

## PART 70 AIR GENERAL PERMIT Frequently Asked Questions

1 What is the purpose of the Statement of Basis?

1 Under 40 CFR § 70.7(a)(5) “the Permitting Authority shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory and regulatory provisions). The Permitting Authority shall send this statement to U.S. EPA and to any other person who requests it.” This statement is referred to as the “statement of basis.”

In essence, this statement is an explanation of why the permit contains the provisions that it does and why it does not contain other provisions that might otherwise appear to be applicable. The purpose of the statement is to enable EPA and other interested parties to effectively review the permit by providing information regarding decisions made by the Permitting Authority in drafting the permit

2 What sources can be covered by a General Permit?

2 **The listing of equipment sources attached to the General permit as Appendix B is not intended to be all inclusive. It is merely a listing of typical emission sources with a cross reference to regulations that may apply to that type of source. Not every regulation may apply to that emission source, and every facility may not have all of the emission sources listed. Any additional emission sources not clearly identified in Appendix B, but which comply with the regulations as listed in Appendix A can be covered by the general permit.**

**LDEQ retains the right to determine final applicability and coverage under the General Permit.**

3 Subsection 513 .A.2. requires a permit applicant seeking coverage under a general permit to publish a notice of the application in the “local” newspaper. This is restated on Page 4 of the Statement of Basis.

Since many of the present renewal applications were submitted well before the finalization of this revised General permit, the applicant had no way of knowing how to comply with the public notice requirement.

The Department should provide guidance on how compliance with this requirement is to be achieved by parties that the Department now decides would receive a general permit.

3 **If the facility was applying for a renewal of a General Permit under the old (existing) format, then that facility should already have complied with the regulation.**

**As soon as a facility makes a determination that they qualify under the new (revised) General permit, they should then follow the same procedure as if they were under the existing format and publish a notice of the application. There are no procedural differences between the existing and the revised General Permit as the regulation has not changed. If the department makes the determination that the facility qualifies for a General Permit, the**

**permit writer should notify the applicant to public notice the application. The facility can contact the permit writer for additional clarification as necessary.**

**4 Does the permit include the following potentially applicable policies?**

- LA Policy — Control of Natural Gas Releases
- LA Policy — Stack Testing and Monitoring of Gas-Fired Combustion Engines
- LA Policy — Semi-annual Testing of Gas-Fired Combustion Engines
- LA Policy — Definition for Compressor Overhaul
- LA Policy — New Glycol Dehydrators

**4 Yes, the General Permit does have specific conditions for the above listed Louisiana policies except for the Louisiana Policy for control of Natural Gas Releases. That policy is described on the department’s web page. Smaller releases are handled through the procedures outlined in that policy. Larger releases are handled by the issuance of a variance. There is no need to include that policy in the General Permit.**

**The listing from Appendix A of the Statement of Basis identified only as La. Policy – Stack Testing includes the requirements from the LA Policy — Stack Testing and Monitoring of Gas-Fired Combustion Engines and the LA Policy — Semi-annual Testing of Gas-Fired Combustion Engines. In addition, that listing includes the LA Policy — Initial Testing of Gas Turbines, Boilers and other Miscellaneous Fuel Burning Equipment.**

**The department’s web page provides definitions and under what conditions those policy requirements will be added to the specific General Permit issued to a specific facility or source.**

**For the example of EQT 20 from the generic general permit, the state-only requirement to perform an initial stack test would only apply to miscellaneous fuel burning equipment that have calculations indicating emissions of NO<sub>x</sub> greater than 40 tons per year or CO emissions greater than 100 tpy. The other policies, such as those for Internal Combustion Engines, are only relevant when an engine is larger than 500 maximum rated horsepower; or the operating time of the engine is greater than 720 hours in a semi-annual period.**

**These requirements are only to be applicable if there is not a corresponding Federal regulation, such as an NSPS.**

**For the purposes of testing required after a modification, the department considers a modification to be a “major engine overhaul”, not just routine maintenance.**

**The definitions of a Compressor overhaul and what constitutes a New Glycol Dehydrator are available on the department’s webpage.**

**5 Are only those insignificant activities listed in Section 501.B.5.A and those requested on a case-by-case basis per Section 501 .B.5.D. to be listed in the application and permit?**

**5 The second sentence from LAC 33:III.501.B.5 exempts the activities “...unless it is determined by the permitting authority on a site-specific basis that such exemption is not**

appropriate.” Based on the last sentence, for the purposes of Title V, the application may list all of the part B activities from the table.

When the permit writer does not include the “B” activities in the issued permit, then in effect, the administrator has approved those “B” activities which were listed in the application.

The items from the “A” list are always included in the permit, but the “B” list items are left off of the Title V issued permits. The items on the “C” list are not required to be listed in the application or the permit. (Except for example, emissions of water vapor from cooling towers, but LDEQ always designate those emissions as particulate.)

LDEQ’s web page link to the section called “Case by Case Insignificant Activities”, is how the “D” section of the table are handled.

6 LDEQ indicates that Ch. 51 is state-only, but in fact, Ch. 51 is the state mechanism for adopting federal MACT requirements by reference. Thus, is it inappropriate to state that Ch. 51 is completely state-only without a notation to the effect that this means Ch. 51, other than federal MACT rules?

6 For the purposes of the General Permit, the only applicable federal MACT’s are those listed in Appendix A of the Statement of Basis. As such, those regulations will have the appropriate 40 CFR 61 or 63 citation. Any regulation with a LAC 33:III Chapter 51 citation will be a STATE ONLY requirement.

7 When will a facility start to operate under the new General Permit format? Does the new format apply immediately?

7 **Since all General Permits issued are site specific, facilities shall continue to operate under any currently issued permit until a revised permit in the new format is issued.**

8 What policy is DEQ referring to as the “Emission Rules” policy on Appendix A of the Statement of Basis?

8 LA Policy Emission Rates are the standard requirements whereby the permit writer transfers the emission rates from the EIQ form from the application, into the average and maximum lbs/hr and tons per year limitations of the permit.

9 Are the operating rates viewed as information only and not enforceable limits?

9 Maximum Operating Rates are enforceable limits if the value is directly associated with the maximum tons per year emission rates established in the calculations.

10 Who determines the applicability of CAM? How will the applicability be noted in the issued permit?

10 CAM applicability is the responsibility of the facility to determine. The CAM regulations also clearly require the submittal of a CAM plan to the department whenever an emission source is subject to CAM.

**The briefing sheet shall cover the applicability and non-applicability of 40 CFR 64 Compliance Assurance Monitoring (CAM) under the section labeled “Type of Review”.**

11 Why does the generic Statement of Basis for the General Permit only discuss Compliance Assurance Monitoring when the subsection is entitled “Periodic Monitoring”?

**11 The Statement of Basis is intended to provide necessary and explanatory information. Periodic Monitoring is the emphasis of the CAM rule. When a qualifying federal or state SIP rule does not contain sufficient requirements for how periodic monitoring shall occur, then CAM is applied. Those regulations that are Presumptive CAM already, contain the specific requirements to satisfy the need for the monitoring to be periodic and of sufficient quality to guarantee that the monitoring provides the data to assure that the limitations are in compliance. Since the intent of CAM and periodic monitoring are the same, only the CAM additional explanation was provided in the General Permit Statement of Basis. Periodic monitoring from any of the presumptive CAM regulations do not need to be included in any discussion in the permit body itself as the specific requirements will already be part of the permit. Therefore, only the implementation of the CAM rule – with its case-by-case inclusion of the submitted CAM plan will be incorporated within the General Permit.**

12 How can a facility be assured that the “correct” specific requirements will be retrieved from the list of specific conditions for a certain regulation?

**12 Each affected company may request in writing a 30 day or less draft review period from the Department. Contact the permit writer to establish the review period. There is no automatic review period of the draft permit established for the applicant.**

**Each facility must provide in the application a complete and detailed listing of the applicability and non applicability of appropriate regulations. This is done on Table 1: Applicable Louisiana and Federal Air Quality Requirements. Additional explanation for why an emission source may not be subject to a regulation is required in Table 2. This section of every application for any type of permit is the main basis for the regulatory applicability technical review by the permit writer and the department. This section of the application is also where the facility is to spell out in detail how the facility intends to comply with those regulations that the emission source is subject to. If the facilities wish to ensure that only those regulations which apply to them are included in the final permit – then this section of the application needs to be all inclusive and detailed.**

**The department permitting staff is trained to provide the most complete, accurate, and detailed permits as required by rule. As in any complex endeavor, it is the responsibility of all effected parties to ensure that the permit does not contain regulations that do not apply to an emission source.**

**Table 2 from the issued permit, as filled out on a specific facility basis, shall only contain information from the application regarding the determination of non-applicability or exemption. A careful reading of the Table 1 “Key” states how the 1’s, 2’s and 3’s are to be utilized. Those regulations from Table 1 of the application which were indicated as a “1” or**

subject to the regulation will not be included in the issued permit's Table 2 with one exception. Those regulations where the emissions source only has to comply with recordkeeping – but which are not subject to the control requirements shall note that only recordkeeping is required.

The facility should also be aware that with the inclusion of a modified Table 2 in the issued permit, any inspector will have available, the departments final approved analysis for regulatory non-applicability. Thus, the inspectors and the public will have available a clear reference with explanations, as to why certain regulations are not applicable. Time and effort by plant staff will not be needed to explain to an inspector, why some regulations do not apply.

13 A number of specific conditions for various equipment types, purportedly under the authority of LAC 33:III.501.C.6, state “Equipment/operational data monitored by technically sound method continuously.”

The use of the word “continuously” has the potential for broad application and misapplication of this provision to small sources and the potential for significant increases in operating costs caused by these provisions. The Department should impose this section only when necessary to protect public health and the cost of such requirements are justified by the environmental benefits.

13 The Statement of Basis discussed the departments need to provide generic STATE-ONLY specific conditions to an emission source. The default language for these four requirements is:

**Limitation** : Equipment/operational data <=\_ appropriate units. Noncompliance with this limitation is a reportable violation of the permit. Notify the Office of Environmental Compliance, Enforcement Division if xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx exceeds the maximum listed in this specific condition for any twelve consecutive month period. [LAC 33:III.501.C.6]

**Monitoring**: Equipment/operational data monitored by technically sound method continuously. [LAC 33:III.501.C.6]

**Recordkeeping**: Equipment/operational data recordkeeping by electronic or hard copy monthly. Keep records of the total xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx each month, as well as the total xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx for the last twelve months. Make records available for inspection by DEQ personnel. [LAC 33:III.501.C.6]

**Submittal**: Submit report: Due annually, by the 31st of March. Report the xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx for the preceding calendar year to the Office of Environmental Compliance, Enforcement Division. [LAC 33:III.501.C.6]

This language – which was used for almost every piece of equipment described in the generic General Permit – has to be modified on a case specific basis for whatever requirements the State deems “reasonable and/or necessary”. Not all four elements of this generic STATE-ONLY specific condition need to be utilized. However, the department required that this language be available to provide flexibility to the General Permit. Thus the use of the

**default “continuous” for monitoring shall be modified to conform to the associated limitation.**

14 Some of the requirements appear to have added the requirement for monthly submission of data to LDEQ under a number of Specific Requirements, pursuant to LAC 33:III.501.C.6.

**14 A careful review of the language shows that there is no submittal of data to LDEQ on a monthly basis. The language being referred to is from the recordkeeping requirement repeated in LDEQ’s response above. The default language of the specific condition only requires the collection “on site” of monthly data which is then made available to LDEQ inspectors. The actual submittal is on an annual basis. Again, it must be clarified that the above language is the default language of the STATE-ONLY generic specific conditions. The language shall be modified on a case specific basis for whatever requirements the State deems “reasonable and/or necessary”. Not all four elements of this generic STATE-ONLY specific condition need to be utilized. However, the department required that this language be available to provide flexibility to the General Permit.**

15 Why do several requirements from the General Conditions appear to be duplicated in several of the specific conditions available in the general permit?

**15 The General Conditions are a separate document, which is attached to an issued permit. These General Conditions are not specific to the General Permit but apply to all issued Federal Part 70 and PSD permits as well. When a facility specifically lists a piece of equipment that has applicability under a regulation listed in the General conditions, they are duplicated in the specific requirements to identify the requirements of just that source.**

16 New activities are often identified as General Condition XVII activities. Is there some simple mechanism to allow facilities to change the activity list and have these changes be easily added to the permit by the Department?

**16 The changes can be reviewed against the criteria for an Administrative Amendment under LAC 33:III.521 and then follow the procedure therein.**

17 Does a Glycol Dehydration Reboilers qualify as an “insignificant” activity under Subsection 501.B.5.A.1. and A.6. as long as they are not utilized as a “control” device? The function of a glycol reboiler does not appear to be different than any other “fuel burning heating equipment” listed under this subsection if it is not used as a VOC control device for the still column or other VOC waste gas stream.

**17 A Glycol Reboiler shall never be listed as an insignificant activity, as it must always comply with LAC 33:III.1101.B and 1313.C. It may qualify as being exempt from the control requirements of LAC 33:III.2116, but the reboiler still must maintain records per F.4. Specifically LAC 33:III.501.B.5 states “Any activity for which a state or federal applicable requirement applies is not insignificant, even if the activity meets the criteria below.”**

18 In the specific requirements section (e.g. item #1169) individual CAM requirement for monitoring frequency requires “continuous” monitoring (cited Section 40 CFR 64.6(c)(1)). While

CAM allows “continuous” monitoring, 40 CFR 64.3(b) allows monitoring either four times per hour or daily based on emissions criteria. This is clearly not “continuous” and these requirements should be amended to reflect the periodic monitoring allowed by CAM.

**18 The Compliance Assurance Monitoring language used the word “continuous” as a default that has to be modified on a case specific basis for the regulation specific option of either four times per hour or daily based on emissions criteria. Thus the use of the default “continuous” for monitoring shall be modified to conform to the associated limitation. Naturally all CAM Plan submittals by industry shall contain the necessary determination as to which monitoring frequency applies.**

19 Was LAC 33:III.2115 misplaced in the “Miscellaneous Fuel Burning Equipment” column or is its presence there due to its possible use as a control device? Similarly, LAC 33:III.2115 is misplaced in the “Glycol Dehydration Reboiler” column (unless its presence is intended for those instances where the reboiler acts as the control device) and it should be added to the “Glycol Dehydration Still Column” column since it can apply to very large reboilers.

**19 The placement of these types of equipment in the various columns is indeed because they have the capability to act as a control device. The listing of equipment sources attached to the General permit as Appendix B is not intended to be all inclusive. It is merely a listing of typical emission sources with a cross reference to regulations that may apply to that type of source. Not every regulation may apply to that emission source, and every facility may not have all of the emission sources listed.**

20 What procedure applies if a new MACT rule becomes applicable to a source permitted under a general permit, and there are more than 3 years left on the term of that general permit? Can the permit template be modified to add such MACT standard and then the general permit modified?

**20 The department requires facilities to submit a permit modification to address the details of how that facility will comply with any new MACT rule. The department will handle any permit modification application in accordance with the available permit types at the time of the application submittal. If the General Permit has been revised to include the appropriate additional MACTs, at the time of the application submittal, then the facility may be issued that future version of the General Permit. If that MACT is not yet available under the General Permit, then the facility will be issued a Regular Title V permit.**

21 There is no definition section for the various “equipment types.” Definitions should be added, or a guidance document provided on LDEQ’s website.

**21 There is no definition section for the “equipment types” because it is up to the individual permit writer to determine the best match between the specific emission source from the facilities application and the available drop down list from the TEMPO program. New equipment types can be added to this list by the department at any time. The equipment type is not directly related to the regulations that are being applied to the emission source. The equipment type is merely a useful tool to the permit writer in the creation of the permit within the framework of the department’s Tempo program. In addition, this is the same for the various types of permits that the department issues, and is**

**not associated only with the General Permit.**

22 The requirements specified in paragraphs 1 through 149 are not clearly identified as being “facility wide” requirements or “general requirements.” Further there is little clue as to applicability issues. Some of the requirements under this section literally duplicate items under other sections applicable only to a particular type of source or equipment. For example, the applicable requirements for compliance with the Waste Gas Disposal Rule, LAC 33:III.2115 are found both here and in other sections applicable only to particular equipment. The same issue applies to applicable requirements under Ch. 22; they are found both in these provisions and under separate equipment sections.

Facility wide is also being used to cover only one or two pieces of equipment or some grouping of equipment less than the whole facility. There should be a note indicating that these requirements are not applicable to facilities where the facility wide requirements are already contained in an individual Title V permit or under a separate previously issued general permit.

**22 After the department placed the General Permit on public comment, a new policy regarding the format of all air permits took effect.**

- **Prior to the new policy, when a permit writer was issuing a single permit for the entire facility, the “facility-wide” requirements were placed under the heading “Agency Interest”. For the General permit that is the Heading “AI122793”. For a facility that would be issued several permits for various portions of the complex, the permit writer would have created a “group” heading describing that portion of the complex. The permit writer placed the “Facility-wide” requirements under that group.**
- **The new policy is for the permit writer to create a group irregardless of whether a single permit or multiple permits are to be issued to a facility. The descriptions of these groups should be those requested in the application, as the name of what facility or portion thereof will be permitted.**

**The first 149 requirements associated with any issued permit will contain only those applicable requirements identified in the applications regulatory development section.**

**Since each issued permit must contain all the necessary elements as required by 40 CFR 70, when multiple permits are issued to the same facility, each permit will contain a certain number of duplicate requirements (from one permit to another) that are considered “facility-wide”. Even though the facility may have several permits issued which contain duplicate “facility wide” requirements, the facility can treat them as a single “facility wide” requirement. For example, only one annual report may need to be submitted, not a separate report for each of the permits issued for separate portions of a single facility.**

23 Why does the General permit have a specific requirement referencing a compliance plan? Are there any facilities still operating under a compliance plan? All facilities should have received permits or permit modifications. This is an old requirement that is no longer needed. La. R.S. 30:2060 and Ch. 51 indicate that the permit supersedes the compliance plan once a permit is issued.



**23 Some facilities may still need to operate under the “compliance plan” as indicated in this requirement. A case example is where the issued permit specified that the facility continue to operate in conformance with the compliance plan while the department waits for the final promulgation or applicability date of a MACT.**

24 Are the requirements of LAC 33:III.Chapter 22 — Control of Emissions of Nitrogen Oxides effectively CAM-equivalent?

**24 The department will review LAC 33:III.Chapter 22 — Control of Emissions of Nitrogen Oxides on an application case by case basis and make a determination as to whether the requirements are CAM equivalent. The applicant should state in the regulatory applicability whether their compliance with Chapter 22 is CAM equivalent.**

25 For a stationary combustion engines what does the provision mean that a performance test is required within 180 days of a “modification”.

**25 The department’s current testing policy requires retesting after a “major engine overhaul”. The word “modification” means a major engine overhaul with respect to retesting.**