Permitting Strategy: Which Application or Activity to Use

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Louisiana Department of Environmental Quality
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

Note: Instructions are also available on the above mentioned webpage
Applications
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
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

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Examples</th>
</tr>
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<tbody>
<tr>
<td>• PTE &lt; 5 TPY of any regulated pollutant</td>
<td>• Tank cleaning with a different solvent or agent</td>
</tr>
<tr>
<td>• PTE &lt; MER (Chapter 51).</td>
<td>• Unscheduled maintenance on a primary control device and a 2\textsuperscript{nd} control device is not permitted</td>
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<tr>
<td>• PTE &lt; de minimis rate 112(g) for HAP</td>
<td>• Addition of new emission points with insignificant emissions</td>
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<tr>
<td>• NO enforceable permit conditions necessary to ensure compliance</td>
<td>• GCXVII activity that was inadvertently omitted from a permit</td>
</tr>
<tr>
<td>• Cannot be used if triggers federal or state requirement</td>
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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:Ill.501.B.5 - Table D activities

WANT
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 no 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:
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:

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
    • 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$^3$ require no controls
  – Greater than 2.5 MM ft$^3$ require flaring
  – Also require flaring
    • VOC more than 5,000 lbs
    • Benzene greater than MER
    • BTEX greater than 2000 lbs
  – H$_2$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$^3$ and less than 2.5 MM ft$^3$ require no controls
  – Greater than 2.5 MM ft$^3$ require flaring
  – Also require flaring
    • VOC more than 5,000 lbs
    • Benzene greater than MER
    • BTEX greater than 2000 lbs
  – H$_2$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
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 NOx 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
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.

Want for Success
Speakers’ Contact Information

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