _____ No _____

Representative's Signature: _____
Applicant's Signature: (if different from Representative) _____

Date: _____

* * *

[See Prior Text in I.2 - 3.a.iii]

b. Use an alternative emission control and waste treatment method that has received prior written approval by the administrative authority. To obtain approval for an alternative method, a written application must be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division demonstrating that the following criteria are met:

* * *

[See Prior Text in I.3.b.i - 5.b]

c. report in writing to the ~~administrative authority~~ Office of Environmental Services, Permits Division if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. Include in the report the following information:

* * *

[See Prior Text in I.5.c.i – J.1.a.v)

vi. store all wrapped and contained asbestos-containing waste material in a labeled, secured area away from the public, where it will not be subject to disturbance or tampering until it can be transported to a waste disposal site recognized by the ~~Air Quality Division of DEQ~~ department.

* * *

[See Prior Text in J.1.b - 4.c]

d. report in writing to the ~~administrative authority~~ Office of Environmental Services, Permits Division if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. Include in the report the following information:

* * *

[See Prior Text in J.4.d.i - K.2.b]

c. when requesting a determination on whether a natural barrier adequately deters public access, supply information enabling the ~~administrative authority~~ Office of Environmental Services, Permits Division to determine whether a fence or a natural barrier adequately deters access by the general public;

* * *

[See Prior Text in K.3]

4. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site under this Section, and follow the procedures specified in the notification. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the ~~administrative authority~~ Office of Environmental Services, Permits Division at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

* * *

[See Prior Text in K.4.a - L.6.g]

7. submit the following reports to the ~~administrative authority~~ Office of Environmental Services, Permits Division:

* * *

[See Prior Text in L.7.a - 8]

M. Reporting and Recordkeeping. Any new source to which this Subchapter applies (with the exception of sources subject to Subsections D, F, G, and H of this Section), which has an initial start-up date preceding the effective date of this Subchapter, shall provide the following information to the administrative authority, postmarked or delivered, within 90 days of the effective date. In the case of a new source that does not have an initial start-up date preceding the effective date, the information shall be provided to the administrative authority, postmarked or delivered, within 90 days of the initial start-up date. Any owner or operator of an existing source shall provide the following information to the administrative authority within 90 days of the effective date of this Subchapter, unless the owner or operator of the existing source has previously provided this information to the administrative authority. Any changes in the information provided by any existing source shall be provided to the administrative authority, postmarked or delivered, within 30 days after the change. The owner or operator of any existing source to which this Section is applicable shall, within 90 days after the effective date, provide the following information to the ~~administrative authority~~ Office of Environmental Services, Permits Division:

* * *

[See Prior Text in M.1 – N.3.a]

b. be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion, if previously approved by the ~~Air Quality and Solid Waste Divisions of Louisiana~~ Department of Environmental Quality. Such an agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturer to achieve and maintain dust control. Other equally effective dust suppression agents may be used upon prior written approval by the administrative authority. For purposes of this Subsection, any used, spent, or other waste oil is not considered a dust suppression agent.

* * *

[See Prior Text in N.4 - 5.a.v]

b. as soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed ADVF to the waste generator and to the ~~administrative authority~~ Office of Environmental Services, Permits Division;

c. upon discovering a discrepancy between the quantity of waste designated on the ADVF and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report in writing to the ~~administrative authority~~ Office of Environmental Services, Permits Division. Describe the discrepancy and attempts to reconcile it, and submit a copy of the ADVF with the report.

* * *

[See Prior Text in N.5.d - 7]

8. Submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities.

* * *

[See Prior Text in N.9]

10. Notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date shall be provided to the administrative authority at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

* * *

[See Prior Text in N.10.a – O.4.c]

<p>STATE OF LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY AIR QUALITY DIVISION P.O. BOX 44096 BATON ROUGE, LOUISIANA 70804-4096</p>		<p>_____ ADVF NO: _____ _____ PIR: _____ FACILITY CODE _____</p>	
ASBESTOS DISPOSAL VERIFICATION FORM			
DEPARTMENT OF ENVIRONMENTAL QUALITY			
1) OWNER'S NAME AND MAILING ADDRESS — ZIP		3) ISSUE DATE	
2) OWNER'S PHONE (____) _____		4) EXPIRATION DATE	
5) CONTRACTOR'S NAME AND MAILING ADDRESS — ZIP		7) PROJECT START DATE	
6) CONTRACTOR'S PHONE (____) _____		8) PROJECT COMPLETE DATE	
9) PROJECT LOCATION AND MAILING ADDRESS — ZIP		11) ESTIMATED ACM QUANTITY	
10) PROJECT PHONE (____) _____		12) DESIGNATED DISPOSAL SITE	
13) PRINTED/TYPED NAME		14) SIGNATURE	
OWNER / OPERATOR			
15) WASTE TRANSPORTER		16) PROJ. #	17) QUAN.
		18) DATE COMPLETED	
20) DATE SHIPPED		4.	
21) PRINTED/TYPED NAME		22) SIGNATURE	
TRANSPORTER			
23) DATE RECEIVED		24) DATE DELIVERED	
25) PRINTED/TYPED NAME		26) SIGNATURE	

<u>LANDFILL</u>	
27) QUANTITY RECEIVED	28) DATE BURIED
29) PRINTED/TYPED NAME	30) SIGNATURE
31) SPECIAL CONDITIONS OR COMMENTS:	
COPIES: WHITE - DEQ; GREEN - OWNER; YELLOW - LANDFILL; PINK - TRANSPORTER; GOLD - OWNER	

[See Prior Text in P - P.2.b]

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 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 53. Area Sources of Toxic Air Pollutants

Subchapter A. Toxic Emissions Reporting Requirements

' 5307. Reporting Requirements

A. An initial emissions inventory report is due on or before October 1, 1994, from the facilities within the specified categories that use the listed chemical(s) pursuant to LAC 33:III.5301. The report shall be submitted on a form or in an electronic format specified by the department to the Department of Environmental Quality, ~~Office of Air Quality and Radiation Protection, Air Quality Division, Air Toxic Section~~ and include the following information:

[See Prior Text in A.1 – 7]

B. Subsequent reports will be due on or before July 1 of each year. The report shall be submitted to the Department of Environmental Quality, ~~Air Quality Division, Office of Air Quality and Radiation Protection, Air Toxic Section,~~ Office of Environmental Services, Permits Division, and include the information requested in Subsection A of this Section for the preceding calendar year.

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 20:431 (April 1994), Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 59. Chemical Accident Prevention and Minimization of Consequences

Subchapter B. Risk Management Program Requirements

' 5911. Registration for Stationary Sources

A. The owner or operator of each stationary source that has a covered process as defined by 40 CFR 68.3 shall register with the ~~Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection~~ Office of Environmental Compliance, Air Quality Division Surveillance Division by the latest of the following dates:

* * *

[See Prior Text in A.1 – B.4]

C. If at any time after the submission of the registration, information in the registration is no longer accurate, the owner or operator shall submit an amended registration within 60 days to the ~~Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection~~ Office of Environmental Compliance, Air Division Surveillance Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:426 (April 1994), amended LR 22:1125 (November 1996), LR 23:1496 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.