**Title 33**

**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 3. Regulatory Permits**

**§327. Regulatory Permit for Stationary Combustion Turbines**

 A. Applicability

 1. This regulatory permit authorizes the construction and use of stationary combustion turbines, subject to the requirements established herein, upon notification by the department that the application (i.e., notification form) submitted in accordance with Subsection H of this Section has been determined to be complete.

 2. This regulatory permit shall not apply to stationary combustion turbines that:

 a. combust fuels other than natural gas, refinery gas, or distillate oil with more than 15 parts per million sulfur; or

 b. are subject to federal regulations not identified in Subsection D of this Section.

 3. This regulatory permit shall not be used to authorize a stationary combustion turbine that, when considering potential emissions from it and potential emissions from the remainder of the stationary source, would result in the creation of a major source of criteria pollutants, hazardous air pollutants, or toxic air pollutants.

 B. Definitions

 *Stationary Combustion Turbine*—as defined in 40 CFR 60.4420.

 C. Emission Limitations

 1. Emission limitations for the stationary combustion turbines shall be established by the application (i.e., notification form) submitted in accordance with Subsection H of this Section.

 a. The limitations shall be enforceable by the department.

 b. If actual emissions exceed these limitations for any reason other than as described in LAC 33:III.501.C.12, the permittee shall notify the Office of Environmental Compliance in accordance with Louisiana General Condition XI of LAC 33:III.537.A. For Part 70 sources, the reports required by Paragraph C.2 of this Section shall satisfy this requirement.

 2. The permittee shall address each stationary combustion turbine located at a Part 70 source in the submittals required by Part 70 General Conditions K, M, and R of LAC 33:III.535.A. Deviations from the terms and conditions of this regulatory permit, including the standards identified in Subsection D of this Section, shall not be considered violations of the stationary source’s Part 70 permit.

 D. Stationary Combustion Turbine Standards

 1. The permittee shall comply with the provisions of the following federal and state regulations pertaining to stationary combustion turbines, as applicable:

 a. LAC 33:III.2201;

 b. 40 CFR 60, subpart GG or KKKK; and

 c. 40 CFR 63, subpart YYYY.

 E. Opacity

 1. Smoke. The emission of smoke shall be controlled so that the shade or appearance of the emission is not darker than 20 percent average opacity, except that the emissions may have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes.

 2. Monitoring, Recordkeeping, and Reporting

 a. The permittee shall inspect each stationary combustion turbine’s stack for visible emissions on a daily basis while in operation. If visible emissions are not detected during the initial six minutes of the inspection, the inspection may be concluded. If visible emissions are detected, the inspection period shall be extended to one hour (60 consecutive minutes).

 b. If visible emissions are detected for more than one six-minute period over the 60 consecutive minute test period, the permittee shall conduct a six-minute opacity reading in accordance with Method 9 of 40 CFR 60, Appendix A, within 24 hours.

 c. The permittee shall notify the Office of Environmental Compliance no later than 30 calendar days after any Method 9 reading in excess of 20 percent average opacity or, for Part 70 sources, in accordance with Part 70 General Condition R of LAC 33:III.535.A.

 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. the stationary combustion turbine’s ID number;

 ii. a record if visible emissions were detected during the initial six minutes of the inspection;

 iii. a record if visible emissions were detected for more than one six-minute period over the 60 consecutive minute test period (if required); and

 iv. a record and the results of any Method 9 testing conducted.

 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 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 stationary combustion turbine’s stack for visible emissions may be made using a video camera, provided that the camera is:

 i. capable of capturing images of the stack and a reasonable distance above the stack; and

 ii. set at an angle suitable for visible emissions observations.

 4. When the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this Subsection, this Subsection shall not apply.

 5. This Subsection shall not apply to stationary combustion turbines described in LAC 33:III.1107.B.1.

 F. Performance Testing

 1. The following performance testing requirements shall apply to stationary combustion turbines that have the potential to emit more than 40 tons per year of nitrogen oxides (NOX) or more than 100 tons per year of carbon monoxide (CO).

 a. No later than 180 days after the stationary combustion turbine commences operation, the permittee shall conduct a performance test to determine NOX and CO emissions using Methods 7E (Determination of Nitrogen Oxides Emissions from Stationary Sources) and 10 (Determination of Carbon Monoxide Emissions from Stationary Sources) of 40 CFR 60, Appendix A. Each test run shall be conducted within 80 percent of the stationary combustion turbine’s maximum rated capacity or within 10 percent of the maximum achievable load. Alternate stack test methods may be used with the prior approval of the Office of Environmental Assessment.

 i. The permittee shall notify the Office of Environmental Assessment at least 30 days prior to the performance test in order to provide the department with the opportunity to conduct a pretest meeting and/or observe the test.

 ii. The permittee shall submit the performance test results to the Office of Environmental Assessment no later than 60 days after completion of the test.

 b. This Subsection shall not apply to stationary combustion turbine that remain at a stationary source for less than 12 consecutive months.

 c. This Subsection shall not apply to stationary combustion turbines 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.

 G. Emissions Inventory. Each stationary source subject to LAC 33:III.919 shall include emissions from each stationary combustion turbine authorized by this regulatory permit in its annual emissions inventory.

 H. Notification Requirements

 1. Written notification describing the stationary combustion turbine shall be submitted to the Office of Environmental Services using the appropriate form provided by the department.

 2. A separate notification shall be submitted for each stationary combustion turbine.

 I. Fees. Fees for this regulatory permit shall be the applicable major or minor modification fee for the stationary source as determined in accordance with LAC 33:III.211.B. Applicable surcharges as described in LAC 33:III.211.A shall also be assessed.

 J. Stationary combustion turbines authorized by this regulatory permit shall be included in the next application to renew or modify the stationary source’s existing permit.

 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 46