



Don't Be THAT Company! *

Air & Waste Management Association
Louisiana Section
Environmental Focus 2018

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LDEQ/Air Permits

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* Names have been omitted to protect the “innocent.”



DISCLAIMER



The Lowest Bidder

The quality of your application matters.

Point Source	Field	Location	Nox tons/yr	CO tons/yr	VOC tons/yr
Fugitives	Benson	Cleco #1	6.76E-05	3.04E-05	7.41E-05
Loading	Benson	Cleco #1	2E-06	9.01E-07	2.2E-06
Tank 1	Benson	Cleco #1	0.003443	0.001547	0.003771
Tank 2	Benson	Cleco #1	0.004877	0.002192	0.005342

Consider hiring a firm that routinely prepares applications for facilities located in Louisiana.





Description of Changes

Include a sufficiently detailed explanation of the changes requested in your permit application.

- In most cases, a list of items is included.
- However, in some instances, there are changes (often to the emission limits) that are clearly not related to the proposed permit revisions.

LAC 33:III.531.A.3.b requires “the activities involved in the permit action” to be disclosed.



Fees

If you have a permit, there are no longer fees associated with requests for:

- administrative amendments;
- authorizations to construct;
- changes of tank service;
- exemptions to test;
- relocations;
- variances; and
- case-by-case insignificant activities (i.e., exemptions under LAC 33:III.501.B.5, Table 1.D).



In-Kind Replacements

Do not forget about LAC 33:III.501.D.

- AQ372, promulgated November 20, 2017

In most cases, it is *not* necessary to request a letter of no objection in order to replace an existing emissions unit with an identical or functionally equivalent unit.



Exemptions to Test v. Variances

An exemption to test or variance is not ordinarily required to conduct a performance test.

Per LAC 33:III.523.B.1, an exemption can be granted from the “requirement to revise the permit prior to making a change in emissions in order to allow **tests to determine the effect of the proposed modification on emission rates.**”

If you request a variance, please describe the “exceptional circumstances.” For example:

- Operations of control device outside of established parametric monitoring limits.



Applicable Requirements

Be very clear as to which requirements apply and why others do not.

NSPS 0000a Example

Table 2: “Requirements for leak detection and repair”

Table 3: “Facility was constructed prior to August 2011.”
(implying LDAR requirements are not applicable)

Table 3 (in the next row): “ ... exempt from LDAR.”



Expedited Permit Processing

If you are requesting expedited permit processing, please verify that you have no outstanding fees.

- Per LAC 33:I.1801.E.1, LDEQ may deny a request for expedited permit processing due to an applicant's failure to pay outstanding fees or penalties.
- Examples from October 2018 alone (!) ...
 - \$ 66,267.95
 - \$ 42,314.23
 - \$ 10,890.00
 - \$ 5020.49



Administrative Amendments

Make sure your administrative amendment request reasonably conforms to LAC 33:III.521.A.

If it doesn't, request a permit modification.

- Assuming the issue is not directly related to an error on the part of LDEQ, include a permit fee.



Reconciliations

If you are a major source under the PSD program, and you seek a significant increase in permitted emissions of a regulated NSR pollutant – either as a result of a new data (e.g., stack test results) or an updated emission factor – address whether or not past physical changes or changes in the method of operation would have constituted a major modification had the correct emission rate been used.

- + 235.25 TPY NO_x
- + 1015.20 TPY CO



PSD Baseline Actual Emissions

Baseline actual emissions shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.



PSD Baseline Actual Emissions

Baseline actual emissions shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period.



Alternative MRR Requests

1. Make sure LDEQ is delegated. LDEQ has not been delegated amendments promulgated after July 1, 2013.
2. Make sure the provision in question has not been retained by EPA (e.g., 40 CFR 63.153).
3. Make sure your request does not constitute a:
 - major change to monitoring;
 - major change to recordkeeping/reporting; or
 - major change to test methodas defined in 40 CFR 63.90.
4. Check EPA's Applicability Determination Index (ADI) for precedent.



Permit Status

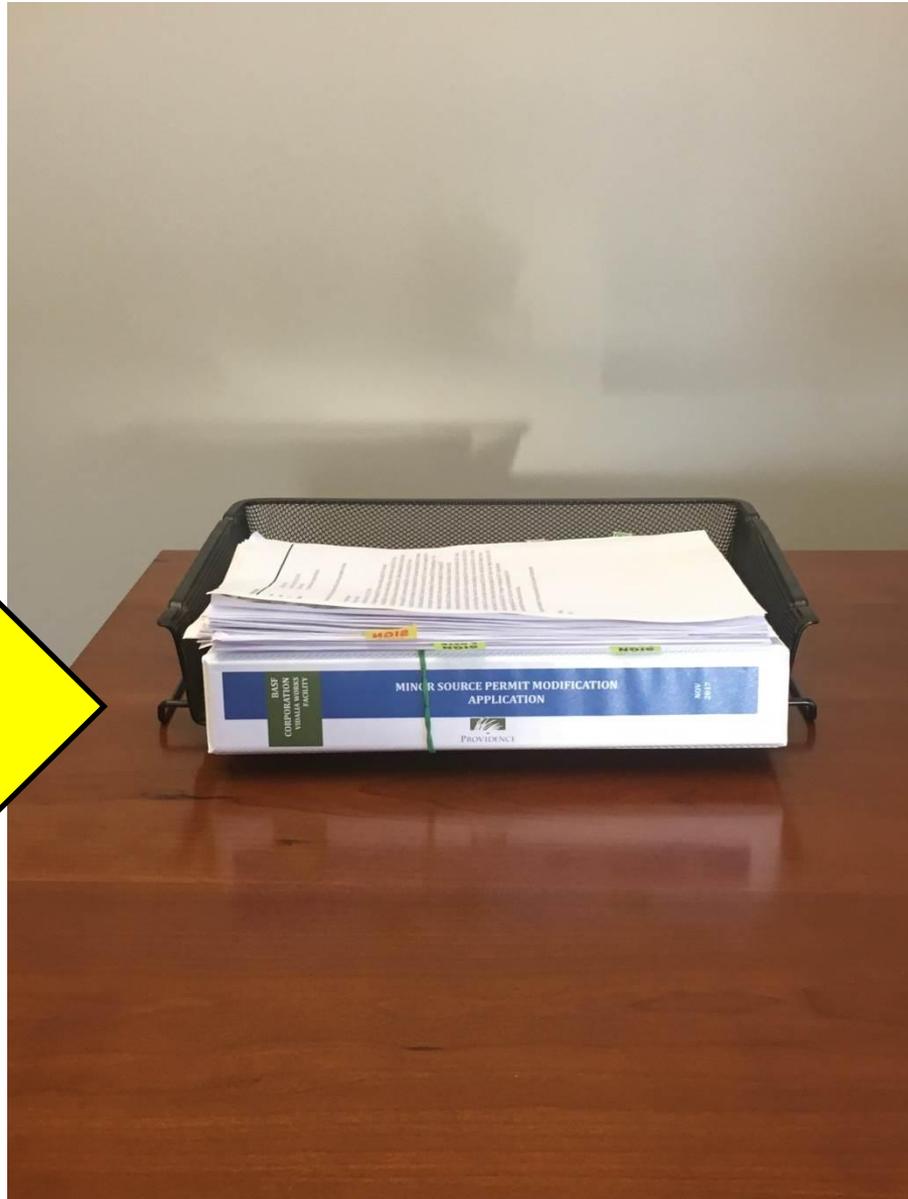
It is not necessary to contact Dr. Brown (or any other member of the executive staff) in order to get an update on your permit application.

First stop: Permit writer

Second stop: Supervisor (Faye, Binh, Ed, Ashley)

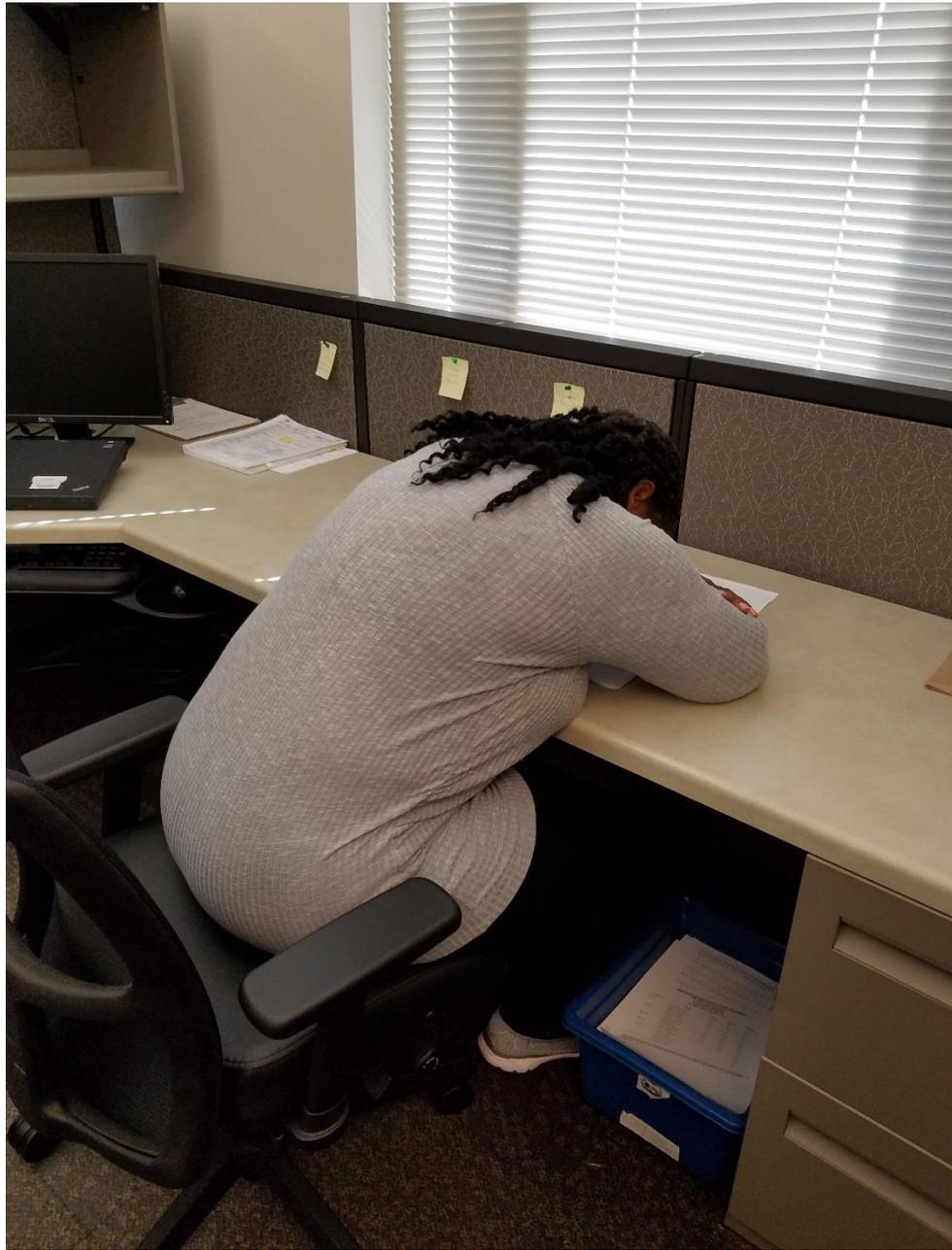
Third stop: Kyle, Qingming, or BDJ

Your application



Your application









Questions / Comments?

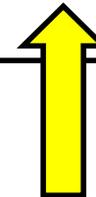
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Driver's license photo