

## NOTICE OF INTENT

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

### Definition of Major Source (LAC 33:III.502.A) (AQ376ft)

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.502.A (Log #AQ376ft).

This Rule is identical to federal regulations found in 40 CFR 70.2, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3985 or P.O. Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will revise the definition of “major source” in LAC 33:III.502.A to parallel the federal definition of the term at 40 CFR 70.2.

A “major source” is a stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties, that are under common control of the same person (or persons under common control), and that meet certain additional criteria, such as having the potential to emit air pollutants at or above prescribed thresholds. On June 3, 2016, the U.S. Environmental Protection Agency (EPA) promulgated a Rule entitled “Source Determination for Certain Emission Units in the Oil and Natural Gas Sector” (81 FR 35622). This Rule amended the definition of “major source” in 40 CFR 70.2 to stipulate the circumstances under which EPA would consider two or more nominally separate onshore crude oil and natural gas production operations to be “adjacent.”

Although adoption of the amended definition is not mandatory, LDEQ published a Potpourri Notice (1607Pot2) in the July 20, 2016, Louisiana Register explaining that the department will “now interpret the term adjacent consistent with the definitions of major source under 40 CFR 70.2 and building, structure, facility, or installation under 40 CFR 51.165(a)(1)(ii) and 40 CFR 51.166(b)(6) in order to be consistent with federal regulations.” The basis and rationale for this Rule are to revise the definition of “major source” in LAC 33:III.502.A to parallel the federal definition of the term at 40 CFR 70.2. 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.

### **Family Impact Statement**

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

### **Poverty Impact Statement**

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

### **Provider Impact Statement**

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

### **Public Hearing**

A public hearing will be held on February 28, 2018, 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.

### **Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ376ft. Such comments must be received no later than February 28, 2018, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or by FAX (225) 219-4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@la.gov). The comment period for this rule ends on the same date as the public hearing. 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 AQ376ft. This regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://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.

Herman Robinson  
General Counsel

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part III. Air**

**Chapter 5. Permit Procedures**

**§502. Definitions**

A. Except where specifically provided in another Section herein, the following definitions apply to terms used in this Chapter. Except as provided in this Chapter, terms used in this Chapter retain the definition provided them in LAC 33:III.111 or the Louisiana air quality regulations. Wherever provisions related to the Acid Rain Program are concerned, the definitions provided in 40 CFR part 72 shall apply.

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*Major Source*—for the purposes of determining the applicability of 40 CFR part 70 or of LAC 33:III.507, any stationary source or any group of stationary sources that are located on one or more contiguous or adjacent properties, that are under common control of the same person (or persons under common control) that belong to a single major industrial grouping, and that are described in Subparagraph a, b, or c of this definition; For the purposes of defining *major source*, a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code), as described in the Standard Industrial Classification (SIC) Manual, 1987. For onshore activities belonging to SIC Major Group 13: Oil and Gas Extraction, pollutant emitting activities shall be considered adjacent if they are located on the same surface site as defined in 40 CFR 63.761, or if they are located on surface sites that are located within 0.25 miles of one another (measured from

the center of the equipment on the surface site) and they share equipment. Shared equipment includes, but is not limited to, produced fluids storage tanks, phase separators, natural gas dehydrators, or emissions control devices.

a. — c. ...

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:1950 (September 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 36:2553 (November 2010), LR 37:1148 (April 2011), LR 37:1391 (May 2011), amended by the Office of the Secretary, Legal Division, LR 41:2608 (December 2015), LR 42:564 (April 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 44: