



# Permitting Strategy: Which Application or Activity to Use

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# Strategy

Strategy - A plan of action designed to achieve a particular goal.

What is your goal?





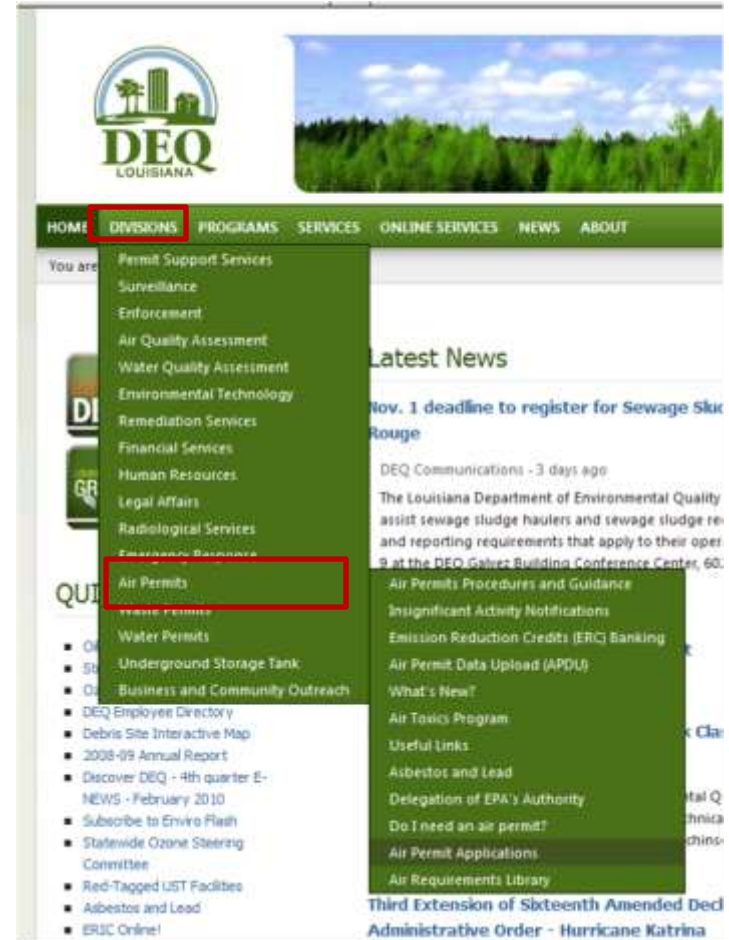
# Applications

Where do I find the Applications?

<http://www.deq.louisiana.gov>

[www.deq.louisiana.gov/portal/DIVISIONS/AirPermits/AirPermitApplications.aspx](http://www.deq.louisiana.gov/portal/DIVISIONS/AirPermits/AirPermitApplications.aspx)

Note: Instructions are also available on the above mentioned webpage





# Applications

**Air Permit Applications**

The Air Permits Division's (APD) air permit application forms are described below.

- In order to request a Regulatory Permit, please download the appropriate application form on the APD's Regulatory Permits page.
- Minor source general permit applicability, questionnaires are located on the APD's Minor Source General Permit page.

**Application for Approval of Emissions of Air Pollutants from Part 70 Sources**  
The Part 70 (Title V) Permit Application should be completed when applying for a Part 70 (Title V) permit, including a general Title V permit, or a Title V permit modification. It should also be used to apply for a Prevention of Significant Deterioration (PSD) and/or Nonattainment New Source Review (NNSR) permit.

Title V Operating Permit - NNSR Permit Application Instructions  
Title V Operating Permit - NNSR Permit Application  
Emissions Inventory Questionnaire (EIQ) for Air Pollutants

Optional Paperwork Reduction Project for Title V Minor Modifications Only **NEW!**  
Title V Operating Permit Minor Modification Instructions  
Title V Operating Permit Minor Modification Application

**Application for Approval of Emissions of Air Pollutants from Minor Sources**  
The Minor Source Permit Application should be completed when applying for a minor source permit, including a "synthetic" minor source permit, or a permit modification. Applicants specifically seeking Standard Oil and Gas Air (SOGA) permits or small source permits should use this application.

Minor Source Permit Application Instructions  
Minor Source Permit Application Form  
Emissions Inventory Questionnaire (EIQ) for Air Pollutants

**Application for Approval of Miscellaneous Air Permitting Activities**  
The Application for Approval of Miscellaneous Permitting Actions should be completed when applying for the following actions:

Small Source Exemption	LAC 33:11.531 B 4
Exemption to Test	LAC 33:11.523 B
Variance	LAC 33:11.917
Administrative Amendment	LAC 33:11.521
Relocation of a Portable Facility	LAC 33:11.513 C
Authorization to Construct / Approval to Operate	LAC 33:11.501 C 3 / LAC 33:11.611

Change of Tank Service

It should also be used to request the following actions:  
Letter of Response/Letter of No Objection  
Permit Rescission  
Application Withdrawal

Miscellaneous Permitting Actions Application Instructions  
Miscellaneous Permitting Actions Application Form

The Application for Approval of Miscellaneous Permitting Actions should not be used to notify LDEQ of case-by-case insignificant activities pursuant to LAC 33:11.501 B.5.D. Permittees should continue to ask the specified Notification of Case-by-Case Insignificant Activity form on the APD's Case-by-Case Insignificant Activities webpage.

**Acid Rain Permit Application**  
Acid Rain applications can be found on EPA's "Forms for Clean Air Markets Programs" webpage. Download the "Phase II Permit Application Form."

**Clean Air Interstate Rule (CAIR) Permit Application**  
See the APD's CAIR webpage.

**Emission Reduction Credits (ERC) Banking Application**  
See the APD's ERC Banking webpage.

**Duly Authorized Representative Application Form**  
This form should be submitted when a Responsible Official wishes to authorize a qualified representative to act with the authority of the Responsible Official for the purpose of certifying documents as described in LAC 33:11.617 B.1.



# Application Types

- What forms are available?
  - 1) Case-by-Case
  - 2) Miscellaneous Permitting Actions Application
  - 3) Minor Source General Permit Applicability Questionnaire
  - 4) Regulatory Permits
  - 5) Minor Source Permit Application
  - 6) Title V Operating Permit – NSR Permit Application
  - 7) Title V Operating Permit – Minor Modification Application
  - 8) Acid Rain Permit Application
  - 9) Clean Air Interstate Rule (CAIR) Permit Application
  - 10) Emission Reductions Credit (ERC) Banking Application
  - 11) Duly Authorized Representative Application Form





# Which Application to Use



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# Case-by-Case

## Insignificant Activities

- LAC 33:III.501.B.5 – Table A
  - Criteria to meet in Table
  - Cannot have Federal Requirements
  - Aggregate Emissions = emissions from a particular insignificant activity or group of similar activities
- LAC 33:III.501.B.5. – Table B and C
  - Need not be included in permit application



# Case-by-Case

## LAC 33:501.B.5 – Table D

### Criteria

- PTE < 5 TPY of any regulated pollutant
- PTE < MER (Chapter 51).
- PTE < de minimis rate 112(g) for HAP
- NO enforceable permit conditions necessary to ensure compliance
- Cannot be used if triggers federal or state requirement

### Examples

- Tank cleaning with a different solvent or agent
- Unscheduled maintenance on a primary control device and a 2<sup>nd</sup> control device is not permitted
- Addition of new emission points with insignificant emissions
- GCXVII activity that was inadvertently omitted from a permit





# Miscellaneous Permitting Actions Application

- Types of Activities
  - Exemption (LAC 33:III.501.B.4)
  - Exemption to Test
  - Variance
  - Letters
  - Administrative Amendment
  - Rescission
  - Withdrawal
  - Change of Tank Service
  - Relocation of Portable Facility
  - Authorization to Construct



# Misc. Permitting Actions Exemption

- When do I select Exemption?
  - Rarely used (examples LAC 33:501.B.2.d aka ACT 547/ACT918)
  - Case-by-Case for Insignificant Activities and LAC 33:III.501.B.5 - Table D activities

WANT



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# Misc. Permitting Actions

## Exemption to Test

### Exemption to Test

- Determine the effect of a proposed modification
- No reliable way to determine the effect without testing
- Test conducted long enough to assure accuracy
- Exemption not to exceed 3 months



# Misc. Permitting Actions Variance

## When to use

- Use in the event of **extenuating circumstances** which causes the owner/operator to be unable to comply with the terms of its permit and/or the provisions of an applicable regulation.
- You must justify the extenuating circumstances in No. 4 of the Misc. Permitting Actions Application

## Notes:

- Examples:
  - Temporary Events, such as while temporary equipment is being used
  - Unanticipated emissions or operations
  - Exempt facilities whose temporary emissions require them to be subject to permit requirements
- Variance CANNOT be extended
- Natural Gas releases see Regulatory Permits



## Misc. Permitting Actions Letters, Administrative Amendments, Rescissions, and Withdrawals

- Letter of Response/No Objection
  - Need a response in writing
  - Testing Extensions
- Administrative Amendments
  - LAC 33:III.521
- Rescissions
  - Facility is closed or otherwise ceased operations
  - Fiscal billing
  - Facility is sold at a later date after operations ceased
- Withdrawal of Application
  - If activity is no longer required (close it out)



# Misc. Permitting Actions

## Relocations

- Notify LDEQ of intent to relocate a portable facility
  - Include the following!
    - Location to be located
    - Supporting documents showing compliance with local zoning
    - A statement indicating continued use of all pollution abatement devices
    - A statement indicating continued use of fuel of the same sulfur content or less than that referenced in the permit



# Misc. Permitting Actions Authorization to Construct

- Emission reduction projects or those that will result in a positive human health or environmental benefit
  - Required NSPS controls can be authorized through an ATC.
  - Submit permit revision within 180 days after commencement of operation



# Misc. Permitting Actions

## Change of Tank Service

- Type of Exemption (see LAC 33:III.501.B.4)
- Request must not violate the limits set by any emission cap
- Change must not cause facility to become a major source





# Minor Source General Permits

## Minor Source Oil and Gas

- Includes area source NESHAPs and NSPS
- May construct and operate 14 days after post mark of submitting a complete application
- Permit is online:

<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=3022>



# Minor Source General Permits

## Minor Source Surface Coating and Fabrication

- Includes area source NESHAPs and NSPS
- Shall have authorization prior to initial construction
- Shall submit complete application before commencing modification
- Permit is online:

<http://www.deq.louisiana.gov/portal/Default.aspx?tabid=3022>



# Regulatory Permits

- Found in LAC 33:III.Chapter 3 - Regulatory Permits
- The permit is in the regulations:
  - §307. Oil and Gas Well Testing
  - §309. Release of Natural Gas from Pipelines and Associated Equipment
  - §311. Emergency Engines
  - §313. Portable Air Curtain Incinerators
  - §315. Concrete Manufacturing



# Regulatory Permits

- Applications and Instructions found online
  - [www.deq.louisiana.gov/portal/Default.aspx?tabid=2945](http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2945)
    - Regulatory Permit
    - Application
    - Instructions
    - Relocation request (if applicable)



# Regulatory Permits

## Oil and Gas Well Testing

- General Applicability
  - Temporary authorization of equipment necessary to test the substrate stratum for petroleum liquids or natural gas or to establish the proper design of a permanent fluid handling facility
  - Releases of natural gas less than 2.5 MM ft<sup>3</sup> require no controls
  - Greater than 2.5 MM ft<sup>3</sup> require flaring
  - Also require flaring
    - VOC more than 5,000 lbs
    - Benzene greater than MER
    - BTEX greater than 2000 lbs
  - H<sub>2</sub>S content must be less than 100 scf



# Regulatory Permits

## Release of Natural Gas

- General Applicability
  - Releases of natural gas from pipelines and associated equipment greater than 1 MM ft<sup>3</sup> and less than 2.5 MM ft<sup>3</sup> require no controls
  - Greater than 2.5 MM ft<sup>3</sup> require flaring
  - Also require flaring
    - VOC more than 5,000 lbs
    - Benzene greater than MER
    - BTEX greater than 2000 lbs
  - H<sub>2</sub>S content must be less than 100 scf



# Regulatory Permit Emergency Engines

- General Applicability
  - **Both Permanent and Temporary**
  - Stationary emergency engines (such as generators, firewater pumps, air compressors, etc.)
    - Non-road need not apply
    - Insignificant activities under LAC 33:III501.B.5.B.45 need not apply
  - Temporary reapply prior to 12 month expiration
  - Include permanent engines in next modification or renewal



# Regulatory Permits Portable Air Curtain Incinerators

- General Applicability
  - Must be rated less than 10 tons/hr
  - Cannot be operated at a commercial/industrial or institutional facility
  - Cannot combust construction/demolition debris
  - Cannot combust waste generated at a location other than the operational site
  - Must not remain at site longer than 90 days





# Regulatory Permits Concrete Manufacturers

- General Applicability
  - Stationary or Portable ready-mix concrete facilities
    - Includes
      - Central-mixed
      - Shrink-mixed
      - Truck-mixed



# Title V Minor Modification

- NEW Title V Minor Modification Application
  - Useful for the following permit types
    - General Title V Permits Minor Mods
    - Regular Title V Permit Minor Mods
    - Regular Title V Process Unit Specific Minor Mods
  - Check a series of boxes
    - Removes non-essential parts of the application



# Title V Minor Modifications

- Title I Modifications (Major/Significant Modifications) may not use the Title V Minor Modification Application
  - See LAC 33:III.502. Definitions
    - Title 1 Modification - any physical change or change in the method of operation of a stationary source which increases the amount of any regulated air pollutant emitted or which results in the emission of any regulated air pollutant not previously emitted and which meets one or more of the following descriptions.
      - Result in applicability of an NSPS
      - Result in a significant net emissions increase under PSD
      - Result in a significant net emissions increase under NNSR
      - Result in applicability of MACT



# Title V Minor Modification

**Welcome to the Paperwork Reduction Format - Checkbox Selection Screen**  
 Title V Permit Application Form - Paperwork Reduction Format. Use of this version of the form is completely optional.

Title V General Permit Minor Modification (LAC 33:III.525)  
 Title V Regular Permit Minor Modification (LAC 33:III.525)

Check if you are not requesting confidentiality for any information. (Sec 3)  
 Check if you are not requesting a Permit Shield. (Sec 9)  
 Check if the Facility has not received any air quality enforcement actions, settlement agreements, or consent decrees since issuance of the currently effective permit. (Sec 14)  
 Check if you do not have a letter from a regulatory agency that supports a request for an alternate method of compliance with a regulation. (Sec 15)  
 Check if you have not completed any initial notifications or one-time performance tests since the issuance of your currently effective permit. (Sec 16)  
 Check if Air Quality Dispersion Modeling in accordance with LAC 33:III has never been performed for this facility or process unit (for process unit specific permits). (Sec 18)  
 Check if you are not proposing any new General Condition XVII Activities that have not previously been incorporated into the currently effective permit. (Sec 19)  
 Check if you are not proposing any new Insignificant Activities that have not previously been incorporated into the currently effective permit. (Sec 20)  
 Check if this application does not propose any changes to the specific requirements of any permitted source. (Sec 22)  
 Check if this application does not propose any revisions to any emission rates for any pollutant emitted. (Sec 12 and Sec 23)  
 Check if the proposed project is NOT subject to PSD/NMGR and does NOT require a PSD/NMGR Netting Analysis to prove nonapplicability. (Sec 24)  
 Check if PSD/NMGR netting analysis is REQUIRED to determine that PSD/NMGR does not apply (Sec 24C-G)

Check if this is a process unit-specific permit.

**Company - Name of Operator (if different from Owner)**

**Parent Company (if Company - Name of Owner given above is a division)**

**Ownership:**  
 Check the appropriate box.

corporation, partnership, or sole proprietorship   
  regulated utility   
  municipal government  
 state government   
  federal government   
  other, specify



# The Remainder of Applications

No changes to the following:

- Title V Operating Permit – NSR Permit Application
  - Title V Initial, Renewals, and Title I Modifications
- CAIR Permit Application
  - Electrical Generating Units
- Acid Rain Permit Application
  - Electrical Generating Units
- ERC Banking
  - Major Stationary Sources, see LAC 33:III. Chapter 6, applies to NO<sub>x</sub> and VOC. Minor Sources may apply in in ozone non-attainment areas
- Duly Authorized Representative
  - This form should be submitted when a Responsible Official wishes to authorize a qualified representative to act with the authority of the Responsible Official for the purpose of certifying documents as described in LAC 33:III.517.B.1



## Want for Success

### Strategy – Was your goal accomplished?

- 1) Correct application selected
- 2) Correct information submitted
- 3) Correct fee submitted
- 4) Less requests for information from the Department
- 5) Less time spent providing the correct information
- 6) Less time required to issue your action, as well as others.





# Speakers' Contact Information

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