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Department of Environmental Quality

Office of the Secretary

Legal Affairs and Criminal Investigations Division

Notice of Public Hearing

Substantive Changes to Proposed Rule AQ383

Regulatory Permit for Boilers and Process Heaters

(LAC 33:III.323)

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 proposed regulation (LAC 33:III.323) (Log # AQ383S), which was originally noticed as AQ383 in the May 20, 2019, issue of the *Louisiana Register*. (1909Pot2)

The department has proposed substantive changes to address comments received during the public comment period of proposed Rule AQ383. The changes clarify the proposed Rule language. In the interest of clarity and transparency, the department is providing public notice and opportunity to comment on the proposed changes to the amendments of the regulation in question. The department is also providing an interim response to comments received on the initial regulation proposal.

A strikeout/underline/shaded version of the proposed Rule that distinguishes original proposed language from language changed by this proposal and the interim response to comments are available on the department’s website under Rules and Regulations at http://deq.louisiana.gov/page/rules-regulations.

The following changes are to be incorporated into the Notice of Intent:

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 3. Regulatory Permits

§323. Regulatory Permit for Boilers and Process Heaters

 A. – D.1. …

 2. 40 CFR 60, subpart Db or Dc; and~~/or~~

D.3. - E.2.c. …

 d. Records of visible emissions checks shall be kept on-site for at least five years and shall be made available for inspection by the Office of Environmental Compliance. These records shall include:

 i. – iv. …

 3. Alternatives~~.~~

 a. As an alternative to the requirement to conduct Method 9 testing, the permittee may assume that any visible emissions detected constitute opacity greater than 20 percent. In this case, no visible emissions detected shall be considered opacity less than or equal to 20 percent, even if a qualitative assessment suggests otherwise.

 b. The permittee may ~~also~~ determine opacity via any federally-approved alternative to Method 9 (e.g., Method ALT-082).

 c. In lieu of performing daily visual inspections, the permittee may immediately perform a six-minute opacity reading in accordance with Method 9.

 d. The inspection of each boiler or process heater’s stack for visible emissions may be made using a video camera, provided the camera is capable of capturing images of the stack and a reasonable distance above the stack and is set at an angle suitable for visible emissions observations.

 E.4. – G.2. …

 3. This Subsection shall not apply to boilers or process heaters that must conduct a performance test in accordance with applicable federal requirements as described in LAC 33:III.323.D. If a performance test is required for only NOX or CO, but not both, a performance test for the other pollutant shall be conducted during the performance test required by 40 CFR 60.8 and/or 40 CFR 63.7.

 H. – K. …

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

 HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

A public hearing on the substantive changes will be held on October 30, 2019, 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 substantive changes. 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 also invited to submit written comments on the substantive changes. Persons commenting should reference this proposed regulation as AQ383S. Such comments must be received no later than October 30, 2019, 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, by fax (225) 219-4068, or emailed to DEQ.Reg.Dev.Comments@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 AQ383S. These proposed regulations are available on the internet at http://deq.louisiana.gov/page/rules-regulations.

These substantive changes to AQ383 are available for inspection at the following LDEQ office locations from 8:00 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; and 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

 Herman Robinson

 General Counsel