

## Title 33

## ENVIRONMENTAL QUALITY

## Part III. Air

## Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

## Subchapter A. Applicability, Definitions, and General Provisions

## §5101. Applicability

A. - C. ...

D. Notwithstanding the provisions of Subsections A and B of this Section and except as provided below, the requirements of this Subchapter do not apply to an *affected source*, as defined in LAC 33:III.5103.A, that is subject to a national emission standard for hazardous air pollutants promulgated by the U.S. Environmental Protection Agency in 40 CFR Part 61 or 63.

1. Affected sources shall be subject to:

a. the annual emissions reporting requirements of LAC 33:III.5107.A;

b. the ambient air standard requirements of LAC 33:III.5109.B; and

c. applicable air toxics permit application fees and air toxics annual emissions fees provided by LAC 33:III.Chapter 2.

2. If an affected source emits a toxic air pollutant not listed in section 112(b) of the federal Clean Air Act above the minimum emission rate established for that pollutant by LAC 33:III.5112, Table 51.1, the affected source shall be subject to the requirements of this Subchapter for that pollutant. The department may determine that compliance with an applicable standard meets the requirements of this Subchapter.

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 18:1362 (December 1992), LR 23:56 (January 1997), LR 24:1276 (July 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2620 (December 2007), LR 38:\*\*.

## §5103. Definitions, Units, and Abbreviations

A. The terms in this Subchapter are used as defined in LAC 33:III.111 except for those terms defined herein as follows.

Affected Source—the collection of equipment, activities, or both within a single contiguous area and under common control that is included in a section 112(c) source category or subcategory for which a section 112(d) standard or other relevant standard is established pursuant to section 112 of the federal Clean Air Act. “Affected source” may be further defined by the relevant standard.

\* \* \*

~~Capital Expenditure~~—~~an expenditure for a physical or operational change to a stationary source that exceeds the product of the applicable annual asset guideline repair allowance percentage specified in the latest edition of the Internal Revenue Service (IRS) Publication 534 and the stationary source's basis, as defined by Section 1012 of the Internal Revenue Code. However, the total expenditure for a physical or operational change to a stationary source must not be reduced by an excluded additions as defined for stationary sources constructed after December 31, 1981, in IRS Publication 534, as would be done for tax purposes. In addition, the annual asset guideline repair allowance may be used even though it is excluded for tax purposes in IRS Publication 534.~~ Repealed.

\* \* \*

B. - B.4.std. ...

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 18:1362 (December 1992), LR 23:57 (January 1997), LR 24:1276 (July 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2621 (December 2007), LR 38:\*\*.

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

A. - A.2. ...

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 (~~a condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water or air environment, or cause severe damage to property~~), the owner or operator of the source shall ~~immediately, but in no case later than one hour,~~ notify the Department of Public Safety 24-hour Louisiana Emergency Hazardous Materials Hotline ~~at (225) 925-6595 (collect calls accepted 24 hours a day)~~ in accordance with LAC 33:I.3915.A.

~~2. — Emission Control Bypasses. Except as provided in Paragraph B.6 of this Section, for any unauthorized discharge into the atmosphere of a toxic air pollutant as a result of bypassing an emission control device, when the emission control bypass was not the result of an upset, and the quantity of the unauthorized bypass is greater than or equal to the lower of the Minimum Emission Rate (MER) in LAC 33:III.5112, Table 51.1, or a reportable quantity (RQ) in LAC 33:I.3931, or the quantity of the unauthorized bypass is greater than one pound and there is no MER or RQ for the substance in question, the owner or operator of the source shall provide prompt notification to SPOC of the bypass no later than 24 hours after the beginning of the bypass in the manner provided in LAC 33:I.3923. Where the emission control bypass was the result of an upset, the owner or operator shall comply with Paragraph B.3 of this Section.~~

32. Nonemergency Conditions. Except as provided in Paragraph B.64 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.

43. Written Reports. For every such discharge or equipment bypass as referred to in Paragraphs B.1, and 2, ~~and 3~~ 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.

~~5. — All discharges to the atmosphere of a toxic air pollutant from a safety relief device, a line or vessel rupture, a sudden equipment failure, or a bypass of an emission control device,~~

~~regardless of quantity, if they can be measured and can be reliably quantified using good engineering practices, must be reported to the department along with the annual emissions report and where otherwise specified in the applicable subchapters. The report shall include the following information:~~

- ~~a. the identity of the source;~~
- ~~b. the date and time of the discharge; and~~
- ~~c. the approximate total loss during the discharge.~~

64. 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, and 4~~ of this Section.

C. - D.2. ...

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), repromulgated 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), LR 38:\*\*.

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

A. Maximum Achievable Control Technology (MACT) Requirements

1. ...

~~2. Compliance with an applicable federal standard promulgated by the US EPA in 40 CFR Part 63 shall constitute compliance with this Subsection for emissions of toxic air pollutants.~~

32. 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 ~~via dispersion modeling~~ 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.

~~13.~~ 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.

~~24.~~ 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.

~~35.~~ 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.

~~46.~~ 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, ~~or to sources complying with applicable federal standards in 40 CFR Part 63.~~

C.2. - D.2. ...

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 19:891 (July 1993), LR 23:59 (January 1997), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2623 (December 2007), LR 38:\*\*.

### §5113. Notification of Start-Up, Testing, and Monitoring

A. - C.4. ...

5. The administrative authority may require a continuous monitoring system where such systems are deemed feasible and necessary to demonstrate compliance with applicable standards. The owner or operator of a facility that the administrative authority has required to install a continuous monitoring system shall submit to the Office of Environmental ~~Assessment~~ Services for approval a plan describing the affected ~~sources~~ emission units and the methods for ensuring compliance with the continuous monitoring system. The plan for the continuous monitoring system must be submitted to the department within 90 days after the administrative authority requests either the initial plan or an updated plan.

5.a. - 7. ...

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 18:1364 (December 1992), LR 23:59 (January 1997), LR 23:1658 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2461 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2448 (October 2005), LR 33:2094 (October 2007), LR 34:1904 (September 2008), LR 38:\*\*.

### Subchapter M. Asbestos

#### §5151. Emission Standard for Asbestos

A. - F.1.d.ii. ...

e. Owners or operators of demolition and renovation operations are exempt from the requirements of LAC 33:III.5105.A, ~~5109.E~~, 5111.A, and 5113.A.

F.1.f. - P.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

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Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2449 (October 2005), LR 33:2095 (October 2007), LR 34:1893 (September 2008), LR 38:\*\*.