

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

§504. Nonattainment New Source Review Procedures

* * *

[See Prior Text in A]

1. For an area ~~which~~ that is designated incomplete data, transitional nonattainment, marginal, moderate, serious, or severe nonattainment for the one-hour ozone national ambient air quality standard, ~~volatile organic compounds~~ VOC and NO_x are the regulated pollutants under this Section. VOC and NO_x emissions shall not be aggregated for purposes of determining major stationary source status and significant net emissions increases.

* * *

[See Prior Text in A.2 – A.4]

5. For applications deemed administratively complete in accordance with LAC 33:III.519.A prior to December 20, 2001, the requirements of this Section shall not apply to NO_x increases; furthermore, the 1.40 to 1 VOC internal offset ratio for serious ozone nonattainment areas shall not apply. In such situations, a 1.30 to 1 internal offset ratio shall apply to VOC if LAER is not utilized.

* * *

[See Prior Text in B – D]

1. All existing major stationary sources owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in this state shall be in compliance with all applicable state and federal emission limitations and standards, the Federal Clean Air Act, and all conditions in a state or federally enforceable permit, or be on schedules for compliance. For purposes of meeting this condition, the applicant shall provide a list of all major sources it owns and operates within the state and certify that all such sources are in compliance with all applicable state and federal emission limitations and standards, the Federal Clean Air Act, and all conditions in a state or federally enforceable permit, or are on schedules for compliance.

* * *

[See Prior Text in D.2]

3. Notwithstanding Subsection D.2 of this Section, in the case of any major stationary source that emits or has the potential to emit ~~10050~~ tons per year or more of VOC or NO_x and is located in an area classified as serious or severe, if the owner or operator of the source elects to offset the emissions increase by a reduction in emissions of VOC or NO_x, as specified in Subsection F.1 of this Section, from other operations, units, or activities within the source at an internal offset ratio of at least ~~1-3~~ 1.40 to 1 or 1.50 to 1, as appropriate for VOC or NO_x, then the requirements for LAER shall not apply.

* * *

[See Prior Text in D.4 – E.5]

F. Emission Offsets. All emission offsets approved by the department shall be surplus, permanent, quantifiable, and enforceable in accordance with LAC 33.III.Chapter 6 and shall meet the following criteria:

1. All emission reductions claimed as offset credit shall be from decreases of the same pollutant or pollutant class (e.g., VOC) for which the offset is required. Interpollutant trading, for example using a NO_x credit to offset a VOC emission increase, is not allowed. Emissions reductions claimed as offset credit for significant NO_x or VOC increases may be from decreases of either NO_x or VOC, or any combination thereof. Interprecursor trading is allowed for NO_x and VOC offsets (e.g., using a NO_x credit to offset a VOC emissions increase and vice versa). All emission reductions claimed as offset credit for significant net NO_x increases shall be from decreases of NO_x. All emission reductions claimed as offset credit for significant net VOC increases shall be from decreases of either NO_x or VOC, or any combination thereof, provided that if NO_x decreases are used, the permit for which the offsets are required shall have been issued on or before November 15, 2005. Offsets shall be required at the ratio specified in Table 1 of this Section.

* * *

[See Prior Text in F.2 – F.5]

6. The emission limit for determining emission offset credit involving an existing fuel combustion source shall be the most stringent emission standard which is allowable under the applicable regulation for this major stationary source for the type of fuel being burned at the time the permit application is filed. If the existing source commits to switch to a cleaner fuel, emission offset credit based on the difference between the allowable NO_x or VOC emissions of the fuels involved shall be acceptable only if an alternative control measure, which would achieve the same degree of emission reductions should the source switch back to a fuel which produces more pollution, is specified in a permit issued by the department.

* * *

[See Prior Text in F.7 -- G.Major Modification.a]

b. any net emissions increase that is considered significant for volatile organic compounds VOC or NO_x shall be considered significant for ozone. VOC and NO_x emissions shall not be aggregated for the purpose of determining significant net emissions increases.

* * *

[See Prior Text in G.Major Modification.c - G.Major Stationary Source.b]

c. A major stationary source that is major for volatile organic compounds VOC or NO_x shall be considered major for ozone. VOC and NO_x emissions shall not be aggregated for the purpose of determining major stationary source status.

* * *

[See Prior Text in G.Major Stationary Source.d—Visibility Impairment]

Table 1 Major Stationary Source/Major Modification Emission Thresholds			
Pollutant	Major Stationary Source Threshold Values (tons/year)	Major Modification Significant Net Increase (tons/year)	Offset Ratio Minimum
OZONE		Trigger Values	
VOC/NO _x ¹			
Marginal ¹	100	40 (40) ²	1.10 to 1
Moderate	100	40 (40) ²	1.15 to 1
Serious	50	25 ³ (5) ⁴	1.20 to 1 w/LAER or 1.30 1.40 to 1 internal w/o LAER
Severe	25	25 ³ (5) ⁴	1.30 to 1 <u>w/LAER or</u> <u>1.50 to 1</u> <u>internal w/o</u> <u>LAER</u>
CO			
Moderate	100	100	>1.00 to 1
Serious	50	50	>1.00 to 1
SO ₂	100	40	>1.00 to 1
PM ₁₀			
Moderate	100	15	>1.00 to 1
Serious	70	15	>1.00 to 1
Lead	100	0.6	>1.00 to 1

[See Prior Text in Note 1 – Note 2]

³ For serious and severe ozone nonattainment areas, the increase in emissions of volatile organic compounds VOC or NO_x resulting from any physical change or change in the method of

operation of a stationary source shall be considered significant for purposes of determining the applicability of permit requirements, if the net emissions increase from the source equals or exceeds 25 tons per year of VOC or NO_x.

⁴ Consideration of the net emissions increase will be triggered for any project ~~which that~~ that would increase ~~volatile organic compound~~ VOC or NO_x emissions by five tons or more per year, without regard to any project decreases, or for any project ~~which that~~ that would result in a 25 ton or more per year cumulative increase in emissions after November 15, 1992, without regard to project decreases of VOC within the contemporaneous period or of NO_x for a period of five years after the effective date of the rescission of the NO_x waiver, and within the contemporaneous period thereafter.

VOC= volatile organic compounds

NO_x = oxides of nitrogen

CO = carbon monoxide

SO₂ = sulfur dioxide

PM₁₀= particulate matter of less than 10 microns in diameter

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 26:2445 (November 2000), LR 27: