

# Air Permits Update

Tegan Treadaway, Tim Bergeron & Michael Vince – DEQ Air Permits Division

October 26, 2011



# DEQ Air Update – We are not just Permits Anymore!

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# Presentation Highlights

- Permits Update
  - Staff Organization
  - Air Permits Stats and Updates
  - Air Permits Guidance and Workgroups
- Implementation of NAAQS Revisions
  - Redesignation for Baton Rouge Area
  - 2008 Ozone Status
  - SO<sub>2</sub>, NO<sub>2</sub>, Lead
- Emissions Inventory
  - National Emissions Inventory
  - Review of AQ 300
  - Status of ERIC
- Other Stuff
  - TRI Reporting
  - Web Tool
  - EDMS and Online Submittals

# Permits Update



# Air Permits Division Functions

A whole lot more than just permits these days!

- Permits
- Modeling
- SIP
- Emission Inventory
- Engineering - Stack Test/Report Reviews

# Org Chart Update

- Victor Chu – TV Permits
  - John Dyer
  - Mei Wu
- Lance Green – Minor Permits and Planning
  - Vivian Aucoin – Emission Inventory & SIP
  - Dustin Duhon – Minors & Stack Testing
  - Jim Davies – Oil and Gas Minors and General TVs

# Permits

## So, what have we been doing?

Permits issued FY 10-11 (July 1, 2010 – June 30, 2011)

- Title V permits (initials, renewals, mods): 354
- Title V renewals only: 151
- Minor source permits: 1591
- GHG permits
  - 2 – Issued (Nucor and Entergy)
  - 1 – PN complete (Cheniere)
  - 1 – on PN (Westlake)

# Permits

## What's pending?

	O	N	D	J	F	M	A	M	J	J	A	S
<b>TV Renewals Pending:</b>	169	169	169	178	159	161	163	152	137	123	122	116
<b>Older than 18 Months:</b>	8	9	9	11	10	12	11	13	13	9	7	8
	O	N	D	J	F	M	A	M	J	J	A	S
<b>Oil and Gas Received:</b>	153	132	118	93	90	92	131	174	116	209	250	228
<b>Issued:</b>	151	132	128	121	150	111	116	145	172	153	204	192
<b>Pending activities:</b>	436	438	411	383	323	290	304	338	301	356	403	422



# Permits

## Where can you find answers when Bryan is out?

- Air Permits Guidance Manual Updates
  - Information on Regulatory Permits and the Minor Source General Permits
  - PSD guidance updated to discuss PM 2.5 and GHGs
  - Updated Act 547 guidance
  - Added discussion of phased permitting
  - Added guidance on engines

# Permits

## PM<sub>2.5</sub> and GHG

- PM<sub>2.5</sub>
  - Applications for Title V renewals and significant modifications submitted after March 1, 2011, should address PM<sub>2.5</sub> for all sources.
  - Regarding minor modifications, applicants proposing physical changes or changes in the method of operation should address PM<sub>2.5</sub> emissions for the affected sources to show that the project increase (or net emissions increase, if necessary) is below 10 TPY.
- CO<sub>2</sub>e (GHG)
  - GHG should be listed in air permit applications when one of the following two conditions is met:
    - The facility emits or has the potential to emit 100,000 tons per year of carbon dioxide equivalent (CO<sub>2</sub>e); or
    - The facility incorporates federally enforceable emission limits into the air permit in order to avoid emitting or having the potential to emit 100,000 tons per year of CO<sub>2</sub>e.

# Permits

## What engines need to be in a permit?

- Stationary – include in permits
- Portable engines – Could they possibly remain in one location for  $\geq 12$  months or replace engine(s) with total time in one location  $\geq 12$  months?
  - Yes – include in permits (recordkeeping conditions will be included)
  - No – do not include in permits (not permitted source, not Insignificant Activity, and not GCXVII Activity)
  - Located on a barge or other marine vessel? Even if barge does not move for 12 months or more, do not include in permits (not permitted source, not Insignificant Activity, and not GCXVII Activity)

# Permits

**Want to get involved or stay informed?  
Join our workgroup.**

- Operating Permits Workgroup Ongoing projects
  - Pending Rulemaking
  - Emission Reporting Inventory Center (ERIC)
  - Policy on LDEQ Air Modeling Requirements
  - Modification/Reconciliation of PSD Permits
  - Air Permit Consistency Issues
  - Regulatory Permits
  - Annual Compliance Certification Forms
  - Stack Test Guidelines
  - Engineering Review Activity Form/Electronic Submittal

# Pending Rulemaking

- **AQ300** – Emission Inventory
- **AQ317** – Non-Road Engines (LAC 33:III.501.B & 502.A) promulgated on May 20, 2011.
- **AQ318** – PM<sub>2.5</sub> NSR Implementation Rule (LAC 33:III.504 & 509)
- **AQ321** – Regulatory Permit for Rock, Concrete & Asphalt. Proposed Sep. 20 comment deadline is Nov. 2.
- **AQ322** – Regulatory Permit for Flaring of Materials Other than Natural Gas. Drafting.
- **AQ323** – Repeal of LAC 33:III.501.B.8 proposed Aug. 19; comment deadline is Oct. 4.
- **OS087** – Review of Working Draft Permits To be proposed Sep. 20; comment deadline is Nov. 2.

# Redesignation Update

- On August 30, 2011, EPA proposed to redesignate the Baton Rouge area to attainment with respect to the 1997 8-hour ozone NAAQS of 0.08 parts per million (ppm).
  - No adverse comments were received.
  - We anticipate final action on the proposal shortly.
- Given that the area is not in attainment with the 2008 8-hour ozone NAAQS of 0.075 ppm, LDEQ will likely move forward with a state-only offsets rule.

# **NAAQS Implementation**



# 2008 Ozone Standard

- By memo dated September 22, 2011, EPA announced the agency is “moving ahead with certain required actions to implement the 2008 standard.”
  - President Obama halts reconsideration
  - EPA issues memo stating that 0.075 ppm will be the 8-hour standard
  - Designations to be made in the late fall using 2008-2010 air quality monitor data
  - Classifications will be established through rulemaking.



## 2008 8-Hour Ozone NAAQS (cont.)

- EPA expects to finalize area designations by “mid-2012.”
  - Based on the “percent above the standard approach,” Baton Rouge would be classified as marginal.
  - It does not appear EPA will base designations on 2011 data unless prompted to do so by the state.
- EPA will “begin an expedited rulemaking to outline the implementation requirements for the 2008 standard in the very near future.”

# Designations

- Based on air quality data from 2008 – 2010, only “Baton Rouge” would be designated as a nonattainment area.
- Actual nonattainment areas will be determined through the designations process which will include extensive input and review
  - EPA’s memo notes that “precise area boundaries will be established through the designations process.”
  - LDEQ presumes that this area will encompass Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge Parishes (i.e., the historical Baton Rouge Nonattainment Area).

# Classifications

- EPA will establish classification thresholds through notice-and-comment rulemaking.
- Based on EPA memorandum, all areas designated nonattainment in Louisiana would be classified as marginal.

# Marginal Classification

- Transportation Conformity
  - Clean Air Act Section 176(c) covered in 40 CFR Part 93, Subpart A
  - LAC 33:III.Chapter 14, Subchapter B
  - Demonstrates and assures conformity of activities in compliance with the State Implementation Plan (SIP)
- Implementation of Nonattainment New Source Review and offsets
  - In the permitting world, this means that in order to gain a new permit or a modification, the facility would pass new source review modeling and would have to “off-set” emissions 1.1 to 1.

# SO<sub>2</sub> NAAQS

- 1-hr standard of 75 ppb
- La. presently has 2 nonattainment parishes, St. Bernard and West Baton Rouge
- Designations will be effective August 2012
- Maintenance Plans due June 2013
- Attainment demonstrations SIPs due Feb. 2014
- Attainment date - August 2017

# NO<sub>2</sub> NAAQS

- Issued January 22, 2010
  - 1-hour standard at 100 parts per billion (ppb)
  - Annual average standard of 53 ppb
  - All monitors in Louisiana are in attainment
- Changes to the monitoring network
  - Includes near-roadway monitors to determine peak, short-term concentrations
  - Two areas in Louisiana; one in Baton Rouge and one in Metairie-New Orleans
  - EPA worried about short term exposure to high levels

# Lead NAAQS

- On December 14, 2010 revisions were made to the monitoring requirements for the 2008 lead NAAQS of  $0.15 \mu\text{g}/\text{m}^3$
- The new emission threshold for requiring a facility monitor is 0.5 tpy, reduced from the previous threshold of 1.0 tpy
- EPA is also requiring lead monitoring in large urban areas. Lead monitoring at these sites will begin January 1, 2012 (Capitol Site)

# Cross State Air Pollution Rule (CSAPR)

- The CSAPR was finalized July 6, 2011 and adjustments were proposed on October 6, 2011
- Louisiana is included due to its significant contribution to ozone nonattainment and interference with maintenance in the Houston, TX area
- Louisiana's ozone season NOx budget was adjusted to add 4,231 tons based on new data provided by subject facilities
- The addition to the LA budget is allocated to the subject EGU's by the same methodology as previous CSAPR allocations



# CSAPR (cont.)

- The proposed action also amends the assurance penalty provisions of the rule to make them effective beginning January 1, 2014, rather than in 2012
- The comment period for the proposed action closes November 28, 2011
- EGU's that can provide data to demonstrate why the NO<sub>x</sub> budget should be further increased are encouraged to do so

# **Emissions Inventory Update**



# Understanding the NEI

- 40 CFR Part 51, Subpart A and Clean Air Act Section 182.A.3.a.
- The Department must take into account the information required to satisfy the EPA and its National Emissions Inventory System (EIS), as well as the needs of the department for accurate data to support
  - permit modeling
  - National Ambient Air Quality Standard (NAAQS) attainment demonstration modeling
  - measuring emissions reduction progress
  - development of pollutant control strategies
- States meet requirements of the National Emissions Inventory System (EIS) by following EPA guidance documents, implementation manuals and other tools.
- The EPA can add, change or delete data elements as they deem necessary to administer the program to meet national objectives. States must make similar adjustments to their systems in order to be able to report data to the EPA and meet the national consistency goals while striving to maintain the facilities certified emissions inventory.

# Data Requirements

- ERIC design followed the data constraints that were present in the NEI
- Issues in 2010 with some diameters, stack/release point heights, and flow rates
  - Last minute change to ERIC to address this
  - DEQ petitioned EPA to change their requirements – they agreed
  - For 2011, these validations going back to the way they were

# AQ300 – Revisions to §918 and 919

- Clarify applicability for contiguous facilities
- Clarify how and when reporting requirements no longer apply
- Clarify additional ozone season data requirements by pollutant
- Clarify how a change in ownership is handled
- Clarify which emission types shall be included in an inventory
- Clarify if and when facilities should report based on parish designation
- Extend reporting deadline to April 30
- Remove references to procedures under old EIS system
- Expand and consolidate definitions and provide list of data elements

# Which Facilities Report?

- Located in nonattainment or adjoining parish and emits, has PTE or is permitted to emit any criteria pollutant threshold value (Tables 1-6)
- Located in attainment parish and emits, has PTE or is permitted to emit any criteria pollutant threshold value (Table 7)
- Major source of HAPs or TAPs
- Holds a Title V permit – regardless of emission levels
- Located in nonattainment or adjoining parish and holds a SOGA permit – regardless of emission levels
- Otherwise required by rule or permit to report
- Holds a portable source permit and operates at any time in a nonattainment or adjoining parish AND meets applicability criteria

# Reporting Rule Implementation

- ERIC becomes available January 2007
- Advanced Notice of Rulemaking May 2009
- Rule Proposed November 2009
- Public Hearing December 2009
- Comments Close January 2010
- AQ 300 becomes effective November 20, 2011

# Normal Schedule

- January 1 – ERIC officially open for reporting
- April 30 – Inventories come in to ERIC
- May – June – certify inventories
- June – QA/QC certification statement data entry
- July – migrate inventories to TEMPO
- July – December 31 – prepare and submit to NEI



# Coordination with NEI

- Year round – receive review packages from EPA and make corrections to the submitted inventory in the NEI.
- Sometimes we can fix these problems without the facility resubmitting and certifying a revision in ERIC and sometimes we cannot.
- Sometimes the flagged data does not need correcting and we inform EPA that the data is accurate as is.

# NEI Process

- Two Part Process – Facility Inventory and Emissions Inventory
- Facility inventory is due first and contains the bulk of the inventory information. We add any facilities that have not been in the NEI previously and then we update the facility status on existing facilities when needed.
- NEI works like ERIC - We package the facility inventory from ERIC into the NEI format and send that package to QA to check for errors. We make any necessary changes to our data file and keep bouncing the package off EPA's QA servers until we do not have any more errors.
- When necessary, we may contact the facility and have them resubmit and certify an inventory in ERIC before sending it to the NEI or making the changes in data file ourselves.
- Once we have passed all validations, we then submit the facility inventory package to the production server on the NEI and if we receive and errors, we fix them in our data file or contact the facility to resubmit and certify in ERIC. If no errors, the data is "officially" submitted to the NEI.
- Next is the Emissions Inventory. We follow the same QA process as with the Facility Inventory
- A very important note – any changes or fixes we make to the data we are submitting to EPA is not done in ERIC unless the facility makes the corrections and certifies the data. Our corrections are made in a separate MS Access database or in the NEI itself.

# ERIC User Survey Results

- Over 1000 invitations, 90 participants
- 2:1 Facility vs. Consultant
- 82% Normal user 12% Power user
- Focus on ease of use – 92% favorable
- Lots of specific comments
- About a dozen folks volunteered to talk

# Power User Workgroup

- Has met twice since August
- Helped formulate work orders / change requests
- Offered ideas about prioritization for new work
- Provided specific examples of reporting issues to assist DEQ in developing solutions

# Projects Actively being Worked

- Development of reconciliation report that compares data that should be identical in ERIC (EI) and in TEMPO (Permits)
  - Includes a mechanism to allow ERIC to update TEMPO
- For 2011, starter data to come from ERIC
- Implement ability to use “year specific” validations
- Change the validation report screens to reflect “cascading” errors
- Reworking of existing documentation into a single user guide

# Outlook for 2011RY

- Better accuracy – release points much closer than 8000 meters from front gate!
  - Addressed through validation change
  - DEQ can override on a facility by facility basis
- ERIC starter file coming from last year submittal
- Updated manual available in late fall

# Other Stuff



# Toxic Release Inventory

- Good news for facilities that are required to submit a copy of their annual TRI to LDEQ.
- As of July 11, 2011, Louisiana has become an active member of the TRI Data Exchange!
- This means that when facilities in Louisiana submit to EPA via TRI-MEweb, they will meet their requirement to report to both EPA and Louisiana.
- Facilities that submit via paper, however, will still be required to report separately to Louisiana. They can send either paper or CD copies (whichever is easiest for the facility to comply with the Federal reporting requirements)



# Other Online Services

- EDMS Function-Based Storage
  - Completed in August 2011
- Check Status of Permit Application
- Stack Test Scheduling Tool:  
<http://www.deq.louisiana.gov/portal/tabid/2649/Default.aspx>
- Engineering Review Activity Form:  
<http://www.deq.louisiana.gov/portal/DIVISIONS/AirPermits/EngineeringReviewActivityForm.aspx>
- Coming Soon: Online Engineering Review Activity Form
  - Will allow all submittals currently allowed by paper version
  - Electronic submittal confirmation
  - Option will still exist to submit via hard copy
  - ETA late 2011 or early 2012



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- Oil Spill Alternative Technologies
- Check Permit Status
- Beneficial Environmental Projects
- Online Incident Reporting
- MAKE-A-MAP
- Public Notification List Service
- Air Permit Data Upload
- Ombudsman Complaint Form
- Electronic Document Management System
- Stack Test Scheduling
- Access ERIC
- Environmental Data Center (LEDC)
- ERIC

templates on the web

ality has announced that solid waste financial le on DEQ's Web site.

6 Emergency St. Administrative Order

## Check Permit Status

**Enter AI #:**

**Enter A Whole Or Partial Company Name:**

**Data By Program:**

**Data By Parish:**

**Choose Start date for when application was submitted:**

**Records Per Page:**

All

Total Records: 235223

AI ID	AI Name	Parish	Received Date	Tracking #	Activity Status Description	Program	Status
176713	JANX Integrity Group	Ouachita	9/8/2011 3:29:29 PM	LIC20120001	Modification Application	Radiation	Issued
15572	Cashio's Chevron	Tangipahoa	9/19/2011	REG20120002	Modification Application	UST	Application

# Contact Information

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Message Insert Options Format Text Developer

Clipboard Basic Text Names Include Options Proofing

Cut Copy Paste Format Painter

Calibri (Body) 11

Address Book Check Names Attach File Attach Item Business Card Calendar Signature

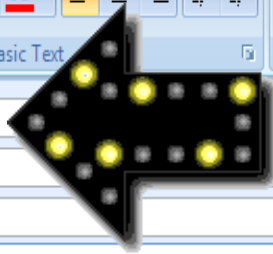
Permission High Importance Low Importance

Spelling

To: Bryan Johnston:

Cc:

Subject:



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