POTPOURRI
Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Notice of Public Hearing

Substantive Changes to Proposed Rule AQ383
Regulatory Permit for Boilers and Process Heaters (LAC 33:III.323)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that the department is seeking to incorporate substantive changes to proposed regulation (LAC 33:III.323) (Log # AQ383S), which was originally noticed as AQ383 in the May 20, 2019, issue of the Louisiana Register. (1909Pot2)

The department has proposed substantive changes to address comments received during the public comment period of proposed Rule AQ383. The changes clarify the proposed Rule language. In the interest of clarity and transparency, the department is providing public notice and opportunity to comment on the proposed changes to the amendments of the regulation in question. The department is also providing an interim response to comments received on the initial regulation proposal.

A strikeout/underline/shaded version of the proposed Rule that distinguishes original proposed language from language changed by this proposal and the interim response to comments are available on the department’s website under Rules and Regulations at http://deq.louisiana.gov/page/rules-

The following changes are to be incorporated into the Notice of Intent.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 3. Regulatory Permits
§323. Regulatory Permit for Boilers and Process Heaters

A.  - D.1. …
   a. 40 CFR 60, subpart Db or Dc; and
   D.3. - E.2.c. …
   d. Records of visible emissions checks shall be kept on-site for at least five years and shall be made available for inspection by the Office of Environmental Compliance. These records shall include:
   i. 4v. …
   3. Alternatives
   a. As an alternative to the requirement to conduct Method 9 testing, the permittee may assume that any visible emissions detected constitute opacity greater than 20 percent. In this case, no visible emissions detected shall be considered opacity less than or equal to 20 percent, even if a qualitative assessment suggests otherwise.