

POTPOURRI

Department of Environmental Quality
Office of the Secretary

Declaratory Ruling
No. 12-001

Background:

On November 30, 2012, the Secretary of the Louisiana Department of Environmental Quality (LDEQ) issued Declaratory Ruling No. 12-001 in accordance with the Environmental Quality Act (La. R.S. 30:2001 *et seq.*), the Administrative Procedures Act (La. R.S. 49:950 *et seq.*) and the Louisiana Administrative Code, Title 33, Part I, Subpart I, Chapter 11 (LAC 33:I.1101 *et seq.*) (Log #1212Pot3).

The Declaratory Ruling was issued pursuant to an application by Diamond Green Diesel, LLC (DGD LLC) submitted in June, 2012 which can be viewed in the LDEQ's Electronic Document Management System (EDMS) at Document No. 8623399. The application by DGD LLC requested a ruling concerning the applicability of various regulations concerning the green diesel manufacturing facility (facility) located at 14891 Airline Drive, Norco, Louisiana in St. Charles Parish (Agency Interest No. 168018).

Conclusion:

The Declaratory Ruling, which can be viewed in EDMS at Document No. 8623397, holds that: (1) the facility is not subject to a "Petroleum Refinery" regulations under the Clean Air Act; (2) the facility is not subject to "Bulk Gasoline Terminal" regulations under the Clean Air Act; (3) the facility is not subject to Synthetic Organic Chemical Manufacturing Industry (SOCMI) regulations under the Clean Air Act; (4) the facility is subject to the Benzene Waste Operations NESHAP (BWON), namely 40 CFR Part 61 Subpart FF; (5) the facility will not produce listed hazardous waste codes under the Resource Conservation and Recovery Act (RCRA) regulations, specifically, RCRA hazardous waste codes F037 and F038, as well as waste codes K048 through K052 and K169 through K172; (6) the facility is not subject to the technology-based effluent limitations for Organic Chemicals, Plastics, and Synthetic Fibers (OCPSF) under the Clean Water Act and LPDES regulations.

Pursuant to La. R.S. 30:2050.21 and LAC 33:I.1145, an aggrieved person may appeal devolutively this declaratory ruling only to the Nineteenth Judicial District Court. A petition for review may be filed in the district court within thirty days after this notice of the ruling.

For more information, contact Donald Trahan, Office of the Secretary, Legal Division, at (225) 219-3985.

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