

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

§501. Definitions

A. - C.13. ...

14. If there is a change in federal law or the United States Court of Appeals for the District of Columbia Circuit or the United States Supreme Court issues an order which limits or renders ineffective the regulation of greenhouse gases from stationary sources under Part C of Title I (Prevention of Significant Deterioration of Air Quality) or Title V (Permits) of the Clean Air Act, the regulation of greenhouse gases under the corresponding programs in this Chapter shall be limited or rendered ineffective to the same extent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011 and 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 Office of Air Quality and Radiation Protection, Air Quality Division, LR 16:613 (July 1990), LR 17:478 (May 1991), LR 19:1420 (November 1993), LR 20:1281 (November 1994), LR 20:1375 (December 1994), LR 23:1677 (December 1997), amended by the Office of the Secretary, LR 25:660 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2445 (November 2000), LR 28:997 (May 2002), amended by the Office of Environmental Assessment, LR 31:1063 (May 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2436 (October 2005), LR 32:1842 (October 2006), LR 33:2082 (October 2007), LR 33:2626 (December 2007), LR 35:461 (March 2009), LR 35:2351 (November 2009), LR 37:**.

§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.

* * *

CO₂ Equivalent Emissions (CO₂e)—the emitted amount of *greenhouse gases (GHGs)* computed by multiplying the mass amount of emissions for each of the six *GHGs* by its associated global warming potential, published in Table A-1 to Subpart A of 40 CFR Part 98—

Global Warming Potentials, and summing the resultant value for each. (See *greenhouse gases (GHGs)*.)

* * *

Greenhouse Gases (GHGs)—an air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

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), and that are described in Subparagraph a, b, ~~or c~~, or d of this definition:

a. - a.ii. ...

b. any stationary source that directly emits or has the potential to emit 100 tpy or more of any regulated air pollutant (except for GHGs) excluding any air pollutant regulated solely under Section 112(r) of the Clean Air Act. Fugitive emissions of a stationary source shall be considered in determining whether it is a major source under this Subparagraph:

i. - ii. ...

c. any major stationary source as defined in Part D (Nonattainment) of Title I of the Clean Air Act, including any source defined as a major stationary source under LAC 33:III.504.K.:

d. as of July 1, 2011, any stationary source that directly emits or has the potential to emit 100 tpy or more of GHGs on a mass basis (i.e., no global warming potentials applied) and 100,000 tpy or more of CO₂e.

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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:**.

§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.

* * *

CO₂ Equivalent Emissions (CO₂e)—the emitted amount of greenhouse gases (GHGs) computed by multiplying the mass amount of emissions for each of the six greenhouse gases in the pollutant GHGs by the gas's associated global warming potential published in Table A-1 to Subpart A of 40 CFR, Part 98—Global Warming Potentials, and summing the resultant value for each.

* * *

Greenhouse Gases (GHGs)—an air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

* * *

Major Stationary Source—

a. any of the stationary sources of air pollutants listed in Table A of this definition that emits, or has the potential to emit, 100 tons per year or more of any pollutant (except for GHGs) subject to regulation under this Section;

b. for stationary source categories other than those listed in Table A of this definition, any stationary source that emits, or has the potential to emit, 250 tons per year or more of any air pollutant (except for GHGs) subject to regulation under this Section; ~~or~~

c. as of July 1, 2011, any stationary source listed in Table A of this definition which emits, or has the potential to emit, at least 100 tpy or more of GHGs on a mass basis (i.e., no global warming potentials applied) and 100,000 tons per year or more of CO₂e; or any stationary source not listed in Table A that emits, or has the potential to emit, 250 tpy or more of GHGs on a mass basis and 100,000 tons per year or more of CO₂e; or

~~e~~d. any physical change that would occur at a source not otherwise qualifying as a major stationary source under Subparagraphs a, ~~and~~ b, or c of this definition if the change would constitute a major source by itself;

~~e~~f. a major source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone;

~~e~~f. the fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this Section whether it is a *major stationary source*, unless the source is listed in Table A of this definition or, as of August 7, 1980, is being regulated under Section 111 or 112 of the Clean Air Act.

* * *

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
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 ¹	0.0000035 tpy
Municipal waste combustor metals ²	15 tpy
Municipal waste combustor acid gases ³	40 tpy
Municipal solid waste landfills emissions ⁴	50 tpy
GHGs and GHGs (as CO₂e)	0 tpy and 75,000 tpy, respectively ⁵

Pollutant	Emission Rate
	¹ Measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.
	² Measured as particulate matter.
	³ Measured as sulfur dioxide and hydrogen chloride.
	⁴ Measured as nonmethane organic compounds.
	⁵ Effective January 2, 2011. Both of the following conditions must be met: (1) the net emissions increase of GHGs calculated as the sum of the six GHGs on a mass basis (i.e., no global warming potentials applied) equals or exceeds 0 tpy; and (2) the net emissions increase of GHGs calculated as the sum of the six GHGs on a CO ₂ e basis (i.e., global warming potentials applied) equals or exceeds 75,000 tpy CO ₂ e.

b. ...

c. notwithstanding Subparagraph a of this definition, any emissions rate or any net emissions increase associated with a major stationary source or major modification that would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1µg/m³ (24-hour average);

d. notwithstanding Subparagraph a of this definition, between January 2, 2011, and June 30, 2011, the pollutant GHGs is “subject to regulation” only if the stationary source is (1) a new major stationary source for a regulated NSR pollutant that is not GHGs and also will emit or have the potential to emit GHGs in a significant amount; or (2) an existing major stationary source for a regulated NSR pollutant that is not GHGs and also will have a significant net emissions increase of both GHGs and another regulated NSR pollutant.

* * *

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

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