

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

§509. Prevention of Significant Deterioration

A. Applicability Procedures

1. ~~The provisions of this Part~~ requirements of Subsections J-R of this Section shall apply to the construction of major stationary sources and major modifications as provided in LAC 33:III.509.I, except that with respect to each pollutant subject to regulations under this Section that they would emit, except as this Section otherwise provides. ~~¶No provision of this part applies to Indian reservations, meaning any federally recognized reservation established by treaty, agreement, executive order, or act of Congress.~~

2. ~~An owner or operator of an existing major stationary source or an existing major modification who, as of the effective date of this Chapter, has been issued a permit under the federal program to prevent the significant deterioration of air quality, must also obtain a permit under the provisions of this Part if the source fails to comply with the terms and conditions of the federal permit.~~ The requirements of Subsections J-R of this Section apply only to any major stationary source or major modification that would be constructed in an area designated as attainment or unclassifiable as specified in Subsection B. *Baseline Area* of this Section.

3. The requirements of the program will be applied in accordance with the principles set out in this Paragraph as follows.

a. Except as otherwise provided in Paragraphs A.4 and 5 of this Section, a project is a major modification for a pollutant subject to regulation under this Section if it causes a significant net emissions increase. The project is not a major modification if it does not cause a significant net emissions increase.

b. For a project that will be constructed and operated at a Clean Unit without causing the emissions unit to lose its Clean Unit designation, no emissions increase is deemed to occur.

4. For any major stationary source with a plantwide applicability limit (PAL) for a pollutant subject to regulation under this Section, the major stationary source shall comply with the requirements under Subsection AA of this Section.

5. An owner or operator undertaking a pollution control project (PCP) shall comply with the requirements under Subsection Z of this Section.

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

Allowable Emissions—the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits ~~that which~~ restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

1. ~~the applicable standards as set forth in Sections 111 and 112 of the Clean Air Act and in the Louisiana New Source Performance Standards (LNSPS) and the Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP) 40 CFR Parts 60 and 61;~~

2. ...

3. ~~the emissions rate specified as an enforceable permit condition under any requirement or a permit condition that is federally enforceable issued under a program to prevent the significant deterioration of air quality or under the Louisiana Air Quality Regulations.~~

Baseline Actual Emissions—the rate of emissions, in tons per year, of a pollutant subject to regulation under this Section, as determined below.

1. For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator projects to begin actual construction of the project. The administrative authority may allow the use of a different time period upon a determination that it is more representative of normal source operation.

a. The average rate shall include fugitive emissions to the extent quantifiable, and any authorized emissions associated with startup, shutdown, and malfunction; the average rate shall not include excess emissions or emissions associated with upsets or malfunctions.

b. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

c. When a project involves multiple emissions units or multiple pollutants subject to regulation under this Section, or both, only one consecutive 24-month period must be used to determine the baseline actual emissions for all pollutants and for all the emissions units affected by the project.

d. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Subparagraphs 1.b and c of this definition.

2. For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding when the owner or operator projects to begin actual construction of the project.

a. The average rate shall include fugitive emissions to the extent quantifiable, and any authorized emissions associated with startup, shutdown, and malfunction; the average rate shall not include excess emissions or emissions associated with upsets or malfunctions.

b. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period.

c. When a project involves multiple emissions units or multiple pollutants subject to regulation under this Section, or both, only one consecutive 24-month period must be used to determine the baseline actual emissions for all pollutants and for all the emissions units affected by the project.

d. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual

emissions, in tons per year, and for adjusting this amount if required by Subparagraphs 2.b and c of this definition.

3. For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero.

4. For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in Paragraph 1 of this definition, for other existing emissions units in accordance with the procedures contained in Paragraph 2 of this definition, and for a new emissions unit in accordance with the procedures contained in Paragraph 3 of this definition.

Baseline Area—

1. any area designated as attainment or unclassifiable in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than $1 \mu\text{g}/\text{m}^3$ (annual average) of the pollutant for which the minor source baseline date is established;

2.-2.e. ...

3. area redesignations under Section 107(d)(1) (D) or (E) of the Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:

a. establishes a minor source baseline date; or

b. is subject to 40 CFR 52.21 and would be constructed in the same state as the state proposing the redesignation;

4. any baseline area established originally for the total suspended particulate (TSP) increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that such a baseline area shall not remain in effect if the administrative authority rescinds the corresponding minor source baseline date in accordance with Subsection B. *Baseline Date.4* of this Section.

Baseline Date—

1.-1.b. ...

2. *Minor Source Baseline Date*—the earliest date after the trigger date on which a major stationary source or a major modification subject to ~~LAC 33:III.509~~ this Section submits a complete application under the relevant regulations. The trigger date is:

a.-b. ...

3. The baseline date is established for each pollutant for which increments or other equivalent measures have been established if:

a. the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d)(i)(D) or (E) of the Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21; and

b. in the case of a major stationary source, the pollutant would be emitted in significant amounts, or in the case of a major modification, there would be a significant net emissions increase of the pollutant.

4. Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM_{10} increments, except that the administrative authority shall rescind a minor source baseline date where it can be shown, to the satisfaction of the administrative

authority, that the emissions increase from the major stationary source, or net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM₁₀ emissions.

Best Available Control Technology (BACT)—

1. ...
2. In no event shall application of best available control technology result in emissions of any pollutant ~~that which~~ would exceed the emissions allowed by an applicable standard ~~as set forth in Sections 111 and 112 of the Clean Air Act or the Louisiana New Source Performance Standards (LNSPS) and Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP) under 40 CFR Parts 60 and 61.~~ If the administrative authority determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice, or operation, and shall provide for compliance by means ~~that which~~ achieve equivalent results.

~~Best Available Retrofit Technology (BART)—repealed. an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case by case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.~~

Building, Structure, Facility, or Installation—all of the pollutant-emitting activities ~~that which~~ belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

Clean Unit—any emissions unit that qualifies as a Clean Unit in accordance with Subsection X of this Section.

Continuous Emissions Monitoring System (CEMS)—all of the equipment that may be required to meet the data acquisition and availability requirements of this Section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

Continuous Emissions Rate Monitoring System (CERMS)—the total equipment required for the determination and recording of the pollutant mass emissions rate, in terms of mass per unit of time.

Continuous Parameter Monitoring System (CPMS)—all of the equipment necessary to meet the data acquisition and availability requirements of this Section, to monitor process and control device operational parameters (e.g., control device secondary voltages and electric currents) and other information (e.g., gas flow rate, O₂, or CO₂ concentrations), and to record average operational parameter values on a continuous basis.

Electric Utility Steam Generating Unit—any steam-electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

Emissions Unit—any part of a stationary source that ~~which~~ emits or would have the potential to emit any pollutant subject to regulation under this Section. For purposes of this Section, there are two types of emissions units.

1. A new emissions unit is any emissions unit that is, or will be, newly constructed and that has existed for less than two years from the date such emissions unit first operated.

2. An existing emissions unit is any emissions unit that is not a new emissions unit.

* * *

Federally Enforceable—all limitations and conditions that are enforceable by the administrative authority, including those requirements developed in accordance with 40 CFR Parts 60 and 61, requirements within any applicable state implementation plan, any permit requirements established in accordance with 40 CFR 52.21 or under regulations approved in accordance with 40 CFR Part 51, Subpart I, including operating permits issued under an EPA-approved program that is incorporated into the state implementation plan and expressly requires adherence to any permit issued under such program.

* * *

Lowest Achievable Emission Rate (LAER)—as defined in LAC 33:III.504.

Major Modification—

1.-3.f. ...

g. any change in source ownership; and

h. the addition, replacement, or use of a PCP at an existing

emissions unit meeting the requirements of Subsection Z of this Section.

4. This definition shall not apply with respect to a particular pollutant subject to regulation under this Section when the major stationary source is complying with the requirements under Subsection AA of this Section for a PAL for that pollutant.

Major Stationary Source—

1.-4. ...

5. The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Section whether it is a major stationary

source, unless the source is listed in Table A of this Subsection or, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

* * *

Pollution Control Project (PCP)—at an existing emissions unit, any activity, set of work practices, or project (including pollution prevention), the primary purpose of which is to reduce emissions of air pollutants from such unit. Such qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. The following projects carry the rebuttable presumption that they are environmentally beneficial in accordance with Subparagraph Z.2.a of this Section. Projects not listed in these paragraphs may qualify for a case-specific PCP exclusion in accordance with the requirements of Paragraphs Z.2 and 5 of this Section:

1. conventional or advanced flue gas desulfurization or sorbent injection for control of SO₂;

2. electrostatic precipitators, baghouses, high efficiency multiclones, or scrubbers for control of particulate matter or other pollutants;

3. flue gas recirculation, low-NO_x burners or combustors, selective non-catalytic reduction, selective catalytic reduction, low emission combustion (for IC engines), and oxidation/absorption catalyst for control of NO_x;

4. regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic compounds or hazardous air pollutants. For the purpose of this Section, *hydrocarbon combustion flare* means either a flare used to comply with an applicable NSPS or MACT standard, including uses of flares during startup, shutdown, or malfunction permitted under such a standard, or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than 230 mg/dscm hydrogen sulfide;

5. activities or projects undertaken to accommodate switching, or partially switching, to an inherently less polluting fuel, to be limited to the following fuel switches:

a. switching from a higher sulfur fuel oil to 0.05 percent or lower sulfur fuel oil;

b. switching from coal, oil, or any solid fuel to natural gas, propane, or gasified coal;

c. switching from coal to wood, excluding construction or demolition waste, chemical- or pesticide-treated wood, and other forms of “unclean” wood;

d. switching from coal to #2 fuel oil (0.5 percent maximum sulfur content); and

e. switching from high sulfur coal to low sulfur coal (maximum 1.2 percent sulfur content);

6. activities or projects undertaken to accommodate switching from the use of one ozone depleting substance (ODS) to the use of a substance with a lower or zero ozone depletion potential (ODP), including changes to equipment needed to accommodate the activity or project, that meet the following requirements:

a. the productive capacity of the equipment is not increased as a result of the activity or project;

b. the projected usage of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS. To make this determination, the following procedures apply:

i. determine the ODP of the substances by consulting 40 CFR Part 82, Subpart A, Appendices A and B;

ii. calculate the replaced ODP-weighted amount by multiplying the baseline actual usage, using the annualized average of any 24 consecutive months of usage within the past 10 years, by the ODP of the replaced ODS;

iii. calculate the projected ODP-weighted amount by multiplying the projected actual usage of the new substance by its ODP;

iv. if the value calculated in Clause 6.b.ii of this definition is more than the value calculated in Clause 6.b.iii of this definition, then the projected use of the new substance is lower, on an ODP-weighted basis, than the baseline usage of the replaced ODS.

Pollution Prevention—any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants, including fugitive emissions, and other pollutants to the environment prior to recycling, treatment, or disposal. It does not mean recycling (other than certain “in-process recycling” practices), energy recovery, treatment, or disposal.

Potential to Emit—the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a 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 the limitation or the effect it would have on emissions is federally enforceable as an allowable emission limit or as a condition of a permit issued under a program to prevent the significant deterioration of air quality or under Louisiana Air Quality Regulations. Secondary emissions do not count in determining the *potential to emit* of a stationary source.

Predictive Emissions Monitoring System (PEMS)—all of the equipment necessary to monitor process and control device operational parameters (e.g., control device secondary voltages and electric currents) and other information (e.g., gas flow rate, O₂, or CO₂ concentrations), and calculate and record the mass emissions rate (e.g., lb/hr) on a continuous basis.

Project—the set of physical changes at, or changes in the method of operation of, an existing major stationary source.

Projected Actual Emissions—

1. The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a pollutant subject to regulation under this Section in any one of the 5 years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date if the project involves increasing the emissions unit’s design capacity or its potential to emit of that pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

2. In determining the projected actual emissions (before beginning actual construction), the owner or operator of the major stationary source:

a. shall consider all relevant information, including but not limited to, historical operational data, the company’s own representations, the company’s expected business activity and the company’s highest projections of business activity, the company’s filings with the state or federal regulatory authorities, and compliance plans under the approved state implementation plan; and

b. shall include fugitive emissions to the extent quantifiable, and any authorized emissions associated with startup and shutdown. Projected actual emissions shall not include excess emissions or emissions associated with upsets or malfunctions;

c. in lieu of using the method set out in Subparagraphs 2.a and b of this definition, may elect to use the emissions unit's potential to emit, in tons per year, as defined in this Section.

* * *

Reasonably Available Control Technology (RACT)—as defined in 40 CFR 51.100(o).

* * *

Secondary Emissions—emissions which that occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions include emissions from any offsite support facility that would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions that come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel. For the purposes of this Section, secondary emissions must be specific, well defined, quantifiable, and impact the same general areas as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

1. emissions from ships or trains coming to or from the new or modified stationary source; and
2. emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

Significant—

1. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates.

Carbon monoxide	100	tons per year (tpy)
Nitrogen oxides	40	tpy
Sulfur dioxide	40	tpy
Particulate matter	25	tpy of particulate emissions
	15	tpy of PM ₁₀ emissions
Ozone	40	tpy of volatile organic compounds
Lead	0.6	tpy
Asbestos	0.007	tpy
Beryllium	0.0004	tpy
Mercury	0.1	tpy
Vinyl chloride	1	tpy
Fluorides	3	tpy

Sulfuric acid mist	7	tpy
Hydrogen sulfide (H ₂ S)	10	tpy
Total reduced sulfur (including H ₂ S)	10	tpy
Reduced sulfur compounds (including H ₂ S)	10	tpy
Municipal waste combustor organics ¹	0.0000035	tpy
Municipal waste combustor metals ²	15	tpy
Municipal waste combustor acid gases ³	40	tpy
Municipal solid waste landfills emissions ⁴	50	tpy

¹measured as total tetra- through octachlorinated dibenzo-p-dioxins and dibenzofurans

²measured as particulate matter

³measured as sulfur dioxide and hydrogen chloride

⁴measured as nonmethane organic compounds

~~2. — Significant in reference to a net emissions increase or the potential of a source to emit a pollutant subject to regulation under the Clean Air Act that LAC 33:III.509.B.Significant.1, does not list, any emission rate.~~

~~23. Notwithstanding LAC 33:III.509.B.Significant.1 and 2 Paragraph 1 of this definition, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1µg/m³; (24-hour average).~~

* * *

Volatile Organic Compounds (VOC)—as defined in 40 CFR 51.100(s).

Table A. ...

~~C. — Area Classification~~

~~1. — Louisiana is divided into three Air Quality Control Regions which are designated as the Southern Region (AQCR 106), Northwest Region (AQCR 022), and Northeast Region (AQCR 019). In Figure 1, the boundary lines of the Air Quality Regions are shown.~~

~~2. — Each Air Quality Control Region is classified as Class II with the exception of those areas enumerated in LAC 33:III.509.C.3.~~

~~3. — Restrictions on Area Classifications~~

~~a. — The following area which was in existence on August 7, 1977, shall be Class I and may not be redesignated: Breton National Wildlife Refuge.~~

~~CD. Ambient Air Increments. In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the~~

following. ~~For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.~~

Pollutant	Maximum Allowable Increase (micrograms per cubic meter) ¹
Class I	
Particulate matter: PM ₁₀ , Annual arithmetic mean	4
PM ₁₀ , 24-hr maximum	8
Sulfur dioxide: Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide: Annual arithmetic mean	2.5
Class II	
Particulate matter: PM ₁₀ , Annual arithmetic mean	17
PM ₁₀ , 24-hr maximum	30
Sulfur dioxide: Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide: Annual arithmetic mean	25
Class III	
Particulate matter: PM ₁₀ , Annual arithmetic mean	34
PM ₁₀ , 24-hr maximum	60
Sulfur dioxide: Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide: Annual arithmetic mean	50

¹For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.

~~D~~E. Ambient Air Ceilings. No concentration of a pollutant shall exceed:

1. the concentration permitted under the national secondary ambient air quality standard (LAC 33:III.711.B, Table 1a); or
2. the concentration permitted under the national primary ambient air quality standard, whichever concentration is lowest for the pollutant for a period of exposure.

~~F.~~ Exclusions from Increment Consumption

1. ~~The administrative authority shall exclude the following concentrations in determining compliance with a maximum allowable increase:~~

- a. ~~concentrations attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products;~~

~~natural gas, or both by reason of an order in effect under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) over the emissions from such sources before the effective date of such an order. No exclusion of such concentrations shall apply more than five years after the effective date of such an order;~~

~~b. — concentrations attributable to the increase in emissions from sources which have converted from using natural gas by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan. No exclusion of such concentrations shall apply more than five years after the effective date of such plan;~~

~~c. — concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission related activities of new or modified sources; and~~

~~d. — the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration.~~

E. Restrictions on Area Classifications

1. All of the following areas that were in existence on August 7, 1977, shall be Class I areas and may not be redesignated:

a. international parks;

b. national wilderness areas that exceed 5,000 acres in size;

c. national memorial parks that exceed 5,000 acres in size;

and

d. national parks that exceed 6,000 acres in size.

2. Areas that were redesignated as Class I under regulations promulgated before August 7, 1977, shall remain Class I, but may be redesignated as provided in this Section.

3. Any other area, unless otherwise specified in the legislation creating such an area, is initially designated Class II, but may be redesignated as provided in this Section.

4. The following areas may be redesignated only as Class I or II:

a. an area that as of August 7, 1977, exceeded 10,000 acres in size and was a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore; and

b. a national park or national wilderness area established after August 7, 1977, that exceeds 10,000 acres in size.

F. Reserved.

~~G. Redesignation. Redesignation of areas of the state shall be in accordance with applicable state and federal laws.~~

1. All areas, except as otherwise provided under Subsection E of this Section, are designated Class II as of December 5, 1974. Redesignation, except as otherwise precluded by Subsection E of this Section, may be proposed by the respective states or Indian governing bodies, as provided below, subject to approval by the administrative authority as a revision to the applicable state implementation plan.

2. The state may submit to the administrative authority a proposal to redesignate areas of the state Class I or Class II provided that:

a. at least one public hearing has been held in accordance with procedures established in 40 CFR 51.102;

b. other states, Indian governing bodies, and federal land managers whose lands may be affected by the proposed redesignation were notified at least 30 days prior to the public hearing;

c. a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation, was prepared and made available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contained appropriate notification of the availability of such discussion;

d. prior to the issuance of notice respecting the redesignation of an area that includes any federal lands, the state has provided written notice to the appropriate federal land manager and afforded adequate opportunity, not in excess of 60 days, to confer with the state respecting the redesignation and to submit written comments and recommendations. In redesignating any area with respect to which any federal land manager had submitted written comments and recommendations, the state shall have published a list of any inconsistency between such redesignation and such comments and recommendations, together with the reasons for making such redesignation against the recommendation of the federal land manager; and

e. the state has proposed the redesignation after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

3. Any area other than an area to which Subsection E of this Section refers may be redesignated as Class III if:

a. the redesignation would meet the requirements of this Paragraph;

b. the redesignation, except any established by an Indian governing body, has been specifically approved by the governor of the state, after consultation with the appropriate committees of the legislature, if it is in session, or with the leadership of the legislature, if it is not in session, unless state law provides that the redesignation must be specifically approved by state legislation, and if general purpose units of local government representing a majority of the residents of the area to be redesignated enact legislation or pass resolutions concurring in the redesignation;

c. the redesignation would not cause, or contribute to, a concentration of any air pollutant that would exceed any maximum allowable increase permitted under the classification of any other area or any national ambient air quality standard; and

d. any permit application for any major stationary source or major modification, subject to review under Subsection L of this Section, which could receive a permit under this Section only if the area in question were redesignated as Class III, and any material submitted as part of that application, were available insofar as was practicable for public inspection prior to any public hearing on redesignation of the area as Class III.

4. Lands within the exterior boundaries of Indian reservations may be redesignated only by the appropriate Indian governing body. The appropriate Indian governing body may submit to the administrative authority a proposal to redesignate areas Class I, Class II, or Class III, provided that:

a. the Indian governing body has followed procedures equivalent to those required of a state under Paragraph G.2 and Subparagraphs G.3.c and d of this Section; and

b. such redesignation is proposed after consultation with the state(s) in which the Indian reservation is located and which border the Indian reservation.

5. The administrative authority shall disapprove, within 90 days of submission, a proposed redesignation of any area only if he finds, after notice and opportunity for public hearing, that such redesignation does not meet the procedural requirements of this Subsection or is inconsistent with Subsection E of this Section. If any such disapproval occurs, the classification of the area shall be that which was in effect prior to the redesignation that was disapproved.

6. If the administrative authority disapproves any proposed redesignation, the state or Indian governing body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the administrative authority.

H. Stack Heights

1. ...

a. so much of the stack height of any source as exceeds good engineering practice as provided in the Louisiana Air Quality Regulations; or

1.b.-2. ...

I. ~~Review of Major Stationary Sources and Major Modifications~~ Applicability and Exemptions

~~1. No major stationary source or major modification to which the requirements of this Part apply shall begin actual construction without a permit issued under this Section.~~

~~2. The requirements of LAC 33:III.509.J-R shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under this Section that it would emit, except as this Section otherwise provides.~~

~~3. The requirements of LAC 33:III.509.J-R apply only to any major stationary source or major modification that would be constructed in an area designated as attainment or unclassifiable as specified in LAC 33:III.509.B. *Baseline Area*.~~

14. The requirements of ~~LAC 33:III.509~~ Subsections J-R of this Section shall not apply to a particular major stationary source or major modification if:

a. construction commenced on the source or modification before August 7, 1977. The regulations at 40 CFR 52.21 as in effect before August 7, 1977, shall govern the review and permitting of any such source or modification; or

b. the source or modification was subject to the review requirements of 40 CFR 52.21(d)(1) as in effect before March 1, 1978, and the owner or operator:

i. obtained under 40 CFR 52.21 a final approval effective before March 1, 1978;

ii. commenced construction before March 19, 1979;
and

iii. did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

c. the source or modification was subject to 40 CFR 52.21 as in effect before March 1, 1978, and the review of an application for approval for the stationary source or modification under 40 CFR 52.21 would have been completed by March 1, 1978, but for an extension of the public comment period pursuant to a request for such an extension. In such a case, the application shall continue to be processed, and granted or denied, under 40 CFR 52.21 as in effect prior to March 1, 1978; or

d. the source or modification was not subject to 40 CFR 52.21 as in effect before March 1, 1978, and the owner or operator:

i. obtained all final federal, state, and local preconstruction approvals or permits necessary under the applicable state implementation plan before March 1, 1978;

ii. commenced construction before March 19, 1979;
and

iii. did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

e. the source or modification was not subject to 40 CFR 52.21 as in effect on June 19, 1978 or under the partial stay of regulations published on February 5, 1980 (45 FR 7800), and the owner or operator:

i. obtained all final federal, state, and local preconstruction approvals or permits necessary under the applicable state implementation plan before August 7, 1980;

ii. commenced construction within 18 months from August 7, 1980, or any earlier time required under the applicable state implementation plan; and

iii. did not discontinue construction for a period of 18 months or more and completed construction within a reasonable time; or

f.a. the ~~major stationary~~ source or modification would be a nonprofit health or nonprofit educational institution or a major modification that would occur at such an institution, and the governor of the state in which the source or modification would be located requests that it be exempt from those requirements; or

g.b. the source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

- i. coal cleaning plants (with thermal dryers);
- ii. kraft pulp mills;
- iii. Portland cement plants;
- iv. primary zinc smelters;
- v. iron and steel mills;
- vi. primary aluminum ore reduction plants;
- vii. primary copper smelters;

- viii. municipal incinerators capable of charging more than 250 tons of refuse per day;
 - ix. hydrofluoric, sulfuric, or nitric acid plants;
 - x. petroleum refineries;
 - xi. lime plants;
 - xii. phosphate rock processing plants;
 - xiii. coke oven batteries;
 - xiv. sulfur recovery plants;
 - xv. carbon black plants (furnace process);
 - xvi. primary lead smelters;
 - xvii. fuel conversion plants;
 - xviii. sintering plants;
 - xix. secondary metal production plants;
 - xx. chemical process plants;
 - xxi. fossil fuel fired boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
 - xxii. petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - xxiii. taconite ore processing plants;
 - xxiv. glass fiber processing plants;
 - xxv. charcoal production plants;
 - xxvi. fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
 - xxvii. any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act ~~or the Louisiana New Source Performance Standards (LNSPS) or Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP); or~~
- he. the source is a portable stationary source which has previously received a permit under this Section, if:
- i. the owner or operator proposes to relocate the source and emissions of the source at the new location would be temporary; and
 - ii. the emissions from the source would not exceed its allowable emissions; and
 - iii. the emissions from the source would impact no Class I area and no area where an applicable increment is known to be violated; and
 - iv. reasonable notice is given to the administrative authority prior to the relocation identifying the proposed new location and probable duration of operation at that location. Such notice shall be given to the administrative authority not less than 10 days in advance of the proposed relocation unless a different time duration is previously approved by the administrative authority; or
- i. the source or modification was not subject to 40 CFR 52.21, with respect to particulate matter, as in effect before July 31, 1987, and the owner or operator:
- i. obtained all final federal, state, and local preconstruction approvals or permits necessary under the applicable state implementation plan before July 31, 1987;

ii. commenced construction within 18 months after July 31, 1987, or any earlier time required under the state implementation plan; and
 iii. did not discontinue construction for a period of 18 months or more and completed construction within a reasonable period of time; or
 j. the source or modification was subject to 40 CFR 52.21, with respect to particulate matter, as in effect before July 31, 1987, and the owner or operator submitted an application for a permit under this Section before that date, and the administrative authority subsequently determines that the application as submitted was complete with respect to the particulate matter requirements then in effect in this Section. Instead, the requirements of Subsections J-R of this Section that were in effect before July 31, 1987, shall apply to such source or modification.

~~25.~~ The requirements of ~~LAC 33:III.509.~~ Subsections J-R of this Section shall not apply to a major stationary source or major modification with respect to a particular pollutant if the owner or operator demonstrates that, as to that pollutant, the source or modification is located in an area designated as nonattainment as ~~specified in LAC 33:III.509.B.~~ Baseline Area under Section 107 of the Clean Air Act.

~~36.~~ The requirements of ~~LAC 33:III.509.~~ Subsections K, M₂ and O of this Section shall not apply to a proposed major stationary source or major modification ~~with respect to a particular pollutant, if the allowable emissions of that pollutant from the source, or the net emissions increase of that pollutant from the modification would be temporary and that would impact no Class I area and no area where an applicable increment is known to be violated, and would be temporary.~~

~~47.~~ The requirements of ~~LAC 33:III.509.~~ Subsections K, M₂ and O of this Section as they relate to any maximum allowable increase for a Class II area shall not apply to a major modification of at a major stationary source that was in existence on March 1, 1978, if the net increase in allowable emissions of each regulated new source review (NSR) pollutant subject to regulation under this Section from the modification after the application of best available control technology would be less than 50 tons per year.

~~58.~~ The administrative authority may exempt a ~~proposed major stationary source or major modification~~ from the requirements of ~~LAC 33:III.509.~~ Subsection M of this Section with respect to monitoring for a particular pollutant if:

a. the emissions increase of the pollutant from the new ~~stationary~~ source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the following amounts:

Carbon monoxide	575 µg/m ³	8-hour average;
Nitrogen dioxide	14 µg/m ³	annual average;
Particulate matter	10 µg/m ³ PM ₁₀	24-hour average;
Sulfur dioxide	13µg/m ³	24-hour average;

Ozone	No <i>de minimis</i> air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds subject to PSD would be required to perform an ambient impact analysis, including the gathering of ambient air quality data;	
Lead	0.1 $\mu\text{g}/\text{m}^3$	3-month average;
Mercury	0.25 $\mu\text{g}/\text{m}^3$	24-hour average;
Beryllium	0.001 $\mu\text{g}/\text{m}^3$	24-hour average;
Fluorides	0.25 $\mu\text{g}/\text{m}^3$	24-hour average;
Vinyl chloride	15 $\mu\text{g}/\text{m}^3$	24-hour average;
Total reduced sulfur	10 $\mu\text{g}/\text{m}^3$	1-hour average;
Hydrogen sulfide	0.2 $\mu\text{g}/\text{m}^3$	1-hour average;
Reduced sulfur compounds	10 $\mu\text{g}/\text{m}^3$	1-hour average; or

b. the concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in ~~LAC 33:III.509. Subparagraph I.5.8.a~~ of this Section; or the pollutant is not listed in Subparagraph I.5.a of this Section.

e. ~~the pollutant is not listed in LAC 33:III.509.I.8.a.~~

6. ~~The requirements for best available control technology in Subsection J of this Section and the requirements for air quality analyses in Paragraph M.1 of this Section shall not apply to a particular stationary source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submitted an application for a permit under those regulations before August 7, 1980, and the administrative authority subsequently determines that the application as submitted before that date was complete. Instead, the requirements at 40 CFR 52.21(j) and (n) as in effect on June 19, 1978, apply to any such source or modification.~~

7. Air Quality Monitoring Requirements

a. The requirements for air quality monitoring in Subparagraphs M.1.b-d of this Section shall not apply to a particular source or modification that was subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submitted an application for a permit under this Section on or before June 8, 1981, and the administrative authority subsequently determines that the application as submitted before that date was complete with respect to the requirements of this Section other than those in Subparagraphs M.1.b-d of this Section, and with respect to the requirements for such analyses at 40 CFR 52.21(m)(2) as in effect on June 19, 1978. Instead, the latter requirements shall apply to any such source or modification.

b. The requirements for air quality monitoring in Subparagraphs M.1.b-d of this Section shall not apply to a particular source or modification that was not subject to 40 CFR 52.21 as in effect on June 19, 1978, if the owner or operator of the source or modification submitted an application for a permit under this Section on or before June 8, 1981, and the administrative authority

subsequently determines that the application as submitted before that date was complete, except with respect to the requirements in Subparagraphs M.1.b-d of this Section.

8. Air Quality Monitoring Requirement Exemption

a. At the discretion of the administrative authority, the requirements for air quality monitoring of PM₁₀ in Subparagraphs M.1.a-d of this Section may not apply to a particular source or modification when the owner or operator of the source or modification has submitted an application for a permit under this Section on or before June 1, 1988, and the administrative authority subsequently determines that the application as submitted before that date was complete, except with respect to the requirements for monitoring particulate matter in Subparagraphs M.1.a-d of this Section.

b. The requirements for air quality monitoring of PM₁₀ in Subparagraphs M.1.a-d of this Section shall apply to a particular source or modification if the owner or operator of the source or modification submitted an application for a permit under this Section after June 1, 1988, and no later than December 1, 1988. The data shall have been gathered over at least the period from February 1, 1988, to the date the application becomes otherwise complete in accordance with the provisions set forth under Subparagraph M.1.h of this Section, except that if the administrative authority determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that Subparagraph M.1.c of this Section requires shall have been gathered over a shorter period.

9. The requirements of Paragraph K.2 of this Section shall not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted an application for a permit under this Section before the provisions embodying the maximum allowable increase took effect as part of the applicable state implementation plan and the administrative authority subsequently determined that the application as submitted before that date was complete.

10. The requirements in Paragraph K.2 of this Section shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM₁₀ if:

a. the owner or operator of the source or modification submitted an application for a permit under this Section before the provisions embodying the maximum allowable increases for PM₁₀ took effect in an implementation plan to which this Section applies; and

b. the administrative authority subsequently determined that the application as submitted before that date was otherwise complete. Instead, the requirements in Paragraph K.2 of this Section shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

J. Control Technology Evaluation

1. A major stationary source or major modification shall meet each applicable emissions limitation under the Louisiana State Implementation Plan and each applicable emissions standard and standard of performance under 40 CFR Parts 60 and 61 the Louisiana New Source Performance Standards (LNSPS) and Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP) and Sections 111 and 112 of the Clean Air Act.

2. A new major stationary source shall apply best available control technology for each regulated NSR pollutant ~~subject to regulation under this Section~~ that it would have the potential to emit in significant amounts.

3. A major modification shall apply best available control technology for each regulated NSR pollutant ~~subject to regulation under this Section~~ for which it would result in a significant net emissions increase at the source. This requirement applies to each proposed emissions unit at which a net emissions increase in the pollutant would occur as a result of a physical change or change in the method of operation in the unit.

J.4.-K. ...

1. any national ambient air quality standard in any air quality control region; or

2. any applicable maximum allowable increase over the baseline concentration in any area. ~~This baseline concentration for any stationary source or modification with respect to any maximum allowable increase for particulate matter (PM₁₀) shall be based on the maximum allowable increases for TSP as in effect on the date the application was submitted, if the owner or operator of the source or modification submitted an application for a permit before the PM₁₀ maximum allowable increases became effective and the application as submitted before that date was determined complete.~~

L.-M.1.a.ii. ...

b. With respect to any such pollutant for which no national ambient air quality standard exists, the analysis shall contain such air quality monitoring data as the administrative authority determines is necessary to assess ambient air quality for that pollutant in any area that the emissions of that pollutant would affect.

c.-d. ...

e. For any application that became complete, except as to the requirements of Subparagraphs M.1.c and d of this Section, between June 8, 1981 and February 9, 1982, the data that Subparagraph M.1.c of this Section requires shall have been gathered over at least the period from February 9, 1981, to the date the application becomes otherwise complete, except that:

i. if the source or modification would have been major for that pollutant under 40 CFR 52.21 as in effect on June 19, 1978, any monitoring data shall have been gathered over at least the period required by those regulations;

ii. if the administrative authority determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that Subparagraph M.1.c of this Section requires shall have been gathered over at least that shorter period;

iii. if the monitoring data would relate exclusively to ozone and would not have been required under 40 CFR 52.21 as in effect on June 19, 1978, the administrative authority may waive the otherwise applicable requirements of Subsection E of this Section to the extent that the applicant shows that the monitoring data would be unrepresentative of air quality over a full year.

f. The owner or operator of a proposed stationary source or modification of volatile organic compounds who satisfies all conditions of 40 CFR Part

51, Appendix S, Section IV may provide post-approval monitoring data for ozone in lieu of providing preconstruction data as required under this Paragraph.

g. For any application that became complete, except as to the requirements of Subparagraphs M.1.c and d of this Section pertaining to PM₁₀, after December 1, 1988, and no later than August 1, 1989, the data that Subparagraph M.1.c of this Section requires shall have been gathered over at least the period from August 1, 1988, to the date the application became otherwise complete, except that if the administrative authority determines that a complete and adequate analysis can be accomplished with monitoring data over a shorter period (not to be less than four months), the data that Subparagraph M.1.c of this Section requires shall have been gathered over that shorter period.

h. With respect to any requirements for air quality monitoring of PM₁₀ under Subparagraphs I.10.a and b of this Section, the owner or operator of the source or modification shall use a monitoring method approved by the administrative authority and shall estimate the ambient concentrations of PM₁₀ using the data collected by such approved monitoring method in accordance with estimating procedures approved by the administrative authority.

2. ...

3. Operation of Monitoring Station. The owner or operator of a major stationary source or major modification shall meet the requirements of 40 CFR Part 58, Appendix B during the operation of monitoring stations Ffor purposes of satisfying this Subsection. LAC 33:III.509.M, the installation and operation of monitoring stations shall be conducted in accordance with all applicable federal and state laws and regulation. Quality assurance plans for such operations must be approved by the administrative authority prior to the plan's implementation.

N. ...

1. With respect to a source or modification to which LAC 33:III.509. Subsection J, L, or P of this Section applies, such or to a source subject to a PAL to which Subsections L and P of this Section apply, such information shall include:

N.1.a.- 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 Office of Environmental Services, Permits Division a report covering the following factors:~~

~~a. the effects the proposed consumption would have upon the industrial and economic development within the impact area of the proposed source; and~~

~~b. any alternatives to the increment consumption such as alternate siting of the proposed source or parts thereof or additional abatement of emissions.~~

~~4. The report required pursuant to LAC 33:III.509.O.3 may be required in instances where the proposed major stationary source or major modification would result in an increment consumption less than that specified in said Paragraph if the administrative authority finds that unusual circumstances exist in the area of the proposed major stationary source or major modification which warrant such a report. In such~~

~~instances, the administrative authority shall notify the applicant in writing when such a report is required.~~

~~35.~~ Visibility Monitoring. The administrative authority may require monitoring of visibility in any federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the administrative authority deems necessary and appropriate.

~~P.-P.1. ...~~

~~2.~~ Federal Land Manager. The federal land manager and the federal official charged with direct responsibility for management of such lands have an affirmative responsibility to protect the air quality related values, including visibility, of such lands and to consider, in consultation with the administrative authority, whether a proposed source or modification will have an adverse impact on such values.

~~32.~~ Denial—Impact on Air Quality Related Values. The federal land manager of any such lands may demonstrate to the administrative authority that the emissions from a proposed source or modification would have an adverse impact on the air quality-related values, (including visibility), of those lands, notwithstanding that the change in air quality resulting from emissions from such source or modification would not cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the administrative authority concurs with such demonstration, then the permit shall not be issued.

~~43.~~ Visibility Analysis. The administrative authority shall consider any analysis performed by the federal land manager provided within 30 days of the notification and analysis required under ~~LAC 33:III.509. Paragraph P.1 of this Section~~ that a proposed new major stationary source or major modification may have an adverse impact on visibility in any federal Class I area. Where the administrative authority finds that such an analysis does not demonstrate to the satisfaction of the administrative authority that an adverse impact on visibility will result in the federal Class I area, the administrative authority must, in the notice of public hearing on the permit application, either explain such decision or give notice as to where the explanation can be obtained.

~~54.~~ Class I Variances. The owner or operator of a proposed source or modification may demonstrate to the federal land manager ~~and the administrative authority~~ that the emissions from such source or modification would have no adverse impact on the air quality related values of any such lands, (including visibility), notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations which would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with such demonstration and he so certifies, the administrative authority may, provided the applicable requirements of this Section are otherwise met, issue the permit with such emission limitations as may be necessary to assure that emissions of sulfur dioxide, particulate matter and nitrogen dioxide would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants.

<u>Pollutant</u>	<u>Maximum Allowable Increase (Micrograms per cubic meter)</u>
Particulate Matter: PM ₁₀ Annual arithmetic mean	17
PM ₁₀ 24-hr maximum	30
Sulfur dioxide: Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide: Annual arithmetic mean	25

6. Sulfur Dioxide Variance by Governor with Federal Land Manager's Concurrence. The owner or operator of a proposed source or modification that cannot be approved under Paragraph P.4 of this Section may demonstrate to the governor that the source cannot be constructed by reason of any maximum allowable increase for sulfur dioxide for a period of 24 hours or less applicable to any Class I area and, in the case of federal mandatory Class I areas, that a variance under this Paragraph would not adversely affect the air quality related values of the area, including visibility. The governor, after consideration of the federal land manager's recommendation, if any, and subject to his concurrence, may, after notice and public hearing, grant a variance from such maximum allowable increase. If such a variance is granted, the administrative authority shall issue a permit to such source or modification in accordance with the requirements of Paragraph P.7 of this Section, provided that the applicable requirements of this Section are otherwise met.

7. Variance by the Governor with the President's Concurrence. In any case where the governor recommends a variance in which the federal land manager does not concur, the recommendations of the governor and the federal land manager shall be transmitted to the President. The President may approve the governor's recommendation if he finds that the variance is in the national interest. If the variance is approved, the administrative authority shall issue a permit in accordance with the requirements of this Paragraph, provided that the applicable requirements of this Section are otherwise met.

8. Emission Limitations for Presidential or Gubernatorial Variance. In the case of a permit issued in accordance with Paragraph P.5 or 6 of this Section, the source or modification shall comply with such emission limitations as may be necessary to ensure that emissions of sulfur dioxide from the source or modification would not, during any day on which the otherwise applicable maximum allowable increases are exceeded, cause or contribute to concentrations that would exceed the following maximum allowable increases over the baseline concentration and to ensure that such emissions would not cause or contribute to concentrations that exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less for more than 18 days, not necessarily consecutive, during any annual period.

<u>Maximum Allowable Increase (Micrograms per cubic meter)</u>
--

<u>Period of Exposure</u>	<u>Terrain Areas</u>	
	<u>Low</u>	<u>High</u>
<u>24-hr maximum</u>	<u>36</u>	<u>62</u>
<u>3-hr maximum</u>	<u>130</u>	<u>221</u>

Q.-Q.8.b. ...

R. Source Obligation

1. Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted in accordance with terms of any permit issued under this Section; or with the terms of any approval to construct, or any owner or operator of a source or modification subject to this Section who commences construction after the effective date of these regulations without applying for and receiving a permit hereunder, shall be subject to appropriate enforcement action.

2.-3. ...

4. At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of ~~LAC 33:III.509. Subsections J-SR~~ of this Section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

5. Reserved.

6. The provisions of this Paragraph apply to projects at an existing emissions unit at a major stationary source, other than projects at a Clean Unit or at a source with a PAL, in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in the definition found in this Section for calculating projected actual emissions.

a. Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

i. a description of the project;

ii. identification of the emissions units whose emissions of a regulated NSR pollutant could be affected by the project; and

iii. the applicability analysis used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the potential emissions after the project, and the netting analysis.

b. If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in Subparagraph R.6.a of this Section to the administrative authority. Nothing in this Paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the administrative authority before beginning actual construction.

c. The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in Clause R.6.a.ii of this Section and calculate and

maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit.

d. If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the administrative authority within 60 days after the end of each year during which records must be generated under Subparagraph R.6.c of this Section setting out the unit's annual emissions during the calendar year that preceded submission of the report.

e. If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the administrative authority if the annual emissions, in tons per year, from the project identified in Subparagraph R.6.a of this Section, exceed the baseline actual emissions, as documented and maintained in accordance with Clause R.6.a.iii of this Section, by a significant amount, as defined in Subsection B. *Significant* of this Section, for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained in accordance with Clause R.6.a.iii of this Section. Such report shall be submitted to the administrative authority within 60 days after the end of such year. The report shall contain the following:

- i. the name, address, and telephone number of the major stationary source;
- ii. the annual emissions as calculated in accordance with Subparagraph R.6.c of this Section; and
- iii. any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

7. The owner or operator of the source shall make the information required to be documented and maintained in accordance with Paragraph R.6 of this Section available for review upon a request for inspection by the administrative authority or the general public in accordance with the requirements contained in 40 CFR 70.4(b)(3)(viii).

S. Environmental Impact Statements. Whenever any proposed source or modification is subject to action by a federal agency that might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the administrative authority conducted in accordance with this Subsection shall be coordinated with the broad environmental reviews under that Act and under Section 309 of the Clean Air Act to the maximum extent feasible and reasonable.

T. Reserved.

U. Reserved.

S. V. Innovative Control Technology

1. The owner or operator of a proposed major stationary source or major modification may request the administrative authority in writing, no later than the close of the comment period under 40 CFR 124.10, to approve and permit a system of innovative control technology.

2. The administrative authority ~~shall~~ ~~may, with the consent of the governor(s) of other affected state(s),~~ determine that the source or modification may employment of a system of innovative control technology is permissible, if:

- a. the proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;
- b. the owner or operator agrees to achieve a level of continuous emissions reduction equivalent to that which would have been required under ~~LAC 33:III.509-Paragraph~~ J.2 of this Section by a date specified by the administrative authority. Such date shall not be later than four years from the time of start-up or seven years from permit issuance;
- c. the source or modification would meet the requirements equivalent to those in ~~LAC 33:III.509-Subsections~~ J and K of this Section based on the emissions rate that the stationary source employing the system of innovative control technology would be required to meet on the date specified by the administrative authority;
- d. the source or modification would not before the date specified by the administrative authority:
 - i. cause or contribute to a violation of an applicable ambient air quality standard; or
 - ii. ~~impact any Class I area; or~~
 - iii. impact any area where an applicable increment is known to be violated;
- e. all other applicable requirements including those for public participation have been met;
- f. the provisions of Subsection P of this Section, relating to Class I areas, have been satisfied with respect to all periods during the life of the source or modification.

3. The administrative authority shall withdraw any approval to employ a system of innovative control technology made under this Section, if:

- a. the proposed system fails by the specified date to achieve the required continuous emissions reduction rate; or
- b. the proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or
- c. the administrative authority decides at any time that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.

4. If a source or modification fails to meet the required level of continuous emissions reduction within the specified time period, or if the approval is withdrawn in accordance with ~~LAC 33:III.509-S~~ Paragraph V.3 of this Section, the administrative authority may allow the source or modification up to an additional three years to meet the requirement for the application of best available control technology through use of a demonstrated system of control.

W. Permit Rescission

1. Any permit issued under this Section or a prior version of this Section shall remain in effect, unless and until it expires under Subsection R of this Section or is rescinded.

2. Any owner or operator of a stationary source or modification who holds a permit for the source or modification that was issued under 40 CFR 52.21 as in effect on July 30, 1987, or any earlier version of this Section, may request that the administrative authority rescind the permit or a particular portion of the permit.

3. The administrative authority shall grant an application for rescission if the application shows that this Section would not apply to the source or modification.

4. If the administrative authority rescinds a permit under this Subsection, the public shall be given adequate notice of the rescission. Publication of an announcement of rescission in a newspaper of general circulation in the affected region within 60 days of the rescission shall be considered adequate notice.

X. Clean Unit Test for Emissions Units That Are Subject to BACT or LAER

1. Applicability. The provisions of this Subsection apply to any emissions unit for which the administrative authority has issued a major NSR permit within the last 10 years.

2. General Provisions for Clean Units. The following provisions apply to a Clean Unit.

a. Any project for which the owner or operator begins actual construction after the effective date of the Clean Unit designation, as determined in accordance with Paragraph X.4 of this Section, and before the expiration date, as determined in accordance with Paragraph X.5 of this Section, will be considered to have occurred while the emissions unit was a Clean Unit.

b. If a project causes the need for a change in the emission limitations or work practice requirements in the permit for the unit that were adopted in conjunction with BACT or LAER or the project would alter any physical or operational characteristics that formed the basis for the BACT or LAER determination as specified in Subparagraph X.6.d of this Section, then the emissions unit loses its designation as a Clean Unit upon issuance of the necessary permit revisions, unless the unit re-qualifies as a Clean Unit in accordance with Subparagraph X.3.c of this Section. If the owner or operator begins actual construction on the project without first applying to revise the emissions unit's permit, the Clean Unit designation ends immediately prior to the time when actual construction begins.

3. Qualifying or Re-qualifying to Use the Clean Unit Applicability Test. An emissions unit automatically qualifies as a Clean Unit when the unit meets the criteria in this Paragraph. After the original Clean Unit expires in accordance with Paragraph X.5 of this Section or is lost in accordance with Subparagraph X.2.b of this Section, such emissions unit may re-qualify as a Clean Unit under Subparagraph X.3.c of this Section. The Clean Unit designation applies individually for each pollutant emitted by the emissions unit.

a. Permitting Requirement. The emissions unit must have received a major NSR permit within the last 10 years. The owner or operator must maintain and be able to provide information that would demonstrate that this permitting requirement is met.

b. Qualifying Air Pollution Control Technologies. Air pollutant emissions from the emissions unit must be reduced through the use of air pollution control technology, which includes pollution prevention as defined under LAC

33:III.509.B.Pollution Prevention or work practices, that meets the following requirements:

i. the control technology achieves the BACT or LAER level of emissions reductions as determined through issuance of a permit as specified in Subparagraph X.3.a of this Section. However, the emissions unit is not eligible for the Clean Unit designation if the BACT or LAER determination resulted in no requirement to reduce emissions below the level of a standard, uncontrolled, new emissions unit of the same type;

ii. the owner or operator made an investment to install the control technology. For the purpose of this determination, an investment includes expenses to research the application of a pollution prevention technique to the emissions unit or expenses to apply a pollution prevention technique to an emissions unit.

c. Re-qualifying for the Clean Unit Designation. The emissions unit must obtain a new major NSR permit that requires compliance with the current-day BACT or LAER, and the emissions unit must meet the requirements in Subparagraphs X.3.a and b of this Section.

4. Effective Date of the Clean Unit Designation. The effective date of an emissions unit's Clean Unit designation (i.e., the date on which the owner or operator may begin to use the Clean Unit Test to determine whether a project at the emissions unit is a major modification) is determined according to the applicable Paragraph X.1 or 2 of this Section.

5. Clean Unit Expiration. An emissions unit's Clean Unit designation expires (i.e., the date on which the owner or operator may no longer use the Clean Unit Test to determine whether a project affecting the emissions unit is, or is part of, a major modification) according to the applicable Paragraph X.1 or 2 of this Section.

6. Required Title V Permit Content for a Clean Unit. After the effective date of the Clean Unit designation, and in accordance with the provisions of the applicable Title V permit program under 40 CFR Part 70, but no later than when the Title V permit is renewed, the Title V permit for the major stationary source must include the following terms and conditions related to the Clean Unit:

a. a statement indicating that the emissions unit qualifies as a Clean Unit and identifying the pollutants for which this designation applies;

b. the effective date of the Clean Unit designation;

c. the expiration date of the Clean Unit designation;

d. all emission limitations and work practice requirements adopted in conjunction with BACT or LAER, and any physical or operational characteristics that formed the basis for the BACT or LAER determination (e.g., possibly the emissions unit's capacity or throughput);

e. monitoring, recordkeeping, and reporting requirements as necessary to demonstrate that the emissions unit continues to meet the criteria for maintaining the Clean Unit designation.

7. Maintaining the Clean Unit Designation. To maintain the Clean Unit designation, the owner or operator must conform to all the restrictions listed in Subparagraphs X.7.a -c of this Section. This Paragraph applies independently to each pollutant for which the emissions unit has the Clean Unit designation. That is, failing to

conform to the restrictions for one pollutant affects the Clean Unit designation only for that pollutant.

a. The Clean Unit must comply with the emission limitations and/or work practice requirements adopted in conjunction with BACT or LAER that are recorded in the major NSR permit and subsequently reflected in the Title V permit.

b. The Clean Unit must comply with any terms and conditions in the Title V permit related to the unit's Clean Unit designation.

c. The Clean Unit must continue to control emissions using the specific air pollution control technology that was the basis for its Clean Unit designation. If the emissions unit or control technology is replaced, then the Clean Unit designation ends.

8. Reserved.

9. Effect of Redesignation on the Clean Unit Designation. The Clean Unit designation of an emissions unit is not affected by redesignation of the attainment status of the area in which it is located. That is, if a Clean Unit is located in an attainment area and the area is redesignated to nonattainment, the unit's Clean Unit designation is not affected. Similarly, redesignation from nonattainment to attainment does not affect the Clean Unit designation. However, if an existing Clean Unit designation expires, it must re-qualify under the requirements that are currently applicable in the area.

Y. Reserved.

Z. Pollution Control Projects (PCPs). PCPs may be approved according to the following provisions.

1. Before an owner or operator begins actual construction of a PCP, the owner or operator must either submit a notice to the administrative authority, or the owner or operator must submit a permit application and obtain approval to use the PCP exclusion from the administrative authority consistent with the requirements in Paragraph Z.5 of this Section. Regardless of whether the owner or operator submits a notice or a permit application, the project must meet the requirements in Paragraph Z.2 of this Section, and the notice or permit application must contain the information required in Paragraph Z.3 of this Section.

2. Any project that relies on the PCP exclusion must meet the following requirements.

a. Environmentally Beneficial Analysis. The environmental benefit from the emissions reductions of pollutants regulated under the Clean Air Act must outweigh the environmental detriment of emissions increases in pollutants regulated under the Clean Air Act.

b. Air Quality Analysis. The maximum allowable emissions from the project will not cause or contribute to a violation of any national or Louisiana ambient air quality standard or PSD increment, or adversely impact an air quality related value, such as visibility, that has been identified for a federal Class I area by a federal land manager.

3. Content of Permit Application. In the permit application, the owner or operator must include, at a minimum, the following information:

a. a description of the project;

b. the potential emissions increases and decreases of any pollutant regulated under the Clean Air Act and the projected actual emissions increases and decreases using the definitions of *net emissions increase* and *significant net emissions increase* in Subsection B of this Section that will result from the project;

c. a description of monitoring and recordkeeping, and all other methods, to be used on an ongoing basis to demonstrate that the project is environmentally beneficial. Methods should be sufficient to meet the requirements in LAC 33:III.507.H.1;

d. a certification that the project will be designed and operated in a manner that is consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by Subparagraphs Z.2.a and b of this Section, with information submitted in the permit application, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants;

e. a demonstration that the PCP will not have an adverse air quality impact. An air quality impact analysis is not required for any pollutant that will not experience a significant emissions increase as a result of the project.

4. Reserved.

5. Permit Process. Before an owner or operator may begin actual construction of a PCP that is not listed in Subsection B. *Pollution Control Project* of this Section, the project must be approved by the administrative authority through the inclusion of a permit. The administrative authority will provide the public with notice of the proposed approval and with access to the environmentally beneficial analysis and the air quality analysis, and provide at least a 30-day period for the public to submit comments. The administrative authority must address all material received by the end of the comment period before taking final action on the permit.

6. Operational Requirements. Upon installation of the PCP, the owner or operator must comply with the following requirements.

a. General Duty. The owner or operator must operate the PCP in a manner consistent with proper industry and engineering practices, in a manner that is consistent with the environmentally beneficial analysis and air quality analysis required by Subparagraphs Z.2.a and b of this Section, with information submitted in the permit application required by Paragraph Z.3 of this Section, and in such a way as to minimize, within the physical configuration and operational standards usually associated with the emissions control device or strategy, emissions of collateral pollutants.

b. Recordkeeping. The owner or operator must maintain copies on site of the environmentally beneficial analysis, the air quality impacts analysis, and monitoring and other emission records to demonstrate that the PCP operated consistent with the general duty requirements in Subparagraph Z.6.a of this Section.

c. Permit Requirements. The owner or operator must comply with any provisions in the permit related to use and approval of the PCP exclusion.

d. Generation of Emission Reduction Credits. Emission reductions created by a PCP shall not be included in calculating a significant net emissions increase unless the emissions unit further reduces emissions after qualifying for the PCP exclusion (e.g., taking an operational restriction on the hours of operation). The owner or operator may generate a credit for the difference between the level of reduction that was used to qualify for the PCP exclusion and the new emissions limit if such reductions are surplus, quantifiable, and permanent. For purposes of generating offsets, the reductions must also be federally enforceable. For purposes of determining creditable net emissions increases and decreases, the reductions must also be enforceable as a practical matter.

AA. Actuals PALs. The following provisions govern actuals PALs.

1. Applicability

a. The administrative authority may approve the use of an actuals PAL for any existing major stationary source if the PAL meets the requirements of this Subsection. The term “PAL” shall mean “actuals PAL” throughout this Subsection.

b. Any physical change in or change in the method of operation of a major stationary source that maintains its total source-wide emissions below the PAL level, meets the requirements of this Subsection, and complies with the PAL permit:

i. is not a major modification for the PAL pollutant;
 ii. does not have to be approved through the PSD program; and

iii. is not subject to the provisions in Paragraph R.4 of this Section, regarding restrictions on relaxing enforceable emission limitations that the major stationary source used to avoid applicability of the major NSR program.

c. Except as provided under Clause AA.1.b.iii of this Section, a major stationary source shall continue to comply with all applicable federal or state requirements, emission limitations, and work practice requirements that were established prior to the effective date of the PAL.

2. Definitions. For the purposes of this Section, the following definitions apply. When a term is not defined in this Paragraph, it shall have the meaning given in Subsection B of this Section or in the Clean Air Act.

a. *Actuals PAL*—a PAL for a major stationary source based on the *baseline actual emissions*, as defined in Subsection B of this Section, of all *emissions units*, as defined in Subsection B of this Section, at the source that emit or have the potential to emit the PAL pollutant.

b. *Allowable Emissions*—as defined in Subsection B of this Section, except with the following modifications.

i. The *allowable emissions* for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit’s potential to emit.

ii. An emissions unit’s potential to emit shall be determined using the definition in Subsection B of this Section, except that the words “or enforceable as a practical matter” should be added after “federally enforceable.”

c. *Small Emissions Unit*—an emissions unit that emits or has the potential to emit the PAL pollutant in an amount less than the significant level for that PAL pollutant, as defined in Subsection B of this Section or in the Clean Air Act, whichever is lower.

d. *Major Emissions Unit*—any emissions unit that limits or has the potential to emit:

i. 100 tons per year or more of the PAL pollutant in an attainment area; or

ii. the PAL pollutant in an amount that is equal to or greater than the major source threshold for the PAL pollutant as defined by the Clean Air Act for nonattainment areas. For example, in accordance with the definition of major stationary source in Section 182(c) of the Clean Air Act, an emissions unit would be a major emissions unit for VOC if the emissions unit is located in a serious ozone

nonattainment area and it emits or has the potential to emit 50 or more tons of VOC per year.

e. *Plantwide Applicability Limitation (PAL)*—an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with this Subsection.

f. *PAL Effective Date*—the date of issuance of the PAL permit. However, the PAL effective date for an increased PAL is the date any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

g. *PAL Effective Period*—the period beginning with the date of issuance of the PAL permit and ending 10 years later.

h. *PAL Major Modification*—any physical change in or change in the method of operation of the PAL source that causes it to emit the PAL pollutant at a level equal to or greater than the PAL, notwithstanding the definitions for *major modification* and *net emissions increase* in Subsection B of this Section.

i. *PAL Permit*—the permit issued by the administrative authority that establishes a PAL for a major stationary source.

j. *PAL Pollutant*—the pollutant for which a PAL is established at a major stationary source.

k. *Significant Emissions Unit*—an emissions unit that emits or has the potential to emit a PAL pollutant in an amount that is equal to or greater than the *significant* level, as defined in Subsection B of this Section or in the Clean Air Act, whichever is lower, for that PAL pollutant, but less than the amount that would qualify the unit as a *major emissions unit* as defined in this Paragraph.

3. *Permit Application Requirements*. As part of a permit application requesting a PAL, the owner or operator of a major stationary source shall submit the following information to the administrative authority for approval:

a. a list of all emissions units at the source designated as small, significant, or major based on their potential to emit. In addition, the owner or operator of the source shall indicate which, if any, federal or state applicable requirements, emission limitations, or work practices apply to each unit;

b. calculations of the baseline actual emissions, with supporting documentation. Baseline actual emissions are to include emissions associated not only with operation of the unit, but also emissions associated with startup, shutdown, and malfunction;

c. the calculation procedures that the major stationary source owner or operator proposes to use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total for each month as required by Subparagraph AA.13.a of this Section.

4. *General Requirements for Establishing PALs*

a. The administrative authority may establish a PAL at a major stationary source, provided that, at a minimum, the following requirements are met.

i. The PAL shall impose an emission limitation that is federally enforceable and enforceable as a practical matter, for the entire major stationary

source. The major stationary source owner or operator shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months is less than the PAL (a rolling 12-month average).

ii. The PAL shall be established in a PAL permit that meets the public participation requirements in Subsection Q of this Section.

iii. The PAL permit shall contain all the requirements of Paragraph AA.7 of this Section.

iv. The PAL shall include fugitive emissions, to the extent quantifiable, from all emissions units that emit or have the potential to emit the PAL pollutant at the major stationary source.

v. Each PAL shall regulate emissions of only one pollutant.

vi. Each PAL shall have a PAL effective period of 10 years.

vii. The owner or operator of the major stationary source with a PAL shall comply with the monitoring, recordkeeping, and reporting requirements provided in Paragraphs AA.12-14 of this Section for each emissions unit under the PAL through the PAL effective period.

b. At no time, during or after the PAL effective period, are emissions reductions of a PAL pollutant that occur during the PAL effective period creditable as decreases for purposes of offsets under 40 CFR 51.165(a)(3)(ii) unless the level of the PAL is reduced by the amount of such emissions reductions and such reductions would be creditable in the absence of the PAL.

5. Public Participation Requirements for PALs. PALs for existing major stationary sources shall be established, renewed, or increased through a procedure that is consistent with 40 CFR 51.160 and 51.161. This includes the requirement that the administrative authority provide the public with notice of the proposed approval of a PAL permit and at least a 30-day period for submittal of public comment. The administrative authority must address all material comments before taking final action on the permit.

6. Setting the 10-year Actuals PAL Level. The actuals PAL level for a major stationary source shall be established as the sum of the baseline actual emissions of the PAL pollutant for each emissions unit at the source, plus an amount equal to the applicable significant level for the PAL pollutant. When establishing the actuals PAL level for a PAL pollutant, only one consecutive 24-month period shall be used to determine the baseline actual emissions for all existing emissions units. However, a different consecutive 24-month period may be used for each different PAL pollutant. Emissions associated with units that were permanently shut down after this 24-month period must be subtracted from the PAL level. Emissions from units on which actual construction began after the 24-month period must be added to the PAL level in an amount equal to the potential to emit of the units. The administrative authority shall specify a reduced PAL level (in tons/yr) in the PAL permit to become effective on the future compliance dates of any applicable federal or state regulatory requirement that the administrative authority is aware of prior to issuance of the PAL permit. For instance, if the source owner or operator will be required to reduce emissions from industrial boilers in half from baseline emissions of 60 ppm NO_x to a new rule limit of 30 ppm, then the permit shall contain a future effective PAL level that is equal to the current PAL level reduced by half of the original baseline emissions of such units.

7. Contents of the PAL Permit. The PAL permit must contain, at a minimum, the following information:

a. the PAL pollutant and the applicable source-wide emission limitations in tons per year;

b. the PAL permit effective date and the expiration date of the PAL (i.e., the PAL effective period);

c. specification in the PAL permit that if a major stationary source owner or operator applies to renew a PAL in accordance with Paragraph AA.10 of this Section before the end of the PAL effective period, then the PAL shall not expire at the end of the PAL effective period, but shall remain in effect until final action is taken by the administrative authority on the application for renewal;

d. a requirement that emission calculations for compliance purposes must include emissions from startups, shutdowns, and malfunctions;

e. a requirement that, once the PAL expires, the major stationary source is subject to the requirements of Paragraph AA.9 of this Section;

f. the calculation procedures that the major stationary source owner or operator shall use to convert the monitoring system data to monthly emissions and annual emissions based on a 12-month rolling total as required by Subparagraph AA.13.a of this Section;

g. a requirement that the major stationary source owner or operator monitor all emissions units in accordance with the provisions under Paragraph AA.12 of this Section;

h. a requirement to retain the records required under Paragraph AA.13 of this Section on site. Such records may be retained in an electronic format;

i. a requirement to submit the reports required under Paragraph AA.14 of this Section by the required deadlines;

j. any other requirements that the administrative authority deems necessary to implement and enforce the PAL.

8. PAL Effective Period and Reopening of the PAL Permit

a. PAL Effective Period. The administrative authority shall specify a PAL effective period of no more than 10 years.

b. Reopening of the PAL permit

i. During the PAL effective period, the administrative authority must reopen the PAL permit to:

(a). correct typographical/calculation errors made in setting the PAL or reflect a more accurate determination of emissions used to establish the PAL;

(b). reduce the PAL if the owner or operator of the major stationary source creates creditable emissions reductions for use as offsets;

(c). revise the PAL to reflect an increase in the PAL as provided under Paragraph AA.11 of this Section;

(d). reduce the PAL to reflect newly applicable requirements (e.g., NSPS or MACT) with compliance dates after the PAL effective date.

ii. The administrative authority shall have discretion to reopen the PAL permit.

iii. Except for the permit reopening in Clause AA.8.b.ii of this Section for the correction of typographical/calculation errors that do not increase

the PAL level, all other reopenings shall be carried out in accordance with the public participation requirements of Subsection Q of this Section.

9. Expiration of a PAL. Any PAL that is not renewed in accordance with the procedures in Paragraph AA.10 of this Section shall expire at the end of the PAL effective period, and the following requirements shall apply.

a. Each emissions unit, or each group of emissions units, that existed under the PAL shall comply with an allowable emission limitation under a revised permit established according to the following procedures.

i. Within the time frame specified for PAL renewals in Subparagraph AA.10.b of this Section, the major stationary source shall submit a proposed allowable emission limitation for each emissions unit, or each group of emissions units, if such a distribution is more appropriate as decided by the administrative authority, by distributing the PAL allowable emissions for the major stationary source among each of the emissions units that existed under the PAL. If the PAL had not yet been adjusted for an applicable requirement that became effective during the PAL effective period, as required under Subparagraph AA.10.e of this Section, such distribution shall be made as if the PAL had been adjusted.

ii. The administrative authority shall decide whether and how the PAL allowable emissions will be distributed and issue a revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as the administrative authority determines is appropriate.

b. Reserved.

c. Until the administrative authority issues the revised permit incorporating allowable limits for each emissions unit, or each group of emissions units, as required under Clause AA.9.a.ii of this Section, the source shall continue to comply with a source-wide, multi-unit emissions cap equivalent to the level of the PAL emission limitation.

d. Any physical change or change in the method of operation at the major stationary source will be subject to major NSR requirements if such change meets the definition of *major modification* in Subsection B of this Section.

e. The major stationary source owner or operator shall continue to comply with any state or federal applicable requirements (BACT, RACT, NSPS, etc.).

10. Renewal of a PAL

a. The administrative authority shall follow the procedures specified in Paragraph AA.5 of this Section in approving any request to renew a PAL for a major stationary source and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such a public review, any person may propose a PAL level for the source for consideration by the administrative authority.

b. Application Deadline. A major stationary source owner or operator shall submit a timely application to the administrative authority to request renewal of a PAL. A timely application is one that is submitted at least six months prior to, but not earlier than 18 months from, the date of permit expiration. If the owner or operator of a major stationary source submits a complete application to renew the PAL

within this time period, then the PAL shall continue to be effective until the administrative authority takes final action on the application for renewal.

c. Application Requirements. The application to renew a PAL permit shall contain the following information:

i. the information required in Subparagraphs AA.3.a-c of this Section;

ii. a proposed PAL level;

iii. the sum of the potentials to emit of all emissions units under the PAL, with supporting documentation;

iv. any other information the owner or operator wishes the administrative authority to consider in determining the appropriate level for renewing the PAL.

d. PAL Adjustment. In determining whether and how to adjust the PAL, the administrative authority shall consider the options outlined in Clauses AA.10.d.i and ii of this Section. However, in no case may any such adjustment fail to comply with Clause AA.10.d.iii of this Section.

i. If the emissions level calculated in accordance with Paragraph AA.6 of this Section is equal to or greater than 80 percent of the PAL level, the administrative authority may renew the PAL at the same level without considering the factors set forth in Clause AA.10.d.ii of this Section.

ii. The administrative authority may set the PAL at a level that is determined to be more representative of the source's baseline actual emissions, or that is determined to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the administrative authority in its written rationale.

iii. Notwithstanding Clause AA.10.d.i of this Section:

(a) if the potential to emit of the major stationary source is less than the PAL, the administrative authority shall adjust the PAL to a level no greater than the potential to emit of the source; and

(b) the administrative authority shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of Paragraph AA.11 of this Section, regarding increasing a PAL.

e. If the compliance date for a state or federal requirement that applies to the PAL source occurs during the PAL effective period, and if the administrative authority has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or Title V permit renewal, whichever occurs first.

11. Increasing a PAL During the PAL Effective Period

a. The administrative authority may increase a PAL emission limitation only if the major stationary source complies with the following provisions.

i. The owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification. Such application shall identify the emissions unit contributing

to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL.

ii. As part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions units exceeds the PAL. The level of control that would result from BACT equivalent controls on each significant or major emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years. In such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply.

iii. The owner or operator obtains a major NSR permit for all emissions units identified in Clause AA.11.a.i of this Section, regardless of the magnitude of the emissions increase resulting from them (i.e., no significant levels apply). These emissions units shall comply with any emissions requirements resulting from the major NSR process (e.g., BACT), even though they have also become subject to the PAL or continue to be subject to the PAL.

iv. The PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant.

b. The administrative authority shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the PAL baseline emissions of the significant and major emissions units, assuming application of BACT equivalent controls as determined in accordance with Clause AA.11.a.ii of this Section, plus the sum of the PAL baseline emissions of the small emissions units.

c. The PAL permit shall be revised to reflect the increased PAL level in accordance with the public notice requirements of Subsection Q of this Section.

12. Monitoring Requirements for PALs

a. General Requirements

i. Each PAL permit must contain enforceable requirements for the monitoring system that accurately determines plantwide emissions of the PAL pollutant in terms of mass per unit of time. Any monitoring system authorized for use in the PAL permit must be based on sound science and meet generally acceptable scientific procedures for data quality and manipulation. Additionally, the information generated by such a system must meet minimum legal requirements for admissibility in a judicial proceeding to enforce the PAL permit.

ii. The PAL monitoring system must employ one or more of the four general monitoring approaches meeting the minimum requirements set forth in Clauses AA.12.b.i-iv of this Section and must be approved by the administrative authority.

iii. Notwithstanding Clause AA.12.a.ii of this Section, the owner or operator may employ an alternative monitoring approach that meets Clause AA.12.a.i of this Section if approved by the administrative authority.

iv. Failure to use a monitoring system that meets the requirements of this Paragraph renders the PAL invalid.

b. Minimum Performance Requirements for Approved Monitoring Approaches. The following are acceptable general monitoring approaches when conducted in accordance with the minimum requirements in Subparagraphs AA.12.c-j of this Section:

i. mass balance calculations for activities using coatings or solvents;

ii. CEMS;

iii. CPMS or PEMS; and

iv. emissions factors.

c. Mass Balance Calculations. An owner or operator using mass balance calculations to monitor PAL pollutant emissions from activities using coating or solvents shall meet the following requirements:

i. provide a demonstrated means of validating the published content of the PAL pollutant that is contained in or created by all materials used in or at the emissions unit;

ii. assume that the emissions unit emits all of the PAL pollutant that is contained in or created by any raw material or fuel used in or at the emissions unit, if it cannot otherwise be accounted for in the process; and

iii. where the vendor of a material or fuel, which is used in or at the emissions unit, publishes a range of pollutant content from such material, the owner or operator must use the highest value of the range to calculate the PAL pollutant emissions unless the administrative authority determines there is site-specific data or a site-specific monitoring program to support another content within the range.

d. CEMS. An owner or operator using CEMS to monitor PAL pollutant emissions shall meet the following requirements:

i. CEMS must comply with applicable performance specifications found in 40 CFR Part 60, Appendix B; and

ii. CEMS must sample, analyze, and record data at least every 15 minutes while the emissions unit is operating.

e. CPMS or PEMS. An owner or operator using CPMS or PEMS to monitor PAL pollutant emissions shall meet the following requirements:

i. the CPMS or the PEMS must be based on current site-specific data demonstrating a correlation between the monitored parameters and the PAL pollutant emissions across the range of operation of the emissions unit; and

ii. each CPMS or PEMS must sample, analyze, and record data at least every 15 minutes, or at another less frequent interval approved by the administrative authority, while the emissions unit is operating.

f. Emission Factors. An owner or operator using emission factors to monitor PAL pollutant emissions shall meet the following requirements:

i. all emission factors shall be adjusted, if appropriate, to account for the degree of uncertainty or limitations in the factors' development; and

ii. the emissions unit shall operate within the designated range of use for the emission factor, if applicable; and

iii. if technically practicable, the owner or operator of a significant emissions unit that relies on an emission factor to calculate PAL pollutant emissions shall conduct validation testing to determine a site-specific emission factor within six months of PAL permit issuance, unless the administrative authority determines that testing is not required.

g. A source owner or operator must record and report maximum potential emissions without considering enforceable emission limitations or operational restrictions for an emissions unit during any period of time that there is no monitoring data, unless another method for determining emissions during such periods is specified in the PAL permit.

h. Notwithstanding the requirements in Subparagraphs AA.12.c-g of this Section, where an owner or operator of an emissions unit cannot demonstrate a correlation between the monitored parameters and the PAL pollutant emissions rate at all operating points of the emissions unit, the administrative authority shall, at the time of permit issuance:

i. establish default values for determining compliance with the PAL based on the highest potential emissions reasonably estimated at such operating points; or

ii. determine that operation of the emissions unit during operating conditions when there is no correlation between monitored parameters and the PAL pollutant emissions is a violation of the PAL.

i. Revalidation. All data used to establish the PAL pollutant must be revalidated through performance testing or other scientifically valid means approved by the administrative authority. Such testing must occur at least once every five years after issuance of the PAL.

13. Recordkeeping Requirements

a. The PAL permit shall require an owner or operator to retain a copy of all records necessary to determine compliance with any requirement of Subsection AA of this Section and of the PAL, including a determination of each emissions unit's 12-month rolling total emissions, for five years from the date of such record.

b. The PAL permit shall require an owner or operator to retain a copy of the following records for the duration of the PAL effective period plus five years:

i. a copy of the PAL permit application and any applications for revisions to the PAL; and

ii. each annual certification of compliance in accordance with the Title V permit and the data relied on in certifying the compliance.

14. Reporting and Notification Requirements. The owner or operator shall submit semiannual monitoring reports and prompt deviation reports to the administrative authority in accordance with the applicable Title V operating permit program. The reports shall meet the following requirements.

a. Semiannual Report. The semiannual report shall be submitted to the administrative authority within 30 days of the end of each reporting period. This report shall contain the following information:

i. the identification of the owner and operator, and the permit number;

ii. total annual emissions (tons/year) based on a 12-month rolling total for each month in the reporting period recorded in accordance with Subparagraph AA.13.a of this Section;

iii. all data relied upon, including but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions;

iv. a list of any emissions units modified or added to the major stationary source during the preceding 6-month period;

v. the number, duration, and cause of any deviations or monitoring malfunctions, other than the time associated with zero and span calibration checks, and any corrective action taken;

vi. a notification of a shutdown of any monitoring system, whether the shutdown was permanent or temporary, the reason for the shutdown, the anticipated date that the monitoring system will be fully operational or replaced with another monitoring system, and whether the emissions unit monitored by the monitoring system continued to operate, and the calculation of the emissions of the pollutant or the number determined by method included in the permit, as provided by Subparagraph AA.12.g of this Section;

vii. a signed statement by the responsible official, as defined by the applicable Title V operating permit program, certifying the truth, accuracy, and completeness of the information provided in the report.

b. Deviation Report. The major stationary source owner or operator shall promptly submit reports of any deviations or exceedances of the PAL requirements, including periods where no monitoring is available. A report submitted in accordance with 40 CFR Part 70, General Condition R shall satisfy this reporting requirement. The deviation reports shall be submitted within the time limits prescribed by 40 CFR Part 70, General Condition R [40 CFR §70.6(a)(3)(iii)(B)]. The reports shall contain the following information:

i. the identification of the owner and operator, and the permit number;

ii. the PAL requirement that experienced the deviation or that was exceeded;

iii. emissions resulting from the deviation or the exceedance; and

iv. a signed statement by the responsible official, as defined by the applicable Title V operating permit program, certifying the truth, accuracy, and completeness of the information provided in the report.

c. Revalidation Results. The owner or operator shall submit to the administrative authority the results of any revalidation test or method within three months after completion of such a test or method.

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 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of Environmental Assessment, LR 31: