

**Title 33  
ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 5. Permit Procedures**

**§510. New Emissions Sources and Major Modifications in Specified Parishes**

Repealed.

~~A. Applicability. The provisions of this Section shall be applicable in the following parish: Calcasieu.~~

~~B. Control Technology Requirements. The provisions of this Section apply to new, modified, and reconstructed emissions units at new or existing major stationary sources, as defined herein, provided the source is located within a parish specified in Subsection A of this Section. Modification and reconstruction shall have the same meanings attributed to them in 40 CFR 60.14 and 60.15.~~

~~1. Maintenance Reasonably Available Control Technology (MRACT) Requirements~~

~~a. The potential to emit of a stationary source shall be compared to the major stationary source threshold values listed in Table 1 of this Section to determine whether the source is major.~~

~~b. Each new modified or reconstructed emissions unit at a new or existing major stationary source shall apply MRACT requirements for each pollutant subject to regulation under this Section that it would emit, or have the potential to emit, in amounts greater than or equal to the de minimus value specified in Table 1 of this Section. The de minimus value shall represent the potential to emit of the emissions unit only and shall not consider any contemporaneous increases and decreases at the facility. Modification and reconstruction shall have the same meanings attributed to them in 40 CFR 60.14 and 60.15.~~

~~c. Approval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. For a phased construction project, each phase must commence construction within 18 months of the projected and approved commencement date. The department may extend the 18-month period upon a satisfactory showing that an extension is justified.~~

~~d. For phased construction projects, the determination of MRACT shall be reviewed and modified, as appropriate, at the latest reasonable time, but no later than 18 months prior to commencement of construction of each independent phase of the project. At such time the owner or operator of the applicable stationary source may be required to demonstrate the adequacy of any previous determination of MRACT.~~

~~e. If the owner or operator applies for an extension, as provided for in Subparagraph B.1.c of this Section, and the new proposed date of construction is greater than 18 months from the date that the approval to construct would become invalid, the determination of the MRACT shall be reviewed and modified as appropriate before such an extension is granted. At such time the owner or operator may be required to demonstrate the adequacy of any previous determination of the MRACT.~~

~~2. Source Information. The owner or operator of an affected emissions unit,~~

as identified in Subparagraph B.1.b of this Section, shall submit all information necessary to the Office of Environmental Services, Air Permits Division, in order to perform any analysis or make any determination required under this regulation. Information shall include, but is not limited to:

- a. a description of the nature, location, design capacity, and typical operating schedule of the emissions unit(s), including specifications and drawings showing the design and plant layout;
- b. a detailed schedule for construction of the emissions unit(s); and
- c. a detailed description of the planned system of emission controls to be implemented, emission estimates, and other information necessary to demonstrate that MRACT will be applied and maintained.

3. Exemptions. The following emissions units are exempt from the control technology requirements of this Subsection:

- a. those that are subject to the Best Available Control Technology (BACT) requirements of the Prevention of Significant Deterioration (PSD) program, LAC 33:III.509;

- b. those that are subject to the control requirements of a national emission standard in 40 CFR Part 61 or a national emission standard for hazardous air pollutants for source categories in 40 CFR Part 63 (with regard to VOC control only);

- c. those that trigger substantive control requirements of any section in LAC 33:III.Chapter 21 (with regard to VOC control only); and

- d. those that must be installed, modified, or reconstructed to comply with the Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements published in the *Federal Register* on February 10, 2000, at 65 FR 6697.

C. Offset Requirements. The provisions of this Subsection apply to major stationary sources and major modifications, as defined in LAC 33:III.509.I, provided the source is located within a parish specified in Subsection A of this Section.

1. Emission Offsets

- a. The emissions increase from a new major stationary source or major modification, as defined in LAC 33:III.509.I, shall be offset in accordance with the provisions of this Section at the ratio specified in Table 1 of this Section.

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

- i. all emission reductions claimed as offset credit shall be from decreases of the same pollutant or pollutant class (e.g., VOC) for which the offset is required. Interprecursor trading, for example, using a NO<sub>x</sub> credit to offset a VOC emission increase, is not allowed;

- ii. all emission reductions claimed as offset credit must have occurred on or after June 2, 1997;

- iii. all emission reductions claimed as offset credit shall be enforceable prior to commencement of construction of the major modification. All emission reductions claimed as offset credit shall occur prior to or concurrent with the start of operation of the proposed major stationary source;

- iv. offset credit for any emission reduction can be claimed only to the extent that the department has not relied on it in previously issuing any permit;

v. ~~emission reductions achieved by shutting down an existing source or curtailing production or operating hours below baseline levels may be generally credited if such reductions are permanent, quantifiable, and enforceable;~~

vi. ~~emission offsets shall be obtained from the same source or other sources located in the parishes subject to this Subsection; and~~

vii. ~~emission reductions otherwise required by the Act or by state regulations shall not be credited for purposes of satisfying the offset requirement. Incidental emission reductions that are not otherwise required by the Act or by state regulations may be creditable as offsets.~~

e. ~~First-time applications for banking Emission Reduction Credits (ERC) where the emission reduction occurred between June 2, 1997, and December 31, 2001, shall be submitted on or before March 31, 2002. Thereafter, applications shall be submitted in accordance with LAC 33:III.615.A.~~

d. ~~The initial summary report required by LAC 33:III.613 shall be due by March 31, 2003, and should cover the period of June 2, 1997, through December 31, 2002. Thereafter, such reports shall be submitted in accordance with LAC 33:III.613.~~

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

a. ~~a detailed description of the process to be controlled and the control technology to be used;~~

b. ~~emission calculations showing the types and amounts of actual emissions to be reduced; and~~

c. ~~the effective date of the reduction.~~

3. ~~Exemptions. The following significant net increases in NO<sub>x</sub> and/or VOC emissions shall not be considered major modifications and are exempt from the offset requirements of this Subsection:~~

a. ~~those that will be realized as a direct result of modifications or process changes required to comply with the Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements published in the *Federal Register* on February 10, 2000, at 65 FR 6697; and~~

b. ~~those that are a direct result of and incidental to the installation of abatement equipment or implementation of a control technique required to comply with another state or federal regulation, consent decree, or other enforcement action or those that result from a project meeting the qualifications for a pollution control project in accordance with EPA's July 1, 1994, Pollution Control Projects and New Source Review (NSR) Applicability.~~

#### ~~D. Compliance Schedule~~

1. ~~The control technology requirements of Subsection B of this Section shall apply to all affected emissions units for which an application to construct, modify, or reconstruct is received on or after December 20, 2001. Modification and reconstruction shall have the same meanings attributed to them in 40 CFR 60.14 and 60.15.~~

2. ~~The offset requirements of Subsection C of this Section shall apply to all new major stationary sources and major modifications, as defined in LAC 33:III.509.I, for which an application to construct or modify is received on or after December 20, 2001.~~

E. ~~Definitions. Unless otherwise noted, the terms in this Section are defined in LAC 33:III.111 or 504.K, with the exception of those terms specifically defined as follows:~~

~~*Emissions Unit*—any part of a major stationary source, as defined herein, that emits or has the potential to emit any pollutant regulated under this Section.~~

~~*Existing*—a major stationary source or emissions unit that does not meet the definition of *new*.~~

~~*Maintenance RACT (MRACT)*—reasonably available control technology for new emissions units in parishes designated by the department.~~

~~a. *MRACT* may include control devices, systems, process modifications, or other apparatus or techniques that are reasonably available, as determined by the department on a case by case basis, taking into account:~~

~~i. the necessity of imposing such controls in order to attain and maintain a national ambient air quality standard in the parishes in question; and~~

~~ii. the energy, environmental, and economic impact of such controls.~~

~~b. In no event shall application of reasonably available control technology result in emissions of any pollutant that would exceed the emissions allowed by an applicable standard as set forth in Section 111 of the Federal Clean Air Act or LAC 33:III.5109.A, if applicable. If the department 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, or operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of *MRACT*. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.~~

~~*Major Stationary Source*—~~

~~a. any stationary source (including all emission points and units of such source located within a contiguous area and under common control) of air pollutants that emits, or has the potential to emit, any regulated pollutant at or above the threshold values defined in Table 1 of this Section; or~~

~~b. any physical change that would occur at a stationary source not qualifying under Subparagraph a of this definition as a *major stationary source*, if the change would constitute a *major stationary source* by itself;~~

~~c. a stationary source shall not be a *major stationary source* due to fugitive emissions, to the extent that they are quantifiable, unless the source belongs to:~~

~~i. any category in Table A in LAC 33:III.509.B; or~~

~~ii. any other stationary source category that, as of August 7, 1980, is being regulated under Section 111 or 112 of the Federal Clean Air Act;~~

~~d. a stationary source shall not be a *major stationary source* due to secondary emissions.~~

~~*New*—a major stationary source or emissions unit for which an application to construct, modify, or reconstruct is received on or after December 20, 2001.~~

~~*Regulated Pollutant*—a pollutant listed in Table 1 of this Section.~~

<b>Pollutant</b>	<b>Major Stationary Source Threshold Values (tons/year)</b>	<b>New Emissions Unit De Minimus Trigger Values (tons/year)</b>	<b>Offset Ratio Minimum</b>
VOC	100	25	1:10 to 1
NO <sub>x</sub>	100	25	1:10 to 1

VOC = volatile organic compounds

NO<sub>x</sub> = nitrogen oxides

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), repealed LR 33:\*\*.

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

**§603. Applicability**

A. Major stationary sources are subject to the provisions of this Chapter for the purpose of utilizing emission reductions as offsets in accordance with LAC 33:III.504 and 510. Minor stationary sources located in ozone nonattainment areas or Calcasieu Parish may submit ERC applications for purposes of banking. Other sources located in EPA-designated ozone attainment areas may not participate in the emissions banking program. Any stationary point source at an affected facility is eligible to participate.

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), amended LR 24:2239 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:\*\*.

**§605. Definitions**

A. ...

\* \* \*

*Offset*—a legally enforceable reduction, approved by the department, in the rate of actual emissions from an existing stationary point source, which is used to compensate for a significant net increase in emissions of NO<sub>x</sub> or VOC from a new or modified stationary source in accordance with the requirements of LAC 33:III.504 or 510. To be valid, an *offset* must meet the definition of ERC.

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

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality,

Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:874 (August 1994), LR 25:1622 (September 1999), LR 26:2448 (November 2000), LR 28:301 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:\*\*.

### **§607. Determination of Creditable Emission Reductions**

A. – C.4.a.ii. ...

~~b. Reserved for stationary sources located in Calcasieu Parish or any parish redesignated as ozone nonattainment by the EPA after December 20, 2001, baseline emissions shall be the lower of actual emissions or adjusted allowable emissions determined in accordance with Paragraph C.3 of this Section.~~

C.5. – D. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 28:302 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 32:1601 (September 2006), LR 33:\*\*.

### **§613. ERC Bank Recordkeeping and Reporting Requirements**

A. – B.2. ...

~~3. Repealed. Sources located in EPA designated ozone attainment areas subject to LAC 33:III.510 shall submit the summary report required by Paragraph B.2 of this Section according to the schedule outlined in LAC 33:III.510.C.1.~~

C. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:877 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1622 (September 1999), LR 26:486 (March 2000), LR 26:2449 (November 2000), LR 28:303 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 33:\*\*, \*\*.

### **§615. Schedule for Submitting Applications**

A. – B. ...

~~C. Sources subject to LAC 33:III.510 shall submit applications for banking ERCs according to the schedule outlined in LAC 33:III.510.C.1.~~

~~C.D.~~ Applications for banking emission reductions that are to be made as part of a project that includes an increase in emissions for which the reduction will serve to offset the increase may be submitted as part of the permit application for the proposed increase. Such reductions will be reviewed for applicability as ERCs concurrently with the review of the permit application.

~~D.E.~~ The applicant shall speciate VOC according to individual compounds when applying to bank VOC reductions. Speciation of toxic air pollutants regulated in LAC 33:III.Chapter 51 is required.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality,

Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:878 (August 1994), amended LR 21:681 (July 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1623 (September 1999), LR 26:486 (March 2000), LR 28:304 (February 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 33:\*\*.