

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Division

Repeal of LAC 33:III.1507.A and B
(LAC 33:III.1507.A and B) (AQ360)

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 rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.1507.A and B (Log #AQ360).

This rule will repeal LAC 33:III.1507.A and B. LAC 33:III.1507.A and B apply to existing sulfuric acid plants (i.e., those constructed or last modified on or before August 17, 1971, and therefore not subject to 40 CFR 60 Subpart H).

LAC 33:III.1507.A states, in relevant part, that a “four-hour (continuous) start-up exemption from the [SO₂ and sulfuric acid mist] emission limitations of LAC 33:III.1503.A will be authorized by the administrative authority for facilities not subject to 40 CFR 60.82 and 60.83 [of Subpart H].” LAC 33:III.1507.B provides a similar exemption “where upsets have caused excessive emissions and on-line operating changes will eliminate a temporary condition.” These provisions were approved by EPA into Louisiana’s State Implementation Plan (SIP) on July 15, 1993 (58 FR 38060).

However, on June 12, 2015, EPA promulgated a rule* finding that several Louisiana air quality regulations, including LAC 33:III.1507.A and B, are “substantially inadequate to meet [Clean Air Act] requirements” because they provide “impermissible discretionary exemptions” from “otherwise applicable SIP emission limitations.” Consequently, EPA issued a “SIP call” directing affected states to submit corrective SIP revisions by November 22, 2016.

Based on a review of effective permits, LDEQ has determined that no sulfuric acid plants are eligible for the aforementioned exemptions because each is subject to 40 CFR 60.82 and 60.83. Therefore, in response to EPA’s SIP call, LDEQ will repeal LAC 33:III.1507.A and B.

* State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction.
[80 FR 33840]

This rule is also a revision to the Louisiana State Implementation Plan for air quality. The basis and rationale for this rule are to repeal the exemptions provided by LAC 33:III.1507.A and B in order to comply with EPA’s SIP call. 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.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

This rule has no known impact on poverty as described in R.S. 49:973.

This rule has no known impact on providers as described in HCR 170 of 2014.

A public hearing will be held on July 27, 2016, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ360. Such comments must be received no later than August 3, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to diedra.johnson@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ360. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

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Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 15. Emission Standards for Sulfur Dioxide

§1507. Exemptions

A. Start-Up Provisions~~Reserved.~~

1. ~~— A four hour (continuous) start-up exemption from the emission limitations of LAC 33:III.1503.A will be authorized by the administrative authority for facilities not subject to 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, that have been shut down.~~

a. ~~— A written report explaining the conditions and duration of the start-up and listing the steps necessary to remedy, prevent, and limit the excess emissions shall be submitted to SPOC within seven calendar days of the occurrence.~~

b. ~~— The report shall be signed by a responsible official, who shall certify:~~

i. ~~— that the excess emissions were not the result of failure to operate, maintain, or repair equipment in a manner consistent with good engineering practice;~~

ii. ~~— that the excess emissions were not due to error resulting from careless operations;~~

iii. ~~— that the excess emissions were not the result of failure to follow written procedures;~~

iv. ~~— that actions were taken to minimize the duration and magnitude of the excess emissions; and~~

v. ~~— that no ambient air quality standard was jeopardized.~~

c. ~~— All necessary data required to support the certifying statements shall be recorded and retained on-site and made available to department personnel upon request.~~

2. ~~— This provision is applicable to infrequent start-ups only. Before the exemption can be granted the administrative authority must determine the excess emissions were not the result of failure to maintain or repair equipment. In addition the duration of excess emission must be minimized and no ambient air quality standard may be jeopardized.~~

B. On-Line Operating Adjustments~~Reserved.~~

~~1. A four hour (continuous) exemption from emission limitations of LAC 33:III.1503.A will be extended by the administrative authority to facilities not subject to 40 CFR 60.82 and 60.83, as incorporated by reference in LAC 33:III.Chapter 30, where upsets have caused excessive emissions and on line operating changes will eliminate a temporary condition.~~

~~a. A written report explaining the conditions and duration of the upset and listing the steps necessary to remedy, prevent, and limit the excess emissions shall be submitted to SPOC within seven calendar days of the occurrence.~~

~~b. The report shall be signed by a responsible official, who shall certify:~~

~~i. that the excess emissions were not the result of failure to operate, maintain, or repair equipment in a manner consistent with good engineering practice;~~

~~ii. that the excess emissions were not due to error resulting from careless operations;~~

~~iii. that the excess emissions were not the result of failure to follow written procedures;~~

~~iv. that actions were taken to minimize the duration and magnitude of the excess emissions; and~~

~~v. that no ambient air quality standard was jeopardized.~~

~~e. All necessary data required to support the certifying statements shall be recorded and retained on site and made available to department personnel upon request.~~

~~2. This provision is applicable to infrequent on line adjustments only. Before the exemption can be granted the administrative authority must determine the excess emissions were not the result of failure to maintain or repair equipment. In addition, the duration of excess emissions must be minimized and no ambient air quality standard may be jeopardized.~~

C. ...

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 by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:375 (April 1992), LR 23:1678 (December 1997), LR 24:1284 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2451 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:1011 (June 2007), LR 33:2085 (October 2007), amended by the Office of the Secretary, Legal Division, LR 42:**.