

grant an exemption to a source under conditions that do not result in a net air quality benefit for the state of Louisiana, as determined by the administrative authority. Under no circumstances shall the granting of such an exemption to a source relieve any source of other obligations under state or federal law.

5. In accordance with R.S. 30:2060, except under circumstances that may reasonably be expected to pose a threat to human health, whether or not such units are in a contiguous area or under common control, in determining the applicability of emission standards or technical control standards the administrative authority shall not aggregate:

- a. emissions from any oil or gas exploration or production well and its associated equipment;
- b. emissions from any pipeline compressor or pump station; or
- c. emissions from other similar units.

6. The emissions from the remediation of a RCRA, CERCLA, or any nonregulated inactive or abandoned waste site cleanup shall be exempt from the ambient air standards of LAC 33:III.5112, Table 51.2, upon approval of the cleanup plan by the administrative authority.

7. Emissions from the combustion of wood residue fuel from pulp and paper mills are exempt from the provisions of LAC 33:III.5109.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:2104 (December 1991), amended LR 18:1362 (December 1992), LR 21:370 (April 1995), LR 23:58 (January 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2621 (December 2007).

### **§5107. Reporting Requirements, Availability of Information, and Public Notice Provisions**

A. **Annual Emissions Reporting.** The owner or operator of any major source that meets the applicability requirements in LAC 33:III.5101.A and emits any toxic air pollutant listed in LAC 33:III.5112, Table 51.1 or 51.3, shall submit a completed annual emissions report to the Office of Environmental Services in a format specified by the department. The owner or operator shall identify on the emissions report the quantity of emissions in the previous calendar year for any such toxic air pollutant emitted. Beginning with the report due in 2012, the annual emissions report shall meet the following requirements.

1. The owner or operator of any major source subject to the requirements in this Subsection shall submit a completed annual emissions report to the Office of Environmental Services on or before April 30 of each year, unless otherwise directed by the administrative authority, that shall identify the quantity of emissions of all toxic air pollutants listed in LAC 33:III.5112, Table 51.1 or 51.3, for the previous calendar year.

2. Annual emissions reports and revisions to any emissions report shall include a certification statement that attests that the information contained in the emissions report is true, accurate, and complete, and that is signed by a *responsible official*, as defined in LAC 33:III.502. The certification statement shall include the full name of the responsible official, his or her title and signature, the date of the signature, and the phone number of the responsible official.

#### **B. Discharge Reporting Requirements**

1. **Emergency Conditions.** For any discharge of a toxic air pollutant into the atmosphere that results or threatens to result in an *emergency condition* as defined in LAC 33:I.3905.A, the owner or operator of the source shall notify the Department of Public Safety 24-hour Louisiana Emergency Hazardous Materials Hotline in accordance with LAC 33:I.3915.A.

2. **Nonemergency Conditions.** Except as provided in Paragraph B.4 of this Section, for any unauthorized discharge of a toxic air pollutant into the atmosphere that does not cause an emergency condition, the rate or quantity of which is in excess of that allowed by permit, compliance schedule, or variance, or for upset events that exceed the reportable quantity in LAC 33:I.3931, the owner or operator of the source shall immediately, but in no case later than 24 hours, provide prompt notification to SPOC in the manner provided in LAC 33:I.3923.

3. **Written Reports.** For every such discharge or equipment bypass as referred to in Paragraphs B.1 and 2 of this Section, the owner or operator shall submit to SPOC a written report by certified mail within seven calendar days of learning of the discharge.

a. The report shall contain the following information:

- i. the identity of the source;
- ii. the date and time of the discharge;
- iii. the cause of the discharge;
- iv. the approximate total loss during the discharge;
- v. the method used for determining the loss;
- vi. any action taken to prevent the discharge;
- vii. the action taken to minimize the discharge; and
- viii. the measures adopted to prevent future discharges.

b. If written notification of the discharge or bypass is required to be submitted pursuant to LAC 33:I.3925, such notification shall fulfill the obligation to submit a written report under this Paragraph.

4. Leaks detected pursuant to specific leak detection and elimination requirements of any Subchapter of this Chapter shall be recorded and/or reported as required in that

Subchapter and shall not be subject to Paragraphs B.2 and 3 of this Section.

C. Availability of Information. The availability to the public of information provided to, or otherwise obtained by, the administrative authority under this Subchapter, shall be governed by R.S. 30:2030, and applicable Rules and Regulations promulgated thereunder.

D. Public Notice Provisions. The administrative authority shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing before granting approval for construction or issuing any permit that would:

1. allow a permitted increase in any Class 1 or Class 2 Louisiana toxic air pollutant by an amount greater than the minimum emission rate; or
2. allow the addition of any new point source or emission unit that would emit a Class 1 or Class 2 Louisiana toxic air pollutant by an amount greater than the minimum emission rate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 and 2060 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), amended LR 18:1363 (December 1992), LR 19:890 (July 1993), amended by the Office of the Secretary, LR 19:1022 (August 1993), re promulgated LR 19:1142 (September 1993), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:58 (January 1997), LR 24:1276 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2004 (September 2000), LR 26:2460 (November 2000), LR 29:2778 (December 2003), LR 30:1673 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2447 (October 2005), LR 33:2093 (October 2007), LR 33:2622 (December 2007), LR 37:3232 (November 2011), amended by the Office of the Secretary, Legal Division, LR 38:2743 (November 2012).

## **§5109. Emission Control and Reduction Requirements and Standards**

### **A. Maximum Achievable Control Technology (MACT) Requirements**

1. The owner or operator of any major source that emits or is permitted to emit a Class I or Class II toxic air pollutant at a rate equal to or greater than the minimum emission rate listed for that pollutant in LAC 33:III.5112, Table 51.1, shall control emissions of that toxic air pollutant to a degree that constitutes Maximum Achievable Control Technology (MACT) as approved by the administrative authority.

2. MACT determinations for sources not regulated by a federal MACT standard shall be determined by the administrative authority through the permitting process using the existing state MACT determination method or protocol.

B. Ambient Air Standard Requirements. The owner or operator of any major source that emits, or is permitted to emit, any toxic air pollutant at a rate equal to or greater than the minimum emission rate listed for that toxic air pollutant shall determine the status of compliance, beyond the source's

property line, with applicable ambient air standards listed in LAC 33:III.5112, Table 51.2 (see LAC 33:III.5105.A.2).

1. Ambient air standards shall not apply to roads, railroads, water bodies, or other areas where activities are transient in nature and long-term exposure to emissions is not reasonably anticipated.

2. Ambient air standards shall not apply to industrial properties adjacent to or impacted by emissions from a major source, provided the owner or operator of the major source demonstrates that worker protection standards enacted pursuant to the federal Occupational Safety and Health Act as permissible exposure limits will not be exceeded on the impacted property due to toxic air pollutant emissions from the major source.

3. New major sources shall demonstrate compliance with an ambient air standard in an application for a permit in accordance with LAC 33:III.5111.

4. The owner or operator shall achieve compliance with the ambient air standard unless the owner or operator demonstrates to the satisfaction of the administrative authority:

a. that compliance with an ambient air standard would be economically infeasible;

b. that the source's emissions could not reasonably be expected to pose a threat to public health or the environment; and

c. that the source's emissions would be controlled to a level that is maximum achievable control technology.

5. The administrative authority shall publish a public notice of and hold a public hearing on any preliminary determination to allow a source to exceed the ambient air standard for any toxic air pollutant listed in LAC 33:III.5112, Table 51.2. Within 90 days after the close of the public hearing on the preliminary determination, the administrative authority shall make a final determination, which is subject to review on a five-year basis or at any other time deemed appropriate by the administrative authority.

6. The administrative authority shall periodically, at least every 36 months, review and update the ambient air standards listed for each toxic air pollutant in LAC 33:III.5112, Table 51.2.

### **C. Standard Operating Procedure Requirements**

1. The requirements of this Subsection do not apply to emissions of any of those pollutants listed in LAC 33:III.5112, Table 51.3.

2. The owner or operator of any new or existing source required to report emissions in accordance with LAC 33:III.5107.A shall develop a standard operating procedure (SOP) within 120 days after achieving or demonstrating compliance with the standards specified in this Chapter. The SOP shall detail all operating procedures or parameters established by the owner or operator to ensure that compliance with the applicable standards is maintained, and shall address, but not be limited to, operating procedures for