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 µg/m^3 (annual average)~~the following amounts of the pollutant for which the minor source baseline date is established: 1 µg/m^3 (annual average) for SO_2, NO_2, or PM_{10}; or 0.3 µg/m^3 (annual average) for $PM_{2.5}$;

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_{10}) and sulfur dioxide, January 6, 1975;~~ and~~

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

iii. in the case of $PM_{2.5}$, 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_{10}) and sulfur dioxide, August 7, 1977; ~~and~~

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

iii. in the case of $PM_{2.5}$, 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~~1)~~(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)[1]
Class I	
Particulate matter:	
$PM_{2.5}$, annual arithmetic mean	1
$PM_{2.5}$, 24-hr maximum	2
PM_{10}, annual arithmetic mean	4
PM_{10}, 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
Class II	

Pollutant	Maximum Allowable Increase (Micrograms per Cubic Meter)[1]
Particulate matter:	
$PM_{2.5}$, annual arithmetic mean	4
$PM_{2.5}$, 24-hr maximum	9
PM_{10}, annual arithmetic mean	17
PM_{10}, 24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25
Class III	
Particulate matter:	
$PM_{2.5}$, annual arithmetic mean	8
$PM_{2.5}$, 24-hr maximum	18
PM_{10}, annual arithmetic mean	34
PM_{10}, 24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

[1] 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 $\mu g/m^3$	8-hour average
Nitrogen dioxide	14 $\mu g/m^3$	annual average
Particulate matter	10 $\mu g/m^3$ of PM_{10} 4 $\mu g/m^3$ of $PM_{2.5}$	24-hour average 24-hour average

Sulfur dioxide	13 µg/m^3	24-hour average
Ozone	No *de minimis* 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^3	3-month average
Fluorides	0.25 µg/m^3	24-hour average
Total reduced sulfur	10 µg/m^3	1-hour average
Hydrogen sulfide	0.2 µg/m^3	1-hour average
Reduced sulfur compounds	10 µg/m^3	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_{10} 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 $PM_{2.5}$, 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.

~~Pollutant~~	~~Micrograms per Cubic Meter~~
~~Class I~~	
~~Particulate matter:~~	
~~$PM_{2.5}$, annual arithmetic mean~~	~~0.06~~
~~$PM_{2.5}$, 24-hr maximum~~	~~0.07~~
~~Class II~~	
~~Particulate matter:~~	
~~$PM_{2.5}$, annual arithmetic mean~~	~~0.3~~
~~$PM_{2.5}$, 24-hr maximum~~	~~1.2~~
~~Class III~~	
~~Particulate matter:~~	
~~$PM_{2.5}$, annual arithmetic mean~~	~~0.3~~
~~$PM_{2.5}$, 24-hr maximum~~	~~1.2~~

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~~$PM_{2.5}$, PM_{10}, and nitrogen oxides would not exceed the following maximum allowable increases over minor source baseline concentration for such pollutants.

Pollutant	**Maximum Allowable Increase (Micrograms per Cubic Meter)**
Particulate matter:	
$PM_{2.5}$, annual arithmetic mean	4
$PM_{2.5}$, 24-hr maximum	9
PM_{10}, annual arithmetic mean	17

Pollutant	Maximum Allowable Increase (Micrograms per Cubic Meter)
PM_{10}, 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:**.