Air Permitting Strategies

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Permitting Process

- Action that needs an air permit/authorization
- Determine the quickest way to get approval from Air Quality Division
- Prepare a permitting request that facilitates agency review
Permitting Actions Overview

- Miscellaneous permitting actions (10)
- Case-by-Case Insignificant Activity
- State/Minor Permits (4)
- Regulatory Permits (6)
- General Permits (3)
- Major Permits (5)
Select the simplest, quickest, and least expensive permit mechanism to authorize proposed project.
Miscellaneous

- Exemption
- Exemption To Test
- Variance
- Letter of Response/Letter of No Objection
- Administrative Amendment
- Permit Rescission
- Application Withdrawal
- Change of Tank Service
- Relocation of Portable Facility
- Authorization to Construct and Operate
EXEMPTION – LAC 33:III.501.B.4

- Non Major Sources
  - < 5 TPY Regulated Pollutant
  - < MER for all Toxic Air Pollutants
  - No Enforceable Conditions

- Tanks, Process Vents, Loading
EXEMPTION TO TEST – LAC 33:III.523.B

- Temporary exemption (< 3 months)
- Perform tests to determine effect of proposed modification
- Modification may be operational or physical
- New fuel mix, new batch formulation
VARIANCE – LAC 33:III.917

- Waiver for emissions greater than allowed by regulation or permit
- 1 year maximum
- Temporary Events
- Justification is key

LDEQ’s least favorite
VARIANCE – LAC 33:III.917

- Tank cleaning
- Stack testing delay
- Temporary emissions due to malfunction or control equipment
- Cannot be used for a permanent change to permit
LETTER OF RESPONSE/LETTER OF NO OBJECTION

- LDEQ clarification that action does not require a permit modification
- Document that LDEQ approves of an action
- Approve physical change or change in method of operation
- Remove outdated specific requirements
ADMINISTRATIVE AMENDMENT – LAC 33:III.521

- Permit typos
- Identifying information
- Change of Ownership
- Identify Terms and Conditions of MACT that has undergone public notice
- Incorporate stack test results
- State-only changes
PERMIT REVISION

- Terminate air permit
  - All emission sources have ceased operation
  - Facility never built

- Include specific date to stop Annual Maintenance Fees, Emission Inventory Requirement

- Do not use if facility sold to another company and continues to operate
APPLICATION WITHDRAWAL

- Applicant decides not to proceed with activity
- No refund of application fee if review is essentially complete
- Refund up to 50% is possible
CHANGE OF TANK SERVICE

- Must not violate emission CAP limits
- Must not cause facility to become Major Source
- Only required if permit currently does not address service change
AUTHORIZATION TO CONSTRUCT AND OPERATE

- Positive human health or environmental benefit
- Overall emission reduction and small emission increase (flare)
- No Federal regulation precludes activity
- May be State Only change
  - Permit revision within 180 days after startup
Case–by–Case Insignificant Activities Notification

- PTE < 5 TPY of any regulated pollutant
- PTE < minimum emission rate listed in Table 51.1, LAC 33:III Chapter 51
- Emission unit emits and has the PTE < de minimis rate established pursuant to section 112 (g) of the CAA for each HAP
- No enforceable permit conditions needed to ensure compliance
Case-by-Case Insignificant Activities Notification

- Facility already has a permit
- Add GC17 activity
- Use of emergency flare for unscheduled maintenance
- Storage tanks
- *Attach to current permit and include in next permit application*
Permit Types

- Minor Source/State Permit
- Standard Oil and Gas Air (SOGA) Permit
- Synthetic Minor Source Permit
- Minor Source General Permits
- Regulatory Permits
- Part 70 Regular Operating Permit
- Part 70 General Operating Permit
Major/Complex Permit Types

- Prevention of Significant Deterioration (PSD)
- Acid Rain (Title IV)
- Clean Air Interstate Rule (CAIR)
- Nonattainment New Source Review (NNSR)

Not covered in presentation. Consult with LDEQ.
Minor Source/State Permit

- Not an Exemption or a Part 70 permit
- Not a major source
- Modification only require EIQ, calculations and Section 19 to reflect new or modified sources
- LDEQ may require full application
- Usually no Public Participation required
Standard Oil and Gas Air Permit

- SIC Code 1311
- Minor Source Oil and Gas Facilities
- Initial SOGA Permits no longer issued
- Minor modifications still allowed
- LDEQ going through a process to convert SOGAs to MSOGs
Minor Source General Permits

- Surface Coating and Fabrication (MSCF)
- Crude Oil and Natural Gas Production (MSOG)
  - SIC Codes 1311 and 1389
- Advantages – some modifications may begin without prior LDEQ approval (i.e. replacement in kind)
- No public review

Applicability Questionnaire Required
Synthetic Minor Source Permit

- State Permit
- Federally enforceable operating limit to avoid major source status
- Additional monitoring, recordkeeping and reporting requirements
- Bulk petroleum terminals – limit throughput
- Compressor station – limit hours of operation
Part 70 General Operating Permits

- Covers similar source (i.e. storage tanks)
- Public review complete with Initial Permit issuance
- Not limited to a specific industry category
Regulatory Permits

- Oil and Gas Well Testing
- Release of Natural Gas from Pipelines and Associated Equipment
- Emergency Engines
- Portable Air Curtain Incinerator
- Concrete Manufacturing Facilities
- Rock, Concrete, and Asphalt Crushing Facilities
Advantages

- No Public Participation
- All terms and conditions clearly stated in permit

- Cannot be modified
- Codified in regulations
Expedite the Permit Request

- Request for Expedited Permit Processing form
- Quick turnaround
- Deadline must be realistic
- Additional fee
NOW WHAT?????

- You have selected the best permitting mechanism for your project
- Ensure that permit request is reviewed and issued in a timely manner
Application Preparation

- Use current air permit application forms
- Read instructions
- Don’t ASSUME that current information is correct
- Base permit request on most current air permit
Application Preparation

- Update emission calculations basis as needed
- Address any new regulations since previous permit was issued (i.e. GACTs)
- Complete and accurate
- Address PM10/PM2.5 and Greenhouse Gases
Agency Communications

- Permit writer may contact permit preparer with questions during review process
- Be responsive
- Follow-up with written documentation
- Thoroughly review draft permit
RESULTS???

- Get an **accurate** permit/authorization in a **timely** manner
- Develop good relationship with permit writer—like money in the bank
- Happy Clients and Bosses –project proceeds as scheduled
Summary

- Spend time **up front** to select the best permitting mechanism for the project
- **Expedite** as needed
- Prepare **complete** and **accurate** submittal
- Respond **quickly** and **thoroughly** to questions throughout review process
- Results in a **successful** permitting project