

RULE

**Department of Environmental Quality
Office of the Secretary**

**PM_{2.5} NSR Implementation
(LAC 33:III.509)(AQ318)**

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 has amended the Air regulations, LAC 33:III.509 (Log #AQ318).

This Rule incorporates the provisions of the Environmental Protection Agency's (EPA) final Rule entitled "Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers (PM_{2.5})", found at 73 FR 28321, May 16, 2008, into the Louisiana air quality regulations. This action also addresses concerns raised by the EPA in correspondence dated January 24, 2008. The Clean Air Act requires both major and minor NSR programs to address any pollutant for which there is a National Ambient Air Quality Standard (NAAQS) and precursors to the formation of such pollutant when identified for regulation by EPA. EPA's PM_{2.5} NSR implementation Rule amends the federal NSR regulations to establish the minimum elements for state programs implementing NSR for the PM_{2.5} NAAQS and requires states with SIP-approved PSD programs (like Louisiana) to "submit revised PSD programs and revised NNSR programs for PM_{2.5}" by May 16, 2011. By letter dated January 24, 2008, EPA submitted comments on revisions to LDEQ's Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) rules promulgated on December 20, 2005. LDEQ responded to EPA's concerns on October 6, 2008. In sum, to ensure SIP-approvability of LDEQ's PSD and NNSR regulations, the definition of "malfunctions" will be removed from LAC 33:III.504 and 509 and the reference to LAC 33:III.519 in Section 504 will be replaced with text that parallels the federal rule at 40 CFR 51.165. This Rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this Rule are to incorporate the provisions of EPA's PM_{2.5} NSR Implementation Rule into the air quality regulations and modify several existing provisions to ensure SIP-approvability. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 5. Permit Procedures

§509. Prevention of Significant Deterioration

A. – A.5.

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

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Malfunctions—Repealed.

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Regulated New Source Review (NSR) Pollutant—

a. any pollutant for which a national ambient air quality standard has been promulgated or any constituent or precursor for the identified pollutant. Precursors identified by the administrative authority for purposes of PSD include the following:

i. volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas;

ii. sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas;

iii. nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations; and

iv. volatile organic compounds are presumed not to be precursors to PM_{2.5} in any attainment or unclassifiable area unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM_{2.5} concentrations;

- b. any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act;
- c. any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act;
- d. any pollutant that otherwise is subject to regulation under the Clean Air Act; except that any or all hazardous air pollutants either listed in section 112 of the Clean Air Act or added to the list in accordance with section 112(b)(2) of the Clean Air Act, which have not been delisted in accordance with Section 112(b)(3) of the Clean Air Act, are not *regulated NSR pollutants* unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Clean Air Act; or
- e. particulate matter (PM) emissions, PM_{2.5} emissions, and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM, PM_{2.5}, and PM₁₀ in PSD permits. Compliance with emissions limitations for PM, PM_{2.5}, and PM₁₀ issued prior to this date shall not be based on condensable particulate matter. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this Section.

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Significant—

- a. 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:

Pollutant	Emission Rate
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
	10 tpy of direct PM _{2.5} emissions; 40 tpy of sulfur dioxide emissions; 40 tpy of nitrogen oxide emissions ¹
Ozone	40 tpy of volatile organic compounds or nitrogen oxides
Lead	0.6 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 ²	0.0000035 tpy
Municipal waste combustor metals ³	15 tpy
Municipal waste combustor acid gases ⁴	40 tpy
Municipal solid waste landfills emissions ⁵	50 tpy
GHGs and GHGs as CO ₂ e	0 tpy and 75,000 tpy, respectively ⁶

Pollutant	Emission Rate
<p>¹Nitrogen oxides are presumed to be precursors to PM_{2.5} in all attainment and unclassifiable areas unless the administrative authority demonstrates to the administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient PM_{2.5} concentrations.</p> <p>²Measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.</p> <p>³Measured as particulate matter.</p> <p>⁴Measured as sulfur dioxide and hydrogen chloride.</p> <p>⁵Measured as nonmethane organic compounds.</p> <p>⁶Both of the following conditions must be met:: (1) the net emissions increase of <i>GHGs</i> calculated as the sum of the six <i>GHGs</i> on a mass basis (i.e., no global warming potentials applied) equals or exceeds 0 tpy; and (2) the net emissions increase of <i>GHGs</i> calculated as the sum of the six <i>GHGs</i> on a CO₂e basis (i.e., global warming potentials applied) equals or exceeds 75,000 tpy CO₂e.</p>	

b. - d.ii. ...

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C. - AA.15.b. ...

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 the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135, 3156 (December 2005), LR 32:1600 (September 2006), LR 32:1843 (October 2006), LR 36:2556 (November 2010), LR 37:1145, 1148 (April 2011), repromulgated LR 37:1389 (May 2011), LR 37:1570 (June 2011), repromulgated LR 37:**.

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