

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 5. Permit Procedures

§501. Scope and Applicability

A. - C.14. ...

D. Special Provisions for In-Kind Replacements. Replacement of an existing emissions unit with an identical or functionally equivalent unit shall not constitute a modification for purposes of LAC 33:III.501.C.1 and 2, provided that all of the following criteria are met.

1. The replacement unit shall not:
a. increase the potential to emit any regulated pollutant on an hourly or annual basis;

b. alter the basic design parameters of the process unit or facility; or
c. trigger new regulatory requirements necessitating a modification to the facility's permit.

2. The replacement unit shall comply with all emission limits, operational restrictions, performance testing conditions, and monitoring, recordkeeping, and reporting requirements imposed by the facility's permit on the replaced emissions unit.

3. For a facility that constitutes a *major stationary source*, as defined in LAC 33:III.504.K, the emissions increase of each nonattainment pollutant, as calculated in accordance with LAC 33:III.504.A.3 shall be less than the trigger values used to determine whether a calculation of the net emissions increase over the contemporaneous period must be performed.

4. For a facility that constitutes a *major stationary source*, as defined in LAC 33:III.509.B, the emissions increase of each regulated NSR pollutant, as calculated in accordance with LAC 33:III.509.A.4, shall be less than the amount deemed *significant*, as defined in LAC 33:III.509.B.

5. For purposes of LAC 33:III.504 and 509, no creditable emission reductions shall be generated from shutting down the replaced emissions unit.

6. The replaced emissions unit shall be removed from the facility or otherwise disabled.

7. Records of in-kind replacements shall be kept on-site and available for inspection by the Office of Environmental Compliance.

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 37:1145, 1148 (April 2011), LR 37:1391 (May 2011), LR 37:3221, 3233 (November 2011), repromulgated LR 37:3507 (December 2011), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 43: