

POTPOURRI  
Department of Environmental Quality  
Office of the Secretary  
Legal Division

Notice of Public Hearing  
Substantive Changes to Proposed Rule AQ328ft  
PM<sub>2.5</sub> Increments, Significant Impact Levels and Significant Monitoring Concentration  
(LAC 33:III.509) (Log #AQ328ftS)  
(1209Pot1)

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 the department is seeking to incorporate substantive changes to the proposes amendments to various regulations, LAC 33:III.509 (Log #AQ328ftS), which were originally notice as AQ328ft in the March 20, 2012 issue of the *Louisiana Register*.

The department has made substantive changes to address comments received during the public comment period of proposed rule AQ328ft. This substantive change revises language dealing with significant impact levels (SILS) for PM<sub>2.5</sub> which was proposed as LAC33:III.509.K.2. EPA's authority to implement the PM<sub>2.5</sub> SILS is presently the subject of litigation. In light of this litigation, LDEQ will not adopt LAC 33:III.509.K.2 as proposed. This language will be stricken from the proposed rule. Because of the removal of Paragraph K.2, all references will also be revised. In addition, the department seeks to change the definitions of "Baseline Area" and "Baseline Date" to reflect the changes made by EPA as published at 75 FR 64903.

A ~~strikeout~~/underline/~~shaded~~ version of the proposed rule that distinguishes original proposed language from substantively changed language is available on the Internet at [www.deq.louisiana.gov](http://www.deq.louisiana.gov) under Rules and Regulations.

A public hearing on the substantive changes will be held on October 31, 2012, 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 substantive changes. Persons commenting should reference this proposed regulation by OS083S. Such comments must be received no later than October 31, 2012, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@la.gov). The comment period for the substantive changes ends on the same date as the public hearing. Copies of these substantive changes 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 AQ328ftS. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

These substantive changes are 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, CPM  
Executive Counsel

## Title 33

## ENVIRONMENTAL QUALITY

## Part III. Air

## Chapter 5. Permit Procedures

## §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.

\* \* \*

*Baseline Area—*

a. any intrastate area (and every part thereof) designated as attainment or unclassifiable under Section 107(d)(1) ~~(D) or (E)~~ (A)(ii) or (iii) of the Clean Air Act in which the major source or major modification establishing the minor source baseline date would construct or would have an air quality impact equal to or greater than ~~1  $\mu\text{g}/\text{m}^3$  (annual average)~~ the following amounts of the pollutant for which the minor source baseline date is established: 1  $\mu\text{g}/\text{m}^3$  (annual average) for SO<sub>2</sub>, NO<sub>2</sub>, or PM<sub>10</sub>; or 0.3  $\mu\text{g}/\text{m}^3$  (annual average) for PM<sub>2.5</sub>;

b. area redesignations under Section 107(d)(1) ~~(D) or (E)~~ (A)(ii) or (iii) of the Clean Air Act cannot intersect or be smaller than the area of impact of any major stationary source or major modification that:

b.i. - c. ...

\* \* \*

*Baseline Date—*

a. *Major Source Baseline Date—*

i. in the case of particulate matter (PM<sub>10</sub>) and sulfur dioxide, January 6, 1975; ~~and~~

ii. in the case of nitrogen dioxide, February 8, 1988; ~~and~~

iii. in the case of PM<sub>2.5</sub>, October 20, 2011.

b. *Minor Source Baseline Date*— the earliest date after the trigger date on which a major stationary source or a major modification subject to this Section submits a complete application under the relevant regulations. The trigger date is:

- i. in the case of particulate matter (PM<sub>10</sub>) and sulfur dioxide, August 7, 1977;~~and~~
- ii. in the case of nitrogen dioxide, February 8, 1988;and
- iii. in the case of PM<sub>2.5</sub>, October 20, 2011.

c. The *baseline date* is established for each pollutant for which increments or other equivalent measures have been established if:

i. the area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d)(~~i~~)~~(D)~~ or (E)(A)(ii) or (iii) of the Clean Air Act for the pollutant on the date of its complete application under 40 CFR 52.21 or under regulations approved in accordance with 40 CFR 51.166; and

c.ii. - d. ...

\* \* \*

C. Ambient Air Increments. In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the following.

Pollutant	Maximum Allowable Increase (Micrograms per Cubic Meter) <sup>1</sup>
<b>Class I</b>	
Particulate matter:	
<u>PM<sub>2.5</sub>, annual arithmetic mean</u>	<u>1</u>
<u>PM<sub>2.5</sub>, 24-hr maximum</u>	<u>2</u>
PM <sub>10</sub> , annual arithmetic mean	4
PM <sub>10</sub> , 24-hr maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
<b>Class II</b>	

Pollutant	Maximum Allowable Increase (Micrograms per Cubic Meter) <sup>1</sup>
Particulate matter:	
<u>PM<sub>2.5</sub>, annual arithmetic mean</u>	<u>4</u>
<u>PM<sub>2.5</sub>, 24-hr maximum</u>	<u>9</u>
PM <sub>10</sub> , annual arithmetic mean	17
PM <sub>10</sub> , 24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25
<b>Class III</b>	
Particulate matter:	
<u>PM<sub>2.5</sub>, annual arithmetic mean</u>	<u>8</u>
<u>PM<sub>2.5</sub>, 24-hr maximum</u>	<u>18</u>
PM <sub>10</sub> , annual arithmetic mean	34
PM <sub>10</sub> , 24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50
<sup>1</sup> For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one such period per year at any one location.	

D. - I.4. ...

5. The administrative authority may exempt a stationary source or modification from the requirements of Subsection M of this Section, with respect to monitoring for a particular pollutant, if:

a. the emissions increase of the pollutant from a new stationary source or the net emissions increase of the pollutant from a modification would cause, in any area, air quality impacts less than the following amounts:

Carbon monoxide	575 µg/m <sup>3</sup>	8-hour average
Nitrogen dioxide	14 µg/m <sup>3</sup>	annual average
Particulate matter	10 µg/m <sup>3</sup> of PM <sub>10</sub>	24-hour average
	<u>4 µg/m<sup>3</sup> of PM<sub>2.5</sub></u>	<u>24-hour average</u>

Sulfur dioxide	13 µg/m <sup>3</sup>	24-hour average
Ozone	No <i>de minimis</i> air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds or nitrogen oxides subject to PSD would require the performance of an ambient impact analysis including the gathering of ambient air quality data.	
Lead	0.1 µg/m <sup>3</sup>	3-month average
Fluorides	0.25 µg/m <sup>3</sup>	24-hour average
Total reduced sulfur	10 µg/m <sup>3</sup>	1-hour average
Hydrogen sulfide	0.2 µg/m <sup>3</sup>	1-hour average
Reduced sulfur compounds	10 µg/m <sup>3</sup>	1-hour average

I.5.b. - I.7. ...

8. The permitting requirements of **Paragraph K.2 Subparagraph K.1.b** of this Section shall not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted an application for a permit under this Section before the provisions embodying the maximum allowable increase took effect as part of the applicable State Implementation Plan and the permitting authority subsequently determined that the application as submitted before that date was complete.

9. The permitting requirements of **Paragraph K.2 Subparagraph K.1.b** of this Section shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM<sub>10</sub> if:

a. ...

b. the permitting authority subsequently determined that the application as submitted before that date was complete. Instead, the applicable requirements equivalent to **Paragraph K.2 Subparagraph K.1.b** of this Section shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

J. - J.4. ...

K. Source Impact Analysis-

1. The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions, including secondary emissions, would not cause or contribute to air pollution in violation of:

~~1~~a. any national ambient air quality standard in any air quality control region; or

~~2~~b. any applicable maximum allowable increase over the baseline concentration in any area.

~~2.~~ **Significant Impact Levels.** For purposes of PM<sub>2.5</sub>, the demonstration required in Paragraph K.1 of this Section is deemed to have been made if the emissions increase from the new stationary source alone or from the modification alone would cause, in all areas, air quality impacts less than the following amounts: Reserved.

<b>Pollutant</b>	<b>Micrograms per Cubic Meter</b>
<b>Class I</b>	
<b>Particulate matter:</b>	
<del>PM<sub>2.5</sub>, annual arithmetic mean</del>	<del>0.06</del>
<del>PM<sub>2.5</sub>, 24-hr maximum</del>	<del>0.07</del>
<b>Class II</b>	
<b>Particulate matter:</b>	
<del>PM<sub>2.5</sub>, annual arithmetic mean</del>	<del>0.3</del>
<del>PM<sub>2.5</sub>, 24-hr maximum</del>	<del>1.2</del>
<b>Class III</b>	
<b>Particulate matter:</b>	
<del>PM<sub>2.5</sub>, annual arithmetic mean</del>	<del>0.3</del>
<del>PM<sub>2.5</sub>, 24-hr maximum</del>	<del>1.2</del>

L. - P.4. ...

5. Class I Variances. The owner or operator of a proposed source or modification may demonstrate to the federal land manager that the emissions from such source or modification would have no adverse impact on the air quality-related values of any such lands, including visibility, notwithstanding that the change in air quality resulting from emissions from such source or modification would cause or contribute to concentrations that would exceed the maximum allowable increases for a Class I area. If the federal land manager concurs with such demonstration and he so certifies, the administrative authority, provided that the applicable requirements of this Section are otherwise met, may issue the permit with such emission limitations as may be necessary to ensure that emissions of sulfur dioxide, ~~particulate matter~~PM<sub>2.5</sub>, PM<sub>10</sub>, and nitrogen oxides would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants.

<b>Pollutant</b>	<b>Maximum Allowable Increase (Micrograms per Cubic Meter)</b>
Particulate matter:	
<u>PM<sub>2.5</sub>, annual arithmetic mean</u>	<u>4</u>
<u>PM<sub>2.5</sub>, 24-hr maximum</u>	<u>9</u>
PM <sub>10</sub> , annual arithmetic mean	17

<b>Pollutant</b>	<b>Maximum Allowable Increase (Micrograms per Cubic Meter)</b>
PM <sub>10</sub> , 24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

P.6. - AA.15.b. ...

**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 LR 14:348 (June 1988), LR 16:613 (July 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:478 (May 1991), LR 21:170 (February 1995), LR 22:339 (May 1996), LR 23:1677 (December 1997), LR 24:654 (April 1998), LR 24:1284 (July 1998), repromulgated LR 25:259 (February 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2234 (December 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2437 (October 2005), LR 31:3135, 3156 (December 2005), LR 32:1600 (September 2006), LR 32:1843 (October 2006), LR 36:2556 (November 2010), LR 37:1148 (April 2011), repromulgated LR 37:1389 (May 2011), LR 37:1570 (June 2011), repromulgated LR 37:2146 (July 2011), LR 38:\*\*.